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ZIMBABWE'S ELECTION: THE STAKES FOR SOUTHERN AFRICA

INTRODUCTION

Since the intensification of Zimbabwe's political, economic and humanitarian crisis following defeat of a government-sponsored constitution in a national referendum nearly two years ago, the International Crisis Group (ICG) has documented the escalation of state-sponsored violence and erosion of the rule of law. ICG has called for robust action by the international community, especially Zimbabwe's neighbours and partners in the regional Southern African Development Community (SADC). As the March presidential election draws nearer, and state violence, intimidation and rigging intensify, action by South Africa and its SADC partners becomes more urgent. Zimbabwe's neighbours have a major opportunity to respond more forcefully to the growing crisis at a Summit in Malawi on 13-14 January 2002 and its aftermath. This briefing paper updates the regional dimensions of the crisis, and analyses SADC's policy options, with a special emphasis on its most powerful member, South Africa.¹

Nelson Mandela came to the presidency in South Africa proclaiming, "human rights will be the light that guides our foreign policy".² His successor, Thabo Mbeki, called for an African Renaissance and an end to the dictatorships that have disfigured the continent's political landscape. Their principles have been severely tested in the context of the regional response to the deteriorating situation in Zimbabwe. The quiet diplomacy pursued by South Africa and SADC for the past eighteen months has failed to influence President Mugabe's government while the region has been tarred with an image of violence, instability and abandonment of the rule of law.

The economic and political turmoil in South Africa's northern neighbour threatens the credibility of the embryonic New Partnership for African Development (NEPAD), an agenda for renewal crafted by Mbeki, Nigeria's President Obasanjo, Algeria's President Bouteflika, and Senegal's President Wade, among others as a vehicle for a new relationship between Africa and the world.³ While NEPAD seeks to promote Africa's full integration into the world economy, the Zimbabwe crisis is further marginalising the continent, producing a decline in investment, confidence in local currencies, and tourism. The regional southern African economy is threatened further by an influx of refugees from Zimbabwe.

President Mugabe's policies contradict still tentative trends elsewhere in southern Africa toward political and economic liberalisation. Though not without major difficulty and controversy, there is slow and painful movement toward democracy in the region. South Africa's post-apartheid democratic transformation – including President Mandela's voluntary retirement in 1999 – has been a beacon for societies struggling for freedom around the world. Zambia's President Chiluba allowed elections to proceed without him in late December 2001 after a decade in office. Presidents dos Santos of Angola, Nujoma of Namibia, Muluzi of Malawi, and Chissano of Mozambique have all indicated that they will respect constitutional limits and not stand for re-election.

¹ For earlier reporting see ICG Africa Briefing, *Zimbabwe: Time for International Action*, 12 October 2001; ICG Africa Report No. 32, *Zimbabwe in Crisis: Finding a WayForward*, 13 July 2001; ICG Africa Briefing, *Zimbabwe: Three Months after the Elections*, 25 September 2000, and ICG Africa Report No. 22, *Zimbabwe: At the Crossroads*, 10 July 2000. ICG will also publish shortly a full report examining further the internal dynamics within Zimbabwe and addressing policy options of the wider international community, particularly the Commonwealth, the European Union, and the United States.

² Linda Freeman, *Gulliver in Southern Africa: South Africa and Zimbabwe in the Post-Apartheid Era*, Carleton University, 2001, p. 24.

³ NEPAD, created in 2001, is the culmination of years of planning, principally around the concept of a Millenium Action Plan for Africa. Virtually all African countries participate, although many structural and procedural issues are still to be resolved.

In contrast, Zimbabwe's ruling party, ZANU-PF, is answering the charge that it is not upholding the rule of law by creating new, more partisan laws to which it will adhere. One Zimbabwean legal expert told ICG: "These laws represent a fundamental assault on the rule of law. In South Africa, apartheid was supported by an edifice of laws that contravened basic rights. In Zimbabwe, there are no longer checks and balances now that the Supreme Court is making decisions based on support for the government rather than on whether the laws are constitutional".⁴

The regime is also emasculating the pillars of independent opposition: media, civil society organisations, student groups, labour and any other constituency from which ZANU-PF might conceivably face a challenge. No critical public meeting, statement or action can occur without facing at least harassment. Under pending government-proposed legislation, labour will not be allowed to strike or demonstrate. Universities are expelling students identified as activists. ZANU-PF has analysed the civil society tactics used elsewhere in pro-democracy struggles and is systematically outlawing all of them. Moreover, the government's measures appear to have a reach beyond the spring 2002 elections. They indicate a ruling party mentality that is digging in for a marathon, not trying simply to win a short sprint.

Beyond Zimbabwe's borders, the dominant trend in southern Africa is toward greater respect for constitutions and the rule of law. Institutions – governmental and non-governmental – that can strengthen democracy are gaining maturity throughout the region.⁵ Though the parties that assumed power at independence remain dominant, the growth of civil society and opposition parties ensures greater respect for democratic processes and norms. Economic reform efforts have become central to most southern African governments. Beyond any policy difference, however, argues a South African academic, "the so-called 'Zimbabwe Crisis' is essentially the failure of a kleptocratic elite to respond constructively to a generalised economic crisis. It is, in other words, a reflection of the atrophy within the ruling ZANU-PF".⁶

NEPAD commits African leaders to self-police their continent to maintain good governance and responsible economic policies but Zimbabwe is the high profile exception that could undermine the initiative's credibility in its infancy. SADC is the international body with the most potential direct influence over its troubled member, on whose difficulties its mid-January 2002 summit in Malawi will focus. SADC policy is at a crossroads. Either member states can continue sending mixed signals to Mugabe veering from strong public criticism to solidarity,⁷ or they can set minimum conditions for the spring election based on SADC's own standards and use their leverage to enforce them. The decision could make the difference three months from now between a reforming Zimbabwe and a chaotic one. This will not necessarily be the region's last chance to avert disaster but it could be its best.

I. BROKEN PROMISES

Over the past year Zimbabwe has broken important promises to SADC and the Commonwealth. Analysis of two major covenants accepted by the government – the Commonwealth Abuja Agreement endorsed by SADC heads of state, and SADC's own norms and standards for

⁴ ICG interview in Harare, 17 December 2001. The Zimbabwe Lawyers for Human Rights have concluded: "In a well-orchestrated effort to quell opposition parties and dissenting views, the government has succeeded in eroding the rule of law to the point of non-existence". See their "Statement on the Year 2001 to Mark International Human Rights Day", 10 December 2001.

⁵ This trend is by no means irreversible or without its critics. Some argue that democracy has been strengthened in southern Africa through the development of institutions and structures in support of elections, but that deeper issues of constitutional reform, coercive bureaucracies controlled by ruling parties, and non-implementation of standards and norms related to human rights and good governance have not yet been addressed in a systematic and accountable manner. For example, see the interview with Claude Kabemba of the Electoral Institute of Southern Africa, IRIN, 19 December 2001.

