

Staring a gift horse in the mouth.

Death Spiral in Zimbabwe: Mediation, Violence and the GNU

*Would it not be easier
In that case for the government
To dissolve the people
And elect another?
[Bertolt Brecht. 1953]*

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In March 2008 Zimbabweans voted in the most peaceful election since independence, resulting in an unambiguous victory for the opposition Movement for Democratic Change led by Morgan Tsvangirai. Three months later, the country is haemorrhaging from a massive and rising tide of political violence not seen since the state sponsored terror of the early 1980s. The ruling party and its supporters are responsible for the vast majority of the current attacks.¹ As if to underscore his party's public embrace of violence, President Mugabe now openly threatens to "wage war" beyond the June 27 Presidential run-off election, if his candidacy should be rejected by the people for a second time. Meanwhile the MDC government-elect, MDC party structures and much of the party's leadership have been forced into hiding as they seek to convince voters of their right to select – and see installed in place – a president of their choice.

For SADC, the Zimbabwe conflagration has become the most comprehensive diplomatic failure in the region since the resumption of the Angolan war in the 1990s. But unlike Angola, the Zimbabwe crisis is one for which SADC, President Mbeki and the international community bear a central contributing responsibility. By pushing for secretly brokered power-sharing arrangements leading to a "government of national unity" (GNU), the international intervention in Zimbabwe has relegated hopes for a new democratic dispensation built on the foundations of the expressed popular will of Zimbabweans. By refusing to actively acknowledge the MDC's electoral victory and

¹ There is no credible evidence which suggests a conclusion other than ZANU PF's direct culpability for the current wave of organised violence, as there is a large and growing body of documented evidence that substantiates this view; there is no comparable evidence suggesting that the MDC has either launched a parallel wave of attacks; that the MDC is capable of doing so; and that MDC leaders or party structures have called for such a strategy. As such, violence is an integral factor in – and not a product of – the current crisis.

insist on its recognition and acceptance by ZANU PF, regional leaders and the international community effectively ignored and silenced the democratic voice of the people. As a consequence, the MDC's hard-won legitimate authority has been erased, and the way has been opened for ZANU PF to recover by the bullet the authority it had lost at the ballot box.

It is increasingly apparent that talk of a GNU has helped to accelerate the level of violence, not calm it; and has fostered political instability, rather than the smooth transition to a new governing order that Zimbabweans voted for in March.

This violent outcome of a proposed GNU strategy should not have been unexpected. ZANU PF's violent riposte is reminiscent of the period immediately prior to Independence around the Lancaster House Conference, and even more so of the party's violent campaign before the 1987 "Unity Accord" with the ZAPU opposition: indeed, it is a tried and tested tactic of ZANU PF to threaten and deploy intense violence as a strategic bargaining tool. Since independence the party has singularly distinguished itself among Zimbabwean political parties by demonstrating a capacity for – and indeed *claiming the right to wage* – mass violence in defense of its "national" interests. No longer heading the majority party, Robert Mugabe now cynically portrays violence as a means for defending the people from their mistaken choice.

This deeply cynical pathology is echoed more subtly in the GNU concept. Despite a clear rejection of ZANU PF under electoral conditions heavily tilted in that party's favour, unity talks have been promoted as a means of bringing the former ruling party back into the centre of decision-making. Even though neither voters nor the MDC demanded this arrangement in March, the new government in waiting has come under enormous pressure to fall in line accordingly. Its leaders have repeatedly said that such an arrangement would deny the popular voice and reward anti-democratic, flagrantly illegal and often murderous behaviour – while only deferring, and certainly not solving, the problem of organising the transition to a new political order. It is indeed difficult to understand why those who previously promoted engagement with ZANU PF as a means of strengthening a deeply flawed electoral process, should now effectively reject that improved process and insist on power sharing terms with the author of electoral fraud and intimidation.

In contrast, it is clear that the promotion of a GNU is integral to the facilitation of an elite transfer of power which would vitiate the popular will of the electorate. This is why the idea of a GNU has

been explicitly rejected by the leading membership-based civil society organisations in Zimbabwe, from the trade unions to human rights networks. These groups challenge the credibility and viability of a compromise that according to its proponents, would bring about some sort of “normalisation” of the political space without addressing the growing democratic deficit in Zimbabwe. For the Zimbabwean democratic movement, political normalisation requires before all else, recognition and acceptance of the expressed will of dominant social interests – not its circumvention through brokered elite pacting carried out under the threat of violence.

