

## **ZIMBABWE: A REGIONAL SOLUTION?**

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY AND RECOMMENDATIONS.....</b>	<b>i</b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. MUGABE RALLIES.....</b>	<b>2</b>
A. INTIMIDATING OPPOSITION AND CIVIL SOCIETY .....	2
B. DAMAGING THE ECONOMY.....	3
C. SILENCING ZANU-PF OPPOSITION.....	4
D. PLANNING RE-ELECTION .....	5
<b>III. ZANU-PF POWER POLITICS.....</b>	<b>6</b>
A. MUGABE’S POWER STRUCTURE.....	6
1. The security apparatus.....	6
2. The party.....	8
3. Patronage networks and economic resources .....	8
B. STRENGTHS AND WEAKNESSES OF THE INTERNAL OPPOSITION .....	9
1. Mnangagwa .....	9
2. Mujuru.....	10
<b>IV. THE MDC.....</b>	<b>11</b>
A. LIMITED CAPACITY .....	11
B. DIVISIONS ENTRENCHED .....	11
<b>V. THE REGIONAL INITIATIVE.....</b>	<b>12</b>
A. SOUTH AFRICA’S AND THE REGION’S APPROACHES .....	12
B. THE PARTIES’ APPROACHES .....	13
1. ZANU-PF.....	13
2. MDC .....	14
C. UNCERTAIN PROSPECTS .....	14
<b>VI. SECURING REFORMS .....</b>	<b>17</b>
A. SADC’S TWO TRACKS.....	17
1. The road to elections .....	17
2. Guarantees for the establishment .....	18
B. WIDER INTERNATIONAL ENGAGEMENT.....	18
<b>VII. CONCLUSION.....</b>	<b>20</b>
<b>APPENDICES</b>	
A. MAP OF ZIMBABWE.....	21
B. SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS .....	22

## ZIMBABWE: A REGIONAL SOLUTION?

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Six months before scheduled elections, Zimbabwe is closer than ever to complete collapse. Inflation is between 7,600 per cent (government figures) and 13,000 per cent (independent estimates). Four out of five of the country's twelve million people live below the poverty line and a quarter have fled, mainly to neighbouring countries. A military-led campaign to slash prices has produced acute food and fuel shortages, and conducting any business is becoming almost impossible. An initiative launched by the regional intergovernmental organisation, the Southern African Development Community (SADC), to facilitate a negotiated political solution offers the only realistic chance to escape a crisis that increasingly threatens to destabilise the region. But SADC must resolve internal differences about how hard to press into retirement Robert Mugabe, Zimbabwe's 83-year-old president and liberation hero, and the wider international community needs to give it full support.

Following a government crackdown on the opposition in early March 2007, SADC mandated South Africa's President Thabo Mbeki to mediate between the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC), with the objectives of securing agreement on constitutional reform ahead of March 2008 elections and ending the economic crisis. The SADC initiative is fragile but South Africa and the other regional countries are the only external actors with a chance to make a difference. Western sanctions – mainly targeting just over 200 members of the leadership with travel bans and asset freezes – have proven largely symbolic, and general condemnations from the UK and U.S. if anything counterproductive because they help Mugabe claim he is the victim of neo-colonial ambitions.

The regime needs external financial support to maintain its patronage networks and shore up the economy before risking elections (or before desperate people riot), and its request for a rescue package gives the regional initiative crucial leverage if SADC is willing to use it. Nevertheless, the challenges are daunting. Mugabe outmanoeuvred rivals in March 2007 to gain the ZANU-PF nomination for a new term. The party seeks to bypass Mbeki's mediation by advancing a unilateral constitutional amendment that would tighten its hold on power by rigging the electoral

process and ensuring it can name an eventual successor to Mugabe without a new popular vote. The MDC is bitterly divided and appears unable to mobilise effective opposition.

South Africa and the SADC mistrust the MDC, especially its larger faction led by Morgan Tsvangirai, and would like to see a government of national unity emerge led by a reformed ZANU-PF. Some SADC leaders remain Mugabe supporters, and there is a risk the organisation will accept cosmetic changes that further entrench the status quo. The ultimate objective of the reform process, however, is not regime change as such but to guarantee that all adult citizens can freely and fairly choose their rulers and that an electorally legitimated government can reengage with donors to turn the economy around. There is little likelihood that the opposition – so long as it remains badly fractured – can win an election in 2008, so the political risks the ruling party and SADC members who distrust the opposition are being asked to take are relatively limited.

It is critical that all international actors close ranks behind the Mbeki mediation. SADC should use its leverage and extend the desperately needed aid package and ask the West to lift its sanctions – such as they are – only in exchange for full ZANU-PF cooperation with the mediation process and implementation of reforms that will allow free and fair elections as early as possible in 2008. If such cooperation is not forthcoming, Mbeki should candidly and promptly acknowledge failure, and SADC should refuse to endorse any election not a product of the mediation and be prepared to isolate Mugabe and his regime.

The regional body should also enlist a panel of retired African presidents to help Mbeki prevail on Mugabe to accept and implement reforms and most critically convince him to retire in 2008. The wider international community should make detailed preparations to contribute to Zimbabwe's recovery if the mediation succeeds but also be ready to apply tougher sanctions if it collapses.

### RECOMMENDATIONS

#### To South Africa and Other SADC Member States:

1. Pursue mediation to obtain ZANU-PF and MDC agreement on constitutional revisions and related

legislative and regulatory measures that permit free and fair elections in 2008 consistent with the August 2004 SADC principles and guidelines, including:

- (a) repeal of the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and other repressive legislation such as the Private Voluntary Organisations Act (PVO), so as to create a level playing field for all parties;
  - (b) an independent Electoral Commission and a new electoral law that provides in particular for:
    - i. return to the 2000 constituency boundaries for parliamentary elections, with repeal of subsequent gerrymandering and rejection of ZANU-PF's proposal to create an additional 90 seats;
    - ii. merger into one body, with clear responsibilities, of the Zimbabwe Electoral Commission, the Election Supervisory Commission, the registrar-general's office and the Electoral Delimitation Commission;
    - iii. inter-party consultations and clear procedures for consensual appointment of electoral commission members with secure tenure as well as civilian returns and polling officers; repeal of Electoral Commission Act provisions for secondment of military, police and prisons service personnel for election tasks; and
    - iv. extensive voter education;
  - (c) review of the voters roll by the new independent Electoral Commission, to include removal of ghost voters and enfranchisement of citizens in the diaspora;
  - (d) independent adjudication of electoral disputes by judges who are vetted in advance by an agreed procedure and have secure tenure; and
  - (e) unrestricted access to the media for all political players during the election period.
2. Inform President Mugabe, the ZANU-PF delegation at the mediated talks and the Joint Operational Command (JOC) that unless constitutional and related legal reforms as listed above are adopted and implemented, SADC will at the very least not endorse the elections as free and fair and will refuse to extend economic assistance.
  3. Establish a team of retired African heads of state and senior military officers to discuss with the

ZANU-PF leadership and President Mugabe the terms and conditions for his retirement in 2008 and the guarantees necessary for him and the military establishment to accept democratic institutional reforms.

4. Extend economic assistance to Zimbabwe and call for the lifting of targeted Western sanctions on establishment figures only if ZANU-PF and President Mugabe cooperate fully with the mediation process and implement the agreed reforms so as to allow free and fair elections in 2008.
5. Facilitate agreement by the parties to postpone the March 2008 elections to a date later in the year if necessary to put in place and implement the constitutional reforms and other changes required to ensure a free and fair process.

#### **To President Mugabe, the Government of Zimbabwe and ZANU-PF:**

6. Declare officially the end of the "Third Chimurenga" (struggle period) and dissolve the JOC.
7. Engage without reservation in the South African-led SADC initiative and support the above reforms in order to provide Zimbabweans with free and fair elections in 2008 and to end the political and economic crisis.

#### **To the MDC Factions Led by Morgan Tsvangirai and Arthur Mutambara:**

8. Maintain a united front in the South African-led talks, form a coalition for the 2008 elections, agree on a mechanism to choose common presidential and parliamentary candidates and rebuild consensus with civil society organisations on a joint strategy to promote democratic change.

#### **To the U.S., the European Union (EU), EU Member States and the Wider International Community:**

9. Support the SADC initiative by publicly clarifying commitments to assist Zimbabwe's economic recovery once democratic reforms are implemented and a democratically-elected government is in place and by refraining from statements undermining that initiative.
10. Consider taking the following steps in the event that the SADC initiative fails:
  - (a) expand existing limited sanctions from measures targeted solely at senior members of Zimbabwe's government, ruling party and supporting business establishment to bars on their own nationals and national banking

- and commercial establishments' engaging in specified business and financial activities beneficial to the regime;
- (b) refer Zimbabwe for discussion at the United Nations Security Council as a first step towards finding a UN-backed solution to the crisis;
  - (c) insist on renegotiating procedures that require all humanitarian aid monies to be exchanged at the Zimbabwe Reserve Bank for local currency at wholly unrealistic rates that allow the regime to siphon off large profits for its own ends;
  - (d) if the government is unwilling to renegotiate, explore the readiness of national and international humanitarian organisations operating in the country to cooperate in acquiring humanitarian funding directly without complying with the exploitive Zimbabwe foreign exchange law; and
  - (e) if this proves impractical, consider reducing humanitarian aid programs by the percentage which is expropriated by the regime through its manipulation of the difference between the official exchange rate and the free market rate.

**To the Commonwealth Secretariat:**

11. Establish a working committee or an eminent persons group, with predominant African membership (from both SADC and non-SADC countries) and including former senior officials and technical experts, to explore land reform options that are acceptable to key stakeholders and would allow donors to reengage on the issue.

**Pretoria/Brussels, 18 September 2007**

## ZIMBABWE: A REGIONAL SOLUTION?

### I. INTRODUCTION

For the first time, the Southern African Development Community (SADC) regional organisation has launched a formal process to end Zimbabwe's deepening, seven-year political and economic crisis. Due to history, politics and personality, member states have been extremely reluctant to intervene in that crisis or even acknowledge its seriousness. The initiative reflects at last recognition of its gravity and the need for a regional response. The strategy includes South African-led political mediation between the ruling party, ZANU-PF, and the opposition Movement for Democratic Change (MDC) and a possible economic rescue package. SADC continues to show public solidarity with President Mugabe but there are signs that in private some leaders want to condition the desperately needed economic help on implementation of reforms. If SADC is to maintain credibility, it must accept nothing less than genuine, democratic constitutional and related political reforms that allow legitimate elections.

There are formidable obstacles. The Mugabe camp retains a tight grip on power. Defying expectations in the region and within ZANU-PF that he would leave office when his current term expires in March 2008,<sup>1</sup> the president announced he would stand for re-election. He swiftly gained his party's endorsement, demonstrating in the process the weakness of its dissident factions. Loyalists and elements of the security establishment have since gone on the offensive to solidify the status quo and organise for a succession they and Mugabe can control. Parliamentary elections, scheduled for 2010, have been advanced to coincide with the 2008 presidential poll. A unilateral constitutional package is being prepared to ensure an easier victory, a new, even more pliable parliament and greater assurance in handpicking the ultimate successor, as well as to outflank the SADC talks. Meanwhile, state-sponsored violence and intimidation of the opposition, civil society and ordinary citizens continue unabated.

The split within the MDC has deepened. In July the Mutambara faction declared it would contest elections

independently from the main Tsvangirai faction. The two still present a common front in the SADC talks but the renewed infighting has severely hurt their credibility and strengthens ZANU-PF in the talks and for elections.

Through repression and patronage, Mugabe can still control politics but not the deteriorating economy – including run-away inflation – which is hurting the region more than ever before, as increasing numbers flee to South Africa and other neighbours in search of jobs. Unease about the crisis's impact is mounting across southern Africa and may override constraints that previously prevented determined action. This report analyses the power structures behind Mugabe's rule and how the SADC initiative, if seriously pursued, has potential to break the long impasse.

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<sup>1</sup> See Crisis Group Africa Report N°122, *Zimbabwe: An End to the Stalemate?*, 5 March 2007.

## II. MUGABE RALLIES

Mugabe failed to get agreement to extend his presidential term to 2010 at the December 2006 ZANU-PF conference<sup>2</sup> but subsequently has used intimidation and patronage to silence party rivals and paralyse the MDC. His success threatens to derail the SADC mediation.

