

**APPLYING ZARTMAN'S THEORY OF RIPENESS TO THE
ZIMBABWEAN CONFLICT: 2000- 2009**

By

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iii
LIST OF ABBREVIATIONS	iv
ABSTRACT	v
1. INTRODUCTION	1
1.1 Background to the study	1
1.2 Research methodology	3
1.3 Organisation of the study	3
2. UNDERSTANDING THE THEORY OF RIPENESS	5
2.1 Introduction	5
2.2 The Use and Application of Zartman's ripeness theory	6
2.3 A mutually hurting stalemate	9
2.4 Perception of a way out	18
3. THE EVOLUTION AND ESCALATION OF THE ZIMBABWEAN CONFLICT	23
3.1 Introduction	23
3.2 The land question	24
3.3 Emergence of the MDC and the Political crisis in Zimbabwe	33

3.4	The 2000 Parliamentary Elections and the 2002 Presidential Elections	36
3.5	2005 Parliamentary Elections and Operation Murambatsvina	39
3.6	Harmonised Parliamentary and Presidential Elections in February - March 2008	42
4.	ZARTMAN'S THEORY OF RIPENESS AND MEDIATION IN THE ZIMBABWEAN CONFLICT	46
4.1	Introduction	46
4.2	Conflict Escalation and External Mediation in the MDC-T –ZANU-PF Conflict	46
4.3	External Mediation and the Global Political Agreement	53
4.4	The Global Political Agreement	56
5.	CONCLUSION	60
	BIBLIOGRAPHY	65

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	African National Congress
AU	-	African Union
CHOGM	-	Commonwealth Heads of Government Meeting
DRC	-	Democratic Republic of the Congo
FRELIMO	-	Front for the Liberation of Mozambique
FTLRP	-	Fast Track Land Reform Programme
GNU	-	Government of National Unity
GPA	-	Global Political Agreement
JOC	-	Joint Operation Command
MDC	-	Movement for Democratic Change
MDC M	-	Movement for Democratic Change Mutambara
MDC T	-	Movement for Democratic Change Tsvangirai
MHS	-	Mutually Hurting Stalemate
MPLA	-	Popular Movement for the Liberation of Angola
NP	-	National Party
PLO	-	Palestinian Liberation Organization
SADC	-	Southern African Development Community
UNITA	-	Uniao Nacional para a Total Independencia de Angola
ZADHR	-	Zimbabwe Association of Doctors for Human Rights
ZANU (PF)	-	Zimbabwe African National Union-Patriotic Front
ZAPU	-	Zimbabwe African People's Union
ZCTU	-	Zimbabwe Congress of Trade Unions
ZESN	-	Zimbabwe Electoral Support Network

ABSTRACT

This study applies Zartman's theory of ripeness to the Zimbabwean conflict over the period 2000-2009. According to this theory conflicts can only be resolved when the parties have reached a stalemate and perceived mediation as an alternative way out. As long as the two main protagonists in the Zimbabwean conflict, Zimbabwe African National Union (Patriotic Front) (ZANU-PF) and Movement for Democratic Change (MDC) had not reached a stalemate, it was not possible to resolve the conflict by means of an assisted negotiation. It is this that explains why it was very difficult for the Southern African Development Community (SADC) to resolve the conflict in Zimbabwe that started more or less in 2000 and turned more violent as time went on. Several efforts made by President Mbeki both on his behalf and on behalf of SADC made no lead way precisely because the conflict was not yet ripe for resolution. It was after only the 2008 elections saw the MDC - Tsvangirai gaining huge electoral support that challenged the ZANU - PF's hold on power that things began to change for ZANU-PF which up to this point it had hoped to destroy MDC through violence against its leaders, members and supporters. The electoral outcome demonstrated large support for the MDC that could no longer be ignored. Accommodation with MDC was the only way out. The violence that followed the parliamentary elections threatened to destroy the country and forced Tsvangirai to abandon the re-run of the presidential elections clearly demonstrated to the MDC that ZANU-PF and Mugabe could not be defeated through the ballot box as they controlled the security forces. The only way to share power was to negotiate with the ZANU-PF. At this point both parties were ready to enter into meaningful negotiations and resolve their differences. It was beyond dispute that a stalemate had been reached and some form of accommodation and compromise was necessary. Hence the acceptance of mediation which resulted in the signing of the Global Political Agreement in 2009 and the creation of the government of national unity.

Keywords: Conflict, Mediation, Zartman's Theory of Ripeness,

Chapter 1

1. INTRODUCTION

1.1 Background to the study

Continued intra – state conflict in Africa especially after the end of the cold war starting in 1989 led to a general discussion on how to manage and resolve those conflicts. Greater focus came to be placed on mediation defined as the process whereby a third party (mediator) assists parties (disputants) with their consent to prevent, manage and resolve a conflict by helping them to develop a mutually acceptable agreement (Bercovitch, 2004:1). This has resulted in a growing literature on mediation theory that has included the identification of the major elements of mediation; the characteristics and qualities of a mediator and the broad challenges of mediation.

Of course the use of mediation as a tool to manage conflicts has been around for centuries. It was used as early as 209 BC when a group of emissaries from several Greek city-states sought to mediate the First Macedonia War between the Aetolian League and Macedonia, producing a short truce in the conflict (Greig and Diehl, 2012:1). Since then, it has been used mainly to resolve intra-state or international conflicts. It has, of late, however come to be used in Africa to resolve intra-state conflicts.

Bercovitch defines mediation “as a process of conflict management, related to but distinct from the parties’ own negotiations, where those in conflict seek the assistance of, or accept an offer from, an outsider (whether an individual, an organization, a group or state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law” (2004:1). This definition

is supported by Nathan (1999:2) who sees mediation as a process of dialogue and negotiation in which a third party helps disputants with their consent, to manage or resolve their conflicts. The essential elements of mediation are: the third party known as a mediator, voluntary process, assisted negotiations and the decision by the disputants themselves. The purpose of mediation, *inter alia*, is to prevent, manage or resolve a conflict. The mediator does not make decisions for the parties but plays a facilitatory role for the parties to arrive at an agreement. The mediator thus participates in the negotiations as a third party not involved in the conflict and must remain equidistant and not too close to either of the parties (Pfetsch, 2007: 141). In short the mediator must be impartial and respect the confidentiality of the proceedings. The mediator's task is mainly to assist parties to a dispute to come with their own solution. He basically plays the role of a communicator between the parties. To successfully do this, the mediator must have a good understanding of the conflict. The mediator, however, must have enough resources, not only to bring the disputing parties to the conference table, but to keep the parties in line with the agreement (Pfetsch, 2007:191).

An entry into any mediation, however, according to Zartman depends on whether the conflict is ripe for resolution. Mediation, therefore, becomes meaningful, only at that point when it is ready for resolution. This has been referred to as the ripeness theory which basically argues that conflicts cannot be resolved at any point in their development (Swarts, 2008:49). It is this that this study uses to explain why it took too long to resolve the Zimbabwean conflict (2000 – 2008). There were as noted above numerous attempts by multilateral organisations (SADC, Commonwealth and the AU) and various countries (South

Africa and Nigeria) to mediate in the conflict in Zimbabwe but with limited success.

It is interesting to note that Stedman (1991) had applied the same theory successfully to the resolution of the Zimbabwean liberation war that raged from 1965 to 1979.

1.2 Research methodology

This study is based on Zartman's theory of ripeness in the process of resolving conflicts. This theory is applied to the Zimbabwean conflict that started in 2000. The study only uses existing literature and documents on Zimbabwean conflict. This study is not only theoretical but practical in nature. Here the focus is on the practical part of the theory.

1.3 Organisation of the study

Apart from this introductory chapter, the study has four other chapters. Chapter two provides an exposition of Zartman's theory of ripeness by identifying its main elements – the stalemate, impending catastrophe and the possibility of a way out. It then examines the elaboration on the theory by other scholars and the criticism of the theory. It looks at the application of the theory to other situations both on the continent and outside the continent.

Chapter three while tracing the evolution and escalation of the Zimbabwean conflict between 2000 and 2008, places this conflict into its historical context. It thus focuses on the land question that was at the heart of the liberation conflict but was left unresolved by the Lancaster House Agreement in 1979. The land question was thus part of the Zimbabwean conflict with international repercussions. It then focuses on the political crisis that erupted with the defeat of the proposed

constitutional amendments by the government and continued under electoral competition. It is the combination of the two that led to a growing economic crisis that saw the country to the brink of destruction and pending catastrophe.

Chapter four focuses on the mediation in the Zimbabwean conflict which started under Mbeki as early as 2002. SADC, however, intervened in the conflict starting in 2007 following the escalation of the violence and appointed the same Mbeki to continue acting as mediator on its behalf. While this allowed the combined presidential and parliamentary elections to take place, it did not resolve the conflict. The end result was increased violence after the parliamentary elections and towards the presidential elections. Success only came after the presidential elections and a stalemate between the two parties. The end result was the Global Political Agreement that created the government of national unity and saved the country from total collapse.

Chapter five, which is the conclusion, highlights the advantages and weaknesses of Zartman's theory of ripeness in the light of the Zimbabwean experience.

Chapter 2

2. UNDERSTANDING THE THEORY OF RIPENESS

2.1 Introduction

For a better understanding of Zartman's theory of ripeness, it is crucial to start with the meaning of the theory itself prior to the definition of Zartman's theory. Theory in general is defined as "a supposition or a system of ideas intended to explain something, especially one based on general principles independent of the thing to be explained" (Soanes and Stevenson, 2006:1495). Zartman's theory is a supposition or system of ideas intended to explain why some conflicts are resolved by means of mediation and others are not. Ripeness theory applies in situations where there are conflicts. This in essence means that where there is peace and tranquillity, the theory does not apply.

According to Pruitt the core elements of this important theory of ripeness that was developed by I. William Zartman in 1989 serve as a way to explain how internal and international wars move toward resolution and help mediators to time their entry into such conflicts (Pruitt, 2005:1). The central contention of this theory is that conflicts can only be resolved when the protagonists have reached a stage at which they are ready to negotiate. This in essence is what is meant by ripeness theory. This theory, like others, has been subjected to evaluation and tests for its validity, utility and usefulness as pointed out below. It has also been used to explain an emergence of peace processes in general and has been found to be a useful tool. In the following sections special focus is paid to the central elements of the theory in particular the issue of a hurting stalemate and the perception of a way out.

2.2 The use and application of Zartman's ripeness theory

There are various ways in which the ripeness theory can be invoked. For instance, it can be used as an analytical tool that enables the study of why some negotiations result in an agreement and why others do not. It is in this context that it is used in this study. It helps us to explain why the Zimbabwean conflict that started in 2000 took too long to resolve. On the basis of the theory, the failure to resolve the conflict was because the protagonists were not ready or prepared and willing to negotiate, in short the conflict was not yet ripe for resolution.

Zartman's theory of ripeness can also be used as a prescriptive tool for diplomacy. Mediation should be embarked upon only after an objective assessment of the conflict. The success of any mediation is dependent on whether a conflict is ripe for resolution by means of negotiation. Diplomats or mediators must be able after assessing the existing material conditions to advise the protagonists that time is ripe for resolution of their conflict and they need to seize that opportunity. This, however, does not guarantee successful resolution of the conflict. It only creates conducive environment or conditions for negotiations. It outlines a situation when parties to a conflict are susceptible to their own or others efforts to turn the conflict towards resolution through negotiation.

