

ZIMBABWE: IN SEARCH OF A NEW STRATEGY

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

For all the sound and fury of international condemnation and domestic opposition, octogenarian President Robert Mugabe maintains the upper hand in Zimbabwe. He has bludgeoned opposition parties and neutralised mass action strategies, minimised African criticism, maintained South Africa's friendship, and withstood sporadic pressure from the wider international community. It has been a masterful performance. It is also one that has done massive damage to Zimbabwe's economy, which is shrinking at world record speed. It is time to acknowledge the collective failure to date, re-evaluate strategies for resolving the crisis, and concentrate on the opportunity presented by the March 2005 parliamentary elections.

Though it retains some of the trappings of a multi-party democracy, Zimbabwe is de facto a one-party state controlled by a narrow group of ZANU-PF and military officials who have used its resources and institutions for personal enrichment. The ruling party gives its key supporters in the security services, the army and a large patronage network a piece of the action to ensure their commitment to the status quo. So little is left for social requirements that Zimbabwe, which exported food until recently, has the highest percentage in Africa of people being fed by international aid.

Preoccupied as it is with looting the state and with the politics of presidential succession, it is almost inconceivable that ZANU-PF would now negotiate seriously with the opposition Movement for Democratic Change (MDC). Its strategy appears to be to delay any formal process, while South African President Thabo Mbeki talks about talks. Meanwhile, the regime has become more proficient at forestalling resistance to its rule. Demonstrations are usually thwarted before they begin or broken up early. Youth militias terrorise opposition

supporters. Detain-and-release cycles are applied to opposition and civic leaders, combined with endless court actions to wear down stamina and resources. At the core is violence, used in both targeted and indiscriminate ways.

There are two possibilities for the parliamentary elections that the government has indicated will be held in less than a year's time. One is that a negotiated inter-party settlement or greatly intensified international pressure -- or both -- will produce the conditions for a free and fair electoral process; the other is that the ruling party will continue to stall on talks, rig the electoral process, increase state violence, and win a non-credible vote. If the latter happens, Zimbabwe will probably be at the point of no return. Elements of the opposition and civil society, disaffected war veterans and youth militia, and losers in the ZANU-PF factional battle might well fight one another or the state. Democracy promotion in Zimbabwe today is a conflict prevention strategy.

The response to Zimbabwe's tragedy has been inadequate and ineffectual at all levels. The U.S. and EU feed the majority of Zimbabweans, but their policies do not begin to address the roots of the crisis. South Africa and other neighbours have not made the kind of concerted effort to resolve the crisis that states in East Africa and West Africa have attempted when confronted with their own regional problems. On the contrary, their policies have amounted to covering for the regime. The opposition and civil society have made shows of good faith by participating in governing institutions and electoral processes, but that has only given a veneer of legitimacy to a system that is suppressing political freedom and destroying what had been one of Africa's more dynamic economies. All these actors need to change course.

The March 2005 elections are the vital target. Since a broad ZANU-PF/MDC agreement on the country's problems now seems unattainable, the focus of international engagement should be on crafting specific benchmarks and timelines for a free and fair electoral process. The U.S., EU and UN should work closely with each other, the Southern African Development Community (SADC), the African Union (AU), and the Commonwealth and consult with key stakeholders in Zimbabwe to craft these benchmarks and accompanying timelines. The benchmarks should be based on the SADC Norms and Standards for Free and Fair Elections. There should be an agreed procedure for determining quickly whether the process -- not the voting day itself -- is conducted properly, and to the greatest extent possible agreement on the specific consequences that would flow from violations. The EU and U.S. should start the urgent task of building consensus around this plan of action by appointing envoys to consult throughout the region.

RECOMMENDATIONS

To the EU and U.S.:

1. Change policy focus from an inter-party (ZANU-PF/MDC) negotiation, which now appears unachievable, to promotion of a free and fair process for the March 2005 parliamentary election.
2. Appoint envoys to travel and work together and in coordination especially with SADC, the AU and Zimbabwean stakeholders, forge a broad international consensus on benchmarks, including minimum conditions and timelines, for that electoral process that would be based on the Norms and Standards for Elections in the SADC Region, adopted by the SADC Parliamentary Forum in 2001, and include:
 - (a) repeal of the Public Order and Security (POSA) and Access to Information and Protection of Privacy (AIPPA) Acts and amendment of the Electoral Act;
 - (b) freeing of the airwaves and permission for independent papers to publish;
 - (c) audit of the voters' roll and, if needed, new registration under UN supervision;
 - (d) replacement of partisan electoral officials;
 - (e) MDC access to rural areas;

- (f) replacement of the Electoral Supervisory Commission by an independent Electoral Commission to oversee administration of the election; and
 - (g) unhindered access to the entire process for credible international observers.
3. Seek agreement from the states and organisations supporting the above consensus that if the benchmarks are not met and the norms and standards are violated in a systematic way, the March 2005 parliamentary elections will not be free and fair and that the consequences of such a conclusion should be the subject of further urgent diplomatic review.
4. Endeavour to send teams as soon as possible to observe the entire electoral process.
5. Make preparations to expand the EU and U.S. targeted sanctions list to include the business associates and the family members of key ZANU-PF officials and implement the expansion expeditiously unless ZANU-PF begins quickly to cooperate with the MDC and the international community on a strategy to produce free and fair parliamentary elections based on the SADC norms and standards.

To ZANU-PF:

6. Work with the UN and other bodies to meet the minimum guidelines established in the SADC norms and standards for a free and fair parliamentary election process.
7. Enter into immediate negotiations with the MDC at least to establish the conditions for a credible parliamentary election.

To the MDC:

8. Enter into immediate negotiations with ZANU-PF at least to establish the conditions for a credible parliamentary election.
9. Reconfirm its acceptance of the SADC norms and standards as the basis for a free and fair election, report regularly on the state of implementation of those norms and standards and be prepared to boycott the election if the government flouts them in the lead up to the election.

To the MDC and Civil Society:

10. Develop strategies to promote a non-violent democratic transition, including more relevant and effective civil disobedience to confront state policies rooted in violence or illegality.

To Zimbabwean Election Observer Groups:

11. Start as quickly as possible a regular publication to assess the degree to which the government is adhering to the SADC Norms and Standards.

To South Africa and SADC:

12. Promote application of the SADC norms and standards for the March 2005 parliamentary elections, increase engagement with the aim of producing negotiations between ZANU-PF and the MDC on conditions for those elections, and otherwise take greater responsibility as a region for brokering a solution to the Zimbabwe crisis.
13. Endeavour to send teams, individually or jointly, as soon as possible to observe the entire electoral process.

To the African Union (AU):

14. Support the development and application of agreed benchmarks for the electoral process.

To UN Secretary-General Kofi Annan:

15. Join efforts to produce a free and fair parliamentary elections electoral process in Zimbabwe by supporting and reporting on any benchmarks that are developed to determine whether the process is credible; endeavouring to send a team as soon as possible to observe the entire electoral process; and ensuring that UN personnel on the ground are forceful in their monitoring and humanitarian advocacy.

Nairobi/Brussels, 19 April 2004

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I. THE EVER DEEPENING CRISIS

The first quarter of 2004 has seen a deepening of Zimbabwe's economic and political crisis.¹ The ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) has further isolated itself internationally and demonstrated its reliance on repression and force to maintain control. Zimbabwe's economy is contracting at a record rate.

During 2003, demand had grown from all sectors of society as well as internationally for formal talks between ZANU-PF and the opposition Movement for Democratic Change (MDC), aimed at negotiating a broad political settlement. After U.S. President Bush visited President Mbeki in South Africa in July 2003, the MDC suspended its mass action campaign, indicated it would put its court action challenging the legitimacy of the 2002 elections on hold if there were real dialogue, attended President Mugabe's speech opening parliament, and took other steps to help create an environment for dialogue. The U.S. and UK backed off their public diplomacy, to give space to South Africa's quiet diplomacy. No real effort was expended on getting the two parties together, however, and hope for such a settlement has now been largely abandoned as the ruling party uses the prospect of talks ("talks about talks") as a tactic to avoid substantive negotiations.

ZANU-PF leaders remain too focused on asset stripping and the succession to President Robert

Mugabe to negotiate seriously with the MDC. ZANU-PF will not come to the table unless disaffection within the party increases substantially or South Africa leans heavily on the regime. Neither appears likely at present.

President Mugabe's recent comments about his plans to remain in office for a full term make clear that ZANU-PF intends to use the scheduled parliamentary elections in 2005 to consolidate its power. It likely means to stall for another three to six months until the electoral process replaces inter-party talks as the dominant issue. It would then aim to manipulate divisions within the MDC and civil society; disqualify MDC President Tsvangirai for office by convicting him in his long-running treason trial; do whatever is necessary to secure a two-thirds majority in parliament in March 2005; and then amend the constitution to allow for a prime minister and a largely ceremonial president. This would allow Mugabe to serve until in 2008, perhaps after appointing a prime minister from the newly ascendant ZANU-PF faction of Solomon "Rex" Mujuru.

Mugabe clearly believes he can continue his authoritarian rule with a thin veneer of democracy intact but the desire for legitimacy clashes with the culture of corruption in senior circles. The current anti-corruption drive is not aimed at cleaning up the system but is rather a pretext for searching out dissenters or rivals within ZANU-PF. As mafia-like tendencies in the economy have spread, Mugabe has to take actions that appear to make his administration accountable.

With the chance for moving Zimbabwe to a negotiated solution fading, it is time for a fundamental re-thinking of strategies and tactics. New initiatives from Zimbabweans, the region, and the broader international community are urgently needed to halt the country's fall into the dubious company of failed states.

¹ For background, see ICG Africa Briefing, *Decision Time in Zimbabwe*, 8 July 2003; ICG Africa Report N° 60, *Zimbabwe: Danger and Opportunity*, 10 March 2003, and earlier reporting on the Zimbabwe crisis available at www.crisisweb.org.

A. THE ECONOMY'S COLLAPSE

The economic implosion continues. The annual inflation rate, which is among the highest in the world, jumped from 400 per cent in August 2003 to 622.8 per cent in February 2004.² Foreign currency, on which Zimbabwe depends to import fuel, electricity, water treatment chemicals, medication and other basic necessities, is in short supply, contributing directly to rising prices for transport and basic commodities.

The declining economy and growing food insecurity have created a sense of hopelessness. Corruption, asset stripping, and speculation are the hallmarks of economic life. There are no prospects for job creation or industrial revival in the absence of a return to the rule of law and a major international rescue package. Zimbabwe is not paying its external debts, which have reached approximately U.S.\$6 billion,³ and faces expulsion from the IMF. Poorly managed parastatals like Air Zimbabwe are the largest contributors to this debt. In February 2004, the national airline was temporarily suspended from IATA after it accumulated U.S.\$1.9 million in arrears.⁴ The Zimbabwe Congress of Trade Unions (ZCTU) estimates unemployment at 80 per cent. Official figures are unavailable as the Central Statistical Office has been unable to keep up with the rapid rate of company closures and restructuring.

