



# Policy Brief

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## ZIMBABWE

### From a global (dis)agreement to free and fair elections? Considering scenarios for Zimbabwe's future<sup>1</sup>

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#### INTRODUCTION

With the second anniversary of Zimbabwe's Interim Government (IG) fast approaching, the protagonists in and observers of what has ironically become Zimbabwe's global and persistent political disagreement are now beginning to focus their attention on the likelihood of elections taking place in 2011. While the key political players appear to be gearing up for the event next year, analysts highlight the lack of significant economic and political progress as grounds for delaying elections until conditions are more favourable.

This policy brief highlights the current challenges faced internally, maps out likely scenarios for the country in the coming year, and considers the options for South Africa, as the SADC-appointed mediator, to continue facilitating and supporting the transitional process.

#### CURRENT STATE OF AFFAIRS

##### *Gauging progress and considering fundamental challenges*

There is little need to talk about certain outstanding issues that have 'prevented' the principal signatories to the Global Political Agreement (GPA) from fulfilling all the objectives outlined in the power-sharing pact. Most recently, there appears to be renewed efforts by the SADC-appointed mediation team to engage with the key players. South Africa's President Jacob Zuma has personally re-engaged with Zimbabwe's President Robert Mugabe and Prime Minister Morgan Tsvangirai in an attempt to get some movement – or more likely, compromise – on contentious issues. Initial expectations

that the current South African president would be more vocal in his criticism of a lack of progress than his predecessor have given way to disappointment at a perceived absence of a change in approach in dealing with the Zimbabwe crisis. Some analysts believe that it is less a lack of good intentions on the part of Zuma to support the transitional process than a lack of consistency and follow-up on his part that has prevented his team of mediators from finding an amicable solution to the current impasse.

At the same time, those supportive of the transitional process both within the SADC region and beyond are beginning to publicly question the efficacy of smart sanctions, despite the risk of negative fallout from the media and the public. While some are construing the recent comments by Botswana's President Ian Khama on the possibility of lifting sanctions as an indication of his collusion with and support for ZANU-PF hardliners, this should, in fact, be viewed as a positive step that could provide an opportunity to end the standoff on this particular issue. Despite accusations that he has changed his tune, Khama has in fact maintained his position, as he believes removing these restrictive measures will prevent ZANU-PF hardliners from using the sanctions issue as an excuse for the lack of progress in other areas.

Meanwhile, the public outreach sessions of the constitution-making process have been completed and the teams have now begun compiling the data collected during these meetings. In accordance with the GPA, stakeholder consultations were to precede the drafting of the new Constitution, which would then be submitted to a national referendum for approval. While it is widely hoped that this process will be completed prior to the elections, it is worthwhile to note that nothing in the agreement or the Amendment Bill that anchors the agreement in the Constitution makes any explicit provision for this. In other

words, if an election were to take place under the current constitution and not be delayed until a referendum had confirmed a new constitution, this would not contradict the terms of the agreement between the members of the IG. Moreover, given the current delays in the constitution-making process, it is unlikely that elections will take place under a new constitution by early next year. Since Mugabe has been known to renege on prior agreements without risking admonishment by SADC Member States, as evidenced by his unilateral declaration of the date for March 2008 elections in January of that year, there is a realistic probability that he will do so once again. His recent statements regarding the termination of the GPA's lifespan in February 2011 and the possibility that elections be held in March 2011 further support this.

By and large, the principal challenges faced in Zimbabwe today revolve around the behaviour, roles and ultimate objectives of the political players that have formed this interim government. For one, it has become abundantly clear that the parties to the agreement have not aligned their motives and intentions, nor do all parties act in good faith. In fact, some analysts even speak of a 'ZANU-fication' of certain members of the MDC, with new political elites having fallen prey to the corrupt system of governance that had entrenched itself in Zimbabwe and having begun making use of the opportunities for rent-seeking.

