



A Rebuttal to testimony given by Donald Steinberg, Deputy President, International Crisis Group, to the United States Subcommittee on Africa, on 30 September 2009 at a hearing:

“Exploring U.S. Policy Options toward Zimbabwe's Transition”



The Imperative of a Democratic Transition

Many Zimbabweans, especially those who had been fighting for democracy and justice for nearly a decade, felt betrayed by the MDC forming an Inclusive Government with Robert Mugabe and his party. The MDC portrayed their capitulation to the forces of tyranny as the ‘only option’ to save ordinary Zimbabweans. Even when it was abundantly clear that they had entered a power-sharing agreement in which they had surrendered power, the MDC touted the illusion that the Inclusive Government was ‘working’, that Mugabe was part of the solution, and that the new government represented the views of Zimbabweans as a whole. In fact, none of this was true.

The ICG has argued that the United States’ reluctance to engage more fully with the Zimbabwe Government is thwarting the very changes the international community is seeking because it will weaken the hand of the MDC and moderates in ZANU(PF), thereby undercutting support for the reform process. We respectfully disagree.

The hand of the MDC has not been weakened by the United States and the international community’s lack of support, but by the MDC’s own capitulation and appeasement. In its naive endeavour to make the Inclusive Government ‘work’ it has, for example, colluded in the injustices of the land reform programme, accepting that it is ‘irreversible’ and that Britain bears responsibility of compensation. When the MDC’s powerlessness to stop the ongoing land invasions was rudely exposed, Mr. Tsvangirai claimed that these invasions were only ‘isolated incidents’ that had been ‘blown out of all proportion’. In the same breath he lamely pleaded for help from the international community, saying, ‘Don’t make us pay for working with Mugabe.’ The MDC has lost contact with its support base, not because it has been unable to deliver services to the people, but because it has ceased to be a symbol of justice, democratic change and resistance to dictatorship.

Even if there were no contradiction in terms when speaking of ‘moderates in ZANU(PF)’, these moderates defer completely to their source of power – Robert Mugabe. The MDC has peddled the illusion (bought by the ICG) that Mugabe is either ‘backing’ or beholden to a cabal of hardliners, such as the generals, who are bent on thwarting the new government. Yet it is precisely the opposite. The problem lies at the pinnacle of power *within* the new government – with Mugabe himself. It is the President who is dutifully referred to as the ‘Commander of the Armed Forces and Head of the State and the Government’, who presides over Cabinet and who is the real power behind the generals. It is the President who has abused his wide discretionary powers to make appointments in direct contradiction of the agreement between the political parties. It is the President who is at the centre of a massive patronage system that allows his supporters, from ministers and MPs to generals and judges, to act with impunity – especially with regard to land invasions – and in total disregard for the rule of law. It is this near absolute power that *defines* the Mugabe dictatorship. There may be moderates, but they have precious little power to sustain or indeed undercut any reform process.

The risks of engagement

The effort by the United States and other international donors to bring humanitarian aid to Zimbabwe is roundly applauded. There is also a strong case for the ‘humanitarian-plus’ assistance that is now being provided. However, the ICG’s advocacy for further engagement is ill-advised while Mugabe still holds the reins of power (including control of the state security apparatus) which he continues to abuse with equanimity. This applies especially to notions of reforming politicised government institutions, such as the judiciary. As Robert Calderisi¹ observed:

Efforts to clean up the judicial system – training judges, computerising records, strengthening the role of clerks – have borne little fruit because the politicians have found it more convenient to have a crooked and malleable judiciary than an independent one.

This applies all the more to an all powerful Mugabe. We need to disabuse ourselves of the idea that judicial reform under his regime is either advisable or plausible.

The ICG says it wants to see new trade and investment in a country where a self-enriched ruling elite now controls most farms and businesses and still calls for 51% ownership by ‘indigenous entrepreneurs’. This corrupt elite will almost exclusively benefit from reengagement through increased trade and investment.² The ICG also wants to empower a civil service that includes the very state security agencies that have been deeply implicated in torture and violence.