The economic decline has affected all development indicators. Zimbabweans today are as poor as they were in 1970, and 70 per cent live below the poverty line. Fewer people have formal jobs now

than in 1980. With more than a third of the adult population infected with HIV/AIDS, life expectancy is lower than in 1960 and has dropped from 61 years in 1990 to 34 in 2002.⁵ The effect on the social fabric and on productivity has been devastating.

Zimbabwe, until recently one of Africa's more promising economies, is now 145th of 174 countries in the UN's Human Development Report.⁶ Food insecurity has dramatically deteriorated due to the manner of implementing fast track land reform, poor agricultural planning, politically biased allocation of resources and drought.⁷ Food aid is needed by 5 million rural residents and 2.5 million city dwellers,⁸ the highest percentage of population in Africa.⁹ The health care system is in steady decline since many trained professionals have emigrated, and scarce foreign currency translates into medicine shortages, soaring drug prices and equipment that is rarely repaired.

Education also has been hit hard. Many of the brightest teachers have left. Wage disputes disrupt the academic year. Rising textbook prices mean many children cannot take their materials home. Fees have increased ten-fold in the past few years, making education unaffordable for many families, who are choosing not to send particularly girls to school.¹⁰

In an effort to halt the country's economic decline, President Mugabe has appointed Gideon Gono as the new Governor of the Reserve Bank. The government plans to use the monetary policy statement issued by Gono on 18 December 2003 as

² IRIN news, 13 February 2004, "Zimbabwe: Inflation rate up again".

³ Zimbabwe Coalition on Debt and Development (ZIMCODD) is a non-governmental organisation dedicated to research, advocacy and information on debt and development issues. It published a book on Zimbabwe's total debt and its social impact and continues to update the profile of that debt. For more information on ZIMCODD, see <http://www.zimcodd.org>.

⁴ *Herald*, 12 February 2004. The President called these arrears "unacceptable" and insisted that Air Zimbabwe should have approached the Reserve Bank to obtain foreign currency to pay off the debt. The president regularly uses Air Zimbabwe aircraft for his personal and business trips, which obliges the company to rent aircraft from South Africa to satisfy customer bookings.

⁵ Joint UN Program on HIV/AIDS (UNAIDS), "Report on the Global AIDS/HIV Epidemic, 2002". UNICEF, "At a Glance -- Zimbabwe". at

http://unicef.org/infobycountry/zimbabwe_statistics.html#10

⁶ UN Human Development Report 2003, p. 239.

⁷ ICG will publish in 2004 a book-length report on the land reform issue in Zimbabwe and South Africa.

⁸ IRIN News, 28 January 2004. A year earlier 1.4 million urban residents needed such aid.

⁹ Zimbabwe has 11.6 million people, of whom 65 per cent require external food aid. Michael Wines, "In Zimbabwe, Even the Farmers are Going Hungry", *The New York Times*, 29 February 2004.

¹⁰ If this trend continues, it will quickly impact on Zimbabwe's literacy rate, which is one of the highest in Africa: 89 per cent in 2001, and 97.4 per cent for young people. UN Human Development Report 2003, p. 272.

the foundation of its economic recovery strategy. The stated objectives of the policy are to reduce inflation, stabilise prices, strengthen the financial system, promote economic growth, preserve the value of the Zimbabwe dollar, and stabilise the exchange rate.

It is too early to assess the impact on economic stability of the newly introduced auction system, whereby buyers bid for foreign currency and sellers are paid at an average rate calculated by aggregating all bids and estimating the weighted average. This system has had the effect of pushing down the exchange rate to the point where the Zimbabwe dollar has appreciated in value from a low of Z\$6,500 to the U.S. dollar in December 2003 to a high of Z\$3,500 in February 2004.

Analysts warn, however, that monetary policy on its own, without a consistent macro-economic policy framework, will be a blunt instrument.¹¹ When the Minister of Finance and Economic Development, Dr Herbert Murerwa, presented the government's 2004 budget proposals on 20 November 2003, the monetary policy assumptions on which the budget was crafted were not available. The announcement of the monetary policy after the budget statement exposed the government's lack of proper synchronisation of fiscal and monetary policy. Economists also warn that the positive response of financial institutions to the new monetary policy is temporary. As one analyst said, "In an environment where the productive sectors such as agriculture and industry are not generating export earnings in the form of foreign currency, we will soon see the [price of] the U.S. dollar rising, as we will have too many Zimbabwe dollars chasing too few U.S. dollars".¹²

B. DETERIORATING GOVERNANCE

ZANU-PF governs Zimbabwe with an increasingly heavy hand. The ruling party has appropriated state resources for its own benefit, using police, army, and its militia to harass, beat and rape local residents, especially opposition party activists in the countryside. Laws such as the Public Order and

Security Act (POSA)¹³ and the Access to Information and Protection of Privacy Act (AIPPA)¹⁴ are exploited to limit dissent. In the last three months five senior judges have resigned from the bench under unclear circumstances, another sign of the fading of judicial independence. Many members of the opposition and civil society increasingly employ self-censorship.

In an August 2003 survey conducted by the Mass Public Opinion Institute, 51.3 per cent of respondents said President Mugabe should retire immediately rather than serve out his term. This view was held across gender and age groups, rural and urban areas and was even reflected in traditionally pro-ZANU-PF areas like Mashonaland. Additionally, 54.8 per cent found Mugabe "not sincere in his intentions of stepping down".¹⁵ A villager in a rural district controlled by ZANU-PF summarised:

There is hatred of this government in this village. There is not a single supporter of ZANU-PF left in our ward. We have recognised that we are being taken for a ride. The countries that are condemned by the government on the radio every day are the ones who have their names printed on our food sacks and are saving our lives. We now know that the government has been lying.¹⁶

1. Press freedoms

The independent press remains under attack from the Ministry of Information and the Media and Information Commission (MIC). In January 2003, the Associated Newspapers of Zimbabwe (ANZ), the parent company of Zimbabwe's only

¹³ POSA restricts freedom of movement and assembly, gives the police sweeping powers to approve public meetings, and imposes strict penalties against anyone believed to be planning demonstrations which might criticise government.

¹⁴ AIPPA requires journalists and media houses to be approved by a government-appointed commission in order to operate. It also imposes strict penalties for the publication of "falsehoods" (even if the journalist is reasonably assured of the truth of the story), and prohibits the publication of any story critical of the president.

¹⁵ "Issues Surrounding the Formation of a Transitional Government in Zimbabwe", Mass Public Opinion Institute, August 2003.

¹⁶ ICG interview, December 2003.

¹¹ ICG interview, January 2004.

¹² ICG interview, January 2004.

independent mass circulating newspaper, the *Daily News*, went before the Supreme Court to contest the constitutionality of Section 66 of AIPPA, which requires media to register before they may publish. ANZ argued that this amounted to seeking approval from the government to operate, in violation of the constitutional right to freedom of expression. It continued to operate pending the Supreme Court's decision on its petition. On 11 September 2003, the Court ruled that the ANZ would have to comply with the contested section and register before its application would be heard.

The *Daily News* then sought to register with the MIC, which, according to the statute is meant to be a neutral, supervisory body. In fact, it is partisan, its members all approved by Minister of Information and Publicity Jonathan Moyo.¹⁷ The paper was denied registration on the grounds that its earlier refusal to comply with the law indicated it was not a worthy applicant.

The *Daily News* sought relief in the Administrative Court, which ruled that the MIC was improperly constituted and must be reorganised, and that the *Daily News* must be registered by 30 November 2003. The *Daily News* sought to continue publishing. However, police prevented this by blocking the offices. The paper won several High Court orders demanding that the police vacate its offices, which they briefly did on 21 January 2004, allowing the paper to resume publication the following day. When the Supreme Court ruled on 5 February that journalists must register in compliance with AIPPA, however, staff refused to write, and the *Daily News* has been off the streets ever since. The MIC and Moyo jointly filed to have the paper barred formally from publishing. The Supreme Court heard this case on 3 March 2004, and judgment has been reserved indefinitely.

The Independent Journalists Association of Zimbabwe (IJAZ) filed a constitutional challenge against AIPPA's requirement for journalists to register with the MIC. On 5 February 2004, the Supreme Court upheld the constitutionality of the requirement. Justice Wilson Sandura, one of the more respected members, wrote a dissenting judgment arguing that the section violated Section

20 of the constitution and ran counter to the spirit of democracy and press freedom. Members of the media, the bar, and human rights groups have condemned the decision as retrogressive.¹⁸ One analyst said, "We are seeing the complete emasculation of the Supreme Court bench".¹⁹

2. Political violence

According to the U.S. State Department:

President Mugabe and his ZANU-PF party used intimidation and violence to maintain political power. A systematic government-sanctioned campaign of violence targeting supporters and potential supporters of the opposition continued during the year. Security forces committed extrajudicial killings. Ruling party supporters and war veterans (an extralegal militia), with material support from the Government, expanded their occupation of commercial farms, and in some cases killed, abducted, tortured, beat, abused, raped, and threatened farm owners, their workers, opposition party members, and other persons believed to be sympathetic to the opposition. There were reports of politically motivated disappearances. Security forces and government youth militias tortured, beat, raped, and otherwise abused persons; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention and lengthy pre-trial detention remained problems.²⁰

¹⁸ Tawanda Hondora, "Conflicting Views in Media Case", *The Independent*, 13 February 2004.

¹⁹ ICG interview, January 2004.

²⁰ "Country Reports on Human Rights Practices 2003", U.S. State Department, 25 February 2004. Available at <http://www.state.gov/g/drl/rls/hrrpt/2003/27760.htm>. The latest political violence report from the Zimbabwe Human Rights NGO Forum also documents a continuing trend of organised human rights violations, including politically motivated arrests, torture, kidnapping, displacement, assaults and destruction of property nation-wide, particularly (but not exclusively) in the run-up to local council or parliamentary by-elections. The vast majority of all perpetrators, it found, were agents of the state or of ZANU-PF. It concluded that "

¹⁷ John Bercow, "A Portrait of Mugabe's Tyranny", *The Zimbabwe Independent*, 20 February 2004.

From December 2003 to January 2004, there were reports of political violence in Harare, Bulawayo, Chipinge and Zvishavane, (Masvingo Province), Shamva (Mashonaland Central), and Gweru (Midlands). As recently as 21 February 2004, members of the youth militia, clad in their green uniforms, attacked MDC President Morgan Tsvangirai and his family at Chivhu Township, 145 km. south of Harare. Cases like this typically go uninvestigated, and police in central headquarters routinely deny any knowledge.²¹

There have been allegations that the government runs six training camps where "thousands of youth are taught how to torture and kill" opposition supporters.²² Though officials claim they are only "job training centres", the camps are said to be building a youth militia (known as "Green Bombers" from the uniforms) that is to be available for use against foes in the 2005 elections.²³ Participants are taught that ZANU-PF is the party of liberation and black solidarity, MDC is a traitorous organisation manipulated by whites. Despite calls from church and civic groups and the MDC to disband the camps, more than 18,000 have gone through them since the first was opened at Border Gezi in 2001. ZANU-PF wants to make attendance a prerequisite for tertiary education, and the budget has been doubled. Senior officials reportedly are unwilling to send their own children, however, because conditions are poor.²⁴

"It is deplorable that Zimbabweans should continue to be displaced from their homes (due to violence and intimidation) on the basis of their political opinions and beliefs in violation of Section 21 of the Constitution, which guarantees every individual the 'right to assemble freely and associate with other persons and in particular to form or belong to political parties'". "Political Violence Report", December 2003, p. 2.

