

**ZIMBABWE AT THE CROSSROADS:
TRANSITION OR CONFLICT?**

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ZIMBABWE AT THE CROSSROADS:

TRANSITION OR CONFLICT?

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Despite broad international condemnation and a tremendous thirst among the people of Zimbabwe for change, the Zimbabwe African National Union - Patriotic Front (ZANU-PF) government succeeded in systematically manipulating the March 2002 election process to ensure another six-year term for President Robert Mugabe. The strategic use of state violence and extra-legal electoral tinkering authorised by President Mugabe effectively thwarted the will of the people from being heard.

However, opinions are divided about the legitimacy of the electoral process and result. Much of this diversity is driven by strikingly different political and strategic considerations within Zimbabwe, the southern Africa region and the broader international community. Zimbabwean civil society organisations were unanimous that the process was neither free nor fair. Regional opinions were mixed, but driven by a fear of instability that could have unfolded if ZANU-PF had lost, as well as by concern about the rising potency of labour-based political movements. Although the Southern African Development Community (SADC) Parliamentary Forum declared the results to be neither free nor fair, the SADC Council of Ministers, the Organisation of African Unity and individual African government delegations declared the election to be free and fair or, in the case of South Africa, “legitimate”. Beyond Africa, the condemnation was nearly universal. The Commonwealth and most country observer missions said the election was not free or fair. The 54-country member Commonwealth

subsequently suspended Zimbabwe for one year as a result.

The reaction to the election results within Zimbabwe remains uncertain. There is potential for increased violence and instability. Trade unions and civic groups are planning mass action, principally in the form of general strikes. The government has deployed the army, police, war veterans and party youth militia to bludgeon any resistance or civil disobedience. After statements by President Mugabe indicating that the tempo of land seizures would be increased, government security forces have resumed land invasions. Another white farmer was killed on 19 March. A wave of government sponsored post-election reprisals against supporters of the opposition party, Movement for Democratic Change (MDC), continues, and President Mugabe has signed into law a draconian media bill. All these factors ensure that Zimbabwe’s economic crisis will intensify in the short term, as will the country’s difficulties with food security.

The implications of the election, however, reverberate far beyond Zimbabwe. Good governance and African peer pressure, two of the key planks of the New Partnership for Africa’s Development (NEPAD) upon which much of the continent’s hopes for a better future rest, will be undermined if Africa’s response to Zimbabwe’s stolen election is half-hearted. A tepid regional response would also send a dangerous signal of accommodation to anti-democratic forces across the continent.

If Zimbabwe's long slide toward chaos and increasing violence is to be reversed, a concerted regional and wider international effort will be needed. At this point, the best way forward is to create a clear division of labour between regional diplomatic efforts aimed at brokering a transitional power-sharing arrangement and an intensification of pressure by other members of the international community aimed at isolating the regime, highlighting its illegitimacy and demanding fresh elections.

The hard-line position of the wider international community should reinforce the leverage of the region's diplomacy. If the latter fails, the international community, hopefully joined by the region at that point, can then further escalate pressures on the regime. At the end of the day, President Mugabe's electoral manipulations may have been so brazen and his defiance of diplomatic efforts so thorough that he will force the hand of the region and the broader international community to act decisively against an escalation of violence and entrenchment of illegitimacy.

RECOMMENDATIONS

To the Zimbabwean Government, MDC AND Zimbabwean Civil Society

1. Work toward a transitional mechanism that will allow, as a means for averting a full-scale crisis in Zimbabwe:
 - (a) meaningful power sharing;
 - (b) substantial constitutional reform;
 - (c) agreement around an economic and land policy; and,
 - (d) a defined period preceding new elections.

To the European Union, United States and Other Concerned Governments

2. Do not recognise the legitimacy of the regime in Harare but rather call for new elections.
3. Work to suspend the regime's membership in relevant multilateral forums, in line with action taken by the Commonwealth.

4. Broaden and deepen dramatically the "smart sanctions" regime targeted against senior ZANU-PF officials, expanding the list to include the executives and directors of companies that have helped bankroll ZANU-PF and are chief beneficiaries of the asset stripping undertaken in the Congo and Zimbabwe and ensuring that the sanctions are aimed at restricting travel, freezing assets and sending back to Zimbabwe family members of those listed.
5. Expose the degree to which assets are held by ZANU-PF officials in countries that do not participate in an asset freeze.
6. Make clear that when a way forward is found that is acceptable to all stakeholders, with the rule of law restored and the militias and war veterans brought under control and disarmed, international assistance will be forthcoming to support Zimbabwe's political and economic development.
7. Substantially increase support to Zimbabwean civic organisations working to establish democracy, support human rights and prevent conflict in their country.

To South Africa, Nigeria and SADC Countries Involved in Regional Diplomatic Efforts

8. Establish bottom line principles that should mark any negotiated solution between the ZANU-PF and the MDC for a transitional government, including:
 - (a) agreement around constitutional reform that would restrict presidential powers;
 - (b) meaningful power sharing between ZANU-PF and MDC, augmented by direct input from Zimbabwean civil society;
 - (c) a shortened time frame for the next presidential election;
 - (d) disbanding of the youth militias and war veterans, with agreement around clear steps to restore the rule of law;
 - (e) agreement around a basic agenda for economic, police, judicial and land reform; and,

- (f) a political exit strategy for President Mugabe.
9. Undertake contingency planning for reaction to an escalation of violence inside Zimbabwe, and coordinate closely with the broader international community on possible responses to such an eventuality.

Harare/Brussels, 22 March 2002



ZIMBABWE AT THE CROSSROADS: TRANSITION OR CONFLICT?

I. INTRODUCTION

A series of on-the-ground assessments and missions to Zimbabwe by the International Crisis Group (ICG) during the year preceding the March 2002 presidential election, as well as during the poll itself, revealed two concurrent realities. First, there is an overwhelming appetite for change in Zimbabwe, for restoration of the rule of law and the end to corruption, non-transparency and polarising politics. Secondly, the Zimbabwe African National Union - Patriotic Front (ZANU-PF) government continues to make a concerted effort to subvert the potential for change by destroying the rule of law, institutionalising state violence, eroding basic freedoms of speech and assembly, using food as a political weapon, undermining civil society institutions and manipulating the electoral process.

During the recent election the aspirations of many Zimbabweans to live in a modern, democratic state clashed directly with the ZANU-PF government's increasing desperation to maintain a monopoly on power. As massive lines of people waited patiently, sometimes for days, to vote in areas considered opposition strongholds, the government resorted to systematic violence, intimidation and ballot rigging. As a result, the election was effectively stolen and the will of the people subverted. Now the international community and the people of Zimbabwe face the hard question of how best to respond.

The script for Zimbabwe's election drama was unfortunately written well before the first vote was

cast, as previous ICG reporting warned.¹ President Robert Mugabe's plan since his party's stinging near-defeat in the June 2000 Parliamentary elections was to systematically ensure a result to his liking. This was achieved through a variety of interlocking means, including brutalising opposition Movement for Democratic Change (MDC) supporters into staying home, scaring potential opposition supporters into voting for ZANU-PF, stealing hundreds of thousands of votes by manipulating voter rolls and eligibility rules, and disenfranchising hundreds of thousands of potential opposition supporters through myriad other legal and legislative moves.

Equally important was his effort to reduce the ability of Zimbabweans to cry foul by not accrediting most of the 12,000 domestic observers who were trained and ready to be deployed to provide a watchful eye over the electoral machinery, and by fiercely resisting extensive international election monitoring. As a result, the government was able to pull off as peaceful an election as possible, with as much of the rigging as possible done outside the purview of a woefully small assortment of international observers. Then, most importantly, Mugabe has sought to use the acceptance of the electoral result by his neighbours in the Southern African Development Community (SADC) as a bridge back to eventual full acceptance by the international community.

¹ See ICG Africa Report No. 40, *All Bark and No Bite? The International Response to Zimbabwe's Crisis*, 25 January 2002; ICG Africa Briefing, *Zimbabwe's Election: The Stakes for Southern Africa*, 11 January 2002; ICG Africa Briefing, *Zimbabwe: Time for International Action*, 12 October 2001.