Above all, the role of the military in politics in Zimbabwe is of particular significance. While officially replaced by the National Security Council, the Joint Operations Command (JOC) still appears to maintain an influence on decision-making processes within ZANU-PF. High-ranking military officers continue to occupy management positions in state-owned companies, and retired or redeployed officers hold positions as permanent secretaries in the civil service. Also, the JOC spearheaded the violent campaign to reduce support for the MDC during the 2008 elections, and they would likely face prosecution for crimes committed against the civilian population, particularly during this period. The JOC thus have a stake in the outcome of any power-sharing arrangement. Most importantly, these potential spoilers, having been excluded from the negotiation process that facilitated the power-sharing agreement, were left without guarantees as to their future under the new transitional arrangement. It has been shown elsewhere that the transformation of security institutions is critical for the success of any political transition<sup>2</sup>. Only once security institutions begin to put citizens at the centre instead of protecting the interests of a select few, will there be movement towards creating the stable and secure national environment in which development can thrive and be sustained.

## LOOKING AHEAD – LIKELY SCENARIOS

Three likely scenarios will be elaborated on for the purposes of this policy brief: 1) elections could be held in the wake of a full implementation of the GPA; 2) elections could be held in the context of a continued stalemate and with no agreement between the principals on the outstanding issues; or 3) elections could be postponed until the full implementation of the GPA.

### *Scenario one: Elections in 2011 following full implementation of the GPA*

For the first scenario to occur, one needs to assume that the principals to the transitional power-sharing arrangement have come to an agreement on the most important of the still outstanding issues, including, among others, all parties confirming and approving key government appointments, the allocation of vacant positions to the designated individuals, and the resolution of the issue of sanctions one way or another. One must further assume that the process is taking place under a new constitution. In this best-case scenario, the international donor community would readily pledge technical and other support for an election.

SADC, as guarantor of the GPA, and South Africa as its designated facilitator, could not only provide additional support, but could also mark the occasion as a victory for regional intervention in the spirit of 'African solutions to African problems'. Electoral observers would be posted well before the event to ensure preparations run smoothly and without violence and intimidation.

Many believe that such a scenario would bring about a likely victory for the MDC. Since several ZANU-PF hardliners are reluctant to accept an MDC win, there is a real probability of a repeat of the violence and intimidation witnessed in 2008 to prevent this from happening, particularly given the history of violence in several previous elections. Should the MDC still emerge victorious, it is doubtful that the security sector – most importantly the members of the JOC and other hardliners within ZANU-PF – would accept the economic and political uncertainty that such an outcome would pose for their futures.

### *Scenario two: Elections in 2011 without full implementation of the GPA*

The more likely scenario is that the elections are scheduled for 2011 without the full implementation of the GPA. While it would certainly be more difficult for the international community to pledge its support, such support might still be forthcoming. However, this would

prove a difficult process to manage. Electoral observation would most likely be restricted to allow the presence of only certain regional and continental bodies. Again, there is a high probability of violence as those opposed to the transitional process apply the same tactics of intimidation in support of ZANU-PF as they did in 2008.

A ZANU-PF victory in this case would spell further instability as the party of the former liberation movement continues to exploit the country's resources to reward party loyalists and further entrench the system of corruption and patronage that has so damaged the economy. Members of the international community would face the difficult challenge of recognising a regime that in the past had not acted in the interests of the broader population and that had a reputation of oppressing – violently, if need be – opposition to its rule.

More importantly, should the MDC emerge victorious, ZANU-PF would surely not accept an electoral defeat, given its uncompromising attitude ever since the power-sharing agreement was signed. One might therefore see a repeat of a negotiation process that will ultimately lead to a new transitional arrangement between the major parties.

In both scenarios outlined above, in other words in the case of elections being held next year with or without the full implementation of the GPA, much depends on the behaviour of the security sector and high-ranking officials within that sector. This particular group of actors must be presented with a viable, alternative source of income and some guarantee that they will not be prosecuted for wrongs committed against the population and in support of ZANU-PF. Without any such assurances they will most likely remain resistant to a sustainable transition process that ultimately holds little room for them. While there is certainly no blueprint strategy to deal with this set of actors, it is a process that requires attention.