²¹ A Police superintendent and spokesperson denied any knowledge of this attack: ZWNEWS, 23 February 2004.

²² Despite the fact that camp attendees are sworn to secrecy, the BBC claims to have spoken with 60 former participants, who characterised their experiences in a broadly consistent manner.

²³ Hilary Andersson, BBC News. "Zimbabwe's Torture Training Camps", 27 February 2004. Available at <http://news.bbc.co.uk/2/hi/africa/3493958.stm>.

²⁴ News24.com, "Camps 'decolonise' Zim youth", 6 March 2004. Available at http://www.news24.com/News24/Africa/Zimbabwe/0,,2-11-259_1494172,00.html

3. Civic freedoms

Civil society organisations and activists remain subject to arrest when they attempt to demonstrate peacefully. ZCTU members protested across the country in October and November 2003 against high taxes, inflation, and abuse of workers' rights and were arrested each time. A forceful intervention by the Congress of South African Trade Unions (COSATU) is largely credited with their subsequent release without charge.²⁵

On 3 December 2003, nineteen members of Women of Zimbabwe Arise (WOZA) were arrested in Bulawayo when they attempted to demonstrate against food prices. Five were immediately released but the remainder were first held for two nights.²⁶ In January 2004, the Combined Harare Residents Association (CHRA) organised a consultative meeting to discuss the city budget, service delivery, and limitations of the city council. On 28 January police banned the meeting, even though they had previously granted permission. The meeting was rescheduled for 4 February, and the police were again approached. They granted permission but warned the organisers not to discuss topics such as interference by the local government minister in council affairs and the acting mayor's political agenda.²⁷ In Harare on 4 February, over 250 National Constitutional Assembly (NCA) activists demonstrated for a new constitution. Police in full riot gear attacked them with tear gas and dogs, injuring at least five seriously. NCA Chairperson Lovemore Madhuku suffered injuries to his head, arms and back, was seized by police and abandoned out of town. Police also arrested 116 activists, releasing them on payment of a fine.²⁸

On 23 February 2004, a meeting of the Harare City Council to discuss residents' objections to the budget was disrupted by Joseph Chinotimba and his War Veterans Association, on instruction from ZANU-PF,²⁹ which opposes any meaningful dialogue between the MDC-dominated council and

²⁵ ICG interview, November 2003.

²⁶ Zimbabwe Human Rights NGO Forum, "Political Violence Report", December 2003, p. 3.

²⁷ ICG interview, February 2004.

²⁸ *Daily News*, "Madhuku left for dead", 5 February 2004.

²⁹ Discussed in issue 33, 16 March 2004, of *The Resident*, the journal of the Combined Harare Residents' Association. Confirmed by ICG interviews.

residents of the capital. On 25 February, the NCA's Madhuku travelled to Mutare (on the border with Mozambique) for a four-day seminar organised by the Centre for Peace Initiatives. He was stopped at a roadblock just outside the town and quizzed about his purpose. After he showed his letter of invitation and the seminar program, which indicated he was to present a paper, he was taken to the police station and questioned further by police and intelligence agents. He was released after three hours as the police agreed there was "no legal basis for his arrest".³⁰

Further legislation to restrict freedom of expression is pending. The government calls Statutory Instrument 37/2004: Presidential Powers (Temporary Measures) Amendment of Criminal Procedure and Evidence Act, introduced in February 2004, anti-corruption legislation. It would create a state of emergency; suspend habeas corpus, enable police to detain individuals suspected of violating POSA for seven days without charges and up to one month while seeking evidence to substantiate charges; and instruct the courts to deny bail if the police have "reasonable" suspicion of a prima facie case against the accused.³¹

4. Crackdown on corruption: Political scapegoating

A new Anti-Corruption and Anti-Monopoly Ministry is part of the government's "war on corruption." However, the sincerity of that conflict is questionable given how deeply corruption permeates ZANU-PF. Didymus Mutasa, the minister, is a staunch supporter of President Mugabe, the beneficiary of a confiscated farm, and has a documented record of promoting politically motivated violence in Rusape district.³² The anti-corruption drive is a useful way to target factions considered to be getting too strong and so ensure that the party remains under Mugabe's control. The two main factions are led by retired army General

Solomon "Rex" Mujuru and by Speaker of Parliament Emerson Mnangagwa. All ZANU-PF supporters caught up in the anti-corruption drive have been from the Mnangagwa faction.

Profiteering on the parallel market, foreign currency deals and company takeovers have been the hallmark of the economic decline, and ZANU-PF insiders are believed to be much involved. A threat to move against poorly managed banks caused turmoil in the financial sector. Several unregistered asset management companies linked to parallel market dealings in foreign currencies scurried for cover as depositors sought their money back. ENG, an asset management company owned by young black businessmen, and its subsidiary, Century Discount House, were closed. Three directors were arrested in early January 2004, and several prominent businessmen have either been arrested or questioned by the police in connection with the case.³³

There was another spate of high profile arrests in February 2004, including ZANU-PF Central Committee member and businessman James Makamba on 22 counts of foreign currency irregularities. Jane Mutasa, the president of the ZANU-PF-linked Indigenous Business Women Organisation (IBWO), was arrested, pleaded guilty, was convicted, and was sentenced for selling U.S.\$2,000 in illegally purchased foreign currency.³⁴ Her son, Terrance, is charged with illegally exporting US \$1.3 million and like Makamba is in remand prison.

Gono's new policies at the Reserve Bank, the crackdown on corruption and passage of the "Bank Use Promotion and Anti-Money Laundering Act" in January 2004 are designed to give international donors the appearance of significant steps to correct the economy but they are also part of a pre-election campaign to present a new ZANU-PF image ahead of the 2005 parliamentary vote. The fact that only a few individuals seem to have been targeted

³⁰ *Standard*, "Madhuku arrested at roadblock", 29 February 2004.

³¹ *Ibid*, 15 February 2004. This article, at first privately circulated, was published in the *The Zimbabwe Independent*, 5 March 2004. Otto Saki, "An Act of Madness: Amendments of Criminal Procedure and Evidence Act", February 2004.

³² ICG interview, February 2004.

³³ These include Minister of Labour and Social Welfare July Moyo, three directors of a local insurance company, the head of the National Social Security Authority (NSSA), a prominent lawyer, Edwin Manikai, and businessman/Member of Parliament/ZANU-PF Chairman for Mashonaland West, Phillip Chiyangwa.

³⁴ *The Herald*, 27 February 2004.

suggests the emphasis on corruption is primarily a public relations gimmick and way to weed out political rivals, not a genuine policy shift. A somewhat similar tactic of using a non-party technocrat to put a new face on ZANU-PF was attempted in 2000 with the cabinet appointments of Simba Makoni and Nkonsono Moyo, both of whom left quickly in despair at their inability to reform from within. Gono is unlikely to have more success.

II. MUGABE'S VICTORY

A. ZANU-PF: IN SEARCH OF LEGITIMACY

President Mugabe may calculate that ZANU-PF is too internally fractured at this stage to identify his eventual successor. There is a possibility that once that individual is selected, the losers could break away, as recently happened to the Kenyan ruling party when it faced the issue of a successor to President Moi. By delay, Mugabe keeps everyone off balance, loyal, and invested in the status quo. After a series of favourable appointments in late 2003, Emerson Mnangagwa's camp appeared to have the upper hand but the tide has shifted again, and Solomon Mujuru's faction is in the ascendancy.

Formed in 1963, ZANU-PF has a history of infighting, factionalism and the use of ethnicity as a mobilising issue.³⁵ Mugabe has been party president since 1976. He appoints members of the Politburo, non-constituency members of parliament and the speaker of that body, judges, diplomats and the five members of the Electoral Supervisory Commission, among other important positions. Increasingly and disproportionately, key appointments in the state apparatus are going to ex-military personnel.

As Mugabe gets older, the succession debate is ever on the minds of party members but it is not a permissible subject for open debate. The rivalries are played out behind the scenes. Save for Didymus Mutasa, who declared interest in the vice presidency, no one has officially confirmed that he or she is in the succession race for fear of being eliminated.

Mnangagwa, a calculating strategist who has been touted as Mugabe's preferred successor, has built a base among provincial chairmen and young politicians/businessmen. Those aligned with the Mujuru faction, which includes former Finance Minister Simba Makoni and Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa, will do anything possible to thwart Mnangagwa. There is also

³⁵ Recent reports indicate that Mugabe has also attempted to use ethnicity as a wedge to divide the MDC, pitting Shona and Matabele against each other. See Dumisani Muleya, "Mugabe Trying to Divide MDC", *The Zimbabwe Independent*, 5 March 2004.

a camp that believes there is no alternative to Mugabe's continued leadership. It includes Jonathan Moyo, sections of the war veterans military and police leaderships, and recently appointed ministers and others who see Mugabe as the guarantor of their political and economic opportunities. Each individual and faction recognises that ZANU-PF needs to remain unified if their personal and political survival is to be ensured.

The arrest of Phillip Chiyangwa on 10 January 2004 is believed to have been a result of factional manoeuvres. With Mnangagwa's blessing, he was allegedly behind the distribution of a document that called for an open succession debate at the ZANU-PF annual conference in December 2003 and reportedly spread information that Vice President Msika was "drinking whisky with white farmers".³⁶ The idea was reportedly to force Msika to step down to make two vice presidential openings, thereby allowing both Mnangagwa and the more senior Matabeleland representative, John Nkomo, to be promoted together. Msika vehemently denied the allegation, and when Mugabe was on holiday and he was Acting President, had Chiyangwa arrested in connection with the ENG case.

No matter what the personal motivations were with regard to Chiyangwa's arrest, the result was that a top ZANU-PF official was imprisoned on charges of economic mismanagement, suggesting that there may now be an unspoken limit for those who seek to take advantage of the patronage system. Chiyangwa, like Pearson Mbalekwa (ZANU-PF parliamentarian for Zvishavane), Ray Kaukonde (ZANU-PF parliamentarian for Mudzi and chairman for Mashonaland East), Victor Chitongo (parliamentarian for Murehwa North), and Mutuma Mawere (a powerful businessman linked to Schweppes, Shabani Mine, and First Bank, who refused a seat in the party and is reported to be in self-imposed exile in South Africa), is a wealthy, young professional who had begun to make more money than could be controlled by the patronage system. This has raised concern with the political godfathers in ZANU-PF, who may have wanted to set an example with Chiyangwa's arrest.

However, while the succession debate fuelled infighting, damaged the party, and eroded its ability to govern at the end of 2003, Mugabe emerged as

the clear winner at the annual conference. Those he suspected of trying to ascend to the throne without his blessing were cut down, and those whom he trusts are working on plans for winning the elections and regaining international legitimacy.