While Mugabe's electoral strategy has been all too transparent, how the international community will respond has been far less so. If the current outcome is allowed to stand, the message across Africa would seem to be that managed violence works, vote rigging is acceptable, and Africa is in the main not prepared to defend modern democratic standards. Indeed, for some the only question left is whether the last piece of the plan - SADC's effort to secure international acceptance of the result - will work. If so, the international community would be endorsing a result it knew to be patently manipulated. However, all signs point to an impending clash between regional perspectives driven by short-term political interests and broader international demands for accountability.

The implications of the Zimbabwe election go well beyond the country's borders and call into question whether Africa's own emphasis on good governance and peer pressure can serve as an effective substitute for Western conditionality. The regional response to the crisis will thus go far in determining the credibility of the New Partnership for African Development (NEPAD), Africa's own blueprint for its relationship with the international community. This was presumably a strong motivation for the decision of President Mbeki of South Africa and President Obasanjo of Nigeria to support Zimbabwe's one-year suspension from the Commonwealth on 19 March.

If President Mugabe and his party are allowed to continue their actions with relative impunity, while characterising even the worst of their own actions as a response to international conspiracies, the message will not be lost on anti-democratic leaders across the continent eager to maintain their power by whatever means necessary, particularly state-sponsored violence.

Given these high stakes, it is obvious that the regional and international response to the post-election crisis will be crucial in helping to define the future of democracy in Zimbabwe as well as the relationship between Africa and the broader international community.

II. A STOLEN ELECTION

ICG's on-the-ground assessments and field visits during the pre-election period and the election itself found the government's efforts at theft to be strategic, targeted, systematic and comprehensive. This conclusion is based upon the following elements.

A. STATE-SPONSORED VIOLENCE AND INTIMIDATION

The widespread use of violence, intimidation and coercion formed the backbone of the government's strategy to cow the electorate either into supporting ZANU-PF, not supporting the MDC or staying away from polling places. Opposition supporters were beaten, tortured and sometimes even killed, particularly in rural areas, by ZANU-PF youth militia and war veterans unleashed to terrorise the electorate into supporting the ruling party. These actions were taken with the complicity of the police and with total impunity. The police force itself was openly partial, dismissing crimes as political matters and providing support to ZANU-PF's paramilitary forces.

In many instances, Chiefs and headmen were beaten or told that they would be killed if their constituencies did not vote for President Mugabe.² Any form of community leadership was targeted, whether known MDC supporter or not. One embassy reported meeting with Catholic priests who were beaten badly by ZANU-PF militias afterwards. Teachers were particular targets. ICG learned of a woman who had been tortured so badly that she required skin grafts.³

ZANU-PF militias severely beat over a dozen MDC polling agents the night before the election,⁴ sending a message to polling agents throughout the country that a similar fate could await them – particularly those in desolate rural outposts encircled by ZANU-PF militias. The message was heard, and nearly 50 per cent of rural polling stations did not have MDC polling agents present. Given the sporadic coverage by international

² ICG interviews, July 2001 to March 2002.

³ ICG interviews, March 2002.

⁴ ICG interviewed some of the victims on 9 March 2002 in Shamva, Mashonaland Central.

observers, therefore, the last line of defence against unwitnessed ballot stuffing disappeared. ICG visited many rural polling stations during the voting and found ZANU-PF youth militias⁵ and war veterans manning the access roads and paths, intimidating and instructing voters about the consequences of a vote for the MDC.

The strategy of state violence appeared to work in the end. Turnout figures were low in MDC strongholds, indicating that despite the enthusiasm for change, many people simply feared to venture to the polls.⁶

B. RIGGING

Both the handling of voter rolls and voting itself were manipulated by the government. For example, on the first day of elections, the government suddenly announced a huge demographic shift on the voter roll, nearly doubling the number of rural registered voters⁷ - the preponderance of whom were in areas considered to be ZANU-PF strongholds. The voter roll was not made public, countless MDC supporters were inexplicably removed from it and a supplementary roll was created in mysterious circumstances and with no oversight. The Registrar-General secretly kept the roll open for a major ZANU-PF voter registration effort after the roll was officially closed on 27 January 2002, resulting in tens of thousands of additional voters for ZANU-PF.

The government severely restricted the number of independent foreign and domestic election observers, with less than 1,000 attempting to oversee 4,500 polling stations. It declined the offer made through the UN Development

Programme (UNDP) of clear plastic ballot boxes, which would have reduced the possibility of ballot stuffing. There are credible allegations that the number of ballot papers printed was far in excess of registered voters.⁸ The government also employed mobile polling stations in a number of rural areas that it considered to be its strongholds. On the days of the election these were often untraceable by the observer teams and MDC polling agents, and so wide open for major fraud. Postal voting was also conducted in a non-democratic manner. Police and military personnel were instructed to fill out their ballots in front of their commanding officer, with their names on the envelope into which they placed their ballot.⁹

The controversy over the voting procedures will continue to roil Zimbabwe, as the figures announced by the Registrar-General are not consistent with the official data provided by the Electoral Supervisory Commission. This has strengthened the resolve of the opposition and civil society to contest the results.¹⁰ The rigging was so extensive and so overdone in some areas that it led to a larger than desired victory for ZANU-PF. Had a landslide not been claimed, it would have been more difficult for the MDC, observer missions and the international community to dispute the outcome.

C. DISENFRANCHISEMENT

The Mugabe government clearly disenfranchised large numbers of voters. Tens of thousands of black Zimbabwean farm workers and their families have been displaced from their homes since the farm invasions began two years ago. The government established residency requirements for voting, a move that guaranteed over 100,000 votes were eliminated, most of which were presumed to favour the MDC. Whites and farm workers of foreign ancestry (mostly Zambian, Malawian and Mozambican) were also disenfranchised by legislation that stripped Zimbabwean citizenship from anyone who did not renounce their foreign citizenship. Elaborate lists were created and distributed to polling stations to ensure that none of these people voted. In urban areas, many people found that their constituency was changed without

⁵ Youth militia camps were established in close proximity to dozens of polling stations throughout Zimbabwe, a move designed to intimidate voters into supporting ZANU-PF.

⁶ ICG interviews with embassy observers, March 2002.

⁷ The *Zimbabwe Herald* on 9 March 2002 claimed that there were 5.6 million registered voters countrywide, which included 3.4 million rural voters and 2.2 million urban voters, exactly the opposite of the numbers that had been released only days before. Furthermore, Ministry of Health statistics reflect a population that is roughly 60 per cent urban, which also contradicts the final government registration numbers. ICG interviews in Harare and Johannesburg, March 2002.

⁸ ICG interviews with diplomats in Harare, March 2002.

⁹ ICG interviews with observers, March 2002.

¹⁰ *Zimbabwe Daily News*, 18 March 2002.

notice, requiring them to travel long distances to vote. Most importantly in urban areas, though, was the reduction by half of the number of urban polling stations, which resulted in massive lines that led to countless people leaving before voting, and thousands still in line but unable to vote before the polls were closed at 7 p.m. on 11 March.

D. USE OF FOOD AS A POLITICAL WEAPON

With Zimbabwe's agricultural production suffering as a result of farm invasions and general economic mismanagement, access to food was often politicised during the campaign and the election itself. At a time of severe deprivation, the government released supplies of *mealie meal*, the staple food for the majority of Zimbabweans, on the day of the election in certain MDC strongholds. Its intention was that the guaranteed long lines for food would reduce the number of people able to vote. During the campaign, in some Grain Marketing Board outlets, buyers had to have a ZANU-PF party card. Maize imports were, and are, directed first to areas of greatest support for the ruling party.

E. LACK OF FREEDOM OF SPEECH AND ASSEMBLY

The MDC was prevented from campaigning freely throughout the pre-election period. The government prevented most of its rallies from taking place,¹¹ using the Public Order and Security Act as justification. The police harassed and detained MDC candidates. The MDC had no access to the largely state-controlled electronic media, the source of information for the vast majority of Zimbabweans. The few independent papers had their circulation restricted to limited urban areas, as the war veterans and militias ensured that they did not appear in rural areas. The government severely restricted the international media from covering the election.