Zartman identifies three elements of ripeness. These are a mutually hurting stalemate; an impending, recently experienced, or recently avoided catastrophe; and an alternative way out. A "hurting stalemate means a painful deadlock and imminent catastrophe resembles a deadline, which the parties would be afraid to miss as they fear that their situation might further deteriorate" (Zartman, 2000:228). It needs

also to be noted that some negotiations do not come as a result of a ripe moment but of external pressures and intervention as it will be pointed out later.

The theory of ripeness is based on the existence of a conflict. There has to be a conflict that has been in existence for some time before the disputants can consider its resolution by means of negotiations or facilitated negotiations. This presupposes serious disagreement or argument and or a prolonged armed struggle (Soanes and Stevenson, 2006: 300).

Pruitt (2005:7) notes that there are three ways in which a conflict may be perceived by the protagonists as dysfunctional and any one or more of these may contribute to readiness to enter into negotiations. These are:

- (1) A perception that the conflict is not being won or (and this is more motivation) that it is being lost.
- (2) The perceived cost of the conflict. The greater the perceived cost, the stronger the motivation.
- (3) The perceived risk of continuing the conflict.

Zartman is quite aware of the fact that protagonists might enter into negotiations as a tactical interlude, a breather for rest and rearmament, a stop to external pressure without any intent of opening a sincere search for a joint outcome. He thus warns diplomats to try and distinguish between serious, sincere and spurious negotiations (Zartman, 2000:227).

Furthermore, Zartman has various propositions flowing from the concept of ripeness. The first proposition is that "ripeness is a necessary but not sufficient condition for the initiation of negotiations,

bilateral or mediated". This in essence means that ripeness has to be seized either by the parties to a dispute or come as a result of persuasion by a mediator. This in short means that parties must recognise the fact that the moment is ripe or the mediator must be fully aware that the moment has arrived and exhort parties to seize the opportunity. It is commonly stated that ripeness of time should be seen as an essence of diplomacy. But how does one arrive at a conclusion that the time is ripe and what is the importance of its attainment for conducting successful resolution of a conflict?

Secondly, is the acceptance of the fact that not all conflicts are ripe for action by the United Nations (or any other third party). Zartman recommends that in the case of the United Nations Secretary-General must be selective and to recommend action only in situations where he judges that the investment of scarce resources is likely to produce a good return (in terms of preventing, managing and resolving conflict (Zartman, 2001:12). Protagonists in a conflict see their actions in a cost-benefit framework. It is only when the perpetuation is perceived as less advantageous that they are likely to enter into negotiations. This is a clear indication that some ripe moments are not seized by the parties. This was clearly borne out by the Nagorno and Karabakh conflict between Armenia and Azerbaijan in 1990 – 1995. There were several efforts to mediate the conflict. These included the Boris Yeltsin and Nursultan Nazarbayev in September 1991; the Iranian mediation between February and May 1992; the Conference on Security and Cooperation in Europe running from February 1992 to December 1994 and the Russian mediation between November 1993 to December 1994. All these negotiations yielded no results until the two Russian mediation and Co-chairs mediation: January 1995 (Mooradian and Druckman, 1999:710-711).

These then produced what might be referred to as the hurting stalemate reached by the two parties that prompted them to negotiate.

Critical to the theory is the issue of identifying the ripe moment. This is captured in the statement by Esterhuysen (2012:192) in the case of South Africa. He states that it is inevitable that we had to focus on the question as to when the time would be ripe for the two contending parties to start talking to each other. By then the conditions set by both the African National Congress and the National Party had been clearly defined for some time, with the release of Mandela, one of the non negotiable conditions of the ANC. There is thus a time or phase in the life of a conflict when it is more amenable to mediation and peaceful settlement (Schrodt *et al*, 2003:1). This time mostly arises when there is a mutually hurting stalemate and when both parties see mediation and negotiation as a way out of the conflict.

2.3 A Mutually hurting stalemate

Firstly, Zartman states that “the concept of a ripe moment centers on the parties’ perception of a Mutually Hurting Stalemate (MHS), optimally associated with an impending, past or recently avoided catastrophe”. (Zartman and Berman, 1982: 66). Zartman states that “when the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them.....they seek an alternative policy or Way Out” (Zartman, 2001:8). In determining whether the conflict is ripe or not, third parties look for indication of a hurting stalemate through the signs such as parity in military might, a public plea or imminent catastrophe.

Schrodt *et al* (2003:3) state that a mutually hurting stalemate, arguably provides the necessary incentives for the parties to move their struggle from the battlefield to the negotiation table. These are in short

characterized by the lengthy periods of violence, from which neither of the fighting parties are likely to get out of through a unilateral victory.

According to Zartman "the catastrophe provides a deadline or a lesson indicating that pain can be sharply increased if something is not done about it now; catastrophe is a useful extension of the notion of an MHS but is not necessary to either its definition or its existence. In different images the stalemate has been termed as the plateau, a flat and unending terrain without relief, and the catastrophe, the precipice, the point where things suddenly and predictably get worse. If the notion of mutual blockage is too static to be realistic, the concept may be stated dynamically as a moment when the upper hand slips and the lower hand rises, both parties moving toward equality, with both movements carrying pain for the parties" (Zartman, 2000: 228).

A mutually hurting stalemate is subjective in nature. This means that the test to determine whether parties have reached a mutually hurting stalemate is subjective. The question is whether the parties feel that they have reached a mutually hurting stalemate. This has nothing to do with the height of the conflict or high level of violence.

Zartman eloquently summarises this occurrence by stating that "the greater the objective evidence, the greater the subjective perception of a stalemate and its pain is likely to be and this evidence is more likely to come later, when all other courses of action and possibilities of escalation have been exhausted. In notable cases a long period is required before the MHS sinks in, whereas few if any studies have been made of early settlements and the role of long-range calculations" (ibid).

Ripeness theory could be seen in action in the African continent in general and southern Africa in particular. More specifically to the conflicts in Angola, South Africa and Namibia. Unfortunately these

conflicts were inextricably intertwined with the worldwide confrontation of the Cold War in the mid-1980s (Arnold, 2005: 714).

In the case of Angola and Namibia a mutually hurting stalemate eluded the parties, despite the mediation agreement of the USA Assistant Secretary of State for Africa since 1981. The second half of 1987 became a great turning point as the main military antagonists reached a stalemate. The battle around the strategic town of Cuito Cuanavale in south east Angola to which South African forces supporting UNITA were laying siege. By January 1988 about 6,000 South African troops were deployed against 10,000 MPLA supported by Cubans. The battle became one of the biggest set pieces in Africa since World War II. The South Africans lost air superiority to the Cubans and their force was in danger of being trapped" (Arnold, 2005:714-715). This forced them to enter into negotiations with the MPLA. It was clear, in particular after the Calueque clashes in south-western Angola in May 1988 that the war had entered a military stalemate and the only way to minimize military damage was to negotiate the end to the conflict. The final agreement resulted in the withdrawal of Cuban troops from Angola and of South African troops from Namibia, which subsequently became independent. It was the mediator, Crocker, who invented the concept of 'linkage' whereby Namibian independence would depend upon the withdrawal of the Cubans from Angola. Crocker's success in 1988 of mediation, after eight years of mediation was a result of two factors out of his control: the first, the military setback suffered by South Africa that convinced Pretoria it could not prevail militarily; and second, the decision of Mikhail Gorbachev to end confrontations with the United States and disengage from Angola that made impossible for the MPLA to successfully pursue the military option. It is this stalemate that was the cause of the political decisions that followed (Arnold, 2005:715-716).

On the issue of a conflict in the Republic of Congo, Zartman states that it is only when the parties had been convinced that they could not win and that therefore their conflicting efforts were causing pain to self and others, for no gain that they become willing to settle. This was the case in Angola in 1988 and the case in the Republic of Congo in 1993-1994. Thus one of the main characteristic of ripeness is a mutually hurting stalemate (Zartman et al 2000:290).

Stedman (1991:235) in his treatment of Zimbabwe's earlier conflict contends that the possible fruitfulness of ripeness as a concept is twofold: as indicator of an objective situation and as a malleable process that can be affected by the acts of individuals within or outside the conflict. He argued that it was difficult to resolve the conflict between 1974 and 1979 because two of the major parties to the conflict did not perceive the situation as a mutually hurting stalemate. The Rhodesia-Zimbabwean conflict was between the Smith regime on the one hand and bishop Abel Muzorewa's African National Council (ANC), the ZANU and ZAPU on the other hand. This conflict was characterised by various attempts to resolve it. Stedman investigated the Rhodesia-Zimbabwe conflict from 1974 to 1979. There were talks between Smith and Muzorewa which were unsuccessful. In 1974 the nationalists, especially the ZANU radicals, came to the talks reluctantly, as did Smith. Robert Mugabe, out of Smith's jail at Vorster's request, denied that he had ever wanted to negotiate and claimed he had been 'forced' to do so by Kaunda, Khama, Nyerere and the FRELIMO leader Machel. Since Nyerere refused to accept Mugabe as ZANU's president at that time, the first meeting was only between Kaunda, Vorster and Nkomo. A second meeting to include Mugabe was convened a month later. It was no more successful. The talks broke down within days to signal the

end of Vorster's ambitious response to events in Portugal. (Arnold, 2005:512).

The August 1975 negotiations between Smith and the nationalist leaders did not bear any fruit either (Arnold, 2005:513). The 1976 initiative launched by Kissinger, endorsed by the United Kingdom known as the Owen and Young initiative suffered the same fate. The cross border raids by Rhodesian forces into Mozambique and the bombing of Zimbabwe African People's Union camps in Zambia were not enough to convince the nationalist that they could not win the war. Robert Mugabe and Zimbabwe African National Union believed that it was winning the war and victory was inevitable. Equally the Rhodesian military and intelligence believed that if something did not change, defeat was at hand. It is this that scuppered the negotiations for an internal settlement between Smith, Muzorewa, Sithole and chief Chirau in 1978 (Arnold, 2005:515).

The situation in 1979 had completely changed. As early as 1977 Lt General Peter Walls the white commander of the war against the liberation movement had argued publicly that the whites could not win the war and should therefore go for negotiations. It is this that had prompted the search for an internal settlement in 1978 in fact the perception of possible defeat was evident in the military and security forces long before they took hold among the politicians of the Rhodesian Front. In April 1979 a white referendum accepted the principle of majority rule as the solution for Zimbabwe's conflict and thus endorsed negotiations. This was used by the heads of government at the commonwealth meeting (CHOGM) in Lusaka in August 1979 to persuade Margaret Thatcher, the British prime minister to convene a constitutional conference in London to negotiate the independence of

Zimbabwe. Hence the Lancaster House Conference that lasted from 10 September to 21 December 1979 (Arnold, 2005:520).

On the nationalist side, according to Stedman, (1991:236) some actors at Lancaster conference came close to the feeling that Zartman has described. Joshua Nkomo believed that a continuation of the war would prove very costly for all concerned and that victory would come through a prolonged, bloody war. Both the patrons of ZANU and Zimbabwe African People's Union (ZAPU) respectively – Samora Machel and Kenneth Kaunda – felt enormous pressure to bring about settlement. The war had inflicted high costs on their countries and they viewed a quick military solution unlikely. All of these leaders pushed Mugabe for settlement. It is thus not necessary for all the direct combatants to perceive a mutually hurting stalemate, if this perception exists at the combatants' patrons' level. In the case of Mugabe's ZANU, its patron Mozambique and President Machel that had monopoly on supply, training and housing of Mugabe troops perceived the situation as a hurting stalemate and persuaded Mugabe to the reality of the situation, a reality which had already been recognised by the head of the guerrilla forces, Josias Tongogara (Stedman, 1991:238).