B. THE MDC: IN SEARCH OF A STRATEGY

The MDC, meanwhile, is under constant attack, its leadership harassed, arrested and repeatedly detained. Morgan Tsvangirai faces two treason trials. In the first, he is accused of plotting to assassinate Mugabe with the help of the discredited Israeli-born operative Ari Ben Menashe and his Canadian firm, Dickens and Madson. MDC Secretary General Welshman Ncube and Shadow Minister for Agriculture Renson Gasela were acquitted in 2003 on similar charges. But despite the dubious merits of the case, Tsvangirai has spent the better part of a year in court. Even if he is acquitted, he will have to endure a second case in which he is accused of attempting to overthrow the government in June 2003 through a week of mass action dubbed the "final push". Keeping Tsvangirai tied up in court -- but not in jail where he could become a more unifying symbol -- undermines his effectiveness as party president. The tactic is to limit his movements inside and outside the country. Even when not in court, he is under strict requirements to report to a Harare police station. His bail conditions also limit his public speaking. The authorities confiscated his passport, and he has not travelled abroad since February 2002.

The MDC has put its eggs in many baskets, but concentrated on none. In the last year, it has:

- ❑ engaged in direct dialogue with ZANU-PF and indirect dialogue through Zimbabwean religious leaders (the bishops) with a view to reaching a negotiated accommodation on the country's problems;
- ❑ pursued legal action aimed at invalidating the 2002 presidential election;
- ❑ organised sporadic mass action efforts, including the ill-advised "Final Push"; and
- ❑ participated in by-elections and begun preparing for the March 2005 parliamentary elections, including by developing policies for governing Zimbabwe, working in parliament, and attempting rural outreach.

³⁶ Sunday Mirror, 7 December 2003.

The number of approaches it has pursued leads to questions about its focus, strategy and effectiveness. Not having succeeded fully in any of the above areas, the party is stretched thin and is vulnerable to internal divisions and external challenges. Lacking agreement on an overarching objective and on how to pursue it leaves it reduced to reacting to ZANU-PF's agenda.

In August 2003 the MDC won the majority of urban council elections but its effectiveness at the local level is hamstrung by a structure that relies heavily on the central government for money and borrowing powers. Minister of Local Government Ignatius Chombo has immense power to run local authorities, overturn council resolutions, suspend elected members and frustrate councils' ability to function. This has been most evident in Harare, where the MDC Mayor, Engineer Elias Mudzuri, elected with 80 per cent of the vote in March 2002, remains suspended on what are widely believed to be spurious charges, leaving the council in the hands of the minister.

Slowly, however, the MDC is developing as a political party rather than just a rejectionist initiative. Over the last year, it produced a platform for governing that articulates what it is for, not just what it is against. It presented this platform at the party's annual conference in December 2003. The cornerstone is "RESTART" (Reconstruction, Stabilization, Recovery, and Transformation), a five-year economic recovery plan involving coordinated fiscal, monetary, exchange rate, sectoral and trade policies. Its next major challenge is to devise a strategy for getting its policies implemented, that is for producing a political transition, though this will not happen without significantly increased pressure on ZANU-PF.

The regime fears the potential of a sustained mass action campaign that would challenge its legitimacy and its policies and might force it to the negotiating table. Neither the MDC nor its civil society allies have been able to produce this, however. Their few successes have not generated momentum. Personnel rivalries have undermined the pledge of MDC, union and other civic leaders to cooperate and coordinate better, and the party made a serious blunder when it called for a "final push" from 2-6 June 2003 for which it was woefully unprepared. It had misread the experience of campaigns around the world in which mass demonstrations were the culmination of much

work, not the first act. There are some indications that it has learned from the error.³⁷ However, in late November 2003, when thousands took to the streets in Bulawayo, the predictions of local activists that this would be the beginning of a much larger campaign were not borne out.³⁸ Union leaders jailed after demonstrating in Harare around the same time and then released following an intervention by South African colleagues promised intensified mass action but have not followed through.³⁹ Recent union (ZCTU)-organised "stayaways" have been ineffective.⁴⁰

The government has failed to destroy the MDC, and the party has been able to maintain a presence in both parliament and local authorities. Internal tensions remain regarding ethnicity and relations with trade unions but these are exaggerated. Now that the MDC has come up with coherent policies for governing, it has to find a strategy with which to bring ZANU-PF to negotiations, affect government policy, and create a more level electoral playing field.

³⁷ ICG interviews, December and March 2004.

³⁸ ICG interviews in Bulawayo, November and December 2003.

³⁹ ICG interviews in Harare, December 2003. This was the November 2003 demonstration and COSATU intervention described above.

⁴⁰ In a 25 February 2004 stayaway action, only about "40 per cent" of workers heeded the strike call according to ZCTU's national spokesperson. Intimidation and arrests have minimised the effect of stayaway actions, particularly in Harare and Bulawayo. See "Zimbabwe: ZCTU strike "unsuccessful", IRIN, 25 February 2004.

III. TALKS ABOUT TALKS

Legitimising Zimbabwe's government requires a free and fair election. The steps that need to be taken to deliver such an election should be the subject of negotiations between ZANU-PF and the MDC. However, events on the ground provide no reason for optimism that this will happen. Such negotiations as have taken place have remained at the "talks about talks" level. Every process or contact that has emerged over the last year has been aborted or suspended by ZANU-PF. President Mugabe refused the request of President Obasanjo to meet with Tsvangirai during the Nigerian leader's Harare visit in late 2003. In the absence of overwhelming international or domestic pressure, which seems unlikely to develop, this attitude is likely to continue through the March 2005 parliamentary election.

A. THE PARTIES

It is increasingly clear that ZANU-PF is determined to stall talks. It does not have a coherent agenda to bring to the table, is opposed to a rerun of the 2002 presidential election, and recognises that serious talks would eventually have to bring up the difficult issue of succession to Mugabe, which ZANU-PF has not yet resolved even to its own satisfaction. At one point Mugabe insisted that the MDC drop its election petition and recognise him as the head of state before talks could resume. While delivering a graveside speech at the funeral of Vice President Simon Muzenda, he acknowledged the presence of MDC parliamentarians led by the party's vice president, Gibson Sibanda, who had come as a gesture of good will. But that ambiguous acknowledgement was as far as he would go. A senior ZANU-PF parliamentarian admitted, "We have not heard any bold declarations of commitment to talks from Mugabe ... except some statements he makes which become subject to discussion, but they are never policy statements really".⁴¹

In an attempt to move toward negotiations, (and in response to pressure from regional and

international leaders),⁴² the MDC made public gestures to ZANU-PF to indicate commitment to talks. In August 2003, it attended Mugabe's opening speech to parliament for the first time. Tsvangirai said the MDC was "ready to support and participate in all efforts designed to chart a peaceful course towards the resolution of the crisis of governance in Zimbabwe".⁴³ At the party's annual conference in December 2003, he reaffirmed its position that resolution of the crisis must start with negotiations:

We need to have dialogue on the best way to restore legitimacy....And the best way is through a free and fair election, which is organised through a process which enhances confidence in our electoral politics, bestows legitimacy on the winner and allows Zimbabwe to go back to its respectable position in the international community of civilised nations. These talks must be unconditional, and we must be treated as equal partners ... there is no junior partner here.⁴⁴

In the absence of a favourable response, the MDC is planning a return to demonstrations. At the annual conference, it called for a broad alliance to apply pressure on the government. In January 2004, it opened consultations with civil society representatives for such an alliance. This is still in the formative stages, but organisers say it would aim to launch a variety of rolling mass actions.⁴⁵ At its rallies, the MDC is urging supporters to prepare.⁴⁶ However, similar pronouncements have been made before.

B. STALLED INITIATIVES

Three initiatives seeking to put life into inter-party negotiations have failed over the past year or are on life support.

The first was an attempt to revive the failed South Africa/Nigeria-led effort of 2002 that followed the presidential election and broke down as soon as the

⁴¹ ICG interview, January 2004.

⁴² ICG interviews, December and January 2003-2004.

⁴³ Financial Gazette 24 July 2003.

⁴⁴ Tsvangirai press conference at the MDC annual conference, December 2003.

⁴⁵ ICG interviews, December 2003 and January 2004.

⁴⁶ *Daily News*, 26 January 2004.

MDC presented its agenda. In May 2003 Presidents Mbeki and Obasanjo, joined by President Muluzi of Malawi, met the two parties without result. In July, Tsvangirai wrote to the three leaders seeking clarification of their initiative but received no reply.⁴⁷ Shortly before the Commonwealth Heads of Government met in Abuja in December 2003, Obasanjo tried again on his own without result.

The second was spawned by Patrick Chinamasa of ZANU-PF and Welshman Ncube of the MDC. Topics discussed over several months by these two included the constitution, restoration of electoral legitimacy, and a road map to a free and fair election. Sharp differences emerged over an election timetable, and the effort stalled.

The third, and the only one that retains some potential, is an independent effort by three bishops, based in Zimbabwe's eastern Manicaland Province, who have national standing and are significant figures in the ecumenical community. Sebastian Bakare is Bishop of the Anglican Diocese of Manicaland and president of the Zimbabwe Council of Churches. Trevor Manhanga is Bishop of the Pentecostal Assemblies of Zimbabwe and president of the Evangelical Fellowship of Zimbabwe. Patrick Mutume is Auxiliary Bishop of the Diocese of Manicaland and a member of the Catholic Bishops Conference.

The bishops have shuttled between the parties for over a year without obtaining solid commitments. They have, however, consistently accessed the MDC's top leadership and likewise met with President Mugabe and received his blessing to continue. Civil society, the opposition and even sections of ZANU-PF have rallied behind the initiative. Its potential as a non-partisan, locally driven answer adds to its credibility but the bishops lack both the leverage to make Mugabe act as well as a set of specific proposals that might give practical shape to the goodwill they seek to inject into the situation.

Only South Africa, despite the rebuffs it has received, still expresses any optimism that serious inter-party negotiations are possible in 2004. In July 2003, U.S. President Bush visited and endorsed President Mbeki's leadership in resolving

the Zimbabwean crisis. That endorsement was aimed at placing subtle pressure on Mbeki to produce results.⁴⁸

President Mbeki's repeatedly expressed confidence about talks has not been supported by developments on the ground. In India and Canada in the run up to the Commonwealth summit, he claimed the crisis would soon be solved, and he lobbied against the Commonwealth's decision to extend Zimbabwe's suspension. He then defended the ZANU-PF regime strongly in the ANC's December 2003 newsletter:

Those who fought for a democratic Zimbabwe, with thousands paying the supreme price during the struggle, and forgave their oppressors and torturers in a spirit of national reconciliation, have been turned into repugnant enemies of democracy.⁴⁹

More recently the South African president has spoken of a "Zimbabwe solution" by June 2004⁵⁰ and said not only that the two parties are talking⁵¹ but that they had agreed on a framework for negotiations on the 2005 parliamentary elections.⁵² Both ZANU-PF and the MDC expressed ignorance, and Patrick Chinamasa, supposedly the lead ZANU-PF negotiator, issued a denial.⁵³ It is possible that Mbeki has been given false assurances

⁴⁸ Secretary of State Colin Powell and other State Department officials had urged a more forceful statement but the White House concluded that widespread African support for Mugabe made it unwise to press Mbeki too openly. ICG interviews, Washington.

