A CRITICAL ANALYSIS OF PRESIDENT THABO MBEKI'S APPROACH TO RESOLVING THE 2008 DISPUTED ELECTION RESULTS IN ZIMBABWE

by

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DECLARATION

I, Maria Tapfuma, student number 47195835, declare that **'A Critical Analysis of President Thabo Mbeki's Approach to resolving the 2008 Disputed Election Results in Zimbabwe'** is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

Signature: Date:

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Abstract

Evaluating the effectiveness of Thabo Mbeki's political mediation in the Zimbabwean conflict of 2008, following a disputed election outcome, is the principal objective of this study. The Ripeness Theory of mediation and conflict resolution that was proposed by William Zartman and developed by other scholars is deployed as the theoretical framework of the study. The principal measure of the effectiveness of mediation lies in its success in resolving conflict in a sustainable manner. There is consensus in conflict resolution scholarship that the post-cold war era has witnessed a marked shift of conflicts from the inter-state scene to the intra-state domain, such as the one in Zimbabwe, 2008. This shift has brought with it increasing attention to issues of human security, human rights and democratisation in mediation and conflict resolution. As a result, a compelling need for the effective resolution of such conflicts, and guarantee of the enforcement of human rights, security and promotion of democratisation as part of mediation, has arisen. There is also a general acceptance, amongst scholars, that the success of mediation goes beyond the signing of mediated agreements as often case conflict has re-ignited after the signing of peace agreements. For that reason, the argument that mediation is counter-productive as it often puts a lid on the can of conflict without resolving the underlying conflict issues has achieved currency. There is therefore a general convergence of views in mediation literature that addressing the structural causes of disputes guarantees the sustainable resolution of conflict. It is in the context of these developments and views in international relations and politics that this study evaluates, using the Ripeness Theory, its limits noted, the effectiveness of Thabo Mbeki's mediation in Zimbabwe, and the argument is advanced that often case mediated agreements are not effective mechanisms for the sustainable resolution of conflict and the achievement of democratisation and durable peace. Civil society groups need to be involved to expand the scope of negotiations and limit effects of mediator partiality.

Key Words: Conflict resolution, Government of National Unity, Human Rights, International Mediation, Quiet Diplomacy, State Sovereignty, Zimbabwe.

Dedication

I dedicate this work to the fond memory of my late mother, Catherine Mazikana, who I believe is constantly praying for me to the Lord. I would also like to dedicate this work to my beautiful children, Taonashe and Nokutenda Moyo who inspired me to achieve this dream. Mummy loves both of you dearly!

Preamble

Not all 'negotiations' appear to be the result of a ripe moment. Negotiations may be a tactical interlude, a breather for rest and re-armament, a sop to external pressure without any intent of opening a sincere search for a joint outcome. Thus, the need for quotation marks or for some elusive modifier such as 'serious' or sincere negotiations

William Zartman (2001: 9)

Terms and Concepts Used

Quiet Diplomacy

In the context of this study, Anstey (2007:434) explains quiet diplomacy as President Thabo Mbeki's policy response to Zimbabwe, involving a combination of measures that include behind the scenes engagement, secret negotiations, refraining from any public criticisms of any of the parties to the mediation and not disclosing the details of any deal until an agreement is reached.

Government of National Unity (GNU)

Rfers to a coalition government formed by all the major political parties in a country. According to Mhandara and Pooe (2013:12), the governing coalition is designed to accommodate all participating political players in government structures with a view to diminishing potential for conflict and enhancing prospects of national stability, integration and development. In the case of Zimbabwe, the GNU was between ZANU-PF, the MDC-T and the MDC-N.

Conflict resolution

It is conceptualized as the methods and processes involved in facilitating the peaceful ending of conflict. A wide range of methods and procedures for addressing conflict include negotiation, mediation, arbitration and diplomacy.

Low power interventions

Anstey (2007: 434) explains low power intervention as a mediation approach of confidence building between warring parties, which involves non-confrontational, non-judgmental and less public forms of communication intended to minimize risks of sensationalism and alienation of the parties involved. According to Anstey (2007: 434), quiet diplomacy is one such approach.

Sovereign authority

It refers to the full right and power of a state to govern itself without any external interference. This forms the basic principle underlying the Westphalian model of state foundation.

War on terror

This refers to the international military campaign by the United States (US) and its allies to counter terrorism. The campaign was started by the then US President G.W Bush in 2001, following the September 11terror attacks on New York twin towers.

Principled mediation

For the purposes of this study, Anstey (2007: 437) explains principled mediation as a mediation approach of integrity and assertive impartiality which seeks to assist all the parties involved to build a workable political environment to sort out their own future rather than an approach that protects the interests of a particular party.

Mediation

Bercovitch (2006:291) explains mediation as a process of conflict management through the intervention of a skilled and impartial third party, who facilitates a mutually acceptable negotiated settlement, on issues that form the substance of the dispute between the parties. As a conflict management approach, mediation is pacific, non-coercive and non-binding.

International community

According to Nyakudya (2013:89), it refers to a phrase used in international relations to refer to a broad group of people and governments of the world and their common view point towards issues such as governance and human rights.

Neo-imperialism/ Neo-colonialism

Mutisi (2012:166) explains these as policies by the US and other western countries perceived by African countries as schemes to maintain indirect political and economic

control of other countries. This is perceived to be done through interference in another country's internal affairs. The GoZ for example perceived the MDC as a surrogate of the British and hence a tool to advance the neo-colonial and neo-imperial interests of the British.

Regime change

Regime change refers to the practice of removing a government from power through underhand maneuverings. In the context of this study, Mutisi (2012: 166) explains that the GoZ associated such maneuverings with the aspirations behind the promotion of western democracy through economic strangulation and the creation of the MDC.

Gukurahundi

Gukurahundi refers to the military operation carried out by the Government of Zimbabwe (GoZ) from 1983-1984, to arrest the disturbances and chaos perpetrated by 'dissidents' in the Matabeleland and Midlands provinces.

State militarization

For the purposes of this study, Qobo (2008: 170) explains state militarization as the practice by the GoZ to create more space for the military in civilian affairs.

Operation Murambatsvina

Also known as operation drive out rubbish was an urban clean-up exercise that was carried out by the GoZ in May 2005, targeting MDC supporters. The operation justified by the GoZ as necessary to eradicate illegal dwellings and eliminate informal trade led to forced migrations and displacements, with 700,000 people in cities losing their homes (Masunungure 2007:22).

Third Chimurenga

Fast Track Land Reform Programme (FTLRP): refers to the land reform exercise carried out by the GoZ in 2000 under the banner of the third chimurenga or the agrarian revolution, which was characterised by violent invasions of white owned commercial

farms throughout the country. According to Makumbe (2006:56), FTLRP was carried out in response to the political dynamics of the post-referendum situation as the MDC presented a formidable challenge to ZANU-PF rule.

Harmonised elections

It refer to the parliamentary, presidential and local government elections that Zimbabwe simultaneously held for the first time on 29 March 2008.

Track I actors

This refer to the political elites such as heads of state, diplomats and high ranking government officials.

Track II actors

Trach II actors refer to non-state actors such as civil society organisations, academics and churches.

Acronyms and Abbreviations

AIPPA	Access to Information, Protection and Privacy Act
ANC	African National Congress: (South Africa)
AU	African Union
BBC	British Broadcasting Corporation
CCJP	Catholic Commission for Justice and Peace
CFU	Commercial Farmers Union
DRC	Democratic Republic of Congo
ECF	Electoral Commissions Forum
EISA	Electoral Institute for Sustainable Democracy in Africa
ESAP	Economic Structural Adjustment Programme
FRELIMO	Front for the Liberation of Angola
FTLRP	Fast Track Land Reform Programme
GNU	Government of National Unity
GoZ	Government of Zimbabwe
GPA	Global Political Agreement
HRW	Human Rights Watch
IMF	International Monetary Fund
LEP	Look East Policy
MDC	Movement for Democratic Change
MDC-M	Movement for Democratic Change-Mutambara
MDC-T	Movement for Democratic Change-Tsvangirai
MoU	Memorandum of Understanding
NANGO	National Association of Non-Governmental Organisations
NCA	National Constitutional Assembly
NEPAD	New Partnership for Africa's Development
OAU	Organisation of African Unity
OM	Operation Murambatsvina
PF	Patriotic Front
POSA	Public Order and Security Act

R2P	Responsibility to Protect
RF	Rhodesian Front
SADC	Southern African Development Community
SADCC	Southern Africa Development Coordinating Community
SPT	Solidarity Peace Trust
SWAPO	South West African People's Organisation
UANC	United African National Council
UDI	Unilateral Declaration of Independence
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
USA	United States of America
WB	World Bank
ZANU-PF	Zimbabwe African National Union-Patriotic Front
ZAPU	Zimbabwe African People's Union
ZBC	Zimbabwe Broadcasting Corporation
ZCTU	Zimbabwe Congress of Trade Unions
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZIDERA	Zimbabwe Democracy and Economic Recovery Act
ZINASU	Zimbabwe National Students Union
ZUD	Zimbabwe Union of Democrats
ZUM	Zimbabwe Unity Movement

CHAPTER ONE: INTRODUCTION

1. Introduction

This introductory chapter aims to lay the background and setting of the study whose gist is the subject of mediation and conflict resolution. In international diplomacy mediation continues to play a prominent role as a pacific form of conflict resolution (Jones 2000:647). Underpinning this fact is the extent and heterogeneity of third party involvement in international disputes, which also includes conflicts in Africa, in the post-cold war era. Bentley and Southall (2005:55) correctly argue that for Africa, the reluctance of the West to become heavily engaged in African conflicts relegated that responsibility to African regional countries to resolve African problems, which in the post-cold war era have increasingly become intra-state, with an emerging trend of post-election conflicts.

Arising from the above, since the advent of majority rule in South Africa in 1994, as an emerging regional power; the country has taken a central and leading role in conflict resolution on the continent and beyond. While both Nelson Mandela and Thabo Mbeki both played an increasingly major role in conflict resolution on the continent, arguably Mbeki took an even more prominent role, leading to his presidency being described by scholars as a foreign affairs presidency, (Barber 2005:1089, Olivier 2003:815, Adebajo,2016:10). This observation is predicated on Barber's assertion (2005:1089) that by 2005, Mbeki was involved in negotiations to settle conflicts in Cote d'Ivoire, Sudan, Burundi, DRC, Rwanda and the Comoros as well as in mediation in Swaziland and Zimbabwe. It has been argued that Mbeki's approach to resolving conflicts in all these countries, seems to be in line with South Africa's historical belief in the supremacy of negotiated conflict solutions (Adelmann 2004:265). It is largely appreciated that this position stems from the success of South Africa's own negotiated settlement and Mbeki's style of politics, which Nathan (2005:364) rightly observes to be in line with the overall framework of South Africa's pacific foreign policy and Mbeki's apparent preference for the art of persuasion and negotiations to the use of force. Willie Esterhyuse (2012:26) emphasises the point that Thabo Mbeki despised war as an approach to conflict

resolution. While Mbeki has on the overall been credited for bringing peace to various conflict zones in Africa in his role as a mediator, opinion has been divided over the effectiveness of his mediation in Zimbabwe; especially as far as the issue of ensuring the safeguarding of human rights is concerned.

Accordingly, the seeming paradox and inconsistencies in Mbeki's foreign policy over the principles of human rights and democracy have largely been of academic interest as they underpin South Africa's foreign policy. Further academic interest has been drawn by Thabo Mbeki's own brainchildren, the New Partnership for Africa's Development (NEPAD) and the idea of the African Renaissance (Olivier 2003:817). It is contended that the seeming inconsistency appears to be rooted in Thabo Mbeki's own ideology of anti-imperialism and Africanism, which to a large extent are considered to have had a bearing on Mbeki's approach to the dispute in Zimbabwe. This position is pursued further by Nathan (2005:363), who elaborates and correctly observes that Mbeki's outlook was rooted in three paradigms namely: democratic, Africanist and anti-imperialist and that if the three came into conflict, democracy and human rights would give way to anti-imperialism and Africanism. On the overall, indeed one would agree with some scholars such as McKinley (2004:360), who have argued that Mbeki's approach, particularly his policy of constructive engagement are considered to have entrenched and institutionalized Zimbabwe's economic, political and humanitarian crises. Following the above arguments, it seems possible to conclude that Mbeki's position on Zimbabwe appeared to be more concerned with regime security than the rights and dignity of the Zimbabwean people. This seems to suggest that Mbeki's handling of the dispute in Zimbabwe was influenced more by concerns of state security as opposed to human security, thereby bringing to bear seeming inconsistencies and limitations in Mbeki's approach to the issue of human rights and democracy, which this study seeks to investigate.

In view of the above, the main goal of this study is to establish the approach that was employed by Thabo Mbeki in resolving Zimbabwe's disputed 2008 election results, as a context for understanding the emerging and growing trend on the continent of contested elections outcomes and the effectiveness of (Governments of National Unity) GNUs as

dispute resolution mechanisms that have been employed to resolve the disputes. To start with, this chapter will give an introduction that touches on South Africa's mediation role on the continent within the wider context of international diplomacy. It will then consider South Africa's general approach to dispute resolution, which informs Thabo Mbeki's approach to resolving the dispute in Zimbabwe. This will be followed by a background to the growing trend of contested elections on the continent and the concept of political power sharing as a preferred dispute resolution mechanism which has increasingly been employed by regional bodies such as the African Union (AU) and (Southern African Development Community) SADC. The rationale of the study and justification for the focus on Thabo Mbeki's mediation approach will also be given. The chapter will then describe the research methodology and conclude by laying out the structure of the dissertation.

1.1 Background to the Study

Post-colonial Sub-Saharan Africa has seen a fast emerging and disturbing trend of a rise in violent conflicts emerging from contested election outcomes, which are marked with endemic political instability and large scale violence. Examples that come to mind include elections held in Nigeria in 2003 and 2007, Kenya in 2007, Zimbabwe in 2008 and Madagascar in 2009. Emerging from this trend, there is consensus in literature that this growing phenomenon has undermined the credibility and quality of African elections and thereby the democratization of Africa at large (Cheeseman and Tendi 2010). Scholarly opinion has attributed this state of affairs to the power structures of African politics. According to Apam (2009:20), African politics is shaped by political patrimonialism, where political contestation becomes a zero-sum game for the ruling and opposition political parties, a situation that is mirrored in the conflict in Zimbabwe following the 2008 disputed election results.

Arising from the above, Cheeseman and Tendi (2010: 27) correctly argue that there is an emerging trend on the continent, where negotiated settlements with power sharing elements, have become the preferred way of ending political crises emanating from disputed election results. In that regard, power sharing has increasingly become the

preferred mechanism for dispute resolution by regional bodies such as the AU and SADC, who are usually involved in resolving post-election conflicts. However, while this is the case, scholars such as Jarstad (2009:42) argue against the power sharing concept, on the basis that they are a constraint to democracy and may therefore not deliver sustainable peace. This is on the grounds that most power sharing deals are elite negotiated power sharing pacts, which tend to ignore popular election results. This background informs the focus of this study, which seeks to analyse Thabo Mbeki's approach to resolving the 2008 disputed election results in Zimbabwe. Mbeki's SADC mandated mediation efforts, which fall within the broader context of third party mediation in international diplomacy, culminated in the formation of a power-sharing arrangement between Zimbabwe's disputing political parties. Given that there has been a rise in the frequency of contested elections outcomes on the continent and a growing preference for negotiated settlements with power sharing elements (Cheeseman and Tendi 2010:27), this study on Zimbabwe hopes to provide useful insights that can provide a clearer understanding of similar cases in Africa at large.

1.2 Problem Statement

African elections results have been prone to contestation and the resolution of the conflicts that emanate from such disputed election results has often involved regional bodies such as the SADC and the AU. In addition, the effectiveness of the dispute resolution mechanisms employed to resolve electoral disputes has been brought to question because of the seeming failure of such mechanisms to deliver sustainable solutions to contested election outcomes on the continent. Thus, the primary problem to be addressed by this study is on the frequency of disputed election outcomes in Africa and the effectiveness of the dispute resolution mechanisms employed thereafter which in particular reference to this study, is on the effectiveness of President Mbeki's conflict resolution in the Zimbabwe crisis following its disputed 2008 election outcome.

1.2 Objectives

The study intends to critically analyse Thabo Mbeki's approach to resolving the 2008 disputed Zimbabwe elections outcome, as a context for understanding the growing trend of similar disputes in Sub-Saharan Africa and the mechanisms employed thereafter to resolve the disputes. In order to achieve this, the study will:

1. Assess the emerging trend and frequency of contested elections in Africa.
2. Give an overview of dispute resolution mechanisms on the continent.
3. Understand the Zimbabwean political dispute. The causes of the dispute will be explored.
4. Understand Thabo Mbeki's involvement in the Zimbabwean political dispute within the wider context of the African Union (AU) guaranteed and SADC mandated mediation.
5. Assess the effectiveness of Thabo Mbeki's approach and the contribution he made towards the democratization of Zimbabwe through the formation of the power sharing government.

1.4 Key Research Questions

The study aims to answer five key questions, namely:

- What is the trend of contested elections in Africa?
- What were the causes of the 2008 election dispute in Zimbabwe?
- What was Thabo Mbeki's approach to dispute resolution in Zimbabwe?
- How effective was Thabo Mbeki's approach and what was his contribution towards the democratization of Zimbabwe?

1.5 Delimitation

The study is demarcated according to both conceptual and geographical criteria. In terms of the conceptual criteria, the study is differentiated with reference to central concepts of

mediation with a view to conflict and dispute resolution within the context of human security. The study will therefore focus on how Thabo Mbeki in his approach to dispute resolution addressed concerns of both human and state security in Zimbabwe.

Geographically, the study focuses on Zimbabwe. In general, the study will cover Thabo Mbeki's mediation efforts in Zimbabwe which started in 2002. However, the main focus of the study will be on the 2008 period, when Zimbabwe held its election whose results were contested.

1.6 Rationale of the Study

Assessing the state of scholarship on international mediation, one may argue as pointed out by Bohmelt (2010: 168), that while mediation is as old as conflict itself, the concept remains least understood, despite its growing importance. Notably, Jones (2000: 647) rightly observes that little attention has been devoted to African peace processes, in spite of their growing significance on the continent. Evidently there is more scholarly concern and attention on conflict resolution and international mediation in particular, with regards to the developed world and institutions such as the United Nations (UN) than the less developed regions such as Africa for instance.

In addition to the above, it can be argued that Thabo Mbeki's mediation efforts in Zimbabwe are relatively recent, implying that it is an area that is yet to be adequately researched and understood. This would in that regard call for an in-depth study of Thabo Mbeki's approach to dispute resolution in Zimbabwe, which will help scholars put the approach to dispute resolution in perspective. Additionally, there is a need to consider the scholarly interest in the proposed area of study because of South Africa's international standing. The study will therefore attempt to provide a better understanding of the effectiveness of Thabo Mbeki's mediation efforts, from the viewpoint that this may assist future studies to determine the effectiveness of approaches used by Kgalema Motlanthe and Jacob Zuma, former and current president of South Africa, respectively, who continued with the SADC mandated mediation in Zimbabwe after Thabo Mbeki. In view of the above therefore, the study seeks to contribute to knowledge that will give a clearer

understanding of the emerging trend of post-election disputes in Africa and the dispute resolution mechanisms that can be employed to deliver sustainable solutions. The case study involves the dispute in Zimbabwe, following its 2008 disputed election results.

1.7 Rationale for studying Thabo Mbeki's Mediation in Zimbabwe

In attempting to understand the reasons for focusing on Mbeki's mediation, it is important to state from the beginning that the Zimbabwe crisis is widely acknowledged as the dominant foreign policy issue of Thabo Mbeki's tenure in office. This assertion is predicated on the international and domestic attention given to Thabo Mbeki's policy towards Zimbabwe, therefore deserving further study. On this aspect, it is important to bring to mind, as correctly observed by Mckinley (2004:357) that Thabo Mbeki's ascension to office in 1999 was paralleled by intensifying political and economic problems in Zimbabwe. Therefore, arising from the above, when Mbeki offered to mediate in the Zimbabwe conflict, there were a lot of expectations from the generality of Zimbabweans and South Africans alike for three main reasons. The first one being South Africa's standing on the world stage, the second being Mbeki's initiatives of an African Renaissance and NEPAD, which paradoxically propagated the entrenchment of democratic governance and values and therefore raised the hopes of many, and the third being that South Africa had direct interests in Zimbabwe's conflict, given that the country was also directly affected by the situation in Zimbabwe. Arguably, Thabo Mbeki's mediation approach towards Zimbabwe was not simply about Zimbabwe but also about South Africa's integrity as a regional leader, a point warranting further study. The second reason in justification of a study of Thabo Mbeki's mediation in Zimbabwe is that he was seized with the Zimbabwean crisis for a longer period than any of the mediators. His mediation effort started from 2002 to 2008, when he left office. Arguably, he played an indispensable role in laying the foundation for the formation of the government of national unity.

1.8 Research Methodology

As this study is political in nature, it uses the qualitative research method which according to Neuman (1997:329), relies largely on the interpretive and critical approaches to social science. The rationale for using the qualitative research method in this study is based on its emphasis on interpretation of qualitative data from a variety of sources and not just a dispassionate presentation of statistical data, as would be the case with the quantitative research approach.

It is argued that the emphasis in qualitative research is on methods of observation, interviews and analysis of documents, which include primary and secondary sources. As the study was a purely desk top research, interviews were not conducted. The study mainly consulted both primary and secondary sources. Based on the fact that this was a SADC mandated mediation process, the primary and secondary sources used included, the SADC Election Observer Mission Report on the 2008 election outcome in Zimbabwe, SADC Summit communiques, press releases and statements, in which the crisis in Zimbabwe was discussed, SADC Summit resolution and reports by the SADC Facilitator to Zimbabwe, which gave invaluable insights into the intricacies of African diplomacy, with regards to the handling of the dispute in Zimbabwe.

The study also used journal articles and books on the 2008 disputed Zimbabwe election outcome and other documents by such various interest and observer groups as church organizations and civil society. The book by Bentley and Southall (2005) was mostly useful as a primary source. It gave an illuminating account and insights of South Africa's overall approach to dispute resolution on the continent, which informed Thabo Mbeki's approach to dispute resolution in Zimbabwe that is the power sharing concept widely dubbed in literature as the Thabo Mbeki doctrine. Given that Mbeki's identity as an African and an anti-imperialist were central to his approach to dispute resolution in Zimbabwe, the biographic treatment given to Thabo Mbeki by Gevisser (2007) was useful in providing insights into Mbeki's perspective on issues of Africanism and anti-imperialism. Journal articles also proved valuable and enriching to the study.

1.9 Data Analysis

Following Newman's observation that qualitative researchers organise data into categories on the basis of themes and concepts, information extracted from the different sources mentioned above was analysed and discussed thematically.

1.10 Limitations of the Study

The qualitative nature of the data used for this study generated several challenges. The first being that since this was a purely desk top research which in itself was useful given the sensitivities of discussing political issue in Zimbabwe, the quality of the data gathered was compromised with the absence of insider and intimate perspectives. Further to the above limitation, the accuracy of the information used in some instances was questionable particularly as the source of data in some of the journal articles was unknown. The researcher tried to overcome this limitation by utilizing official sources or well-known research agencies to improve the quality and reliability of the data.

1.11 The Structure of the Dissertation

To address the research questions and analyse Thabo Mbeki's approach to dispute resolution in Zimbabwe, the study is organized as outlined below:

Chapter One: Introduction

This chapter sets the scene by introducing the study. It comprises of a background and introduction, problem statement, rationale, methodology and limitations of the study. The statement of the problem and the objectives of the study are articulated in order to demonstrate the contribution that the study seeks to make in the discourse on conflict resolution in Africa. Overall, Chapter One outlines the background of this research and explains the importance of the research.