Stedman therefore suggests that in the Zimbabwean case there is need to amend the notion of ripeness as follows:

- (1) "It is not necessary for all actors in a conflict to perceive a mutually hurting stalemate, although it is necessary for some actors to perceive it so.
- (2) The perception of a mutually hurting stalemate can be manifested at the patron level and this is efficacious in bringing about settlement. If that patron holds a monopoly on assistance to its clients, and if that patron can persuade the

client of credibility of its threats, then this would help convince the conflicting party of the changed situation.

- (3) Ripeness, paradoxically, can come from a situation where both sides believe that a settlement will produce victory for them. This is important and acts as a spur to the negotiations. ZANU's participation in the Lancaster House Conference bore this expectation.
- (4) For a conflict to be ripe for resolution, it is necessary for the military wings of both sides to perceive a mutually hurting stalemate, but such perception alone is not sufficient to create a ripe situation for resolution" (Stedman, 1991:238). Since the military depends on the politicians, it may take some time before these are convinced of the reality. Both Lt General Peter Walls the commander of the Rhodesian Forces and Josias Tongogara head of ZANU forces had reached the conclusion of a mutually hurting stalemate long before their politicians.

Stedman further suggests making a distinction between ripeness as a perception of the actors in conflict and ripeness as an objective situation (ibid). There should exist some kind of direct link between objective military situations and subjective evaluation of such situation. One objective indicator for ripe moment is a reversal in the military fortunes of the competing sides. For Stedman, Zartman's theory of ripeness omits a key variable, being actors' internal politics and recommends refining the concept through development of more contextually dependent generalization.

Lieberfeld (1999:65) applies Zartman's theory of ripeness to the conflict in South Africa and the subsequent negotiated agreement between the National Party and the African National Congress (ANC) in 1990 and to

the Israel and the Palestine Liberation Organization (PLO) negotiations in 1993. In these two cases Lieberfeld (ibid) enumerated five perceptual and political changes that led to negotiations. These were that:

- (1) Each side concluded that the opponents cannot be coerced into giving up its national goal.
- (2) Each side perceived enhanced possibilities for negotiation with the adversary.
- (3) Each side assessed that the status quo was untenable.
- (4) Leadership changes on the government side brought security – minded pragmatists to power.
- (5) Government leaders found that they had no alternative partners with whom to bypass the primary adversary (ibid).

Focusing on South African situation he noted the following realities that influenced the pre-negotiation shifts.

- (1) Soviet withdrawal from Africa, collapse of Communist governments and the ANC losing bases, military support from Front Line States, resulting in diminished coercive option;
- (2) Uprisings in townships and economic stagnation, resulting in an untenable status quo within the country;
- (3) Unofficial contacts (in Lusaka and Dakar), the Harare Declaration and negotiations in Namibia and Angola, resulting in enhanced negotiation option for whites in South Africa;
- (4) From P.W. Botha to F.W. de Klerk (1989) – leadership change altered the leadership perception and led to pragmatism.

- (5) Chief Buthelezi predicating negotiation on Mandela's release and ANC legalisation. National party meant that there was no alternative to the ANC (ibid).

In the case of the Israel/Palestine situation he notes the following pre-negotiations shift:

- (1) The 1973 and 1976 war, Lebanon war, Soviet collapse, Gulf war and PLO losing sanctuary and military support resulting in diminished coercive option for the PLO;
- (2) Palestinian uprising (*intifada*), land seizure and settlement by Israel resulting in untenable status quo within the country;
- (3) Unofficial contacts (Oslo), Stockholm and Geneva declarations and negotiations experienced with Egypt resulted in an enhanced negotiation option;
- (4) From Yitzhak Shamir to Yitzhak Rabin (1992) – leadership change and Jordan's renouncing of the West Bank, deadlock with "inside Palestinians", the Syrian intransigence and increasing support for Hamas meant that there was no alternative partner to the PLO (ibid). A decision to negotiate was reached in 1993.

Lieberfeld (1999:65) concluded from both cases that some indicators may help in tracking the element of negotiation possibility, these include:

- Acknowledgement of a stalemate, with each side credibly able to claim to be negotiating from a position of strength;

- centrality in national-level political competition of the debate over negotiated settlement;
- leadership change on the side defending the status quo;
- failed attempts to cultivate alternative negotiation partners;
unofficial contacts between politically influential constituents or officials from both sides;
- declarations by each side's leadership specifying non-maximalist preconditions for negotiation; and
- stable negotiated settlements in related conflicts (ibid).

These indicators act as qualifiers to Zartman's mutually hurting stalemate as a precondition for negotiations. They also link this to how the conflicting parties perceive the way out. Changed in the leadership increased contacts and experience in negotiations help in finding a way out. It is to this that the study turns to.

2.4 Perception of a way out

Perception of a way out is another element necessary for a ripe moment. This one is less complicated and controversial. A specific solution does not have to be identified by the parties but they should have a mutual sense that a negotiated solution is possible. Zartman deals with this element under the second proposition on ripeness and states that: "If the (two) parties to a conflict (a) perceive themselves to be in a hurting stalemate and (b) perceive the possibility of a negotiated solution (a way out), the conflict is ripe for resolution (i.e. for negotiations toward resolution to begin)" (Zartman, 2000:229).

Perception of a way out is dependent on a mutually hurting stalemate. This element of ripeness is not an independent variable. This means

that parties should be on a pain-producing path and invariably look for an alternative that is more advantageous to both of them and that is termed perception of a way out. The test for perception of a way out is subjective and that is why it is said to be a subjective perception but however, there are likely to be objective referents.

Zartman emphasises that “these can be highlighted by a mediator or an opposing party when they are not immediately recognized by the parties themselves, but it is the perception of the objective condition, not the condition itself, that makes for an MHS. Since such a stalemate is a future or contingent event, referring to the impossibility of breaking out of the impasse –“It can’t go on like this” – any objective evidence is always subject to the recognition of the parties before it becomes operative. If the parties do not recognize “clear evidence” (in someone else’s view) that they are in an impasse, an MHS has not (yet) occurred, and if they do perceive themselves to be in such a situation, no matter how flimsy the “evidence, the MHS is present. The relationship between objective and subjective components can be summarized in a proposition: Proposition 3: An MHS contains objective and subjective elements, of which only the latter are necessary and sufficient to its existence” (ibid).

Leaders should have a feeling that a deal can be made with the other side and that the other side is ready and willing to reciprocate a concession. Both parties should have a sense of the possibility of a negotiated exit from a mutually hurting stalemate, and then fruitful negotiations can ensue. This means that both parties must feel the pain but the degree thereof may vary. Both parties must perceive negotiation whether facilitated or not as an alternative way to be extricated from that quagmire. Zartman alluded to the impact of incremental compared

with massive escalation, and the internal process of converting members impervious to pain (hawks) into "pain perceivers" (the doves) as further examples of research questions opened by the concept of ripeness (2000:231). This in essence means that there are factors that affect the concept of ripeness negatively and are subsequently dealt with. Zartman's third proposition is summarized as follows: "If the parties' subjective expressions of pain, impasse, and inability to bear the costs of further escalation, related to objective evidence of stalemate, data on numbers and nature of casualties and material costs, and/or other such indicators of an MHS can be found, along with expressions of a sense of a way out, ripeness exists" (ibid).

There are, however, other factors that may affect the perception of a way out. These include a natural tendency not to give up without a fight. When conflict escalates, negative images of the adversary ordinarily develop. Those images tend to block communication with the adversary and to produce a level of distrust that makes negotiation seem useless" (Pruitt, 2005:3). This is partially acknowledged by Zartman who noted that increased pain increases resistance rather than reducing it. In such an instance a mutually hurting stalemate does not create an opening for negotiation but makes it more difficult (it must be remembered that, while ripeness is a necessary precondition for negotiation, not all ripeness leads to negotiation) (2000:238).

Furthermore the escalation of a conflict may in some instances produce leadership that is militant and that would tend to reject negotiations and adopt policies that result in keeping the conflict going on. Zartman is of the view that exerting pressure on a party in a conflict often leads to the psychological reaction of worsening the image of the opponent; a natural tendency that is often decried as lessening the chances of

reconciliation but that has the functional feature of justifying resistance (ibid). This in essence means that severe conflict makes it difficult if not impossible to recognize a ripe moment. But this is not the position in a conflict that is moderate where a ripe moment may be easily recognizable.

There is also a danger from entrapment in existing policies and programmes. This means that leaders become committed to conflicts that turn out to be hard to win at acceptable cost or risk. The leaders' commitments may be emotionally binding and may involve public assurances that are embarrassing to withdraw. Another source of entrapment is the need to justify past costs. This in essence means that too much has been invested in the conflict to quit. Lastly, leaders' closeness to the day to day operations of conducting the conflict that they are unable to see a bigger picture (Pruitt, 2005:4). All these factors make it difficult if not impossible to apply Zartman's theory of ripeness with success. This does not mean that ripeness theory's utility and usefulness should be doubted but should be applied with a great deal of circumspect.

There are, however, various ways to overcome these impediments. At the top of the list is the shock theory that necessitates a return to rationality when a sudden striking event termed a "shock" jolts the mind and stimulates rethinking. Pruitt cites an example of the American war with Vietnam where Americans died in large numbers thus forcing a rethink. He in fact maintains that Zartman "anticipates shock theory when he suggests that ripeness is enhanced by a recent or impending catastrophe" (ibid).

From the above discussion it is possible to note the possible amendments to the Zartman's ripeness theory. These amendments

have been suggested by both Stedman and Lieberfeld. These include the internal political conditions that are helpful both in perceiving ripeness and of turning that perception into the initiation of promising negotiations. The internal political conditions might not be under full control of patrons or supporters of the conflicting parties in pushing their chiefs to the negotiating table (ibid). Lieberfeld added to this issue of leadership change as a crucial element in the perception of ripeness in the taking of initiatives. It is, however, not only leadership change that is important, but also of strong leadership that can deliver a party's compliance. This, even according to Zartman is a necessary condition for productive negotiations to begin or indeed to end successfully (Zartman, 2001:11).

Chapter 3

3. THE EVOLUTION AND ESCALATION OF THE ZIMBABWEAN CONFLICT

3.1 Introduction

There were various causes of conflict in Zimbabwe, but this study focuses on two main sources of conflict: First the land question that was left unresolved by the Lancaster House Agreement that ended the liberation struggle and brought the country to independence in 1980. Efforts to amicably resolve the land question failed leading to government land expropriation and triggering an economic crisis both as a result of the collapse of the agricultural sector and the subsequent sanctions by western aid donors in response to land expropriation. Second is the political crisis which was the result of the growing political opposition to Mugabe and ZANU-PF authoritarian rule that grew stronger as the economy deteriorated and finally culminated in the emergence of the Movement for Democratic Change (MDC) in 1999. The efforts to crush the opposition only served to exacerbate the economic crisis leading the country to a brink of total economic meltdown. It is this threat of an economic meltdown that finally brought the opposition (MDC) and the government (ZANU-PF) into a partnership arrangement known as a Global Political Agreement in 2008. This chapter details the above two sources of conflict in Zimbabwe as a background to the mediation efforts to resolve the crisis that is treated in chapter four.