In Zimbabwe, there is abiding consternation over why ZANU PF and its militia were given the opportunity by SADC and the international community to ignore the electoral results in the first place. What would have happened if the election results – deemed legitimate by observers – *had* been recognised and enforced? And what would happen if a similarly free and fair process were enforced in the current second round, by insisting on the disarming of ZANU PF and its militia, and the confinement of the security forces to base? Have those mediating and promoting mediation raised these issues – the clearest and most profound obstacles to democratic practice in Zimbabwe in the current moment?

It is widely acknowledged that demilitarisation is a central precondition needed to advance a democratic outcome and ensure its consolidation in the medium term. Yet, the perpetration of violence has been treated as a negotiable right – not as an act which invalidates claims to the process of a democratic transition. Remarkably, it took 10 weeks of deteriorating conditions for SADC’s official mediator Thabo Mbeki to publicly raise his concerns about the spiralling violence. But even then he avoided commentary on responsibility, despite ample documented evidence heavily implicating ZANU PF and state security forces in commanding the terror. His spokesperson claims he is precluded from doing so by virtue of his position as mediator. However this is a hollow rationale in the face of open and mounting ZANU PF belligerence.

The absence of collective censure of violence and any pointed criticism by Mbeki has been seen by perpetrators of the violence as giving them a green light to continue employing these tactics to further their political ends. And for ZANU PF, with few political repercussions arising from the deployment of its violent supporters, there seems little incentive for abandoning this approach – and perhaps much to be gained from pursuing it. Robert Mugabe’s public declaration earlier this week that his party would go to war in the event of his defeat in the second round of voting was met with paralysing silence by Thabo Mbeki. The deployment of weapons and violence may be logistically difficult to confront: the deployment of words and threats is not.

The election fix: back to the future

By focusing on the GNU, *rather than the actual election results*, the SADC mediation has effectively allowed ZANU PF to return to the brokerage scenario it had anticipated in the post election period. This scenario, broadly shared by ZANU PF reformers, SA, some EU governments and others before the election, was premised on the belief that the MDC-Tsvangirai party's support would be diminished by support for MDC-Mutambara and for Simba Makoni, the former Finance Minister and ZANU PF reformer who was a candidate for President. A split opposition vote would enable victory in the Presidential election and at least a plurality in Parliament. Moreover, the dispersion of opposition representation across three groupings would present options for developing a 'Kenyan-style' negotiation that could lead to a ZANU PF dominated GNU. Makoni – the "modernising" reform face of ZANU PF - could be parachuted in under Mugabe, to soon replace him as the consensus politician. And ZANU PF could argue that, if this kind of arrangement was acceptable for Kenya, why not in Zimbabwe? There was a lot of this kind of talk among MDC-M and Makoni supporters *in advance* of the election.

For ZANU PF this scenario both enabled the departure of Mugabe, a political liability whose presence would continue to block the party's return to legitimacy and the resumption of desperately needed, stabilizing financial assistance for the world's fastest-collapsing economy; and the retention and renewed consolidation of power by the ruling party. Confident of a mediated victory and needing a "legitimate" result to back its claims to rehabilitation, ZANU PF significantly loosened control over the electoral process in the first round of voting in March.

As it turned out, the party's electoral assumptions were wildly naive. At the election support for the MDC-M collapsed – and notably for its leadership, which was roundly defeated. Makoni was overwhelmingly rejected by voters, gaining perhaps just 10 percent of the vote. At the same time, ZANU PF's traditional voters deserted the party by voting for the opposition or by boycotting the poll, as they had done in the benchmark defeat of the party in the 2000 Constitutional Referendum. In contrast, the MDC Tsvangirai party surged across the country, including in former rural strongholds of ZANU PF that for the first time ever had been rendered easily accessible to opposition campaigners – and to opposition polling agents and officials. This combination of factors meant there were too few votes to rig with, and that the conditions allowing the playing off of opposition forces within a prospective GNU did not materialise.²

