



'Breaking the political impasse in Zimbabwe'

A discussion paper prepared by Bulawayo Agenda

1. Introduction

The protracted conflict in Zimbabwe between the ruling elite and the democratic forces has taken a heavy toll in terms of loss of human life, economic meltdown and erosion of its democratic credentials. Contrary to the pontification of the Mugabe administration presenting itself as a victim of the Western conspiracies, the events of the past few months have shown that the 'emperor has no clothes' after all. In the bid to reclaim what was lost in the March 29 election, the regime threw all caution to the wind and went on a killing spree. Arguably, the current situation in Zimbabwe can only be described as a 'complex political emergency'. It is an incontrovertible fact that the Mugabe regime is struggling to survive against the torrential wave of public anger. Its preferred method of survival defies all trappings of democracy. The opposition pulled out of the Presidential runoff citing a constellation of factors *inter alia* the hydra of violence meted against its supporters, hostile electoral environment and the uneven playing field. Contemporaneously, a number of African countries finally seem to appreciate the problems the country is facing. In fact, the 'one man election' has been described as shameful and illegitimate. As the drama of the presidential runoff result unfolds, it is critical for the African leaders, with support from the wider international community, to step in to stop the violence and resolve the deepening political crisis. People's expectations and demands for change have heightened and profound uncertainty about what form change would take has raised the political stakes for all concerned. The gestation period has taken longer than optimists had hoped. It is therefore, the object of this discussion paper to inspire the debate on the strategic options for the breaking of the mutually hurting electoral logjam thereby ushering in a new constitutional, political and economic dispensation.

2. Façade of democratic legitimacy

The contemporary world is increasingly becoming a democratic one, where even tyrants are required to go through the exercise of multicandidate and multiparty elections to preserve a semblance of domestic and international legitimacy. The pull out by Morgan Tsvangirai, the opposition candidate, from the runoff elections rested on popular hopes of shattering the regime's facade of democratic legitimacy thereby triggering a process that would eventually lead to genuine elections. Thus, the opposition bravely and unambiguously expressed its position which aimed at denying an iota of legitimacy to the Mugabe administration and this has resonated very well with the broad spectrum of the population in Zimbabwe. Predictably, the insistence by Zanu PF to continue with the runoff election, and consequently declare Mr Mugabe as a winner, has been met with widespread condemnation from the region and internationally. The decision to continue with the elections was a leap in the dark, an action that was as ruinous to Zimbabwe's political gains as was the violence that had embedded itself in the regime. It was a blow beneath the belt for democracy. Subsequently, Mr Mugabe faces a

hostile parliament, growing public discontent, mounting international pressure and increased isolation. The consequences of his staying in office would be catastrophic, not least that the economic decline would intensify, with more Zimbabweans fleeing across borders while inflation plummets to unprecedented levels. Appropriate regional and international action must be taken against the rogue regime. Examples of such actions would be declaring his government illegitimate, tightening existing targeted sanctions on known hardliners and establishing a Security Council Commission to investigate reports of torture, murder and widespread violations of human rights.

3. African Union resolutions on Zimbabwe

The 11th African Union (AU) summit at the Egyptian Red Sea resort on 1 July adopted a resolution supporting the creation of a Government of National Unity (GNU) for Zimbabwe through dialogue. The text also expressed support to the SADC facilitation process on the issue while calling for continued mediation efforts in order to assist the people and leadership of Zimbabwe to resolve its problems. The resolution further appealed to states and all parties concerned to refrain from any action that may negatively impact on the climate of dialogue. In the resolution, the AU expressed confidence that the people of Zimbabwe will be able to resolve their differences and work together once again as a nation, provided they received undivided support from SADC, the AU and the world at large. As a result of the tense situation in Zimbabwe, the African Union (AU) decided on a Government of National Unity (GNU) as the ideal mechanism for conflict resolution to the Zimbabwean crisis. Instead of condemnations, the Union's leaders gently urged Mugabe to engage in some sort of power-sharing agreement with Morgan Tsvangirai, along the lines of a deal that ended violence in Kenya earlier this year. While the AU is lauded for its efforts, though feeble, to end the political impasse in Zimbabwe, its prescriptive approach to the crisis will unfortunately lead to a further complication of the crisis than transformation. The 'copy and paste' solution will prove disastrous for Africa in general and for Zimbabwe in particular. The Kofi Anan GNU solution imposed on Kenya has set a dangerous political precedence for despots and dictators on the continent. Unpopular regimes such as the Kibaki and Mugabe administrations have found means of survival through a GNU against the will of their populations. The GNU that was pushed by Kofi Annan in Kenya stopped the violence by pacifying the various political players through rewarding them with political posts. The Government of National Unity only served to silence the guns but did not address the fundamental grievances of the masses. While in the interim, the GNU approach may seem to be an easy panacea to the crisis, in the mid and long terms the crisis will indeed resurface. With regards to Zimbabwe, it should be noted that any conflict resolution approach should be guided by the outcome of the March 2008 harmonized election result which demonstrated the will of the people of Zimbabwe. The struggle in Zimbabwe is not of power but for democracy. The AU diagnosis of the Zimbabwe problem is flawed and its prescription poisonous. This simply means that a power-sharing deal as signified by the Kenyan model is not only inappropriate but also retrogressive for Zimbabwe. The African leaders should refrain from rewarding regimes which cling to power through violence and undemocratic means. It is on record that Mugabe's administration was fraudulently elected hence the solution to Zimbabwe crisis should comprise measures that shall allow for the preparations of a truly democratic process of constituting a government.