### A. INTIMIDATING OPPOSITION AND CIVIL SOCIETY

Throughout 2007 the government has used repressive laws and decrees to block opposition and civil society activities.<sup>3</sup> The security forces cracked down early in the year on demonstrations against the deteriorating political and economic conditions. The actions were coordinated by the Joint Operation Command (JOC), comprising the heads of the army, the police and the intelligence services. Told by the JOC that a prayer meeting organised by the Save Zimbabwe Campaign, a coalition of opposition, church and civil society groups, was to launch anti-government protests, Mugabe responded by banning political rallies in all major urban areas for three months.<sup>4</sup> On 11 March, riot police and soldiers violently disrupted the prayer meeting, labelling it a “political protest against the government” and killing an opposition activist, Gift Tandare and leaving dozens injured. Some 50 were arrested, including MDC faction president Morgan Tsvangirai and other senior leaders, purportedly for inciting violence. The opposition leaders, particularly Tsvangirai, were severely beaten in custody.<sup>5</sup>

The attacks sparked world-wide condemnation, including from African leaders normally reluctant to comment on internal disorder. South Africa, frequently criticised for its “quiet diplomacy”, called on Harare to respect the rule

of law and the rights of citizens, including opposition leaders.<sup>6</sup> Zambia’s President Levy Mwanawasa likened Zimbabwe to a “sinking Titanic”.<sup>7</sup> The chairman of the hitherto reticent African Union (AU), Ghanaian President John Kufuor, condemned “an embarrassment for Africa”.<sup>8</sup> Mugabe defiantly told critics to “go hang”, adding later that by defying a police ban, Tsvangirai had “asked for it”.<sup>9</sup> The state-sponsored violence continued, with reports that opposition and civil society activists were abducted and tortured by the Central Intelligence Organisation (CIO).<sup>10</sup> Members of the opposition were also denied permission to leave the country on several occasions.<sup>11</sup>

In response to the deteriorating situation and the government crackdown, SADC leaders convened an emergency summit in Dar es Salaam on 28-29 March. While this issued a statement of “solidarity” with Harare, called for “lifting of all forms of sanctions” and for the UK to “honour its compensation obligations” regarding land reform, it also, significantly, mandated South Africa’s president, Thabo Mbeki, to facilitate government-opposition dialogue, in effect the organisation’s first official recognition that there was a problem in Zimbabwe requiring a regional response, including South African action, and tasked the SADC executive secretary to study the economy and recommend how the regional body might assist recovery.<sup>12</sup>

Human rights groups, however, have documented continued widespread, systematic abuses.<sup>13</sup> Since the

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<sup>2</sup> At the annual ZANU-PF conference in December 2006, Mugabe aborted plans to extend his presidential term – due to expire in March 2008 – to 2010, after receiving intelligence reports that some senior party members, led by retired army general Solomon Mujuru, were planning to oppose this. Ibid.

<sup>3</sup> In the first six months of 2007, the MDC was denied permission for 250 rallies countrywide under the Public Order Security Act (POSA). Crisis Group interview, MDC Secretary General Tendai Biti, Harare, 2 June 2007.

<sup>4</sup> “Prayer meeting rally cancelled by police”, *The Standard*, 11 March 2007; “Mugabe bans rallies for three months in urban areas”, *The Zimbabwe Independent*, 8 June 2007.

<sup>5</sup> “Zim police bar opposition prayer rally”, *The Mail and Guardian*, 11 March 2007; “Zimbabwe protester killed, Tsvangirai, Mutambara arrested”, *The Standard Zimbabwe*, 12 March 2007; “Opposition leader is beaten and jailed while Mugabe unveils bid to be president till 2014”, *Guardian* (UK), 12 March 2007.

<sup>6</sup> “SA in Zim rights call”, BBC News Online, 13 March 2007.

<sup>7</sup> “Mugabe heads for SADC meeting as pressure mounts”, Reuters, 27 March 2007.

<sup>8</sup> “SA in Zim rights call”, BBC News Online, 13 March 2007.

<sup>9</sup> “Mugabe critics can ‘go hang’”, *Mail and Guardian*, 15 March 2007; “Tsvangirai deserved to be assaulted, says Mugabe”, *Mail and Guardian*, 30 March 2007.

<sup>10</sup> Reportedly, March alone saw 168 cases of torture, 128 of assault, 406 unlawful arrests and detentions, 1,194 violations of the rights to freedom of association, movement and assembly and political discrimination or intimidation of opposition supporters and human rights activists, as well as eight abductions. “Political Violence Report”, Zimbabwe Human Rights NGO Forum, March 2007, available at [www.hrforumzim.com](http://www.hrforumzim.com).

<sup>11</sup> Crisis Group interview, Alec Muchadehama, lawyer for Save Zimbabwe Campaign members, Harare, 28 May 2007.

<sup>12</sup> See the communiqué of the 2007 Extraordinary SADC Summit of Heads of State and Government, Dar es Salaam, 28-29 March, available on the SADC website at [www.sadc.int/home.php](http://www.sadc.int/home.php).

<sup>13</sup> See, for example, “Bashing Dissent: Escalating Violence and State Repression in Zimbabwe”, Human Rights Watch, vol. 19, no. 6(A), May 2007; “Political Violence Report”, Zimbabwe Human Rights NGO Forum, June 2007; “At Best A Falsehood, At Worst A Lie. Comments on the Zimbabwe Republic Police (ZRP) Report ‘Opposition forces in Zimbabwe: A trail of violence’”, Zimbabwe Human Rights NGO Forum special report, August 2007; and “Zimbabwe: Between a rock and a hard place

start of the year, hundreds of opposition members and supporters and civil society activists have been subjected to police harassment, arbitrary arrest, abduction and torture.<sup>14</sup> Police, CIO agents and “green bomber” youth militia (named for their green fatigues) have all been employed.

Civil society groups, including the Zimbabwe Congress of Trade Unions (ZCTU), the National Constitutional Assembly and the women's organisation Women of Zimbabwe Arise (WOZA), as well as lawyers, journalists and students have been targeted. The arrest of scores of students at the University of Zimbabwe in May following a fees protest was typical. They were assaulted and allegedly tortured by university security agents and police.<sup>15</sup> Activists who sustained severe injuries in police custody have been denied medical treatment.<sup>16</sup> A recent report exposed the brutal treatment that particularly woman activists can receive.<sup>17</sup> Ordinary citizens are increasingly affected, in particular in Harare suburbs considered MDC strongholds.<sup>18</sup> The Zimbabwe Human Rights NGO Forum says 2007 is on course to be the worst year for human rights violations in the last seven “by a considerable margin”.<sup>19</sup>

The government blames the political violence and “trail of destruction” on the opposition and civic organisations, which it says seek violent revolution in a campaign orchestrated by the British.<sup>20</sup>

## B. DAMAGING THE ECONOMY

The economic crisis has been deepened by sweeping and unsustainable price cuts the government imposed in a military-style campaign. On 18 June the JOC warned Mugabe the immediate threat was not coordinated political pressure but inflation, over which protests had the “capacity to throw him out of office”.<sup>21</sup> On 25 June, the government ordered all shops and businesses to slash

prices by half. Operation Dzikisa Mitengo (Reduce Prices), was modelled after the 2005 Operation Murambatsvina and executed with similar intensity.<sup>22</sup> Industry and Trade Minister Obert Mpofu extended the cuts across key economic sectors, explaining the goal was to cushion consumers who were bearing the brunt of the economic crisis. Soldiers and youth militia were deployed to enforce the directive.<sup>23</sup> Massive hoarding resulted, as people took advantage of reduced prices to empty shelves of basic goods.<sup>24</sup>

The resulting acute shortages forced a partial government retreat in August.<sup>25</sup> Still, most basic commodities, including food and fuel, can increasingly only be found on the black market at hugely inflated prices. Most manufacturing companies have reduced operations; many are being forced to consider closing completely rather than operating at a loss.<sup>26</sup> A ZANU-PF insider admitted to Crisis Group that:

Mugabe has become too paranoid. There are practically no basic commodities in all the shops. People have to scrounge on the black market for food, where prices are even higher than before. With these new directives, we are acting as a catalyst to bring about an uprising. Business cannot survive. The whole macro-economic environment is the one which needs to be addressed.<sup>27</sup>

The price blitz was part of a strategy to blame the private sector for economic woes. Mugabe has accused business interests of colluding with his Western enemies to fuel inflation so as to foment rebellion. He warned that businesses which defied the price directive would be nationalised.<sup>28</sup> By the end of July, some 8,500 shop owners and executives, including CEOs of major retail and foreign-owned companies, had been arrested.<sup>29</sup>

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– women human rights defenders at risk”, Amnesty International, July 2007.

<sup>14</sup> “Bashing Dissent”, op. cit., p. 17.

<sup>15</sup> “Political Violence Report”, Zimbabwe Human Rights NGO Forum, June 2007, pp. 9-10; Violent Gonda, “University of Zimbabwe student president arrested”, SW Radio Africa, 22 May 2006.

<sup>16</sup> “Torture, ill-treatment and denial of medical care Zimbabwe”, Amnesty International, 6 July 2007.

<sup>17</sup> “Between a rock and a hard place”, op. cit.

<sup>18</sup> “Bashing Dissent”, op. cit.

<sup>19</sup> “At Best a Falsehood”, op. cit., p. 23, which asserts torture has been increasing since 2005.

<sup>20</sup> “Zimbabwe: Unite Against British Tactics, Says President”, *The Herald*, 1 June 2007.

<sup>21</sup> Crisis Group telephone interview, senior military official, 11 July 2007.

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<sup>22</sup> On 25 May 2005, the government launched Operation Murambatsvina (Restore Order), which sought to quell what was feared to be an imminent civil uprising in urban areas. It cost some 700,000 Zimbabweans their homes or livelihoods or both and otherwise affected nearly a fifth of the country's population. See Crisis Group Africa Report N°97, *Operation Murambatsvina: The Tipping Point?*, 17 August 2005.

<sup>23</sup> “Soldiers raid shops to enforce price freeze”, *ZimOnline*, 28 June 2007.

<sup>24</sup> “Price cuts throw Zimbabwe into chaos”, *The Washington Post*, 1 July 2007.

<sup>25</sup> “Government climbs down on price blitz as shortages bite”, *The Zimbabwe Independent*, 8 August 2007.

<sup>26</sup> Crisis Group interview, economist at the Confederation of Zimbabwe Industries (CZI), Johannesburg, 3 July 2007.

<sup>27</sup> Crisis Group interview, ZANU-PF politician, Pretoria, 7 July 2007.

<sup>28</sup> *Ibid.*

<sup>29</sup> “Price war: 33 managers in police custody”, *The Herald*, 9 July 2007.



The campaign was also intended to weaken the ZANU-PF faction led by retired army general Solomon Mujuru, which the Mugabe camp considers its biggest threat within the party. Loyalists believe the Mujuru faction, which includes many powerful businessmen, is using the business sector to produce an economic implosion. Operation Dzikisa Mitengo particularly targeted companies owned by Mujuru supporters dealing in production and supply of basic foodstuffs.<sup>30</sup> One result was to exacerbate divisions within the ruling party, as Vice President Joyce Mujuru and Reserve Bank Governor Gideon Gono openly criticised the operation as counter productive.<sup>31</sup>

### C. SILENCING ZANU-PF OPPOSITION

Following his setback at the December 2006 ZANU-PF annual conference, Mugabe worked to regain the upper hand by changing the terms of the debate. Instead of seeking an extension to his presidential term, he focused on securing the ZANU-PF nomination for the March 2008 election and bringing forward parliamentary elections two years. The Mujuru faction, which wants Mugabe to leave office in March 2008 and for an elected successor also to assume the party leadership, opposed this, arguing that the economic crisis had become synonymous with Mugabe's rule, and a new leader was required to end international isolation.<sup>32</sup>

The strategy developed by Mugabe with his allies in the security services and party, led by ZANU-PF political commissar Elliot Manyika, centred on bypassing the politburo, where there was stiffer opposition, and going directly to the central committee, the party's legislative body. At a tense politburo meeting on 28 March 2007, Simon Khaya Moyo, the ambassador to South Africa, asked Mugabe to clarify press reports he planned to stand

for re-election and advance parliamentary elections.<sup>33</sup> Mugabe brushed the question aside as "none of the politburo's business".<sup>34</sup> Two days later Manyika surprised the central committee meeting with the announcement Mugabe "was the only candidate, and there was no one else".<sup>35</sup> In a move choreographed to pre-empt debate, members of the ZANU-PF Women's League immediately burst into song and dance. The Mujuru camp had counted on pushing the issue to a vote but was never given an opportunity. The meeting also resolved to harmonise elections in 2008.<sup>36</sup>

ZANU-PF spokesman Nathan Shamuyarira, a Mugabe loyalist, told Crisis Group the central committee had unanimously endorsed Mugabe as the party's presidential candidate: "The candidate of the party will be the president himself. There was consensus".<sup>37</sup> In one stroke, Mugabe had demonstrated the limits of the Mujuru camp's capacity to achieve change from within.

There is still discontent within ZANU-PF, with the Mujuru faction complaining Mugabe's nomination was improper.<sup>38</sup> A central committee member explained: "We were taken by surprise, as we thought the matter would have been brought up for discussion and then endorsed or we would have charted the way forward. But this was done deliberately to make sure no one stood up to contradict it at a meeting being chaired by Mugabe himself – this countered procedures".<sup>39</sup> Minutes of the meeting do not record that Mugabe's candidacy was endorsed, heightening the controversy and intensifying the intra-party succession battles.<sup>40</sup> But Mugabe loyalist Didymus Mutasa, the state security minister, says the matter is closed, even though the nomination still needs to be endorsed by delegates at an extraordinary party congress in December 2007: "There is absolutely no point talking about the succession issue

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<sup>30</sup> Targets included Anthony Mandiwanza, a leading Zimbabwean businessman with large interests in the dairy industry, and Inscor board member Ray Kaukonde, a ZANU-PF parliamentarian and governor of Mashonaland East province, both of whom are close Mujuru allies. Inscor manufactures bread and controls bakery networks across the country.

<sup>31</sup> "ZANU-PF split over price blitz", *The Zimbabwe Independent*, 27 July 2007.

<sup>32</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 27 May 2007; Crisis Group interview, ZANU-PF politburo member, Harare, 29 May 2007. The party has three distinct factions, led by retired army general Solomon Mujuru, Rural Housing Minister Emmerson Mnangagwa and Mugabe. For analysis of its factional wars, see Crisis Group Africa Reports N°86, *Zimbabwe: Another Election Chance*, 30 November 2004, pp. 7-8; N°73, *Post-Election Zimbabwe*, 7 June 2005, pp. 7-10; and *An End to the Stalemate?*, op. cit., pp. 5-7.

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<sup>33</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 29 May 2007. See also: "Mugabe faces SADC leaders ahead of key party meeting", *The Zimbabwe Times*, 29 March 2007.

<sup>34</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 1 June 2007.