3.2. The land question

The land question was one of the main issues in the liberation war in Zimbabwe. It was not surprising that it became one of the sticky issues at the Lancaster House Conference over the period 10 September to 21 December 1979 organised to end the liberation war with the white regime that had declared Zimbabwe independent in 1965. It had led to the collapse of the Geneva negotiations in 1976 and the Malta negotiations in 1978. To unlock the issue of land and come up with an independence agreement the "Anglo-American Proposals" were tabled at the Lancaster House Conference. The British and American governments proposed the creation of a land reform fund, to which they pledged to contribute, to be used for paying compensation to white farmers whose land would be acquired for redistribution to blacks (Moyana, 1984:178). The proposal and the final agreement demanded that land acquisition must be done on a willing seller, willing buyer premise and that the land acquired must be paid for in foreign currency at market price. These stipulations which were included in the constitution could not be changed until ten years had elapsed.

The seriousness of the land question can be seen from the following facts. At independence in 1980 there were 33 million hectares of arable farming land in Zimbabwe. 45 per cent of these were owned by 6000 white commercial farmers. This land constituted 11 million hectares of the most prime land. On the other hand 8, 500 small black commercial farmers controlled 5 per cent of the land in the drier regions. 700,000 black families occupied the remaining 50 per cent of the poorest unfertile land in the communal areas, the former reserves, from the colonial era (Mabaye, 2005:6; Moyo, 2011:133).

The promised funds for land reform never really materialized. By 1990 Britain had provided only US \$ 47 million or 44 per cent of what it had promised. Very little was forthcoming from the USA. Even support from the International Monetary Fund (IMF) and World Bank was scanty and was finally suspended in 1989 on claims of corruption (Mabaye 2005:7). On the other hand very few white settlers were willing to sell their farms to the government. There was, however, the growing need for land by blacks crowded in the communal areas. This left the government with very little option but to find means to forcefully acquire land from the white farmers.

The first step was to pass a Constitutional Amendment Bill on 12 December 1990 at the end of the ten year period stipulated by the Lancaster House Agreement in 1979. This amendment allowed the government to confiscate land against the payment of a fair compensation. The land owners of the confiscated land would not have any right of appeal. This was to bring to an end the willing seller- willing buyer clause. The second step was the passing of the Land Acquisition Act, 1992 which was to speed up the land reform process through Land Designation and Compulsory Acquisition. The following lands were designated for compulsory acquisition by the Act:

- Derelict land or under-utilised land, that is, land undeveloped by farmers and lying fallow.
- Land owned by absentee or foreign landlords, mainly British.
- Land owned by farmers with more than one farm.
- Land contiguous on communal areas (Mabaye, 2005:7).

This Act permitted the compulsory purchase of 5.5 million hectares of land held by white farmers to be used for the resettlement of small-

scale farmers from the communal areas (Arnold, 2005:906). The acquisition of the land still depended on the availability of funding from Britain and other donors. The funds were not forthcoming and this hampered progress on land redistribution. There was also resistance from the white farmers through their Commercial Farmers Union (CFU). In December 1997 the government designated 1471 farms for compulsory acquisition. This resulted in 1393 objections in the courts of which 510 were upheld. The government still had to go through lengthy judicial processes to acquire the other 883 farms. This caused a lot of frustrations not only on the part of the government but also of the people living in communal areas. This frustration was expressed through land invasion by villagers in various areas including Nyamandlovu in Matabeleland, Nyamajura in Manicaland and Nemamwa in Masvingo, forcing the government to order their withdrawal.

It is within the context of these invasions and the growing anger at the slow pace of land reform that a land donors' conference was organised in Harare between 9 and 11 September 1998. This donor conference was attended by 48 major countries and donor organisations such as Britain, the United States, African countries such as South Africa, Middle Eastern and Asian countries as well as UN, AU, IMF, and World Bank (Mabaye, 2005:8-9). The government came up with the framework for Land Reform and Resettlement Programme Phase II. The project was estimated at US\$1,1 billion. This meant that the government was going to purchase over a period of 5 years, 5 million hectares from 11 million hectares owned by black and white commercial farmers, parastatals, corporations and multi-national companies. This intended purchased land would then be distributed to landless blacks. The participants unanimously agreed and passed a resolution that land

reform was a necessity for poverty reduction, economic growth and political stability. At the conference donors pledged only US\$ 100 million (Mabaye, 2005:9). This was basically a no vote for the government's proposed resettlement framework. Further negotiations for international support through the UN structures, in particular the United Nations Development Programme (UNDP), yielded nothing by the end of 2000. The Nigerian Initiative conducted under the commonwealth umbrella in 2001 yielded no tangible results apart from the conclusion at the end of the meeting of the Committee of 9 Commonwealth Ministers that:

- Land is the core of the crisis in Zimbabwe and that a programme of land reform was therefore crucial to the resolution of the problem and;
- Britain should provide significant financial contribution to the land reform programme and encourage other international donors also to do the same (ibid).

In the meantime the Zimbabwean government passed the 2000 Land Acquisition Act which now provided for compulsory acquisition without compensation for the land. It is this that provided the backdrop for the Fast Track Land Resettlement Programme launched on 15 July 2000. It is this that has come to be known as the 3rd *Chimurenga*. In Mugabe's words:

"We knew and still know that land was the prime goal for King Lobengula as he fought the British encroachment in 1893; we knew and still know that land was the principal grievance for our heroes of the First *Chimurenga*, led by Nehanda and Kaguvu. We knew and still know it to be the fundamental premise of the Second *Chimurenga* and thus a principal definer of the succeeding new Nation and State of Zimbabwe.

Indeed we know it to be the core issue and imperative of the Third *Chimurenga* which you and me are fighting, and for which we continue to make such enormous sacrifices” (Raftopoulos, 2009:213).

The main elements of the fast track included:

- Speeding up the identification for compulsory acquisition of not less than five million hectares of land for resettlement;
- Accelerating the planning and demarcation of acquired land and settler emplacement of this land;
- The provision of limited basic infrastructure (such as boreholes, dip tanks and access roads and farmer support services (such as tillage and agricultural inputs);
- Simultaneous resettlement in all provinces to ensure that the reform programme was comprehensive and evenly implemented;
- The provision of secondary infrastructure such as schools, clinics and rural service centres as soon as resources became available.

The fast track programme unfortunately started off with land invasions spearheaded by war veterans (those who fought against white Rhodesians). The invasions were violent forcing white farm owners and their workers out of their farms. According to the Crisis Group the land invasions spread across the country and by the end of the year over 1800 farms had been seized. The government took no actions to prevent the invasions because this was a strategy by the president and ZANU-PF to strengthen their electoral prospects by manipulating wide spread desire for genuine land reform. The primary goal of land invasion was to cut the flow of funds from white commercial farmers to the newly formed opposition party – MDC and to regain rural support by

reviving the anti-white nationalist rhetoric of the 1960s (Crisis Group 2001:4). While there is some truth that the government used the land question for political gains it should be acknowledged that it was the continuous lack of international support for land expropriation from white farmers that fuelled the invasions as blacks got frustrated with the continuous status quo.

The government did acknowledge the chaotic nature in which the land invasions were undertaken despite passing The Rural Lands Occupiers (Protection) Act in 2000 - that protected the land invaders from prosecution or eviction. In 2002 it passed the Land Acquisition Amendment Act to provide formal structures for the on-going fast track land reform programme. The aim of the amendment was twofold. First, it was to acquire farms and resettle the farm invaders who had settled themselves in some farms they could not be able to manage. Second, it was to decongest the overcrowded farms and resettle the displaced farm workers (Mabaye 2005.12). The Amendment Act introduced a bimodal resettlement scheme referred to as A1 which aimed to promote small-scale family farms with a maximum size of 20 hectares and A2 that focused on medium and large scale commercial farming for blacks (Moyo 2011.497).

In response to the Land Amendment Act which included clauses of "Swaps and Subdivisions" of white farms being acquired, the white farmers formed two groups. The first was constituted by those who were ready to negotiate with the government. These created the Zimbabwe Joint Resettlement Initiative (ZJRI). The second was made up by those who were against the government and who wanted to mount a legal challenge against expropriation under the umbrella of Justice for Agriculture (JAG). None of these groups, however, were able

to influence government policy and land continued to be expropriated from the white farmers. By the end of 2004, 3,178 farms were subdivided by the government for resettlement in the Model A1 scheme and 54,000 new commercial farmers had been resettled under the Model A2 scheme (Mabaye, 2005:12).

The last act in the land saga came after the Constitutional Amendment (No.17) of 2005 which made all land acquired since 2000 under the land reform programme state land. Following the Amendment the government served notices of expropriation to more white farmers. 70 of these farmers appealed in early 2007 to the SADC tribunal against the expropriations. The farmers were represented by advocate Jeremy Gauntlet who was able to argue the matter convincingly (Freeth, 2011:175). In December 2008 the tribunal stated that the Zimbabwean Government had contravened SADC's founding treaty's human rights and property provisions (Fisher 2010:208). The implications of these findings were that the land expropriations were illegal as they were against the upheld human and property rights. Neither the Zimbabwe government nor its SADC partners accepted the ruling which would have led to a reversal of the land reforms in Zimbabwe. They responded to the ruling by disbanding the SADC tribunal. The Zimbabwe government responded to the SADC tribunal findings by expropriating most of the 725 white farms that by 2007 were still held by white farmers (Moyo 2011:502).

In concluding this section a number of things need to be raised. First is the fact that despite the criticisms, resolving the land question in Zimbabwe was necessary for the country's stability. While one can fault the manner in which it was done and how the internal politics, in particular, the rise of the MDC shaped the process, the land reform has

succeeded in changing land ownership in the country. As noted by Moyo (2011:497) over 13 of the 15 million hectares of land, which in 1980 were controlled mostly by 6000 white farmers, had been transferred to over 240,000 families of largely rural origin. This should be regarded by all means as a success of the land reform programme.

The issue of the land question and the manner in which it was being resolved brought a lot of unease among the SADC countries, forcing these countries to seek solution for Zimbabwe's land question. For example, South Africa and Namibia were worried about the contagious effect of the land invasion and acquisitions since they faced similar situations in which whites controlled most of the arable land. South Africa and Botswana were worried about the increased migration of Zimbabweans to their countries as the economic situation deteriorated in Zimbabwe. According to Tito Mboweni "the situation has become untenable when it is seen that the highest office in that land seems to support illegal means of land reform, land invasions...beating up people, blood flowing everywhere" (Meredith, 2002:222).