Chapter Two: Theoretical Framework

This chapter delves into the theoretical framework of the study and thus explores in detail the theory that informs the study. This chapter acknowledges the challenges faced in utilizing the dominant theories of international relations such as realism, liberalism and constructivism for the study of conflict resolution. The chapter highlights William Zartman's ripeness theory (2008), which the study identifies as best suited to study the conflict in Zimbabwe and Thabo Mbeki's mediation efforts therein. In short, the ripeness metaphor posits that there are ripe moments in the life cycle of conflict, which if seized, will result in the successful resolution of conflict. The theory assumes that conflicts pass through a life cycle that encompass a number of distinguishable phases and that certain stages are more amenable to outside intervention than others. By implication therefore, a conflict cannot be resolved if it is not ripe for resolution.

Chapter Three: Literature Review

This chapter considers the scope of mediation, its success and effectiveness by identifying the variables associated with mediation success. The chapter seeks to interrogate the widely misconstrued association that is made between mediation success and the signing of a peace agreement by highlighting that peace agreements have often been the source of future conflicts. This is done by highlighting the flaws of Zimbabwe's previous mediated settlements starting with the 1979 Lancaster House Conference and the 1987 ZANU/ ZAPU Unity Accord.

Chapter Four: Context of Thabo Mbeki's Mediation in Zimbabwe

This chapter seeks to situate the 2008 electoral dispute in the governance crisis in Zimbabwe which stems from ZANU-PF's failure to democratize as well as the party's apparent belief in its right to rule in perpetuity. The chapter outlines the many episodes of state sponsored violence in the post-2000 period to demonstrate that violence was used by ZANU-PF as a tool to maintain its stranglehold on power. This chapter also outlines

the various regional and international responses to the deteriorating political and economic situation in Zimbabwe. The chapter seeks to reinforce the argument that the principle of African solidarity was central in shaping Thabo Mbeki's approach to resolving the 2008 election dispute in Zimbabwe and hence his justification for using the policy of quiet diplomacy in the Zimbabwean mediation.

Chapter Five: Conclusion

This concluding chapter presents the findings, recommendations and conclusions of the study. It summarises the major findings of this research and at the same time gives some useful observation on Thabo Mbeki's mediation in the Zimbabwean electoral and political dispute, by emphasizing interventions that address structural causes of conflicts.

1.12 Conclusion

The chapter gave a background and setting of the study whose gist is on mediation and conflict resolution. The chapter began by giving an introduction touching on South Africa's mediation role on the continent. It was argued that South Africa's general approach to dispute resolution informed President Mbeki's approach to resolving the dispute in Zimbabwe. A background on the growing trend of contested elections on the continent was also given. It was argued that post-colonial sub-Saharan Africa was seeing a fast emerging and disturbing trend of a rise in violent conflicts emerging for contested elections. Examples of such elections were cited and include Nigeria 2003, Kenya 2007, Zimbabwe 2008 and Madagascar 2009. It was also argued that the power sharing concept had become the preferred mechanism for resolving disputes emanating from contested elections. The chapter also argued that regional bodies such as the SADC and the AU were increasingly employing the power sharing concept as a dispute resolution mechanism. It was however demonstrated as articulated in the problem statement that power sharing was a constraint to democracy and fell short in delivering sustainable solutions to conflicts.

The chapter explored the reasons justifying a focus on Mbeki's mediation and these were cited as South Africa's international standing, Mbeki's initiatives of an African Renaissance and NEPAD, which propagated democratic governance and values and which therefore raised the hopes of many in bringing a solution to the crisis in Zimbabwe. It was also argued that South Africa had direct interests in the conflict in Zimbabwe as the country was directly affected by the situation in Zimbabwe. The chapter also discussed the research methodology. It was argued that as the study is qualitative in nature, the qualitative research method was employed. It was also noted that the research was purely desk top and that this was useful given the sensitivities of discussing political issues in Zimbabwe. The chapter also considered the various sources of data used and ended by giving the structure and outline of the dissertation.

CHAPTER TWO: THEORETICAL FRAMEWORK

2. Introduction

To analyse Thabo Mbeki's mediation approach to resolving the 2008 political dispute in Zimbabwe following its contested election outcome, the study primarily uses William Zartman's Ripeness Theory. The Ripeness Theory has been severally employed as a framework for studying international negotiations and mediation. To note at this point is that as a field of study, international relations is dominated by theoretical frameworks of realism, liberalism and constructivism, which have dominated the study of conflict resolution in international relations. William Zartman (2008:3) argues that using realism as a theoretical framework to analyse conflict resolution poses a challenge in that while realism as a theoretical approach can explain conflict, it has no place for negotiation because of its structural determinism. Comparatively, Zartman (2008:3) also adds that while liberalism and constructivism have more room for conflict resolution and negotiation, they have done little to include negotiation into their premises.

In view of the limitations of the power based approaches (realism, liberalism and constructivism) of international relations, the study has adopted ripeness theory as a useful analytical lens to understand Thabo Mbeki's mediation approach in the Zimbabwean electoral and political dispute. What makes ripeness theory relevant to this study is that the theoretical approach was originally framed for conflicts in the 'Third World', notably Africa (Amer 2004:730). In that sense, the theory has been found applicable and useful as an explanation for the successful initiation of negotiations or their failure in countries such as Zimbabwe, Namibia, Angola, Eritrea, South Africa Philippines, Cyprus, Iran and Iraq, Israel and Mozambique (O'kane 2006: 269). With particular regard to Zimbabwe, the concept of ripeness has been used to analyse previous mediation initiatives in the country as follows; the 1979 Lancaster House negotiations (Stedman 1991:2), the 1987 ZANU/ZAPU Unity Accord and the 2007 SADC mandated mediation by Thabo Mbeki (Anstey 2007: 415). It therefore follows that the theory is well placed to provide a useful lens to also analyse Thabo Mbeki's mediation effort in 2008. Added to

that is the consensual position in literature on ripeness, which posits that the theory is a useful analytical tool because of its flexibility and predictive analytical capacity (Lyons et al 2008:5), which makes it easily adaptable to this study. According to Zartman (2000:235), ripeness theory also has a prescriptive value to policy makers seeking to know when and how to begin a peace process.

Ripeness recognises the integral role played by both primary (disputing parties) and secondary parties (mediators) in conflict resolution. Ripeness considers the influence of contextual and process factors in conflict resolution. Contextual factors refer to variables concerning the dispute, the contending parties and their relationships, the mediator and the international context. Process conditions on the other hand focus on the nature of the mediator activities for example the utility and effectiveness of strategies that mediators may employ such as leveraged approaches or low power interventions associated with mediation approaches such as quiet diplomacy, to induce ripeness in conflict situations that are not ripe for resolution (Kleiboer 1996:361). In this chapter, the study seeks to highlight the relevance of the core concepts of ripeness theoretical framework to conflict resolution.

2.1 Ripeness Theory: Propositions and Assumptions on Conflict Resolution

It has so far been argued that rationalist theories of international relations, such as realism, liberalism and constructivism are not suitable to analyse Mbeki's mediation approach. Whiting (2005 in Zartman 2008:3) explains that realism has no place for negotiation or mediation because of its precepts that are deterministic and institutionalist. On the other hand, while liberalism and constructivism have room for conflict resolution, they have failed to include negotiation or mediation in their premises (Zartman 2008:3).

In this section of the study, it will be argued and demonstrated as already noted that ripeness theory is best suited to analyse Mbeki's mediation approach towards the 2008 Zimbabwe dispute as the theory offers some assumptions on how and when a third party, which is a mediator, should intervene in a conflict and also the shape of the mediation process that should be applied. The theory also offers assumptions on the conditions that

are necessary for the protagonists to consider negotiation as a way out of the conflict (Chinyere et al 2013:3).

To begin with, the study notes that William Zartman is the pioneer in the research of ripeness in international conflicts (Aggestam 1995:87, Pruitt 2005:2). The theory was unveiled in 1985 and has been outlined in slightly different forms in Zartman's subsequent work (O'kane 2006:268). However, in 2000, Zartman published an outline designed to clarify the theory. The study also recognises that Zartman's conceptual framework has further been modified and refined by scholars such as Stephen Stedman, Richard Haas and Louis Kielsberg, Christopher Mitchell and Chester Crocker (Aggestam 2008:88). It is noteworthy; therefore that current literature on ripeness has produced four different versions or models of the ripe moment thesis, two of which arise from Zartman's pioneering work and the other two models from the work of Stedman, Haas and Kielsberg, Mitchell and Crocker (Mitchell 1995:38). According to Mitchell (1995:39), the four models are characterised as follows:

- The Hurting Stalemate (HS) or plateau model
- The Imminent Mutual Catastrophe(IMC) or precipice model
- The Entrapment model (ENT) and
- The Enticing Opportunity (ENO) or planets in conjunction model

The concept of ripeness was developed in an attempt to identify the appropriate moment for mediators to intervene that is when favourable conditions for a conflict settlement exist such as in situations where there is a public plea for help. In view therefore of conflicts where mediation is applied, ripeness also emphasises the shape and type of the mediation process that is used to induce ripeness. Anstey (2007:433) clarifies that types and shapes of intervention are contingent on many factors, which include the purpose of the process as defined by the parties and the mediator and the nature of the conflict and the forces sustaining it.

To note is that the theory has become a central conceptual framework employed by researchers to explain the onset of negotiation processes and by policy makers to decide

on those conflicts amenable to resolution and positive interventions (Lyons et al 2008: 5). The ripeness metaphor posits that there are ripe moments in the life cycle of conflicts, which if seized, will result in the successful resolution of those conflicts (Pruitt 2008:3). Conversely, ripeness argues that attempts to resolve unripe conflicts will fail, regardless of the quality and skills of mediators who may be involved or the equitable nature of the proposals tabled (O'kane 2006:269). Ripeness assumes that conflicts pass through a life cycle that encompass a number of distinguishable phases and that certain stages are more amenable to outside intervention than others (Kleiboer 1996: 362). There are however conflicting views on what constitutes or how to recognise such moments (Kleiboer 1996: 362). In that regard, there are three divergent positions on when to intervene in a conflict. According to Kleiboer (1996:362), some analysists believe that conflicts follow the logic of "clock time". This view argues that the duration of conflict in terms of days, months or years is linked to the persistence or change of attitudes of the adversaries towards the conflict. This position therefore supports the late entry, based on the thesis that mediation is most fruitful when failure to reach an agreement is precipitating an emergency. A feeling of emergency is believed to strongly increase the disputants' motivation to moderate their intransigence and revise their expectations (Kleiboer 1996:362). The second position is that negotiation needs to be initiated at an early stage, that is well before the adversaries cross a threshold of violence and begin to inflict heavy losses on each other. The argument underlying this position is that at such an early, pre-violence stage, it is still possible to consider possibilities for settlement before the conflict has become too entrenched and the parties too flexible in their attitudes (Kleiboer 1996: 363). The third position repudiates the logic of clock time and instead focuses on social or event time. According to Kleiboer (1996 :363) this position assumes that irrespective of days, months or years, a conflict is assumed to be ripe for resolution if certain events have taken place that affect the perceptions and attitudes of disputants. After looking at the various phases of a conflict, the important question to ask is what makes a conflict ripe for resolution?

Lyons et al (2008:28) explain that what makes a conflict ripe for resolution in part, are mutually hurting stalemates (MHS) which refer to perceptions by conflicting parties of increasingly painful conditions, that will only yield further pain and ultimate catastrophe

for the protagonists, if left to fester (Pruitt 2008:5). Under these circumstances, the interests of the parties will not be achieved or even approximated, thereby requiring a need for the parties to find an alternative approach to relieve the stalemate. Ripeness also proposes that in addition to these painful stalemates, the parties must be able to see a way out of the conflict such as diplomatic alternatives like mediation or negotiation which are seen as feasible and likely to generate a peaceful outcome. In a sense, diplomatic alternatives provide opportunities of escape from a stalemate or 'pain'. The underlying argument as explained by Aggestam (1995:87) is therefore that when the conflicting parties perceive a mutually hurting stalemate and a way out of their predicament, the moment is ripe for resolution.

In essence, the study argues that Zartman's theoretical construct offers an explanation of conflict resolution that focuses on perceptions, which in other words considers how aware the parties are of their conflict status, incentives, which looks at how motivated they are by the increasing pain imposed by the conflict and timing, which is concerned with how they seize upon the fleeting opportunity. Ripeness is therefore a necessary initiating catalyst to transform conflict and is said to begin with a mutually hurting process (Aggestam 1995:87), which is the first ripe moment model to be considered.

2.1.1 The Hurting Stalemate Model

The HS model was initially suggested by William Zartman and later developed by Stedman and Haass. Zartman's original HS theory intimately interlinks the concept of a hurting stalemate, which he describes as a deadlock, with the idea of an imminent catastrophe, which he describes as a deadline, as necessary for producing the circumstances that make a conflict ripe for resolution (Zartman 2000: 232). However, as recommended by Mitchell (1995:39), it may be reasonable to separate the two models for a clearer understanding, which is also essential for the purposes of this study. It is however important to look at Zartman's original argument regarding the HS model. According to Zartman (2000: 252, Mitchell 1995:39), adversaries will be most likely to consider a negotiated solution to their conflict when they anticipate a long period of continually costly action such as fatalities in military confrontations, together with a low

perceived probability of achieving their goals and a looming disaster that abruptly threatens to increase still further the costs of continuing coercive strategies.

Mitchell (1995:39) clarifies that the core argument of the HS model is that the most likely circumstances in which adversaries will seek a negotiated solution or a resolution of their conflict are those in which no party can envision a successful outcome through continuing current strategies, nor an end to increasingly unbearable costs. In Zartman's words (in Mitchell 1995:39), "the mutual plateau must be perceived by both parties not as a momentary resting but as a flat, unpleasant terrain stretching into the future, providing no later possibilities for decisive escalation or for a graceful escape". Similarly, Haass's refinement of the HS thesis highlights four pre-requisites which include the existence of mutual perceptions among the parties about the need for agreement, which in other words means that the conflict would be exacerbated without a negotiated settlement (Aggestam 1995:88). Secondly, the agreement has to contain compromises in order for the parties to arrive at a mutually satisfactory settlement. These compromises usually appear when the parties are either strong enough to permit compromises or sufficiently weak making it difficult to avoid compromises. Thirdly, these compromises have to be mutual and adequate to allow the political leadership from each party to convince their domestic constituencies that national objectives have been preserved and finally, there has to exist a shared acceptance of the negotiation procedure by all the negotiating parties (Aggestam 1995:89).

Stedman's modifications have on the other hand focused on the domestic and internal politics of the parties involved. Stedman's emphasis is on the function of internal changes, such as the emergence of new leaders, their perceptions and the consolidation of a divided leadership (Aggestam 1995:89). Stedman's argument is that developments within the contending parties are critical for the emergence of ripe moments, in that for example, leadership change may create new opportunities for conflict settlement, as a settlement is in the political interests of the new leadership. By implication therefore, the political willingness of leadership to settle the conflict determines the ripeness of the situation (Kleiboer 1996:363).

Similarly, to Stedman, Kriesberg finds it important to consider domestic politics and in particular domestic pressures that may be exerted on a regime to initiate negotiation (Aggestam 1995:89). Kriesberg, who has extensively researched the field of de-escalatory strategies has crystallised some necessary although not sufficient conditions for pursuing a strategy of de-escalation and negotiation. He stresses the significance of power balance or power asymmetry between the parties, their shared understanding of the conflict and the international context of the conflict. Kleiboer (1996: 368) concurs with this view and notes that most analysts argue that a balance of power between the disputants is crucial for successful mediation. Most ripeness theorists indicate that a marked power disparity will strengthen the stronger party's view of the mediator as a stumbling block towards the achievement of total victory. The argument is that such a disparity will reinforce the stronger party's unwillingness to accept mediation in the first place or will enhance its reluctance to make any concessions or compromises during mediation essential for attaining successful results.

Anstey (2007:427) also agrees with this position. He argues that power imbalances aggravate conflicts by producing positional rigidities, where powerful parties tend to believe they can crush the other and see few benefits in negotiation. Weaker parties on the other hand often resort to intransigence rather than capitulation and are often unable to leverage or implement any solutions they propose. Anstey underscores this point through his analysis of the Mbeki led-mediation in Zimbabwe, where ZANU-PF as the powerful party was reluctant to enter into negotiations with the MDC, which by interpretation meant that the conflict was not yet ripe for resolution. Added to that, Anstey (2007:436) observes that there are problems in trying to conduct mediations in scenarios of power asymmetry, especially for third parties with interests. According to Anstey (ibid) these realities render a mediator vulnerable to accusations of partiality by all those involved. Anstey (ibid) suggests that risk can be limited by adherence to procedural fairness and a low power intervention, which simply focuses on promoting dialogue and problem solving between parties.

Before looking at the second model, it may be important to briefly consider the other core element of ripeness which Zartman links to the HS, which is a perception of a way out.

2.1.1.2 Perception of a Way Out

As already alluded to, the other element necessary for a ripe moment, which according to (Aggestam 2008:87) is less complex and controversial, is the perception of a way out. Zartman (1989:273, 2000: 228) argues that parties do not have to be able to identify a specific solution, only a sense that a negotiated solution is possible for the searching and that the other party shares that sense and the willingness to search too. Without the sense of a way out, the push associated with the MHS would leave the parties with nowhere to go. William Zartman (1989: 273, 2000: 228) sums up the component of a perception of a way out by saying that the parties to a conflict have to perceive themselves to be in a hurting stalemate and must also perceive the possibility of a negotiated solution which is a way out. By implication this would mean that the conflict is ripe for resolution; that is for negotiations towards resolution to begin. For a clearer understanding of Zartman's arguments, the two core elements of ripeness discussed above are illustrated in the diagram below presented as Figure 1.

Diagram on Ripeness Theory

Independent variables → Dependent variables

Objective elements

Elements of ripeness

Mutually hurting stalemate

Persuasion

Sense of a way out

Decision to negotiate

Independent variables → Dependent variable
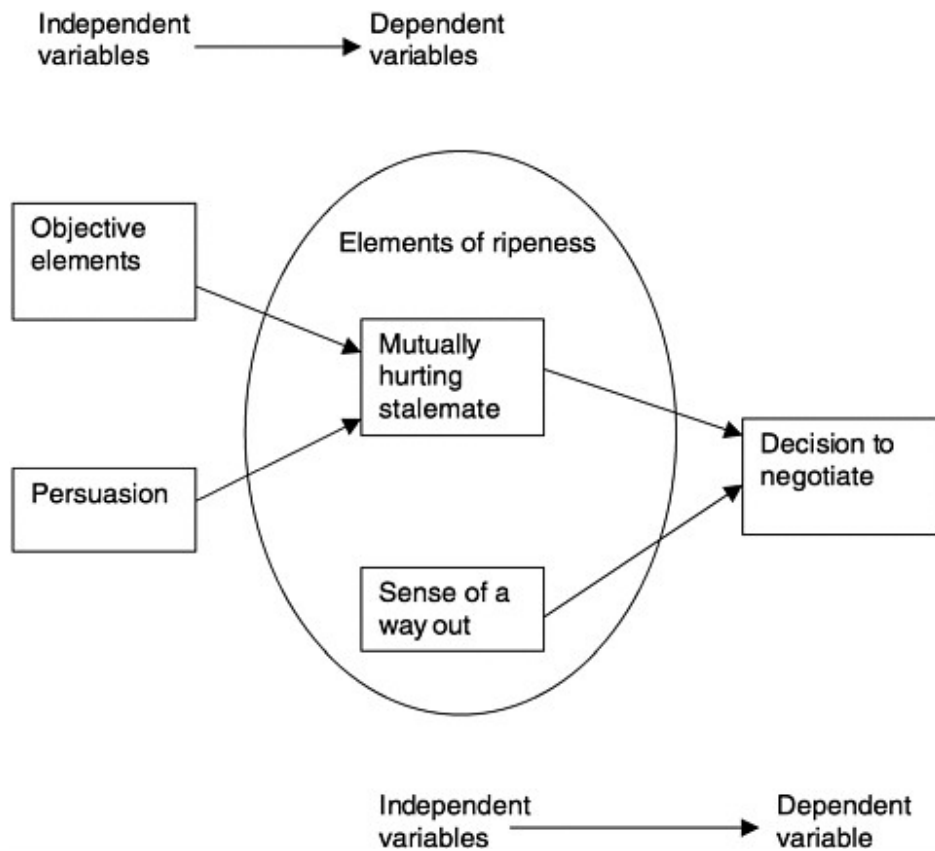
FIGURE 1: Factors affecting ripeness, elements of ripeness, and the decision to negotiate (Source: Zartman, W: 2000: 230: International Conflict Resolution after the cold war).

2.1.2 The Imminent Mutual Catastrophe Model

The Imminent Mutual Catastrophe (IMC) model which is described as a 'precipice' in Zartman's original thesis, offers the reinforcement or the alternative to the 'plateau' aspect of his original scheme. The precipice is described as, "a disaster that shortly threatens to overwhelm stalemated adversaries or even adversaries that are not particularly stalemated" (Zartman 2000: 252, Aggestam 1995: 87). The argument underlying the IMC is that parties in conflict will only consider conditions ripe for de-escalation and conflict resolution when they face an imminent major catastrophe of some sort. Worth noting is

that successful de-escalation in this model as underpinned by Mitchell (1995:40) depends on both parties facing undeniable disaster which could be a huge increase in costs and or a major drop in the perceived probability of success and victory through continuing the struggle. By implication, it follows that if only one side faces such a catastrophe, the other side will have no incentive to look for a settlement and will in that case sit back and wait for its adversary to plunge over the precipice and then move in to pick up the pieces, and privilege their own position.

The question therefore raised by the IMC model regards the sort of circumstances that are likely to present imminent mutual catastrophes to parties in conflict. One of the examples that ripeness scholarship presents, which is of particular interest to this study as it justifies the utility of ripeness theoretical framework in this particular study, is the case of the Rhodesian peace process (Anstey 2007: 417, Mitchell 1995:41)), where the advent of a Thatcher-led government in the UK, willing to recognise a Muzorewa regime, presented a new and potentially costly set of circumstances to the Zimbabwean leaders. At the same time, the general African rejection of Muzorewa and the successful escalation of the guerrilla war presented a similar precipice to the white dominated regime in Rhodesia. Both sides therefore faced different but interlinked potential catastrophes which forced them to consider a negotiated settlement (Mitchell 1995:41).

Comparatively, a key aspect of both the HS and IMC models is that, for circumstances to be ripe for a shift to a conciliatory mentality, decision makers on each side need to perceive independently that their own side is approaching some unavoidable catastrophe, or that they are stuck in a costly situation with a low probability of success, even in the long term (Aggestam 1995, Mitchell 1995:41). Underpinning this point is the emphasis on the importance of the perceptual variables in both the HS and the IMC, a factor that becomes salient in the third Entrapment model.

2.1.3 The Entrapment Model

This model was pioneered by Frank Edmead and Allan Teger. In contrast to the HS model, the Entrapment Model (ENT) model argues that leaders become trapped into a continued pursuit of victory even when costs seem to have become unbearable.