4. Interim government

While bad governance, democratic deficit, and a blatantly flawed electoral process coupled with gross violation of human rights have eventually stripped the Mugabe regime of all the democratic pretenses, the launching of a comprehensive negotiation process seem to be the

first step towards the resolution of the crisis. Given the current political dynamics in Zimbabwe, it is clear that a negotiated political solution is not only important but inevitable. However, if dialogue is to be initiated, it is essential that the ruling elite stops the violence, the persecution of activists and, releases all political prisoners, disbands the militia bases and concentration camps. Political normalcy should prevail on the part of the Mugabe regime for any mature political dialogue to take place. The question that all Zimbabweans should be grappling with is, 'what kind of political settlement is viable, relevant and acceptable to a large swath of political and national interests?' In generic terms, an 'Interim Government' (IG) is the most ideal approach towards the breaking of the political impasse in Zimbabwe. There are many types of interim governments, thus, it is the responsibility of the people of Zimbabwe to determine the conceptual and operational frameworks of the typology that is relevant to their context. The ensuing sections outline five options of interim government that need thorough debate amongst the various players in the country.

i. Transitional Executive Council (TEC)

A Transitional Executive Council (TEC) is a form of an Interim Government (IG) that is led by an impartial individual. The mandate of the TEC is to facilitate the creation of a conducive environment not just for future free and fair elections but also for the unhindered transfer of power to the winning party. The TEC is an all inclusive forum whose members are drawn from a broad sector of the population. The authority should be led by someone who is highly respected and has the confidence of the people of Zimbabwe across the board. It can either be a retired judge, member of the clergy or any other individual of good standing in the eyes of the public. The TEC would be a time-limited authority, whose life span should not exceed approximately 6 months, oriented towards constitutional reform, the democratization and the professionalization of state institutions. Partisan, ethnic and other interests should not be allowed to take precedence over the Zimbabwean Agenda. This council should also respect the 29 March election results and make use of the various institutions like parliament. In fact, parliament would play its customary role of coming up with legislation that will be used in facilitating the respect for democracy. The TEC would address the modalities for ensuring military loyalty to a new civilian government. Senior military commanders strongly opposed to the MDC have been instrumental in preventing a democratic transition following the 29 March election. Indeed, this is one reason why priority should be given to a negotiated settlement. The TEC must accordingly address the loyalty of the security services as a priority, including the handover of military power in a transitional government arrangement. The TEC will need to be complemented by the regional and wider international community's strong commitment to providing resources for reconstruction and recovery. Urgent steps would be needed to guarantee a free and fair vote. These include immediate cessation of violence and intimidation; strong monitoring and organisational roles for SADC, the AU and the UN; and massive deployment of independent national, regional and international observers.

ii. Provisional Government

A Provisional Government is a type of Interim Government that is opposition-led. The proposal for a provisional government is based on the results of the 29 March election. It recognizes the parliament, senate and the local authority results. These institutions should be left to carry out their mandate from Zimbabweans. However, when it comes to the issue of leading the provisional government, the proposal dictates that the winner of the 29 March elections should

lead the provisional government for a period of twelve months. The government should include all stakeholders like the business, civic society and the churches, as a way of keeping checks and balances. A cloud of fear and uncertainty is currently all over Zimbabwe because of the orgy of violence that has been unleashed by the bogus war veterans and the youth militia. Homes have been burnt, people displaced and brutalized by these state apparatus. Villagers can only have access to basic commodities if they declare affiliation to Zanu PF. Corruption has become so deeply entrenched in almost all forms of the system of governance. It is therefore incumbent upon the provisional government to restore confidence in national institutions like the police and the army that have been abused by the ruling party. Subsequently, the government will have the duty of coming up with a people driven constitution which shall be used to run the presidential runoff. The entire process should be under the strict supervision and monitoring of regional and international bodies.