F. THE THREAT OF MILITARY INTERVENTION

Zimbabwe's military also made clear that it was ready to obviate any election result that did not favour President Mugabe. In January, the head of the army effectively said that the only victor it would support would be Mugabe. A few days before the election, ZANU-PF's Secretary for External Relations said the party would support a coup if the MDC won. The government did not disavow either of these statements, both of which violate any reasonable concept of a democratic civil-military relationship.

¹¹ One diplomat estimated that 75 rallies had been cancelled. ICG interview, 11 March 2002.

III. JUDGEMENTS RENDERED

The conclusions of the various missions observing the presidential election were deeply coloured by sharply differing political and strategic considerations. African observer missions tended to be affected most by anxieties over potential instability in Zimbabwe as well as their own countries' domestic political situations. These tactical considerations led many to give a cachet of respectability to an election process in Zimbabwe that was widely, and properly, viewed by the broader international community as fundamentally flawed.

South Africa's position was, and continues to be, driven by a complex set of factors. Pretoria and some of its neighbours feared - perhaps correctly - that an MDC victory would provoke a major military response from ZANU-PF, triggering further dislocation on a large scale and sending a flood of refugees toward South Africa. Such events would obviously also cause much deeper economic dislocation throughout southern Africa.¹² Thus, for South Africa's leadership, the least distasteful outcome was a ZANU-PF victory. For South Africa to de-legitimise this victory, even with clear evidence of fraud and intimidation, could be seen from a strategic perspective as tantamount to destabilising its own region.

South Africa and some of its SADC neighbours also did not want an MDC victory because of the precedent it would set of a labour-based political movement displacing a liberation movement's hold on power. The leaders of Mozambique, Angola, Namibia and South Africa witnessed the toppling of Kenneth Kaunda, a liberation movement veteran, by a labour-based party in Zambia, and are sensitive to their own vulnerability.¹³ This is particularly so for South Africa, where the Congress of South African Trade Unions provides the only social force with the support base to challenge the African National Congress (ANC) during the next decade.

The MDC also set off some regional alarm bells through its early associations. Its meetings with Tony Leon in South Africa and Alphonse Dhlakama in Mozambique in 1999-2000 antagonised the ANC and FRELIMO early in the game, as this was interpreted as an effort by the MDC to develop linkages with their principal political opponents. High profile fundraising efforts among white farmers and British supporters also created major public relations difficulties in the region. If they come to power, the MDC will need to embark on extensive outreach efforts to regional actors to calm anxieties about their ultimate intentions.

South Africa's liberation movement, the ANC, continues to view Mugabe's ZANU-PF in a fairly benign fashion as a party that is undergoing significant change, away from socialism, and requires a guiding hand from friends to complete the transformation. "We have to stay close to them at this time", explained one top ANC official. "Our approach has never been about the elections; it's aimed at beyond the elections. Similarly, we must help the MDC build its own political organisation out of the protest movement that it is today".¹⁴ In this context, the ANC and other liberation movements will not be publicly critical of ZANU-PF or do anything to undercut the legitimacy of the government it heads.

South Africa is further constrained by a desire not to be seen as acting in a heavy-handed fashion in the region. Pretoria remains constrained by its apartheid past, which makes other states nervous that it will return to a unilateralist posture. South Africa's acute sensitivity to this has made it extremely reluctant to take assertive action, instead preferring to invest in sometimes painstaking efforts to build regional consensus.

Given all of these considerations, it is easier to understand the divergence between the regional conclusions about the election and those of the broader international community, which focused mostly on conventional standards for a democratic election.

The key variable that prevents these perceptions from being polarised between Africa and the broader international community - or what

¹² ICG interviews in South Africa, December 2001 and March 2002.

¹³ ICG interviews with South African officials, March 2002.

¹⁴ ICG interview in South Africa, 13 March 2002.

President Mugabe would paint as a white-black divide¹⁵ - is that, overwhelmingly and at considerable risk, one Zimbabwean group after another delivered its verdict with uniformly similar results: the election was stolen.

A. ZIMBABWEAN VERDICTS

Every Zimbabwean civil society entity established to assess or support the electoral process has it to have been patently unfree and unfair. The Zimbabwe Electoral Support Network, which had trained 12,000 observers, while seeing less than 500 eventually accredited, deployed approximately 6,000 as informal observers, many of whom were harassed, arrested and even beaten. From all its available evidence, it concluded that the “there is no way these elections could be described as substantially free and fair”.¹⁶

The Crisis in Zimbabwe Coalition, a consortium of Zimbabwean NGOs and academics, found that the “process of the presidential elections has not enabled the will of the people to be expressed freely and fairly”.¹⁷ The Legal Resources Foundation of Zimbabwe concluded that the election “can in no way be regarded as substantially free and fair”.¹⁸ Zim Rights also catalogued myriad irregularities and cases of intimidation.¹⁹ The National Constitutional Assembly, a collection of Zimbabwean civic groups, refused to recognise the results. The Zimbabwe Council of Churches, as part of the Ecumenical Peace Observer Mission of the World Council of Churches, also concluded that the elections were not free or fair.

The opposition MDC also, unsurprisingly, rejected the outcome as illegitimate. MDC President Morgan Tsvangirai, who characterised the election as “daylight robbery”, has called for a transitional government and new elections under international supervision.

Zimbabwean citizen groups in different parts of the country have also pronounced on the elections. Illustratively, a non-partisan inter-denominational network of the churches in the province of Manicaland has concluded that the election “was not conducted in a free and fair environment” in their province. “We are shocked by the conclusion of some African observers – particularly the ministerial observer team from the SADC region – in regard to the conduct of the election”.²⁰ The Zimbabwe Women’s Coalition concluded that the elections were “conducted in an unsafe, unfair and unacceptable environment for the women of this country”.²¹

B. OTHER AFRICAN VERDICTS

The Southern African Development Community (SADC) fielded two delegations. The SADC Council of Ministers found the elections to be free and fair, while the SADC Parliamentary Forum, the architects of SADC’s Electoral Norms and Standards, concluded that the process did not meet its basic standard for democratic elections. The OAU found that “the elections were transparent, credible, free and fair”.²²

The Nigerian and Namibian observer groups said the election was largely free and fair. The official South African observer delegation said that although it could not say the results were produced freely and fairly, they were “legitimate”. There were significant fissures within the delegation, however. Some felt that the elections went smoothly, and everything was basically fine, while others felt that they had amassed sufficient evidence to deem the elections unfree and unfair.²³ One observer said, “We came to assist in creating an enabling environment. The results were legitimate but not the process. There is an important distinction between process and outcome”.²⁴ Another South African observer who differed with his delegation stated, “I don’t understand how an election can not be free and fair

¹⁵ A false divide given that the Commonwealth Observer Mission was racially and geographically balanced and the SADC Parliamentary Forum mission also concluded the elections were not free and fair.

¹⁶ Press statement, 13 March 2002.

¹⁷ Press statement, 14 March 2002.

¹⁸ Statement by Trustees of the Legal Resources Foundation, 14 March 2002.

¹⁹ IRIN, 11 March 2002.

²⁰ Churches in Manicaland Public Statement, Mutare, 15 March 2002.

²¹ Statement of the Zimbabwe Women's Coalition on the 2002 Presidential Elections, 14 March 2002.

²² OAU Observer Mission Press Release, 13 March 2002.

²³ ICG interviews in Zimbabwe and South Africa, March 2002.

²⁴ ICG interview in South Africa, 15 March 2002.

but can also be legitimate”.²⁵ Yet another official observer, Brigalia Bam, the head of South Africa’s Independent Electoral Commission, was more blunt, “The elections were not free and fair and I would not want to describe them as legitimate”.²⁶ The South African parliamentary observer team is even more divided, and a week after the election was still debating its conclusions.