The land reform programme has been portrayed as the central cause of the economic crisis in Zimbabwe. The fact that white commercial farmers produced most of the agricultural exports and food surplus and employed more than 600,000 people meant that the disruption of their activities through expropriation and land invasion was likely to have a huge economic impact (Crisis Group 2001:5). The fact of the matter is that there was between 2000 and 2003, a 25 per cent drop in agricultural production which could be attributed to land reforms (Mabaye 2005:13). This was expected to be a short lived phenomenon as the new small scale farmers and the new black commercial farmers settled in production would pick up. Thus the economic crisis in

Zimbabwe should not be blamed solely on land reforms but on many other factors. Of course the manner in which the land reforms were carried out curtailed the flow of external aid and investments. This broadly impacted government budgets and increased inflationary pressures. There were other factors that impacted negatively on the economy of Zimbabwe. Among these factors were:

The 100 per cent salary hikes to the country's 30 000-strong army, increased allowances, improved accommodation and transport facilities and enhanced promotion system and pensions (Stiff, 2005:305). This was followed by new compensation and pension plan for war veterans of the independence struggle. These pay-outs were not budgeted for in the fiscal year and had a serious impact on inflation. Coomer (2009:19) states that after the veterans pensions pay out Zimbabwe's standing line of credit with the World Bank was suspended until the government had demonstrated that the payments would result in a higher than the projected 8.9 per cent budget deficit in 18 months leading to December 1998.

The budget decrease were, however, accompanied by a fall in the tax revenue as former tax payers like commercial farmers no longer paid tax and a sharp decline in foreign exchange reserves as a result of decreased export.

To these should be added the growing political instability that followed the defeat of the constitutional referendum in 2000 and the rise of the MDC as a strong opposition and possible alternative to ZANU-PF. The following section focuses on this. According to Mlambo "the year 2000 marked the beginning of a turbulent time in Zimbabwean politics, one characterised by mounting political opposition to ZANU-PF rule and by increasing political repression of opposition forces, particularly the MDC

which presented the strongest challenge to the ruling party" (Mlambo, 2014:231). This resulted in a political crisis with wider implication for the country.

3.3 Emergence of the MDC and the Political Crisis in Zimbabwe

At the centre of political crisis was the rise of the MDC as a possible alternative to ZANU-PF government. The rise of the MDC can be traced back from the rising inflation and growing economic crisis. This sparked labour militancy and growing strikes and work stoppages starting in 1998. This was accompanied by growing political discontent articulated by various civic organisations and the increasing desire for a new political dispensation. It is the political discontent that according to Mlambo (2014:232) led to the establishment of the Movement for Democratic Change in 1999. This was more than a workers' organisation. It was a broad front of interest groups and organisations which included such disparate social classes as industrial and farm workers, business people, the intelligentsia and other groups of the country's middle class, students and commercial farmers, each of which had specific grievances against the prevailing dispensation and wanted a change of political leadership and culture.

The potential weaknesses of this opposition movement were precisely the fact that it was such a broad church that accommodated unlikely allies such as farm workers and farm owners who had little to unite them except their determination to dislodge ZANU-PF rule, and its heavy dependence on funding from external donors, local businesses and commercial farmers, thus opening itself to charges of being no more than a puppet organisation pandering to the whims of white and international neo-liberal interests (Mlambo, 2014:232). Its association with the commercial white farmers brought dilemma into the play. This

is precisely because the white farmers were dissatisfied with the way things were developing in the country (Chigora *et al*, 2010:362). For Ndlovu-Gatsheni (2009:242) it is ironic that the MDC that arose from those constituencies, like the workers and students who were opposed to Economic Structural Adjustment Programme (ESAP), ideologically supported neo-liberal dispensation that favoured economic liberalisation. It was also ironic that the MDC at its formation accommodated some industrialists that had supported ESAP and privatisation, like Eddie Cross.

In February 1999 the Zimbabwe Congress of Trade Unions (ZCTU) held a meeting of more than 350 delegates from its structures and from other civic organisations across the country at a National Working People's Convention (NWPC) to among other things discuss possible solutions to the economic challenges of the country (Mlambo, 2014:232). The NWPC recommended that there should be an establishment of a strong, democratic, popularly driven organized movement of the people to resolve the challenges facing the country. This resulted in the birth of MDC. It was launched on 11 September 1999 with Tsvangirai as its secretary general (Stiff, 2000:302). MDC demanded a people's constitution to be driven by a broad-based movement called the National Constitutional Assembly. This was constituted by civil society, human rights groups, churches and other groups.

Mugabe's response to the MDC's call for a National Constitutional Assembly was the announcement of the need for constitutional reform. He created a Constitutional Commission of Enquiry in 1999. This was headed by Judge Godfrey Chidyausiku and tasked to seek the views of Zimbabweans regarding the new constitution that they wanted for

themselves and their children (Stiff, 2000: 301). From August 1999 members of the commission started holding public meetings around the country to seek public opinion. The government proposed a constitution that provided for increasing of presidential powers and allowing the government to confiscate white-owned land without compensation. On 25 of September 1999 14 opposition groups that included the MDC met in Gweru. They rejected the exercise currently being undertaken by 400 constitutional commissioners as being fatally flawed. They resolved to oppose the constitution that would come out from the commission (Stiff, 2000:304).

The draft constitution was released on 25 November 1999 by the commission prior to the 2000 parliamentary elections as envisaged by government. It recommended that the powerful executive president be retained without curtailing any of its powers. The presidential office was restricted to two terms, but this did not apply to Mugabe because he was already in office and the effect of the recommendation did not apply retrospectively according to the commission. It provided that the president should at least be 40 years old. The president during his tenure of office could not be held criminally and civilly liable. Impeachment of the president could be effected where there was a two-thirds majority in both houses, namely, Assembly and Senate. The constitution further proposed the creation of a prime minister appointed by the president. This office would be virtually without important powers and functions. A special clause on land was included and it stated that if the former colonial power, Britain, did not pay for land that was stolen from the Africans, the state would be justified in seizing white-owned property for redistribution to poor black farmers (Stiff, 2000:305).

The draft constitution was presented to President Mugabe at a special ceremony at State House. It was put on a referendum on 12 February 2000. The outcome of the referendum was that it was rejected by 54 per cent of the voters (697 754) against 46 per cent (578 210) supporters. Two elements need to be noted here about the referendum. First, only 26 per cent of all the registered voters, 1, 32738 out of a potential 5 million, actually took part in the referendum. This means that there was low mobilization for the referendum, a factor that went against the ZANU-PF which failed to mobilize its rural constituency. Its supremacy had up to now been taken for granted. Second, is that the no votes came mostly from the urban areas. This indicated the largely urban support for the MDC (Stiff, 2000:310).

While, Mugabe and ZANU-PF accepted defeat, it set out to crash the opposition by all means available to it, which included intimidation, arrests and physical violence. It quickly passed the Constitutional Amendment and the Presidential Powers Act that granted the government authority to seize land without compensation just few days before the dissolution of parliament on 11 of April 2000. The rejection of the draft constitution set the stage for a contest between the ZANU-PF and the newly formed MDC party during the June 2000 parliamentary elections and the 2002 presidential elections and the deepening of the political crisis.

3.4. The 2000 Parliamentary Elections and the 2002 Presidential Elections

The constitutional referendum was followed by parliamentary elections in June 2000. Following the defeat of the constitutional referendum the ZANU-PF set out to ensure that the MDC was defeated at the polls. It thus resorted to extensive intimidation, beatings, assassinations and

arrests of the MDC members and supporters in the hope of curtailing its support. The International Rehabilitation Council for Torture Victims in its survey over the period 29 May to 5 June 2000 noted that ZANU-PF was engaged in organised violence and systematic torture to silence the opposition (Stiff, 2000:443). Despite all the odds MDC performed impressively in the elections. It obtained 46 per cent of the votes that translated into 57 seats out of the 120 elected seats. ZANU-PF obtained 48 per cent of the votes and 62 seats but lost their urban strongholds to MDC (Crisis Group, 2001:17). In fact a lot of ZANU-PF members of the politburo and ministers lost their seats (Stiff, 2000: 460). According to Stiff many of the ZANU-PF heavyweights and 10 cabinet ministers, central committee members and 4 provincial chairmen had been trounced by MDC (ibid).

The MDC which had lodged legal challenges to 37 parliamentary seats on the basis of well documented charges of state sponsored violence, intimidation and fraud hoped to gain more parliamentary seats and become a very strong opposition and finally take over from ZANU-PF (Crisis Group, 2001:17). It seemed to have forgotten the determination of Mugabe and ZANU-PF to cripple it which was clearly shown during the election campaign. Tsvangirai, the MDC president came to be arrested and charged under the Law and Order (Maintenance) Act of 1960 that carried a maximum sentence of life imprisonment for his statement on 30 September 2000 that "we ask Mugabe to go peacefully or we will overthrow him violently". If found guilty and sentenced, he would be unable to compete in the presidential elections which were scheduled for 2002. The Zimbabwean constitution stipulated that 'anyone convicted and sentenced to six months in prison is ineligible for presidency' (Crisis Group, 2001:18). Luckily for Tsvangirai the case was

dismissed by the Supreme Court to which it was referred in May after his lawyer argued against the constitutionality of the 1960 Act.

This marked the beginning of special state led campaign against the MDC leader and members as the presidential campaign intensified. In February 2001 the MDC vice president and leader of the MDC in parliament Mr Gibson Sibanda and the secretary of the youth league, Mr Nelson Chamisa were arrested on charges of inciting violence. In February 2002 Tsvangirai was interrogated by the police on charges of plotting to assassinate the president. This was to ensure Mugabe's victory at any costs (Buckle, 2002:134). In the quest for victory the ZANU-PF regime unleashed a merciless campaign to suppress and destroy the MDC (Zondi, 2010:17). ZANU-PF's defeat at the referendum and poor showing at the parliamentary elections among other things led to the resuscitation of the Public Order and Security Act and Access to Information and Protection of Privacy Act which had been used during the white regime under Ian Smith. These laws were deliberately used to stifle dissent prior to the 2002 presidential elections. Furthermore ZANU-PF started training ZANU-PF youth militias and used them together with war veterans to routinely disrupt MDC rallies and intimidated the opposition (Arnold, 2005:913).

"As the country moved towards the momentous presidential elections, it became increasingly clear that the Zanu PF government was leaving no stone unturned to ensure victory – victory at any cost" (Buckle, 2002:134).

The presidential elections were held on 9 and 10 March 2002. Mugabe received 56.2 per cent and Tsvangirai got 42 per cent. Tsvangirai rejected the results citing an orchestrated reign of terror two years prior to the elections as a factor that tainted the elections (EISA, 2002).

African leaders warmly welcomed Mugabe's re-election. The Western world declared the elections as not being free and fair and responded by imposing sanctions.

The Commonwealth, in particular moved to impose punitive action on the country. A Commonwealth Chairpersons' Committee on Zimbabwe comprising the Prime Minister of Australia and the Presidents of Nigeria and South Africa was formed in 2002. It was mandated by the Heads of Government at their 2002 Summit to determine appropriate Commonwealth action on Zimbabwe in accordance with the Harare Commonwealth Declaration of 20 October 1991 and the Millbrook Commonwealth Action Plan on the Harare Declaration on 12 November 1995. Despite the disagreement between the members of the committee, it was finally recommended that Zimbabwe be suspended from the Commonwealth. Zimbabwe decided to withdraw from the Commonwealth in 2003 (Van Nieuwkerk, 2006:187). ZANU-PF victory in the 2002 presidential elections did not stop the reign of terror being unleashed against the opposition party by the government and the ruling party. Harassment of the MDC members continued unabated.