iii. Caretaker Government

A Care-taker Government is a type of Interim Government that is incumbent-led. This proposal has its basis on the 29 March harmonized election but nullifies the June 27 sham. The elected parliamentarians, senators and councillors are allowed to operate under the leadership of the incumbent. This type of government is ordinarily not allowed to carry out any projects especially in preparation for elections as it gives the incumbent an unfair advantage. However, for the purposes of the Zimbabwean context, this type of government can be given special mandates. Its immediate task would be to deal with the war veterans and the youth militia who are butchering people in the rural areas. At the same time the care-taker government has to depoliticize the institutional framework running the elections. The input into the composition of Zimbabwe Electoral Commission should be made by all stakeholders and not just one party. The dismantling of the structures of violence is expected to lift the confidence of the people with regards to national processes and inspire them to participate actively in the drafting of a new constitution. The polarization in the nature of the politics requires a complete paradigm shift which should see the depoliticisation of the military forces in Zimbabwe. The role of the military in respect to the political players should be clearly outlined. In preparation for the election, the care-taker government should not only invite friendly countries but anybody who is a friend of democracy. No one should have the prerogative of deciding who should or should not observe the elections. Regional bodies like the SADC, AU and the United Nations should play a central role in the observation and monitoring of elections. The care-taker government would work on a time frame of six months to fulfill its mandate.

iv. International Interim Government

An International Interim Government is a United Nations led government. The political environment in Zimbabwe is so polarized to the extent that there is likely to be a stalemate on who would lead the transitional authority. There is a lot of distrust among the political players in Zimbabwe and that is likely to derail the transitional arrangements. This leads to the option of an International Interim Government (IIG) led by the United Nations. Under this arrangement all the players in the conflict should agree to place Zimbabwe under the Trusteeship of the UN. The UN mission in Zimbabwe will then have the task of restoring peace by dismantling the institutions of violence in a county ruined by state sponsored violence against ordinary citizens. In addition to that, the UN mission, aided by the existing structures of democracy like parliament, will prepare a new constitution which will lead to the holding of a free and fair presidential runoff. The rehabilitation of the battered economy and image of the country will also be the responsibility of the United Nations. It shall also supervise or have control of all aspects of government, including public security, information and protection and promotion of human rights.

v. Power sharing government

A power sharing government is a type of Interim Government that is composed of the regime and the opposition elements. The AU summit in Egypt summit is advocating for a Government of National Unity. This recommendation has been largely influenced by the Kenyan power sharing deal initiated and concluded by Kofi Anan. The GNU arrangement dictates that the two political parties that are at loggerheads share power as a way of resolving the crisis in Zimbabwe. The problem with the GNU is that it deals with power sharing and not the basic issues that are espoused by the ordinary citizens and hence can never be the answer to Zimbabwe's current political conundrum. It reduces the Zimbabwean crisis to a power struggle rather than the fight to ensure that democratic processes and principles are not only upheld but also respected. Therefore, a Government of National Unity forged for sharing power among rival political parties, is not only a great betrayal but a losing proposition for the long suffering Zimbabwean masses.

Whatever type of Interim Government is finally adopted it should, by matter of principle attend to the following issues;

- Drafting a new democratic, Constitution for Zimbabwe
- Provide security and maintain law and order throughout the country.
- Establish an effective electoral system in preparation for the elections
- Create conditions for holding free and fair elections
- Assist in the establishment of conditions for sustainable democracy.
- Setting up of an independent human rights commission to investigate all alleged rights abuses
- Allow the international agencies to distribute food aid to the suffering masses.

5. Principles of Engagement

For the negotiations to be fruitful and bear meaningful results for the ordinary people there are some principles that should be respected

- Any talks that are to be held in the country towards the resolution of the crisis should respect the democratic processes. The people of Zimbabwe voted on 29 March and their voices should be respected in any negotiations.

- Negotiations should be directed towards the preparation for another Presidential runoff. A new constitution should be prepared as a basis for a rerun of the Presidential runoff.
- The Zimbabwean problem has since ceased to be the problem between the MDC and Zanu PF, it has become a problem for everybody hence all groups of the society should be consulted and their input respected. The negotiations should not be confined to political parties alone but should include the input of other stakeholders like civil society, business and the church.
- Cessation of violence and harassment of opposition leaders and activists is critical in the process of resolving the problem in Zimbabwe.
- Immediate abrogation of draconian legislation such as the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA)