⁶ Rok Ajulu, "Zimbabwe at the Crossroads: What Next?" Global Insight, Institute for Global Dialogue, South Africa, October 2001.

⁷ Symbolised most recently by the 11 September 2001 SADC heads of state summit that strongly condemned state violence and abuse of the rule of law, and the 10 December ministerial delegation that whitewashed the further deterioration that had occurred in the two months following the summit.

elections – gives the government failing grades. Determined to win re-election, ZANU-PF is betting that these bodies will take no firm action.

A. THE COMMONWEALTH ABUJA AGREEMENT

The Zimbabwe government heralded the Abuja Agreement, reached with Commonwealth ministers in the Nigerian capital on 6 September 2001, as the answer to the country's crisis because Britain agreed to fund land reform.⁸ Commonwealth members welcomed Zimbabwe's "commitment to restore the rule of law to the process of land reform", that "there will be no further occupation of farm lands" and that "for farms that are not designated, occupiers would be moved to legally acquired lands".⁹

Five days later, Mugabe repeated these assurances to six SADC presidents, who in turn welcomed the "commitment by Zimbabwe at the meeting in Abuja to undertake its land reform and resettlement program in accordance with its laws, ensuring that a stop is put to any further farm occupations; that it would facilitate the de-listing of farms which do not meet set criteria, that for farms that are not designated, occupiers would be moved to legally acquired land; ... and the commitment of the government of Zimbabwe to continue to exert all efforts to ensure that land reform is carried out in accordance with the laws of Zimbabwe".¹⁰

Despite these pledges, farm invasions, violence and abuse of the rule of law and basic human rights have continued. Within two weeks, more than a dozen new farms were invaded,¹¹ and such actions were repeated through the end of the year. Indeed, violence and intimidation on farms increased in many districts.¹² Following the Abuja Agreement and the SADC follow-up, Deputy President Joseph Msika said that all those who continued to invade farms would be removed. There has been no case where this has happened, although new occupations have occurred with police complicity. ZANU-PF has introduced legislation to allow the farm seizures to bypass the courts and legislation to control the independent press through compulsory registration. On 9 November 2001, President Mugabe issued a decree ordering 1,000 farmers who had previously received takeover notices to leave their land within three months. Ruling party militants still occupy roughly 1,700 farms.¹³

The Zimbabwe Human Rights NGO Forum, a collection of many organisations and activists in the country, produced the most comprehensive analysis of Abuja implementation. It concluded: There is no credible evidence that the violence has ceased, either on the commercial farms or in the country generally ... The evidence before the Forum indicates that commercial farmers and commercial farm workers are still the victims of gross human rights violations.¹⁴ The Forum found that the police "still hold[s] a partisan position and [are] frequently either inactive in preventing crimes being committed or in offering protection to the citizens who are the victims of these crimes". The police rarely take steps to investigate crimes committed by government supporters,

⁸ Statement by Foreign Minister Stan Mudenge on 8 September 2001 at Harare airport upon returning from Abuja. *Daily News*, 9 September 2001.

⁹ The Abuja agreement states "land reform must be implemented in a fair, just and sustainable manner, in the interest of all the people of Zimbabwe, within the law and constitution of Zimbabwe....The orderly implementation of land reform can only be meaningful and sustainable if carried out with due regard to human rights, rule of law, transparency and democratic principles. The commitment of the government of Zimbabwe is therefore crucial to this process". By signing, Zimbabwe also reaffirmed its commitment to the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Program, which call for adherence of all Commonwealth members to basic democratic principles. For more on the Abuja Agreement and Commonwealth measures see ICG Briefing, *Time for International Action*, op. cit.

¹⁰ Point eight of the text of the final communiqué issued at the close of the SADC summit in Harare on 11 September 2001. The summit was attended by the presidents of Botswana, Malawi, Mozambique, Namibia, South Africa and Zimbabwe. See ICG Briefing, *Time for International Action*, op. cit.

¹¹ Daily situation reports from the Commercial Farmers Union.

¹² Report by the Commercial Farmers Union to SADC ministers in Harare in December 2001.

¹³ U.S. Congressional Research Service, Zimbabwe Backgrounder, 27 December 2001.

¹⁴ "Complying with the Abuja Agreement: Two Months Report" by the Zimbabwe Human Rights NGO Forum, 4 January 2002.

and “the evidence indicates there is no significant reduction in the perpetration of gross human rights infringements generally. There is no change in the number of gross human rights abuses recorded post-Abuja, with the victims being overwhelmingly the supporters of the MDC or other persons deemed to be sympathetic to this party”. The report highlighted “the intended passing of a number of new laws that will all interfere very dramatically with basic human freedoms and are clearly not within the spirit of the Abuja Agreement”. It criticised proposed amendments to the Electoral Act as violating SADC standards for free and fair elections.

Like most other local civil society organisations and political analysts, the report concluded: “The Zimbabwe government has no serious intention to adhere to the Abuja Agreement in any of its aspects....In the view of the Forum, there are no grounds for accepting that the Abuja Agreement can have any further validity”.¹⁵

B. SADC’S ELECTORAL NORMS AND STANDARDS

The Mugabe government made its most specific pledge regarding democratic elections when it signed the *Norms and Standards for Elections in the SADC Region (N/S)*, which were adopted by the SADC Parliamentary Forum plenary assembly on 25 March 2001 in Windhoek, Namibia. The Zimbabwe Electoral Support Network (ZESN) and the Crisis in Zimbabwe Committee have systematically documented how the government has already violated eleven of the most important provisions.¹⁶

1. The SADC N/S calls for complete independence and impartiality of the Electoral Commission, with commissioners selected by a panel of judges in consultation with all political parties and other interested stakeholders (Section C-Part 2.5, i, ii). Zimbabwe contravenes this by the presidential appointment of an Electoral Supervisory Commission in consultation with the Judicial Supervisory Commission, whose members are also presidential appointments. The election process is controlled by a Registrar-General appointed by the president. The chairman of the Electoral Supervisory Commission and the Registrar-General are widely viewed as highly partisan.¹⁷
2. The N/S states that the Electoral Commission should recruit its own support staff on the basis of professionalism and competence (Cpart 2.5, iv). Zimbabwe, however, allocates the Electoral Supervisory Commission insufficient funds to hire staff and run an office.¹⁸ The government-proposed amendments to the Electoral Act would require monitors to be government civil servants, thus preventing independents from exercising the function.¹⁹
3. The N/S states that the Electoral Commission should be required by law to provide an adequately funded education program to acquaint voters with procedures and other aspects of civic awareness (C-Part 3.2). The government has not provided the Commission funds to carry out a timely program before the spring elections.

¹⁵ Ibid.

¹⁶ Zimbabwe Electoral Support Network, “Minimum Conditions for Free and Fair Presidential Elections”, 18 December 2001. The following analysis draws substantially from the Network’s assessment as well as ICG’s own observations.