3.5 2005 parliamentary elections and Operation Murambatsvina

It was within the context of the continued suppression of the MDC opposition that the 2005 parliamentary elections took place in March 2005. However a split in the MDC over the issue of the reintroduction of the Senate weakened the MDC. The party had split into two: those against the introduction of the Senate and calling for non-participation in the senatorial elections led by Tsvangirai with the support among others, of Tendai Biti, Nelson Chamisa, Lovemore Moyo, Elias Mudzuri, Eddie Cross and Roy Bennett, and those in favour of participating in the election of members of the Senate led by professor Arthur Mutambara,

and supported among others by Gibson Sibanda, professor Ncube, Gift Chimankire, Gabriel Chaibva, Paul Themba Nyati and David Coltart. The final results of the parliamentary elections saw ZANU-PF winning 78 seats with 1,569, 687 votes or 59.6 per cent; the MDC-T won 41 seats with 1,041, 292 votes or 39.5 per cent of the poll; one seat went to an independent candidate" (Zvobgo, 2009:312).

But despite winning the parliamentary elections in 2005 ZANU-PF and the government in 2005 sought to revenge against the urban MDC supporters. It instituted operation murambatsvina (operation clean up) in the urban areas just 48 days after the parliamentary elections in May 2005 (Bourne, 2011:194).

The official explanation for operation murambatsvina was to clean up the cities by removing illegal structures and illegal activities. This resulted in the destruction of houses, shacks and informal markets. Bourne (2011:194) points to the destruction of between 650,000 to 700,000 homes. This directly and indirectly affected close to 2.4 million people. These became internally displaced and homeless. The implementation of operation murambatsvina resulted in international outrage as the operation destroyed the mainstay of the Zimbabwean economy. The informal sector that was being directly attacked by the operation accounted at the time for 40 per cent of all employment. The operation thus resulted in growing unemployment besides going against human rights of the population.

The international outcry resulted in the UN Secretary General sending a special envoy Ms Ann Tibajuka to assess the situation in Zimbabwe in 2005. The special envoy came to the conclusion that the operations were carried out in an indiscriminate and unjustified manner was a disastrous venture based on archaic and out-dated laws and policies

used by the colonial governments to segregate people and had enormous humanitarian consequences. It recommended that:

- The government of Zimbabwe should immediately halt any further demolitions of homes and informal businesses and create conditions for sustainable relief and reconstruction for those affected.
- The government of Zimbabwe should facilitate humanitarian operations within a poor-poor, gender-sensitive policy framework that provides security of tenure, affordable housing, water and sanitation, and the pursuit of small scale income-generating activities in a regulated and enabling environment.
- The government of Zimbabwe should revise the out-dated Regional Town and Country Planning Act and other relevant Acts, to align the substance and procedures of these Acts with the social, economic and cultural realities facing the majority of the population, namely the poor.
- The government of Zimbabwe should revive dialogue and restore trust between spheres of government and between government and civil society. This process should emerge from a broad-based consultation among all Zimbabwean stakeholders.
- The government of Zimbabwe is collectively responsible for what has happened. The people and government of Zimbabwe should hold to account those responsible for the injury caused by the Operation.
- The government of Zimbabwe should set a good example and adhere to the rule of law before it can credibly ask its citizens to

do the same. The government of Zimbabwe should pay compensation where it is due for those whose property was unlawfully destroyed.

- The government of Zimbabwe should undertake corrective policy reforms in macro-economic management and governance issues, focusing on land reform and land tenure with view to provide secure tenure for the poor both rural and urban areas.
- The government of Zimbabwe should grant full citizenship to those former migrant workers and their descendants who have no such legal status (Tibaijuka, 2005:8-9).

Western countries responded by imposing sanctions and travel restrictions and targeted individuals closely associated with the violence and human rights abuses. It also withdrew its development assistance and economic support (Mlambo, 2014:235).

The operation worsened the already fragile economic situation and above all affected mostly those on the margins of the economy. Worst of all the operation pointed to the extent to which the ZANU-PF government and Mugabe were prepared to go to defeat the MDC and remain in power. This was in actual fact a precursor of what was to come after the harmonised parliamentary and presidential elections in February and March 2008.

3.6 Harmonised Parliamentary and Presidential elections in February – March 2008

Confronted by growing internal and external pressure the ZANU-PF government unilaterally decided to stage a combined parliamentary and presidential elections on 29 March 2008. While the MDC-T had to be

wooded to participate in these elections, it performed quite well as the results indicate. MDC-T got 47.86 per cent of the votes in the parliamentary elections that translated into 99 seats (ZESN, 2008: 46). ZANU-PF on the other hand obtained 46.86 per cent and 97 seats and MDC-M got 4.83 per cent and 10 seats (ibid). If you combine the two MDCs' seats the government had been defeated at the polls and power was supposed to be transferred to the MDC. ZANU-PF and Mugabe could not countenance this. There were delays however in the announcement of presidential elections. The final results announced in May 2008 provided no outright winner as Tsvangirai got 47.9 per cent, Mugabe got 43.2 per cent, Makoni got 8.3 per cent and Towungana got 0.6 per cent of the votes (Masunungure, 2008:63). This meant that there would be a re-run of the presidential elections for the top two contenders.

The period before the re-run of the presidential elections saw an escalation of violence against the MDC-T supporters. The terror against the opposition was globally condemned. For example President George W. Bush denounced the continued use of state-sponsored violence in Zimbabwe including arrests and intimidation of opposition figures ahead of the run-off election and called upon the Zimbabwe Government to immediately halt all attacks against members of the opposition and to permit freedom of assembly, freedom of speech, and access to the media (Zvobgo, 2009:342). The United Nations Secretary General expressed regret in Zimbabwe's government's failure to pleas made by international community for the government to put in place conditions conducive to free and fair election. African Union (AU) and SADC unanimously agreed that the prevailing situation failed to meet both SADC and AU Principles and Guidelines on free and fair elections. The African National Congress of South Africa pleaded with ZANU-PF for

the postponement of the second round of presidential election to no avail. Both former president, Nelson Mandela and Archbishop Tutu condemned Mugabe for the political crisis in Zimbabwe.

It was against the possibility of Tsvangirai winning the re-run that ZANU-PF and Mugabe unleashed violence against the opposition and its supporters. According to Kobayashi (2010:4) ZANU-PF war veterans and the police murdered 180 MDC supporters and tortured or beat 9,000 others and 28,000 people fled their houses. The re-run of the presidential elections in fact became the militarized affair with the Joint Operation Command (JOC) a military security body comprising of all the security organs (army, air force, prison services, intelligence and police) taking over the campaign for president Mugabe and making it known that it will not accept Tsvangirai as president. Given the level of violence and the threat to the MDC leader – Tsvangirai 5 days before the run-off took asylum in the Dutch embassy and announced his withdrawal from the campaign stating that he could no longer ask Zimbabweans to vote when that vote could cost them their lives. He finally took refuge in Botswana until the elections and results were announced and Mugabe was returned as president of Zimbabwe. Ironically among the SADC leaders only Patrick Levy Mwanawasa – the Zambian president and Ian Khama – the president of Botswana condemned Mugabe for the electoral violence, otherwise, all the others welcomed the results of the re-run.

The fact that the MDC controlled parliament and the international condemnation of the violence and the electoral outcome, it became difficult for Mugabe and ZANU-PF to govern alone. Some form of accommodation had to be found. This was underscored by the AU resolution on Zimbabwe at its Egyptian summit. It urged Mugabe and

Tsvangirai to engage in a dialogue with a view to promoting peace, stability, democracy and the reconciliation of the Zimbabweans. At this point in time, both Mugabe and Tsvangirai were ready to negotiate and hence the success of the mediation process that followed. This is dealt with in the following chapter.

CHAPTER 4

4. ZARTMAN'S THEORY OF RIPENESS AND MEDIATION IN THE ZIMBABWEAN CONFLICT

4.1 Introduction

The previous chapter discussed the two main causes of the conflict in Zimbabwe – the land question and the political crisis. While the two fed into each other, it is important to maintain a distinction between the two. The implementation of the land reforms starting in 1998 created conflict between the Zimbabwean government and the international community of aid donors and investors in particular, Britain, the EU as well as the USA. All the negotiations to resolve the conflict between the two failed with Zimbabwe unilaterally confiscating white owned farms and resettling blacks mostly from rural households.

The implementation of the land reform, in particular the fast track land reform increased the level of violence in the country through violent farm invasions under the claim that it was the whites that were financially bankrolling the MDC. This, of course, fuelled the MDC – ZANU-PF political conflict. This chapter applies the Zartman's theory of ripeness to the MDC-ZANU-PF conflict. At what point can one say that the conflict was ripe for resolution? How did the various players in the conflict and the external forces perceive the right moment for the resolution of the conflict? Did the various factors identified by Zartman for ripeness exist? What route did the negotiations take and what factors determined the outcome of the negotiations?

4.2 Conflict Escalation and External Mediation in the MDC-T – ZANU-PF Conflict

The last chapter has traced the slow transformation of the conflict in Zimbabwe from normal competitive politics that underlies any democratic

system, to a violent power struggle between the MDC and the ruling ZANU-PF. From the 2000 constitutional referendum, 2000 parliamentary elections and the 2002 presidential elections that represented normal political competition. The conflict increasingly became exceedingly violent after the 2005 parliamentary elections in which the MDC-T gained considerable support – obtaining almost 40 per cent of the votes. The final showdown came after the 2008 elections in which the MDC-T won majority seats in the parliamentary elections and the MDC leader – Tsvangirai got more votes than the number received by President Mugabe. This led to violent struggle between the two parties.

It was against the backdrop of the crisis that SADC decided to be involved in Zimbabwe. Initially it was after the parliamentary elections of June 2000 that its summit officially discussed the Zimbabwean situation (Pallotti, 2013:33). It subsequently sent a Task Force of six heads of state to Zimbabwe in order to work with the Zimbabwean government (ibid). All the endeavours did not make any difference in the Zimbabwean situation.

On the other hand “Mbeki had tried to persuade Tsvangirai that talks for a negotiated settlement should include blanket amnesty for Mugabe and his cronies, but the MDC leader was adamant that they would have to return the millions reportedly looted from the state” (Gumede, 2005:187). As early as 2002 Mbeki initiated private talks between the officials of both ZANU-PF and MDC. “Following Mugabe’s re-election, Mbeki quietly began to sponsor secret talks between select senior leaders of ZANU-PF and the MDC, with Motlanthe acting as mediator” (Gumede, 2005:191). In mid-2002 Mbeki made a premature announcement that the MDC and ZANU-PF were in talks behind the scenes. This was denied by Tsvangirai (Gumede, 2005:188). President Mbeki’s efforts continued after 2005 parliamentary elections in which the MDC-T had gained considerable support. There was, however, little support

for the mediation between the conflicting parties. Each still harboured hopes of electoral victory. However, things began to deteriorate immediately after the 2005 parliamentary elections. As noted in chapter 3 48 days after the elections, the government in an effort to stem MDC's urban support initiated Operation Murambatsvina (operation clear the filth or what the UN special envoy termed operation disorder). This turned the urban areas into war zones, with destruction of property and the emergence of the internally displaced urban population which was forcefully sent back to their rural areas of origin. This was followed in 2007 by violent repression of the Zimbabwean Congress of Trade Unions that had given birth to the MDC and a clampdown on civic bodies that supported and sustained the MDC. A decisive moment in this chain of oppression came on 11 March 2007 when the government disrupted a prayer meeting arranged by the Christian Alliance in which the people attending the prayer meeting were brutalized and arrested (including the MDC President who was assaulted several times until he lost consciousness). It is precisely this event that prompted SADC to intervene in the Zimbabwean conflict¹. A special SADC meeting was held in Tanzania following the 11 March 2007 violence in Zimbabwe. This was followed by another emergency summit in May 2007 again in Dar-es Salaam, Tanzania. It was at this summit that President Mbeki was officially appointed as the principal mediator in the conflict.