### **Scenario three: Elections delayed and no full implementation of GPA**

Turning to the third, more promising, scenario, elections are delayed due to the continued lack of progress in fully implementing the GPA. This would reflect a recognition that the conditions for convening elections that could be considered free and fair by all participating parties had not been met. It is doubtful that the parties that constitute the transitional government would utilise the additional time to resolve the perpetual dispute over senior political appointments, particularly considering the fact that they had not managed to make any headway on this issue more than 20 months after inauguration. However, the time could be used to complete and implement crucial

processes, such as drafting the constitution, conducting a land audit and addressing the need for security sector transformation, to name but a few.

In this third scenario, it matters less whether the GPA is fully implemented, for all parties would have bought more time to complete and implement processes instrumental to rebuilding the state, thereby cementing the democratisation process. The constitution-making process is but one example, with proceedings currently months behind schedule, having yet to process the data from the public outreach exercise needed to draft the document. It would therefore be difficult to schedule a referendum on time, much less hold a national election by mid-2011.

A key impediment to this scenario is the advanced age of the president, currently considered to be the best candidate to lead ZANU-PF into the polls. Mugabe would most likely want to organise, and preferably win, elections at the earliest possible date in order to reinforce his party's hold on power.

## **LEARNING FROM SOUTH AFRICA'S EXPERIENCE**

There are three possible outcomes of regime transitions: 1) the installation of democracy; 2) the return to authoritarian rule; or 3) the emergence of a revolutionary alternative.<sup>3</sup> If Zimbabwe wishes to use this transitional arrangement to move from authoritarian rule to some form of electoral democracy, then there are some valuable lessons to be learnt from another country that has managed a relatively peaceful democratic transition, namely South Africa. While the particular realities in both countries may have been different, the deciding similarity in these two cases is the fact that in both countries, the key players to the transitional arrangement face seemingly irreconcilable differences – the unwilling bedfellows appeared to have little trust in their partners, and they had certainly not collaborated with each other prior to the transition. In South Africa, the then apartheid government and the representatives of the liberation movement had both come to the realisation that they needed to enter into some form of partnership in order to maintain control of the situation on the ground.

Elections are inherently conflictual processes that tend to exacerbate existing tensions in an already divided society, and if Zimbabwe can learn anything from South Africa's path towards democracy in the 1990s, it is that an initial delay of such democratic processes can allow for an improvement of relations between the adversaries. Election campaigns and debates within legislature, for example, can aggravate social conflicts as opportunistic politicians exploit such tensions to pursue their vested

interests. By the time elections were held in South Africa, the confidence-building efforts undertaken during the negotiation process had begun to bear fruit – the parties had begun to trust each other, political forces had collaborated with each other – hence decreasing the likelihood of a contested election or a hardening of the ethnic divide.

Furthermore, South Africa’s experience points to a number of other conditions that facilitated the peaceful settlement of the conflict:

- Parties were willing to explore a negotiated settlement as an alternative to ending the conflict – the liberation movement and the apartheid government realised that a proactive engagement in a negotiation process would allow them to lead the process
- The governing elite had undergone a pragmatic shift in mindset and acknowledged the unsustainability of the status quo and the need for major structural reforms, which ultimately led to regime change
- The multi-track negotiation channels that were pursued by the adversaries kept open a constant line of communication between the parties despite the occasional cessation of official talks
- The formation of strategic alliances with local civil society and other international pressure groups further increased pressure for change, as with the mass mobilisation against apartheid in the 1980s and the anti-apartheid movement in several Western states that forced former government allies to withdraw their support for and investments in South Africa
- Ownership of the process, in other words, the running of the negotiation process by the conflicting parties themselves, was a key element of its success. In this sense, externals can merely support the process, either through the facilitation of talks, the offer of technical and financial assistance or other means of support

## CONCLUSION AND RECOMMENDATIONS

Zimbabwe was a de facto one party state from the moment the Zimbabwe People’s Union (ZAPU) was merged with the then ruling party to create ZANU-PF in 1987 until the inauguration of the Interim Government in February 2009. Experience from post-independence elections in Zimbabwe demonstrates the repeated intent of ZANU-PF to repress, sometimes violently, any opposition to its dominance through the instrumentalisation and politicisation of the military and police.