¹⁷ The Registrar-General, Tobaiwa Mudede, has stated publicly that he is a member of Zanu-PF, and the chairman of the Electoral Support Network is generally viewed as a government supporter. The Zimbabwe Electoral Support Network concluded in its 18 December 2001 publication, “Minimum Conditions for Free and Fair Presidential Elections”, that neither are viewed as impartial.

¹⁸ Zimbabwe Electoral Support Network, Ibid.

¹⁹ During the June 2000 parliamentary elections, the Zimbabwe Electoral Support Network trained 24,000 citizens as monitors, who were accredited and deployed by the Electoral Supervisory Commission. They had authority to stop irregularities at polling places and counting places and played a vital role in stopping some attempts at intimidation and fraud. ICG witnessed monitors telling armed ZANU-PF supporters to move away from polling stations in the Mataga and Mberengwa areas. ICG also witnessed monitors refusing to accept ballot boxes from unknown areas at the counting station at Churchill School in Harare. The monitors successfully challenged classification of a number of ballots as “spoilt papers” when they clearly showed votes for the opposition.

4. The N/S states: "The role of civil society, mainly in election monitoring and civic education, should be recognised by governments (C-Part 2.4 iii). The government-proposed amendments to the Electoral Act specifically forbid any nongovernmental organisation from monitoring or conducting voter education or civic awareness campaigns. The government has indicated that it will permit only its own civil servants to work at the polls and that observers from "friendly countries" will be invited."²⁰
5. The N/S says that SADC observer missions should witness the pre-election (including voter registration), election and post-election periods in any member country without waiting for a formal invitation (C-Part 3.15 ii, v). The proposed amendments to the Electoral Act, however, state that all international observers must be invited and can witness only the actual polling and counting. A delegation from a U.S.-based organisation (International Fund for Electoral Systems) has been required to leave the country, and permission has been refused for an observer delegation from the European Union. President Mugabe stated that observer missions would only be invited from "friendly" countries and that he did not want to invite "white men".²¹
6. The N/S states that the right to vote should be accepted as a birth right in accordance with the Universal Declaration of Human Rights (C-Part 1.1 i). The government-proposed amendments to the Electoral Act would limit postal votes to diplomats and armed forces abroad.²² Ordinary citizens in South Africa, other SADC countries, or elsewhere would be denied the right to vote. The amendments would also authorise the Registrar-General to refuse a vote to anyone who cannot prove current residence in Zimbabwe. Amendments to the Zimbabwe Citizenship Act passed in June 2001 will prevent large numbers from voting and may cost them their citizenship, which is denied to anyone whose parents were born abroad and who does not renounce a claim to a second citizenship. This affects 40,000 of British and more than one million of Malawian, Mozambican and Zambian parentage. The potential mass disenfranchisement is being challenged in the courts. Many Zimbabweans attempting to vote in by-elections in September 2001 were turned away at the polling stations with no reason given.²³
7. The S/N requires continuous voter registration and that an updated register of qualified voters be available to the public. In the June 2000 parliamentary elections, however, the Registrar-General denied such access. To date no access has been given for the March presidential elections although a survey in 2000 indicated as many as 20 per cent of names carried on the register were deceased, duplicated or fictitious.²⁴
8. The S/N calls for governments to refrain from actions to thwart the private media. In Zimbabwe, editors and journalists working for independent and foreign news media have been deported, tortured, illegally detained, threatened and declared "supporters of terrorism". The government-proposed Access to Information and Protection of Privacy Bill would place severe restrictions on the press.
9. The S/N says opposition parties should be given equal access to the public news media. No access is given to opposition parties and candidates in the state media, which routinely vilifies them with a shrillness that many monitors consider tantamount to incitement to violence.²⁵ The state media has a monopoly on all radio and television broadcasts.

²⁰ *The New York Times*, 27 November 2001.

²¹ Justice Minister Patrick Chinamasa, in the *Herald* newspaper on 7 November 2001. President Robert while in, published 12 december 2001.

²² South Africa's independent electoral commission decided before its last election that only South African diplomats and armed forces could vote, due to logistical difficulties and other reasons.

²³ Zimbabwe Election Support Network, Minimum Conditions for Free and Fair Presidential Elections, 18 December 2001.

²⁴ Survey of voters' roll carried out by the Foundation for Democracy in Zimbabwe, February 2000.

²⁵ ICG interviews with members of the Zimbabwe Media Monitoring Project, December 2001.

10. The S/N states that all candidates and parties should be able to campaign freely and openly throughout the country (C-Part 1.3 i). Opposition parties and non-partisan civic groups have been regularly denied the right to assemble and demonstrate. ZANU-PF supporters have declared large rural areas to be “No-Go zones” for the opposition, whose supporters and candidates have been beaten, tortured and murdered. People found in possession of opposition pamphlets or t-shirts or independent newspapers are likewise subject to violence and even murder. Police in those rural areas have not provided protection, in some cases have participated in the violence, and have not arrested or charged ZANU-PF supporters identified as taking part in the violence.²⁶
11. The S/N requires government security forces to act impartially and professionally. The Commissioner of Police, Augustine Chihuri, has declared his loyalty to ZANU-PF and has demoted or fired any police officers suspected of supporting the opposition.²⁷ The police have ignored court orders and have applied the law selectively. The Central Intelligence Organisation (CIO), a secret security organisation with thousands of agents answerable only to the president, has acted against all opposition to ZANU-PF.²⁸ War veterans, the armed forces, and members of the ZANU-PF militia have been implicated in numerous acts of violence with no action taken against them.

II. A MICROCOSM OF STATE VIOLENCE AND REPRESSION: MASHONALAND WEST

Many of the dishonoured promises – and central elements of the ZANU-PF electoral strategy – were evident during a recent ICG visit to the important region of Mashonaland West that extends west and north of the capital, Harare, to the Zambian border. At the political direction of ZANU-PF officials, war vets²⁹ spearheaded the major wave of invasions in the Chinhoyi area in August 2001. Most violence was directed at black farmworkers, although white farm owners were intimidated and told to leave. Most of the 48 farms occupied forcibly were looted by farmworkers or new settlers as part of a strategy to widen complicity in the expropriations. This also drove a wedge between farmworkers and farm owners, a relationship the government sees as buttressing opposition electoral prospects. ICG visited farms subsequently listed for expropriation in direct contravention to the Abuja Agreement. None met the criteria for listing. Most are occupied by war vets and squatters, at the direction of three key ZANU-PF politicians, including the governor of Mashonaland West.

Police defer to war vets, indicating the extent to which the rule of law has been undermined, and the Police Support Unit, a paramilitary branch, is responsible for beating and intimidating potential supporters of the opposition MDC. The war vets work within the ZANU-PF machine but, one resident complained, they “are becoming unaccountable to the people who put them there, as they see that the police and even the military cannot overrule them”. Huge areas of Mashonaland West will go unharvested or are being torched because of ZANU-PF’s actions, further exacerbating national food shortages. War vets in many cases will not let commercial farmers plant unless they also plant and harvest the war vets’ land. In other areas, forests are being stripped with no guidance from environmental planners. Many commercial farmers on listed farms are unable to get financing for basic activities, ensuring that the food crisis will not be limited to this growing season.