The focus of the SADC mediation was on the harmonized elections which ZANU-PF had decided in March 2007 to hold in 2008. According to Dzinesa and Zambara (2010,) the three main goals of the mediation were: to endorse the decision to hold harmonized presidential, parliamentary and local government elections in 2008; to agree on steps to be taken to ensure that

¹ Initially SADC had been reluctant to intervene in the political conflict in Zimbabwe as this was seen as an internal matter. While this remained the position of SADC states, the escalation of the conflict was having negative effects on the region that included increased refugee flows into the neighbouring countries and hence the decision to intervene.

the elections would be generally acceptable to all concerned and representative of the will of the Zimbabwean voters and; to agree on measures that had to be implemented to create a climate that would facilitate such acceptance. Mbeki's mediation role was to create conditions conducive to political dialogue intended to address socio-economic challenges that Zimbabwe faced and assist Zimbabwe to re-enter the international community. The mediation was specifically aimed at the political parties. And while civil society groups wanted to be involved in the mediation, both South African facilitators and the two MDCs agreed that the involvement of civic society group in mediation would be time consuming and would delay the process. This left ZANU-PF and both MDC formations at the negotiating table. The talks however, were conducted in total secrecy at the insistence by South African mediators.

After a long drawn process that involved distrust, recrimination between the parties, growing tension between Mbeki and Tsvangirai, disagreement within the ANC Alliance in South Africa and continued diplomatic pressure by the West on SADC, some progress was made with the production of the Kariba Draft Agreement on 30 September 2007 (Raftopoulos, 2008:228). The parties made a declaration of commitment and declared as follows: "The Parties hereby declare and agree to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation and in particular to implement the following agreement with the aims of resolving once and for all the current political and economic situations and charting a new political direction for the country" (Kariba Draft Agreement, 2007). The Draft Agreement related to a variety of issues such as restoration of economic stability and growth; sanctions and punitive measures; the land question and the constitution. Following the draft Agreement was the Constitutional Amendment (no: 18) Act of 2007. This focused on the election of the president and his term of office. In the

amendment the president's term of office was reduced to 5 years (instead of 7 years) and restriction to two terms in office. Further amendments dealt with the composition of senate and house of assembly. It also sanctioned the holding of harmonized elections of the president, parliamentary and local government. Another major constitutional change was the creation of the Zimbabwe Human Rights Commission with the following functions:

- (a) "To promote awareness of and respect for human rights and freedoms at all levels;
- (b) To promote the development of human rights and freedoms;
- (c) To monitor and assess the observance of human rights in Zimbabwe;
- (d) To recommend to Parliament effective measures to promote human rights and freedoms;
- (e) To investigate the conduct of any authority or person, where it is alleged that any of the rights in the Declaration of Rights has been violated by that authority or person; and
- (f) To assist the Minister responsible for the Act of Parliament referred to in subsection (8) to prepare any report required to be submitted to any regional or international body constituted or appointed for the purpose of receiving such reports under any human rights convention, treaty or agreement to which Zimbabwe is party" (Constitution of Zimbabwe Amendment (No. 18) Act, 2007.

The establishment of the Human Rights Commission was important given the human rights abuses that were being perpetrated by the ZANU-PF government against the oppositions and the resuscitation of the colonial acts against the media and public demonstrations.

The Amended Constitution also increased the powers of the Zimbabwean Electoral Commission by abolishing the Delimitation Commission that previously set the constituency boundaries and transferring these to the Electoral Commission. The setting of the constituency boundaries in the past were aimed at boosting the ruling party's chances of gaining more votes at the expense of the opposition and had little to do with population changes.

The participation by the three main parties in the SADC mediation and negotiations process was influenced by a number of considerations. According to Dzinesa and Zambara (2010:64) ZANU-PF was driven by a combination of the free fall in the country's economy, increasing international criticism and pressure from SADC to accede to the negotiations. The MDC-T on the other hand viewed the negotiations as the best route to power while the MDC-M saw the negotiations as an opportunity to retain its political relevance.

But despite creating conducive political environment for political campaigns and elections, it was clear that ZANU-PF government was still calling the shots in Zimbabwe. It unilaterally set the date for the elections on 29 March 2008. This led to the abandonment of further negotiations by the MDC formations. President Mbeki's attempts to reason with Mugabe and ZANU-PF did not produce any change of the election date. Pressure had therefore to be exerted on the MDC to participate in the elections. President Mugabe who was so confident of winning the elections during the campaign he told the electorate that:

"You can vote for them [MDC], but that would be a wasted vote. I am telling you. You would just be cheating yourself. There is no way we can allow them to rule this country. Never, ever. We have a job to do, to protect our heritage.

The MDC will not rule this country. It will never, ever happen. We will never allow it" (Ndlovu-Gatsheni, 2009:325).

It was therefore shocking when the parliamentary results were announced. The MDC-T had won 47, 86 per cent of the votes and 99 seats and MDC-M had gained 4, 83 per cent of the votes and 10 seats. This gave a direct majority of the seats to the MDC formations 109 seats against 97 of ZANU-PF and hence the possible formation of a MDC government. The Presidential results were deliberately delayed for two weeks but the announcement of the results did not bring any solace to Mugabe and ZANU-PF. Tsvangirai had obtained 47, 9 of the vote while Mugabe managed only 43, 2 per cent, with Makoni gaining 8, 3 per cent of the vote and Towungana a mere 0, 6 per cent of the vote. Since none of the presidential candidates had won the 50 + 1 per cent threshold the stage was set for a re-run of the presidential election between Mugabe and his arch rival Tsvangirai.

While initially the MDC refused to participate in the run-off presidential elections accusing the government of manipulating the presidential election results and claiming that Tsvangirai had won more 50 per cent of the votes, it finally gave into pressure and agreed to participate. Tsvangirai, as noted above, was forced to withdraw from the race due to government perpetrated violence against the MDC leaders, members and supporters. According to Raftopoulos (2008:229) the violence inflicted by the ruling party on the electorate, as punishment for its loss in the March elections and a warning against the repeat of such a vote, was the worst seen in the country since the Gukurahundi in the mid 1980s. ZANU-PF was not determined to accept the opposition as winners. This was clear from the statements made by the resident minister and Governor of Masvingo Anasi Willard Chiweve and Major General Engelbert Rugere in Masvingo. The minister reiterated that Zimbabweans had no choice but to vote for ZANU-PF if they wanted to avoid

violence and death. The General added by stating that 'this country came through the bullet, not the pencil. Therefore, it will not go by your X of the pencil (Ndlovu-Gatsheni, 2012:12).

As noted above, with Tsvangirai out of the way, the elections were a foregone conclusion, Mugabe obtained 85 per cent of the votes. He was then welcomed to the AU summit of the Heads of State and Government, in Sharm EL Sheik, Egypt from 30 June to 1 July 2008 and to the SADC Heads of States meeting in Johannesburg, South Africa on 17 August 2008. The only issues raised at these meetings were to exhort Mugabe to have talks with Tsvangirai aimed at resolving the Zimbabwean conflict and calling for the creation of a Government of National Unity. This was in sharp contrast with the European Union which at its 13 October 2008 meeting in Luxemburg condemned the run-off elections and the continued presidency of Mugabe. (Badza, 2009:162). The UN Security Council called for the imposition of the multilateral arms embargo, travel bans, and financial sanctions on Zimbabwe. But thanks to vetoes by Russia and China nothing was done (Badza, 2009:161).

The failure of the MDC to participate in the run-off presidential elections undermined its success in the parliamentary elections because Zimbabwe was fundamentally a presidential system of government. In fact the constitution allows the president to appoint extra parliamentary members. This gave ZANU-PF government a slim majority in parliament. But given the external condemnation of the presidential results the ZANU-PF government could not obtain the necessary international support to deal with worsening economic situation. It found itself in a situation in which it had somehow to accommodate the opposition. It is this situation that opened the way for negotiations for a government of national unity.

4.3. External Mediation and the Global Political Agreement

After the June 27 re-run of the presidential elections both the MDC-T and ZANU-PF for different reasons were ready to enter into negotiations and come to some form of a working compromise. According to Mhandara and Pooe (2013:12) what prompted the MDC to negotiate were:

- The failure to dislodge ZANU-PF from power through the ballot box as the ruling party used its control of the military and intelligence forces to retain power. "The MDC thus realised that there was no other means of attaining power except through negotiations" (Eppel et al, 2008:9).
- The escalating socio-economic and political suffering of the ordinary people which would lead to the diminishing of support. It was hoped that the government of national unity would break the circle of lawlessness that included beatings and deaths.
- The uncertainty over the efficacy of Western pressure against Mugabe's government to cede power given the fact that "SADC was not in favour of removing Mugabe from power" (Bourne, 2011:252).
- The possibility of participating in the government which had been denied to them.

The ZANU-PF was willing to participate in the negotiations for a number of reasons. The negotiations would provide ZANU-PF the chance to retain power in the face of electoral defeat and international scepticism. It would in fact provide credibility and legitimacy to the party. It was realized that it was impossible for it to govern alone given the fact that the opposition commanded a large following and was more popular with the electorate. In this situation the negotiations provided ZANU-PF a space to reconfigure and renegotiate terms of its existence with the opposition, civil society and the international community.

The negotiations were further seen as the only way to save the state from further collapse and more importantly total economic collapse. Negotiations and the creation of a government of national unity was seen as the only way to revive the country (Mapuva, 2013:111).

According to Chikane, one of the members of the Mbeki negotiating team, ZANU-PF and the two MDC formations began to realise that war, conflict and sectarian party interests could not save Zimbabwe and the only way to peace was through talking (2013:98).

Given the perception of the two main rivals MDC and ZANU-PF the conflict was ripe for resolution. This allowed the process of external mediation to take place. The call for SADC and the possibility of creating a transitional coalition government between ZANU-PF and MDC with Mugabe as its leader was made on 23 April 2008 by the Herald (a state owned newspaper). This call, however, was spurned by both the ZANU-PF that still hoped to win the run off presidential elections in June. MDC and Tsvangirai's position at this point in time was only to negotiate and end the violence so that the run off presidential elections could be conducted in less hostile environment. The idea of negotiations between the MDC and ZANU-PF was raised by President Mbeki immediately after the 27 June 2008 elections which put Mugabe back to power. This became the position of AU at its Sharm El Sheik Ordinary Session in Egypt. In fact the AU called for the creation of a government of national unity. Zimbabwe's information minister stated that the AU resolution was in conformity with what Mugabe said at his inauguration when he stated that they were prepared to talk in order to resolve their problems (New York Times, 2008). The mediation process between the parties once more fell on Mbeki as the official SADC mediator.

Prior to the preliminary talks Mbeki met with Mugabe and thereafter with Mutambara, Ncube and Misihairabwi-Mushonga. Initially MDC-T refused to

participate in the talks reiterating its rejection of Mugabe as the president and insisting on having an AU-appointed mediator rather than Mbeki, who they regarded to be too close to Mugabe.