² See the following for more detailed analyses of what happened in the March elections; SITO (2008), *ZIMBABWE ELECTIONS 2008. Examining The Popular and Presidential Choice - Hiding or Run Off?* IDASA: PRETORIA; SITO (2008), *The Inconvenient Truth. A complete guide to the delay in releasing the results of Zimbabwe's presidential poll.* Prepared by Derek Matyszak of the Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA; SITO (2008), *THE*

The shock of the election result and the resulting conundrum for the ruling party were quite literally written on its face. The headline of *The Sunday Mail*, the most slavishly loyal of the state-controlled newspapers, screamed the day after the election, "**Anxiety Grips Zim**". Many other state media, including the country's only radio and television broadcaster, ZBC, effectively fell silent, bewildered about what to say. No party leader of note addressed the nation for several days. It was apparent that ZANU PF was reassessing its game plan. Over the next month it developed and then rolled this plan out, as SADC first patiently accommodated repeated inexplicable delays in the processing and announcement of results by ZEC, and then sat motionless as ZESN, the key civic election monitoring network, and MDC itself were raided by state officials in search of independently collected polling data that could be used to disprove manipulated official figures. Even after the long delay, only limited details of the presidential poll were eventually released.³

Meanwhile, reports surfaced of remobilised war veterans and youth militias, and of the first violent penetrations by state security forces of "turncoat" former ruling party strongholds. ZANU PF aimed to create conditions that would make the run-off so difficult and dreaded that prospects of averting violence through some form of GNU and power sharing arrangement would be welcomed: a replay of the ZANU-ZAPU Unity Pact of 1987. ZANU PF's transparently obvious "spin" on the violence – which has often been taken up by SADC leaders, and swallowed whole by much of the regional media as well – has been doubly damaging for Zimbabwean democrats. One the one hand, substantial evidence that the violence is disproportionately organised against the MDC has drawn muted criticism from SA, SADC and the GNU advocates like Makoni; on the other, the small amount of retaliatory violence attributed to the MDC is deemed to suggest a "crisis" and raise possibilities of "civil war" – reinforcing the need to avoid a run-off and the urgency for a negotiated solution.⁴

INCONVENIENT TRUTH (PART II). A complete guide to the recount of votes in Zimbabwe's "harmonised" elections. Derek Matyszak, Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA; SITO (2008), *What happened in the Presidential election?* Research & Advocacy Unit, Zimbabwe. IDASA: PRETORIA.

³ In the end, ZEC merely announced the result of the Presidential poll, which bore a suspicious resemblance to the ZESN "sample based observation" result. No detailed results were given for the Presidential poll, in complete contrast to the other three elections in these "harmonised" elections. See again SITO (2008), *What happened in the Presidential election?* Research & Advocacy Unit, Zimbabwe. IDASA: PRETORIA

⁴ The depiction of violence as equitable and the deliberate avoidance to engage with available empirical information that clearly demonstrates who are the primary perpetrators is chillingly reminiscent of the way in which violence in South Africa during the negotiations of the early 1990s was depicted as 'black-on-black', 'tribal', Zulu vs Xhosa, etc. These crude representations, adopted by significant sections of the media, analysts and so on fundamentally undermined efforts to secure accountability and remains to this day a major part of South Africa's 'unfinished business' in terms of the dealing with its past.

African leaders have thus far studiously avoided apportioning responsibility for violence, in most instances couching reactions in terms of cautioning both sides and invoking dialogue. Widespread violations of SADC's election 'norms and standards' have failed to elicit coherent responses from them. Neither has SADC cautioned or castigated the ZANU PF government for failing to ensure its constitutional responsibility for safety and security, despite overwhelming empirical evidence that the primary perpetrator is ZANU PF and its proxies.

Rather than address the issue of destabilizing violence and impose political censure for its deployment in this period of uncertainty, the SA government, SADC, some EU diplomats and the Makoni grouping actively talked up the need for a GNU – ostensibly as way to avert the threat of violence coming from ZANU PF. Indeed, as independent and MDC reports emerged demonstrated that increasing numbers from the MDC's ranks were being beaten, tortured, abducted and murdered, the rationale for a GNU – and a political counter-attack to the wave of violence – was publicly reinforced by SA and SADC.