²⁶ Monthly reports on political violence from the Zimbabwe Human Rights NGO Forum. Other relevant Forum publications include, “Politically Motivated Violence in Zimbabwe 2000-2001”, August 2001, and “Who Was Responsible?” July 2001.

²⁷ Zimbabwe Election Support Network, Minimum Conditions for Free and Fair Presidential Elections, 18 December 2001. Statements by Augustine Chihuri to the *Herald* and the ZBC.

²⁸ Zimbabwe Election Support Network, Minimum Conditions for Free and Fair Presidential Elections, 18 December 2001. Zimbabwe Human Rights NGO Forum “Who Was Responsible?” July 2001. Amnesty International report on Zimbabwe, 21 December 2001.

²⁹ For discussion of the war vets organisation, including distinctions between the many thousands of peaceful veterans of the independence struggle and those who have become, in effect, ZANU-PF shock troops in the current situation, see ICG Report, *Zimbabwe in Crisis*, op. cit.

The land invasions are doing little to improve the plight of communal farmers, who are victims of an historic injustice.³⁰ The resettlement process is highly politicised, with ZANU-PF loyalists being rewarded with larger plots of expropriated land.³¹ Those communal farmers who are being resettled receive little and inconsistent support. Lines for occasional seed and fertilizer distributions are enormous. Controversy (read: corruption) has swirled around distribution processes.³² War vets distribute farm inputs in certain locations rather than the Grain Marketing Board, resulting in favouritism.³³ Most communal farmers cannot borrow to invest in their new land, as they are not given title deeds, a prerequisite for commercial credit. This leaves them locked in the old cycle of poverty. The land invasions were initially popular with them, but the implementation has alienated many of its stated beneficiaries.³⁴

During the week ICG visited Mashonaland West, two MDC activists, Milton Chambati and Titus Nheya, were killed by ZANU-PF militia. Chambati was beheaded after being stabbed to death. A central target of the farm violence there, as nationally, is to prevent farmworkers – largely considered pro-MDC – from voting. ZANU-PF thugs focus on foremen and other leaders whom, after beating, they threaten to kill unless the vote turns out right. Vote-rigging strategies are also being deployed vigorously. For example, ZANU-PF officials have resettled people and are distorting voter rolls by allowing double registration. Chinhoyi officials were seen registering people on occupied farms far outside of their jurisdiction. If SADC or other monitors arrive only near election day they will have no way of checking or even learning of such abuses.

III. THE ECONOMIC IMPACT ON SOUTHERN AFRICA³⁵

South Africa risks serious structural damage to its economy if it does not take urgent action to prevent further collapse in Zimbabwe. The impact of the deteriorating situation in its neighbour to the north has been particularly noticeable in the falling rand. While other factors have contributed, the rand sank 25 per cent during 2000, 30 per cent since January 2001, and then a further 4.5 per cent in the first week of December 2001.³⁶ At times the rand's devaluation can be related directly to events in Zimbabwe, or comments made in South Africa regarding Zimbabwe. For example, following the murder of two white farmers by squatters, the bond market in South Africa suffered a record one-day outflow of R1.8 billion, and the rand lost value.³⁷ When Deputy President Jacob Zuma appeared to endorse Mugabe's land grab in October 2000, the rand fell again,³⁸ as it did when opposition leader Morgan Tsvangarai was arrested in December 2001.

The Governor of the Reserve Bank of South Africa has worried publicly that the situation in Zimbabwe has affected the mood of investors in South Africa's market. Loss of potential investment is often difficult both to quantify precisely and to attribute to a single cause. However, the American Chamber of Commerce estimated in mid-2001 that South Africa, the region's most attractive economy, has lost U.S.\$3 billion in potential investment because of the Zimbabwean

³⁰ White farm owners share some responsibility for this tragedy. They failed to reach out, in a systematic way, to address the extraordinary wealth disparities.

³¹ These people are known as "Pajero farmers", for the four-wheel-drive vehicles in which they go out on weekends from their city jobs to look at their newly acquired land. They often receive plots twice the size of land that they can afford to plant, leaving the rest to sit idle during a national food emergency.

³² As the election draws near, support to the farmers has unsurprisingly improved somewhat.

³³ *Financial Gazette*, 20 December 2001, p. 6.

³⁴ ICG interviews in Mashonaland West, December 2001.

³⁵ The economic impact of Zimbabwe's crisis on the wider region of southern Africa is a large topic that deserves close attention and analysis. ICG will attempt to provide more detail in subsequent reporting on both the extent and the dynamics of that impact. The following brief treatment is meant only to indicate a few vital areas for further research, namely monetary stability, investor confidence, trade disruption, and refugee flows.

³⁶ *Sunday Independent*, 9 December 2001.

³⁷ *Mail and Guardian*, 5 May 2000.

³⁸ *Zimbabwe Independent*, 13 October 2000.

crisis.³⁹ The damage to the region as a whole has been estimated by others to be considerably higher, as much as U.S.\$36 billion.⁴⁰

Zimbabwe has southern Africa's second most diversified economy and has historically contributed significantly with its exports especially to regional food security. The country's negative growth rate, estimated at 4.2 per cent for 2000, the last year for which statistics are available, has "greatly affected average gross domestic product (GDP) of the subregion".⁴¹ This decline is evident in Zimbabwe's trade figures, which show an overall decline from 1999 to 2000 of 6.4 per cent. The loss in the vital food sector was 4.5 per cent from 1999 to 2000 and a dramatic 61 per cent compared to a decade earlier.⁴²

The health of South Africa's parastatals also has been affected. Zimbabwe has defaulted on debt payments to both Eskom and Sasol, and both companies have had to absorb the losses as they have been instructed by the South African government to continue exports. South African utilities are thus carrying Zimbabwe with longer and longer credit lines for electricity and fuel. "South African taxpayers have been subsidising Mugabe's government for the last year", noted a South African academic.⁴³ The South African economy is also strained by approximately 500 refugees a day from Zimbabwe. Such refugees are also entering other countries in the region at an increasing rate. With its own unemployment hovering around 50 per cent, and domestic tensions resulting from xenophobia, South Africa, which already has two million illegal immigrants from Zimbabwe, will have difficulty absorbing these additional refugees.⁴⁴ With over three million persons registered for food relief in Zimbabwe, and 800,000 tons of maize and 600,000 tons of soya beans needed in the next ten months to feed the population, even higher emigration can be expected.⁴⁵

IV. POLICY CONSIDERATIONS FOR SOUTH AFRICA AND THE REGION

While much of the world has tried to push it onto the front line, South Africa has consistently claimed that its influence in Zimbabwe is limited. It has been Zimbabwe's largest trading partner and provides most of its electrical power. More importantly, South Africa's capacity to mobilise regional governments represents the greatest potential threat to Mugabe, who has hitherto effectively sheltered behind regional solidarity but may no longer be able to rely on old alliances based on the history of the liberation struggle. South Africa may be in the painful process of reevaluating its quiet diplomacy policy. In developing concrete options, it will need to consider a number of factors that directly impact on its national interests, including the economy, the prospects for extensive violence in the lead-up to the spring elections, and the influence of both on the refugee situation. South Africa also must consider its neighbours' sensitivities should it seek to assert leadership in forging a new regional policy on Zimbabwe. South Africa will want to weigh with particular care whether any sanctions can be useful. Finally, it would be prudent also to plan for the contingency of a complete breakdown of law and order and a state of emergency in Zimbabwe. Under such circumstances of major instability and even graver human rights violations, a military option under the auspices of SADC's Organ on Politics, Defence, and Security might be considered.