⁴⁹ *Sunday Independent*, 14 December 2003. The article angered Zimbabwean human rights groups, independent media and civil society and reinforced their perception that Mbeki is less interested in bridging the ZANU-PF/MDC gap than in defending Mugabe and ZANU-PF internationally. ICG interviews, January 2004.

⁵⁰ IRIN, "Formal talks should happen before June", 29 January 2004.

⁵¹ Interview on South African Broadcasting Corporation (SABC), 8 February 2004.

⁵² Mbeki visited Zimbabwe at the end of December 2003 with the inter-party talks issue as a high priority. For the first time, he met on his own with the top MDC leadership including Tsvangirai. He did not tell the South African press of his intention to meet with the MDC. His aides planned the meetings but did not discuss them until he left so that it would appear an afterthought. ICG interview, December 2003.

⁵³ ICG interviews, January and February 2004; "South Africa's Zinger from Zimbabwe", *The Washington Times*, 11 February 2004.

⁴⁷ *The Zimbabwe Independent*, 4 July 2003.

by Mugabe. A key contact for the South African presidency is Minister of State for National Security Nicholas Goche, who comes out of the Zimbabwean Central Intelligence Organisation.⁵⁴ The missteps at least demonstrate the distance between rhetoric in Pretoria and reality in Harare.

Attitudes among some other African leaders, however, indicate a new awareness that ZANU-PF movement is required to resolve the impasse. Partly as a result of continuous visits by the bishops and other representatives of the MDC and Zimbabwean civil society, representatives from Malawi, Mozambique, Tanzania, Mauritius, Seychelles and Botswana have begun discussing the need to press for a return to democracy, and there appears to be collective interest in deepening engagement.⁵⁵ Such a regional approach could be critical to calculations in both Pretoria and Harare.

IV. SCENARIOS

Zimbabwe faces several possible scenarios over the next year.

Unstructured change at the top. President Mugabe celebrated his 80th birthday on 21 February 2004. In 2003 Vice President Simon Muzenda⁵⁶ and Zimbabwe's first President, Canaan Banana, both contemporaries and one-time allies, died. Mugabe's own health has been the subject of continuing rumours, although his vitality during public appearances remains unquestionable. The state media is normally reluctant to reveal health details but the *Herald* of 23 February reported that the president could not attend the burial of Julia Zvobgo, wife of ZANU-PF stalwart Edison Zvobgo, because of chest pains.

If Mugabe is forced from office for health reasons before the succession issue has been resolved, ZANU-PF could face protracted internal division. As part of his strategy to retain power, he has long declined to identify and groom a successor. Vice President Msika is a contemporary and quite frail. He would be unlikely to offer long-term stability. Mugabe did not appoint a replacement for Muzenda in the recent cabinet reshuffle, and there is speculation he will await the December 2004 party conference, perhaps to avoid giving an advantage to one of the presidential contenders.⁵⁷

A designated successor. On the other hand, Mugabe may yet use the year to make a crucial personnel decision. Before the December 2003 party conference, there was widespread belief that Emerson Mnangagwa would be appointed vice president. Known to be very close to Mugabe, he had been made speaker of the parliament to resuscitate his political career after the MDC's Blessing Chebundo defeated him in the June 2000 parliamentary elections. Mugabe also made him secretary for ZANU-PF's administration in the same year, effectively putting him at the helm of the party. Mnangagwa has since appointed his loyalists as party provincial chairpersons, including Ray Kaukonde (Mashonaland east) Phillip

⁵⁴ ICG interviews in South Africa and Zimbabwe, December 2003.

⁵⁵ ICG interviews.

⁵⁶ One of Zimbabwe's two vice presidents.

⁵⁷ ICG interview, February 2004.

Chiyangwa (Mashonaland West), July Moyo (Midlands) and Mark Madiro (Manicaland).

His long alliance with Mugabe makes Mnangagwa suspect among the broader public, which also remembers him for masterminding the *Gukurahundi* of the 1980s, when the army massacred thousands in Matabeleland, and he has been identified as a beneficiary of conflict diamond deals in the Congo.⁵⁸ While these may count as marks against him domestically and internationally, his presidential chances are probably more affected by the fact that, as mentioned above, he is believed to have fallen out of favour with Mugabe due to overly ambitious attempts to put himself forward at the party conference. The independent media has reported that he may become a casualty in the “war on corruption” for his role in the diamond deals and connections to the ENG Asset Management firm.⁵⁹

This thinking corresponds with the common belief that the Mujuru camp is ascendant within ZANU-PF and is preparing a non-party technocrat acceptable to Mugabe to take over as prime minister if that post is created so that Mugabe might remain in office while yielding many day-to-day powers. Gideon Gono, the new head of the Reserve Bank appears to fit this description. Mujuru himself would apparently be content as the power behind the scenes.

A decision to designate a successor or at least give one of the contenders a strong advantage probably depends to a degree upon how Mugabe views his own future. Whether or not a new vice president is named in December 2004 (or sooner) could provide a signal as to whether he would be willing to step down or instead sees himself as president for life. In the former case, he would certainly want an arrangement that would protect him in retirement.

Negotiated transition. Historically, ZANU-PF has proven intractable in its refusal to negotiate power. As discussed above, it does not appear at this point to be under sufficiently strong pressure from either

the MDC or the international community to accept such negotiations.

Focus on elections. The most plausible explanation of ZANU-PF’s present thinking is that it believes it can use talks about talks tactically to stave off criticism until attention shifts toward the end of the year to the campaign for the 2005 parliamentary election. The next step would be to do whatever necessary to win in a rigged election at least the five additional seats that would give it a sufficient majority to amend the constitution at will.⁶⁰ Of course a more ambitious goal might be to attempt more extensive rigging in order to wipe out MDC representation in parliament, though this might produce more of an international outcry than it would be worth.

Zimbabwe’s parliament has 150 seats, of which 120 are decided by election, and 30 are appointed by the President (including provincial governors, traditional chiefs, and non-constituency members). This means that ZANU-PF starts with a guaranteed bloc of one fifth of the parliament. A two-thirds majority (101 votes) is required to change the constitution.

The elections must be held before mid-2005, and Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa has made a preliminary announcement that they will be in March 2005. He also made it clear that ZANU-PF has no intention of enacting any electoral reforms before this.⁶¹ Campaigns are likely to begin in mid-2004. Newspapers are already full of election issue stories, and members of the ruling party have started jockeying for candidacies.

From all accounts, Mugabe believes that sufficient damage has been done to the MDC to prevent it from winning a national election. A serious question is how big a victory he believes his party needs.

⁵⁸ See “Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo”, at <http://www.zwnews.com/issuefull.cfm?ArticleID=7860>.

⁵⁹ *Standard*, 22 February, 2004. ICG interview, February 2004.

⁶⁰ The ruling party won back the constituency of Zengeza in a late March 2004 by-election marked by violence and intimidation. It is also aiming at the forthcoming Lupane by-election in order to reduce the number of seats it would need to add in the general election. Of course a more ambitious goal might be to attempt more extensive rigging in an effort to wipe out the MDC’s representation in parliament.

⁶¹ *Mail and Guardian*, 5 March 2004.

As noted, part of ZANU-PF's preparation for the campaign includes targeting symptoms of economic mismanagement, especially corruption and prices. It has also already begun election preparations in the rural areas, launching Operation *Nyararai* ("Shut Up") in January 2004, to seal off the countryside. Residents of every village are required to register with the headman, to whom visitors, including children visiting parents, must justify themselves.⁶² This will effectively close off rural Zimbabwe to opposition campaigners. Closure of the *Daily News*, arrests and beatings of activists, banning of civic meetings under POSA, retirement of judges, and militarisation of civilian political structures, are all additional elements of a process that creates conditions hostile to free and fair elections.

But ZANU-PF does not necessarily have to undertake across-the-board rigging to benefit from the March 2005 poll. It controls the process for delimiting constituencies and registering voters and has used this advantage in the past to influence election results. By gerrymandering to reduce urban constituencies where the MDC is strong, it could increase its share of parliament relatively easily. Merely by focusing on reclaiming a few MDC seats in "swing" areas such as the Midlands, Masvingo and Manicaland, it could probably be certain of a two-thirds majority.⁶³ Such a relatively modest objective might consolidate its power but without forcing the kind of sweeping victory that would cause domestic and international observers alike to cry foul.

ZANU-PF might even open space for campaigning close to the elections so that international observers would be tempted to certify that voting was free and fair. All recent Zimbabwean elections have been typified by high levels of violence and intimidation during the run-up period but relatively peaceful conditions when observers were present and ballots actually cast. Similarly, ZANU-PF might increase civic freedoms such as access to the media and the right to assemble shortly before election day, by which time, however, the damage would already have been done. If it can control the framework for elections as in the past, and observers come only at the end of the electoral

process, it would be almost certain to win the seats it wants.

After winning the election, ZANU-PF would be expected to amend the constitution to entrench its rule. One amendment it is believed to be considering would create a new position of prime minister and convert the presidential office into a largely ceremonial one the elderly Mugabe could comfortably fill until his term expires in 2008. Others might guarantee presidential immunity should Mugabe choose to retire and institute a process for transition of power that could allow him to hand over office without the new president being forced, as at present, to submit to an election within three months.

Opposition and civil society groups are attempting to present a united front and liaise with key internationals.⁶⁴ The MDC has said it will consider boycotting elections if it is not convinced they will be free and fair.⁶⁵ If the MDC finds itself substantially reduced in parliament or excluded completely its future will be called into question, and it might be forced underground, with the prospect that more radical elements would gain influence.

⁶² ICG interview, January 2004.

⁶³ ICG interviews, December 2003 and January 2004.

⁶⁴ ICG interviews, January and February 2004.

⁶⁵ *Standard*, 22 February 2004.

V. EXTERNAL ACTORS

A. SOUTH AFRICA

South Africa, the country believed to have the greatest potential to play a pivotal role in helping to resolve the crisis, says it practices quiet diplomacy and constructive engagement. President Mbeki will not openly criticise Mugabe, ZANU-PF, or the government in Harare. He has periodically expressed solidarity with his counterpart and criticized opposition groups.

South Africa has strong influence within SADC. Were it to take a firm political stand, other states in the region would most likely follow suit. It also has substantial economic leverage.⁶⁶ A more active use of its political or economic muscle might be sufficient to cause ZANU-PF to negotiate seriously with the MDC but, as indicated, there is little prospect of this.

At the December 2003 Commonwealth summit (CHOGM) in Abuja, for example, Mbeki urged that Mugabe be invited despite the fact that Zimbabwe has been suspended from the organisation since March 2002. He also encouraged the candidacy of Sri Lanka's Lakshman Kadirgaman for secretary general to replace Don McKinnon, a New Zealander who has encouraged a strong Commonwealth position on Zimbabwe.⁶⁷ When his effort to obtain Zimbabwe's readmission failed, he organised SADC states to oppose the Commonwealth's extended suspension.