As early as 10 July 2008 there were talks about negotiations in Pretoria, South Africa and during these pre-negotiations the MDC-T delegation was led by Biti. Tsvangirai said that his party was not there for negotiations but to raise concerns relating to violence, the release of MDC prisoners and the appointment of an AU envoy. The AU had delegated SADC to mediate the conflict in Zimbabwe and was not ready to order SADC. Finally the negotiations officially started on 21 July 2008 with the three parties, MDC-T, MDC-M and ZANU-PF agreeing to a framework for talks. This resulted in the signing of a Memorandum of Understanding (MoU) by leaders of the three political parties. The parties committed themselves to an intense programme of work to attempt finalizing negotiations as expeditiously as possible. According to Mugabe the purpose of the talks was to “chart a new way forward, a way of political interaction” (International Herald Tribune, 24 July 2008). On the other hand Tsvangirai described it as “the first tentative step towards searching for a solution for a country that is in crisis” (International Herald Tribune, 24 July 2008). The three party leaders met for the first time in Harare, Zimbabwe to show their support for a negotiated settlement. An agreement generally known as a Global Political Agreement (GPA) was signed on 15 September 2008 by three parties.

4.4. The Global Political Agreement

The GPA called for the institution of the government of national unity in which ministerial positions were shared between the parties. In this set up Mugabe retained the presidency; Tsvangirai became prime minister and Mutambara his deputy. The ministry of Home Affairs, including the police and immigration would fall under shared leadership between ZANU-PF and MDC-T. This was

to become a point of contention throughout the term of the government of national unity. The ministry of Defence and other state security posts were to remain under ZANU-PF. MDC-T was to be responsible for economic and social welfare related ministries. It was hoped that this would facilitate international support for Zimbabwe's economic and social recovery. Under article XX the framework for a new government – the Agreement allows for 31 ministers – 15 from ZANU-PF and 13 from MDC-T and 3 from MDC-M. It also envisaged 15 Deputy Ministers – 8 from ZANU-PF, 6 from MDC-T and 1 from MDC-M.

The agreement contained both political and economic provisions that were intended to become the foundations for recovery. The preamble enjoins parties to end polarization, divisions, conflict and intolerance that existed in Zimbabwe. Articles VII and VIII call upon the parties to facilitate national healing, cohesion and unity, and to ensure the respect for and observance of Zimbabwe's national institutions, symbols, national programmes, and events.

Article VI states that it is the fundamental right and duty of the Zimbabwean people to make a constitution by themselves and for themselves and that the process of making this constitution must be owned and driven by the people and must be inclusive and democratic. The GPA thus called for the drafting of a new constitution which would be subjected to a national referendum. The process would occur in accordance with a strict timetable. This process was supposed to be completed before the running of new elections.

Article V focused on the land question. It acknowledged the inevitability and desirability of a comprehensive land reform programme to redress historical imbalances and injustices. It further acknowledged that, despite disagreements on methodology, such a process has occurred since 2000 and is irreversible. The agreement calls for a national audit of the land, ensuring security of tenure and calls upon the United Kingdom to accept the

primary responsibility to pay compensation for land acquired from former land owners for resettlement. This leaves more or less intact the land reforms carried out by ZANU-PF.

Articles X, XI and XII call for facilitation of free political activity, respect of the rule of law and upholding of the constitution and adhere to the principles of rule of law. The other provisions of the GPA have not been implemented as agreed to by the parties. Furthermore article XVIII calls for the security of persons and the prevention of violence and commitment of the parties and the institutions they control to ensure that they do not engage in violence. Article XIX calls for the freedom of expression and communication and specifically calls upon the government to review the Broadcasting Services Act and access to information and Protection of Information Act.

One needs to comment on the power sharing arrangements at the centre of the GPA and government of national unity (GNU). Power sharing has emerged as a model to resolve or end post-election crisis in Africa. This seems to ignore the power imbalance between the parties, as incumbent governments normally still control the central institutions which it can use to undermine the workings of the government of national unity. This happened to be the case in Zimbabwe where the ruling ZANU-PF and Mugabe repeatedly undermined the GPA with impunity. It was, for example, not possible for the GNU to amend the repressive laws, to carry out the land audit and to carry out security sector reform. Again and again the MDC-T had to come back to SADC and its mediation teams to try and break the deadlock between itself and ZANU-PF. Even on the central issue of drafting a new constitution – ZANU-F frustrated the process by calling for more than 260 amendments to the draft constitution. Once the constitution was passed by the referendum ZANU-PF and Mugabe forced the other parties to an early election date. All the opposition parties' protestation to the SADC did not help

with the end result that ZANU-PF and Mugabe were returned to power with an overwhelming majority.

There are, however, some advantages that came with power sharing. As noted by Mapuva (2013:108-109) the creation of power sharing arrangements has the advantage of conferring legitimacy to the ruling party without discrediting the opposition, while at the same time reducing the ruling party's fear of losing everything and fear of the future reprisals and allaying the opposition's anxiety that the ruling party might somehow rig the elections. More importantly, power sharing has resulted, both in the case of Kenya and Zimbabwe in stemming out the violence that threatened to tear the countries apart. It has also helped to bring about economic recovery, particularly in Zimbabwe, where the economy was at the verge of collapse.

With the GNU in place and new elections undertaken, one can now turn back to the application of Zartman's ripeness theory to the Zimbabwean conflict between 2000 and 2009. This is what is done in the concluding chapter.

CHAPTER 5

5.1 Conclusion

Zartman's theory of ripeness states that parties to a conflict will resolve the conflict only when they are ready and willing to do so. The readiness comes when the conflicting parties have reached a stalemate understood in terms of the inability to win the conflict or the undue costs than to the continuation of the conflict. This stalemate has both a subjective and objective dimensions. The subjective dimension refers to the leaders' perception of the situation, while the objective element refers to the reality of the situation. In the case of Zimbabwe's liberation war discussed by Stedman – the military commanders in the conflict had before the politicians realised that the war could not be won by military means. It took the politician leaders time to come to the same conclusion. In the latest case, both Mugabe and Tsvangirai were late to realise that a stalemate had been reached until the end of the 2008 elections, although people like Mbeki had realised that a stalemate had been reached and called upon the conflicting parties to negotiate. Mbeki's assessment was objective, while the Zimbabwean leaders were subjective.

Secondly, ripeness is defined in terms of either experiencing of a catastrophe or realising the imminence of a catastrophe. In the case of Zimbabwe, the economic meltdown was not only being experienced, but stood to worsen if the conflict was not resolved. Equally, the survival of the very foundation of the state was at stake as the conflict was spreading throughout the country. There was a true danger of turning to civil war in Zimbabwe. The experiences of the liberation war and

Gukurahundi were a stiff reminder of consequences of such a slide to civil war.

Thirdly, ripeness is determined by the conflicting parties realising the way out and of the situation. In the Zimbabwe situation the conflicting parties had put their chances of success in the ballot box and had therefore completely shunned any dialogue. However, when the success through the ballot box proved elusive, the dialogue option was available. The experience of power sharing elsewhere, in particular in Kenya, after an electoral stalemate and violence offered an alternative. This facilitated the turn to negotiations by the conflicting parties – ZANU-PF and the MDC.

The electoral outcomes in March and May 2008 of the harmonized parliamentary and presidential elections and the subsequent violence that engulfed the country thus defined a ripe moment for the Zimbabwean conflict. Thus the failure for the earlier mediation could be attributed to the fact that the conflict was not yet ripe for resolution.

Zartman's theory raises critical questions in conflict resolution. Should external groups wait until the conflict has reached ripeness before interfering or attempting any mediation? Do the conflicting parties have no other option except to escalate the conflict until it reaches a stalemate? The tentative answer given by Zartman is that early external intervention and if external patrons of the conflicting parties have enough leverage over them so as to exert pressure on them to turn to negotiations. In the Zimbabwean case the MDC – Western supporters, particularly because of their interest in regime change, were not likely to put pressure on MDC to enter into negotiations. Definitely not when it was showing all signs of winning the elections. On the part of ZANU-PF

and Mugabe no country had enough leverage to force them into negotiations. The expectation that South Africa had enough leverage on Zimbabwe to force Mugabe to negotiate was completely unfounded.

The use of Zartman's theory of ripeness in a Zimbabwe type of situation thus creates a dilemma to external actors in a conflict situation. Should they stand by and wait for the conflict to ripen and watch innocent people dying or should they mediate in the conflict even if the chances of success are minimal? This may be is the main weakness of the theory in terms of it being a practical guide to action. There are many other weaknesses to the application of the theory that need to be touched upon.

First is the fact that the theory focuses on referral of a dispute to mediation. This in essence means that the relevance of the theory ends at the time when there is a subjective realisation of a ripe moment and seizure thereof. It does not concern itself with the actual mediation and results thereof. It therefore means that the theory does not guarantee successful resolution of a conflict by means of mediation. It only guarantees that there will be successful entry into mediation or negotiations. Successful resolution of a conflict depends on various factors outside the purview of the theory itself. It is not a tool to be invoked to determine why some mediations are successful and others unsuccessful. In essence it means that this is not a tool to be invoked in determining successful resolution of a conflict by means of mediation.

Secondly, the theory does not tell us about the duration of the conflict needed for it to be ripe for resolution but simply says that it should have gone on for some time before it can be ripe for mediation. This is a clear indication that some conflicts ripen quicker than others. Thus what happens in one country, say South Africa, cannot be used in Zimbabwe

to determine the necessary duration for ripeness of the conflict. It has to be determined on a case by case basis.

Thirdly, since the test for ripeness is based on the perception of the leaders in a conflict they are critical in deciding ripeness of the conflict. Referral of a dispute or conflict to mediation remains partly at the mercy of the leadership of the disputants. For instance, if the leadership believes that the disputants should “not give up without a fight”, it becomes difficult or impossible to apply. The theory becomes applicable in circumstances where there is a genuine belief on the part of the leadership after consideration of objective material conditions that a conflict is ready for resolution. The importance of leadership is captured by Esterhuysen discussion on the factors that facilitated negotiations in South Africa and in the Israel-Palestinian conflict leadership change. It is clear that some conflict can be resolved only with leadership changes.

Lastly, the theory is silent on a key variable within the conflict that is internal politics and actors in any dispute. Internal politics in some instances plays a crucial role in determining ripeness of the conflict.

The above does not take away the usefulness of the theory itself both as analytic and prescriptive tool. It helps one to take into cognisance the history of the conflict and its cycles in an effort to determine the turning point – the ripe moment when it was possible to bring the conflicting parties to mediation or negotiations. The post March 2008 elections in Zimbabwe were in our case a turning point.

The theory also acts as a prescriptive tool to determine the ripe moment to initiate mediation or negotiations in any given conflict. Thus one must constantly monitor the conflict situation so as not to miss the opportune moment to initiate mediation or negotiations. Mediator or patron must

be able to seize the opportunity when it presents itself to attempt a resolution of the conflict. This means that the theory is invoked as a prescriptive tool to assist parties to a conflict to seize the opportunity and decide to enter into mediation or negotiations. It is beyond dispute that this theory notwithstanding its weaknesses is useful as both prescriptive and analytic tool as has been demonstrated in the Zimbabwean conflict.

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