<sup>35</sup> "ZANU-PF Central Committee meets", *The Herald*, 30 March 2007; "ZANU-PF endorses Mugabe", *ZimOnline*, 31 March 2007.

<sup>36</sup> The decision to harmonise presidential and parliamentary elections was approved by the ZANU-PF cabinet on 16 April 2007.

<sup>37</sup> Crisis Group interview, Harare, 27 May 2007.

<sup>38</sup> Crisis Group interview, ZANU-PF Central Committee member, Harare, 2 June 2007. Also see "Rumblings of discontent in Zimbabwean ruling party", *Institute of War and Peace Reporting*, 17 April 2007.

<sup>39</sup> Crisis Group interview, ZANU-PF Central Committee member, Harare, 4 June 2007.

<sup>40</sup> Crisis Group has seen the 60-page minutes of the 30 March 2007 ZANU-PF central committee meeting.

for the next six years, because we will have the president as our leader. He is not going to be succeeded for that period".<sup>41</sup>

Mugabe clearly retains some strong support within the party and the state apparatus that will make it difficult to force him from office. A confidante said: "The people who were calling for Mugabe to go knew the red-line, which they could not cross when the crunch came...Don't ever underestimate the power that Mugabe has and what he has done for the very same people who are now at the forefront calling for his exit. He will go under his own terms".<sup>42</sup>

#### D. PLANNING RE-ELECTION

Having apparently gained nomination for the 2008 presidential election, Mugabe set about obtaining a package of reforms developed by the JOC, known as Constitutional Amendment 18 and designed to ensure that he wins that election and can organise an eventual succession on his own terms.<sup>43</sup> The main elements include:

- harmonisation of presidential and parliamentary elections in March 2008;
- provision for the two houses of parliament to jointly sit as an electoral college to choose a new president by a two-thirds majority should the president resign, die, be impeached or become incapacitated in office;
- an increase of the lower house from 120 to 210 (with new seats to come from rural areas where ZANU-PF is strongest) and an increase of the upper house from 66 to 84 seats; and
- a presidentially-appointed human rights commission (designed to deflect criticism of the regime's record).

The increase in parliamentary seats is not justified by demographic growth (if anything the voting-age

population has declined).<sup>44</sup> It is a calculated strategy to reconfigure parliament to make it more amenable and guarantee the status quo will last beyond Mugabe's own rule. By advancing elections and creating new ZANU-PF safe seats, the Mugabe faction anticipates having more patronage at its disposal and new parliamentary allies.

Constituencies are to be gerrymandered to weaken Mujuru and encourage a formal MDC split.<sup>45</sup> The new lower house seats will go heavily to the four rural provinces where the Mugabe camp has most influence: Mashonaland West (Mugabe's home province), Mashonaland Central, Manicaland and Midlands (Emmerson Mnangagwa's home province).<sup>46</sup> The Mujuru camp would receive far fewer additional seats in Mashonaland East and Masvingo. To exacerbate opposition tensions, seats will also be increased in three Matabeleland provinces where Mutambara is stronger than Tsvangirai.<sup>47</sup> The gerrymandering is also intended to weaken the prospects of a possible Mujuru/Tsvangirai alliance. Empowering the parliament to select a successor if a president cannot complete his term is meant to allow the Mugabe loyalists to retain the office without risking a national vote. The amendment is also intended to reduce the chance of the South African-led mediation process producing fundamental reforms.

The Mugabe camp is likewise pushing a bill to require that foreign-owned firms have majority black Zimbabwean control. The Indigenisation and Economic Empowerment Bill would give the government sweeping powers over how foreign companies operate in the country.<sup>48</sup> It would likely deepen the economic crisis but would give Mugabe more scope to buy election support by rewarding allies with shares.

Both pieces of legislation are before the last session of the present parliament, in which ZANU-PF has the two-thirds majority needed to amend the constitution. Amendment 18 was tabled on 11 September and will start being debated on 19 September. Barring a revolt by the Mujuru faction, they are expected to pass easily.<sup>49</sup> If they worked together,

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<sup>41</sup> Crisis Group interview, Harare, 26 May 2007; also, "Mugabe to stay for six more years", NewZimbabwe.Com, 7 May 2007. The conference that ZANU-PF routinely holds every December will this year be superseded by a party congress, the first since 2004. A congress is normally held to select the party leadership only every five years but it has been advanced by two years. Participation is somewhat wider than at a conference, including not only members of the politburo and central committee and representatives of the provinces, but also delegates from the branches, the smallest party structure.

<sup>42</sup> Crisis Group interview, senior government official close to Mugabe, Harare, 29 May 2007.

<sup>43</sup> "Constitutional amendment no 18 to be introduced", *The Herald*, 1 April 2007.

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<sup>44</sup> Zimbabwe's last census was in 1999, and there has not been a significant increase in the voting age population since, particularly not in rural areas. A significant proportion of young potential voters has left the country as economic migrants. Crisis Group telephone interview, officials at Zimbabwe's Central Statistics Office, 29 August 2007.

<sup>45</sup> Crisis Group interview, senior government official who sits in JOC meetings, Pretoria, 27 August 2007.

<sup>46</sup> *Ibid.* Mnangagwa, sometimes considered a likely Mugabe successor, is currently rural housing minister.

<sup>47</sup> *Ibid.*

<sup>48</sup> MacDonald Dzirutwe, "Zimbabwe parliament to mull nationalisation plans", Reuters, 20 August 2007.

<sup>49</sup> Crisis Group interview, official at the ministry of justice, legal and parliamentary affairs, Harare, 2 June 2007.

the Mujuru faction and the two MDC factions would be strong enough to influence the bills but such an alliance seems unlikely. Few Mujuru parliamentarians are likely to vote against bills that would strengthen their party – and their own chances for re-election.

ZANU-PF is doing other things to ensure success in 2008. It has deployed 10,000 youth militia and war veterans in rural areas to deny the opposition access to a significant part of the electorate.<sup>50</sup> A voter registration program, which has added 80,000 names to the electoral roll,<sup>51</sup> has elicited plausible MDC charges that the government is preventing opposition supporters in mainly urban areas from registering, in effect rigging the polls in advance.<sup>52</sup>

### III. ZANU-PF POWER POLITICS

Mugabe's influence is based on an elaborate patronage network built up over his 27-year rule and buttressed by the loyalty he commands from the security forces, in particular the army. Gradual militarisation of state institutions has increased his ability to suppress revolt.<sup>53</sup> The secret of his survival, a close observer says, is that "he controls the barracks and the money printing press".<sup>54</sup>

#### A. MUGABE'S POWER STRUCTURE

Since ZANU-PF lost the February 2000 referendum for a new constitution, Zimbabwe has experienced what Mugabe calls the "Third Chimurenga" (struggle period) against "imperialism" in a new guise (the first was against British colonial rule, the second against the white minority Rhodesian regime). The government unleashed an offensive against its enemies, nominally to preserve the gains of independence and the land redistribution program, in fact to ensure its own survival. "In essence, ZANU-PF's struggle for survival became a military operation, and Zimbabwe was turned into an 'operational zone'. Zimbabwe's politics was militarised and military coercion became the currency of politics. From March 2000, the state began Operation Tsuro, in which military means were used for political ends".<sup>55</sup> The security apparatus thus became Mugabe's primary source of power.

Mugabe re-established the JOC, first created by the Rhodesians to fight ZANU and ZAPU during the independence war, bringing together the defence ministry, the police, the CIO and the national war veterans' association. The country was divided into operational zones, individual and community enemies were identified, and military-style operations were organised, mixing extreme violence and persuasion/indoctrination.<sup>56</sup>

#### 1. The security apparatus

The military high command is the armed wing of ZANU-PF, its senior figures individuals who fought in the liberation struggle of the 1970s. The military chiefs

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<sup>50</sup> "ZANU-PF seals rural areas from opposition", *The Zimbabwe Times*, 27 July 2007.

<sup>51</sup> Crisis Group telephone interview, official in the Zimbabwe Electoral Commission, (ZEC), 29 August 2007.

<sup>52</sup> Nelson Banya, "Mugabe opponents cry foul over voting registration", Reuters, 22 August 2007.

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<sup>53</sup> "Key ministries headed by ex-military officers", *The Zimbabwe Independent*, 11 July 2007.

<sup>54</sup> Crisis Group interview, Eldred Masunungure, political science department head, University of Zimbabwe, Harare, 2 June 2007.

<sup>55</sup> Knox Chitiyo and Martin Rupiya, "Tracking Zimbabwe's political history: The Zimbabwe Defence Force from 1980–2005", in M. Rupiya (ed.), *Evolutions and Revolutions: A Contemporary History of Militaries in Southern Africa*, (Pretoria, 2005), p. 359.

<sup>56</sup> *Ibid.*

declared before the 2002 presidential election that they would not salute a president lacking “liberation credentials”, a thinly-veiled reference to Tsvangirai, a trade unionist who did not fight in that struggle.<sup>57</sup> To guarantee his rule, Mugabe has prioritised the welfare of these core supporters. The JOC has replaced the cabinet as the primary policy-making organ, briefed on and approving major measures before ministers implement them.<sup>58</sup> Military dominance has been evident in the government’s approach to perceived threats. Operation Murambatsvina, to prevent an alleged civil society revolt in 2005, and the current price cuts campaign were both engineered by the military establishment. The JOC is also responsible for deflecting challenges to Mugabe’s rule from within ZANU-PF as well as strategising the response to the SADC mediation.<sup>59</sup>

JOC members include State Security Minister Didymus Mutasa, Defence Minister Sydney Sekeramayi, Defence Forces Commander Constantine Chiwenga, CIO Director General Happyton Bonyongwe, Air Force Commander Perence Shiri and Police Commissioner Augustine Chihuri. Reserve Bank Governor Gideon Gono is an ex-officio member. Since the beginning of the year, war veterans, who campaigned for Mugabe in the party and the countryside at election time, have been formally constituted as a reserve force under defence ministry control, with a monthly wage. Their loyalty and that of the military would make it difficult for ZANU-PF dissidents to stage a successful coup against Mugabe. A senior ZANU-PF official told Crisis Group, “the critical area of Mugabe’s support lies in the military establishment – that is what has kept him firmly in power up to now”.<sup>60</sup>

The military, however, is not homogenous; it reflects ZANU-PF’s growing factionalism. Some in the second tier – mainly brigadier generals, colonels and captains – owe their rise to Solomon Mujuru, who promoted them when he was army chief.<sup>61</sup> They want a leadership change.

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<sup>57</sup> See statement by Defence Forces Commander General Vitalis Zvinavashe on behalf of service chiefs, Harare, 12 June 2002. Tsvangirai was secretary general of the Zimbabwe Congress of Trade Unions (ZCTU) before being elected MDC leader in 1999.

<sup>58</sup> “JOC oversees government policy implementation”, *The Business Day*, 11 April 2007. Crisis Group telephone interview, senior army officer, 30 July 2007.

<sup>59</sup> Crisis Group interview, senior military official, Bulawayo, 27 May 2007.

<sup>60</sup> Crisis Group interview, ZANU-PF official, Harare, 3 June 2007.

<sup>61</sup> During the independence war Mujuru directed Mugabe's guerrilla forces. At independence, he took command of the armed forces and oversaw establishment of the Zimbabwe National Army. He left public life in 1995 to concentrate on business interests but retains a strong influence in ZANU-PF,

The lower ranks suffer like ordinary citizens from the economic crisis and are increasingly restive. There have been numerous mutinies and desertions over pay.<sup>62</sup> On 15 June 2007, six men, including serving and retired army officers, were charged with treason for plotting to assassinate Mugabe and install Emmerson Mnangagwa, the rural housing minister, as president.<sup>63</sup> Allegedly they meant to bomb Mugabe’s official and private residences,<sup>64</sup> and low to middle-rank soldiers sounded out Harare-based diplomats to gauge their reaction.<sup>65</sup> The motivation appears to have been the deteriorating economic conditions.<sup>66</sup> Mnangagwa dismissed as “nonsense” suggestions that he was behind the coup, which Mugabe said the British masterminded.<sup>67</sup>

The president responded by raising the wages of armed forces members 900 per cent.<sup>68</sup> A week after the alleged plot was revealed, the commander of the presidential guard, Brigadier General Armstrong Gunda, whose name had been linked to it, was killed in a car accident, fuelling speculation he was murdered. The alleged conspiracy has considerably heightened tensions within ZANU-PF. Mnangagwa backers alleged that the Mujuru camp sought to link their leader to it to remove him before the December congress. While Mugabe was in Libya, Joyce Mujuru, as acting president, moved to arrest Mnangagwa<sup>69</sup> but her fellow vice-president, Joseph Msika, resisted, telling officials to await Mugabe's return. Immediately on that return, Mnangagwa met Mugabe to clear the air.<sup>70</sup>

Mugabe also has ensured that key ministries, agencies and diplomatic missions are headed by loyalists.<sup>71</sup> Retired or serving soldiers have been assigned to lead strategic

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including via his wife Joyce Mujuru, now one of the country’s two vice presidents.

<sup>62</sup> “Zim soldiers desert over low salaries”, BBC news, 15 July 2007.

<sup>63</sup> “Soldiers arrested over alleged assassination plot on Mugabe,” *The Zimbabwe Times*, 8 June 2007.

<sup>64</sup> Crisis Group correspondence relating to the prosecution’s case, 16 June 2007.

<sup>65</sup> Crisis Group interview, senior official in the attorney general’s office privy to the case, Pretoria 11 July 2007. See also: “Mnangagwa fingered in a coup plot”, *The Zimbabwe Independent*, 12 June 2007.

<sup>66</sup> Crisis Group interview, Western diplomat, Pretoria, 11 July 2007.