There are several reasons for South Africa's position.⁶⁸ President Mbeki's party, the African National Congress (ANC), shares strong liberation struggle ties with ZANU-PF, which make an open confrontation difficult. Moreover, there is a perception that the ANC's relationship with COSATU has similarities to that of ZANU-PF with

an MDC that was born of the labour movement. Like ZANU-PF, the ANC faces pressure from workers and labour leaders on economic and health care policies. There are concerns that an MDC victory in Zimbabwe might embolden elements in COSATU to form a political party and challenge the ANC.⁶⁹ These have not been relieved by COSATU's active support for the protests its counterpart (ZCTU) conducted in Zimbabwe in October and November 2003, and its frequent condemnation of Zimbabwe's government as illegitimate and undemocratic.

The Zimbabwe crisis is lowering investor confidence in South Africa and producing increased crime rates there in areas of high refugee concentrations. A recent South African study concluded that Zimbabwe cost the southern Africa region over U.S.\$2.6 billion in economic activity between 2000 and 2002.⁷⁰ However, South Africa also gains some economic benefits. An influx of professionals from Zimbabwe willing to work for relatively low wages has filled gaps in its labour market. South Africans are buying up Zimbabwean businesses at rock bottom prices, South African tourism has increased, and major Zimbabwean competitors in the industrial and agricultural sectors have been eliminated or damaged. The refugees are not a political liability, and further impact on the economy has already been discounted by the private sector.⁷¹

While there are South Africans lobbying for a democratic Zimbabwe, it seems unlikely they will be able to persuade Mbeki to reconsider his approach, particularly as they are mostly from the opposition Democratic Alliance party. A key South African official said, "The MDC shouldn't wait for South Africa to do something. We aren't going to come and remove Mugabe. We will not go the way of Bush".⁷²

⁶⁶ For example, Zimbabwe is heavily dependent on the import of electricity and fuel from South Africa. South African unions (COSATU) have pledged to block the border in sympathy if requested by Zimbabwe unions but this has not happened.

⁶⁷ *Mail and Guardian*, "Zimbabwe Ruins African Unity," 9 January 2004.

⁶⁸ See past ICG reports dealing with this subject, at <http://crisisweb.org/home/index.cfm?id=1233&l=1>.

⁶⁹ ICG interview, November 2003.

⁷⁰ *Economist*, 6 November 2003.

⁷¹ ICG interviews in South Africa, November and December 2003.

⁷² ICG interview in South Africa, December 2003.

B. SADC

Like South Africa, many governments in the region share a history of solidarity with ZANU-PF. Each is reluctant to become a lone voice speaking against Mugabe and be denounced as a “colonial puppet”.

There has been a slow but steady change, however, largely the result of concerted lobbying by the Zimbabwean opposition and civil society, but partly, too, because of the sheer magnitude of Zimbabwe’s economic collapse. In the last half of 2003, MDC delegations were well received, particularly in Kenya, Ghana, Senegal, Mozambique, Mauritius, Tanzania and Malawi, when they explained the crisis and presented the party’s proposed solutions.⁷³ Civil society organisations in the Crisis Coalition⁷⁴ also lobbied the region and beyond through their partners. ZCTU’s work with COSATU and others in the Southern Africa Trade Union Coordinating Council (SATUCC) has led to several specific achievements. These include strong joint statements by SATUCC, a commitment by COSATU to block the border if requested by ZCTU, and the expressions of solidarity that are largely credited with securing the release of ZCTU leaders who were arrested for attempting to demonstrate in late 2003.

Some regional leaders have become more vocal in their criticism of Mugabe. In the past few years, Botswana has repeatedly been the most outspoken. When SADC governments condemned the Commonwealth’s continued suspension of Zimbabwe, President Festus Mogae distanced himself from the statement.⁷⁵ Malawi has also spoken out, and Kenya voted against Zimbabwe at the Commonwealth summit. All this indicates a growing assertiveness of democratic states that should be encouraged. Until more African states take such a stand, however, South Africa’s contrary voice will continue to speak loudest.

⁷³ ICG interview, January, 2004. As a sign of new interest, Malawi, Mozambique and Tanzania invited Zimbabwean church leaders to visit ahead of the Commonwealth CHOGM.

⁷⁴ Crisis Coalition is a grouping of over 200 civil society organisations with a vision of a democratic Zimbabwe.

⁷⁵ “Botswana not party to decision by some SADC members on Zimbabwe”, statement by the Government of Botswana, 15 December 2003.

C. NIGERIA

President Olusegun Obasanjo, a member of the troika established by the Commonwealth to measure Zimbabwe’s progress towards democratic governance, has in recent months become increasingly active in pressing Zimbabwe for dialogue. As host of the CHOGM in December 2003, he chose not to invite Mugabe despite Mbeki’s pressure. For the first time, Mugabe was unable to attend a meeting of heads of state on African soil.

Obasanjo has visited Zimbabwe independently and encouraged both Mugabe and Tsvangirai to come to the table. It appears that he is attempting to fill the void of regional leadership created by South Africa’s inaction.⁷⁶ He is driven in part by concern that the New Partnership for Africa’s Development (NEPAD), which he has spearheaded along with Mbeki, is increasingly at risk as a result of African inaction on Zimbabwe. Although Nigeria can never have the same influence in Harare as South Africa, Obasanjo may be able to influence Mbeki to be somewhat more active about moving Zimbabwe to transition.

D. THE COMMONWEALTH

A Commonwealth Observer Group declared the March 2002 presidential elections neither free nor fair. This was preceded by a series of Commonwealth statements and reports on the decline of democratic standards in Zimbabwe, and led to its suspension from the organisation. Mugabe’s government has feigned indifference -- saying the decision was rooted in the “imperialist” leanings of the Commonwealth Chairperson, Australia’s John Howard -- but it has repeatedly demonstrated its desire to be readmitted.⁷⁷

The December 2003 CHOGM appointed a six-member committee to examine the Zimbabwe

⁷⁶ ICG interview, December 2003.

⁷⁷ For example, it initially argued that the suspension’s validity was only for a year and that its membership rights should have automatically been restored in March 2003. The government-controlled *Herald* ran numerous articles insisting on Zimbabwe’s right to participate in the December 2003 CHOGM in Abuja.

question and make recommendations.⁷⁸ This group, though largely divided along North/South lines, recommended that the suspension be extended, and the full CHOGM then overwhelmingly accepted that recommendation in a vote that revealed a break in the ranks of developing countries previously sympathetic to Zimbabwe.⁷⁹ The ZANU-PF annual conference on the same weekend responded by resolving to withdraw Zimbabwe from the organisation,⁸⁰ and an outraged Mugabe said of the Commonwealth:

It is just a club. And there are too many other clubs to join. If we are faced with making a choice, between joining the Commonwealth and losing our sovereignty on the one hand, and defending our sovereignty and not joining the Commonwealth, then we will chose the latter.⁸¹

The assumption of power through elections by former opposition movements in Kenya, Nigeria, and Ghana, combined with the presence of stable democracies such as Botswana and Mauritius, has transformed the dynamics of the Commonwealth. Now that Zimbabwe has withdrawn, it is unlikely that the organisation will be invited to observe the March 2005 elections but it should be encouraged to continue to discuss the crisis.

E. THE EUROPEAN UNION

The European Union (EU) has been a vocal and insistent critic of the ZANU-PF regime. The European Parliament, for example, has passed a number of resolutions. However, efforts to obtain

common positions in the Joint Assembly, where the EU discusses its aid policies with the developing Africa-Caribbean-Pacific (ACP) countries, have met strong resistance.

An attempt to send observers to the March 2002 presidential elections was frustrated when Zimbabwe refused to allow the EU to select its own delegation and deported Sweden's Pierre Schori, its chief observer, before election day. Largely in response, the EU imposed targeted sanctions, including travel bans, on 72 ZANU-PF leaders, including Mugabe, the vice presidents, the cabinet, and the leaders of the uniformed services.⁸² While there have been a few instances in which the travel ban has been upheld, it has often been thwarted because an otherwise ineligible individual has been sent as a member of the delegation to an international conference in an EU member state that Zimbabwe had treaty rights to participate in. The EU recently renewed the targeted sanctions, expanded the list to 95 individuals, and toughened enforcement.⁸³

F. THE U.S.

Zimbabwe has responded to efforts by the U.S. to "speak loudly" about the crisis with accusations that it follows a racist, imperialist agenda. Nevertheless key actors in the administration, in particular Secretary of State Colin Powell, have kept the subject on Washington's agenda. Like the EU, the U.S. has imposed targeted sanctions, including travel bans, on key ZANU-PF figures and their families. Again, however, these have had limited success, as banned officials regularly visit the U.S. for UN and similar international meetings. An assets freeze has been frustrated by slow and uneven implementation.⁸⁴ Seven additional businesses have been added to the list, however, including commercial farms seized by Information Minister Jonathan Moyo; Zimbabwe Defence

⁷⁸ The committee consisted of Australia, Canada, India, Jamaica, South Africa and Mozambique.

⁷⁹ See "Full text of statement from the Commonwealth regarding the situation in Zimbabwe", The Commonwealth, 7 December 2003. The vote was 42-10 with a significant number of developing countries in the majority, including Kenya, Ghana and Gambia from Africa.

⁸⁰ The last previous withdrawal was in 1961, by South Africa in reaction to a challenge to its apartheid policy. Criticised for deciding national issues at a party conference, the government subsequently brought the question to parliament, where the ZANU-PF majority voted to endorse withdrawal.

⁸¹ Mugabe's remarks at the televised ZANU-PF annual conference, 4 December 2003, Zimbabwe Broadcasting Corporation.

⁸² The full text of the EU resolutions on Zimbabwe can be found at <http://www.eurunion.org/legislat/Sanctions.htm#Zimbabwe>.

⁸³ *Pretoria News*, 25 February 2004.

⁸⁴ The staff in the office responsible for frozen assets, the Department of the Treasury's Office of Foreign Assets Control, reportedly has been focused on al-Qaeda and other terrorist networks that are top U.S. priorities. ICG interview, November 2003.

Industries, a government-owned arms manufacturer; M&S Syndicate, a holding company owned by the ruling ZANU-PF; and two companies representing the interests of Zimbabwe Defence Forces General (retired) Vitalis Zvinvashe.⁸⁵

The past few months have cast doubt on Washington's ability to respond effectively to the Zimbabwe crisis. Despite strong rhetoric, the U.S. appears too internally divided to engage directly. Policy is plagued by differences between the State Department and the National Security Council over how hard to press for South African action, with the latter blocking a more forward-leaning role.