While mediation does not preclude processes of accountability, this approach appears to have been absent from the Mbeki initiative. As a result the SADC intervention has directly facilitated ZANU PF's unfolding strategy for manipulating the conditions and issues that would have to be negotiated. SADC's tentative response to the March vote allowed space and time for ZANU PF to regroup and ramp up the violence and threats of more of the same – both fuelling a defensive "demand for GNU", and reasserting ZANU PF's leading place in the setting of terms for any negotiations. The latter now focus on ending violence and averting civil war, rather than implementing the results of the peaceful election or ensuring that the next round of elections are conducted in a free and fair atmosphere – something that it appears can no longer be ensured.

The GNU problem

If the GNU is primarily being proposed as a means to avoid a violent tragedy, rather than as a basis for establishing a new inclusive democratic politics, sceptics are right to question the idea's aims, objectives and predictable outcomes. Just as importantly, we need to pose a question for those advocating a non-democratic negotiated resolution to Zimbabwe's election crisis: by what principle can the rights of the popular democratic will as expressed by voters be equated with, or rendered secondary to, the rights of discredited elites and perpetrators of

violence? For this is precisely what the idea of a GNU proposes, in the name of an elusive, highly unstable and temporary peace.

Even if the MDC were able to extract considerable concessions from ZANU PF, it is highly unlikely that Robert Mugabe's party would cede its effective control over its levers in the bureaucracy and particularly, in the security forces. Why would it: these are the instruments of war and obstruction that have enabled ZANU PF to climb out of the hole of electoral defeat on more than one occasion, to protect its networks of power. To suggest that these determinants of power would be given up willingly is to accept the notion that ZANU PF would be willing to abdicate. The last two months have exposed this view as profoundly delusional. Those who have put stock in the GNU have failed to assess their model of peace-making in light of ZANU PF's strategic understanding that violence is a political asset and an effective substitute for popular legitimacy, which will not be negotiated away.

Rather than deflect and defeat the likelihood of political violence, the construct of a GNU would formally integrate it into the lifeblood of the Zimbabwean democratic dispensation. This is a remarkable solution to put before a political party that has just won an election based on its abiding commitment to non-violent democratic participation – and to the voting majority who supported it. For South Africans, this situation recalls the kind of power sharing arrangements that former South African President F W De Klerk had in mind at the start of the 1990s negotiation process, where the share of actual voter support would not determine power arrangements.⁵ This proposal was not acceptable in the new South Africa then, and it is not acceptable in the new Zimbabwe now.

If there were no question of who were to lead and form a GNU, there would be little space for the kind of unanswered violence that is now seen. In effect, SADC's weak response to the March election has facilitated a strong and violent response by ZANU PF.

For the time being, it seems increasingly likely that the GNU route will be not followed. This is not due to any lack of effort by the likes of Mbeki and many in SADC, or the distasteful posturing of the rejected Makoni, who cites rising violence as the need for inclusive negotiations without naming and condemning those – his erstwhile colleagues – who have created the unstable terrain on which he hopes to relaunch his ambitions. Rather, both the MDC and its supporters are

wary of legitimizing the political role of those holding the gun to their heads and the torch to their homes. War is not something to be prevented: it is here already. And the only non-violent way to confront and defeat it is the ballot box, even if that option too is flawed.

If the current pressures for a GNU do indeed fail, all is not lost for ZANU PF: Makoni or another ZANU PF senior reformer could return to the forefront if Mugabe were to win the run-off, further destabilize the MDC and civil society, and then retire on his own terms – handing over power to a reformer to negotiate a new GNU from a position of regained legitimacy and strength. But this first requires another successfully manipulated election result, and a frontal assault on MDC and civil society resistance. The arrest on treason charges this past week of MDC Secretary General Tendai Biti does not bode well; neither does the relative weakness of the SADC response to this latest development. And is there any reason to think that additional ZANU PF manipulations during and after the second round of voting will not take place, given the success of such interventions in the first?