<sup>67</sup> “Mugabe accuses Britain for being behind coup plot”, *The Herald*, 18 July 2007.

<sup>68</sup> “Zimbabwe soldiers awarded a 900 per cent pay hike”, *The Zimbabwe Independent*, 2 July 2007.

<sup>69</sup> “Bid to arrest Mnangagwa”, *The Zimbabwe Independent*, 12 June 2007.

<sup>70</sup> “Mnangagwa meets Mugabe over coup plot”, *The Zimbabwe Independent*, 29 June 2007.

<sup>71</sup> “Mugabe surrounds himself with loyalists”, *The Zimbabwean*, 11 May 2007.

institutions like the Grain Marketing Board (GMB), the National Railways of Zimbabwe, the Zimbabwe Electricity Supply Authority (ZESA), the National Oil Company of Zimbabwe (NOCZIM), and the Electoral Delimitation Commission.

## 2. The party

Mugabe loyalists are weakest in the party conference and politburo but powerful in the central committee. State Security Minister Mutasa and Reserve Bank Governor Gono are key lieutenants. Mutasa is also secretary for administration and holds the party's most senior post after its presidency. He ensures party structures comply with Mugabe's agenda and uses the security services to both quell dissent within the party and undermine the opposition.<sup>72</sup> He formulates politburo and party conference agendas, a responsibility used to thwart debate on Mugabe's future.<sup>73</sup> Gono ensures adequate funds for Mugabe's plans. Defence Minister Sekeramayi keeps key military leaders in check and loyal and coordinates the war veterans and youth militia.<sup>74</sup> Mugabe also has strategic allies placed throughout ZANU-PF's provincial structures<sup>75</sup> and the backing of its youth and women's leagues.

While the JOC's civilians are all Mugabe loyalists, some uniformed members tend to be aligned to one of the other ZANU-PF factions. Chiwenga is thought to be in the Mugabe camp, while Army Commander Phillip Sibanda is said to be linked to Mnangagwa and Shiri to Mujuru.<sup>76</sup> Bonyongwe is reportedly aligned to Mujuru; his deputy,

Maynard Muzariri, to Mnangagwa. As factionalism intensifies, patronage and money are the cement that keeps the system together.

## 3. Patronage networks and economic resources

Mugabe has mastered the art of keeping his support base indebted to him. This helps explain why Gono participates in the JOC. The Reserve Bank has resorted to printing more and more money, fuelling huge inflation in the process, so that the president's patronage network is well provided with funds.<sup>77</sup>

The military is at the top of a network which extends through society to village headman in rural areas. The senior generals hold large tracts of land taken from white commercial farmers, as well as mining concessions acquired during Zimbabwe's involvement in the Congo war.<sup>78</sup> A special Reserve Bank fund gives cheap, unsecured loans to top officers, politburo and central committee members, cabinet ministers, judges and parliamentarians to finance farming and business activities.<sup>79</sup> The war veterans, Mugabe's party foot soldiers, receive Z\$5million (\$20) monthly, far more than a teacher;<sup>80</sup> village leaders have been awarded trucks and monthly allowances.<sup>81</sup> The Reserve Bank also administers a facility to provide cabinet ministers and senior officials scarce foreign currency for the school fees of their children, many of whom study in the UK, the U.S., Australia and South Africa.<sup>82</sup> Most senior party members and others with Reserve Bank connections have been able to make fortunes by buying foreign exchange at the official rate, then selling it on the black market.<sup>83</sup>

The black business class, now suffering from the economic mismanagement, acquired shares in large private

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<sup>72</sup> Crisis Group telephone interview, senior military official, 30 August 2007.

<sup>73</sup> Crisis Group telephone interview, ZANU-PF central committee member, 30 August 2007.

<sup>74</sup> Crisis Group telephone interview, senior military official, 30 August 2007.

<sup>75</sup> In opposition strongholds Matabeleland North and South, Mugabe relies on Obert Mpofu, Senate Deputy President Naison Ndlovu, Andrew Langa, a deputy minister, and Senator Kembo Mohadi (wife of the Home Affairs Minister). In Manicaland, Mugabe has loyal support from Didymus Mutasa, Women's League Chair Oppah Muchinguri (touted as a possible successor to Joyce Mujuru), and Justice Minister Patrick Chinamasa, the lead ZANU-PF negotiator in the SADC mediation. Mugabe controls his home province Mashonaland West and for now can rely on the support of Emmerson Mnangagwa in Midlands, the latter's base. In the three influential provinces of Masvingo, Mashonaland Central (Joyce Mujuru's base), and Mashonaland East (Solomon Mujuru's homeland), Mugabe counts on General Vitalis Zvinavashe, Elliot Manyika, and ZANU-PF veterans Sydney Sekeramayi and Minister of Science and Technology Olivia Muchena. Nevertheless, those three provinces remain key battlegrounds in the succession struggle. See also "Mugabe's people in the provinces", *Africa Confidential*, vol. 48, no. 18, 7 September 2007.

<sup>76</sup> *Ibid.*

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<sup>77</sup> Crisis Group interview, cabinet minister, Bindura, 2 June 2007.

<sup>78</sup> "Zim top military mining concessions in dispute", *The Zimbabwe Independent*, 12 February 2007.

<sup>79</sup> Crisis Group interview, government official, Harare, 26 May 2007.

<sup>80</sup> An average teacher in Zimbabwe earns Z\$3 million (\$12) per month.

<sup>81</sup> Such village leaders are given a monthly salary of Z\$3million (\$12).

<sup>82</sup> Crisis Group interview, official at the finance ministry, Harare, 26 May 2007.

<sup>83</sup> Foreign exchange enters Zimbabwe via humanitarian aid, which by law must go through the Reserve Bank. On 6 September, the Zimbabwean government sharply devalued its currency from ZW\$250 to ZW\$30,000 to one U.S. dollar. But by 17 September, the free or black market rate had come to \$1 to ZW\$300,000, meaning that despite this massive realignment, the official rate is still ten times less than the free or black market rate. See: "Zimbabwe devalues currency, but still far short of dominant illegal exchange value", Associated Press, 6 September 2007.

companies, including multinationals, under ZANU-PF's economic empowerment program.<sup>84</sup> A politburo member told Crisis Group, "Mugabe has systematically dished out favours to all key players within his party. Few if any can stand and say they have not benefited under his rule. That is why some hold back in their bid to push him out – they know what it would entail".<sup>85</sup>

Humanitarian aid and foreign investors also contribute, albeit unwillingly, to keep the system running. By law, foreign currency transactions must go through the Reserve Bank at the highly unrealistic official rate, currently barely a tenth of that on the free (black) market. The UK's Department for International Development (DFID) has negotiated a special rate, approximately halfway between those two; Norway is constrained by its own laws to use the official rate. In either case, the Reserve Bank is able to sell the hard currency at a large profit on the free market, which it uses to benefit the ZANU-PF establishment, while some 50 to 90 per cent of the money is lost for its intended humanitarian purposes.<sup>86</sup> Similarly, foreign banks and insurance companies contribute significantly to the regime, since they are required to reinvest 40 per cent of their surplus in nearly worthless treasury bills, which help keep parastatals afloat.<sup>87</sup>

Solomon Mujuru and Mnangagwa are two of the richest establishment figures, with interests spreading across mining, retail, tourism, real estate, farming and banking. They built their business empires virtually from scratch largely through opportunities and guarantees granted with the president's personal approval when in favour with him.<sup>88</sup> Mugabe's wife, Grace, has extensive real estate and farming interests; his nephews, Leo Mugabe and Patrick Zhuwawo, both MPs, have big telecommunications and construction stakes.<sup>89</sup> The driving force behind calls from inside the party for a change of guard is not a desire

for democracy but rather the need for a post-Mugabe leadership that can enable key establishment members to sustain their business empires.

## B. STRENGTHS AND WEAKNESSES OF THE INTERNAL OPPOSITION

The Mujuru faction is pushing for Mugabe to retire in March 2008 and make way for a new leader. The Mnangagwa faction for now at least has closed ranks with Mugabe. Given the historical links both men have to Mugabe and the extent to which they have benefited from his patronage, their resolve to act against him should not be overestimated. During the liberation struggle, Mnangagwa was Mugabe's right-hand man, and he worked beside him through the first ten, volatile years of independence as security minister. Mujuru is the most senior surviving commander of the liberation struggle, credited with having encouraged fighters to accept Mugabe as their leader.<sup>90</sup> The desire to safeguard and grow their business interests led both to put their political ambitions on hold and support Mugabe for almost three decades. If this is now changing, it is because they see him increasingly as a liability, whose hold on power is the main cause for the country's isolation and economic troubles.

### 1. Mnangagwa

Mnangagwa, for decades considered the heir apparent – the "Son of God" – has pledged to "work with Mugabe and support his agenda".<sup>91</sup> His camp believes this gives him a good chance of being anointed Mugabe's successor.<sup>92</sup> Mnangagwa considers the fallout between Mugabe and Mujuru an opportunity and in recent months has been meeting privately with the president to discuss strategy for fighting the Mujuru faction.<sup>93</sup> As security minister in the 1980s, he oversaw a crackdown on dissidents in Matabeleland and Midlands provinces that killed over 20,000, mainly unarmed civilians, an episode known as the Gukurahundi massacres.<sup>94</sup> A veteran cabinet minister

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<sup>84</sup> Under the empowerment program, the ZANU-PF government created a special fund to enable black businessmen to acquire shares in foreign owned companies or set up businesses underwritten by the government.

<sup>85</sup> Crisis Group interview, ZANU-PF politburo member, Harare 29 May 2007. For example, Mutumwa Mawere's holdings were nationalised after he fell out with senior ZANU-PF leaders over the sale of shares in a bank in which the party had a stake. ZANU-PF Central Committee member James Makamba's shares in a mobile telephone company went to Mugabe's nephew after he quarrelled with the president and fled the country.

<sup>86</sup> See "Kroners for cronies", *The Economist*, 26 July 2007.

<sup>87</sup> "Zimbabwe: Bailing out President Mugabe", *Africa Confidential*, vol. 48, no. 2, 19 January 2007.

<sup>88</sup> A ZANU-PF cabinet minister, a member of government since independence, said most ZANU-PF leaders, including Mujuru and Mnangagwa, received critical government support for their businesses. Crisis Group interview, Mutare, 30 May 2007.

<sup>89</sup> Leo Mugabe owns a significant stake in Telecel, an international mobile company operating in Zimbabwe.

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<sup>90</sup> Crisis Group interview, former ZANU-PF Secretary General Edgar Tekere, Mutare, 3 June 2007. General Tekere crossed with Mugabe to Mozambique in 1975 to join the liberation struggle.

<sup>91</sup> Crisis Group interview, ZANU-PF parliamentarian, Harare, 2 June 2007.

<sup>92</sup> In 2005, Mnangagwa lost the vice presidency to Joyce Mujuru, when Mugabe ordered the position go to a woman.

<sup>93</sup> Crisis Group interview, cabinet minister close to Mnangagwa, Harare, 26 May 2007.

<sup>94</sup> Catholic Commission for Justice and Peace (CCJP) and the Legal Resources Foundation (LRF), *Gukurahundi in Zimbabwe: A Report on the Disturbances in Matabeleland and the Midlands 1980-1988* (South Africa, 2007). The book was originally published by the CCJP and LRF in report form in 1997 as

familiar with the Mugabe-Mnangagwa relationship said, “it is not surprising that Mnangagwa has chosen to work with Mugabe because he is the only one who knows in detail so many things which he did for Mugabe under his watch. They have a history. Critically, they share the same fears of the Gukurahundi era”.<sup>95</sup>

The recent coup allegations threatened to sour the relationship, which had been on the mend after the December 2004 Tsholotsho rebellion.<sup>96</sup> Mnangagwa apparently persuaded the president in a dramatic private audience that “succession battles” were behind a smear campaign but Mugabe uses the on-and-off relationship in a calculated way to keep his two greatest rivals and potential successors divided.<sup>97</sup>

## 2. Mujuru

Party insiders say Mugabe is determined to stand for re-election in 2008 but has indicated to confidants that he is prepared to quit by 2010, hence the importance of Constitutional Amendment 18, which would allow ZANU-PF to dictate the succession in parliament.<sup>98</sup> Only the Mujuru faction is still fighting to have him retire in 2008. That Mugabe so easily secured nomination at the March 2007 central committee meeting exposed the limits of the Mujuru challenge but the faction argues that his candidacy requires endorsement at the December party congress, where it will urge an alternative.<sup>99</sup> The Mugabe camp meanwhile plans to use that congress to replace Joyce Mujuru as second vice-president by Women’s League chair Oppah Muchinguri, or to abolish her post entirely.<sup>100</sup>

The Mujuru camp’s strategy is to delay putting forward its candidate while building support in the provinces, keeping Mugabe occupied with internal party battles and averting the complete collapse of the economy, then to trigger a vote against Mugabe’s candidacy at the party congress. It claims that a call for an open nominating contest will have the support of the party’s seven provincial

organisations.<sup>101</sup> Masvingo province, one of the most influential, is led by an ally, retired Major Alex Mudavanhu, who has already called for an open contest.<sup>102</sup> Solomon Mujuru’s preferred candidate is the former finance minister, Dr Simba Makoni, whom he considers capable of retaining ZANU-PF’s hold on power while setting the country on the path to recovery by rebuilding bridges with the international community. He is also seen as safe for the Mujurus’ business interests.<sup>103</sup> Given the failure at the 30 March central committee meeting, the chance for a palace coup at year’s end is not good but the continually worsening economy leaves Mugabe at least somewhat vulnerable.