Underlying this model is an irrational process by which costs become transformed into investments in a conflict that cannot be given up for less than complete victory (Mitchell 1995:42). By implication therefore, the more costs are incurred, the more the reasons exist for carrying on. In the ENT model therefore, the hurt itself paradoxically becomes a reason for continuing. It therefore follows that the greater the hurt, the more the need to continue towards victory to justify the sacrifices, both psychologically and politically. In an ETN model, Mitchell (1995:43) notes that leaders involved in a protracted conflict go through a number of decision making stages. The first is characterised by concentration on the achievement of potential rewards (reward pursuit). The second is a justification of expended resources via further commitments, (cost justification). The third is characterised by the increasing salience of the goals of damaging the adversary and minimising overall losses (punishment and loss minimisation). The last stage is the exhaustion of resources and search for a way out (goal relinquishment). According to Mitchell (1995:43), the turning point psychologically occurs between the third and fourth stages when past losses are no longer regarded as investments in success, but become bygones to be reluctantly abandoned and when leaders' thinking becomes dominated by the need to cut losses and minimise further costs, even if this means abandoning the promises of increasingly unlikely benefits of victory.

In this model, Mitchell (1995:43) notes that third parties or mediators can play a much more active role in bringing about ripe circumstances rather than simply waiting for them to occur. At this stage, the model expects mediators to design a non- threatening and non-coercive process that will assist leaders in developing a conciliatory mentality and in moving towards a solution. Ripeness in an ENT model seems to involve moving parties from a mentality in which hurts and sacrifices become reasons for continuing rather than quitting to one in which anticipated costs and diminishing resources dominate decision making and viable and less costly alternatives present themselves.

2.1.4 The Enticing Opportunity Model

The Enticing Opportunity Model (EOM) model in its two versions was pioneered by Christopher Mitchell and Crocker. In contrast to the three models discussed so far, the

Enticing Opportunity model takes a more optimistic view of leaders in conflict, suggesting that a ripe moment can occur when leaders see a much better alternative way of achieving their goals than continuing with a costly struggle. New options open up or are created which cost less and offer more gains more certainly than continued violence and mutual coercion. The emphasis is on new benefits rather than existing or anticipated costs, on rewards for adopting alternatives rather than on sacrifices that have to be compensated. According to Mitchell (1995:44), the ENO model is probably the most diverse of the four as it brings into consideration a wide variety of possible factors that can contribute to the creation of such an opportunity. Crocker particularly emphasises that third party mediators can play major roles in the creation of appropriate circumstances for resolution. Crocker (in Mitchell 1995:44) suggests that the combination of the right set of circumstances includes the advent of new leaderships not committed or as committed to the goals or methods of their predecessors, a change of goals or level of commitment on the part of the adversaries' patrons, the availability of new resources from which to construct an innovative solution and a change of priorities within elites in one or both adversaries. Mitchell (1995:44) identifies circumstances that fall into three major categories, which can encourage a settlement, namely inter-party, intra- party and extra system. These include such factors as the relevant terms on offer from the adversaries, the level of cohesion within each party and the vulnerability of external patrons to pressure from either one of the adversaries or from third parties.

Mitchell (1995:45) however notes that for an opportunity to be enticing enough to persuade adversaries to think of moving towards a negotiated settlement, the prime determining condition appears to be that both leaders and followers on both sides should be able to see major rewards on offer through the pursuit of some negotiated solution. For leaders, one of these rewards must usually be an anticipation that they will continue to play some future leadership role. Mitchell (1995:44) adds that what seems to have enticed a number of adversaries into a negotiated peace process in a variety of conflicts is a shared belief that through a process involving negotiations followed by elections, they would win more cheaply the political power they were unable to obtain by coercive means. Mitchell (1995:44) cites the case of Zimbabwe, noting that the Lancaster House settlement was clearly facilitated by the belief of all three leaders, Muzorewa, Mugabe

and Nkomo that they would win the proposed elections that were part of the settlement. In that case, the two actual losers were prepared to accept the election results rather than returning to a winning and coercive mentality. Perhaps the question is whether the same beliefs were also held by Mugabe, Tsvangirai and Mutambara when they agreed to the power sharing agreement in 2008.

2.2. Ripeness: Propositions and Assumptions on the Mediator

Having looked at the core elements of ripeness theoretical approach, it becomes necessary to look at the relationship between ripeness and the mediator in detail particularly given that a mediator plays an integral role in inducing ripeness. Disputing political parties and conflicting groups make certain assumptions on mediation and the mediator and based on those assumptions, they also develop certain expectations that are based on their understanding and knowledge of the mediator and the mediation process itself. The sections below explore the mediator and the mediation process, and this will allow the study to prepare for its evaluation of Thabo Mbeki as a mediator in the Zimbabwean electoral and political conflict of 2008.

2.2.1 Mediator Impartiality

As already alluded to, ripeness recognises that mediator attributes which include impartiality; leverage and status are responsible for a mediator becoming accepted by the disputing parties, which in turn is vital for mediation success (Kleiboer 1996:368). In general, the issue of mediator impartiality refers to intention, consequence or appearance. According to Kleiboer (1996:368) in some cases, mediator impartiality is related to a mediator's attitudes towards the conflicting parties and at other cases is related to a mediator's stake in the substance of issues in conflict or at times to both. On the overall, there is consensus in ripeness literature that impartiality is essentially a matter of perceptions of the parties in conflict. Kleiboer takes the argument further by noting that the heart of the debate on impartiality lies on the effects of impartiality on the outcomes of mediation. The underlying argument according to Kleiboer (1996:370) is that, "mediator impartiality is crucial for disputants' confidence in the mediator, which in turn, is a

necessary condition for gaining acceptability and which in turn is essential for mediation success. However, scholars such as Zartman and Touval (Kleiboer 1996:370) argue that mediator acceptability is not contingent upon impartiality but instead on a mediator's bias towards one of the parties with two positions presented, first from the perspective of disputing parties and secondly from a mediator's perspective. The first argument is that, from the perspective of the disputing parties, a biased mediator may be an attractive option as long as the mediator has particularly strong ties to the party with greater control over the outcome of the conflict. It therefore follows that whatever partiality results from these ties is balanced by the mediator's greater capacity to influence that party. The party that does not have relations with the mediator hopes or expects that the mediator will use partiality to influence the adversary (Kleiboer 1996:370).

The second position is that from a mediator's perspective, it is more the exception than the rule to be partial concerning the parties and issues in international conflict. This is the case in that mediators often empower weaker parties in the interest of an equitable settlement to end human misery such as humanitarian crises. It is however noted that in international politics, peace-making is often intertwined with less altruistic self-interests of mediators. According to Kleiboer (1996:370), Zartman and Touval distinguish between defensive and expansionist motives. Defensive motives may emerge when a conflict between two states threatens a mediator's interest. For example, a conflict between two neighbouring states may upset a regional power balance or may provide opportunities for a rival power to increase its influence by intervening in the dispute. On defensive interests, Anstey (2007:433) adds that mediation by a party with interests is normative, with influence over the parties based on the mediator's status within the relational set of the conflict. In that regard, with their own interests at stake, a mediator's acceptability lies less in neutrality and more in a perceived capacity to deliver a settlement. In such interventions, dyadic disputes are turned into triadic interactions with mediators adding their own perceptions, values and interests into the mix. Anstey (2007:434) asserts that it is normative for mediators in international relations to have interests in neighbours' conflicts as it is understood to likely influence the process. The study argues that it is for this reason, the Mbeki was appointed by SADC to mediate the Zimbabwean dispute. However, as noted by McKinley (2004: 84-103) Mbeki's approach was instead motivated

by securing South African government and private interests at the expense of Zimbabwean citizens. Anstey (2007:434) observes that there is an ethical crunch if a third party secures its own interests by colluding with a regime in the repression of its citizens. Zartman (2000:255) however suggests that a mediator cannot lean too far in favour of any party without a breakdown in the process.

Partial mediators may also engage in mediation for expansionist motives driven by the desire to extend and increase their resources, influence and power. In the course of the debate on impartiality, some scholars who argue that mediator success is not contingent upon impartiality have examined whether other mediator characteristics in particular, leverage is a good predictor of more successful outcomes. The assumption behind leverage is that a mediator engages in behaviour that is designed to elicit information and exercise influence in order to reframe issues and persuade the parties. These tasks are best achieved not when a mediator is unbiased but when he possesses resources that either or both parties value Zartman and Touval (in Kleiboer: 1996 370). Impartiality in other words is considered subordinate to the possession of leverage by a mediator which is the next attribute to be considered.

2.2.2 Mediator Leverage

On the overall, leverage refers to a mediator's ability to put pressure on one or both of the conflicting parties to accept a proposed settlement (Kleiboer 1996:371). This assumes a mediator has power and influence resources that can be brought to bear on the parties. Given that it is not clear which resources are crucial, ripeness scholarship distinguishes between sticks which are negative sanctions and carrots which are positive sanctions and between material aspects such as the possibility to withhold or supply economic aid and immaterial aspects such as the possibility to use moral or psychological pressure as Zartman and Touval argue in (Kleiboer 1996:371). To be noted is that there has been controversy in literature on the importance of leverage in achieving successful mediation outcomes. One argument that is presented asserts that leverage is indispensable for persuading conflicting parties to make concessions or for ensuring disputants adhere to agreements (Pruitt). In contrast, other scholars such as Yarrow (in Kleiboer 1996:371))

claim that in certain instances, the mediator's lack of political power might facilitate success rather than hinder it. The argument here is that the credibility and sincerity of a mediator may be enhanced because of his non-political nature and inability to "call down sanctions" of any kind. Such a lack of power provides a mediator with possibilities "to permit an open and relaxed relationship between human beings" Yarrow (in Kleiboer 1996:371). It is also further argued that the possibilities of mediator acceptance may also increase when the mediator is strategically weak.

Kleiboer (1996:371) notes that although there is scholarly disagreement on the impact of leverage, the consensual agreement is that mediation runs various risks when mediators use too much leverage. (Pruitt 2008: 1520) notes that first of all, the mediator's promise of compensation can get out of hand. The first implication is that conflicting parties may become entirely dependent upon the mediator for further compensation in later negotiations. Consequently, a tripartite negotiation system may develop in which much of the bargaining that takes place between the mediator and the two parties revolves around establishing a price to be paid by the mediator for each concession made by both parties. In this case, Zartman (2000: 238) argues that the mediator is continuously required to put pressure on the negotiators. If the mediator decides later to take a passive role, there will not be any progress in mediation. The second implication is that a mediated settlement that arises as a consequence of the extreme use of leverage may not last very long as the agreement is based on compliance with the mediator and not on internalisation of the agreement-changed attitudes and perceptions. Added to that, a too strenuous use of sticks can cause a party to withdraw its acceptance of a mediator or even to refuse to cooperate with any further mediation attempt. On the overall, there seems to be a relationship between impartiality and leverage. Consensus in literature emphasises that a neutral mediator's lack of leverage is important, whereas partial mediators need possession of leverage to create successful results (Kleiboer 1996:372). The study will now turn to the attribute of status.

2.2.3 Mediator Status

Another important factor enhancing a mediator's chances of success is status. Status derives from a mediator's personal reputation, track records and special expertise. Status also derives from organisational factors which have been distinguished into two; the institutional and positional status. The institutional status of a mediator derives from the identity of a mediator's constituency. The argument is that a mediator seldom acts as an individual but usually as a spokesperson or representative of a national state or a nongovernmental organisation. In that sense, the standing, legitimacy, and in some cases, leverage of these mediating bodies or countries determine the status of the representative who acts as mediator (Kleiboer 1996:372, Anstey 2007: 433). The positional status of the mediator depends on their standing within their country or organisation. A mediator must have such a strong internal position that they can commit their government or executive to back up the things they say or do. For example, if a mediator promises compensation for concessions made by the adversaries, they must be able to count on the mediator being able to commit the mediator's country or organisation to deliver.

According to Kleiboer (1996:373), 'two different propositions about the relations between mediator status and successful mediation outcomes have been developed'. The first one concerns the level of status. It is asserted that the higher the mediator's status, the greater the chances of success. In the analysis of the 1976-1979 Zimbabwe settlement, Low (in Kleiboer 1996:373) demonstrated that the second round of mediation in the then Rhodesia probably could not have been sustained had it not been for the personal involvement of high status mediators such as British Foreign Minister, David Owen, United States Secretary of State, Cyrus Vance, United Nations Ambassador and Andrew Young.

The second proposition concerning mediator status focuses on the extent of rank equilibrium between mediator and representatives, that is, a mediator's relative status. This position assumes that for mediation to be successful, the status of the mediator and the status of the representatives of the conflicting parties must be attuned. If the status of the mediator is lower than the representatives of the parties, any attempts at mediation

may not be taken seriously altogether. On the other hand, it may be as problematic when the mediator's status is higher than the status of the representatives of the disputants.

2.2.4 Mediation Strategies

According to William Zartman (2000), ripeness within a conflict can develop within the conflict itself or be induced by external parties as third party mediators. Zartman (in Kleiboer 1996:375) identifies mediator strategies which Zartman distinguishes with three principal mediator roles as follows; the mediator as "communicator, as "formulator" and as manipulator". The communicator is a passive conduit of and repository and serves as a channel of communication as contact breaks down between the parties in dispute. For example, the mediator may act as a go between to carry information, proposals or concessions back and forth between the conflicting parties. A more active role is played by the mediator as formulator. A formulator is capable of innovative thinking and helps the parties to redefine issues or to find a formula for the resolution of their conflict. If these are still not enough to bring about reduction of conflict, the mediator may have to use their leverage to manipulate the parties into agreement. In these situations, the mediator acts as a manipulator. Literature on mediator strategies Zartman (in Kleiboer 1996:375) has demonstrated that more active mediation strategies are more effective in international mediation and active mediation strategies can affect and be responsive to a wider variety of dispute situations than less active strategies. However, Kochan (in Kleiboer 1996:375) emphasises that a premature use of active strategies may ruin the mediator's credibility and acceptability and when conditions are not ripe for settlement, a mediator should refrain from active or aggressive tactics but when conditions are ripe a settlement may not occur unless the mediator engages in such tactics.

In line with mediation types and shapes, Anstey (2007:434), elaborates that the different forms of mediation as proffered by Zartman can be applied to induce ripeness in a conflict. Anstey categorises them into two which include a low power intervention approach associated with quiet diplomacy and a more power based intervention associated with principled mediation (Anstey 2007:434). A low power approach associated with quiet diplomacy as advocated by Nathan (in Anstey 2007:434) involves non-confrontational,

non-judgemental methods and less forms of communication. The argument behind this approach is that 'it minimises risks of sensationalism and alienation of parties involved' Nathan (in Anstey 2007:434). The process is also intended to offer opportunities for dialogue between parties, confidential advice, problem solving out of the public eye and to build confidence between parties that dialogue may bear fruits for all. Any pressure on the parties is therefore exerted privately to limit potential damage to trust relations. Nathan in Anstey (2007:434) argues that for Africa, crude power brokerage by external powers has tended to aggravate rather than de-escalate conflicts. To that end, Nathan (in Anstey 2007:434) advocates for a low power approach as explained above.

2.3 Critique of Ripeness theory

It has been demonstrated that ripeness is descriptive and prescriptive of conflict dynamics and their resolution. However, according to Anstey (2007:434), the major challenge with ripeness is with its conception of mediator attributes particularly mediator impartiality and its relational concepts of mediator interests. Ripeness posits that it is normative for a mediator to have interests either defensive or expansionist in a neighbour's conflict, as it is understood to likely influence the mediation process. However, as Anstey points out, the influence can become negative when a third party with defensive interests is motivated by securing and protecting their own interests, such as trade, investments and diplomatic at the expense humanitarian crises situations particularly, where gross human rights abuses exist. Consequently, this may translate to sustenance of the conflict instead of its resolution. The other challenge with ripeness lies in its notion of mediator perception of the conflict, which can either be subjective or objective (Aggestam 1995:98). In other words, as pointed out by Groom (in Aggestam 1995:98), for the mediator, this builds to "what we think causes the conflict determines what we think we can do about it". This then suggests that the conceptual framework of the conflict by the mediator can also influence mediator strategies that can be applied to induce ripeness. Ripeness highlights these as low power interventions for example quiet diplomacy or high power interventions which are more leveraged and constitute the use of 'carrots' and 'sticks' but which are considered effective in conflicts with irrational disputing parties . A low power intervention associated with mediation approaches such as quiet diplomacy is held to be pursued by

mediators who want to protect their own policy interests by avoiding confronting regimes that repress their own citizens. In a sense and as argued by Anstey (2007: 434), such a mediation approach is counter-productive to the effective resolution of conflict and would therefore call for the use of a more leveraged mediation approach. Lastly, the other challenge with the ripeness approach is that it is only concerned with the successful initiation of negotiations. This then suggests that ripeness does not address the success or failure of conflict agreements or settlements, which are central to the sustainability of conflict resolution.

2.4 Conclusion

This chapter has demonstrated that the ripeness theory is descriptive and prescriptive of conflict dynamics and its resolution and that the theory is also concerned with the successful initiation of negotiations. The chapter has also argued that ripeness theory recognises mediator attributes such as impartiality, leverage and status as central to successful and effective mediation outcome. The chapter has also shown that mediation strategies such as low or high power interventions are dependent on mediator conception of the conflict and will in turn influence the effective resolution of conflict. On the overall, the chapter demonstrated that in view of the challenges and limitations found in the power based approaches of international relations; realism, rationalism and constructivism due to their failure to include mediation and negotiation in their premises, ripeness theory was employed to analyse President Mbeki's mediation approach to the 2008 Zimbabwe conflict. The chapter argued that this is on the basis that the same theoretical framework was successfully used to analyse the 1979 and 1987 mediation processes in Zimbabwe.

CHAPTER THREE: LITERATURE REVIEW

3. Introduction

The measurement of the success and effectiveness of diplomatic overtures and mediation is in how they resolve conflict and guarantee durable peace. Indeed, one of the central issues to the study of international mediation is ascertaining its effectiveness and success in resolving conflicts in a sustainable manner, particularly in view of the shift of conflicts from the interstate to the intra-state domain, in the post-cold war era. This shift has brought with it increasing attention to issues of human security and human rights (Maclean 2005:3). Arguably, intra-state conflicts have been on the increase since the end of the cold war in the 1980s (Quinn 2013: 388). There is convergence in mediation literature that these conflicts have tended to be violent and intractable and have in that regard engendered scholarly scrutiny and interest on mediation approaches best suited for the resolution of such conflicts. This would therefore seem to suggest that a mediation approach such as quiet diplomacy is regarded to be an ineffective approach in conflicts with human rights implications (Anstey 2007:434, Maclean 2005: 3). Further, there is also consensus in scholarship that mediation in intra-state conflicts has tended to be constrained by the principles of sovereignty and non-intervention, which to date continue to guide international relations.

Scholarly attention has also been drawn to ascertaining mediation success, with questions such as; does a negotiated settlement necessarily imply mediation success? And also; does it provide the basis for the sustainable resolution of conflicts? Zartman and Touval (in Maclean 2005:3) posit that conflict mediation tends to be declared successful "if a formal agreement promising the reduction of conflict is achieved". However, this assertion appears to ignore that some conflict situations have deteriorated and violence has recurred soon after successful ceasefires (Maclean 2005:3). In a way, this confirms the observation by Bercovitch (2006: 83) that in spite of its popularity, mediation is generally considered to be counter-productive as it has often "put the lid on the can of conflict without resolving the underlying issues". This chapter will demonstrate

that mediated agreements may in fact be the source of future disputes (Quinn 2013: 388, Bercovitch 2006:85). Zimbabwe is a case in point; having had three landmark negotiated settlements, which are generally viewed as flawed mechanisms for conflict resolution. A particular reference is made to the Lancaster House Agreement Novak (in Ndlovu-Gatsheni and Benyera 2015:19) as will be demonstrated in this chapter. The chapter will first look at the 1979 Lancaster House Agreement, through which the post-independence settlement in Zimbabwe was negotiated and which according to Qobo (2008:167) contained some of the seeds that led to the contemporary crisis in the country. The Chapter will also look at the subsequent mediated settlements; the ZANU/ZAPU 1987 Unity Accord and the 2008 Government of National Unity. However, to put the study in context, the chapter will begin by exploring the definition of mediation and its various approaches, given the scope of the concept of mediation. The chapter will also look at the dynamics of intra-state conflicts and the related concepts of sovereignty and non-intervention.

3.1 Defining Mediation

Before delving into the mammoth task of defining international mediation, the study will attempt to put the concept of mediation in context by recognising and noting from the outset that mediation is another form of third party intervention, which is considered as one of the methods for the peaceful management of international conflict (Bercovitch and Keashley 2004:152-153). The chapter will therefore start by differentiating mediation from other forms of third party interventions, which have been identified by Bercovitch and Keashley (2004:152-153).

> Conciliation: a trusted third party provides an informal communication link between the warring parties with the purpose of identifying the issues, reducing tensions and encouraging the parties to shift their negotiation positions.

> Arbitration and Adjudication: a legitimate and authoritative third party renders a binding judgement to the parties.

Consultation and Problem solving: involves a third party facilitating analysis of the conflict and the development of alternatives through communication and diagnosis based on an analysis and understanding of conflict processes.

Peacekeeping: involves the provision of military personnel by a third party or parties to supervise and monitor a ceasefire to undertake humanitarian activities or attempt to prevent open hostilities between the parties.

As already alluded to, defining mediation is no mean task given its diversity as will shortly be demonstrated. In light of this view, Jackson (2009:33) argues that there is no unitary definition of the concept of mediation as it covers an enormous scope and is multifaceted. Bercovitch (2006:290) agrees with this view and asserts that mediation takes various forms. Jackson (2009:33-34) elaborates that the various definitions of mediation range from a focus that is outcome oriented (Young 1967 :34, Black and Mouton 1985:15 in Jackson 2009: 33-34), which looks at what mediators hope to achieve, to a focus on the act of intervention itself (Douglas 1957: 70, Singer 1990:20 in Jackson 2009: 33-34) and lastly to a focus on neutrality and impartiality of the mediator (Bingham 1985:5, Folberg and Taylor 1984:7, Spencer and Young 1993:195 in Jackson 2009: 33-34). According to Mitchell (1981:287), an outcome oriented definition would thus define mediation as "any intermediary activity undertaken by a third party with the primary intention of achieving some compromise settlement of the issues at stake or at least ending disruptive conflict behaviour". A definition of mediation that focuses on the act of intervention is for example and according to Moore (1986:6 in Jackson 2009:33-34) defined as "an elaboration of the negotiation process which involves the intervention of an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement".

Similarly, a definition of mediation that distinguishes features of impartiality and neutrality is according to Moore (1986:14) defined as the "intervention into a dispute or negotiation by an acceptable, impartial and neutral third party who has no authoritative decision making power to assist disputing parties in voluntarily reaching their own mutually acceptable settlement of issues in dispute". Jackson (2009:34) contends that the pitfall with the above definitions is in their attempt to assign exclusive roles or strategies to one

kind of mediation. The challenge is that this overlooks the dynamics of the mediation process and does not help in understanding the reality of international mediation (Jackson 2009:34). To overcome this limitation, the study will use the broad and general definition of mediation proffered by Bercovicth (2006: 291) who asserts that mediation " is a process of conflict management, related to but distinct from the parties' own efforts whereby the disputing parties or their representatives seek the assistance or accept an offer of help from an individual, group, state or organisation to change, affect or influence their perception or behaviours without resorting to physical force or invoking the authority of the law". This definition has several notable features that can be implied from it. First; the definition emphasises that the main goal of mediation is to manage conflict. Second; that mediation is flexible and can be structured in very diverse ways (Bercovicth 2006:290), which means mediation does not follow any set structure or process. In other words, mediation is adaptive and responsive (Bercovitch 2007:168). The definition also suggests that any mediation situation has some commonalities, which the study recognises as the parties in conflict, the mediator, the process of mediation and the context of mediation (Bercovicth 2006:290-291). As alluded to before, the study notes that mediation is one type of third party intervention, which is utilised to end conflict. When mediation is employed for this purpose, the question becomes how is it possible to gauge its success? This question is addressed in the next section.