¹ Calderisi, R. *The Trouble with Africa: Why Foreign Aid isn’t Working*. Yale University Press: New Haven

² Zimbabwe is placed 166th on Transparency International’s Perception of Corruption Index out of 180 countries.

The ICG avers that without engagement there is a risk of a return to conflict and repression. But the very instruments of violence and repression are already in the hands of the dictatorship. Rather, it is the ICG's engagement strategy that runs the high risk of further enriching, entrenching and rewarding the Mugabe dictatorship, allowing a rapacious elite to keep its ill-gotten gains, avoid justice, and extend its rule. A senior ZANU(PF) member in charge of the constitution making process has already suggested that the Inclusive Government be extended for a further 5 years.

The Democratic Imperative

Given the United States' understandable doubts about any agreement with Mugabe, their 'wait and see' attitude was not only wise but necessary. Like many Zimbabweans, their fears have been realised. The ICG's belief that Zimbabwe is a re-emerging and vibrant society that now has the best chance of recovery serves only to gloss over what is now painfully obvious: a brutal and unrepentant dictatorship that has brought nothing but ruin and despair to Zimbabwe is now firmly back in control. This is no time to reengage. The Zimbabwean people should not be made to substitute expedience for principle by sacrificing justice and democracy for peace. To quote David Miliband, Britain's Foreign Secretary:

"We must resist the arguments on both the left and the right to retreat into a world of realpolitik. In fact, the goal of spreading democracy should be a great progressive project; the means need to combine soft and hard power." ³

Neither the people of Zimbabwe nor the United States must succumb to the realpolitik of collusion, compromise and giving comfort to dictatorship. They must remain resolute and focused on the great progressive project of supporting justice, human rights and democracy to bring hope, dignity and freedom to all the people of Zimbabwe.

Democracy is not about stitching up agreements between leaders of political parties. Democracy is the government of the people, by the people, for the people. The sole source of a government's authority and legitimacy lies with the people. This must be the inspiration that drives solutions to conflict and repression.

Free and fair elections

It should be noted that Section 4 of the United States' Zimbabwe Democracy and Economic Recovery Act of 2001 refers explicitly to Support for *Democratic* Transition and Economic Recovery. The conditions for lifting financial restrictions by the United States President include,

³ BBC News: 12 February 2008

inter alia, the restoration of the rule of law and a commitment to equitable, legal and transparent land reform. Neither condition has been met.

Another condition it that Zimbabwe has held a presidential election that is widely accepted as free and fair by independent national monitors, and the president-elect is free to assume the duties of office. Alternatively, the Government of Zimbabwe must show that it has sufficiently improved the pre-election environment to a degree consistent with accepted international standards of security and freedom of movement and association.

Having waited and seen that Mugabe has no intention of abiding by the Global Political Agreement, and that a captured MDC is loathe to quit the Inclusive Government, the United States should seize the opportunity to use its renewed diplomatic power to steer the debate towards the type of democratic transition that the Democracy and Economic Recovery Act calls for.

Currently, any talk of fresh elections is dismissed because of the visceral fear that Mugabe will again unleash his state security and militia on a traumatized electorate to maintain his grip on power. The problem for the MDC is that this prospect is just as likely today as when Mugabe decides to call elections at any time of his choosing in future. Contrary to the MDC's hopes, the negotiation of a new constitution holds no guarantee whatsoever against future election violence.

The best the MDC can hope for, therefore, is a peaceful electoral process in the run-up to free and fair elections and the orderly transfer of power. As Mugabe obviously has no intention of holding free and fair elections, the only viable option for the MDC is to begin the process, first, of convincing the electorate, SADC, and the international community that free and fair elections are essential for a democratic transition; second, that these elections are only possible if they are supervised by an international body, such as the United Nations; and third, that the international community puts in place a peace-keeping force at least three months before elections to prevent violence and intimidation, and at least one month after elections to ensure the orderly transfer of power.

In the event that the MDC finds it impossible to maintain a pretence of sharing power and decides, as one senior party member suggests, to 'go back to the people and settle this once and for all' through elections, then the United States and its international allies should begin a dialogue that fully support such a democratic transition.

This is the other path to justice and freedom for which the people of Zimbabwe yearn.

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