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“Breaking the Silence: A Report on the Disturbances in Matabeleland and the Midlands”.

<sup>95</sup> Crisis Group interview, Harare, 2 June 2007.

<sup>96</sup> “Mugabe accuses Britain of plotting a coup”, *The Herald*, 18 July 2007. At the December 2004 Tsholotsho ZANU-PF party congress, his camp defied Mugabe’s directive to choose a woman vice president and tried to elect Mnangagwa.

<sup>97</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 25 May 2007.

<sup>98</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 29 May 2007.

<sup>99</sup> “ZANU-PF to hold special congress in November”, *The People’s Voice*, 16 April 2007.

<sup>100</sup> Crisis Group interview, ZANU-PF politburo member aligned to Mugabe’s camp, Harare, 31 May 2007.

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<sup>101</sup> Crisis Group interview, parliamentarian linked to the Mujuru faction, Harare, 29 May 2007.

<sup>102</sup> “Masvingo province opposes Mugabe’s re-election bid”, *The Zimbabwe Times*, 19 July 2007.

<sup>103</sup> Crisis Group interview, ZANU-PF politburo member, Harare 2 June 2007.

## IV. THE MDC

Zimbabwe's opposition appears to be heading toward a permanent split. Its failure to put effective pressure on ZANU-PF during an acute economic crisis and its renewed in-fighting have left both Zimbabweans and internationals looking for change to come from within the ruling party.

### A. LIMITED CAPACITY

The MDC has failed to tap into citizens' grievances and frustrations and mount credible resistance to Mugabe's rule. Following the March 2007 arrest and beating of Tsvangirai, David Coltart, a Mutambara faction MP, told Crisis Group he doubted the opposition would be able to rouse Zimbabweans to march in the streets. He attributed the inertia to "fear, [opposition] divisions ... and a shocking lack of information for ordinary people about what is going on".<sup>104</sup> MDC capacity for mobilisation has also been eroded by the loss of a significant proportion of its mostly urban working class membership, which has been driven out of the country by the economic crisis.<sup>105</sup> Few Zimbabweans now believe the disorganised and feuding party offers the prospect of an alternative administration. ZANU-PF is talking with it only because of pressure from South Africa and the SADC.

Key MDC allies are similarly weakened. The Zimbabwe Congress of Trade Unions (ZCTU) and the student movement have also been hurt by the refugee exodus and are shadows of their former selves. Workers ignored a mass job stayaway called by the ZCTU on 2 April.

### B. DIVISIONS ENTRENCHED

In the immediate aftermath of the March 2007 government crackdown, the MDC factions appeared galvanised to close ranks and confront Mugabe as a unified group. However, recent developments suggest the divisions are stronger than ever. Negotiations for a "functional working relationship" had begun in mid-2006, with delegations led by Tendai Biti (Tsvangirai) and Welshman Ncube (Mutambara) making some headway at a first meeting in August. According to the Mutambara faction, the Tsvangirai faction came to a second meeting in September with a mandate to pursue unity, not negotiate emergence of two

parties as first planned.<sup>106</sup> Rifts emerged shortly over a code of conduct; then in November 2006, the Tsvangirai wing reportedly changed its negotiating team.<sup>107</sup>

Unity talks nevertheless continued in November and a neutral panel was formed to investigate the cause of the original split and suggest reconciliation options. But by early 2007, the process had stalled, to be revived only by the March repression and announcement of joint 2008 parliamentary and presidential elections. In recognition that they could not reunify before the elections but needed to field a single presidential candidate, the factions hammered out a coalition agreement in April for the purpose of contesting the elections. Its preamble acknowledged that "the differences which have arisen within the MDC must be put aside and that the two MDC formations should work together in the national interest".<sup>108</sup> The factions recognised each other's independence and equality and agreed to form a "Movement for Democratic Change Coalition" (MDCC) and "undertake to extend the cooperation between them with a view, if possible, to ultimate reconciliation and reunification".<sup>109</sup>

Yet, at a follow-up on 19 May, serious differences arose. While there had been agreement in April that Mutambara would be the coalition's vice president, the Tsvangirai group sought to install Thokozani Khupe, Tsvangirai's deputy, as second vice president and demanded that a panel of 30 from each group select parliamentary candidates. The Mutambara group objected that the April deal ensured a "fair distribution of power between the two formations", and the candidate selection proposal would fuel tensions.<sup>110</sup> After the meeting ended without agreement, a Mutambara loyalist said, "it appears Tsvangirai's group wanted us to concede the vice-presidency, concede the presidency and concede to the illusion that they are the real MDC. The coalition they wanted is one that de-recognises us, and we told them to go to hell".<sup>111</sup>

Any chance for reconciliation suffered when the Mutambara faction announced in July it would field its own candidates in 2008 and withdrew from the umbrella Save Zimbabwe Campaign, which it claimed supported

<sup>104</sup> Crisis Group interview, MDC politician David Coltart, Harare, 2 June 2007.

<sup>105</sup> Crisis Group interview, Dr John Makumbe, University of Zimbabwe political science lecturer, Harare, 24 May 2007. He also pointed to the brain drain involved in the exodus.

<sup>106</sup> See "Statement regarding MDC unity negotiations", released by the Mutambara faction on 6 July 2007.

<sup>107</sup> Crisis Group interview, Gabriel Chaibva, Mutambara faction spokesperson, Harare, 3 June 2007.

<sup>108</sup> Crisis Group received a draft copy of the coalition agreement on 30 March 2007.

<sup>109</sup> Coalition agreement, Sections 2, 4 and 22.

<sup>110</sup> "Statement regarding MDC unity negotiations", op. cit.

<sup>111</sup> Crisis Group interview, Gabriel Chaibva, Mutambara faction spokesperson, Harare, 3 June 2007.



Tsvangirai's agenda.<sup>112</sup> Mutambara described Tsvangirai as an intellectual midget, not fit to be president.<sup>113</sup> A divided opposition offers ZANU-PF the prospect of an easy electoral victory, while harming its own bargaining power in the SADC mediation. In the present environment, it is difficult to see how the MDC can regain any ability to influence events as elections approach.

## V. THE REGIONAL INITIATIVE

That SADC has officially recognised there is a problem in Zimbabwe requiring a regional response is a significant, if belated step for an organisation that long refused to take collective action. For the first time, Mbeki's mediation has a regional mandate, including a requirement to report to the SADC summit on the talks that provides an element of accountability and pressure absent from earlier South African efforts with its neighbour.<sup>114</sup> There are as yet no concrete benchmarks or timelines, and it is unclear what the consequences would be if the initiative fails. But seven years into the crisis, the West has been ineffectual;<sup>115</sup> domestic opposition and civil society groups are unable to make an impact; and Mugabe is out-manoeuvring ZANU-PF dissidents. The SADC initiative faces the same political, historical and personal factors that have contributed to the stalemate, but it is the only viable option.

### A. SOUTH AFRICA'S AND THE REGION'S APPROACHES

South Africa has tried sporadically since the Zimbabwe crisis began in 2000 to facilitate dialogue between ZANU-PF and the MDC with a view to establishing a government of national unity after elections. It has been reluctant to apply meaningful pressure, however, and at important moments has shielded the government by endorsing flawed elections, limiting criticism of crackdowns such as in March 2007 and using its Security Council seat to block UN debate. Pretoria believes it can only help if it retains access, so cannot afford to "alienate any of the various sides".<sup>116</sup> As the situation has deteriorated, it has come under increasing criticism at home and abroad but underlying its approach are factors that limit its room for manoeuvre.<sup>117</sup>

South Africa knows fellow SADC countries are sensitive about criticising a liberation movement like ZANU-PF. It is indebted itself for Zimbabwe's support in the anti-apartheid struggle. Mugabe's stature as a hero who has stood up to the West still counts for much.<sup>118</sup> There is

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<sup>112</sup> Crisis Group interview, Arthur Mutambara, Johannesburg, 31 July 2007.

<sup>113</sup> See "Statement regarding MDC unity negotiations", op. cit.

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<sup>114</sup> SADC leaders and Western diplomats repeatedly emphasised the significance of the formal mandate. Crisis Group interviews, SADC region, May and August 2007.

<sup>115</sup> See discussion of Western sanctions and counter-productive criticism at Section VI.B below.

<sup>116</sup> Crisis Group interview, South African official, department of foreign affairs, Pretoria, 7 July 2007.

<sup>117</sup> On constraints, see Crisis Group Africa Report N°52, *Zimbabwe: The Politics of National Liberation and International Division*, 17 October 2002.

<sup>118</sup> A retired senior regional diplomat said any gathering in South Africa with Mbeki and Mugabe present, would give Mugabe

belief in the region that Zimbabwe has been demonised because it took white farms, indeed that the crisis stems from a land issue for which colonial rulers bear responsibility. This remains SADC's official position, reflected in its March 2007 communiqué.<sup>119</sup> Another powerful brake on a concerted effort to stand up to ZANU-PF is that many SADC governments are themselves violators of the body's democratic standards and are reluctant to censure Mugabe when they too are vulnerable. Pretoria has been unwilling to move beyond SADC, lest it fatally divide an organisation which is a foundation of its security policy.

But mounting regional unease over the cross-border effects of the crisis may be beginning to override the old constraints. A senior government official of a SADC country said there is a strong consensus Mugabe should relinquish power "in the best interests of his country and for the good of the region".<sup>120</sup> Recent months have seen a steady increase in refugees crossing into South Africa (some 3,000 daily) and other SADC countries, creating problems for governments and threatening stability. Farmers have started forming vigilante groups to remove migrants from their land.<sup>121</sup> In August, Pretoria called the influx a "serious problem" requiring action. There is growing concern about the impact on the country's image as it prepares to host the 2010 football World Cup.<sup>122</sup>

South Africa considers constitutional reforms and elections accepted by all sides the keys to breaking Zimbabwe's political impasse and ending its isolation.<sup>123</sup> It believes Western sanctions, such as they are, can be lifted and an economic rescue package adopted once credibility is restored by a legitimate electoral process. Mbeki has repeatedly said his mediation's main objective is to create conditions for free and fair presidential and parliamentary elections in March 2008.<sup>124</sup> While the South Africans and the MDC agree on these points, there is much mutual

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more applause: "People believe Mugabe has their best interests at heart". Crisis Group interview, Dar es Salaam, 22 May 2007.

<sup>119</sup> See the communiqué of the 2007 Extraordinary SADC Summit, op. cit.

<sup>120</sup> Crisis Group interview, senior government official in SADC country, 22 May 2007.

<sup>121</sup> Peter Biles, "The lure of plentiful South Africa", BBC, 21 July 2007 and Violet Gonda, "Inaction by Mbeki government on Zimbabwe forces border farmers to form vigilante groups", SW Radio Africa, 1 August 2007.

<sup>122</sup> "Pahad: SA must deal with problem of Zim refugees", *Mail & Guardian*, 2 August 2007. Crisis Group interview, official of the South Africa Business Union (SABU), Pretoria, 11 August 2007.

<sup>123</sup> Crisis Group interview, South African official at the department of foreign affairs, 11 July 2007.

<sup>124</sup> "Mbeki sees free elections as key to Zim resolution", *The Mail & Guardian*, 15 April 2007.

suspicion. Mbeki, like many regional leaders, has at best ambiguous feelings on the MDC, particularly Tsvangirai, and does not consider the divided party a credible alternative to ZANU-PF.<sup>125</sup>

For South Africa and most of the region, the ideal outcome would be a moderate, ZANU-PF led government of national unity, including MDC representation, willing to engage with the West. South Africa considers, probably rightly, the Mutambara faction to be more amenable than Tsvangirai's to being junior partner to a reformed ZANU-PF and consequently leans toward it and in particular its secretary general, Welshman Ncube. Ncube's access in Pretoria is excellent; even before the SADC initiative, he frequently talked with the office of the presidency and Mbeki himself. Tsvangirai had not met with Mbeki in over a year until 14 September.<sup>126</sup>

In addition to formal engagement in the mediation process, South Africa is also in constant communication with the ZANU-PF factions via its ruling party, the African National Congress (ANC).<sup>127</sup> SADC likewise favours ZANU-PF's claim to continued leadership, while seeking concessions from it. Some members – Namibia and Malawi in particular – remain Mugabe supporters; Angola, often a regional rival, would not be dissatisfied to see South Africa's mediation fail. In a worst case scenario, South Africa and SADC might yet accept minimal ZANU-PF reforms and a stage-managed election, declare their initiative a "success" and call on the West to re-establish normal relationships with what would be little more than a status quo Zimbabwe.

## B. THE PARTIES' APPROACHES

### 1. ZANU-PF

ZANU-PF's commitment to the SADC-sponsored talks is questionable. The composition of its delegation raises doubts about its willingness to negotiate genuinely. It is led

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<sup>125</sup> The MDC's association with white farming interests, high-profile fundraising in the West and apparent courting of Western governments has alienated potential South African allies. Given the importance of race in South African politics and across the region, these moves have created serious public relation difficulties for Mbeki and his counterparts in dealing with the opposition.

<sup>126</sup> Crisis Group interview, MDC official, Pretoria, 31 July 2007. There may be an ethnic element in South Africa's preference. Mutambara is from Zimbabwe's majority Shona group but his faction is closely associated with the Ndebele, a major ethnic group in South Africa, which Pretoria wants represented in government.