³⁹ Moeletsi Mbeki, Greg Mills, and Fred Phaswana, "Zimbabwe before and after the Elections", South Africa Institute for International Affairs and World Peace Foundation, January 2002, p. 11.

⁴⁰ *The Observer* (UK), 30 September 2001.

⁴¹ "Report of the Economic and Social Conditions in Southern Africa", United Nations Economic Commission for Africa, 2000.

⁴² "Zimbabwe at a Glance", The World Bank Group, September 2001. Some indication of the regional significance of Zimbabwe's increasing inability to maintain traditional levels of trade can be gained from the fact that until recently it was South Africa's largest trading partner, and it is still considered to account for just over half of Malawi's total trade.

⁴³ ICG interview in South Africa, 13 December 2001.

⁴⁴ *Mail & Guardian*, 22 November 2001.

⁴⁵ *African Business*, December 2001. The push factors for migration to South Africa, of course, also include Zimbabwe's increasing levels of political violence and intimidation.

Policy-makers will be subject to a number of internal pressures. First is a growing xenophobic reaction to Zimbabwe refugees. If the anticipated increased influx materialises, there will be calls for stronger action. Secondly, cracks are widening between business and government over Zimbabwe. Although the commercial sector has much to lose, it will likely be a force for more aggressive action. The Congress of South African Trade Unions (COSATU) will also advocate more serious action if the situation deteriorates and labour unions and labour leaders within the MDC suffer increasing repression. Finally, some elements of the ruling ANC party will press for more stringent action.⁴⁶

NEPAD may be the external consideration to which South Africa will be most sensitive. If the G-8 signals it regards the regional response to the Zimbabwe crisis as the test for that initiative's selfpolicing viability, Mbeki will be more likely to act robustly, particularly if he has the backing of Nigeria's Obasanjo. However, if it is to adopt a more decisive policy, South Africa will have to overcome a history – and expectation – of inaction. "South Africa will never exercise effective pressure", asserted one long-time analyst of South African politics. "They'll always be afraid they'll be the next target".⁴⁷ Populist pressures for radical land redistribution within South Africa itself will also introduce caution into Pretoria's calculations.

A. THE MULTILATERAL APPROACH – WORKING WITHIN SADC

If South Africa does opt for putting more pressure on Mugabe, it almost surely will do so only within a SADC context. It will want to respect historic sensitivities about appearing to be the "big bully" in the region, and it will need to take into account also Mugabe's resentment at being relegated to junior partner status since South Africa shook off apartheid. If South Africa can build a regional consensus and act through SADC, however, it will be difficult for Mugabe to demonise Mbeki as a neo-colonialist.

It will not be easy to develop a common regional action plan since SADC is divided over Zimbabwe. Angola and Namibia are more supportive, given their Mutual Defence Pact and cooperative involvement in the Congo.⁴⁸ A core group – Malawi, Mozambique, Tanzania, and Botswana – is willing to explore more expansive actions. SADC has a poor record of enforcing its own rules for members because so many are in violation at any given time. Many governments are hesitant to penalise Mugabe this week for something for which they may be accused next week.

There is increasing recognition, however, of the need for a tougher approach to Zimbabwe. This sentiment appeared to be strong at the meeting with Mugabe on 11 September 2001, just after the Abuja Agreement was signed. The presidential delegation sent a sharp message that it was vital to the region's stability for Zimbabwe to return to the rule of law. Regional leaders gave Mugabe one month to move toward this objective and insisted on meeting members of the opposition and civil society. After the deadline passed without progress, however, the SADC ministerial team that visited Harare on 10 December 2001 meekly accepted government claims and attempts to cast blame on external forces.⁴⁹ Its communiqué "welcomed the improved atmosphere of calm and stability", and "encouraged the Government of Zimbabwe to continue to embark on its positive actions, and called on all stakeholders to support these actions to further

⁴⁶ However, on balance, because of old alliances with forces within ZANU-PF, much of the ANC is likely to be reluctant to push for strong action. Many in ANC leadership positions remember with gratitude that ZANU-PF bore the brunt of the apartheid onslaught and that Zimbabwe was destabilised for years due to the support it provided to the liberation struggle. Some feel that because ZANU-PF leaders made great sacrifices for the antiapartheid cause and provided arms, training and other support, the ANC government cannot now impose targeted sanctions on some of those same officials.

⁴⁷ ICG interview in South Africa, 15 December 2001.

⁴⁸ "The Congo war has created an unholy alliance between Angola, Namibia and Zimbabwe", complained one top official from the region in an ICG interview, December 2001.

⁴⁹ The Zimbabwe Democracy and Economic Recovery Act had just been passed by the U.S. Congress, which Foreign Minister Stan Mudenge portrayed to the SADC ministers as a sanctions bill.

reduce tensions”.⁵⁰ A South African analyst stated: “Everyone is clearly stunned by the SADC’s latest move. It doesn’t make sense and it defies logic”.⁵¹ Nor has SADC subsequently set clear benchmarks for what it expects on land reform, the rule of law, and conditions for free and fair elections or established a sustained follow-up mechanism.

On close analysis even what the SADC ministers specifically asked for in December was flawed: 1) positive contact between ZANU-PF and the MDC; 2) contact between Vice-President Joseph Msika and the white farmers, and 3) a multi-party election committee to address issues of poor discipline, intimidation and violence. While these steps would be progressive if implemented, they do not touch on even more serious issues such as the election process itself, freedom of the press, continuing farm invasions and the land redistribution process.

There is a serious question of how well informed some SADC members truly are about events on the ground in Harare. The December communiqué indicated that ministers believed violence had been diminishing, which is clearly not correct. Interviews ICG conducted while preparing this briefing paper revealed major gaps in the information and analysis of some regional governments about such issues as the fast track land program and the degree to which the electoral process is being undermined.