6. Third Party intervention

The mediation efforts led by South African president Thabo Mbeki have yielded minimal results for the ordinary Zimbabwean for several reasons. The efforts seem not only to be secretive but also to other SADC heads who mandated Mbeki to mediate on behalf of SADC. The insistence by President Mbeki that there is no crisis in Zimbabwe when people are being killed has damaged his reputation as a mediator. There is, therefore, need for the mediation efforts to be broadened so that, apart from the SADC, the African Union can also be involved. That broadened mediation, supported by additional international actors, should focus on the formation of a transitional government that will deliver the country from the current challenges. The mediation of the Zimbabwe crisis should not be towards the Kenyan Model Government of National Unity as it will only serve to temporarily stop the violence without dealing with the root causes. Engagement efforts should be directed towards coming up with a transitional arrangement that will prepare the environment for free and fair elections and national healing. The AU/SADC sponsored talks should lead to clear procedures for the consensual appointment of electoral commission members with secure tenure as well as civilians retained as polling officers and the repeal of Electoral Commission Act provisions that allow the secondment of military, police and prisons service personnel for election tasks.

7. Role of Various Players in Zimbabwe

Zanu PF should negotiate with the MDC on a constitutional framework, transitional arrangements, detailed agenda and benchmarks for a political settlement. Zanu PF has the responsibility of dismantling the structures of violence that have been planted all over the country. War veterans and the youth militia that have been used to terrorize Zimbabweans should be stopped from carrying out such heinous acts. The military should go back to the barracks and the police force depoliticized. Thus, Zanu PF should engage in such talks without reservations and should support the Interim Government in order to provide Zimbabweans with a free and fair Presidential rerun of runoff elections that will lead to the end the political and economic crisis.

MDC: - The MDC also has a critical role to play if the negotiations are to bear any meaningful results for the ordinary Zimbabweans. As a way of bridging the divide that was experienced as a result of the decision by the political parties in ratifying Amendment 18, there is a need for the MDC to consult widely. It should maintain a united front in the talks and rebuild consensus with civil society organisations on a joint strategy to promote democratic change.

Civil society and Church: - Zimbabwe has benefited immensely from a vibrant civil society even in the midst of the deterioration of the political and social fabric and the regime's dictatorial tendencies that has not hesitated to silence any voice of dissent. Civil Society organizations and churches have continued to carry out their activities against the background of persecution. They have an equally critical role to play in the quest to find a lasting solution to the crisis in Zimbabwe. Many of the civic organizations maintain strong membership bases and hence have the responsibility to help the citizens to understand the terms and implementation of the transitional arrangements as a way of advancing peace and reconciliation in the country. The organizations also play a pivotal function in overseeing the implementation of the transitional process and the performance of the interim government. CSOs and faith-based organisations should be allowed to carry out civic education, promotion of human rights, gender equity and the eventual monitoring of electoral processes. The CSOs/churches have a role of rebuilding the country through promoting programmes of reconciliation in this battered country. They should disseminate information as a way of encouraging transparency and building public confidence and participation.

Regional and international intervention: - These have a pivotal role to play in as far as the monitoring and observation of the talks and the Interim Government is concerned. They also play the role of overseer and make sure that all parties are committed to the negotiation process. They can also apply pressure in the form of sanctions or international isolation. The AU should both maintain pressure at this crucial point and increase support for democratic forces. Increased pressure and intervention, including that from regional organisations, the Southern African Development Community (SADC), and the West is a categorical imperative at this stage. Concessions to ZANU-PF should only be made in exchange for true restoration of democracy. The UN/AU should intensify planning for an economic and political recovery package guided by principles of good governance that is designed to promote institutional change.

7. Conclusion

An Interim Government should be set up to work towards the creation of a democratic Zimbabwe. The African Union, SADC, International community and the civic society should all play the pivotal role of being the watchdog. Only political will and a deep sense of patriotism, in the face of a collapsing nation, is required to overcome the immense socio-economic difficulties facing Zimbabwe today. The transitional mechanism has the capacity to elevate Zimbabwe to a higher pedestal of political, economic and cultural progress. It offers the opportunity for the process to reflect the enthusiasm of a national populace that yearns for better life and dignity from a motherland dogged by a history of economic recession, political intolerance and cultural

erosion. If the talks fail to produce a transitional mechanism that will lead to free and fair presidential elections, the mediators should candidly and promptly acknowledge failure, and SADC-AU should refuse to endorse any government that will not be a product of the mediation and be prepared to isolate Harare.

NB. It is not the object of this paper to outline in detail the normative framework for change in Zimbabwe; rather, its key interest is to provoke some thinking and debate around the issues raised. Likewise, the document is not a position paper but a discussion one.

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Bulawayo Agenda is a civil society organisation whose core business is to provide a platform for public debate, dialogue and discussion on topical issues of human rights, governance and democracy.

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