The U.S. insists that it is ready to ratchet up pressure on Zimbabwe, including through South Africa, though Charles Snyder, Assistant Secretary of State for African Affairs, said, "the jury is out as to whether South Africa has done enough to help resolve the crisis",⁸⁶ and a senior official characterised the interaction with Pretoria on Zimbabwe as "a bit like a dialogue of the deaf".⁸⁷ Despite concern about South Africa's continuing inaction, some U.S. officials believe there may be more movement after the April presidential election there.⁸⁸ Meanwhile, a senior official said, "NEPAD was dead on arrival because of the lack of action on the part of Africa regarding Zimbabwe. NEPAD's first test case failed".⁸⁹

VI. TOWARD A NEW STRATEGY

A. OBJECTIVE: A FREE AND FAIR ELECTORAL PROCESS

The restoration of full legitimacy -- domestic and international -- for the Zimbabwean government is of fundamental importance. A more representative, responsive government with international support would be able to address the core economic and humanitarian problems and reverse the deterioration of governing institutions in the country. Responses to the crisis, however, have been inadequate and ineffectual at all levels.

The MDC has been able neither to negotiate a new power or electoral dispensation with the government nor apply significant pressure through mass action. Other organisations' efforts at civil disobedience have similarly failed. South Africa's engagement with the regime has produced no apparent modifications in its actions while Zimbabwe's other regional neighbours have largely tried to keep their distance from the problem. The wider international community, particularly the U.S. and EU, have spoken fairly loudly but primarily just hoped that South Africa would succeed in promoting an inter-party agreement between ZANU-PF and the MDC, at least over a new electoral framework, schedule, and process. It is apparent this will not happen in current circumstances. Maintaining a negotiated solution -- whether across the full range of the country's problems or limited to an electoral framework -- as the principal objective of international engagement is no longer realistic.

The international community should refocus on a different objective. Given the overriding importance of the March 2005 elections, it should be ensuring that there are specific, clear benchmarks for the campaign and vote, and an agreed response in the event those standards are not respected. The U.S. and EU should work together and closely with SADC, the AU and the UN in crafting the benchmarks and the accompanying timelines, which should be based on the SADC

⁸⁵ "Zimbabwe: Sanctions Enhancement", U.S. Department of State Press Statement, 2 March 2004. Available at <http://www.state.gov/r/pa/prs/ps/2004/30091.htm>.

⁸⁶ *Business Day* (South Africa), 3 March 2004.

⁸⁷ ICG interview, March 2004.

⁸⁸ ICG interviews, March 2004.

⁸⁹ ICG interview, March 2004.

Norms and Standards of a Free and Fair Election.⁹⁰ There should be a procedure for reaching an early conclusion as to whether the electoral process, not the voting day itself, is free and fair, and specific repercussions should be spelled out for significant violations.

At the same time, the opposition MDC and civil society should also take into account the SADC norms and standards, be precise about what specific conditions must be met, and make clear that if they are not, they will boycott the electoral process.

The outcome of the March 2005 elections will be a foregone conclusion unless at a minimum:

- ❑ POSA and AIPPA are repealed and the Electoral Act amended;
- ❑ the airwaves are opened and independent papers allowed to publish;
- ❑ the voters roll is audited and, if necessary, a new voter registration exercise is supervised by the UN;
- ❑ partisan electoral officials are replaced;
- ❑ the militias are disbanded and militia camps shut;
- ❑ professional, non-partisan policing is restored;
- ❑ the MDC has access to rural areas;
- ❑ the Electoral Supervisory Commission is replaced with an independent body to oversee the electoral process; and
- ❑ credible international observers are granted unhindered access to the entire electoral process.

ZANU-PF anticipates that the elections will be certified as free and fair, at least by many observers, if the days on which votes are cast are calm and violence-free. The region and the broader international community must ensure that it understands much more is required.

⁹⁰ The "Norms and Standards for Elections in the SADC Region" were adopted by the SADC Parliamentary Forum plenary assembly on 25 March 2001 in Windhoek, Namibia. They are discussed in detail in ICG Africa Briefing, *Zimbabwe's Election: The Stakes for Southern Africa*, 11 January 2002, pp. 4-7.

B. TACTICS: GETTING TO A CREDIBLE ELECTION

1. Coalition-building

A great deal of diplomatic effort will be required to build a coalition of countries that agree on benchmarks and on the consequences if they are systematically violated. Because of the crisis stage in which Zimbabwean society finds itself, this will be more than an exercise in the promotion of democracy; it will be a conflict prevention effort.

It is vital that the core of any strategy be seen as emanating from African decisions -- hence the importance of basing it on an existing SADC undertaking. The U.S. and EU should appoint envoys to work and travel together to enunciate a consensus around the SADC norms and standards. They should begin by coming to agreement with the bulk of SADC countries, including South Africa, followed closely by Nigeria and other key AU member states. Success in these initial contacts should send a clear message that if the pre-conditions for a legitimate election are not met early on, the international community will reject the electoral process even before polling day.

The NEPAD initiative sets credible elections as a priority, and, as the U.S. has indicated, Western responsiveness to it is influenced by how Zimbabwe is handled. Consequently, particular efforts should be made to draw in African leaders who are strong NEPAD supporters, including Presidents Obasanjo, Wade of Senegal and Bouteflika of Algeria.

The use of other potential leverage to attract support for the concept could be counter-productive and would need to be weighed carefully. For example, the U.S. is negotiating a free trade agreement with southern African states and will be determining which countries are eligible for Millennium Challenge Account funding.

Maximum efforts should be expended to reach agreement on what steps would be taken if the electoral process does not meet the benchmarks. These should depend significantly on what Zimbabwean civil society leaders say they can endure. Like South African civic leaders during apartheid, Zimbabweans have to spell out what they want from their government and what should result if it does not deliver. Donors should make the

calculation, and indeed the entire diplomatic exercise, more attractive, however, by concurrently drafting a recovery assistance plan that outlines the significant assistance for debt relief, economic development and land reform they would make available to Zimbabwe if it passes the electoral test.

2. UN technical assistance and observation

The UN should have an important say on how elections are held in Zimbabwe. It needs to demonstrate a keen interest -- through its personnel on the ground and the Secretariat in New York -- in the benchmarks that are used and in particular in assessing whether they are met. It should make a preliminary examination of the conditions for the conduct of elections, including legal, political, human rights, material and institutional issues. Then Secretary-General Annan should ensure that any team of long-term observers sent into the country and any election financing are directed toward implementing and monitoring the benchmarks.

3. Negotiating conditions

While inter-party negotiations to settle the country's broad range of issues appear to be a non-starter, it is just possible that a strong international concentration on the March 2005 elections could create an environment in which ZANU-PF would feel obliged to talk with the MDC about that more circumscribed topic. This almost certainly will not happen unless key African countries push hard for it, South Africa in particular. The detailed measures on which agreement would be aimed for would be those listed above.

The churches in Zimbabwe have made efforts to guide the country to transition and are largely seen as neutral. However, given the country's political polarisation, any negotiations process would probably need to be facilitated by a credible external group. SADC and the AU are best positioned to become involved. Any hint of Western leadership would likely cause ZANU-PF to pull out.

If talks were to begin, the facilitators might offer training and support to both parties to help avoid deadlocks over petty issues. If negotiations moved ahead, the legal reforms might require some outside financial support. Finally, there could be scope for expert advice on drafting legislation.

4. Pressure

The international community will need to review the measures open to it to persuade ZANU-PF to satisfy the benchmarks that should be established for the 2005 elections. ZANU-PF officials constantly raise the EU and U.S. targeted sanctions, demonstrating that though only an irritant, they have an impact. Brussels and Washington should quietly prepare to expand the list to include the business associates and the family members of key ZANU-PF officials, and they should implement this expansion without delay unless ZANU-PF begins to cooperate with the MDC and the international community on the conduct of free and fair elections based on the SADC norms and standards. Public diplomacy should be widely used so that the extent to which ZANU-PF officials are looting the state becomes better known in Zimbabwe and throughout the region.⁹¹

Calls for broader economic sanctions should be resisted at this stage, as should any reduction in the food assistance feeding millions of Zimbabweans. While such aid continues to be manipulated by the ruling party in some areas, it is also the only food to which many poor and hungry Zimbabweans have access. Through its Grain Marketing Board, the government controls distribution of all locally produced grain, much of which is sold strictly to ZANU-PF loyalists, business interests and even cabinet ministers. Donors, therefore, must do everything in their capacity to guarantee the fair availability of what they provide, notably ensuring that the principle of non-partisan distribution is upheld by tightening their controls and refusing to give local chiefs or officials a role where this can be manipulated by the ruling party. Statements like the UN's insistence in January 2004 that the government release 240,000 tons of maize stocks it holds⁹² should be encouraged, and donors must insist on their right to monitor distributions. The Secretary-General, backed by Security Council members, needs to ensure that UN personnel on the ground are forceful on such matters.

⁹¹ Internal EU documents indicate that 90 per cent of EU humanitarian aid funding to Zimbabwe is diverted into ZANU-PF-linked agencies, particularly through use of the parallel exchange market.

⁹² "Agency asks Zimbabwe to Release Stored Food", *The New York Times*, 23 January 2004.

If the benchmarks are not met, and the electoral process is not credible, the MDC will face a fundamental strategic dilemma. If it stays in the race and loses badly, many observers who show up only for the election itself rather than follow the entire process may deem the election to have been free and fair. A defeated MDC would then face an increasingly difficult environment internally and externally. If it boycotts the election, it would lose all its seats and might have less moral authority with which to call for public protest against an election it did not contest. It might also alienate some regional states. Should the wider international community fail to react strongly to the flawed electoral process, the MDC could be left with nothing to show for its efforts over the last five years.

Some within the party argue that building democracy in Zimbabwe is a long-term battle. The MDC must expect setbacks, they say, but should remain committed to working from within the system to widen the democratic space. Others argue that continued participation simply legitimises an illegitimate government. Still others ask whether it is time to go underground and confront the state more directly.

ZANU-PF needs a compliant MDC that participates at all levels in order to maintain a veneer of democracy sufficient to satisfy at least some of its prospective partners. A boycott of the elections is the wild card for which the regime may not have prepared itself. It would be the first effort of the MDC to seize the initiative on an issue since the 2000 constitutional referendum. It could also be a dangerously inflammatory manoeuvre.

The efficacy of the MDC's participation in Zimbabwe's governing institutions over the past few years is debatable. Its participation in parliament has restrained ZANU-PF somewhat, reduced inter-party tensions a bit and built bridges between them that could be useful in a future transition, helped to win by-election seats and urban council elections, and increased the space for alternative voices to be heard. On the other hand, participation has allowed a pretence of multi-party democracy to overshadow the reality of a drift back to a de facto one-party state. The opposition is derided and marginalised inside and outside of parliament, where processes are so abused that unconstitutional measures routinely pass. Presidential powers are increasingly used to

circumvent the legislature. Parliament sits only infrequently, and its committees barely function. In an effort to reach out to the ruling party and appear a more legitimate negotiation partner, the MDC has limited its use of mass action, thus minimising some of the very pressure that is necessary to bring ZANU-PF to talks.