The expectation of inaction referred to above is strong within Zimbabwe regarding both South Africa and SADC. “SADC”, charged one Zimbabwean analyst, “... has become useless to the people of Zimbabwe and is the reason why people turn to the EU and U.S. for action”.⁵² Ultimately, however, SADC’s capacity for effective action is tempered by reticence to intervene in the affairs of a member state, and by the racial and colonial dynamics inherent in the land redistribution issue.⁵³

B. KEY ISSUES FOR SADC TO ADDRESS

If SADC is to play a constructive role, it will need to take its Norms and Standards for Elections agreement as the basis for serious discussion of the electoral process with Mugabe. In addition to violations of the commitments Zimbabwe undertook in that document discussed above, further damage to prospects for a free and fair election has been done by executive orders and laws that restrict categories of people from voting.

Citizens without electricity accounts or other proof they live in the country cannot register. City dwellers must produce a title deed, certificate of occupation, or lodger’s permit issued before 19 November 2001. Rural inhabitants need to get confirmation from their village heads, many of whom are ZANU-PF supporters. Suffrage will be denied to hundreds of thousands of youths who live with parents or are lodgers in urban properties without occupation certificates.⁵⁴ SADC needs to use both pressure and inducements to secure progress but the first step would be for it to make specific demands for adherence to its electoral norms and standards, linked to credible costs for non-implementation.

SADC should also push Mugabe to transform the land redistribution process. This involves not only criticising the existing fast track program that is blatantly political but also putting expectations on the table and proposing viable alternatives. No one questions the urgent necessity of land redistribution in a country where eight million of the twelve million hectares of land privately farmed are held by a few white commercial farmers. There should be concentration, however, on putting an effective system in place to administer land reform in a non-partisan

⁵⁰ “Final Communiqué of the SADC Ministerial Task Force on Developments in Zimbabwe”, 11 December 2001.

⁵¹ *Financial Gazette*, 20 December 2001, p. 4.

⁵² ICG interview in Harare, December 2001.

⁵³ Mbeki et al, “Zimbabwe before and after the Elections”, op. cit., p. 3

⁵⁴ *Sunday Times*, 25 November 2001.

manner, involving all stakeholders and accompanied by adequate support structures. Once again, for SADC positions not to be viewed by Mugabe as empty rhetoric, they will need to be accompanied by clearly specified repercussions if policies do not change.

V. POLICY OPTIONS FOR SOUTH AFRICA AND SADC

South Africa and SADC might pursue an entirely diplomatic approach, with multiple variations; they could ratchet up pressures, in the form of targeted or generalised sanctions or restrictions; and, if the situation spiralled out of control, they might even consider direct intervention to restore stability. None of these courses are easy or can guarantee decisive results.

A. DIPLOMATIC OPTIONS

South Africa has pursued four diplomatic tracks with Zimbabwe. First, the ANC has conducted party-to-party talks with ZANU-PF in the spirit of comrades trying to find a way forward together and, until recently, avoiding criticism. As part of this effort, the ANC is also talking with the MDC. This may be the forum through which South Africa will pursue tripartite talks at some point. The ANC has also hosted a meeting of liberation movements from around the region, and plans a follow-up. There have been frank exchanges but some observers believe this track is conceptually flawed.

“The liberation meeting was an indulgence in paranoia”, charged one Zimbabwean analyst. “These movements see threats emanating from everywhere. The ANC has simply echoed what Zimbabwe has said about external funding and guidance of the MDC”.⁵⁵ An influential South African offered: “The ANC must abandon its cautious approach to the region. The perception that the government is reluctant to act must be overcome. South Africa must provide hegemonic stability. This means it must assertively lead and demand certain outcomes, rather than simply employing moral suasion”.⁵⁶

Secondly, the governments hold frequent ministerial and office director level meetings, with no significant result. Thirdly, Mbeki has at times pursued direct presidential diplomacy with Mugabe. “Mbeki positioned himself as an interlocutor between Zimbabwe and the international community on land and other issues”, pointed out a South African academic. “This was the essence of his quiet diplomacy. It was based on Mbeki’s conviction that Mugabe wanted to resolve the land issue. Now he understands that ZANU-PF is trying to keep power at all costs. The mistake of South African policy was thinking that these discussions were being undertaken in good faith”.⁵⁷

This track is perhaps hindered by the deterioration in the relationship of the two leaders, particularly after Mbeki ratcheted up his public criticism at the end of November 2001. His more forceful public diplomacy was undercut by the SADC ministerial mission to Harare. “Someone in South Africa is worried about the devaluation in the rand and is trying to distance the country from Zimbabwe”, said a diplomat at the time presciently. “There will have to be more substance before this is taken seriously”.⁵⁸

Fourthly, South Africa has positioned itself within SADC to cloak its own objectives within a regional context. Mbeki reportedly considers that what South Africa is doing in the first three tracks is consistent with and feeds into this multilateral track. Although there is much diversity of opinion, the South African and SADC diplomatic priority is to promote dialogue between ZANU-PF and MDC officials. The objective appears to be a coalition government aimed at averting a total train wreck during and after elections. Such a government of national unity, or even a cooperative government based on percentages of votes received, could provide Mugabe an honourable exit after the elections, which South Africa expects him to win, perhaps including

⁵⁵ ICG interview, December 2001.

⁵⁶ ICG interview in South Africa, 16 December 2001.

⁵⁷ ICG interview in South Africa, 13 December 2001.

⁵⁸ *Daily Telegraph* (UK), 3 December 2001.

some immunity from prosecution.⁵⁹ It would provide an opportunity for ZANU-PF to undertake reforms, and give the MDC a stake in governing the country in the runup to what would be expected to be free and fair elections in 2005.

Earlier in 2001 South Africa pressed for a unity government before the elections, and it remains best positioned to put muscle into a diplomatic effort to cobble together such an outcome if there is increased instability and mass protest following this spring's voting. "The only success of South Africa's quiet diplomacy to date has been that bridges are still intact", a South African academic says.⁶⁰ Advocates call a coalition government a measure of *realpolitik* since they consider that free and fair elections are not possible in the current environment. Their objective is to reduce violence and avoid a worst case scenario. This approach shifts the emphasis away from election day itself toward the post-election process. A unity government, supporters say, would overcome the fact that neither ZANU-PF nor the MDC can bring stability by going it alone.