3.2 Defining Mediation Success

Some scholars assert that given the complexities of the mediation process, it is difficult to come up with a universally accepted criterion for measuring success (Jackson 2009:47). There is in that sense no clear theoretical answer as to what factors account for mediation success or indeed how to define it. The main reason is that mediation is multidimensional (Jackson 2009:47), in that it is not a uniform practice and as such, it would be a futile exercise to draw up one set of criteria to cover all the possible constructs of success. Kressel and Pruitt (1985: 196 in Jackson 2009: 47) agree with this view and express their doubts on "…. whether a unified theoretical and empirical literature on mediation success will ever be possible?" Kleoboer (1992:8 in Jackson 2009:47) terms

mediation success as an "elusive notion", while Beardsley (2006:360, 2008:724) terms definition of mediation success as "inconsistent". In view of the above arguments, scholars clearly define mediation success differently. It should be borne in mind from the outset that mediation objectives and outcomes are central to assessing mediation success. However, as noted by Beardsley (2010: 395), success is difficult to judge if one does not understand the mediation's initial objectives; for example, was it just to get the protagonists to interact and communicate or was it aimed at a settlement.

The study recognises that various attempts have been made to define mediation success in terms of short and long term success, mediation effectiveness, or objective and subjective criteria. Zubek et al (1992 in Beardsley 2010:395) explain short term success as concerned with the immediate outcomes that are observable at the time of mediation. These outcomes include whether the disputing parties reach an agreement, the quality of the agreement in terms of whether it speaks to the most important goals or issues raised in the mediation process and the parties' feelings of satisfaction immediately following the mediation. However, according to (Sisk 2001 in Beardsley 2010:395), while a short term definition of success is useful for some purposes such as research, it has some limitations associated with it, namely that it runs the risk of measuring an "illusory success" in that even after a peace agreement is reached, conflict may still recur. Sisk (2001 in Beardsley 2010:395) cites Rwanda as an example of this and notes that "the Arusha accords for Rwanda were meant to end a bloody civil war. However, instead, the agreements collapsed in the 100-day genocide that left 800 000 dead". Long term measures of mediation success are therefore considered to be useful in overcoming the challenges of "illusory success", associated with short term measures.

Long term measures of success are concerned with delayed outcomes that are observable after an interval of time has passed, for example, whether the parties have complied with the agreement and whether there was an improvement in their relationship and an absence of further problems in the aftermath of the mediation (Pruitt et al 1993:314). Kleioboer (1996: 361) notes that despite the differences over the long and short measures of mediation success, there is consensus that mediation success is to be judged by the mediation outcomes, which go beyond the signing of an agreement. This

would therefore seem to suggest that what becomes crucial is the durability of the peace agreement.

According to Beardsley et al (2006:58), using mediation effectiveness as a measure of mediation success is assessed in terms of a formal agreement, post-crisis tension reduction and contribution to crisis abatement. Scholars of effectiveness take as their starting point the mediator's or parties' objectives Kleoboer (1996:362). This view considers effectiveness as a function of whether the mediation achieved its expectations, which Beardsley (2010:395) however concedes to be difficult to quantify. Touval (2003:94) on the other hand places achievement of objectives, the decrease in conflict and resolution stability as factors relevant for ascertaining mediation effectiveness. However, Kleiboer (1991:6) argues against using mediation effectiveness as a measure of mediation success. She asserts that this goal based approach to defining success has to struggle with the question of whose goals will be used, which goals are crucial, how to quantify vague goals and how to account for changing goals. The last criteria for defining mediation success are in terms of subjective and objective criteria. Bercovicth (2006: 293) posits two broad evaluative criteria for measuring mediation success based on the normative criteria, namely; the subjective and objective assessments. The subjective is based upon the perception of the parties to the conflict or the mediator's perception with regards to the attainment of mediation objectives (Susskind and Cruichshank 1987 in Jackson 2009: 50).

In this regard, mediation according to Bercovitch is successful when the parties are satisfied with the process and the outcome; that is; the outcome is seen as fair and done within the prescribed time in the case of international mediation. Bercovitch's objective criterion is concerned with the behaviour of the disputants upon termination of mediation and determines the extent of change that has taken place. If disputants continue to interact in the same dysfunctional manner, the mediation process is said to have failed. On the other hand, the mediation is regarded as a success when it contributes to the elimination of violent behaviour, bringing disputants to the negotiating table (Sargyan 2003 in Jackson 2009:50). A successful mediation also influences the protagonists to embrace a formal agreement that settles many of the issues in dispute and produces new

and more productive interaction (Jackson 2009:51). Questions however remain on whether the signing of a peace agreement necessarily implies mediation success. The Zimbabwe example of mediation, starting with the 1979 Lancaster House Agreement, to the Government of National Unity in 2008, is a good example of the ambiguity surrounding mediation failure or success. This observation is affirmed by Nathan (2005:11) who asserts that 'peace is not attained when parties sign an agreement'. They must still implement the agreement and adhere to its provisions. This would seem to suggest that the signing of an agreement is a non-event if it is not followed by commitment from the parties. In corroboration of this view Glurr (2000 in Anstey 2007:434) states that:

> Internationally brokered settlements and the atmospherics of ceasefires, amnesties and signing ceremonies that accompany them are often a façade behind which protagonists jockey for political advantage and resources that fuel the next round of fighting".

Mhandara and Pooe (2013:6) add that while mediation can succeed in cursorily addressing conflict through a peace agreement or a coalition government, it has limited ability to enforce the implementation of the agreement made by the parties to a conflict. By implication therefore, the success of mediation effort is underwritten by the willingness of the parties to the conflict; first to accommodate each other's demands and to embrace the mediator's suggestions. This then brings us to a discussion of the factors that affect mediation failure and success.

3.3 Factors Affecting Mediation Failure and Success

Because mediation is one of the most important methods of managing conflicts, (Bercovitch 2002:4), much effort has been placed on determining which factors are important for mediation success. There is, consequently a wealth of literature on mediation success. This chapter examines some of the literature on successful mediation, and it structures this material according to the contingency model for mediation, which is described in the next section of this chapter.

3. 3.1 The Contingency Model

The contingency model was originally designed by Bercovitch, Anagnoson, and Wille (1991), for the purpose of systematically studying mediation. One of its basic tenets is that the outcome of mediation, whether successful or not, is contingent upon a number of contextual and process variables (Bercovitch, Anagnoson and Wille 1991:9). In this regard therefore, a number of variables, related to the nature of the parties and their conflict can be clustered as context variables, whereas other variables related to the mediator and their strategies can be clustered as process variables. The next section of the chapter will look in detail at the context variables; already explained as the nature of the parties and their conflict;

3.3.2 Nature of the Parties and their Relationship

The two variables that reflect the nature of the parties are the previous relationship and the power difference between them. Both of these variables are discussed below;

3.3.3 Previous Relationship between the Parties

One variable which reflects the nature of the parties is their previous relationship. A conflict has at least two or more parties who are in an adversarial relationship. The "primary parties" are those who are directly engaged in the adversarial relationship and their decisions or behaviour can be influenced by other "indirect parties" to the conflict (Hampson, Crocker and Aall 2004 in Bercovitch, Anagnoson and Willie 1991:12). The primary parties may or may not have had a previous relationship that may or may not have been conflicting. The way to categorise the previous relationship between the parties is to distinguish whether it was friendly, antagonistic, conflictual, or had more than one dispute in the past (Bercovitch, Anagnoson, Wille 1991:12). One view holds that when parties had a previous friendly relationship then the chances of a successful mediation are more likely and this finding has been confirmed for mediation of international disputes (Bercovitch, Anagnoson, and Wille 1991:72). More precisely, these scholars found that mediation between previously friendly parties are almost twice as likely to be successful compared to mediation between parties with any of the other types

of previous relationships. Furthermore, these same scholars found that parties which have had one or more disputes in the past receive the most mediation attempts but have the lowest chance of mediation success. Therefore, these researchers concluded from this finding that a previously conflictual relationship may exacerbate a current conflict and hinder efforts to settle it.

3.3.4 Power Differences

A second variable which reflects the characteristics of the parties is the differences of power between them or power asymmetries. Crocker, Hampson and Aall (2004: 101) remark that mediation does not take place in a vacuum, but in a wider context, and understanding the context involves assessing the balance of power between the parties. There are several forms of power. For example, there is 'military power, external diplomatic and political support, the financial wherewithal to sustain a struggle, international legitimacy or isolation, 'soft power' resources, for example (domestic legitimacy and cohesion, and legitimacy in the eyes of the international community) or skilled manpower and able leadership….' (Crocker, Hampson and Aall 2004 in Bercovitch 2005). Moreover, a distinction can be made between the "forms" of power and the 'sources' of power. The sources of a party's power can either be internal or external and the external sources of power can determine a party's behaviour, interests and interactions (Bercovicth and Houston 2000:179). In addition, according to Bercovitch and Houston (2000:179) because external sources of power are based on the party's position and relationship in the international system, 'the ability of a party to defend and negotiate its interests in a conflict is conditional on the way it can manoeuvre to obtain additional forms of aid and assistance to enhance its position in the conflict management situation'. Different forms of power are often distributed asymmetrically between the parties (Crocker, Hampson and Aall 2004:101) and there are two views on the role of power asymmetries and the success of mediation. The first view holds that, 'in case of clear power disparity, the stronger adversary may not be prepared to countenance any concessions or compromises which are essential to mediation success' (Bercovitch, Anagnoson and Wille 1991:11). Pruitt and Rubin (in Anstey 2007: 427) concur with this view and state that 'power imbalances aggravate conflicts producing positional rigidities,

with powerful parties tending to believe they can crush the other and seeing few benefits in negotiation, and weaker ones often resorting to intransigence rather than capitulation'. However, the second view contends that '…. The presence of a fairly unambiguous advantage by one of the parties makes the path of settlement clearer by indicating which side will be expected to make the greater concessions' Bercovitch, Anagnoson and Wille 1991:11). However, one study has found that when the distribution of power between the parties is equal, mediation is more likely to be successful (Bercovitch, Anagnoson and Wille 1991). Therefore, one role of the mediator is to address these differences to create a level and fair playing field for mediation (Bercovitch and Houston 2000:178). Anstey (2007:427) agrees with this view and adds that conflicts with power imbalances would require from a mediator procedural fairness to ensure meaningful participation and an approach of principled problem solving than power bargaining.

3.3.5 Nature of Conflict

A second set of variables used for research on mediation success relate to the nature of the conflict. Each conflict can have unique characteristics that distinguish it from others. The characteristics or the (environmental parameters) of the conflict are, '…. the conditions that reflect the nature of the disagreement, the parties' perceptions of it, and the level and type of conflict behaviour' Bercovitch and Houston 2000:177). Two aspects that are fundamental for understanding the characteristics of the conflict include; the conflict intensity and the issues (Bercovitch and Houston 2000:177). Both of these factors have been examined in order to determine their role in affecting mediation success and some research on these factors is presented below;

3.3.6 Conflict Issues

One variable which reflects a characteristic of the conflict is the conflict issues. Bercovitch, Anagnoson and Wille (1991:14) state that the 'issue in a conflict refer to the underlying causes of dispute. There may also be more than one issue involved and parties themselves may not agree on the dispute issue'. Crocker, Hampson and Aall (in Bercovicth 2005) also state that 'the issues form the shape or structure of the conflict in that 'the issues tell us not only what drives the conflict but also what needs to be settled

for the conflict to cease'. To this effect, Crocker, Hampson and Aall (2004 in Bercovitch 2005) state that issues are a reflection of the parties' underlying interests and therefore they often become the basis for the discussion of any possible settlement. Crocker, Hampson and Aall (2004 in Bercovitch 2005) assert that creating new peace agreement involves identifying and working with overlapping interests. However, the same authors warn that conflicts may become intractable in cases where the interests are mutually exclusive. Therefore, 'the starting place for the mediator, is to develop with the parties 'an agreed upon definition of what the conflict is about, what needs to be settled and what will appear on the endgame negotiating agenda: This requires achieving explicit or tacit agreement on which issues belong in the settlement (and by implication, which do not' (Crocker, Hampson and Aall 2004 in Bercovitch 2005). This implies that there may be more conflict issues than what can and should be addressed by mediation. Some scholars assert that mediation should limit the number of issues which it addresses. For example, Crocker, Hampson and Aall (2004 in Bercovitch 2005) stress that not all of the issues in the dispute should appear on the negotiating agenda, otherwise the process may stall. Similarly, the same scholars remark that an agreement which includes provision on every issue may place too much burden on the parties and the settlement itself, thereby making its failure imminent. It can be concluded therefore that there are several reasons to limit the number of conflict issues that mediation will address. The question then becomes, how does a mediator decide which issues to address and which to leave off the table? Crocker, Hampson and Aall (2004 in Bercovitch 2005) assert that the negotiating agenda must 'cover those issues that are politically essential to the sides and are logically essential to the viability of the settlement'.

3.3.7 Different Types of Issues and Successful Mediation

Some research has examined whether different types of issues at the heart of the dispute will be quite influential in determining the outcome of mediation (Bercovitch and Langley 1993:676). There are various ways to distinguish different types of issues and one way is to distinguish whether the conflict is inter or intra-state (Bercovitch and Houston 2000: 177). Bercovitch and Houston (2000) argue that the issues are subjective and emotional in intra-state conflicts and this makes mediation success more difficult. They note that in

these cases, the parties are not in a position to think creatively about solutions to the conflict and therefore the mediator may have to build confidence and trust in order to bring them together and identify the other's interest. Similarly, Bercovitch and Langley (1993:686) found a very strong correlation between tangible issues (as opposed to intangible issues) and low complexity in international disputes; that is; the international disputes involving tangible issues which are included in their study also often had a low complexity (as indicated by the number of disputed issues) and were therefore more likely to result in successful mediation. As such, they suggest that mediators should focus on the tangible issues in order to enhance the likelihood of reaching an agreement (Bercovitch and Langley 1993:689). However, conflicts can also be distinguished by the major type of issue that is at stake and one study distinguished between the five types of issues as follows; sovereignty, ideology, security, independence and any other issue (Bercovitch, Anagnoson and Wille 1991:14). These scholars found that disputes over territory or security issues were more likely to result in successful mediation than those over issues of ideology or independence. Perhaps this observation is in line with the argument by Mutisi (2012: 163) that the Mbeki-led mediation in Zimbabwe was protracted as the major point of difference between ZANU (PF) and the MDC was largely ideological and at political level.

3.3.8 Intensity of Conflict

Intensity is a second characteristic of a conflict which can influence mediation success. For example, Bercovitch and Houston (2000:177) state that 'the intensity of a conflict is recognised as a fundamental determinant of how amenable a conflict will be to mediation and how effective a given strategy may be'. Bercovitch, Anagnoson and Wille (1991:13) state that there are two contradictory views in the literature on how conflict intensity relates to mediation success. The first view holds that high-intensity conflicts are more likely to result in successful mediation because the parties may wish to cut their losses by negotiating a new agreement or in contrast the second view contends that high intensity conflicts result in polarised positions, thus reducing the chances of successful mediation. Crocker, Hampson and Aall (2001:238) provide a second hypotheses concerning why high-intensity conflicts may be more likely to lead to mediation success

by linking three different levels of violence to the number of possible entry points that the mediator has into the conflict, the barriers to making this entry and the mediator's opportunity for exercising procedural control. In sum, 'the notion of a conflict cycle suggests that while the level of violence is low (a condition that may occur at the beginning and end of a conflict cycle) there are greater opportunities for a variety of mediators to engage both the parties and the larger society in a wide range of activities, investing on a long term basis of peace'. These conditions, however, present fewer opportunities for real movement towards settlement on disputed issues. As one approaches higher levels of violence, the opportunities for mediators to engage the parties may diminish but the likelihood of mediation success as in helping the parties to negotiate an agreement increases. In other words, as violence levels increase there are fewer chances for the mediator to enter into the conflict and the parties may block the entry of new mediators into the conflict, but if the mediator can gain entry when it is at high intensity, then the parties may easily accept a new agreement because alternatives to mediation such as maintaining the status quo of continuing to wage the conflict, have become less attractive to the parties and the parties and the mediator entering the conflict at this point would therefore be viewed by the parties as having more leverage because they offer a new 'way out' of the conflict as exemplified by their ability to exercise procedural control. Having considered the two arguments, the logical question that follows is; which of these two competing perspectives on conflict intensity and mediation success is correct then?

One way to gauge the intensity of a conflict uses the number of fatalities and low intensity disputes have been found to be more likely to result in successful mediation outcomes (Bercovitch, Anagnoson and Wille 1991:17). Similarly, Fretter (2002:103) reports that of the 615 total UN mediation attempts made during the period of 1945-1995, 45 (73%) of them occurred after 10 000 or more fatalities had been reached and that the number of fatalities has a negative impact on the success rate of UN mediation (Fretter 2002:121). More specifically, Fretter (2002:121) reports that one of 'the most significant findings in these results from her study are seen in the success rate of mediation attempts during conflicts where a high rate of fatalities occurred…' In sum, there are two main propositions regarding the intensity of the conflict and how it influences mediation success. One view holds that high-intensity conflicts will be more likely to contribute to mediation success,

whereas the other view holds that mediation will be more successful if the conflict is low-intensity. Current research tends to support the notion that achieving mediation success will likely be more difficult in high-intensity conflicts.

3.3.9 Nature of Mediation Process

This study recognises that mediation is a complicated social process. For example, Bercovitch and DeRouen (2004:166) state that 'mediation is a dynamic and reciprocal form of social interaction. It is affected by numerous factors and conditions'. A third set of factors which have been used for research on successful mediation relate to the mediation process. Two factors related to the mediation process and successful mediation outcomes are presented below. These two factors are the number of previous mediation attempts and the timing of mediation.

3.3.10 Number of Previous Mediation Attempts

One factor related to the mediation process is the number of previous mediation attempts. A conflict may experience one or more mediation attempts by the same or different mediators (Bercovitch and Derouen 2004). Previous attempts can provide important information for the subsequent attempts. For example, Bercovitch and DeRouen (2004:159) state that, 'the feedback from previous events includes information gathered, experience, learning and understanding gained by the mediator and the parties'. These factors can be examined empirically by looking at the number of previous mediation attempts, their duration, the outcome, and durability of mediation events, mediator's experiences and history of mediation in a specific dispute. Moreover, Bercovitch and Houston (2000:172) argue that the factors from previous mediation attempts 'may directly affect the expectations of both parties and the mediators of how current mediation should be carried out or how effective it would be'. The number of mediation attempts may therefore influence the outcome of the current process. Bercovitch and DeRouen (2004) found evidence that suggests that multiple mediation attempts by the same mediator may decrease the likelihood of a successful mediation outcome in cases for example of internationalised ethnic conflicts.

3.3.11 Timing of Mediation

A second factor related to the mediation process and successful mediation concerns the timing of the mediation, which is one of the central assumptions made by Zartman's ripeness theory which informs this study. Crocker, Hampson and Aall (2004:102) state that 'in an ideal world, the best moment for third-party interventions is at the preventive stages, before the conflict becomes violent'. However, Zartman and Touval (1996:452) argue that because mediators are motivated by self-interest, they will intervene only when they believe a conflict threatens their interests or it presents an opportunity to advance their interests and this usually occurs after a conflict escalates. In other words, their view is that early mediation is not very likely to occur. Even if early intervention is not possible, however, then there are other points which are attractive for mediation initiation, including shortly after violence has broken out in the immediate wake of a dramatic event, after the parties have reached a stage of reciprocal exhaustion, or when a new third party has been introduced to the conflict (Crocker, Hampson and Aall 2004:102). Bercovitch and DeRouen (2004:154) also recognise the importance of mediation timing when they state 'to be effective, mediation must take place at a propitious moment in the life cycle of a conflict'. But how exactly can this moment be recognised? Bercovitch and DeRouen (2004:161) note that there are two views on when mediation should begin in order to occur during this most propitious moment: One view states that mediation is more likely to be effective if it is attempted early on in a conflict and certainly well before the parties experience the increasing costs and their positions become entrenched. Another view contends that mediation is more likely to be successful if it is attempted later on in the conflict, once the parties have gone through some 'hurting stalemate' and are then prepared to revise their motivations and expectations.

There are some scholars in favour of early intervention (Crocker, Hampson and Aall 2004:102). In view of the same, Bercovitch and DeRouen (2004) found that mediators who initiate early in the lifecycle of a conflict have a better chance of producing a successful outcome in cases for instance of international ethnic conflicts. In another study, Fretter (2002:119) found that the majority of UN mediation attempts, (65%) of them were made after 36 months of hostilities had already occurred. Fretter (2002:119)

concludes that 'frequently, UN mediation is employed far too late to be consistently successful', because by this far into conflict, the hostilities have increased antagonism and mistrust between the parties to the extent that they disregard dialogue as a means to achieving their objectives. Crocker, Hampson and Aall (2004:102) also argue in favour of early mediation because the parties' positions may still be flexible since they have not yet established vested interests in their war time pursuits. Moreover, these same scholars argue that initiating mediation during a state of grinding exhaustion, which would likely occur much later in the conflict is not necessarily going to lead to successful mediation outcomes because leading research suggests that a mutually hurting stalemate (intensively discussed in chapter 2) and the prospect that things will get worse is the moment when the parties will be ready to negotiate (Crocker, Hampson and Aall 2004:103). In other words, as asserted by Zartman's ripeness theory, the conflict is 'ripe for resolution' if these conditions are present. According to Ripeness theory, when a conflict is 'ripe for resolution', it is the moment when parties become motivated to escape the conflict and develop an authentic commitment to de-escalate tensions in the relationship Zartman (in Anstey 2007:416). In conclusion, there is mounting evidence that initiating mediation early is the ideal because the parties have not become deeply entrenched in their positions.

3.4 Mediator's Characteristics

Mediators can come from a variety of backgrounds, use a range of approaches, and have different interests in the outcome of the conflict. These and other variables related to the mediator's characteristics are discussed below:

3.4.1 Mediator's Alignment and Impartiality

One of the characteristics of a mediator used in the study of successful mediation concerns the mediator's alignment and impartiality. There are many different types of mediators. One of the most basic ways to distinguish between different types of mediators

is to determine whether they are third party or not. That is; one of the conflicting parties can also be the mediator. However, if the mediator is not one of the conflicting parties then they are considered to be third party mediators. Third party mediators can vary according to their alignment. It is sometimes stated that mediators should maintain a neutral alignment and not side with one of the parties-in other words- they should be impartial. However, Bercovitch and Houston (2000; 181) observe that 'there is some disagreement in literature about the absence and importance of mediator impartiality or neutrality in international conflict'. Moreover, another scholar states that there is a growing body of literature which argues against the need for mediator impartiality (Smith 1994:445). In sum, there is no consensus in the literature on the role of mediator alignment and impartiality in creating successful mediation; even though there may be more research in favour of the view that a mediator does not need to remain impartial.