<sup>127</sup> Crisis Group interview, ANC executive member, Pretoria, 11 August 2007.

by staunch Mugabe supporters, Justice Minister Patrick Chinamasa and Social Welfare Minister Nicholas Goche, both of whom presided over aborted talks South Africa mediated in 2002-2004. In defiance of South African and MDC efforts to focus on constitutional reform and elections, ZANU-PF wants to concentrate on land issues and sanctions. It seeks to make a direct link to the UK, which, it argues, is ultimately responsible for the crisis.<sup>128</sup> Its 23-page position paper is preoccupied with colonial history, UK failure to fulfil pledges to fund land reform and the West's "demonisation campaign".<sup>129</sup>

The position paper argues that the "Zimbabwean story ... has been misrepresented, misreported and distorted on a grand scale...the root of the Zimbabwean situation is the Land Question, the tail end of decolonisation". The MDC is described as agents of regime change and called upon to "demonstrate commitment to the shared values and ethos of the liberation struggle" as a mandatory first step to restoring mutual confidence, and to meet eight specific conditions including to: accept the president's and government's legitimacy; respect the country's sovereignty and laws; end promotion of violence; publicly commit to land reform's irreversibility; call for ending sanctions; and stop urging interference in Zimbabwe's domestic affairs.<sup>130</sup> While there is an element of posturing in this document, ZANU-PF refuses to accept any responsibility for the crisis and recognise the MDC as an equal negotiating partner.

From the Mugabe camp's perspective, the SADC mediation primarily serves the MDC's interests, propping up a divided opposition on the brink of collapse.<sup>131</sup> ZANU-PF says it is talking with the MDC only out of courtesy to SADC.<sup>132</sup> The Mujuru faction believes Mugabe agreed to the mediation to buy time but will ensure the talks fail. It questions the composition of the delegation, which, it says, represents the president's interests, not the party's.<sup>133</sup>

## 2. MDC

Following the launch of the SADC initiative in March, the MDC factions quickly adopted a common negotiating position, which they presented to Mbeki on 11 April, calling for fundamental democratic reforms as a prerequisite

for free and fair 2008 elections. Their main demands include: electoral reforms; impartial, transparent management of elections; repeal of the Public Order Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA); ensuring all citizens, including three to four million in the diaspora can vote; restoration of political parties' right to hold peaceful rallies; a new voters roll; and preventing political abuse by the military.<sup>134</sup>

While the opposition sees the South African-brokered talks as the best platform to push its agenda and remain relevant, the common negotiating position increasingly exists only on paper. There are deep differences in approach. If the mediation does not deliver minimum conditions that guarantee free and fair elections, the Tsvangirai faction would boycott those elections; the Mutambara faction, with prodding from Pretoria, might well contest them and join a new government. This partially explains why MDC reunification is unrealistic and why ZANU-PF intends to redistribute parliamentary seats in a way calculated to fuel divisions within the opposition.<sup>135</sup>

## C. UNCERTAIN PROSPECTS

The mediation got off to a reasonably good start. After initial shuttle diplomacy, it convened two rounds in Pretoria between the ZANU-PF and MDC lead negotiators, the parties' first face-to-face, substantive dialogue in four years.<sup>136</sup> On 17 June agreement was reached on an agenda dealing with all main MDC demands: constitutional reform, electoral laws (voter registration requirements), repressive laws, broadcasting laws, and the political climate (demilitarisation of state institutions, hostile rhetoric, abuse of military power). A final item reflects a key ZANU-PF demand: that a call be issued for the lifting of Western sanctions (which although biting only on regime stalwarts, it has used to excuse its own disastrous economic mismanagement) and for the UK to honour land reform funding pledges.<sup>137</sup>

<sup>128</sup> Crisis Group interview, Nathan Shamuyarira, ZANU-PF secretary for information and publicity, Harare, 11 June 2007.

<sup>129</sup> "SADC-Initiated Dialogue: Government of Zimbabwe/ZANU-PF Position Paper", 1 June 2007.

<sup>130</sup> Ibid.

<sup>131</sup> Crisis Group interview, ZANU-PF politburo member, Pretoria, 17 August 2007.

<sup>132</sup> "No need to talk to the opposition – ZANU-PF negotiator", Reuters, 17 August 2007.

<sup>133</sup> Crisis Group interview, ZANU-PF politburo member aligned to the Mujuru camp, Harare, 3 June 2007.

<sup>134</sup> "Conditions for free and fair elections in Zimbabwe: A pre-dialogue statement", presented to President Mbeki, 11 April 2007.

<sup>135</sup> Crisis Group interview, ZANU-PF official, Pretoria, 29 May 2007.

<sup>136</sup> ZANU-PF is represented by Mugabe loyalists Chinamasa and Goche; the secretary-generals of the two MDC factions, Tendai Biti and Welshman Ncube, represent the opposition. The South African mediation team is led by Local Government Minister Sydney Mufumadi, legal adviser Mojanku Gumbi and presidential adviser Frank Chikane – all close to President Mbeki.

<sup>137</sup> Crisis Group correspondence 2 August 2007. On the sanctions issue, see Section VI B below. On the UK's role in land reform funding, see Crisis Group Africa Report N°85, *Blood and Soil*:

There are significant hurdles, however. Time has already run out, in effect, to create the minimum conditions for fair elections in March 2008, though Mbeki has intimated that if progress is being made, the parties can (and should) negotiate a new date.<sup>138</sup> More difficult is the power imbalance between the parties, which makes it hard for the mediator to obtain concessions. The renewed bickering between the MDC factions has further strengthened ZANU-PF's position.

After the agenda was agreed, ZANU-PF refused to attend follow-up talks on 7 July that were to restart discussions on the constitution.<sup>139</sup> On the day the ZANU-PF delegation was due in Pretoria, Mugabe was quoted as saying the current constitution "serves the nation well", and there was no reason to change it.<sup>140</sup> The JOC has sought to derail the SADC initiative, initially refusing to consider a new constitution. It warned that the mediation sought regime change, and Mugabe and ZANU-PF would lose an election held under a constitution based on the nearly agreed 2004 draft.<sup>141</sup> Constitutional amendment, it said, was the responsibility of the elected government and parliament; Mugabe should thus implement Constitutional Amendment 18 unilaterally so as to neutralise the SADC initiative and as the best means to secure his power and enable ZANU-PF to navigate his departure at the time of his choosing.<sup>142</sup> A ZANU-PF politburo member told Crisis Group:

There is an unfortunate view entertained by the MDC factions and other insignificant civic groups that Britain and America, or even South Africa, should preside over the drafting of a new constitution for Zimbabwe. This is tantamount to surrendering the sovereignty of the legislative powers of our parliament to the wrong people - there is consensus on this position in the party.... We don't expect the ongoing talks between ZANU-PF and the MDC to spend their energies by inviting South Africa for the drafting of a new constitution when the doors of parliament are open to debate on the eighteenth amendment.<sup>143</sup>

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*Land, Politics and Conflict Prevention in Zimbabwe and South Africa*, 17 September 2004, pp. xi-xii, 26-29, 34-35, 51-55.

<sup>138</sup> Crisis Group interview, South African official at the department of foreign affairs, Pretoria, 8 August 2008.

<sup>139</sup> Crisis Group interview, ANC national executive member, Johannesburg, 17 July 2007.

<sup>140</sup> Patience Ruserere, "Harare a no-show at South African-mediated Zimbabwe crisis talks", *Voice of America*, 9 July 2007.

<sup>141</sup> See Crisis Group Africa Briefing N°38, *Zimbabwe's Continuing Self-Destruction*, 6 June 2006, pp. 3-5.

<sup>142</sup> Crisis Group interview, ZANU-PF politburo member, Pretoria, 11 July 2007.

<sup>143</sup> *Ibid.*

This was a direct challenge to Mbeki but the mediation resumed in advance of SADC's mid-August Lusaka summit. When delegations met twice within a week in Pretoria,<sup>144</sup> disagreements quickly arose over key areas relating to repressive legislation; diaspora voting rights, which ZANU-PF refused to countenance; and whether parliamentary elections would be based on proportional representation, as the MDC desires or the current first-past-the-post system. Nevertheless, Mbeki, with MDC support, side-stepped the most contentious issue, the opposition's demand for a new constitution, by arranging for the review of the constitution and related legal measures to be done during parliament's consideration of Amendment 18.<sup>145</sup> The idea is to put together a reform package that will include both changes to the constitution and new or revised laws and regulations dealing with political conditions as desired by the MDC ahead of the 2008 elections.<sup>146</sup>

Mbeki envisages a hybrid constitutional review, which will incorporate reform elements from past draft constitutions, including the 2004 draft that was a product of secret, South Africa-mediated inter-party talks; the government draft rejected in the 2000 referendum;<sup>147</sup> and a 2000 counter-draft from the National Constitutional Assembly, a grouping of civic organisations. Though this could save face for Mugabe by allowing him to describe constitutional changes as part of an internal process, it is highly questionable whether he and ZANU-PF will agree to incorporate progressive reforms in such a package.

The Lusaka summit maintained public solidarity with Mugabe, who received thunderous applause at the opening session.<sup>148</sup> Mbeki presented an optimistic report on the mediation;<sup>149</sup> the final communiqué commended Mbeki and called on the Zimbabwe parties to "expedite the process of negotiations and conclude the work as soon as

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<sup>144</sup> "ZANU-PF/ MDC talks resume in Pretoria", *The Pretoria News*, 5 August 2007.

<sup>145</sup> Crisis Group interview, South African government official privy to the mediation process, Pretoria, 11 August 2007.

<sup>146</sup> Crisis Group interview, Zimbabwe government official, Pretoria, 16 August 2007.

<sup>147</sup> There is general agreement, including among the opposition, that the government's 2000 draft, contains some progressive elements that can be incorporated in the current constitutional review. Crisis Group interview, Morgan Tsvangirai, 7 August 2007.

<sup>148</sup> Dickson Jere, "Mugabe gets hero's welcome at summit", *Mail & Guardian*, 16 August 2007.

<sup>149</sup> Mbeki apparently reported not directly to the summit as anticipated but to President Kikwete of Tanzania, the then chairman of the SADC Organ on Politics, Defence and Security Affairs, who shared it with participants. This was apparently an effort to lower tensions over Zimbabwe in plenary. Crisis Group interviews, SADC and Botswana officials, Gaborone, August 2007.

possible” so that March 2008 elections could be “held in an atmosphere of peace” and made no mention of the deteriorating economy or government repression; incoming SADC chair, Zambian President Mwanawasa, who had earlier likened Zimbabwe to a “sinking Titanic”, called its problems “exaggerated”.<sup>150</sup>

Meanwhile, SADC Executive Secretary Tomáz Augusto Salomão’s confidential report on the economy appears to have offered something to everyone. It accommodated ZANU-PF by blaming problems partly on the (very limited) Western sanctions and the reluctance of Western donors to provide development assistance in current conditions but also urged sweeping political and economic reforms anathema to Mugabe, including liberalisation of the exchange rate; elimination of price controls; privatisation of parastatals; civil service reform; budget deficit reduction; and a predictable policy environment.<sup>151</sup> SADC leaders continued to say in public they were not conditioning aid on political reform but behind the scenes some member states, including South Africa, appeared to do precisely that, indicating they would press the West on sanctions and put together a rescue package in exchange for progress on political reforms agreed during the mediation.<sup>152</sup>

ZANU-PF had hoped an immediate, unconditional bailout – a short-term credit line of \$2 billion has been mentioned – would allow it to import fuel and electricity and stabilise the economy ahead of elections. It described Salomão’s conditions “as worse than those prescribed by the IMF”, though some SADC observers claimed he pulled punches and indeed cleared his findings with Harare.<sup>153</sup> A defiant Mugabe vowed on return home to proceed “with his government’s own economic turnaround program”.<sup>154</sup>

Led by South Africa, SADC has at last managed to take a step toward using its economic leverage to press for reforms. Zambia, the incoming SADC chair, has begun to explore

possibilities of reinforcing Mbeki’s mediation by using respected African ex-presidents to encourage Mugabe to introduce reforms and retire.<sup>155</sup> But it is too early to have much confidence in a successful outcome. The efforts to pressure Mugabe are meeting resistance from his traditional allies, Angola (incoming chair of the SADC security organ) and Namibia,<sup>156</sup> while he continues to count on his skill in dividing the organisation and its members’ reluctance to break solidarity with one of their own.

In the most recent push to advance the mediation process, President Mbeki and his team convened a meeting in Pretoria between 14 and 16 September with the two MDC presidents and their respective secretary-generals, where progress of the talks was discussed.<sup>157</sup> The South African president is expected to meet with Mugabe and the ZANU-PF delegation in the coming days.

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<sup>150</sup> Communiqué, SADC summit, Lusaka, 17 August 2007, at [www.sadc.int/news/news\\_details.php?news\\_id=1038](http://www.sadc.int/news/news_details.php?news_id=1038) Ibid; Mariette le Roux, “SADC: Zim’s problems ‘exaggerated’”, *Mail & Guardian*, 18 August 2007.

<sup>151</sup> Crisis Group interviews, SADC and Botswana officials, Gaborone, Zimbabwe official, August 2007.

<sup>152</sup> Ibid; Crisis Group interview, senior Zimbabwe government official, Pretoria, 18 August 2007. Finance and planning ministers were instructed to draw up a plan and report to foreign ministers in the second half of September.

<sup>153</sup> Crisis Group interviews, August 2007. Only South Africa and Angola have the capacity within SADC to come up with anything like the immediate relief Zimbabwe wants. A more extensive recovery plan would require participation of major Western donors and international financial institutions.

<sup>154</sup> Crisis Group interview, senior Zimbabwe government official, finance ministry, Pretoria, 17 August 2007.

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<sup>155</sup> Crisis Group interview, Zambian diplomat, Pretoria, 17 August 2007.

<sup>156</sup> Crisis Group interview, SADC diplomat, Pretoria, 18 August 2007.

<sup>157</sup> Crisis Group interview, MDC official, Pretoria, 16 August 2007.