Most Zimbabweans consider this scenario at best wishful thinking. One activist called it "unhelpful and unworkable. The ordinary voter would feel his or her aspirations betrayed".⁶¹ Another civil society representative concurred: "This would vitiate the entire electoral process, and the democratic process would be totally subverted".⁶² Another activist added: "We've been down that road before. ZANU-PF would control the police, army and intelligence. It would be a totally cosmetic exercise. If disagreement arose, there would be no means to force compliance from ZANU. Such an avenue would close discussions on accountability as well".⁶³ Most believe both ZANU-PF and the MDC would reject a unity government and that any pre-election promise by Mugabe could not be relied upon. "It is too late for a national unity government", concluded one Western diplomat. "The level of mistrust is too high. ZANU has declared war on the MDC and the MDC wouldn't go down that road now".⁶⁴ Morgan Tsvangarai, the opposition MDC leader, declared: "We have no interest in such an outcome. Government is mandated by the people".⁶⁵

Regardless, it is positive that South Africa will continue to work for dialogue between the parties, as long as it is not the exclusive track. South Africa's position on a unity or coalition government stems in part from its assessment that the MDC is not necessarily a viable alternative, no matter how problematic ZANU-PF might be. One official from the region commented: "We are still of the view that there are no good guys and no bad guys".⁶⁶

Another available diplomatic tool is the possibility of suspending Zimbabwe from the African Union (formerly Organisation of African Unity). This could respond to an unconstitutional seizure of power, should the elections be stolen or too blatantly fraudulent. African governments – most effectively SADC ones – could also recall ambassadors for consultations in response to egregious actions. An African Union context might engage Libya, which is supplying arms, credit and fuel to Zimbabwe in return for assets at fire-sale rates. Libya's role worries South Africa. The cooperation of Nigeria's Obasanjo and Algeria's Bouteflika will be needed to put Libya before a choice between the African Union's good governance principles and the relationship that is providing Mugabe a lifeline when other sources of aid and investment have dried up.

The most important – and realistic – SADC or even unilateral South African purely diplomatic initiative might be to step up the public criticism. "SADC doesn't need to send more delegations; they need to make clear statements", advised one diplomat. "African leaders saying that things

⁵⁹ "We need to craft face-saving mechanisms to allow Mugabe a superficial victory, and a solution that brings the two sides together", said one influential South African. ICG interview in South Africa, 16 December 2001.

⁶⁰ ICG interview, December 2001.

⁶¹ ICG interview in South Africa, 15 December 2001.

⁶² ICG interview in Harare, 17 December 2001.

⁶³ ICG interview in Harare, 18 December 2001.

⁶⁴ ICG interview in Harare, December 2001.

⁶⁵ ICG interview in Harare, 18 December 2001.

⁶⁶ ICG interview in South Africa, 14 December 2001.

are not right is the most important leverage on Mugabe".⁶⁷ A Zimbabwean analyst agreed: "When Africans come criticizing Mugabe, this makes him very nervous".⁶⁸ Indeed, much southern African leverage lies in the importance legitimacy has for Mugabe. It matters whether Africa endorses this election; Mugabe would find it hard to countenance total rejection by the continent's leaders. "Mugabe does not want to be seen as a pariah or as illegitimate", said another diplomat.⁶⁹

That suggests that SADC and the African Union might usefully work out common understandings of minimum conditions for acknowledging the legitimacy of a government in Harare after the elections, presumably based on the existing SADC agreement on electoral norms and standards. Visits from regional groupings such as the SADC Electoral Commissioners Forum, the Fellowship of Christian Councils in Southern Africa, the Southern African Trade Union Council could maintain some pressure on the Mugabe government. Such public activity might be supplemented by quiet contacts between professional soldiers from SADC countries and their counterparts in Zimbabwe to emphasise the importance of impartial armed forces in a democracy.

Moreover, South Africa has standing to assert additional leverage through less conventional means. For example, dialogue with certain Zimbabwe officials, and not others, could conceivably cause divisions within ZANU-PF and isolate hard-line elements. South Africa might also talk both privately and through the media about the possible relevance for Zimbabwe of its own recently completed Truth and Reconciliation Commission process, with the implication that ZANU-PF could face more stringent accountability measures if it clings to power undemocratically. Another topic to explore conceivably would be Mugabe's historical legacy and how best to preserve it.

B. SANCTIONS OPTIONS

However much SADC admonishes Mugabe, it is likely that the only language to which he will respond is that of credible and tangible pressure. A number of sanctions frameworks available to South Africa and the region, therefore, need to be considered. Many in Zimbabwe note that it was South African economic pressure – border closure – that drove Ian Smith and his Rhodesian government to the negotiating table in the late 1970s.

Were SADC to impose targeted sanctions (personal assets and travel) against specific ZANU-PF leaders such as those being advocated by the U.S. Congress and the European Parliament, some policy divisions might emerge within ZANU-PF over conduct of the election process and other important issues. Mugabe and other ZANUPF leaders are believed to have significant money and property in South Africa.⁷⁰ It is likely that the EU, the Commonwealth and the U.S. would follow suit if SADC were to implement such a sanctions regime. "South Africa is uniquely positioned to implement smart sanctions", claimed one Zimbabwe analyst. "South Africa has a singular opportunity because of the tentacles between the Zimbabwean and South African elite".⁷¹

SADC member states have the economic leverage to exact punishing official sanctions, including a trade embargo, but no one is advocating such drastic action at this time. The opposition in Zimbabwe has repeatedly said that broad economic sanctions would hurt the people without producing change in government policy. There are additional targeted actions, however, that could conceivably be used. For example, South Africa, with Zambia and Mozambique, might temporarily close the electricity corridors to Zimbabwe that the three countries control.⁷² South Africa is extremely overextended in credit guarantees to Zimbabwe for the latter's payment for

⁶⁷ ICG interview in Harare, December 2001.

⁶⁸ ICG interview in Harare, 19 December 2001.

⁶⁹ ICG interview, December 2001.

⁷⁰ *Mail and Guardian*, 22 November 2001.

⁷¹ ICG interview, 15 December 2001.

⁷² Zimbabwe's four main sources of electricity supply are Eskom (controlled by South Africa); Kafue Hydro Project (controlled by Zambia); Cabora Basa (controlled by Mozambique); and the North and South banks of Kariba (the South controlled by Zimbabwe, the North controlled by Zambia).

electricity. "There is a limit to which we can underwrite them", stated one South African official.⁷³ If all three countries collectively chose to close down the electricity corridors, even temporarily, Zimbabwe would be left with the south bank of Kariba and the Hwhangi power station to supply its populace.⁷⁴

Should such measures be adopted, they would probably best be undertaken on a calibrated or incremental basis intended to deliver specific messages to the leadership while mostly limiting impact on the general population, for example: the occasional brown-out or localised cut-offs of specific electric grids, such as those including key ZANU-PF offices or the police headquarters; demanding payment for electricity; slow-downs in fuel resupply from South Africa and via the Beira pipeline from Mozambique;⁷⁵ temporary slow-downs in broader crossborder traffic;⁷⁶ slow-downs in the granting of visas, particularly for commercial activities; and, closure of diplomatic missions or recall of envoys.