In the week before the election, the OAU and SADC delegations pressured the MDC to commit to accept the results of the election regardless of the outcome. "The OAU had a document it wanted us to sign", reported one top MDC official.²⁷ The ANC also urged ZANU-PF and the MDC to accept the results in advance and to contest any problems in the courts. Such efforts can be seen as part of South Africa's strategy to ensure a ZANU-PF victory as the lesser of strategic evils. With the MDC's decision not to boycott the elections and an activist South African observer mission which sought to intervene when things were not in order, the South African government felt that it had enough political cover to endorse the results.

In contrast, key African newspapers have been scathing in their assessments of the results, including the Nigerian-based *Guardian* and *This Day*, as well as the South African *Cape Times* and *Business Day*.

C. THE BROADER INTERNATIONAL COMMUNITY

The Commonwealth Observer Group issued a strongly critical report. The head of the observer mission, General Abdulsalami Abubakar, concluded that “the conditions in Zimbabwe did not adequately allow for a free and fair expression of will by the electors”.²⁸ This report laid the foundation for Zimbabwe’s one-year suspension from the Commonwealth. A number of countries denounced the election as unfree and unfair, including the United States, the United Kingdom, Germany, Norway, Sweden, Australia, New Zealand and Canada. All these, as well as Japan, indicated they would either cut off or not resume

aid to Zimbabwe. The European Parliament passed a resolution urging the EU “not to recognise the legitimacy” of the outcome.²⁹ The International Bar Association’s Human Rights Institute concluded that the “climate was not conducive to free and fair elections, and that the elections were not conducted according to both regional and internationally accepted guidelines”.³⁰

²⁵ *The Independent* (UK), 15 March 2002.

²⁶ Reuters, 17 March 2002.

²⁷ ICG interview in Zimbabwe, 7 March 2002.

²⁸ Commonwealth Observer Group Interim Report, 14 March 2002.

²⁹ European Parliament resolution on Zimbabwe, 14 March 2002.

³⁰ International Bar Association News Release, 15 March 2002.

IV. IMPLICATIONS FOR ZIMBABWE

The potential for Zimbabwe's election crisis to escalate into broader violent conflict remains high. A number of variables will determine the extent to which the crisis could be marked by large-scale violence, deepening repression and further economic implosion.

A. MASS ACTION

The Zimbabwe Congress of Trade Unions (ZCTU) and other elements of civil society are settling on an approach that would employ general strikes to protest the stolen election, and some business owners have committed to paying workers even when they are striking.³¹ The National Constitutional Assembly (NCA), a collection of civic groups with grassroots networks, is planning mass action in support of a new constitution.

The government has prepared for a year to head off mass actions in response to a stolen election. It has systematically infiltrated or sought to weaken the major mass organisations that would help organise such actions, particularly ZCTU and NCA. On the campaign trail, Mugabe repeatedly vowed to dismantle the ZCTU. Before the election, the government produced legislation designed to undercut any effort to organise mass action, including anti-strike provisions and shoot-to-kill orders against public demonstrators. In the immediate aftermath of the election, army and police units were deployed throughout the country in large numbers as a high-profile and heavy-handed deterrent. It is likely that the leadership of the army, police and intelligence service will continue to back ZANU-PF. These security services have been systematically politicised and de-professionalised by the ruling party, and it would take time and courage for more independent elements with integrity to reassert themselves.

The likelihood of successful mass demonstrations is reduced further by the nature of the urban plan drawn up for Harare decades ago by the pre-independence white minority political authorities. "The townships were created to keep restless populations isolated", noted a Zimbabwean

political analyst. "Through checkpoints it is easy to cut off road access to downtown Harare",³² thereby reducing the ability of demonstrators to mobilise people from the high-density suburbs around the capital city. There is little precedent for politically generated organised mass action, although riots have occurred in response to economic issues, particularly food price increases or food shortages. It remains to be seen what kind of staying power the opposition, unions, and other elements of civil society will be able to muster on behalf of a mass action strategy.

B. THE POTENTIAL FOR LARGE-SCALE VIOLENCE

If mass action strategies are employed, the response from the government will likely be violent. With major deployments of army, police, youth militias and war veterans, backed by new laws which allow the police to open fire on demonstrators through the Public Order and Security Act, the infrastructure is in place to respond brutally to mass protests or demonstrations, even peaceful ones.

On the other side are MDC youths and trade union cadres, who are expecting - and preparing for - the worst. These are highly frustrated actors who may be more radicalised than their leadership. There are other potential spark plugs for mass action who are less structured. "There are urban guerrilla leaders that are underground", said one civil society leader. "This is an unknown factor. They could lead riots and other actions. They don't need civic leaders for this. There could be waves of smaller actions that could eventually explode".³³

Perhaps most vulnerable to an upsurge in violence is Matabeleland, where militia from other regions of the country have been sent to supplement army and police deployments, and where a history of government massacres in the early post-Independence period has already created deep animosities and tensions. Although the ethnic dimension is an exacerbating factor, the worst-case scenario for Matabeleland would likely see government violence directed more along political than ethnic lines.

³¹ ICG interviews, March 2002.

³² ICG interview in Zimbabwe, 7 March 2002.

³³ ICG interview in Zimbabwe, 8 March 2002.

C. REPRESSION AND INTIMIDATION

Even after the election, the government of Zimbabwe has maintained a clear pattern of violence and intimidation. The government has unleashed a flurry of post-election reprisals against MDC supporters in small towns and rural areas. Three MDC supporters in Chipinge South were beaten to death on 16 March, and youth militia have been looting farm properties in a number of locations, particularly in Marondera. Mugabe has threatened new land invasions, which have occurred since the election in Chinhoyi, Banket, Raffingora, and Chegatu, where farmers were given an hour to vacate their property.³⁴ A white farmer was killed on 18 March, the tenth victim since the land invasions began two years ago. The police broke up the general council meeting of the ZCTU, which was planning protest action in the form of general strikes against the election results.³⁵

In order to sustain power in a highly polarised post-election atmosphere, ZANU-PF will likely continue to escalate its pressure on independent and opposition voices. The regime will attempt to break the MDC and to undermine civil society organisations. If civic groups and the MDC cannot mount a sustainable campaign of civil disobedience, ZANU-PF believes it can negotiate a restoration of ties with the international community over time.

Draconian legislation passed during the campaign was aimed not only at supporting the electoral strategy but also at controlling and undermining opposition in the post-election period. The Public Order and Security Act restricts freedom of assembly, criminalises criticism of the president, and allows security services to shoot peaceful demonstrators. The government's intentions were made plain by its first official post-election policy decision, in which President Mugabe signed the draconian Media and Information Act, which severely regulates the independent and foreign media. As mentioned, a labour relations bill subverts the right to strike. The government did not wait until the election was over to arrest the Secretary General of the MDC, Welshman Ncube, on manufactured treason charges, and will likely

go after other popular MDC figures in an effort to disrupt the leadership of the opposition. MDC President Morgan Tsvangirai was summoned to court to face a treason charge on 20 March.

D. ECONOMIC MELT-DOWN

Zimbabwe's political crisis is intertwined with deepening economic problems that will only add fuel to rising tensions. Zimbabwe's foreign debt now stands at U.S.\$5.3 billion. Arrears are massive, and Zimbabwe will be extended no new lines of credit. Gross domestic product (GDP) fell by 7.5 per cent in 2001 and is expected to contract another 5 per cent in 2002, businesses are operating only two-three days per week, and the agricultural sector has been severely constrained because of the farm invasions and price controls. The root cause of the downturn, according to the February 2002 Economist Intelligence Unit report on Zimbabwe, is "the president's unwillingness to bring the fiscal deficit under control" in an effort to limit domestic debt payments and freeze public sector wages. The persistent environment of crisis in Zimbabwe has not only retarded foreign investment but also chilled investor attitudes toward the entire region.