3.4.2 Mediation Strategy

A second characteristic of the mediator concerns their mediation strategy. Bercovicth and DeRouen (2004:160) state that, '… a mediation strategy is a goal or a means to the overall objective of managing a conflict constructively and effectively'. More specifically, 'mediation strategies are designed to change, impact or modify aspects of a conflict and the interactions of the parties involved' (Bercovitch and Houston 2000:174). Some of the literature on mediation strategies and successful mediation is reviewed in the following section of this chapter. There are three main types of mediation strategies: directive, procedural and communication-facilitation. Bercovitch and Houston (2000:175) summarise the differences between the three types of mediation strategies as follows:

3.4.3 Communication-Facilitation Approach

These describe mediator behaviour at the low end of the intervention spectrum. In this approach, the mediator typically adopts a fairly passive role, channelling information to the parties, facilitating cooperation but exhibiting little control over the formal process or substance of mediation. According to Brown and Shraub (1992:253) in this approach, the

mediator sees the conflict as a breakdown of communication, thus the mediator's primary task is to facilitate communication (Zartman 1996:279). Nathan (1999: 23-25, in Anstey 2007: 434) would seem to be in support of this approach in relation to African conflicts. He argues that in light of evidence in Africa that crude power brokerage by external powers aggravates rather than de-escalates conflicts, this calls for a low power intervention approach of 'confidence building between the warring parties' which in a way resonates with the policy of quiet diplomacy as applied to Zimbabwe by Mbeki. However, interest groups, individuals and some scholars such as McKinley (2004: 84-103; Anstey 2007:434)) would seem to be of the view that in intra-state conflicts with human rights implications such approaches are ineffectual.

3.4.4 Procedural Approach

These enable a mediator to exert more formal control over the mediation process with respect to the environment of the mediation. In this case, the mediator may determine structural aspects of the meetings, control constituency influences, media publicity, the distribution of information, and the situation of the parties' resources and communication processes.

3.4.5 Directive Approach

This is the most powerful form of intervention (Jackson 2009:42). Through this approach, a mediator affects the content and substance of the bargaining process by providing incentives for the parties to negotiate or by using ultimatums. Directive strategies deal directly with and aim to change the way issues are framed and the behaviour associated with them. In more specific terms, however, what might a mediator using a directive strategy do differently from one who is using a procedural strategy? In order to answer this question, it is necessary to associate specific tactics with each one of the three different types of the strategies.

Directive mediation strategies have been associated with successful mediation outcomes, for example, one study states that 'clearly, the more effective strategies in international mediation are the more active strategies'. Mediators employing directive or

substantive strategies are successful on average 41% of the time. Mediation strategies that can provide adversaries that allow mediators to structure and introduce new issues, suggest new ways of seeing the dispute or alter the motivational structure of the parties are more positively associated with successful outcomes than any other type of intervention (Bercovitch, Anagnoson and Wille 1991:16). Similarly, another study found that 'directive strategies, which enable mediators to balance negotiating powers and suggest alternative approaches to issues are important when dealing with parties that pursue rigid bargaining positions or are associated with bloc or regional alliances that affect their interests and sources of power' (Bercovitch and Houston 2000:189). There is therefore consensus that directive mediation strategies are associated with successful mediation outcomes.

3.4.6 Mediator Experience

A third characteristic of the mediator is their experience. Bercovitch and Houston (2000:184) assert that, 'a mediator's experience and record may provide information about his or her ability to manage a given conflict and it would logically follow that a mediator who is highly experienced would be more likely to achieve mediation success as they can draw upon this previous experience. Similarly, Bercovitch and DeRouen (2004:159) state that: 'An important dimension in mediation success is mediator experience'. The conflict, management experience of mediators has been suggested as an important factor in influencing the style and effectiveness of their mediation. Carnevile and Pegnetter and Kochan and Jack found that more experienced mediators obtained more settlements; and Pearson, Thoennes and Vanderkkooi found that more experienced mediators achieved higher quality settlements. This outcome would perhaps be attributed to the degree of trust, credibility and legitimacy parties place in the ability of the mediator to fulfil their role as well as the rapport built between the mediator and the parties over successive mediation efforts, enabling the mediator to manage the process effectively. By utilising an original dataset, Bercovicth and DeRouen (2004:162) found that experienced mediators are more likely to produce successful mediation outcomes in cases of internationalised ethnic conflicts. In addition, the same study found that a highly experienced mediator using directive mediation strategies should greatly increase the

chances of success. By settling all of the variables to their mean levels, a baseline scenario can be generated in which the probability of success is 38% (or about one in 3 chances that mediation must be successful (Bercovitch and DeRouen 2004:163). By changing the mediation strategy variables and the use of a directive mediation strategy, however, the success rate increased to 45% and by changing the mediator's experience to 'highly experienced', the success rate increased by over 50% from the baseline (Bercovicth and DeRouen 2004:165). This study therefore clearly illustrates the importance of a mediator's experience level in affecting the outcome of mediation. In sum therefore, the above presents a powerful argument that the mediator's experience does affect the likelihood of achieving mediation success and that an experienced mediator employing a directive strategy should greatly improve the odds of success. Having considered factors thought to determine mediation success for both inter and intra-state conflicts it is important to consider constraints to mediating intra-state conflicts, which have been identified in literature as the principle of sovereignty and the norm of non-intervention.

3.5 Constraints to Mediation

According to Jackson (2009:33), mediation is generally accepted as a preferred peaceful conflict resolution mechanism for both inter-state and intra-state conflicts. Article 33 of the UN Charter recognises mediation as a preferred method of peaceful management of international conflicts. Mediation is also the acceptable method of conflict resolution for SADC seemingly because of its non-coercive nature (Hartmann 2013:5, Mutisi 2012:176). To note is that for most intra-state conflicts particularly in Africa, which arguably have been on the rise since the end of the cold war (Evans 2001:1, Touval 2000: 19-20), mediation would to some extent constitute infringement of sovereignty and interference in the internal affairs of a state. In line with this argument, Bercovitch and Derouen (2004: 162) argue that states show a tendency to reject mediation efforts, out of fear of losing sovereignty and autonomy. This could explain the reason Zimbabwean president Robert Mugabe was averse to Mbeki's mediation initiatives with emphasis that Zimbabwe was capable of solving its own problems. This is also the same position that Mbeki and SADC

took. In that sense, South Africa's mediation under Mbeki was sensitive to issues of sovereignty and non-intervention in Zimbabwe's internal affairs (Mhandara and Pooe 2013: 25, Mutisi 2012:176). According to Mutisi (2012: 175-176) the choice of quiet diplomacy as the best mediation approach was accentuated by the threats of neo-imperialism and neo- colonialism and regime change, which threatened to undermine Zimbabwe's sovereignty. Literature on Mbeki's mediation posits that it was for this reason that Mbeki settled for a cautious approach such as the policy of quiet diplomacy (Business Day Live: 22 February 2016). In his defence of the policy of quiet diplomacy, Mbeki asserted that the approach left room for the Zimbabweans to decide their future, a position which is arguably in line with the precepts of a self-determining sovereign state. It becomes imperative for the next section to discuss sovereignty and its implications for mediation in intra-state conflicts.

3.5.1 The Principle of State Sovereignty

Contrary to claims by some scholars such as Synman (2002:30) suggesting the erosion of state sovereignty, the concept remains an indispensable feature of contemporary international relations. Arguments by proponents of the anti-sovereign doctrine, who include various interest and advocacy groups such as civil society organisations, governments and individuals, claim that the classical conception of sovereignty in absolute terms as is premised on the 1648 Peace Treaty of Westphalia is an outdated concept in contemporary international politics. They attribute various factors such as globalisation to its demise, which they say has placed greater primacy on the recognition of individual rights. In that sense, the claim is that state sovereignty is in the process of evolving from a notion of absolute and unlimited power to a concept of responsible sovereignty. However, as argued before, the chapter will demonstrate that the Westphalian sovereignty with its traditional and classical notions of absolutism and unlimited power together with the norm of non-intervention is in practice still central to contemporary international relations. Kioko (2003:819) concurs with this view and states that the international system and regional organisations such as the AU and SADC were founded on this classical concept of state sovereignty. This however does not ignore the growing advocacy for human rights in the post-cold war era, with its accompanying call

for a dual conception of state sovereignty. At this point, it is important to first explore the Westphalian concept of state sovereignty before looking at the concept of responsible sovereignty.

3.5.2 The Westphalian Sovereignty

The Westphalian sovereignty, according to Krasner (2001:232; 2006:72), refers to a political organisation premised on 'the exclusion of external actors from authority structures within a given territory'. Litfin (1997:169) concurs with this view; he argues that sovereignty denotes 'the state's exclusive authority within specified territorial boundaries'. Krasner (2001:232), quoting Wolff (in Thomas and Thomas 1956: 5) stated that 'to interfere in the government of another, in whatever way indeed that may be done is opposed to the natural liberty of nations in its action. According to (Chatham House 2006:2), Westphalian sovereignty is violated when external factors influence or determine the domestic authority structures. (Evans 2001: 5) adds that this form of sovereignty can be compromised through intervention as well as through invitation, when a state voluntarily subjects internal authority structures to external constraints. According to Evans (2001:5), the new world society that was established after the 1648 Peace Treaty of Westphalia was premised on the absolute sovereignty of its constituent members. The Treaty recognised the equality of states as a principle of modern international relations. The equality of states was recognised irrespective of their catholic or protestant faith and of their monarchical or republican form of government. The Treaty therefore laid the foundation for an international order based on independent sovereign states. It is therefore generally accepted that the classical theory of unlimited sovereignty originated with the Peace Treaty of Westphalia. According to this classical conception of sovereignty, the state has the power to define freely its own competencies. To also note is that the concept of sovereignty contained the important but negative principle of non-intervention in the internal affairs of another state, which according to (Evans 2001:10) is surrounded by controversies with respect to its interpretation.

At this juncture, this study will look in detail at some of the implications of the Westphalian sovereignty and some of its notions such as the norm of non-intervention, which is closely

associated with the broader Westphalian understanding of sovereignty and which incapacitated Mbeki's mediation in Zimbabwe (Mutisi 2012: 176).

3.5.3 Non-Intervention and Non-Interference

Chatham House summary meeting on intervention and international law (Chatham House 2006:2) asserts that non-intervention and non-interference are used interchangeably and that non-interference suggests a wider prohibition particularly when used in addition to intervention. For the purposes of this study both terms will be used interchangeably. To begin with, it can be deduced that the Westphalian doctrine of sovereignty recognised and argued for the non-interference of other states in the domestic affairs of another. Ayoob (2002:83), in agreement with this view, argued that 'non-intervention in the domestic affairs of states is an essential corollary of sovereignty'. By implication, interference in the domestic affairs of a sovereign state, according to Brown (1996:108) cited in Balogun (2011:43), is interpreted as aggression on the part of the interfering state and as such, it is illegitimate and can invoke a hostile and forceful response.

Since the European ethnic wars in general, and German wars in particular, and religious wars - which lasted for about thirty years (1618-1648) - were halted at the signing of the Westphalia treaty in 1648, sovereignty as a principle of non-intervention in the domestic affairs of another state, has played an important part in interstate affairs (Agnew 2005, Armstrong, Krasner 200, 2006, Osiander 2001, Rudolph 2005 in Balogun 2011:43). However, due to the growing attention to human rights issues, it will be reiterated that there has been a gradual shift in the conception of sovereignty and non-intervention, which has seen some governments for example the British government, take a leading role in advocating for the right of intervention to avert humanitarian catastrophes (Chatham House summary meeting on intervention and international law 2006). As stated earlier on in this chapter, there are controversies with respect to interpretation of the right of intervention and disagreements regarding the scope of behaviour that is prescribed by implication (Kinacioglu 2005). Evans (2001:1) concurs with this view and states that until the horrifying events of 11 September 2001 brought to centre stage the international response to terrorism, the issue of intervention for human protection has been seen as

one of the most controversial and difficult of all international relations questions. Evans (2001:1) adds that with the end of the cold war, which as noted before in the chapter, saw a proliferation of intra-state conflicts with ugly political and humanitarian repercussions, the issue of the right of intervention became a live issue as never before. He further states that there continues to be disagreement as to whether, if there is a right of intervention, how and when should it be exercised and under whose authority.

According to Evans (2001:1), for some, the right of intervention has been an alarming breach of an international state order dependent on the sovereignty of states and the inviolability of their territory. He also adds that part of the controversy over intervention derives from the potential width of activities this term can cover, up to and including military intervention. Some states would regard any application of pressure to a state as being intervention this would also include third party interventions by mediators, some others would regard almost any non-consensual interference in the internal affairs of another state as being intervention including the delivery of emergency relief assistance; others would regard any kind of outright coercive actions to just military but actual or threatened political and economic sanctions although others would confine it to military force (Evans 2001:33). However, Evans (2001:31) avers that 'the defence of state sovereignty by even its strongest supporters does not include any claim of the unlimited power of a state to do what it wants to its people'. This understanding of sovereignty implies a conception of sovereignty as dual responsibility; externally to respect the sovereignty of other states and internally, to respect the dignity and basic rights of all people within the state (Evans 2001:33). According to Evans (2001:33), this contemporary understanding of sovereignty as responsibility has become the minimum context of good international citizenship. However, it is widely accepted that when sovereign states abdicate their responsibility to protect their citizens either because they are unwilling or unable to do so, ICSS (2005) asserts that, that responsibility must be borne by the broader community of states under the principle of R2P.

3.5.4 Responsibility to Protect (R2P)

Barnett (2008:170) notes that there is a growing acceptance of humanitarian intervention and a responsibility to protect when states are unable or unwilling to protect their citizens, then the international community inherits that responsibility. Barnett (2008:170) adds that this revolutionary concept emerged through fits and starts and in response to tragedies such as Rwanda. Bellamy and Wheeler (2008:534) add that R2P was adopted by the UNGA at the 2005 World Summit, with Lindberg (in Baylis 2008:535) describing it as a 'revolution… in international affairs'. The underlying argument behind R2P is that states have the primary responsibility to protect their citizens. However, when states are unable or unwilling to do so, or when they deliberately terrorise their citizens, the principle of non-intervention yields to the international responsibility to protect (Bellamy and Wheeler 2008:535).

The report broadens this responsibility to encompass not only the responsibility to react to humanitarian crises but also the responsibility to prevent such crises and the responsibility to rebuild failed and tyrannical states. This reframing of the debate away from the question of whether states have a right of intervention towards the question of where responsibility rests for protecting endangered peoples formed the basis of an attempt to generate a new international political consensus supporting what the ICSS report calls 'intervention for human protection purposes' (Bellamy and Wheeler 2008:534). Two crucial motivating factors behind the setting up of ICSS were the aspiration to avoid future situations like Kosovo, where the UNSC was paralysed by division among the five permanent members of the UNSC, and future situations like Rwanda, where the world stood aside as genocide unfolded. According to Bellamy and Wheeler 2008:527), this brought to the fore the problem of selectivity of response as well as abuse, where the principle of humanitarian intervention was applied selectively and thereby cases are not treated the same. Questions have for instance been raised over the lukewarm attitude shown by the international community over the episodes of humanitarian catastrophes that Zimbabwe endured in the post-colonial era, starting with the Gukurahundi. It is argued that the international community did not react as Mugabe then was a darling of the West (ibid). Similarly, it's important to note that some African

governments are sceptical about R2P, with concerns of its abuse and misappropriation by powerful countries. R2P is thought to be an instrument of the West to recolonise and intervene in the affairs of former colonies (Mamdani 2011). Indeed, the fears of the African governments are justified, as the powerful countries have time and again violated the non-intervention norm for instance the most recent example that comes to mind is the issue of military intervention in Libya in 2011 by the United Kingdom and France. A UK Parliamentary report released on 15 September 2016 condemned the military intervention admitting that it was a result of abuse of the R2P. The effect is that this has further amplified the concerns of African countries. Having looked at the constraints of sovereignty in mediating intra-state conflicts and the debates on right of intervention, the chapter will now turn to various mediation initiatives that have been employed to end the conflicts that have occurred in Zimbabwe, starting with the Lancaster House Agreement.

3.6 Situating the 2008 Conflict in Past Mediation Initiatives in Zimbabwe

It has been mentioned earlier on in this chapter that Zimbabwe has had three landmark negotiated settlements; the 1979 Lancaster House Conference, the 1987 Unity Accord and the 2008 GNU, which not only affirms the country's history and propensity of violence and conflicts (Mhandara and Pooe 2013:31) but also exposes the failure of the peace agreements as effective mechanisms for conflict resolution. This also points to questions raised earlier on in the chapter on whether a peace agreement necessarily implies mediation success. An inquiry into the 1979 Lancaster House Conference beckons.

3.6.1 The 1979 Lancaster House Conference

The 1979 Lancaster House settlement is generally lauded for successfully ending the 15 years of civil war in colonialist Rhodesia and allowing for the establishment of the Independent state of Zimbabwe in 1980 (Maclean 2005:1). Kraybill (1994:210) notes that given that Rhodesia in the late 1970s was 'a graveyard of failed peace initiatives' there is no question that 'winning the peace' was a significant achievement at that particular time.

(Maclean 2005:2) states that a total of 28 mediation attempts had failed to end the civil war. The liberation movements; Robert Mugabe's ZANU and Joshua Nkomo's ZAPU, Ian Smith's Rhodesian Front, Muzorewa's United African National Congress (UANC), Britain and to a lesser extent South Africa, were all represented in the deliberations and became party to the agreement. Ndlovu-Gatsheni (2009) notes that the Lancaster House Agreement led to the formation of a coalition government made up of the minority Rhodesian Front party, ZAPU and ZANU. Novak (2007:171) asserts that in the immediate future, the Accord was a success, the ceasefire held, the elections were judged largely free and fair and a democratically elected party won black majority rule and finally assumed the reins of government on April 18 1980. Despite its lauded success, there is emerging consensus in literature that the post-colonial crises and conflicts in Zimbabwe are rooted in the manner the negotiations at Lancaster House were handled (Qobo 2008:166, Maclean 2005: 1-4, Novak 2009: Ndlovu-Gatsheni and Benyera 2015:12). Ndlovu-Gatsheni and Benyera (2015:18) state that:

> As a conflict resolution mechanism, the Lancaster House settlement was not honest and suffered the lack of honest brokers. Lord Carrington acted as a third party negotiator who steered unborn Zimbabwe into a neo-colony rather than a sovereign post-colonial nation state.

In corroboration of this view, Maclean (2005:5) observes that the problems at the time were unsatisfactorily resolved and on that note she adds that recently, the more visible issues have involved the contentious discourses of race and land ownership, which were central concerns in the Lancaster House negotiations. Bakare (1993) concurs with this view and notes that in the first place, the land question, which was among the cardinal anti-colonial historic grievances that caused the nationalist liberation struggle, was not resolved at Lancaster House. According to Bakare (1993) in Ndlovu-Gatsheni and Benyera (2015:12), the negotiations were instead dominated by debates over the future of the white minority settlers and their economic privileges. In this regard, white economic privileges were to be guaranteed in exchange for majority rule, for example 20 House of Assembly seats out of 100 were reserved for white voters. Ndlovu-Gathseni and Benyera (2015:12) also add that ethnic questions were not raised, as the Zimbabwe African Patriotic Front (ZAPU) and Zimbabwe African National Union (ZANU) pretended to be a

united Patriotic Front (PF), only to fragment prior to the elections of 1980 into hostile and contending political formations.

Ndlovu-Gatsheni and Benyera (2015:19) argue that consequently, incomplete decolonisation has continued to haunt Zimbabwe as in the case of the land question that has once again put the Zimbabwe question on the global map. They further note that the brokers of peace who supported maintenance of unequal ownership of land set Zimbabwe on a course for another conflict. They argue for instance that the unresolved land ownership also originated from the way in which the Lancaster House negotiations were conducted by Lord Carrington- 'with a fast-paced tempo, hard deadlines and strict ultimatums' Novak (in Ndlovu-Gastheni and Benyera 2015:151). In that way, Carrington, a mediator with own interests to protect, managed to deal with the three contentious issues of securing a ceasefire, setting a transitional administration to see the country through the ceasefire period and all-race elections and a new constitution for independent Zimbabwe in such a way that the land question was postponed as a problem to be resolved by the administration of Zimbabwe (Ndlovu-Gastheni and Benyera 2015:19, Novak 2009:159). Other scholars such as (Qobo 2008:166) state that the pre-independence Rhodesian state was in essence a security state, which the post-independence settlement failed to transform. In Qobo's view (2008:166), the militarisation of the state that began with Ian Smith's Unilateral Declaration of Independence (UDI) in 1965 permeated every societal institution. ZANU-PF simply continued on a path that was already charted and sought to militarise the nascent post-liberation society in Zimbabwe.

3.6.2 Mediation Dynamics in the 1979 Settlement

Zimbabwe came into being as a product of a protracted armed liberation struggle that spanned over 15 years, from 1965-1979 (Ndlovu-Gatsheni and Benyera 2015:18). According to Sachikonye (2011:31), over 30 000 civilians died and many other human rights violations occurred in the national struggle for independence between the Rhodesian Front (RF) and the Liberation movements, ZANU and ZAPU (Ranger 2010, Zebora 2012), confirming that it was a violent and bloody war. Moorcroft and McLaughlin

1982:222) concur with this view and add that 'the ripening process' was a costly one and confirm that an estimated 30 000 were killed, 10 000 maimed, 250 000 refugees, 850 000 homeless and about a million (20%) of the population suffering from malnutrition. There is convergence in literature that the nationalist struggle was triggered by the Unilateral Declaration of Independence (UDI) by Ian Smith, on 11 November 1965 (Anstey 2007:416, Wood 2011:9-24, Band and Manyanya 2002: 6-15, Novak 2009:153, Preston 2004:67). Smith served as Prime Minister of Rhodesia from 1969-1979. In Anstey's terms (2007:416), the UDI was an 'unintentional declaration of civil war'. To put the conflict in context, Hill (2003:55) states that in following international trends of the time, the British government of the day under Sir Edgar Whitehead and in seeking re-election made it clear that they would change laws and allow equal participation of blacks in society. This was welcomed by many African nationalists but it was not easily accepted by a few white supremacists. In 1959 Harold Macmillan, the British Prime minister brought forward the process of relinquishing power to the indigenous peoples of their colonies by more than 10 years. In view of some British descendants who had settled in these so called colonies, it meant that independence was to be granted to countries 'which lacked the skill of government. Power was handed to demagogues who immediately created one party states' (Wood 2011:3). In an attempt to avert this situation, in 1962 Smith and Winston Field formed a new party 'the Rhodesian Front and were seeking mandate to keep power in white hands indefinitely' (ibid) and thus the UDI from Britain in 1965 (Ellert 1989, Band and Manyanya 2002:6-15; Wood 2011: 9-24, Moocraft and McLaughin 2008:15) confirming that 'Rhodesia broke away from Britain to avoid black rule'. In line with the core assumptions of Ripeness theory that the ripe moment is determined by a combination of factors which relate to internal and external factors, Anstey (2007:417) states that under sustained pressure, the Rhodesian government moved from a position of denying majority rule in the 1960s, to talks with international powers, such as Britain and the USA, on a power sharing formula which would retain white control. From there, the Rhodesian government was pressured to hold talks with moderate African leaders willing to accept minority control in 1974. Under the same pressure, the Rhodesian government was also forced in 1978 to hold negotiations with internal moderate leaders such as Muzorewa and Sithole on minority protections in a context of majority rule. Finally

in 1979, the Rhodesian government held negotiations in which nationalist groups first forced a place at the table and the parties then power bargained to deal. As the costs of conflict rose, so did flexibility around issues of participation in negotiations and majority rule. According to Zartman (In Anstey 2007:419), by 1979, the conflict had become 'ripe for resolution'; with military spending rising to 47 percent of government expenditure by 1979 (Nugent 2004 in Anstey 2007:419) and its diminishing ability to enforce conscription, the civil war had become unsustainable for the government (Moorcroft and McLaughlin 1982 in Anstey 2007:419). For the liberation movements, perceptions of the feasibility of a military victory were tempered by heavy losses. The white population had already accepted the principle of a universal franchise and power sharing in the internal deal of 1978. The international community sustained sanctions on Smith's government and supported the guerrillas but the British government lent weight to a negotiated settlement but threatening to recognise the Smith-Muzorewa government.