## VI. SECURING REFORMS

### A. SADC'S TWO TRACKS

While SADC and South Africa operate under considerable constraints, they cannot afford to continue the status quo or accept merely cosmetic changes. Approximately a quarter of Zimbabwe's population has already been driven out of the country by the economic crisis, burdening the neighbouring states. If SADC backs away from pressing for a genuine cure, even more devastating consequences can be anticipated. SADC needs to insist that the next elections are free and fair and refuse to endorse any that are not the product of an accord reached by the parties in the mediation process.

#### 1. The road to elections

The economic crisis is what gives leverage. SADC should put together a short-term rescue package and intervene on Zimbabwe's behalf with Western donors and international financial institutions to encourage longer-term recovery assistance only if Mugabe and ZANU-PF cooperate fully with Mbeki's mediation and implement irreversible political and economic reforms allowing for legitimate elections. SADC members and all other international actors should close ranks behind that mediation; the regional organisation must make clear that if the electoral process is flawed and does not respect the "SADC principles and guidelines governing democratic elections" adopted by the 2004 Mauritius summit and endorsed by all member states including Zimbabwe, it will withhold its approval, thereby depriving Mugabe's regime of crucial legitimacy in the region and giving his political foes, including in ZANU-PF, encouragement to press for change from within.<sup>158</sup>

Those SADC principles and guidelines suggest the constitutional reforms to be adopted within the Amendment 18 framework should include:

*Repeal of Repressive Laws.* The Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA) and other restrictive legislation such as the Private Voluntary Organisations Act (PVO) must be removed to create a level playing field for all parties.

*An independent Electoral Commission and a new electoral law that provides in particular for:*

- return to the 2000 constituency boundaries for parliamentary elections, with repeal of subsequent

gerrymandering<sup>159</sup> and rejection of ZANU-PF's proposal to create an additional 90 seats;

- merger into one body, with clear responsibilities, of the Zimbabwe Electoral Commission, the Election Supervisory Commission, the registrar-general's office and the Electoral Delimitation Commission;
- inter-party consultations and clear procedures for consensual appointment of electoral commission members with secure tenure as well as civilian returns and polling officers; repeal of Electoral Commission Act provisions for secondment of military, police and prisons service personnel for election tasks; and
- extensive voter education.

*Review of the voters roll by the new independent Electoral Commission.* A new registration process is needed to cleanse the roll of post-2000 ZANU-PF manipulation, to include removal of ghost voters and enfranchisement of citizens in the diaspora. The SADC principle of "equal opportunity to exercise the right to vote" implies a need for procedures that facilitate the ability of the quarter of the population abroad to cast ballots.

*Independent adjudication of electoral disputes.* Judges who are to adjudicate electoral disputes should be vetted in advance by an agreed procedure and have secure tenure.

*Unrestricted access to the media for all political players during the election period.* ZANU-PF's monopoly of state media is incompatible with the SADC guidelines and principles.

If all this cannot be agreed and implemented by March 2008, the credibility of the elections and of SADC as a regional organisation able to provide "African solutions for African problems" requires brief postponement of the election date.

The reform process' ultimate objective is not regime change as such but a guarantee that all adult Zimbabweans can freely and fairly choose their rulers and that a politically legitimised government can re-engage with donors to bring a rapid end to an economic crisis that has severely damaged Southern Africa's stature as a reliable partner for investors. Indeed, the MDC is so badly divided that its chances for victory in free and fair 2008 elections are small, which means that the political risk demanded of ZANU-PF (and of SADC members who distrust the opposition) is correspondingly reduced. At least today, the main political battle in Zimbabwe is not between ZANU-PF and the

<sup>158</sup> See Appendix B below for the SADC electoral principles and guidelines.

<sup>159</sup> See Crisis Group Africa Report N°93, *Post-Election Zimbabwe: What Next?*, 7 June 2005, p. 5.

MDC but within the ruling party, around the Mugabe succession. Here, too, SADC needs to be proactive.

## 2. Guarantees for the establishment

Mugabe is not alone in fearing to lose power. Much of the security establishment has benefited from his rule and sees democratic reforms as the end of privileged status. The SADC initiative must address a collective determination to preserve the status quo. Reform cannot be implemented without an end to the “third Chimurenga” and disbanding the JOC.

In support of a soft landing for Mugabe and others in this establishment, Mbeki should encourage Zambia to include ex-military as well as former presidents in its envisaged group of retired, senior African figures meant to persuade Mugabe to retire.<sup>160</sup> The additional purpose would be the equally crucial task of persuading the ZANU-PF security establishment to accept political reforms. The incentives that may be needed to achieve these outcomes are likely to be controversial, though not necessarily among Zimbabweans, who want above all an end to their nightmare. They could include:

- immunity from prosecution for Mugabe and other senior ZANU-PF officials;<sup>161</sup> and
- guarantees, at least to a specified level, that the accumulated wealth, including land, of Mugabe, his family, and other members of the establishment, will be secure.

In exchange, Mugabe would have to retire at the end of his term (March 2008), and the security establishment would have to accept political reforms and free and fair elections. Desirably, all should be required, as a condition to benefit from the incentives, to cooperate with transitional justice mechanisms – at least a truth and reconciliation commission and a vetting procedure to remove human rights abusers from the police, intelligence services and army – so that impunity is not entrenched and does not undermine necessary institutional reforms. Eventually Zimbabwe will need to carry out a major security sector reform program to overcome its legacy of political violence and state-sponsored oppression.

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<sup>160</sup> Former presidents who might be part of such a group include Kenneth Kaunda, Sam Nujoma, Jerry Rawlings and Joaquim Chissano.

<sup>161</sup> There are many ways in which protections might be structured, including by specific individuals or offices, or more generally. It is important to frame measures that offer as little precedent as possible for future cases in which Zimbabwe or another country may be burdened by law-breaking rulers but the precise formulations are best left to the Zimbabwe parties to negotiate.

If Mugabe and his allies do not negotiate with the opposition in good faith, reject these terms and seek instead to adopt their unilateral version of Constitutional Amendment 18, which would amount to rejection of Mbeki’s mediation and an effort to rig elections from the start, SADC must at the very least refuse both to endorse the elections and to extend economic assistance.

## B. WIDER INTERNATIONAL ENGAGEMENT

The European Union (EU), U.S. and Australia have for five years imposed limited sanctions – travel bans and asset freezes – on senior officials and associated businessmen, regularly renewing and occasionally expanding them.<sup>162</sup> Designed to make life less pleasant and profitable for those most responsible for the crisis, without adding to ordinary citizens’ suffering, they apply to some 200 principal regime figures.<sup>163</sup>

Though their impact has been limited,<sup>164</sup> the measures have given Mugabe political capital, allowing him to present himself as the victim of Western persecution and to accuse critical African governments of being instruments of neo-colonial interests. Western credibility is reduced because African countries with poor human rights records but which have natural resources or cooperate actively in the “war on terror”, such as Angola, Ethiopia, Nigeria and Guinea, are not similarly condemned or put under sanctions.

The sanctions have also been applied inconsistently. The stated willingness of the Portuguese and support of others to invite Mugabe to attend the EU-Africa summit in Portugal in December, necessary to avoid an African solidarity boycott, illustrates the problem.<sup>165</sup> In addition, ZANU-PF politicians continue to do business in Africa, the Middle East and Asia.<sup>166</sup> A businessman on the

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<sup>162</sup> “Sanctions to stay,” *The Washington Post*, 27 February 2007; “Australia to withdraw visas for children of ZANU-PF members”, BBC News, 10 July 2007.

<sup>163</sup> Currently there are 131 individuals on the EU travel ban/assets freeze list, 128 individuals and 33 entities on the equivalent U.S. list and 183 individuals on Australia’s. While there is considerable overlap, there is also some variation.

<sup>164</sup> Crisis Group reported at the beginning of March 2007 that the sanctions were motivating some regime officials to want to see Mugabe go, and recommended that the lists of targets be expanded. See Crisis Group Report, *Zimbabwe: An End to the Stalemate?*, op. cit., p. 15. That impact appears to have dissipated quickly following the March crackdown and Mugabe’s attempts to consolidate power. Even if they bite a targeted few, these sanctions are not enough to tip the power struggle in ZANU-PF.

<sup>165</sup> “Mugabe to be invited to the EU summit”, BBC, 16 July 2007; “EU should invite Mugabe to summit – Commonwealth”, Reuters, 12 September 2007.

<sup>166</sup> Crisis Group interview, finance ministry official, Harare, 1 June 2007.

sanctions lists said, "I don't need to travel to Britain to do my business...I can go to Dubai, Singapore, Malaysia, Kuwait, China, Japan and South Africa."<sup>167</sup> A CEO of a multinational in Zimbabwe explained that, "some senior ZANU-PF politicians have busted the sanctions by becoming sleeping partners with companies owned by European businessman".<sup>168</sup> Officials have visited Western capitals under waivers for conferences.

In August 2007, Australia expanded its sanctions, announcing it would withdraw school visas for children of senior ZANU-PF leaders.<sup>169</sup> The U.S. says it will do the same, while the EU appears divided. But the children will in any case easily find places in South African and Asian institutions. In essence the sanctions have proven to be little more than symbolic measures. To have a possible policy impact in Zimbabwe now, they would also have to target foreign individuals and businesses which cooperate with the ZANU-PF establishment, including all Western, African and Asian banks and businesses currently operating in and with the country. While the UK appears to be an EU hardliner on sanctions, British banks and insurance companies and their South African partners have continued to do business as usual.<sup>170</sup>

In recent years Western countries have not provided development aid, which they regard as inappropriate and impractical until political and economic conditions improve, but have continued to give considerable amounts of humanitarian assistance. In 2006 this amounted to over \$370 million, including some €190 from the EU collectively,<sup>171</sup> though, as noted above, a significant percentage of such assistance is diverted by the government for its own purposes as a result of the requirement that the hard currency be used to purchase Zimbabwe dollars from the Reserve Bank at unrealistic exchange rates.<sup>172</sup>

Nevertheless, the West, especially the EU and the U.S., can play a key role in support of the SADC initiative. The first step should be to desist from statements and comments, public and private, that undermine the SADC initiative

by allowing Mugabe to portray himself as the victim of outside attacks. For example, if the mediation has succeeded by November, Zimbabwe should be welcomed to the EU-Africa summit to begin rehabilitation as a valued partner. If not, the invitation (if one has been issued) should be withdrawn. Until then, EU governments should keep quiet. Similarly, the U.S. should desist from statements which create the impression South Africa acts for it or that Washington has already discounted the initiative.

Donor countries, however, should clarify publicly what they are prepared to do to assist Zimbabwe's recovery, and under what terms and in which sequence of events. This would help Mbeki and SADC make the case that an end to the crisis is achievable if appropriate reforms are implemented. To counter ZANU-PF propaganda on the land issue, donors should state clearly that resumption of aid is not conditioned on a reversal of Mugabe's land policies.

A Commonwealth commitment to engage on land reform in the context of reforms and economic recovery could also help. The Commonwealth Secretariat might consider creating a committee or eminent persons group to explore land reform options that are acceptable to stakeholders and would allow donors to reengage on the issue. African members could include South Africa, Tanzania and Botswana from SADC, Kenya, which had a viable, post-colonial land settlement, and perhaps Ghana. Recommendations from a predominately African body and including individuals with senior policy experience and technical expertise might carry weight with Zimbabwe, allow the UK to be quietly engaged and even help overcome some constraints that prevent other SADC states from addressing land reform.

But Harare should also be told explicitly that lack of cooperation with SADC will have consequences. A flawed, stage-managed electoral process should lead to a collective decision to put the Zimbabwe situation on the agenda of the UN Security Council, as a first step toward finding a UN-backed solution to the crisis. Western countries should be prepared to go beyond the narrowly targeted measures applied hitherto. They should consider barring their own citizens, banks and business entities from engaging in commercial and financial dealings with the Zimbabwe government and with entities controlled by that government, ZANU-PF or designated individuals closely linked to the government or ZANU-PF, with the exception of humanitarian activity for which specific licenses have been issued.

Donors should also seek to eliminate or at least reduce the diversion of their humanitarian aid that results from the requirement under Zimbabwe law to convert hard currency

<sup>167</sup> Crisis Group interview, Zimbabwe businessman, Harare, 29 May 2007.

<sup>168</sup> Crisis Group interview, CEO of a multinational company operating in Zimbabwe, Pretoria, 10 July 2007.

<sup>169</sup> "Australia takes new steps against senior Zimbabwe regime figures", Media Release, Australian Ministry for Foreign Affairs, 17 August 2007 available at [www.foreignminister.gov.au/releases/2007/fa106\\_07.html](http://www.foreignminister.gov.au/releases/2007/fa106_07.html).

<sup>170</sup> "Zimbabwe: Bailing out President Mugabe", *Africa Confidential*, vol. 48, no. 2, 19 January 2007.

<sup>171</sup> "Zimbabwe 2006", Financial Tracking Service, UN Office for the Coordination of Humanitarian Affairs (OCHA); information obtained by Crisis Group from EU member state aid official, 10 September 2007.

<sup>172</sup> See above, Section III.A.(3).



into sharply devalued local currency at unrealistic rates through the Reserve Bank. They should seek to negotiate at least as improved a rate as DFID has gained for its humanitarian aid. If the government resists this, they should explore the readiness of national and international humanitarian organisations to cooperate in acquiring humanitarian funding directly without complying with the exploitive Zimbabwe law. This may prove impractical as those organisations may well not wish to endanger their continued ability to work in the country. In that case, donors should reluctantly consider the grave step of reducing humanitarian aid programs by the percentage which is being expropriated by the regime through its manipulation of the difference between the official exchange rate and the free market rate.