The deficit now stands at 11.5 per cent of GDP and is estimated to increase to 16 per cent of GDP because of the increased expenditures in the newly announced budget. Further trends indicate a dramatic fall in exports, due to the crises in the tobacco, gold and tourism sectors, as well as the drying up of foreign aid and foreign direct investment. This led to a shortage in foreign exchange and a current account deficit of 3.2 per cent in 2001. Furthermore, monthly currency inflows have declined by more than 50 per cent in the last five months. The Zimbabwean dollar continues to lose value, with official rates now 600 per cent higher than the black market exchange.³⁶

The immediate implications of the election result include the likelihood of a further contraction of economic activity, continuing neglect of economic issues in favour of political brinkmanship and no new support from the multilateral banks. In such an environment, reform of fiscal and monetary

³⁴ *South African Mail and Guardian*, 15 March 2002.

³⁵ IRIN, 14 March 2002.

³⁶ The official rate is \$Z55:U.S. \$1, the underground rate \$Z324:U.S. \$1. Economist Intelligence Unit, Country Report, Zimbabwe, February 2002.

policy remains unlikely, and the government will continue to maintain artificially low interest rates and avoid devaluation of the dollar. Inflation will likely continue to spike higher, forcing the government to embrace further price controls and fuelling both a continuing brain drain and growing imbalances in the economy.³⁷

Food insecurity will also continue to deepen throughout the country as the government both mismanages the response to the crisis and directs food assistance to political allies rather than distributes it on the basis of need. Rising rates of malnutrition would thus seem likely in the near term, and Zimbabweans will probably become more dependent on foreign-provided food assistance. This is another factor that could spark widespread civil disturbances, riots and an escalation of violence.

The election results will likely hasten the departure of professionals from Zimbabwe, both black and white. More than two million Zimbabweans live outside the country already, nearly a quarter of them in the United Kingdom.³⁸

V. IMPLICATIONS BEYOND ZIMBABWE

The issue of Zimbabwe has divided the international community at an inopportune time. As international debates are sharpening over trade policy and aid levels, Zimbabwe has exacerbated North-South divides. Mugabe has effectively tapped into perceptions of an increasingly marginalised South, and painted his internal struggle as part of a larger clash against neo-colonial Northern policies and intrusive human rights demands. Mugabe has effectively used the rhetoric of a pan-African and pro-South agenda that rejects undue Northern influence. Central to this argument is an elaborate defence of sovereignty, which is painted as being besieged by the human rights, democracy and free market advocates in the North. As one top ANC official alleged, "If we had pushed ZANU-PF as the Europeans did, they would have lost all say in their own affairs, and would have been taken over by NGOs from Europe".³⁹

As part of this campaign, ZANU-PF loyalists have painted the MDC as a puppet of Northern interests, ranging from the BBC to white farmers in Zimbabwe. Unfortunately, British and American rhetoric often provide fuel for Mugabe's own arguments, both internally and throughout Africa.⁴⁰

Most African states are in a transition period as they try to emerge from single-party regimes. They are acutely sensitive to conditions attached to assistance, and there is a great deal of uncertainty about structural adjustment, trade liberalisation, debt relief and the nature of multiparty democracy. At his inauguration on 17 March, Mugabe reiterated that Zimbabwe is standing up for countries throughout the South: "When they aim at Zimbabwe it is not Zimbabwe alone. They have other countries in mind".⁴¹ Mugabe's stand on these issues has resonance throughout Africa, despite the distaste for his personal style and the embarrassment his tactics bring to the continent.

³⁷ Standard Bank, Market Insight, 13 March 2002.

³⁸ *The Independent* (UK), 15 March 2002.

³⁹ ICG interview in South Africa, 14 March 2002.

⁴⁰ "Every time Blair or Straw opened their mouths about Zimbabwe, Mugabe gained more votes", claimed one Western diplomat. ICG interview, March 2002.

⁴¹ *Washington Post*, 18 March 2002, p. A11.

Although this argument has left Europe and North America uncertain about how to move their agendas forward in Zimbabwe and elsewhere, the attack on good governance conditionality will eventually be exposed for what it is: a defence of dictatorship. In the long run, after the flush of rhetorical victory is past, it will have a deleterious effect on Africa's relations with investors and donors. SADC leaders are clearly not as enthusiastic as Presidents Mbeki and Obasanjo about the good governance planks of NEPAD, and the dispute over Zimbabwe will eventually expose this rift.⁴² The result will not be the major confrontation between North and South that Mugabe seeks; rather, to the detriment of his neighbours, private investors, will simply shrug their shoulders and take their capital elsewhere.

The implications - and perhaps more importantly, the perceived implications - of Zimbabwe for democracy's future in Africa cannot be overstated. "If this dictator can succeed, it will send the wrong signal to every would-be dictator in the region, and will encourage dictatorships to emerge", predicted a leading Zimbabwean academic. "This election is for democracy's future in Zimbabwe and in Africa".⁴³

The implications for the future of NEPAD are equally grave. The reality is that although there is broad support for the concept, a high-profile failure in Zimbabwe just as NEPAD is launching would be a severe blow. Particularly damaging is Zimbabwe's high-profile attack on property rights, and the apparent acquiescence of its neighbours in that strategy. This, combined with a clear subversion of any good governance standards, is a heavy burden for NEPAD to overcome.

The Commonwealth launched a special multi-million dollar Commonwealth Investment Fund at its last summit meeting in early March. Enthusiasm from donors and investors has been tempered, however, by the Zimbabwe crisis. Tanzanian President Benjamin Mkapa urged, "I'm hoping you people who spread the word will make a distinction between Zimbabwe and all its neighbours, so that it doesn't have a spillover

effect".⁴⁴ But African peer pressure is supposed to be a fundamental plank of NEPAD, so any spillover effect will be as much to blame on the lack of African resolve in addressing the situation as on conditions in Zimbabwe itself. In addition, the perception that African leaders conspired to whitewash the election will leave the West with the view that principles related to free and fair elections are arbitrarily applied. If NEPAD is to succeed, Africa must be perceived to be making a stand in the name of its principles.

More specifically, the crisis in Zimbabwe has provided South Africa with its first major foreign policy test in the post-apartheid era. So far, South African policy has failed to influence Mugabe, failed to ensure a free and fair electoral process and poll, failed to contain the economic spillover effects of the Zimbabwean meltdown and failed to uphold the basic principles of NEPAD.⁴⁵ It has succeeded, however, in the short-term tactical goal of keeping ZANU-PF in power and limiting the flow of refugees to South Africa.

Eventually, South Africa will face a choice: the ANC believes in a multiracial democratic future for the region and the continent; President Mugabe does not. How long will the South African government run interference for ZANU-PF, particularly if the latter obstructs its efforts to achieve a government of national unity? And how long will South Africa allow Mugabe's actions to impact negatively on its economy? After another day of watching the rand slide in part due to investor concerns about Zimbabwe, Central Bank Governor Tito Mboweni proclaimed, "South Africa is not Zimbabwe. It is a democratic country where property rights are enshrined in the constitution, and there will be no 14-year old war veterans to take over your property".⁴⁶

Ultimately, this is why the Commonwealth decision to suspend Zimbabwe was so important. By taking a stand against Zimbabwe's depredations and suspending a country for the first time as a result of flawed elections, it established a precedent that could have positive reverberations throughout the continent, and even globally. With

⁴² This perhaps helps explain why President Mbeki has lashed out at "white supremacists" critical of Commonwealth and African responses to Zimbabwe's crisis. IRIN, 8 March 2002.

⁴³ ICG interview in Zimbabwe, 8 March 2002.

⁴⁴ IRIN, 3 March 2002.

⁴⁵ ICG interview with Greg Mills of the South African Institute for International Affairs, Johannesburg, 13 March 2002.

⁴⁶ Reuters, 15 March 2002.

important elections coming up in the next year in Nigeria and Kenya, among other places, it was crucial to draw a line in the sand and stand up for fundamental principles. The fact that Presidents Mbeki and Obasanjo comprised two-thirds of the committee that decided this is a very positive step in the right direction.

VI. BREAKING THE IMPASSE

In order to avert an escalation of the crisis in Zimbabwe, a division of labour is required between regional neighbours and the wider international community. The role of the latter at this point should be to apply unrelenting pressure on the Harare regime, reject the legitimacy of the current arrangement and challenge the participation of the regime in international forums wherever it engages. The role of South Africa, its neighbours and other key African states, given current realities, should be to attempt to broker an internal solution within Zimbabwe that addresses basic grievances and charts a transitional way forward, with the full participation of all stakeholders, particularly the MDC, ZANU-PF and civil society groups. Such a mechanism could be viewed as a bridge with clear signposts back to legitimacy and international acceptance.