According to Moorcroft and McLaughlin 1982:99 in Anstey 2007:434), African states, the frontline states in particular, pressured Mugabe and Nkomo into a reluctant alliance and negotiations. South Africa, despite its support for Smith, also pushed for a negotiated settlement, suspending critical oil supplies for a period. Zartman (1985:222-223) notes that within this mix of exhaustion, doubt and external pressure, Lord Carrington was able to impose terms and deadlines leading to the Lancaster House Agreement. Maclean (2005: 5) notes that the ripe moment in1979 occurred probably because of intense pressure from the region. However, Anstey (2007:419) is of the view that the ripe moment in 1979 occurred because of a combination of factors which were the internal and external forces for instance the economic pressure of sanctions, the costly war and the victory of Margaret Thatcher in the UK's parliamentary elections, which changed the calculus: (if the parties could not come to a final agreement, Thatcher would lift British sanctions and recognise the Muzorewa regime) which promoted commitment among the protagonists to settle differences through negotiation (Anstey 2007:420).

3.6.3 The 1987 ZANU/ZAPU Unity Accord

As mentioned earlier on in the chapter, the Lancaster House Agreement failed to address the question of ethnicity, which was to later on resurface in tensions between ZANU and ZAPU. This seems to resonate with the argument by Collier (in Maclean 2005:3) that 'a country in the immediate aftermath of a conflict is at much greater risk of having conflict outbreak than is a country that has not been at war in the recent past'. To be noted is that the hostility between the two liberation movements had been put aside during the ceasefire negotiations only to escalate into vicious fighting in Matabeleland within three years of the successfully negotiated Lancaster House settlement (Maclean 2005:5). From 1963, the year ZANU broke away from ZAPU, until Zimbabwe's Independence in 1980, the only unifying thread between ZANU and ZAPU was the common goal of liberating Zimbabwe (Ellert 1989:3). Hence, the rivalry between these two political parties is still a factor today. However, the first national democratic elections were held in February 1980 and Robert Mugabe emerged as the new leader in the new dispensation (Hill 2003:69). After Robert Mugabe came to power in 1980, there was concerted effort to diminish the role of the Ndebeles in both Zimbabwe's past and present.

The massacres from 1982 to 1987, known as Gukurahundi saw between 10 000 to 30 000 Ndebeles slain by Mugabe's private army, the notorious Fifth Brigade, which was a specialised military unit trained by North Korea. Gukurahundi is translated to mean the wind that blows away the chaff before the rains (Hill 2003:77). The Catholic Commission for Justice and Peace (CCJP) (1997:13) avers that it refers to 'the rain which washes away the chaff before the spring rains'. This has been seen by some as a way of wiping out ZAPU and the Ndebele population and leadership that predominated ZAPU. By the end of 1982, the Fifth Brigade was deployed in Matabeleland in the infamous Gukurahundi Operation (Hill 2003: 76). In 1984, the CCJP compiled a report based on interviews with victims of Gukurahundi and handed it to Mugabe, but did not release it for public consumption until 1989 (Hill 2003:82). In essence, Gukurahundi was a violent series of terror attacks on both the dissidents, as claimed by the Government of Zimbabwe (GoZ), but mainly on civilians as attested by the CCJP's report. Dissidents were disgruntled former guerrillas and supporters of ZAPU. It is debatable as to when

exactly Gukurahundi was carried out. Various scholars have proffered different dates. The Chatham House Meeting Summary (2007:2) avers that it was carried out during 1983-1984 and Benyera (2013:3) concurs with this view. Rupiya (2005:117) posits that Gukurahundi was carried out between the years 1981- 1986, while Hill (2003:35) is of the opinion that Gukurahundi happened between 1982 and 1987. The CCJP and the Legal Resources Foundation (LRF) argue that it occurred from 1981 to about 1988 (CCJP 1997: 5-7).

> In late January 1983, Fifth Brigade was deployed in Matabeleland North. Within weeks, its troops had murdered more than two thousand civilians, beaten thousands more and destroyed hundreds of homesteads (CCJP 1997:14).

Hill (2003:35) concurs with this observation. There was so much secrecy that surrounded Gukurahundi and this is attested by the fact that even to date no one exactly knows the number of casualties that were recorded. Benyera (2013:193) agrees with the CCJP (1997:12, 15) arguing that the findings of the 'Chihambakwe and Dumbutshena Commission of Inquiry were never made public'. The Chihambakwe Commission was set up in 1984 (Chatham House Meeting Summary 2007:2). It was for the purpose of investigating what had transpired during that period in the history of Zimbabwe. There are variations to the claims made, the then ZAPU opposition party leader, Joshua Nkomo mentioned that about 20 00 people were killed and 'other sources putting the figure as 700' (CCJP 1997:18). Hill (2003:35) advances that about 10 000 to 30 000 people were killed by the Fifth Brigade during Gukurahundi. This figure was corroborated by Ncube (2005:4) postulating the figure to be between 20 000 to 30 000. Rupiya (2005:117) corroborates this figure.

During that time, a lot of curfews and blockades were put up to exclude people from entering and leaving affected areas, and the international media from getting the stories. The CCJP (ibid: 14) is of the opinion that Matabeleland South was hard hit by Gukurahundi arguing that 'there were no more than 200 dissidents in the curfew region and it was the 400 000 civilians who suffered most', although Matabeleland North and the Midlands were also affected (ibid). The CCJP further argued that 'no journalists were allowed near the region, particularly Matabeleland South'. This situation meant that it was very hard to get news of events out of the region and hard to judge the truth of the early

accounts' (ibid). It has been argued that dissidents often raped women, which made them unpopular. They also killed people they thought were sell-outs' (CCJP 1997:12). Dissidents were viewed as criminals and rightly so, they were outlaws. People living in the rural areas were the most affected. This is evidenced by the CCJP report arguing that 'it was people living in rural areas who suffered worst once more, mostly from the activities of 5th Brigade, but also at the hands of dissidents' (ibid). The CCJP (1997:13) report goes further to state that:

> The Government said quite rightly that it was their responsibility to try and maintain law and order during these years. However, their response to the problem was seen by many as being too harsh from early 1982, the Government used emergency powers to enforce widespread curfews, roadblocks, detention without trial and house to house searches.

As dissidents continued to target white farmers, 'the dissidents murdered at least 33 white commercial farmers or members of their families'. Farmers were as a result forced to move into town (ibid). The Zimbabwe government in response to the civil unrests caused by the dissidents targeted both dissidents and civilians indiscriminately. The CCJP (1997:13) report further revealed that the then Prime Minister, in April 1983, Mugabe was quoted saying 'We eradicate them. We don't differentiate when we fight because we can't tell who is a dissident and who is not'. It can be argued that Mugabe's utterances suggest a complete annihilation of the dissidents. The implication of that, unintended as it could have been, was that the civilians amongst whom the dissidents hid from the 5th Brigade were collaterally killed in the operation.

Victims of Gukurahundi were forced to flee conflict areas and sought refuge in 'safer places' in town. Civilians were terrorised by the dissidents and were further terrorised by the government which reacted violently to the disturbances caused by the dissidents. Gukurahundi ended on 22 December 1987, when another set of negotiations culminated in the signing of a Unity Agreement between ZANU and ZAPU (Hill 2003:86), which established ZAPU leader, Joshua Nkomo as the Vice President. Mamdani (2009:6) describes this agreement as 'reconciliation' as although the parties merged to form ZANU-PF, it remained de facto ZANU. The Unity Agreement in effect eradicated the opposition (Anstey 2007:422). Cheeseman and Tendi (2010: 10) go further to say that

ZAPU leader Joshua Nkomo accepted a 'toothless vice-presidency' in the Unity Agreement, allowing for a single party rule in Zimbabwe. Anstey (2007:422) concurs with this observation and adds that it is clear that ZANU-PF was pushing even more for a one party state with the signing of the Unity Agreement, which in essence was a legacy of the Smith regime that ZANU-PF had inherited and maintained and was to characterise the way ZANU-PF would deal with opposition in the future. Arguably, this became one of the sources of the post 2000 electoral conflict, which will be discussed in detail and demonstrated in chapter 4.

3.7 Conclusion

This literature review chapter has provided an exploration of the relevant available literature on mediation and conflict resolution. This is both in the historical and political context of Zimbabwe. The chapter demonstrated that one of the central issues to the study of international mediation is ascertaining its effectiveness and success in resolving conflicts in a sustainable manner. This is in view of the shift of conflicts from the interstate to the intra-state domain in the post-cold -war era. It was shown that this shift has brought with it increasing attention to issues of human security and human rights. It has also been demonstrated that the intractable and violent nature of intra-state conflicts has engendered scholarly interest on mediation approaches best suited for the effective resolution of such conflicts. The effectiveness of an approach such as quiet diplomacy has therefore been questioned. It has also been demonstrated that the signing of a peace agreement is one of the criterias of ascertaining mediation success. However, it has been argued that this does not necessarily imply mediation success as conflict has often recurred subsequent to signing a peace accord. It has therefore been argued that mediation does not address the underlying causes of a conflict and has often put a lid on the conflict. For durability and success of mediation, emphasis has been placed on the important stage of mediation, which is implementation as well as willingness and commitment of the parties to the peace agreement. The chapter has shown that mediation success is contingent on contextual and process variables. Contextual variables relate to the nature of the parties, their previous relationship and the power

difference between them, the nature of the conflict, intensity of the conflict and the conflict issues as well as timing of mediator entry. Process variables relate to mediator's alignment and impartiality, mediator experience and mediation strategies. Mediator strategies have been identified as communication-facilitation, procedural and directive. Mediation strategy is said to be contingent on the intensity of the conflict and the conflict issues. Directive approach is considered the most effective in resolving conflicts. The chapter has also shown that mediating intra-state conflicts has often been constrained by the principles of sovereignty and non-intervention which African regional organisations such as the AU and SADC are committed to. The conception of state sovereignty has of late shifted from the absolute notion of state sovereignty as postulated by the Westphalian sovereignty to a dual understanding of sovereignty underpinned by a new understanding of sovereignty as responsible sovereignty, in view of the increasing attention to issues of human rights. The chapter has also argued that the 2008 conflict in Zimbabwe is rooted in the manner that past mediation initiatives in Zimbabwe, starting with the 1979 Lancaster House Agreement and the 1987 Unity Accord were handled. The chapter has therefore in essence introduced the 2008 conflict, which will be analysed in detail in Chapter Four.

CHAPTER FOUR: THE CONTEXT OF THABO MBEKI'S INVOLVEMENT IN THE 2008 ZIMBABWE ELECTION DISPUTE

4. Introduction

This chapter, which is analytical and interpretative in nature, explores the context in time and place of Thabo Mbeki's involvement and mediation in the Zimbabwean electoral and political dispute of 2008. This chapter will argue that the disputed 2008 election outcome, which Thabo Mbeki mediated, is one of the many episodes of political violence and election related disputes in post-colonial Zimbabwe. Violence in Zimbabwe has predated the colonial period. However, the post-2000 period is of significance as it was a theatre of successive episodes of violence especially in the context of elections. This affirms the argument by Benyera (2013:162), (Kriger 2005) and (Msipa: The Standard: 3 July 2016) that each and every general and presidential election has shown varying degrees of violence and intimidation as was the case in the 2000, 2002, 2005 and 2008 elections. As such, since independence, no opposition political party has ever succeeded in completely wrestling political power from ZANU-PF despite the regular and consistent conduct of elections in Zimbabwe (Makumbe 2002). This can be backgrounded in ZANU-PF's pursuit of an ideology based on the creation of a one party state, which was facilitated by the 1987 ZANU/ ZAPU Unity Accord and which thus determined the contours of an authoritarian state early on in the post-independence era (Kagoro 2003:182). As a result, by 2008, the civic and political space had become more and more restricted. According to Mutisi (2012:164), violence has been central to ZANU-PF's mobilisation of support and consolidation of power, since the colonial era, where acts of violence were committed by both the colonisers, the Rhodesian Front and the nationalist movements; ZANU and ZAPU.

To challenge colonialism, the nationalist movements waged wars of liberation which although they led to the 1979 Lancaster House Settlement, had huge ramifications for the civilian population. The chapter will however focus on the post-2000 period which witnessed episodes of politically motivated violence that include the controversial fast track land reform exercise dubbed by the GoZ as (the third Chimurenga), the 2005 'urban

clean-up' known as Operation Murambatsvina as well as the violent post-2000 elections, while bearing in mind the contribution of the Lancaster House Settlement in its failure to effectively address issues such as land and state militarisation, which were to later shape the future politics of Zimbabwe. In corroboration of this view, Muzondidya (2009:175) notes that the 2008 conflict was a culmination of a confluence of both colonial and post-independence experiences. The chapter will therefore try to situate the 2008 conflict in both ZANU-PF's failure to democratise as well as the unabated economic decline with its contagion effects on the region and the impact of international isolation, which all became appendages of the conflict and indeed central factors in the mediation process. Thus indeed Mbeki's mediation was the site of intense contestation in which national, regional and international forces were embedded in an increasing complexity as will be demonstrated in the chapter.

4.1 Contextualising Zimbabwe's 2008 Election Dispute

Mhandara and Pooe (2013:1) argue that exploring the gestation of the 2008 Zimbabwe crisis is necessary to facilitate an appreciation of the basis for SADC's and Mbeki's intervention in the Zimbabwe conflict. In that sense, the 2008 crisis cannot be understood in isolation of Zimbabwe's historical context. This has led some scholars such as Ndlovu-Gatsheni (2003:114) to assert that post-colonial Zimbabwe was fundamentally shaped by two legacies; first the legacy of the brutal and authoritarian settler colonial state and second; that independent Zimbabwe was in the main a product of a protracted armed struggle. Accordingly, these two points form an essential historical context in understanding the actions, emotions and roles of the various actors in Zimbabwe (ibid: 114). In corroboration of this view, Muzondidya (2009:175) points to the 'continuity of authoritarian governance from the Rhodesian Front to ZANU-PF'. It has been argued that after rising to power in 1980.

ZANU-PF failed to transform colonial structures and institutions in favour of a democratic and just dispensation for example the repressive laws and practices used by ZANU-PF such as Access to Information and Privacy Act (AIPA) and Public Order and Security Act (POSA) are rooted in the Rhodesian regime (ibid: 175). The same laws have been used

against political opponents thereby undermining the rule of law and violating human rights. Arguably, the failure by ZANU-PF to democratise is noticeable in the first decade of independence. Zimbabwe then was largely a de facto one party state, as ZANU-PF gripped on to power tenaciously and maintained what (Sithole and Makumbe 1997:123) termed electoral hegemony. Anstey (2007:419) calls the post-1980 Zimbabwe a pseudo-democracy, where the system is shaped such that a governing party can never lose power. This argument set the basis for understanding the likely reaction of the ruling elite to what they may perceive as a political threat to achieve such an ideology. It has also been put forward by Mutisi (2012:164) that the one party state ideology pursued by ZANU-PF is embedded in the party's history of liberation, which in turn contributed to ZANU-PF's sense of entitlement to rule and which Kriger (2006:1151) terms 'patriotic history'. In corroboration of this view (Bratton and Masunungure 2008:163) contend that ZANU-PF's strong conviction that it owns Zimbabwe's history as it liberated the country from British rule partly accounts for the party's deep intolerance of opposition as well as its ideological belief in its right to rule in perpetuity. As such, to ensure its continued stranglehold on power, the party has since independence controlled the conduct of elections leading some scholars such as Bratton and Masunungure (2008:163) to conclude that Zimbabwe is 'a militarised form of authoritarianism'. To note is that the belief in the right to rule was fundamental in determining how the party would react to opposition. Violence therefore became central to the retention of power by the ruling party which it relied on as a necessary means to an end.

Developments in the second decade were also fundamental in shaping Zimbabwe's political future. According to Mandaza and Pooe (2013:9), the second decade marked a radical shift in the Zimbabwean political economy. In the 1990s, the state adopted and started implementing the World Bank structural adjustment programmes and economic liberalisation. To that end, the GoZ attempted to liberalise the economy by 'deregulating the labour market and introducing monetary reform among other measures' through the implementation of the Economic Structural Adjustment Programme (ESAP) which was launched in 1990 (Kanyenze 2011). According to Raftopoulos and Savage (2005), implementation of ESAP represented change from the state-led economic development of the 1980s to a more market driven economy. The ESAP elicited a domino effect in the

political discourse and consequently contributed to the socio-economic and political crisis that unfolded between 1999 and 2008 (Mlambo and Raftopoulos 2010; Sachikonye 2008). Qobo (2008:168) notes that the droughts of 1992 and 1995 further aggravated the situation. However, this was further compounded by the GoZ decision in 1997 to appease the war veterans, the former freedom fighters by issuing them cash hand-outs after they threatened to destabilise the government with 'public display of discontent'. The finances were unbudgeted for and thereby contributed to inflation as it spiralled out of control. In the year 1998, the GoZ decided to engage in military intervention in the conflict in DRC to support Laurent Kabila's regime in a war that ultimately cost an estimated US$ 1 billion (Mutisi 2012:168). Zimbabwe committed an initial contingent of 6 000 soldiers to the war, with the number eventually increasing to about 13 000, which according to Taylor and Williams (in Qobo 2008:169) was approximately one-third of Zimbabwe's army. According to the Financial Gazzette (25 March 1998), the intervention in the DRC was in part a regional power play and challenge to the then President of South Africa, Nelson Mandela who opposed SADC military involvement. For whatever reason, the decision further dismantled budgetary allocations of the state coffers. It should be pointed out that the cumulative impact of such policy decisions was economic implosion and a growing frustration with ZANU-PF (Mutisi 2012:168).

Against the backdrop of a crumbling economy which was characterised by erosion of safety nets, impoverishment of the working poor, massive retrenchments, job losses and heightened food and fuel prices, the civil society intensified activities to lobby and advocate for citizens' rights and good governance. In the decade of the 1990s, the Zimbabwe Congress of Trade Unions (ZCTU) became very popular as it pressured the opposition of the dominant rule of ZANU-PF, which was clearly losing ground in social, political and economic policies regulating the country (ibid). Arguably, the 1990s can be credited for the rise of Zimbabwe's most formidable opposition political party, the Movement for Democratic Change (MDC) in response to the ensuing economic crisis.

According to Mutisi (2012:169), the emergence of the MDC was met with the closure of political space as well as increasing radicalisation and re-assertion of control by ZANU-PF. Makumbe (in Mutisi 2012:169) notes that when the MDC was formed, ZANU-PF

government's initial response was to employ heavy and contentious tactics against the opposition and civil society and violent episodes which will be discussed in the chapter such as the violent fast track land reform programme, the 2000, 2002 and 2005 elections and the 2005 urban clean up (Operation Murambatsvina), attest to this.

From the above, it has been demonstrated that Zimbabwe was generally seen to be in crisis by the late 1990s, which reached its peak in 2008 (Nyakudya 2013:87). As will be shown, the conflict was uniquely political in its orientation as the major point of difference between the key actors to the conflict; ZANU-PF and the MDC was largely at the ideological and political level and as argued in chapter three and in line with Ripeness theory which informs this study, mediation efficacy is more difficult to achieve in a conflict with entrenched ideological differences. Deserving scholarly scrutiny therefore is the political ideology of the MDC as this was central in shaping SADC's as well as President Mbeki's attitude towards the opposition party and hence the mediation approach of quiet diplomacy. This is also particularly given the perception of the MDC by ZANU-PF as a 'puppet of the West', which was orchestrating the Western regime change agenda (Mutisi 2012: 176). As will be demonstrated in this chapter, such perceptions were to increase African sympathy and solidarity with ZANU-PF, which also resonated with President Mbeki's Pan-African inclination and his African Renaissance project (Nyakudya 2009:87).

4.2 The MDC and its Political Ideology

The MDC which was one of the key parties in President Mbeki's mediation was born in the year 1999 as a coalition party based on an alliance between workers, civil society, employers and professionals and was led by the ZCTU Secretary General, Morgan Tsvangirai. The MDC emerged in the political scene of Zimbabwe following ZANU-PF's almost two decades of domination. There had been other opposition parties that existed in Zimbabwe before the MDC such as the Zimbabwe Unity Movement (ZUM) and the Zimbabwe Union of Democrats (ZUD). However, as argued by Mutisi (2012:166), the MDC was the first opposition party to pose a credible, critical and sustained political challenge to the ruling party since independence. At its formation, the MDC which branded itself as a labour party was readily embraced by a diverse and huge constituency

comprising labour, civil society, and interest groups such as the NCA, Zimbabwe National Students Union (ZINASU), academia and former white Commercial Farmers Union (CFU). As a result of this competition, the relationship between ZANU- PF and MDC was often characterised by militant politics, polarisation and violent clashes. Central to the rivalry between the MDC and ZANU-PF are issues of power politics, governance, ideological differences and resource distribution. The MDC's political ideology was centred on a neo-liberal democratic agenda, demanding change in governance and especially critical of the de-facto one party state Zimbabwe had become. On the other hand, ZANU-PF's political ideology as defined by its liberation history is characterised by Pan-Africanism often exhibited in anti-western and ant-capitalism narrative that underscores sovereignty and independence as also shared by other liberation parties in the region such as the African National Congress (ANC) of South Africa and the South Western African Peoples' Organisation (SWAPO) of Namibia (ibid). The nature of the relationship between ZANU-PF and the MDC is described by Raftopoulos (2002) as follows:

> The ruling party drew on a combination of a reviewed nationalism that provided its role in the liberation of the country, prioritised the centrality of the fight for the land and demonised all those outside the elective "patriotic history" it espoused …. For their part the emergent trade union, civic and political opposition forces called on the struggles for labour, human rights, local government and gender struggles and the post 1989 global discourse on democratisation driven by the fall of the socialist regimes in Eastern Europe.

Given its ideological orientation, the MDC attributed the socio-economic crisis prevailing in the country to the poor policy choices of ZANU-PF. ZANU-PF on the other hand located the crisis in Zimbabwe to Western interference in its internal affairs with the intention of effecting regime change. As argued by Nyakudya (2013:87), the interpretation of the causes of the conflict in Zimbabwe became part of the challenge in finding its solution. As already alluded to, in ZANU-PF's narrative (Nyakudya 2013:87), the MDC was a surrogate of the British and a counter-revolutionary force which was orchestrating regime change through its calls for the imposition of sanctions on ZANU-PF. It has been argued by (Nyakudya 2013: 87) that ZANU-PF's portrayal of the MDC as 'a foreign sponsored party that plays to the dictates of Western imperialists' also affected SADC's and indeed President Mbeki's relationship with the MDC, which in Mutisi's view (2012: 176) was

characterised by mistrust and disdain. It would appear as also argued by Mutisi (2012: 162) that SADC is largely compromised when dealing with political novices who espouse a neo-liberal agenda such as the MDC. It would seem therefore that the concerns within SADC that the MDC was too close to the West increased anxieties about the opposition party's future role in the region. The result was therefore greater solidarity with ZANU-PF and this attitude and perception towards the MDC also became part of the complexities during the Mbeki-led mediation process. However, what also appeared to have worked against the MDC as maintained by (Makgetlaneng 2008:1) was the opposition party's lack of position on imperialism, colonialism, neo-colonialism, racism, globalisation and north-south relations. This is attributed to the eclectic nature of the party drawing from its diverse background. It has so far been demonstrated that the relationship between ZANU-PF and the MDC has been belligerent, a variable that is central to mediation success. In view of the electoral threat posed by the MDC, the ruling party resorted to violence to reassert its control as will be seen in the ensuing episodes starting with the 2000 constitutional referendum.