Non-violent mass action and civil disobedience can be important tools for expressing differences with autocratic regimes like Zimbabwe's. If targeted carefully, they can be catalysts for policy change and sometimes even promote transition. Civil disobedience is geared to undermining the support for illegitimacy. In Zimbabwe, however, the efforts of the opposition and civil society have been disorganised, and as a long-time observer noted, "Zimbabwe is unlike any other place in terms of what people are willing to tolerate".⁹³

Nevertheless, one of the most effective levers of influence at the disposal of Zimbabweans could be to escalate non-violent mass action in protest if ZANU-PF fails to meet the benchmarks for free and fair elections in 2005. The personal rivalries and poor organisation that have marked previous efforts would have to be overcome. Leaders would have to be willing to participate on the front lines. The outcome would be highly unpredictable, but without any internal protest, the international community may well not react to electoral fraud with much more than press releases.

C. INTERNATIONAL ROLES AND RESPONSIBILITIES

1. South Africa, SADC, AU

South Africa remains best positioned to lead in bringing ZANU-PF to the negotiating table or persuading it to permit a free and fair election. Negotiations to end Zimbabwe's liberation struggle began only when both sides were convinced by their trusted allies that this was essential. Ian Smith began the process of capitulation when South Africa's then-prime minister, B.J. Vorster, personally persuaded him. Similarly, the insurgents, including Mugabe's ZANU, sat down to talk when the frontline states threatened to

⁹³ ICG interview, March 2004.

withdraw support and send the Zimbabwean guerrillas home. While Mbeki will not cut economic ties, a threat of downgraded relations might move Mugabe.

Throughout Africa, regional bodies are playing an increasingly important role in addressing serious crises within neighbouring states. East African (IGAD) states have taken the lead in addressing the Sudan and Somalia conflicts. West Africans are promoting solutions in Sierra Leone, Liberia and Côte d'Ivoire. South Africa has had the primary share in facilitating negotiations in Burundi and the Congo (DRC). Among Africa's crises, it is only in Zimbabwe that regional actors have remained largely unengaged.

The regional body, SADC, is in a position to change this if several of its governments and its civil society voices build the case among member states,⁹⁴ including by calling attention to the growing unease over Zimbabwe in the broader Africa-Caribbean-Pacific (ACP) grouping. The efforts over recent months by the MDC, Zimbabwean civil society and churches to lobby these states have been effective and should be enhanced. SADC should at least be front and centre in a campaign to persuade ZANU-PF to meet the minimum conditions for a free and fair election set out in the body's own norms and standards.

Similarly, the pan-African AU can both be an integral part of a coalition supporting March 2005 elections based on the SADC norms and standards and assist inter-party negotiations to establish conditions. Nigeria's Obasanjo has the stature to be the key linking figure. He should make frequent visits to Zimbabwe, perhaps working with a troika of other AU leaders. The newer democracies in the organisation and member states that have already shown their interest in the Zimbabwe problem such as Kenya, Malawi, Botswana, Ghana and Senegal should become more vocal.

2. UN

Kofi Annan can perform significant services by pushing President Mugabe immediately to allow a UN expert team into the country to make a survey of electoral conditions and requirements, and

informing the Zimbabwe government that international pressure will not ease until the legitimacy crisis is satisfactorily resolved. He should also directly engage Mugabe on the importance of negotiating seriously with the MDC at least about the election. The Security Council could back the effort by passing a resolution in support of benchmarks and timelines for the 2005 election based on the SADC norms and standards.

3. EU and U.S.

ICG has consistently argued that outside actors and institutions need to be circumspect about public statements that condemn President Mugabe personally. These are too easily twisted by the Zimbabwean government and are suspect with many other African states. The EU and U.S. should concentrate upon broadening a consensus around the election strategy, especially by working with South Africa and SADC. The relationship between the U.S. and South Africa is trickiest, because the two countries have mutual interests that range far beyond Zimbabwe, which is the most significant point of divergence between them. But they share the end objective, a democratic Zimbabwe. Therefore, President Bush should reengage with President Mbeki to bring the South African leader on board with a joint elections-oriented strategy now that his effort to deliver progress with Mugabe his own way has failed.

⁹⁴ ICG interview, December 2003.

VII. CHALLENGES FOR A TRANSITION

This report has focused on how the groundwork might be laid to initiate a smooth transition to Zimbabwe's next era. However, if a free and fair parliamentary election is held in March 2005 consistent with SADC norms and standards and produces an MDC victory, the country would only be at the threshold of that transition. In all likelihood, Robert Mugabe would still be president, and his party, ZANU-PF, would still dominate the executive branch of government and most of the command posts of the economy. There would still be need, therefore, for inter-party negotiation and broad consultation within the society on a large number of important issues. These might include a transitional authority and a transitional constitution, an exit strategy, possibly including immunity for Mugabe and other key members of the old power structure, a transitional justice and reconciliation strategy, and an economic recovery strategy.

Politicisation of the military and the appearance of opportunistic business profiteers are two phenomena that have been given considerable impetus by the events of the past few years and would need to be addressed early in a transition. President Mugabe has pursued a strategy of ensuring that national institutions, including parastatals, are controlled by current and retired military professionals loyal to him and ZANU-PF. Chief of logistics at the National Oil Company of Zimbabwe (NOCZIM), for example, is Lt. Col. Charles Bengia, a veteran of the Congo intervention. There has been a concerted effort to put military officials in leadership positions on the Grain Marketing Board.

The past four years have also seen an increase in the number of retired army commanders gaining political positions. These include Colonel Makova, parliamentarian for Bikita West, retired Brigadier Ambrose Mutinhiri in Marondera West and retired Air Marshal Tungamirai recently elected in Gutu North. The reshuffled cabinet has several retired army officials. The transition will need to reverse this trend and re-establish the professionalism of the security services if it is to lay a sound foundation for a lasting democracy.

The past five to ten years have also seen the rapid development of an elite black business class, which includes people like Mutuma Mawere (Schweppes,

Shabani Mine, First Bank, FSI, and insurance and real estate businesses), Ibbo Mandaza (Rainbow Tourism Group and holder of multiple farms) and Saviour Kasukuwere (ComOils, Hertz Tourism Company). If they and others of the elite feel threatened by the transition, they may act as spoilers. If their business interests are secured, they may welcome a new political dispensation that increases economic productivity and profit opportunity. A prudent transition strategy would seek to co-opt these elements if possible.⁹⁵

⁹⁵ David Malungisa and Deprose Muchena, "The Zimbabwean Economy: Some Discussion Issues and Perspectives for the Transition", Prepared for the Crisis in Zimbabwe Coalition Conference on Dialogue and Transition, July 2003.

VIII. CONCLUSION

It is by no means apparent that southern Africa and the wider international community yet appreciate the urgency of the Zimbabwe crisis. The objective of inter-party negotiations in 2004 to address the multiple aspects of that crisis appears to be no longer realistic. It is time for the international focus to shift, while there is still time, to making a difference around the next key event, the March 2005 parliamentary elections. If ZANU-PF is allowed to conduct them in its own way, it will be certain to use unfair means to gain a two-thirds majority that will allow it to cement its non-democratic rule in an increasingly desperate environment.

Significant pressure needs to be brought to bear to create the conditions for a democratic election. South Africa's quiet diplomacy can no longer be regarded as Zimbabwe's saving hope. The Pretoria government said a year ago that it was working with Harare to obtain reform or repeal of POSA and AIPPA, two draconian pieces of legislation that have been selectively applied to sustain ZANU-PF hegemony. The only amendments, however, have strengthened their undemocratic nature. The increasingly partisan Supreme Court has upheld the

constitutionality of controversial sections of AIPPA, thereby allowing the minister of information to maintain a firm hold on the independent press. President Mugabe has exercised his powers to enact further repressive legislation specifically constructed to jail dissidents on flimsy grounds for up to 28 days.

There is a compelling need for SADC, Nigeria, emerging African democracies and the full AU, with its concern for the credibility of its NEPAD initiative, to step up and promote democracy in Zimbabwe. The U.S., EU, and UN all have roles to play in partnership with them as well as with South Africa in forging a consensus around benchmarks for free and fair elections that are based on the norms and standards already agreed to by SADC member states. International efforts must then concentrate on attempting to persuade the ZANU-PF regime to meet that electoral test, on assessing whether it has, and on agreeing to the greatest extent possible on consequences if it does not.

It is not too late for Zimbabwe to reverse course but putting a free and fair electoral process into operation over the coming year with the help of the international community is perhaps the last chance before it slips inexorably into failed state status.

Nairobi/Brussels, 19 April 2004

APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a 12-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy 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 analyses 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; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates thirteen field offices (in Amman, Belgrade, Bogotá, Cairo, Freetown, Islamabad, Jakarta, Kathmandu, Nairobi, Osh, Pristina, Sarajevo and Tbilisi) with analysts working in over 40 crisis-affected countries and territories across four continents. In Africa, those countries include Burundi, Rwanda, the Democratic Republic of the Congo, Sierra Leone, Liberia, Guinea,

Ethiopia, Eritrea, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Pakistan, Afghanistan, Kashmir and Nepal; in Europe, Albania, Bosnia, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: the Australian Agency for International Development, the Austrian Federal Ministry of Foreign Affairs, the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Dutch Ministry of Foreign Affairs, the Finnish Ministry of Foreign Affairs, the French Ministry of Foreign Affairs, the German Foreign Office, the Irish Department of Foreign Affairs, the Japanese International Cooperation Agency, the Luxembourgian Ministry of Foreign Affairs, the New Zealand Agency for International Development, the Republic of China Ministry of Foreign Affairs (Taiwan), the Royal Danish Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Swedish Ministry for Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Turkish Ministry of Foreign Affairs, the United Kingdom Foreign and Commonwealth Office, the United Kingdom Department for International Development, the U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, the United States Institute of Peace and the Fundação Oriente.

April 2004

APPENDIX C

ICG REPORTS AND BRIEFING PAPERS ON AFRICA SINCE 2001

CENTRAL AFRICA

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

Burundi: 100 Days to Put the Peace Process Back on Track, Africa Report N°33, 14 August 2001 (also available in French)

“Consensual Democracy” in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff? Africa Report N°37, 16 November 2001 (also available in French)

Disarmament in the Congo: Jump-Starting DDRRR to Prevent Further War, Africa Report N°38, 14 December 2001

Rwanda/Uganda: A Dangerous War of Nerves, Africa Briefing, 21 December 2001

Storm Clouds over Sun City: The Urgent Need to Recast the Congolese Peace Process, Africa Report N°38, 14 May 2002 (also available in French)

Burundi: After Six Months of Transition: Continuing the War or Winning the Peace, Africa Report N°46, 24 May 2002 (also available in French)

The International Criminal Tribunal for Rwanda: The Countdown, Africa Report N°50, 1 August 2002 (also available in French)

The Burundi Rebellion and the Ceasefire Negotiations, Africa Briefing, 6 August 2002

Rwanda at the End of the Transition: A Necessary Political Liberalisation, Africa Report N°53, 13 November 2002 (also available in French)

The Kivus: The Forgotten Crucible of the Congo Conflict, Africa Report N°56, 24 January 2003

A Framework for Responsible Aid to Burundi, Africa Report N°57, 21 February 2003

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