It is crucial that the international community delegitimise the Harare regime through intensified pressure, and then – if appropriate – shift to a more pragmatic means of moving forward by supporting the outcome of a regional diplomatic effort, if that outcome is broadly supported in Zimbabwe and results at some point in a new election.

The international community should take a more nuanced approach in dealing with President Mbeki, however. Crude pressure on South Africa may in fact be counter-productive. The more President Mbeki is perceived as carrying out an external agenda, the more isolated he will become in the regional context, making South African leadership all the more difficult. President Mbeki has moved diligently since taking over from President Mandela to ensure that South Africa acts in lockstep with its neighbours on key policy issues, and he is unlikely to stray from that policy in response to the Zimbabwe crisis.

Therefore, pressure on and isolation of the ZANU-PF regime should be unrelenting. But South Africa should, for the immediate future, be left to undertake its own efforts at brokering a way forward, with minimal international interference and comment, as long as certain redlines are respected (as they effectively were in South Africa's agreement to the one-year suspension of Zimbabwe from the Commonwealth). If Zimbabweans choose to partake in a compromise

solution, the international community should back that solution. But if the diplomatic effort fails, and the primary culprit is the ZANU-PF regime, the international community should be prepared to demand that the region join it in isolating the regime and pressing for change. A premature policy that seeks to squeeze the region into pressuring Harare, however, will only result in a showdown between Africa and the broader international community.

The objectives of such a division of labour would be to provide an opportunity for the moderate elements within ZANU-PF to assert themselves and to encourage elements within the Zimbabwean military to question the extent to which they want to be used for internal repression and external asset stripping that benefits a few leaders.

Ultimately, however, it will be extremely difficult to launch a process that will lead this small group of people to make the compromises that will in turn lead to their eventual loss of absolute power. A great deal of wealth is at stake here that is still being generated through the control of the Zimbabwean state and through diamond interests in the Congo. This wealth in turn underwrites the patronage networks that maintain ZANU-PF's lock on power. Removing any one pillar in this architecture makes the whole edifice vulnerable and leaves those responsible open to all kinds of attacks, from criminal prosecution to war crimes tribunals. Ultimately, as distasteful as it might be, some form of a general amnesty for all actors may be required to move forward if it is acceptable to all parties in Zimbabwe and in keeping with the norms of international law.

A. THE INTERNATIONAL COMMUNITY'S ROLE

Most Zimbabweans interviewed by ICG felt it imperative that in the event of a stolen election the international community should intensify pressure to cripple the resulting government while also acting to mitigate the suffering of Zimbabwe's people. To the maximum extent possible, such a strategy should be multilateral, using institutions to isolate the regime.

The message attached to the strategy should be one of unstinting support for transparent and accountable governance and credible democratic

processes in Zimbabwe. It must not be perceived as anti-Mugabe, as officials throughout southern Africa perceive British policy to be. Such a perception reinforces a siege mentality and a defensive posture that reduces the potential for change. Therefore, great care must be taken to maintain a policy of principle based on support for processes, not opposition to individuals. Walking softly and carrying a bigger stick would be far preferable to stomping with a toothpick, as the international community has tended to do to date.

Non-Recognition and Isolation: The U.K., U.S. and other key governments should continue not to recognise the Zimbabwean regime and to demand fresh elections under international supervision. Those governments not directly involved in helping negotiate a power sharing arrangement should consider downgrading their diplomatic representation in Zimbabwe.⁴⁷ In this vacuum, embassies should increase their contacts with other elements of society, including civil society, opposition and moderate voices in the ruling party.

Suspension: The Commonwealth has taken the serious step of suspending Zimbabwe's membership for a year, upholding its own basic standards on human rights and democracy. The credibility of the Commonwealth was on the line. Had no action been taken, the organisation would have had little remaining *raison d'être*.

Sanctions: The EU and U.S. should move immediately to widen and deepen their targeted sanctions against key members of the regime and its supporters. Their action should be aimed at breaking the will and financial pillars of ZANU-PF rule over the long-term. Those who have moved their assets abroad should be targeted quickly, especially those that have helped bankroll ZANU-PF. The individuals and directors of companies that are the chief supporters and beneficiaries of ZANU-PF rule should be the next targets. A number of companies established by ZANU-PF officials and their close associates during the last decade receive most of the government contracts, get favourable treatment for import-export arrangements, benefit most from the resource grab in the Congo, and control the mining and transport sectors in Zimbabwe. The boards of these

⁴⁷ Denmark has already indicated that it will close its embassy in Harare.

companies and the top executives should have their assets frozen and travelling privileges ended as soon as possible. Business cannot continue as usual for these people. The financial infrastructure of ZANU-PF must slowly be dismantled.

As argued in previous ICG reports, European and North American sanctions regimes (as well as those of other countries such as Australia and New Zealand) - multilateral and bilateral - should be widened to include the expulsion of the families of leading ZANU-PF members and their supporters, particularly the children of these officials who are attending schools abroad. "These families should go back to Zimbabwe to experience what their fathers and husbands are doing to their country, and to generate intra-family dissension", urged one Zimbabwean human rights advocate. "The families of the entire cabinet are in the U.K, U.S., and Australia. Our leaders need to be asked why they want their children in these countries, and how they are paying for it".⁴⁸ Another Zimbabwean analyst predicted, "When the families start feeling the heat, then the temperature will finally go up with the leadership".⁴⁹

Exposure of Foreign-Held Assets: Exposure of assets held in countries that refuse to participate in a multilateral freeze will help educate the Zimbabwean public, and Africa, about the extent to which the ZANU-PF leadership has stripped the country of its wealth, as well as neighbouring Congo. Assets held in countries such as Malaysia and Singapore should be publicised back in Zimbabwe as part of a concerted multilateral public diplomacy campaign to shame the government for its two decades-long policy of asset stripping.

Such a strategy will transfer pressure from an external human rights agenda to an internal integrity platform. Corruption has been the one issue that has hurt individuals within the regime. The ZANU-PF leadership is very sensitive to this. "They can defend everything else in pan-African terms except the holding of significant foreign-owned assets", pointed out one Zimbabwean civil society leader.⁵⁰

Incentives: The flip side of the international community's escalating pressure should be the incentive of substantial assistance should the situation be reversed and a solution found. The prospect of such assistance could be used to complement the diplomatic efforts of South Africa and the region described below.

B. THE REGION'S ROLE

For nine months, the preferred solution of South Africa and its neighbours to the crisis in Zimbabwe has been a government of national unity. The ANC has worked to promote dialogue between ZANU-PF and the MDC.⁵¹ MDC sources report that they were asked by the South African government in December 2001 to join a government of national unity coupled with an eighteen-month postponement of the elections. The MDC claims that it responded positively, in principle, but ZANU-PF rejected it. South African sources corroborate the story.⁵²

After Mugabe's inauguration, Presidents Chissano of Mozambique and Muluzi of Malawi met with Tsvangirai to press him to accept a government of national unity; the MDC countered with a proposal for new elections supervised by the international community. Presidents Mbeki and Obasanjo have taken the lead in putting forward proposals to Mugabe and Tsvangirai for a mediation effort by South Africa and Nigeria aimed at a coalition government. Tsvangirai said such negotiations are "inevitable" and would help resolve Zimbabwe's political and economic crisis, as long as the talks are focused on the "ultimate goal of new elections that are free and fair, which means that they must be under international supervision".⁵³

Now that the elections have passed, South Africa remains best positioned to broker some kind of way forward. Nigeria's role is important also as a partner in making difficult decisions. As long as Nigeria is with him, Mbeki can look like a leader who is helping to resolve the crisis, not playing big brother. "This is Mbeki's opportunity to stitch together the alliances of transition", explained a

⁴⁸ ICG interview in Zimbabwe, 11 March 2002.

⁴⁹ ICG interview in Zimbabwe, 9 March 2002.