If the past is anything to go by, premature elections are likely to be accompanied by violence and intimidation in support of ZANU-PF. The military and the police will play a crucial role in this regard, and the loyalty of the high-ranking officers within the security forces to the former liberation movement remains unquestioned. Moreover, it seems that the JOC remains resistant to the transformation process. Understandably so, as any transition to broad-based democratic rule that provides for a separation of powers and the re-establishment of the rule of law would practically eliminate opportunities for them to maintain an influence in the political arena.

Notwithstanding the threat of repeated election-related violence and without having addressed the problems emanating from the 2008 elections, it appears that the parties have begun to gear up for the next round. If it were possible to delay elections, focus could instead turn to the mammoth tasks of facilitating sustainable economic recovery, addressing the issue of ownership rights, conducting a land audit, ensuring that the wealth created from the mining sector is directed to state coffers and not siphoned off into the pockets of individuals, and addressing issues of reconciliation and justice, to name a few.

By and large, the abovementioned challenges demonstrate the importance of the political will of all stakeholders involved to effect lasting change. While policymakers and analysts alike agree that political will is a prerequisite to achieving sustainable policy change, most analyses allude to the term only to highlight its absence. Noteworthy attempts have, however, been made to operationalise it into a tangible and most of all manageable concept.<sup>4</sup> If political will is defined as the acceptance, authority and ability of political decision-makers to institute a particular reform, then its presence (or absence) can be better understood and externals can more readily develop strategies to facilitate its emergence.

The ultimate objective of any transition is not to cement power-sharing as a permanent arrangement, but to advance transitional processes that would allow for the inauguration of a freely elected government that respects civil liberties and supports the independence of the various arms of government, namely the executive, judiciary and the legislature. As long as key decision-makers appear to be more interested in cash checks and bank balances than in a separation of state powers through a system of checks and balances, the transition in Zimbabwe is unlikely to gain momentum.

## Recommendations

- The first recommendation would therefore be for the SADC-appointed mediators to develop a step-by-step process that would cultivate the political will of all stakeholders to support the policy reforms required to facilitate the transitional process. It could do so by firstly fostering 'acceptance'. In other words, it should consider whether any stakeholders are resistant to reform. It should encourage a dialogue between all parties to agree about the need to reform as well as the reform idea, and it should ensure that there is consent about the monetary cost of reform. The mediators should ensure that there is sufficient organisational capacity to successfully implement the policy reforms.
- State security forces are traditionally tasked to protect national interests and provide for the security of its citizens. Most importantly, they should be apolitical, which is not the case of the Zimbabwean armed forces and police. Serious efforts must be made to support security sector transformation in order to overhaul the structures and institutional cultures of the security organisations.
- Finally, the external actors should find means of defusing the argument made, particularly by ZANU-PF, that the restrictive measures currently in force are partly to blame for the country's economic downfall. While the international community faces the difficult challenge of aligning calls from the SADC region and all parties to the IG to lift the restrictions on the one hand with the need to justify such a policy change on the domestic front on the other, the continued deadlock should be incentive enough to warrant a new approach. ZANU-PF continues to use the sanctions issue as an excuse for its refusal to concede on other contested issues. There should be serious and visible consultations between 'Western' states and SADC on the issue of sanctions, because their repeal may be as much part of the problem as it may be part of the solution.

## Notes

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<sup>1</sup> Based on a paper presented at a Southern African Liaison Office (SALO) Policy Dialogue Discussion 'Building International Consensus on Zimbabwe: South Africa's relations with Zimbabwe', University of Johannesburg, 17 November 2010.

<sup>2</sup> See Alan Bryden and Funmi Olonisakin (eds) (forthcoming): Security Sector Transformation in Africa, DCAF Yearbook 2010, DCAF/Lit.

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<sup>3</sup> Guillermo O'Donnell and Philippe Schmitter. 1986. *Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies*. Baltimore: Johns Hopkins University Press, pg. 6.

<sup>4</sup> See for example, Lori Post / Amber Raile and Eric Raile: 'Defining Political Will', paper presented at the annual meeting of the NCA 94th Annual Convention, TBA, San Diego, CA, Nov 20, 2008. See also M. Andrews (2004): Authority, acceptance, ability and performance-based budgeting reforms. In *International Journal of Public Sector Management*, 17, 332-344.