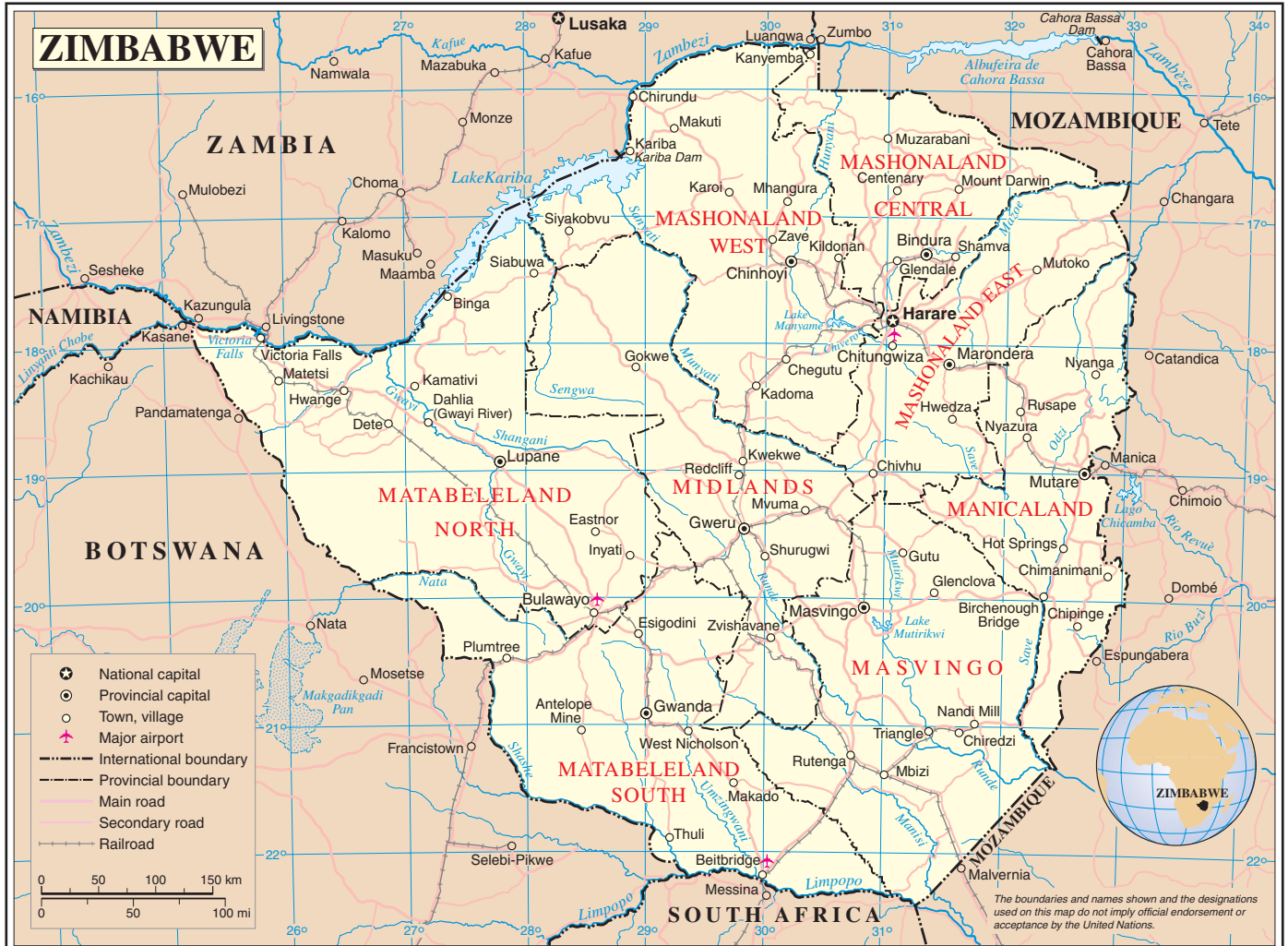
## **VII. CONCLUSION**

There are absolutely no easy solutions to Zimbabwe's crisis. But if they act decisively, SADC's leaders can prove that "African solutions to African problems" is indeed a viable concept, not merely rhetoric with which to forestall unwanted Western interference. The next few months present a moment of truth. The constitutional review process will determine whether Zimbabwe finds a way forward. ZANU-PF's December congress will decide whether to accept Mugabe's candidacy for another presidential term. SADC and its member states have the capacity to reverse a downward spiral which increasingly threatens the region's stability but they must be prepared to support the initiative they have begun and Mbeki's mandate. This means using economic leverage, conditioning a recovery package on performance and making clear that if there is no cooperation, they will not hesitate to call the initiative a failure and reject elections that are not a product of their mediation and do not comply with SADC's own democratic standards.

**Pretoria/Brussels, 18 September 2007**

## APPENDIX A

### MAP OF ZIMBABWE



## APPENDIX B

### SADC PRINCIPLES AND GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

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The 2004 SADC summit in Mauritius adopted the following document:

#### 1. INTRODUCTION

SADC region has made significant strides in the consolidation of the citizens' participation in the decision-making processes and consolidation of democratic practice and institutions. The Constitutions of all SADC Member States enshrine the principles of equal opportunities and full participation of the citizens in the political process.

The Southern African countries, building upon their common historical and cultural identity forged over centuries, agreed to encapsulate their commonality into a single vision, that of a SHARED FUTURE. In this context, in 1992 the Southern African countries meeting in Windhoek, the Republic of Namibia, signed a Treaty establishing the Southern African Development Community (SADC).

Article 4 of the Treaty stipulates that "human rights, democracy and the rule of law" are principles guiding the acts of its members. Article 5 of the Treaty outlines the objectives of SADC, which commits the Member States to "promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective. It also commits Member States to "consolidate, defend and maintain democracy, peace, security and stability" in the region.

The Protocol on Politics, Defence and Security Cooperation provides that SADC shall "promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity [African Union] and the United Nations."

In addition, the Strategic Indicative Plan for the Organ (SIPO), as the implementation framework of the Protocol, emphasizes the need for democratic consolidation in the region. The development of the principles governing democratic elections aims at enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties.

The Guidelines are not only informed by the SADC legal and policy instruments but also by the major principles and guidelines emanating from the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions – EX/CL/35 (III) Annex II.

#### 2. PRINCIPLES FOR CONDUCTING DEMOCRATIC ELECTIONS

- 2.1 In the event a Member State decides to extend an invitation to SADC to observe its elections, this shall be based on the provisions of the Protocol on Politics, Defence and Security Cooperation.
- 2.2 SADC Member States shall adhere to the following principles in the conduct of democratic elections:
  - 2.1.1 Full participation of the citizens in the political process;
  - 2.1.2 Freedom of association;
  - 2.1.3 Political tolerance;
  - 2.1.4 Regular intervals for elections as provided for by the respective National Constitutions;
  - 2.1.5 Equal opportunity for all political parties to access the state media;
  - 2.1.6 Equal opportunity to exercise the right to vote and be voted for;
  - 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions; and

- 2.1.8 Voter education.
- 2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land.
- 2.1.10 Challenge of the election results as provided for in the law of the land.

### **3. MANDATE AND CONSTITUTION OF THE SADC OBSERVERS MISSION**

- 3.1 In the event a Member State deems it necessary to invite SADC to observe its elections, the SADC Electoral Observation Missions (SEOM) have an Observation role. The mandate of the Mission shall be based on the Treaty and the Protocol on Politics, Defence and Security Cooperation.
- 3.2 The Chairperson of the Organ shall officially constitute the Mission upon receipt of an official invitation from the Electoral Authority of a Member State holding the elections.
- 3.3 The Chairperson of the Organ shall mandate the Executive Secretary to issue a Letter of Credential to each Member of the SEOM prior to their deployment into the Member State holding elections.
- 3.4 The constitution of the Mission should comply with the SADC policies relating to gender balance. While recognising that the Members of the Mission may come from different political parties in the home countries, they should behave as a team.

### **4. GUIDELINES FOR THE OBSERVATION OF ELECTIONS**

- 4.1 SADC Member States shall be guided by the following guidelines to determine the nature and scope of election observation:
  - 4.1.1 Constitutional and legal guarantees of freedom and rights of the citizens;
  - 4.1.2 Conducive environment for free, fair and peaceful elections;
  - 4.1.3 Non-discrimination in the voters' registration;
  - 4.1.4 Existence of updated and accessible voters roll;
  - 4.1.5 Timely announcement of the election date;
  - 4.1.6 Where applicable, funding of political parties must be transparent and based on agreed threshold in accordance with the laws of the land;
  - 4.1.7 Polling Stations should be in neutral places;
  - 4.1.8 Counting of the votes at polling stations;
  - 4.1.9 Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and
  - 4.1.10 SADC Election Observation Missions should be deployed at least two weeks before the voting day.

### **5. CODE OF CONDUCT FOR ELECTION OBSERVERS**

- 5.1 The code of conduct for the elections observers of SADC are consistent with those of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa - AHG/DECL. 1 (XXXVIII). In this regard, the SADC Election Observation Missions shall adhere to the following code of conduct:
  - 5.1.1 Must comply with all national laws and regulations;
  - 5.1.2 Shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in contention in the Election process. Furthermore they will not display or wear any partisan symbols, colours or banners;
  - 5.1.3 Shall neither accept nor attempt to procure any gifts, favours or inducements from a candidate, their agent, the parties or any other organisation or person involved in the electoral process;

- 5.1.4 Shall immediately disclose to the relevant SADC structures any relationship that could lead to a conflict of interest with their duties or with the process of the observation and assessment of the elections;
- 5.1.5 Will base all reports and conclusions on well documented, factual, and verifiable evidence from multiple number of credible sources as well as their own eye witness accounts;
- 5.1.6 Shall seek a response from the person or organisation concerned before treating any unsubstantiated allegation as valid;
- 5.1.7 Shall identify in their reports the exact information and the sources of the information they have gathered and used as a basis for their assessment of the electoral process or environment;
- 5.1.8 Shall report all information gathered or witnessed by them honestly and accurately;
- 5.1.9 Shall, when meeting election officials, relevant state authorities and public officials, parties, candidates and their agents shall inform them of the aims and objectives of the SEOM;
- 5.1.10 May wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials;
- 5.1.11 Will carry any prescribed identification issued at all times, and will identify themselves to any interested authority upon request;
- 5.1.12 Will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count;
- 5.1.13 Will refrain from making personal or premature comments or judgements about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;
- 5.1.14 Must participate in the briefings/training provided by the SEOM;
- 5.1.15 Must provide their reports on time to their supervisors and attend any debriefings as required; and
- 5.1.16 Should work harmoniously with each other and with observers from other organisations in their area of deployment.

## **6. RIGHTS AND RESPONSIBILITIES OF SADC ELECTION OBSERVERS**

- 6.1 The rights and responsibilities of the SOEM are based on the SADC experience and the AU Guidelines for Electoral Observation and Monitoring Missions. Accordingly the following shall be the rights and responsibilities of the SADC Elections Observers:
  - 6.1.1 Freedom of movement within the host country;
  - 6.1.2 Accreditation as election observers on a non-discriminatory basis;
  - 6.1.3 Unhindered access to and communicate freely with the media;
  - 6.1.4 Free access to all legislation and regulations governing the electoral process and environment;
  - 6.1.5 Free access to electoral registers or voters' roll;
  - 6.1.6 Unimpeded and unrestricted access to all polling stations and counting centres;
  - 6.1.7 Communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organisations;
  - 6.1.8 Communicate freely with voters without prejudice to the electoral law proscribing such communication in order to protect the secrecy of the vote;
  - 6.1.9 Communicate with and have unimpeded and unrestricted access to the National Election Commission or appropriate electoral authority and all other election administrators;
  - 6.1.10 The SEOM shall be headed by an appropriate official from the Office of the Chairperson of the Organ who shall also be the spokesperson of the Mission;

- 6.1.11 Send regular reports on the electoral observation process to the Representative of the Organ on issues that may require urgent consideration;
- 6.1.12 Issue a statement on the conduct and outcome of the elections immediately after the announcement of the result; and
- 6.1.13 Prepare a Final Report within 30 (thirty) days after the announcement of the results.

## **7. RESPONSIBILITIES OF THE MEMBER STATE HOLDING ELECTIONS**

- 7.1 Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country;
- 7.2 Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed;
- 7.3 Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- 7.4 Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes as provided for under 2.1.5 above;
- 7.5 Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;
- 7.6 Ensure the availability of adequate logistics and resources for carrying out democratic elections;
- 7.7 Ensure that adequate security is provided to all parties participating in elections;
- 7.8 Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/other observers/monitors;
- 7.9 Encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws;
- 7.10 Issuing invitation by the relevant Electoral Institutions of the country in election to SADC 90 (ninety) days before the voting day in order to allow an adequate preparation for the deployment of the Electoral Observation Mission;
- 7.11 Ensure freedom of movement of the members of the SEOM within the host country;
- 7.12 Accreditation of the members of the SEOM as election observers on a non-discriminatory basis;
- 7.13 Allow the members of the SEOM to communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organizations;
- 7.14 Allow the members of the SEOM to communicate freely with voters except when the electoral law reasonably prescribes such communication in order to protect the secrecy of the vote;
- 7.15 Allow the members of the SEOM an unhindered access to and communicate freely with the media;
- 7.16 Allow the members of the SEOM to communicate with and have unimpeded access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 7.17 Allow the members of the SEOM free access to all legislation and regulations governing the electoral process and environment;
- 7.18 Allow the members of the SEOM free access to all electoral registers or voters' list;
- 7.19 Ensure that the members of the SEOM have an unimpeded and unrestricted access to all polling stations and counting centres.