⁵⁰ ICG interview in Zimbabwe, 12 March 2002.

⁵¹ ICG interviews with senior ANC officials in South Africa, March 2002.

⁵² ICG interviews in Harare, Pretoria, and Johannesburg, March 2002.

⁵³ Press conference, 19 March 2002.

South African academic. The stakes and interests, however, grow more complicated as the relevant actors become more entrenched in their positions.

1. A Government of National Unity

The issue of establishing a government of national unity has been hotly disputed for months. Zimbabwean civil society organisations have strongly opposed such a measure both before and after the election.⁵⁴ The MDC takes a strong stand against such a proposal, saying it would legitimise an illegitimate regime and would only be valid if for a specific transitional period in order to establish the conditions for free and fair elections.⁵⁵ However, the one major poll which attempted to ascertain the public's posture found that over 60 per cent of respondents were favourably disposed.⁵⁶

Proving that the devil is in the details yet again, basic issues about the nature of a government of national unity remain.

First, there is great division about whether a power-sharing deal would be a transitional arrangement serving as a bridge toward new elections (the MDC position) or whether it would essentially codify the existing order while allowing some participation by the MDC in the executive branch (ZANU-PF's position). ZANU-PF opposes any accelerated timetable for the next presidential election, now scheduled for 2006, while the MDC continues to demand a new poll, viewing current results as illegitimate. As a starting point for negotiations, ZANU-PF would likely simply make a few cabinet positions available to the MDC, with no alteration in the electoral calendar. But Tsvangirai has made clear that the MDC will not be content with cabinet seats: "We will not be party to a Caesarean operation by South Africa",

he said.⁵⁷ Conversely, the MDC's starting position will be that there should be a transitional government leading to new elections within three to six months. The length of a transition period would be hotly contested. "If it goes on for more than a year, then it would continue to traumatise people, given the fraudulent nature of the results", said a diplomat.⁵⁸

Secondly, there are also sharp splits regarding whether a power-sharing arrangement would require a new constitution. Fundamental to the constitutional debate is the issue of presidential powers. Most civil society leaders advocate their reduction as the most essential element of any deal. Top ANC officials also appear seized with the need for a new constitutional dispensation, with an independent electoral commission.⁵⁹

Thirdly, the status of Mugabe and Tsvangirai in a power-sharing deal will be enormously controversial. Mugabe presents a particularly difficult issue, especially with regard to potential immunity and how best to deal with his substantial assets - presumably largely ill gotten. Similar questions will also arise for Mugabe's inner circle. Some think Mugabe will not be amenable to a government of national unity in the immediate aftermath of the election. "Mugabe won't start to look at relinquishing power for another year at least", predicted one Zimbabwean academic.⁶⁰ Others believe that the ZANU-PF leadership has wanted to replace him since mid-2000, but have been constrained by fears of losing power and being held accountable for past sins.⁶¹ "We have suggested that he retire", stated one top South African official.⁶² A Zimbabwean civil society activist said that as a condition of the independent sector's support, "Mugabe has to go as part of the deal. His role should be to manage a transition within a fixed period. We are worried about a diplomatic trajectory that puts Mugabe alone at the centre of a deal".⁶³ Similarly, ZANU-PF will reject participation by Tsvangirai in any agreed arrangement.

⁵⁴ ICG interviews in Zimbabwe, September and December 2001 and March 2002.

⁵⁵ MDC Secretary General Welshman Ncube said that the Commonwealth decision to suspend Zimbabwe gives the country "twelve months to put its house in order and that gives us time to hold new elections under completely different circumstances". ICG interview in Harare, 19 March 2002.

⁵⁶ The poll was conducted in the final days of the election campaign by the University of Zimbabwe's Mass Public Opinion Institute and was one of many that found Tsvangirai to have a substantial lead. *Africa Confidential*, 8 March 2002.

⁵⁷ Reuters, 15 March 2002.

⁵⁸ ICG interview in Zimbabwe, March 2002.

⁵⁹ ICG interviews in South Africa, March 2002.

⁶⁰ ICG interview in Zimbabwe, 8 March 2002.

⁶¹ ICG interviews with South African officials, March 2002.

⁶² ICG interview in South Africa, 14 March 2002.

⁶³ ICG interview, March 2002.

For Mugabe to consider stepping aside, key leaders within the Zimbabwean military will have to confront him.⁶⁴ The military is not monolithic, and there is a great diversity of views as to how to move forward. Presidents Mbeki and Obasanjo are indispensable for encouraging the military to press for this eventuality.⁶⁵ Zimbabwean military leaders will themselves seek immunity as part of any deal. Their security would be the incentive to offer to engage them in a strategy for change. Ensuring a prosecution-free retirement or continued employment, combined with the certainty of a pension, would reassure most. "The slightest indication that military leaders are trying to find a solution will open up pressure from more junior ranks for change", said one Zimbabwean liberation war veteran who remains in close contact with military sources.⁶⁶

Whether the MDC would also seek amnesty from prosecution, perhaps to avoid the treason charges being manufactured by ZANU-PF, is an open question,. However, an agreement would likely have as a precondition a general amnesty for all stakeholders.

Finally, any potential deal will likely require some agreement around a lasting solution to the land distribution issue. The legacy that President Mugabe would most seek to ensure is one in which he completed the post-colonial struggle and established a more just pattern of land ownership. But the positions of ZANU-PF and the MDC diverge sharply on this issue. Some South African officials think that a government of national unity should be structured on the basis of compromises on specific issues like land, economic management and judicial reform, rather than a simple division of ministerial portfolios. "A government of national unity must be issue-based", said one top South African official. "We must convince ZANU-PF it is the end of the line, that it's time to get back to governing the country".⁶⁷ Major policy

differences divide the two parties, particularly over economic affairs, where Tsvangirai supports free markets while Mugabe has again embraced a command economy.

2. Zimbabwean Political Perspectives

Basic questions also remain as to the motivations of the parties regarding a government of national unity. For ZANU-PF, the advantages would be that it would act as a bridge back to legitimacy with the international community and recovery within Zimbabwe and that a partnership with the MDC would likely unlock donor resources and potentially debt relief. The disadvantages, however, are that such an arrangement may not pass the litmus test of NEPAD's standards of good governance, and it may not convince foreign investors that a more hospitable environment awaits them. Also, such an agreement would make it much more difficult for ZANU-PF to decapitate the MDC and neutralise sources of opposition by targeting civic groups and trade unions. In fact, it would require direct cooperation with the party it has spent two years demonising as a puppet of Western neo-colonialism.

A move toward either a government of national unity or a transition government might also require internal party reforms that would empower fresh voices able to re-make ZANU-PF's image and provoke succession questions the President is not ready to deal with.⁶⁸ Some in ZANU-PF think that the MDC already has a strong position in Parliament, so there is no need to further share power.⁶⁹

Although the MDC remains opposed to a government of national unity and would far prefer a power sharing agreement that was only a direct transitional arrangement to new elections, some elements of the former would have appeal. For the MDC, the advantages of a government of national unity would be that it could influence events from

⁶⁴ The military has told Mugabe in the past what he should do, for example, to accept the results of the 2000 constitutional referendum and to support the war veterans in their demands for increased benefits in 1997-8.

⁶⁵ The defence attaches of certain other African and Western embassies, as well as their superiors in capitals, could play crucial supporting roles.

⁶⁶ ICG interview in Zimbabwe, 12 March 2002.

⁶⁷ ICG interview in South Africa, 14 March 2002.

⁶⁸ Whether to groom a successor from Mashonaland West or Central or from another part of the country, whether to maintain power within the dominant Zezuru ethnic group, whether Mugabe can trust anyone to not go after him once he retires, and whether jockeying for position will be bloody, are all very tricky questions that will have to be answered.

⁶⁹ ICG interviews in Zimbabwe and South Africa, March 2002.

inside, rather than remaining outside the executive branch for the next six years; it could help steer the country back to a sustainable recovery, something ZANU-PF on its own will likely be incapable of doing; and it could begin to reduce the polarisation gripping the country.