President Mbeki's brother, South African Institute for International Affairs Deputy Chairperson Moeletsi Mbeki, spoke out forcefully in December 2001, saying it was time South Africa began to look at pulling Zimbabwe's economic plug. "South Africa is the one country that is going to be hurt the most by the Zimbabwe crisis, so it is the country that has to take most of the action", he said. Rather than dealing responsibly with the electricity debt, Mbeki charged that Pretoria has dragged the issue out, leaving a perception that "the South African government is weak...Most of Zimbabwe's trade goes through South Africa....We can stop the Zimbabwean economy tomorrow if we wanted to. We have the muscle"⁷⁷ Another influential South African added: "It is important for Zimbabwe's ruling elite to understand that there are alternative voices within South Africa that are calling for increased pressures. This gives more leverage to South Africa".⁷⁸ Opponents claim such actions would destroy what is left of a functioning economy and impact on the survival of ordinary people, and South Africa would bear the consequences of more refugees. Yet others urge immediate action by South Africa and SADC, foregoing incremental steps. "South Africa needs to throw the kitchen sink at Zimbabwe now", said one regional analyst. "It should cut the electricity and trade routes, and end the lines of credits from public enterprises. South Africa should try to get Botswana and Mozambique to join in, but may have to act unilaterally. It's time to show some muscle".⁷⁹

How far South Africa and SADC members might realistically go in such a direction would probably depend upon whether the Zimbabwe opposition and general population express more readiness than they yet have for stringent external actions. Many observers, however, do not believe that SADC would undertake such measures in any conceivable circumstances due both to domestic politics and to concerns about which country would be next on the list. "There are violations like this throughout the entire region", observed one South African analyst. "The situation in Zimbabwe is blown out of proportion because of the violence against whites".⁸⁰ South Africa has unique reasons of its own for caution. In addition to ties of gratitude with ZANU-PF from the days of the liberation struggle, its policy-makers do not want to foreclose prematurely options on their issues of race and land that mirror in some ways those in Zimbabwe.⁸¹

⁷³ ICG interview, December 2001.

⁷⁴ Some observers worry, however, that such a relatively broad measure would not greatly affect the ruling party leadership, which could resort to private generators and other means of circumventing the impact, which would then fall disproportionately on average citizens.

⁷⁵ "Nothing gets people angrier than long fuel lines", noted one observer. "That will surely increase disaffection with this government's policies". ICG interview in Harare, December 2001.

⁷⁶ Nearly half of Zimbabwe's imports are from South Africa, which in 2000 was almost U.S.\$1 billion worth of goods. IRIN, 6 December 2001.

⁷⁷ South African Broadcasting Corporation's newsmakers program, 9 December 2001.

⁷⁸ ICG interview in South Africa, 16 December 2001.

⁷⁹ ICG interview in South Africa, 13 December 2001.

⁸⁰ ICG interview in South Africa, 13 December 2001.

⁸¹ Another, pan-African, tool for imposing some measure of sanction on ZANU-PF might be through the Implementation Committee of NEPAD, for example by setting conditions for Zimbabwe's membership, the refusal of which could result in continent-wide repercussions. Transferring the lead for such heavier pressures from SADC could increase the chances that Africa would step up to the challenge Zimbabwe poses.

Civil society institutions provide some measure of influence on governments throughout the SADC region to take more significant action on Zimbabwe. Trade unions may be out front in advocating specific pressures on ZANU-PF. The Southern Africa Trade Union Coordinating Council (SATUCC) and South Africa's COSATU may well become more active in response to events on the ground. COSATU has been active in highlighting the Zimbabwean crisis in international forums and providing information and support to Zimbabwe's trade unions, but it denies government charges that it financially supports the MDC.⁸² Its General Secretary, Zwelinzima Vavi, however, has asked rhetorically: "How do we save Zimbabwe?We should be doing more than sending a memorandum, though, as this will probably be ignored [referring to a letter SATUCC is writing to urge Mugabe to uphold the rule of law]. We should be mobilising workers to defend democracy actively".⁸³

C. THE MILITARY OPTION

It is possible that no amount or mix of sanctions, public denouncements, or incentives will change Mugabe's determination to stay in power. He may intensify violation of human rights, steal the election outright or cancel it, and plunge the country into anarchy. Such a situation, with its devastating consequences for regional stability and economic health, could force consideration of a military intervention that is still virtually unthinkable. The SADC Organ on Politics, Defence, and Security was precluded from action during the years when Mugabe was its Chair, but it may now be a mechanism to which the region needs to give contingency thought. The greatest difficulty in a SADC military intervention, however, would be that Zimbabwe would most likely invoke its Mutual Defence Pact with Angola and Namibia. This, like the intervention in the Congo, could split SADC into opposing armed camps.

VI. CONCLUSION

If Zimbabwe is the fulcrum upon which the future of southern Africa rests, then President Mbeki has an obligation to acknowledge that his quiet diplomacy has not worked and mobilise SADC to lean heavily on Mugabe, who has violated pledges of good governance, the rule of law, human rights, and democracy made directly to SADC. If the region does not exert meaningful pressure, it will show a lack of political will to make NEPAD and the African Renaissance realities. South Africa, with an economy twenty times that of Zimbabwe, cannot support the mass flow of refugees and economic devastation that further instability in Zimbabwe will likely cause. The other countries of the region, which would feel the repercussions even more severely, need South Africa to use its leadership within SADC. Working closely with like-minded SADC governments, South Africa will have to make important decisions about whether to design incentives and pressures, connected to clear timelines and coordinated to the extent feasible with extra-regional measures.⁸⁴ If such a package is to be deployed, as ICG strongly believes it should, this needs to happen quickly in view of the gravity of the Zimbabwe crisis and the imminence of its election. To be credible, it will need an accompanying message that if the elections are stolen, there will be severe repercussions. In sum, South Africa faces the challenge of developing a regional consensus on setting out specific conditions for recognition of a legitimate election, establishing the penalties for not achieving those conditions, and taking initial steps that demonstrate credible intent. Only then will President Mugabe take SADC seriously and perhaps reverse his disastrous course.

Harare/Brussels, 11 January 2002

APPENDIX A

⁸² ICG interview in South Africa, 13 December 2001.

⁸³ *Johannesburg Mail and Guardian*, 7 December 2001.

⁸⁴ These extra-regional measures and actors have been discussed in earlier ICG reporting – see footnote 1 above – and will be dealt with in detail in a further report to be released shortly.

MAP OF ZIMBABWE

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict. ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions.

The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in more than a score of crisis-affected countries and regions across four continents, including Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone, Sudan and Zimbabwe in Africa; Myanmar, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia; Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; and Colombia in Latin America. ICG also undertakes and publishes original research on general issues related to conflict prevention and management.

After the attacks against the United States on 11 September 2001, ICG launched a major new project on global terrorism, designed both to bring together ICG's work in existing program areas and establish a new geographical focus on the Middle East (with a regional field office in Amman) and Pakistan/Afghanistan (with a field office in Islamabad). The new offices became operational in December 2001.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, the Republic of China (Taiwan), Sweden, Switzerland and the United Kingdom. Foundation and private sector donors include the Ansary Foundation, the Carnegie Corporation of New York, the Ford Foundation, the William and Flora Hewlett Foundation, the Charles Stewart Mott Foundation, the Open Society Institute, the Ploughshares Fund and the Sasakawa Peace Foundation.