4.2.1 2000 Constitutional Referendum

The 2000 referendum elections signalled a watershed moment for the ZANU-PF led government. Never had it lost an election since independence in1980. The ZANU-PF led government failed to garner enough support to change the constitution of Zimbabwe, in a referendum with the intention of consolidating presidential powers. What can be backgrounded is that Zimbabwe's constitutional reform process was built on the Lancaster House Agreement of December 1979. This settlement plan has been criticised as being largely preconceived by the British. The general consensus since the 1990s had been that the Lancaster House Constitution is deficient in many respects because of its compromised and undemocratic origins. Before the year 2000, the constitution was amended 19 times in a largely piecemeal manner (ZLHR 2011). Although some of the amendments addressed the entrenched and compromised provisions of the Lancaster House Constitution, most were engineered by ZANU-PF to enable it to further centralise its power and galvanise executive authority (Gwinyai 2012 1-2) which also resulted in

governmental imbalance between the three arms of government as the executive had excessive powers. As a reaction to this, in 1997, a consortium of civic organisations that included churches, human rights groups, political parties excluding ZANU-PF, trade unions, women's organisations, youth groups and student movements established the National Constitutional Assembly (NCA) to lobby for a new home grown constitution for Zimbabwe that would be democratic in its creation and content. The NCA's constitution making efforts were largely driven by concerns about the authority of the president which appeared to have no boundary. The NCA's creation was therefore more a reaction to the executive presidency created by the 19 constitutional amendments (Sithole and Makumbe 1997:123). Recognising the popularity of the NCA's constitution reform lobby, the ZANU-PF government then attempted to hijack the debate by establishing the Constitution Commission in April 1999, to consider issues related to constitutional reform.

The constitution reform process initiated by the GoZ and conducted under the auspices of the Constitution Commission from 1999 to 2000 was inherently flawed in that it was specifically designed to ensure presidential control. ZANU-PF monopolised the Commission's work from the start. While the GoZ invited members from a cross section of society in an effort to give the Commission a semblance of being fully representative, the majority of the Commission's 400 members were ZANU-PF members or supporters. The NCA refused to participate in what they perceived to be a fundamentally flawed process (Hartchard 2001). ZANU-PF campaigned for a 'Yes' vote while the opposing movement to the referendum was led by the MDC and the NCA, aided greatly by the prevailing socio-economic morass and the general disenchantment with ZANU-PF. A total of 1 275 754, constituting 26 percent of the 5 million registered voters participated in the referendum. The new constitution was rejected by 54, 31 percent of the votes (Hartchard 2001:213). The victory of the 'NO' vote demonstrated that the MDC had gained the confidence of the majority of the people. This did not sit well with ZANU-PF. However, at the same time as argued by Compagnon (2000:449), the referendum results were a serious forewarning for ZANU-PF as the result was largely perceived as a political defeat for President Mugabe and a direct challenge to his rule. ZANU-PF was slowly but surely losing ground to the opposition MDC. The National Association of Non-Governmental Organisations (2007:11) reported that from 2000, the Zimbabwean

economy, political and social situation plunged in free fall with the state disregarding the law, human rights, economic logic and social injustice. This marked the beginning of the dire economic stagnation and collapse. The result of this was an escalation in racial politics given the role played by the former white commercial farmers in the rejection of the draft constitution. Following the announcement of the victory of the 'No' vote, the then Minister of Information and Publicity, Jonathan Moyo cited in Chan (2010:10) launched a tirade against the Zimbabwean white community by stating that:

> Preliminary figures show there were 100 000 white people voting. We have never seen anything like that in this country. They were all over town. Everyone who observed will tell you there were long queues of whites. The difference between the 'Yes' and 'No' vote would not have been what it was had it not been for this vote.

In reaction to this defeat, the ZANU-PF dominated parliament subsequently amended the 1992 Land Acquisition Act in line with the rejected Constitution Commission Draft, which provided for the appropriation of land without compensation. The referendum result set a new phase of racial politics in Zimbabwe that as later observed cascaded to other sectors, such as the new trajectory defined by the State's economic goals in particular the empowerment of indigenous Zimbabweans through such programmes as land reform (Sachikonye: 2003: 231). The referendum result also meant that Zimbabwe was back to the Lancaster House Constitution.

4.2.2 The Fast Track Land Reform Programme

According to Makumbe (2006:56), the rejection of the February 2000 constitutional referendum alerted the Mugabe regime of an impending political disaster at the 2000 parliamentary election. Sachikonye (ibid: 231) agrees with this view and adds that the referendum defeat was a conjuncture which created apprehension within the ruling elite and government. There was anxiety that the pending June 2000 parliamentary election outcome would mirror the referendum result. Alexander in (Benyera 2013:161) adds that the state's response to the referendum loss was a swift deployment of nationalist sentiments against past white economic injustices. The state therefore from March 2000 employed the tactic of invading white owned commercial farms throughout the country

with the resultant gross human rights abuses on the farm owners and their workers. On the one hand, the farm invasions were a reprisal against white Zimbabweans including commercial farmers, who had joined or publicly supported the opposition MDC party by mobilising farm workers to ensure the referendum defeat. On the other hand, they were used to win the support of landless black peasant farmers for ZANU-PF and given that the party's predominant political base is largely confined to the rural electorate, the resolution of the land question became an immediate political imperative. This therefore affirms the argument by (Sachikonye 2002:23) that the Fast Track Land Reform Programme (FTLRP) was informed by political expediency as the political factor loomed larger in the context of the 2000 and 2002 electoral contest. The GoZ described the FTRLP as the 'agrarian revolution or the third Chimurenga', which can be interpreted as the 'third uprising" (Sachikonye 2002:20). Several scholars acknowledge that the structure of land ownership and use was clearly inequitable at Independence in 1980. About 6 000 white commercial farmers owned 15, 5 million hectares of land while 8 500 small scale African farmers had 1.4 million hectares (ibid).

There was therefore a keenly felt sense of historical injustice and deprivation over the question of land which was also one of the most contentious issues negotiated at the Lancaster House Conference. Arguably, political pressures for land reform in the early and mid -1990s were less intense than before. Opposition parties were fragmented and weak and thus unable to mount a credible challenge to the incumbent party. The FTLRP was therefore in essence a response to the political dynamics of the post-referendum situation as the MDC presented a formidable challenge to ZANU-PF rule. This explains the central role played by the land question in both the 2000 and 2002 election campaigns. As had become the established culture of ZANU-PF, the FTLRP was characterised by considerable violence and intimidation and displacement which the police largely condoned presumably as a result of political instruction. The legal decision by both the High Court and Supreme Court in favour of commercial farmers that the FTLRP was unconstitutional, led to threats of violence against individual judges (Scarnecchia 2006:228) thus undermining the rule of law.

The orchestrated violence led to loss of life of black farm workers and white commercial farmers. The process was therefore chaotic and opaque with extensive patronage and clientelism that saw the privileged members of the political elite getting more favourable access to land. The war veterans, peasants and the youth militia colloquially referred to as the 'green bombers' and members of the army and police played an increased role in the farm invasions. There are however varying figures of the number of those affected and killed during the process. The resettlement was arguably implemented at an enormous cost in terms of intimidation, violence, displacement, lawlessness and disruption of production. While the GoZ claimed that it had settled the land question once and for all, the country has since then been in the grip of its worst food shortage crisis (Mutisi 2012:177). According to Ndovu-Gathseni (2013:152), the violent and disorderly way in which the ZANU-PF led government implemented the FTLRP after its failed attempts to amend the constitution became the first development that provoked regional and international concerns about what was to become the "Zimbabwe issue" at both regional and international levels. However as noted by Mutisi (2012:177), the centrality of the land issue in the Zimbabwe crisis complicated SADC's effective intervention in Zimbabwe. This is due to the fact that most SADC member states are all faced with the prospect of having to deal with land redistribution sooner or later.

4.2.3 International Responses

The relations between Zimbabwe and the Western governments took a turn for the worst in 2000 in direct response to the FTLRP. The United States of America (USA) and the European Union (EU), Canada, New Zealand and Australia responded by imposing a variety of sanctions and other punitive measures on Zimbabwe in the years 2001 and 2002 respectively, for the human rights abuses committed during the FTLRP as well as the violent conduct of the ensuing elections (Nyakudya 2013:185). The original rationale for imposing the sanctions on Zimbabwe was that they would alter the unacceptable behaviour of the GoZ and those that presided over the human rights abuses (Tungwara 2013). This is based on the Western belief that Zimbabwe had failed to meet the acceptable Western standards of democracy. The fundamental objective of the sanctions on Zimbabwe was therefore to restore democracy and normalcy (Chingono 2010:192).

The thinking behind was that by limiting access to economic resources for elite members of the regime, sanctions would also limit their capacity to sustain repression against their own people. In December 2001, the US promulgated the Zimbabwe Democracy and Economic Recovery Act (ZIDERA)[1] and due to the unchanging behaviour of the GoZ, the country was by 2005 labelled by the administration of the then US President George W. Bush as 'one of the six outposts of tyranny' (Kochan and Joffe 2011:26). In 2002, the EU followed in the US footsteps by imposing what it labelled 'restrictive measures or targeted or smart sanctions' on listed influential individuals and entities associated with the GoZ and ZANU-PF (Kochan and Joffe 2011:26. The GoZ however argues that the sanctions were not targeted and are instead 'economic in nature since their impact has stretched to hurting an unintended audience' (Chingono 2010: 67). The sanctioners' position is however different. The US for example states that:

> The US does not maintain sanctions against the people of Zimbabwe or the country of Zimbabwe. The US sanctions target individuals and entities that have undermined democratic processes or institutions in Zimbabwe more specifically the US sanctions target individuals who among other things are senior officials of the government, have participated in human rights abuses related to political repression and or have engaged in activities facilitating public corruption by senior officials. The US sanctions also target entities owned or controlled by the Zimbabwean government or officials of the government. Unless a transaction involves a blocked individual or entity: US citizens may and are encouraged to conduct business in and trade with Zimbabwe and its people (Businessday in Chingono 2010)

What needs to be pointed out is that the majority of Western policy documents on Zimbabwe sanctions cite the measures as involving the suspension of budgetary support previously provided to the GoZ by the EU and the imposition of travel bans and asset freezes by the US, EU, Canada, New Zealand and Australia. According to the EU, the

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[1] ZIDERA was enacted by the US Congress in 2001. ZIDERA empowers the US to veto Zimbabwe's application to multilateral lending agencies such as the International Monetary Fund (IMF), World Bank and the African Development Bank (AFDB), for finance, credit facilities, loan rescheduling and international debt cancellation. ZIDERA also permits travel bans and asset freezes to be imposed on individuals who are regarded as being responsible for human rights abuses and undermining the rule of law.
ZIDERA explicitly states that its adoption was meant to 'support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad based and equitable economic growth and restore the rule of law'(Chingono 2010:67)

measures were informed by the violence that accompanied the March 2002 presidential election. Also included in the measures was an arms embargo and prohibition of military support and technical assistance that could enhance the GoZ's repressive capacity. Two contending positions emerge with regards to the genesis of the Western backed sanctions on Zimbabwe. The first view advanced by the Western world constituting of the EU countries, the US, civil society and opposition parties is that the sanctions were placed on Zimbabwe due to a deteriorating human rights record and mal-governance. The second view is given by ZANU-PF and her allies including the sister liberation parties in the region such as SWAPO and the ANC that sanctions are a neo-colonialist agenda by Britain and her allies conspiring with the MDC to effect regime change in Zimbabwe in order to reverse the land reform (Chingono 2010:70). These two entrenched positions on the genesis of the Zimbabwe sanctions have effectively reduced the Zimbabwe conflict to the 'land versus governance' discourses (Masunungure and Badza 2010:211). In the perspective on land, the argument forwarded is that 'the crisis was precipitated by Zimbabwe's efforts to redress the problem by embarking on a comprehensive and revolutionary land reform programme that displaced a tiny but powerful domestic constituency that had powerful allies and enjoyed racial affinity to the British and the White global community'. On the other hand, the perspective on governance articulates that 'the crisis in the country is rooted in a governance crisis and therefore resolving the governance problem also solves the other attendant problems' (Masunungure and Badza 2010: 211). It has also been argued by scholars such as (Chingono 2010:67) that ZANU-PF's accusations of the MDC's involvement in the calling for sanctions are not far-fetched. The disclosure by the former UK Foreign Secretary David Miliband to the House of Commons (New Zimbabwe.com: 28 January 2010) gave credence to ZANU-PF's position. David Miliband is reported to have said that:

> In respect of sanctions we have made it clear that they can be lifted only in a calibrated way as progress is made. I do not think that it is right to say that the choice is between lifting all sanctions and lifting none at all. We have to calibrate our responses to the progress on the ground and above all, to be guided by what the MDC says to us about the conditions under which it is working and leading the country'.

Despite spirited denials by the MDC (The Financial Gazette: 12 June 2009) and latter attempts by the UK government to distance itself from the statement of its Foreign Secretary, ZANU-PF was vindicated that sanctions were an MDC and Western countries' baby. What also gave credence to ZANU-PF's accusations of MDC involvement in the sanctions-regime change mantra were the calls by the MDC leader Morgan Tsvangirai for South Africa to impose sanctions on Zimbabwe. In a BBC interview in 2002, Tsvangirai said that:

> The threat to undermine the elections by the military, by Mugabe himself should actually send shock waves to South Africa and say 'Under those circumstances we are going to cut fuel, we are going to cut transport links…. those kind of measures even if they are implemented at a lowly level send the right signals.

Tsvangirai's statements vindicated the GoZ in its position that the MDC had also conspired with the Western countries to impose sanctions on the country to effect regime change. This also became central in shaping President Mbeki's attitude towards the MDC and his mediation approach which was arguably empathic to ZANU-PF. Ndlovu-Gatsheni (2011:12) concurs with this view and asserts that in his mediation efforts in Zimbabwe Mbeki is seen as having 'ideological sympathies with ZANU-PF, a former liberation movement'. This is also exemplified by Mbeki's continued defence of his quiet diplomacy as the best mediation approach in view of the regime change agenda against Zimbabwe (Business Day Live: 22 February 22 2016).

The GoZ responded to the sanctions by modifying its foreign policy and adopted what it coined the 'Look East policy' (Kochan and Joffe 2011:26). China stepped in around 2000 to fill the gap that was previously occupied by the Western governments with unconditional aid replacing the previously rigorous aid of the IMF and the WB (ibid). The GoZ embraced China's intervention to the core as demonstrated by President Mugabe's statement as follows:

> In most recent times, as the West started being hostile to us we deliberately declared the Look East Policy (LEP). We have turned east where the sun rises and given our back to the west, where it sets. (Daily Mirror; Zimbabwe 18 May 2005).

China has in that sense proven to be a reliable partner and friend to Zimbabwe. As will be demonstrated later, China together with the other UN Permanent Security Council member, Russia vetoed attempts by the other UNSC members which are the US, the UK and France to pass a UN resolution on Zimbabwe in 2008. Both China and Russia argued that the crisis in Zimbabwe was a domestic matter and that Zimbabwe's sovereignty needed to be respected. The Solidarity Peace Trust (2007:26) also cites India, Thailand, Malaysia, Iran, Pakistan and Russia as the other partners that Zimbabwe embraced in its Look East Policy. Zimbabwe also invigorated its ties with Venezuela, Brazil and Cuba to fill the gap left by the West (ibid). As argued by Chingono (2010:67) the effectiveness of the Western backed sanctions remains a matter of debate as they have failed to achieve their stated goals of 'restoring normalcy' to Zimbabwe. As will be demonstrated in the chapter, the GoZ became even more authoritarian and intensified its indigenisation programmes. The result was Zimbabwe's further isolation which led to the continued deterioration of the economy, with the crisis reaching its climax in 2007.

4.2.4 Regional Responses

The genesis of SADC's attempts to find a solution to the crisis in Zimbabwe may be traced back to the year 2000, 'amid worries harboured by regional leaders that the country's deteriorating economy and governance situation directly threatened the stability of the region' (Mhandara and Pooe 2013:14-15). In that same year, SADC despatched President Mbeki and the former presidents of Mozambique and Namibia, Joaquim Chissano and Sam Nujoma to engage with President Mugabe on Zimbabwe's land reform process following the occupation of white owned farms by war veterans. President Mbeki explains the 2000 SADC mission as follows:

> To get a common commitment to solve the Zimbabwe land question, according to the framework and programme agreed at the 1998 Conference and thus simultaneously, to speak to such questions as the rule of law; To end the violence that has attended the effort to find this solution; To create the conditions for the withdrawal from the farms occupied by demonstrating war veterans; and To pursue these issues in a manner that would be beneficial to all the people of Zimbabwe and the rest of Southern Africa (Mbeki 2012:3).

According to President Mbeki, President Mugabe was fully supportive of the SADC objectives. The objectives set by President Mbeki and SADC highlight SADC concerns that these occupations were wrong as they made a mockery of the rule of law (ibid). In view of these concerns, the issue of the FTLRP was discussed at the 2001 SADC Summit of Heads of State and Government which was held in Harare, Zimbabwe. In its concluding communique, the Summit:

> expressed its concern about the effects of the Zimbabwe economic situation on the region; indicated its readiness to engage in a dialogue with the Zimbabwe government and other actors to resolve the situation and announced the establishment of a taskforce comprising Botswana, Mozambique and South Africa to work with the GoZ on the economic and political issues affecting Zimbabwe (SADC 2001).

In line with this undertaking, SADC and South Africa took the initiative to convince the international community to financially support the land redistribution exercise as agreed at the 1979 Lancaster House Conference and the 1998 Donor Conference[2]. At the international level, President Mbeki had to engage with the world powers in particular the UK government to try to convince them to adopt a win-win situation for both Mugabe and the white farmers whose interests were intrinsically linked with those of the UK. However, the SADC initiative collapsed due to a combination of factors, notably; a failure by the

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[2] The International Donor's Conference on Land Reform and Resettlement in Zimbabwe was held in Harare, Zimbabwe from 9 to 11 September 1998. The Conference was convened by the GoZ in order to inform donors on land reform and resettlement issues and to mobilise support for the Land Reform and Resettlement Programme.

The Conference was attended by representatives of Donor countries and International Organisations as well as representatives of Government, local institutions, non-government organisations, civil leaders and other stakeholders. Representatives who participated in the Conference were from more than 21 countries along with emissaries from the IMF, the World Bank and the EU.

The donors unanimously endorsed the need for land reform and resettlement in Zimbabwe and affirmed that this was essential for poverty reduction, economic growth and stability.

Donors adopted a new set of principles to govern a Phase 11 Program and pushed to have redistribution decisions made by an independent land commission rather than Mugabe's cabinet. The donors insisted that such a programme should be implemented in a transparent, fair and sustainable manner and with respect for the rule of law. Donor support was therefore on condition of those key elements. The insistence on transparency and accountability irked the GoZ. For the GoZ this appeared as part of the broader discourse on 'good governance' which the Blair government propagated with more zeal than the Conservatives under John Major and Margaret Thatcher

In violation of the agreements made at the Donor's conference the GoZ between June 2000 and February 2001 gave notices of seizure of 841 commercial farms that were vague on compensation and timing. The announcement prompted the IMF to suspend US$55 million in earmarked assistance. Some 20 farms were occupied in November 1998 and the violence and intimidation appeared to be increasingly coordinated. By 1999 it became clear that the GoZ had done little or no follow up on the September Donor Conference (Nyakudya 2013:89).

international community to provide funding in line with the commitment they made at the 1998 Donor Conference on the Zimbabwe land question and Mugabe's continued pursuit of the FTLRP that totally disregarded the ownership rights of white farmers (Nyakudya 2013:89). The historical records show that the Western countries were not interested in any other outcome except to change the Mugabe regime, a factor that was to complicate the mediation process. This non-cooperation of the Western countries with the SADC initiative appears to have had a direct impact on how President Mbeki and the region approached the Zimbabwe crisis. The attitude of the Western countries may have sent a message of arrogance to SADC and the African Union (AU) leadership and in the process benefitted Mugabe and ZANU-PF. Mhandara and Pooe (2013:) maintain that the refusal by the West to appreciate the deep emotions and sensitivities of the land issue set the stage for the hostilities with SADC on the Zimbabwe crisis. The reticence of the Western countries to resolve the land issue could also explain why President Mbeki located the Zimbabwe crisis in the unresolved issue of land rather than the governance discourse as advanced by the western countries. Furthermore, as argued by both Hoekman (2012) and Ndlovu-Gathseni (2013: 152), South Africa could not contradict Zimbabwe on the land issue as Mugabe had earlier agreed to delay land repossession at the time of South Africa's transition to democracy in order to help avoid a 'racial flare-up' in that country. After the failure of the 2000 SADC intervention, the regional bloc was to take a backseat as the crisis in Zimbabwe continued to deteriorate until 2007 when the crisis exploded. This is when SADC shifted its stance from non-interference to a more directive intervention. Mutisi (2012:177) observes that the fact that it took SADC approximately 8 years to be able to directly intervene in the crisis in Zimbabwe is a test of the credibility of the concepts of African Renaissance and African Solutions for African Problems. In order to put SADC's attitude to Zimbabwe in context, it should be noted as rightly pointed out by (Qobo 2008:169) and Ndovu-Gatsheni (2011:13) that as one of the founding members of the Southern African Development Community (SADC), formerly SADCC, Zimbabwe has always enjoyed a special status. This is presented as one of the reasons SADC has treated Zimbabwe with 'kid gloves'.

4.3 2000 Parliamentary Elections

The June 2000 parliamentary elections were held against ZANU-PF's iconic defeat at the constitutional referendum held in the same year in February 2000, which was compounded by a deepening and economic and political crisis. According to Sachikonye (2002:16), intense political contestation had thus become sharper with increased militarisation of political contest. Against its historic defeat in the referendum, ZANU-PF mobilised the support of the war veterans, former freedom fighters, to campaign for it in the parliamentary elections (Laakso 2002:438) to perpetuate its rule. The election was therefore marred by high levels of intolerance of opposition political parties, violence, intimidation, beatings and killings of MDC supporters. According to ZESN (2000:15-17), 7000 teachers fled schools, 250 schools were closed, 5 000 people were disenfranchised by the war veterans who confiscated the identity documents of alleged MDC supporters. The war rhetoric was also played up with war veterans threatening to go back to war if ZANU-PF lost the election. The MDC threatened to boycott the election if held in such circumstances. The playing field was evidently tilted in favour of ZANU-PF, which enjoyed more media coverage. According to Makumbe (2006:49), during the 2000 parliamentary elections, the state broadcaster, the Zimbabwe Broadcasting Corporation (ZBC), restricted the appearances of opposition political party candidates on both radio and television, whereas ZANU-PF candidates were more than adequately covered each time they held campaign rallies. While the SADC and the then OAU generally endorsed the election as free and fair, several election observer missions both local and foreign concluded that the 2000 parliamentary elections were not free and fair. One monitoring mission commenting on the parliamentary elections noted that:

> The political environment did not accord the eligible voters the basic freedoms; the freedom of movement, association and expression essential if individuals are to make personal, independent political decisions. In many parts of the country, due to the unsettled political situation, people are restrained from discussing political issues, especially those who are on the opposition side (Transparency International Zimbabwe 2000 in Makumbe 2002).

The EU which had forced its way to observe the elections declared that the 'term free and fair was not applicable to the election' (EU in Laaksa 2002:456). As argued by Makumbe

(2006:48), the situation in some parts of the country was such that opposition political parties regarded some rural areas, where the ruling party was strongest as "no go areas". A report by EISA (in Makumbe 2002: 49) on the elections summaries the conduct of the elections in the following manner:

> Zimbabwe failed to meet any of the ECF's five requirements for a successful election due to the following: the country's multiple electoral authorities were state appointed rather than independent and non-partisan; the electoral process was marred by among other problems, secrecy around and secret irregularities in the voter's roll as well as last minute changes to the electoral rules, the playing field was far from level given that Mugabe's party had disproportionate access to and coverage in the state owned media. Accordingly, SADC failed to uphold its own principles of holding a successful election.