On the other hand, the disadvantages are substantial. Past efforts at a government of national unity with ZANU-PF have been spectacular failures.⁷⁰ The radicalised base of the MDC may reject such an arrangement, preferring instead to remain in opposition and stand on principle against recognising the regime in Harare. Many MDC supporters would view a government of national unity as a betrayal of all that the opposition stands for. Any path leading to the rehabilitation of ZANU-PF in international circles will engender significant opposition within the MDC.

A government of national unity could weaken the opposition: "If you pick off the best brains into a government of national unity, the organisation will erode", warned a top ANC official.⁷¹ Some will fear absorption into ZANU-PF, as happened with the Zimbabwe African People's Union (ZAPU) in the 1980s. Playing junior partner to ZANU-PF will not be a situation the MDC would easily accept. There is also the fear that a prolonged government of national unity could lead to the disintegration of the broad coalition of interest groups that comprise the MDC. The disparate components of the party, such as white farmers, black urban workers, the unemployed, and disillusioned Ndebeles are united more by their opposition to Mugabe's rule than by ideological or political issues, making the party easier to divide.

For Zimbabwean civil society, basic questions as to the nature of a government of national unity will have to be answered in order to develop support for the concept. South Africa's motivations will have to be clarified as well. "South Africa's concern is not in a democratic infrastructure, it is just to accommodate ZANU-PF", charges a Zimbabwean civil society activist. "It is critical that a government of national unity get its structure

from Zimbabwean architects, not ANC accommodationists".⁷²

3. Regional And International Imperatives

Further questions surround the level of commitment of South Africa to the enormous diplomatic task required to cobble together the compromises necessary to create a government of national unity. Who will actually undertake the nuts and bolts diplomacy, and who will oversee the process and provide it the *gravitas* necessary for success? President Mbeki, Deputy President Jacob Zuma and a few of the key ministers⁷³ will have to be directly involved, as will top ANC officials. But a cadre of diplomats will have to undertake the extensive shuttling presumably necessary to make progress between the polarised Zimbabwean parties. As of mid-March, there was no indication that such a mechanism had been constructed, or even prepared. Up until the elections, South African efforts at encouraging a government of national unity were hit and run diplomacy, with no institutional mechanism for follow up.

In order for the region, particularly South Africa, to utilise the leverage that it indeed possesses, it will need not to be seen as whitewashing the electoral process and result. ZANU-PF itself has little respect for its neighbours precisely because it believes that they will never challenge anything considered to be within the purview of internal affairs. If, however, South Africa, its neighbours, and Nigeria take a harder line on the legitimacy of the government in Harare, their diplomacy will carry more weight.⁷⁴ Similarly, if the international community is seen by ZANU-PF to be unwilling to sustain a policy of isolating Harare, its pressure will have little effect, whereas a long-term commitment to change will reinforce regional efforts at brokering an acceptable solution.

⁷⁰ Mugabe used a government of national unity between 1980 and 1987 to effectively destroy his principal opposition, Joshua Nkomo and ZAPU, in the process killing 20,000 people in Matabeleland.

⁷¹ ICG interview in South Africa, 13 March 2002.

⁷² ICG interview, March 2002.

⁷³ Namely, Defence, Foreign Affairs, Safety and Security, Intelligence and Labour.

⁷⁴ Had South Africa and the region stated criteria for a legitimate process months before the election and said that anything less would not be recognised, they would have had much more leverage over the behaviour of the government, which instead rightly perceived that the region would ultimately not challenge its actions during the campaign.

It is likely the MDC will not accept a government of national unity that is not transitional, while the government will not accept a short-term transitional government leading immediately to new elections. However, there may be negotiating room in the middle, in the form of some kind of coalition government for a shortened time frame before the next elections that includes a robust power-sharing arrangement with compromise on some key issues, early departure of Mugabe, no immediate involvement of Tsvangirai, and a general amnesty for all stakeholders. But this will require a commitment to sustained and painstaking diplomacy by the region and some willingness to compromise on both sides, of which there is no evidence as yet.

The bottom line principles for the region and broader international community in any governing mechanism that attempts to avert a full-scale crisis in Zimbabwe should include:

- ❑ agreement around constitutional reform that restricts presidential powers;
- ❑ meaningful power-sharing between ZANU-PF and the MDC, augmented by direct input from Zimbabwean civil society;
- ❑ a shortened time frame for the next presidential election;
- ❑ disbanding of the youth militias and war veterans, with agreement around clear steps to restore the rule of law;
- ❑ agreement around a basic agenda for economic, police, judicial and land reform; and,
- ❑ a political exit strategy for President Mugabe.

Furthermore, preconditions should be established for such a mechanism. The government must cease its campaign of violence and reprisal against the MDC, recall the army to barracks, suspend some of the new laws such as the Public Order and Security Act and the Media Act, professionalise and de-politicise the police and end state media demonisation of the MDC.

If the regional governments are unable to bring about a meaningful coalition government that can

steer the country towards a democratic transition, and ZANU-PF intransigence is primarily responsible, key African governments must be willing to join the broader international community in isolating the regime in Harare. At that point, South Africa should be prepared to escalate bilateral pressures, including shutting down electricity and fuel supplies at crucial junctures, although the humanitarian impact of such a move would have to be carefully considered.

C. CONTINGENCY PLANNING IN RESPONSE TO FURTHER VIOLENCE

Some planning must be undertaken for responses to prevent or limit worst-case scenarios of an escalation of violence, major civil unrest, or other developments impacting significantly on regional stability. An important deterrent would be to deliver discrete messages to the leadership of the Zimbabwean military to the effect that if the army kills people, those responsible will be treated as war criminals. This message should also be delivered to the ZANU-PF leadership in no uncertain terms.

D. SUPPORT FOR DEMOCRACY BUILDING

Zimbabwean organisations should be supported to the maximum extent possible to strengthen networking efforts with similar organisations throughout southern Africa. Journalists, trade unionists, church activists, human rights advocates and others should be linked up through study tours, networking conferences, joint initiatives and other efforts designed to strengthen regional civil society ties.

Domestic civil society initiatives will need increased support in the post-election environment. This may entail waiving some restrictions common to many donor agencies so that direct assistance can be given to organisations building democracy under the unique challenges presented by Zimbabwe's crisis. For example, the technical capacity of such civil society organisations to disseminate messages by diverse means needs to be improved.⁷⁵

⁷⁵ To expand communication, for example, some civil society organisations are distributing cassette tapes to taxi drivers and others who can act as multipliers.

Support for positive change should increase, which means helping institutions where democracy is taking hold and where the MDC is attempting to govern and address the problems of the country, such as Parliament and local government entities. This also means supporting civic groups ranging from urban elite to rural grassroots organisations. The full span of alternative voices should be empowered so that ZANU-PF does not succeed in reducing the space for independent speech and action.

E. RE-FRAMING THE DEBATE

The international community cannot allow basic human rights norms and standards to be put in a straightjacket of sovereignty or submerged in a false context of racial polarisation. If human rights are indeed universal, and Africa embraces these rights through NEPAD and other international instruments its representatives have signed, their promotion, whether from North or South, from White or Black, from citizens or governments, must be seen as an effort to promote the advancement of societies, not to undermine sovereignty. Otherwise NEPAD should not exist and Africa should renounce support for international norms.

Harare/Brussels, 22 March 2002

APPENDIX A

MAP OF ZIMBABWE



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APPENDIX B

GLOSSARY

ANC	African National Congress
COSATU	Congress of South African Trade Unions
ESC	Electoral Supervisory Commission
FRELIMO	Front for the Liberation of Mozambique
GNU	Government of National Unity
MDC	Movement for Democratic Change
NCA	National Constitutional Assembly
NEPAD	New Partnership for Africa's Development
OAU	Organisation of African Unity
SADC	South African Development Commission
ZANU-PF	Zimbabwe African National Union Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZESN	Zimbabwe Electoral Support Network

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board - which includes prominent figures from the fields of politics, diplomacy, business and the media - is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

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

ICG also undertakes and publishes original research on general issues related to conflict

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

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

March 2002

APPENDIX D

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APPENDIX E

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