Accepting responsibility, acting responsibly

The options chosen by SADC and the international community for dealing with the March 2008 election have directly contributed to the options chosen by ZANU PF. It was a choice not to recognise the MDC victory and to allow the illegal charade over the recount to occur.⁶ It is enough here to point out that the MDC won the Parliamentary elections, that Morgan Tsvangirai won the Presidential election, that nearly 3 million Zimbabweans did not vote, and consequently it is very clear that Robert Mugabe and ZANU PF do not enjoy the support of the vast majority of the population.

This set of circumstances allowed for an alternative political response; a recognition of and call for an MDC government to be accepted by ZANU PF. However, the failure to support this option has contributed directly to the current confusion between promoting conditions for a free and fair re-run and negotiations for a GNU. Despite a widespread acceptance that conditions cannot be free and fair for the June 27 poll, and calls for a GNU, the MDC is sticking to the electoral path and holding out prospects for an inclusive government of national healing in which it would play

⁵ De Klerk has envisaged a 'troika' arrangement involving the NP, ANC and IFP, as a way of avoiding a democratic outcome to the negotiations.

⁶ That the recount was illegal has been covered in great detail. Here see again SITO (2008), *The Inconvenient Truth. A complete guide to the delay in releasing the results of Zimbabwe's presidential poll*. Prepared by Derek Matyszak of the Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA; SITO (2008), *THE INCONVENIENT TRUTH (PART II). A complete guide to the recount of votes in Zimbabwe's "harmonised" elections*. Derek Matyszak, Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA.

a lead role after the election.s This position is not openly supported by SADC, who seem stuck to a moribund engagement that is destined to undermine the democratic will of Zimbabweans, and that will promote an elitist management of transitional arrangements under the auspices of a power sharing arrangement that will effectively insulate and protect those responsible for perpetrating violence and gross human rights abuses – as happened with previous election amnesties for party violence, and most seriously with the Unity Accord in 1987.

As regards the re-run, the keys to re-establishing a recognisably fair playing field are not adequately being pursued by SADC and South Africa, which plays directly into the agenda of those who wish to ensure it does not proceed. Although it is no longer possible to create the conditions for a free and fair poll, with less than 10 days before the poll, there could and should be certain steps taken to remedy the most egregious violations and potential for destabilisation. This should include: deploying adequate numbers of election monitors, especially in areas where violence and intimidation has been reported, and playing a more active role in monitoring the activities and decision-making processes of the Zimbabwe Electoral Commission; promoting an agenda of disarming ZANU PF and its militia / war veteran proxies hands; censuring the role of the security forces, censuring hate speech and talk of war by any political parties; commenting on access of candidates to state media; question and establishing a strategy with rewards and penalties for compliance/non-compliance with SADC election guidelines.

Thabo Mbeki did state ahead of the 2005 elections that there would be consequences if the SADC Principles and Guidelines were seriously violated, but this was said against the background of woefully inadequate provisions for monitoring on the ground.⁷ Meanwhile, in June 2008, the corpses of MDC officials and suspected opposition supporters are accumulating, thousands have been displaced by the political violence, likely thousands more beaten and brutalised, hate speech fills the airwaves, and a discredited President threatens the majority with war – and still, there is no sign of serious electoral censure in the air.

It is time for fresh thinking and fresh action. In advance of the second round of presidential voting, problems need to be anticipated and prevented before the arise. Several critical questions emerge.

⁷ The 2005 elections were, in fact, seriously flawed, but nonetheless given a passing grade by South African and SADC. For an analysis of this election, see Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

What would have happened if SA, SADC and the international community *rejected* the delays by ZEC and ZANU PF, demanded the transparent compilation and immediate release of results - and ensured that all parties abided by them?

What would have happened if all civil society organisations and democratic parties and politicians had stood firmly behind the MDC government-elect, rather than soliciting for all-inclusive extra-electoral GNU? If more support for the winning party MDC had been expressed, what options then would have remained for elite transitions?

Who, then, really enabled ZANU PF's violent election strategy, sending the defeated party, its leaders and violent supporters inside and outside the state all of the wrong signals in the immediate post-election period?

And consequently, whose responsibility now is it to end the violence by terminating discussions about an all-inclusive GNU, and insisting on a government of transition and renewal headed unambiguously by the party elected by the people: the MDC Tsvangirai.