The elections nonetheless proved in no uncertain terms that ZANU-PF's legitimacy to rule the country had been weakened. A total of 2, 493 925 people voted in the election. The MDC narrowly lost by 5 seats in the elections which were characterised by widespread violence. ZANU-PF won 62 seats to 57 won by the MDC (Laaksa 2002:451). The MDC won in the urban areas and in Matabeleland and Manicaland provinces out of the country's ten provinces. Arguably, the election result represented a 'seismic shift' in Zimbabwe's post independent politics from a 'dominant one party system to a multiparty system' (Sachikonye 2002:18). The conduct of the elections was crucial as it raised concerns and drew the attention of both regional and internal organisations such as SADC, the Commonwealth and the European Union (EU). However, as argued by Sachikonye (2002:17), an authoritarian regime becomes more repressive the bigger the opposition. Qobo (2008:170) concurs with this observation and states that when ZANU-PF's authority began to ebb away during the June 2000 parliamentary elections, the GoZ created more space for the military in civilian affairs. Tendai Biti (in Qobo 2008:170) former secretary general of the MDC, argues that this practice goes back to the Smith era when ZANU was intent on using the military to project its authority.

4.3.1 2002 Presidential Elections

The pervasive political violence which characterised the 2000 parliamentary elections was repeated again during the 2002 presidential election Makumbe (2006:49). The third

Zimbabwe presidential election was held on 9-11 March 2002 (Raftopoulos 2002:413). The election pitted Robert Mugabe of ZANU-PF against Morgan Tsvangirai of the MDC and was largely a culmination of a closely fought campaign process that started in 1999 (Sachikonye 2002:17). As in 2000 constitutional referendum and the 2000 parliamentary elections, the state of the economy featured more highly in the voters' calculations than the symbolism of nationalism and independence. During the run-up to the election, emergency legislation; the Public Order and Security Act (POSA) and Access to Information and Privacy Act (AIPPA) were in Sachikonye's (2002:17-18) terms 'rushed through parliament' a few days before the election. POSA and AIPA increased state powers enshrined in the Rhodesian Law and Order Maintenance Act (Scarnecchia 2006:227). The laws were designed to stifle independent media coverage and in that regard tight restrictions were imposed on local and international election monitors and observers. The laws also sought to undermine opposition movement and civic organisations. Under these repressive laws, 80 campaign rallies which the MDC sought to hold were denied. Against the realisation that Tsvangirai was headed for a landslide victory, the service chiefs issued a statement in which they said:

> To this end, let it be known that the highest office of the land is a 'strait jacket' whose occupant is expected to observe the objectives of the liberation struggle. We will therefore not accept let alone salute anyone with a different agenda that threatens the very existence of our sovereignty (Zimbabwe Independent 11 January 2002)

The state controlled media behaved as a mouthpiece for ZANU-PF and denied access to opposition forces. As in the 2000 parliamentary elections, ZANU-PF enlisted the services of its former freedom fighters, the war veterans, to spearhead its presidential election campaign. As alluded to before, the war veterans had been instrumental in the violent farm invasions that began in March 2000 after the 'No' verdict in the constitutional referendum. War veterans had been put on the government payroll in 1998. Their children's education and health requirements were to be met by the state and 20 percent of all the lands acquired by the state was to be allocated to them. Their resolve to repay their indebtedness was shown in their zealous pursuit of the land invasion programme (Sachikonye 2002: 17-18).

ZANU-PF further recruited and trained several thousands of unemployed 'green bombers' to work hand in hand with war veterans. The youths were recruited under the pretext that they needed to be trained in patriotism and in the history of the liberation struggle. However, in reality, the youths were trained in military tactics of mass control, torture and violence. Evidently, as argued by Sachikonye (2002:17), the war veterans and the green 'bombers' perpetrated most of the violence that the supporters of the MDC experienced during the presidential election. The figure of those killed mainly from the opposition in the ensuing violence during the campaign and also soon after the polling days varies, with some scholars such as Sachikonye (2002:17) saying they were 31, while the Zimbabwe Human Rights Non-Governmental Forum in its report on political violence (20-30 April 2002) states that 100 people were killed for political reasons. 70 000 people were displaced between January and March 2002 and ZANU-PF set up 150 military bases in various parts of the country (Zimbabwe Independent 1 March 2002). As a result of the military bases and illegal roadblocks set up in the run up to the elections many ordinary people could not travel to rural areas without valid ZANU-PF cards. Those that travelled without were tortured or beaten up. The police were not able to enforce the law or rather the police ignored the pervasive violence. The law was in that respect applied selectively, with known MDC supporters being severely punished. ZANU-PF activists were not arrested for similar acts of violence. As the MDC had come to be associated with the urban voters, the Registrar General of Elections deliberately reduced the number of polling stations in urban areas and increased the number of rural polling stations (Makumbe 2006: 50). During the voting process itself, in MDC strongholds, election officials were inclined to deny some voters the ballot for frivolous reasons. Those who criticised the government were dismissed as sell-outs to western imperialism and the race card became a handy political tool to ZANU-PF (Sachikonye 2002:18). The accusation that most of the violence was state sponsored was confirmed by use of state vehicles to ferry war veterans and youth militias from place to place. The state provided youth militia with uniforms, food and places to stay (Makumbe 2006:59).

A total of 2, 998 758 people, constituting a voter turnout of 55, 4 percent voted in the election (EISA 2008). According to the presidential election outcome, Robert Mugabe polled 56, 2 percent of votes cast whereas Morgan Tsvangirai polled 42 percent. The

outcome of the presidential election was disputed at both national and international level. Tsvangirai disputed the election result as illegitimate and condemned the election outcome as a case of 'highway robbery' (Barber 2002:1147). Tsvangirai claimed that the Zimbabwean authorities had engaged in systematic cheating and spoiling tactics and rigid new laws, sheer obstruction and political violence and intimidation during the run-up to the election. For these reasons, the MDC held that the election results 'did not reflect the true will of the people of Zimbabwe and consequently are illegitimate in the eyes of the people' (Barber 2002:1147). As a result, the MDC did not accept the election outcome. The Zimbabwe Election Support Network (ZESN), a network of 38 organisations did not judge the election as free and fair. The chairperson of ZESN, Matchaba Hove maintained that the elections violated all of the SADC Parliamentary Forum norms and standards (Barber 2002:1147). The African response was somewhat different. Presidents Joachim Chissano of Mozambique, Bakili Muluzi of Malawi and Sam Nujoma of Namibia all indicated their acceptance of the result by attending Mugabe's inauguration as president. The then OAU held that the election was transparent, credible, free and fair. SADC also endorsed the election as being substantially free and fair despite acknowledging that there were incidents of violence during the run-up to the election and logistical challenges during the actual process of polling. The Western response was much more critical. The then UK Prime Minister, Tony Blair stated that there was strong evidence that Mugabe had stolen the election. The then US President George Bush took a similar position and declared that 'we do not recognise the outcome of the election because we think that it is flawed' (Barber 2002:1151-1153).

4.3.2 2005 General Elections

Prior to the holding of parliamentary elections on 23 March 2005 and aware of its declining electoral fortunes, the GoZ in the year 2004 introduced two new electoral laws; the Zimbabwe Electoral Commission(ZEC) Act and the Electoral Act in order to control the conduct of the electoral process which were criticised for being anti-democratic. The laws were therefore intended to tilt the playing field in favour of ZANU-PF and contain the MDC electoral threat. The president was empowered to appoint all the electoral commissioners- ZEC lost its independence, the postal vote was limited which in effect

disenfranchised the Zimbabweans in the diaspora most of whom were MDC supporters-in the year 2005 Zimbabweans in the diaspora were estimated to be around 3.5 million, election monitoring was regulated-civic organisations such as churches and NGOs were side-lined from a role they had previously performed, a requirement of proof of residence was also introduced- which was used to penalise MDC urban supporters, the militarisation of the electoral process through a greater role of the army and police in the elections and voting was now conducted in a single day- it was previously held over a two-day period (Kriger 2005:359-360). The elections were also held against the background of the recently introduced SADC principles and guidelines on the holding of democratic elections. Zimbabwe was therefore the first member state of SADC to attempt to incorporate the SADC principles and guidelines into its laws and procedures. However, the conduct of the election fell short of the SADC norms and standards for the holding of democratic elections. According to Masunungure (2007:25), a string of irregularities in the pre-election period were reported; the electoral roll was allegedly inflated with ghost voters, identified as dead people, rights of free association and expression were compromised by restrictive legislation, state media favoured the incumbent, impartial international election observers were denied entry into the country. On voting day, polling stations were disproportionately concentrated in rural areas which are the ruling party's stronghold.

Consistent with the trend already set in the year 2000, again in the election in 2005, ZANU-PF fared badly, losing significantly to the MDC in urban areas. On 31 March 2005, parliamentary election results were announced. The MDC won 26 of the 30 parliamentary seats in major towns and cities with ZANU-PF winning almost all the rural votes and only 4 of the 30 urban seats (National Association of Non-Governmental Organisations (NAONGO) 2007:13). As had become the standard, SADC and the SADC Parliamentary Forum endorsed the election as reflecting the will of the people. The AU observer mission said the vote was 'conducted in peaceful and orderly manner but would not comment on whether it was free and fair as the team had not witnessed the full electoral process. The position taken by the opposition, human rights groups and Western governments was that the election was not free and fair and this is captured by The Economist (2005) which noted that the election result was 'a coup by the ballot box'. The 2005 elections results

showed that despite ZANU-PF's success at manipulating the election, the party could not conceal that the fact that it had lost control of Zimbabwe's major urban centres (Masunungure 2007:26). It can therefore be argued that the MDC was viewed as an urban party, implying that ZANU-PF was a rural party. This resulted in desperate attempts by ZANU-PF to rid the urban areas of the ungovernable voters, those who had failed to toe the ZANU-PF line, in a violent urban clean-up operation known as Operation Murambatsvina.

4.3.3 Operation Murambatsvina

In the aftermath of the March 2005 parliamentary elections that confirmed that ZANU- PF had lost political control of Zimbabwe's urban areas, on 17 May 2005, the GoZ cracked down on urban areas in an operation code named "Operation Murambatsvina"; OM. The official translation of OM was Operation Restore Order. However, Masunungure (2007:22) observes that a more accurate translation of OM is 'Operation Drive Out Rubbish'. The GoZ argued and justified the operation as a strategy necessary to eradicate illegal dwellings and eliminate informal trade. According to the GoZ, the clean-up campaign was an effort at urban renewal aimed at ending the filth and crime associated with the unsavoury parts of the informal economy. However, the motive for the operation was construed by the opposition political party, the MDC and human rights groups to be political, as it followed on the heels of Zimbabwe's parliamentary elections held in March 2005. The elections confirmed that the opposition was centred in urban areas where as already alluded to, the MDC won 26 of the 30 parliamentary seats in major towns and cities. In a way, this justifies the reasoning to suppose that the crackdown constituted a form of collective punishment. Amongst the various reasons presented for OM by various interest groups, the most plausible interpretation is that OM was an effort by ZANU-PF to reassert economic and political control following the 2005 parliamentary elections.

The Solidarity Peace Trust (2010:17) concurs with this view, arguing that:

> Most of the MDC's 41 seats were won in urban areas. Coming as it did in June 2005, OM has been widely interpreted as an act of retribution against areas known by the government to have voted for the opposition, sending

a message that it was irrelevant whether urban MPs and town councils were MDC or not.

In view of the above developments, OM was a way to take former rural areas voters back to where they belonged and to a place they could easily be controlled by ZANU-PF. The labour market also became congested, as many unskilled labourers made their way to cities. While city populations grew and expanded, the infrastructure - roads, sewage systems, housing, water systems and industry - remained stagnant (National Association of Non-Governmental Organisations 2007:12).

Also to be noted is that OM happened against a background of economic collapse in Zimbabwe. The Solidarity Peace Trust (2006:12) asserted that in May 2005, employment in the formal sector stood at 20%; and more than 80% of the population of Zimbabwe was estimated to be below the poverty datum line. Sachikonye (2002:10) advances that unemployment had reached 80% prior to OM. The situation described by the SPT is one of dire economic meltdown. The SPT further estimated that at some point about 70% citizens of economically-productive age were outside their nation, on the run as illegal immigrants, or eking out an existence as cross border traders' (i*bid*). The desperation of Zimbabwean citizens to try and remain afloat in an environment of economic collapse came with many challenges, among those, was competition for the little resources perceived to be available to them. The ensuing economic meltdown in Zimbabwe at the time of OM came with a multifaceted conundrum of challenges. With the economic collapse, Zimbabweans desperately seeking a living were forced into the diaspora thereby impacting on the integrity of family units. It is important to note that the effects of OM are difficult to judge given that foreign journalists were banned and local reporters were constrained by tight media controls. However, according to the United Nations Report for Fact Finding Mission to Zimbabwe, the number of directly affected persons was between 650 000 to 700 000. The GoZ however rejected the UN estimate (Masunungure 2007:29). Both SADC's and President Mbeki's responses were that 'OM' was an internal matter.

Noteworthy also is that in the same year of 2005, the MDC split into two factions. According to the Solidarity Peace Trust (2007:16) the split which occurred on 12 October was in reaction to the party's failure to answer to state abuse with political action and also

the party's frustrations at the polls. The divisions mainly crystallised around participation in the newly created Senate in November 2005 with MDC leader Morgan Tsvangirai objecting to a decision by his secretary general Welshman Ncube to participate in the 2005 Senate elections. The creation of the Senate helped to consolidate the ruling party's control of political processes both by dividing and weakening the opposition. Tsvangirai's objection was in line with the MDC's decision in 2004 that it would not participate in any elections until the conditions were conducive for free and fair elections (Mhandara and Pooe 2013:14). The split created a larger party led by Tsvangirai which became known as the MDC-T and a smaller party which retained the MDC name and led by Arthur Mutambara and later by Welshman Ncube. As will be illustrated later, the smaller MDC positioned itself as a kingmaker and voice of reason during the Mbeki led mediation. The MDC leaned towards supporting ZANU-PF mainly because it did not enjoy much support from the West. The Solidarity Peace Trust (2007:16) asserts that the creation of the Senate helped to consolidate the ruling party's control of political processes both by dividing and weakening the opposition. It has also been put forward that since the establishment of the Senate, there was a growing presence of hardliners 'deeply entrenched in the militant authoritarianism that defines the ruling party culture' (ibid). The chapter has so far demonstrated how the crisis in Zimbabwe continued to deteriorate with increasing episodes of political violence and ZANU-PF's further consolidation of power accompanied by the rapid deterioration of the economy with consequential humanitarian crises. As the Zimbabwe crisis evolved, SADC continued to maintain its benign attitude towards the GoZ.

4.3.4 The Economic Crisis Preceding the 2008 Harmonised Elections

The study recognises that the 2008 conflict cannot be looked at in isolation of the economic crisis that bedevilled Zimbabwe before the holding of the 2008 harmonised elections. This derives from the arguments by the Solidarity Peace Trust (2007:21) that politics and economics in Zimbabwe are inextricably interwoven and that the economic travails of the country were symptomatic of a broader, structural crisis of national governance. It therefore becomes imperative for the chapter to devote a section on the economic situation that prevailed before the holding of the 2008 harmonised elections.

As already alluded to, signs of economic collapse had begun to emerge since the late 1990s following implementation of the structural adjustment programmes by the GoZ and other poor policy choices by the ZANU-PF led government such as the unbudgeted lump sum pay-outs to war veterans and the intervention in the DRC war and arguably the FTLRP. As noted by the Solidarity Peace Trust (2007:17) the period after 2000 saw an intensification of state involvement in the economy and a rapid militarisation of the state apparatus calculated to underpin the barrage of repressive measures the GoZ had put in place to stifle dissent and subdue opposition to government policies. In the ensuing years, the economy continued to decline until it reached crisis levels in 2008. By 2006, the economy was shrinking at an average of 4.7 %, according to the IMF report of 2006. By 2007, manufacturing, mining and export sectors had steeply declined. Manufacturing which at its height constituted 16% of Gross Domestic Product (GDP), shrunk by more than 35%. Unemployment was at 80%. The country's export for example plummeted from 33,7 % in 1997 to 9, 9 % of the GDP in 2007. The drastic shrinkage of the economy has been attributed to the collapse of the key contributors to Zimbabwe's GDP such as agriculture, manufacturing and tourism following the contentious FTLRP (Solidarity Peace Trust 2007:16).

In their discussion of some of the economic indicators; Mlambo and Raftopoulos (2010) note that by 2007, per capita GDP was estimated at US$200 compared to US$ 900, while 80% of the population of Zimbabwe was living on less than US$ 2 a day. These alarming statistics caused the World Bank (in Mlambo and Raftopoulos 2010:3) to remark that Zimbabwe had 'the World's fastest shrinking economy for a country not at war'. According to the Solidarity Peace Trust (2007:16), a number of significant developments affected the economy in 2007; firstly, Operation Reduce Prices[3], which began in June 2007 and which had disastrous effects on the economy and secondly; the Indigenisation Bill[4] which

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[3] Operation Reduce Prices was a government crackdown forcing businesses such as manufacturers, wholesalers, retailers and other service providers to reduce prices by 50% to June 18 levels. The crackdown led to the arrest of 33 company executives and resulted in basic commodities disappearing from shelves amid threats from the GoZ that those who failed to comply with the order would have their businesses nationalised. The Operation was intended to reverse the price increases of commodities which the GoZ had perceived as intended to foment discontent among the people ahead of the 2008 Harmonised elections (IRIN 10 July 2007).

[4] The Indigenisation Bill was passed in Parliament in October 2007. The Bill stated that all foreign owned businesses must have 51% indigenous ownership. The central problem relates to the way in which such legislation was used to extend patronage of the ruling party elite.

was passed in Parliament in October 2007. By the start of 2008, the economy was experiencing what The UK Guardian (10 March 2008) terms an 'economic H.I.V' with insufficient foreign reserves, shortages of power, water, food, fuel, and cash. Inflation for example had by 2008 reached 128 billion percent, or 98% per day which according to the Zimbabwe Independent (22 April 2016) was the second highest rate in the history of the world. Hyperinflation became the hallmark of the economic implosion and marked the climax of the economic crisis. The Zimbabwean dollar became devalued to the extent that 'even a trillion dollars could not purchase as little as a loaf of bread '(Moyo 2010:16). With fiscal deficits spiralling out of control, inflation on the rise, the authority of ZANU-PF being challenged by political opponents, government regulation began to assume authoritarian dimensions particularly in view of the growing dissent to the deepening economic crisis. Unable to meet the social and economic needs of the electorate, due to shortages of foreign currency, the GoZ resorted to repression to crush a looming social revolt. The state as had become its culture in response to opposition unleashed vicious violence against its opponents to prop up its faltering grip on power and disable a potential challenge to its hegemony. In other words, the deepening economic crisis was matched by an intensification of state authoritarianism and together propelled the downward spiral of the economy.

For Zimbabweans, the economic crisis had serious socio-economic and humanitarian consequences. The once celebrated social services sector collapsed. Health and education sectors in particular faced chronic and severe underfunding leading to a massive brain drain as many professionals went abroad in search of better prospects. While estimates differ on the number of Zimbabweans who had by 2008 left the country in response to the deteriorating situation, the Zimbabwe Independent (22 April 2016), puts the figure to a total of 3 million. Most of the Zimbabweans fled to neighbouring countries such as South Africa, Botswana, Mozambique, Zambia and Namibia, while others went as far afield as the UK, the US, Canada and Australia. However, the influx of the Zimbabweans also sparked off serious xenophobic reactions particularly in South Africa and Botswana (Mlambo and Raftopoulos 2010:6).

As a result of the brain drain, the humanitarian crisis in Zimbabwe accelerated. Mlambo and Raftopoulos (2010:4) observe that the average life expectancy rate which was 63

years in 1990 dropped to 40, 9 years in 2005 and child mortality rate increased from 76 to 132 deaths per 1000 between 1990 to 2007. Mlambo and Raftopoulos (2010:4) argue that the cholera outbreak of 2008 was the ultimate incontrovertible indicator of the total collapse of the Zimbabwe health sector and evidence that the system's governance, economic, political and social structures had deteriorated to the extent of not being able to provide even basic clean water to its citizens. UNICEF's description of the situation is telling:

> Schools and hospitals are closing, patients cannot access health care, teachers, nurses and doctors are not able to come to work. Urban water supplies are erratic or not available at all due to weakened infrastructure, and power outages. The net effect on Zimbabwean children has been no schooling, lack of health care, no safe drinking water, reduced number of meals and increased morbidity and mortality (in Mlambo and Raftopoulos 2010:4).

According to the PMCID report, on the cholera outbreak (2011:541) during the period from August 2008 to June 2009, an estimated 95 531 suspected cases of cholera and 4 288 were reported, making this the largest outbreak of cholera ever recorded in Zimbabwe. The outbreak began in Chitungwiza, a high density dormitory town, 30 kilometres south-east of Harare, in August 2008 then spread throughout the country so that by December 2008; cases were being reported in all the 10 provinces. In December 2008, the GoZ declared the outbreak a national emergency and requested for international aid. Doctors Without Borders (2012) report that cholera cases from this outbreak were also reported in neighbouring countries such as South Africa, Malawi, Botswana, Mozambique and Zambia. Arguably as pointed out by Mlambo and Raftopoulos (2010:5-6) the regional dimension of the unfolding crisis in Zimbabwe was clear evidence that the Zimbabwe crisis was a regional problem requiring resolution for the good of the region and this only occurred following a GoZ crackdown on a prayer meeting organised by the Save Zimbabwe campaign in March 2007.

4.3.5 2007 Save Zimbabwe Campaign and SADC's Intervention

Against the backdrop of the declining political and economic situation in Zimbabwe, civic activism intensified to pressure for the restoration of democracy, human rights and a legitimate government. In that regard, a coalition of organisations under the banner of the

Save Zimbabwe Campaign, which includes opposition political parties such as the MDC, church groups, civil rights groups and trade unions organised to hold a prayer rally on 11 March 2007 (Mlambo and Raftopoulos 2010:8). The police broke up the prayer rally and arrested over 100 people including the MDC leader Morgan Tsvangirai. The Zimbabwe police claimed that the prayer rally was in violation of the repressive POSA law which had banned political protests. In the resulting unrest, one opposition activist was shot dead. This is the event that finally brought about the intervention of the African Union (AU) through SADC (Mlambo and Raftopoulos 2010:8). In that regard and according to Mlambo and Raftopoulos (2010:8), SADC's intervention took on an added urgency following the violence unleashed on the Save Zimbabwe campaigners and the ensuing crackdown on the MDC structures that followed thereafter. The patience of some SADC leaders including Ian Khama of Botswana and the late Zambian President, Levy Mwanawasa was waning with the continued deterioration of the Zimbabwe crisis. SADC was also under pressure from the international community particularly the Western countries and local civic society activists to take stronger action on Zimbabwe. According to Mutisi (2012: 172), the deepening international criticism of the SADC non-interference principle also influenced a more forthright SADC intervention. Such internationalisation of the Zimbabwe crisis further pressured SADC to seek what they deemed as an 'African solution' to the Zimbabwe crisis. Nyakudya (2012:90) concurs with this view and notes that the brutal assault by the police on the opposition prayer rally attracted worldwide publicity which forced SADC to intervene in the crisis in Zimbabwe.

Arguably, the Save Zimbabwe incident and the internationalisation of the Zimbabwe crisis forced SADC to shift from its non-interference philosophy to a more forceful stance to push for a negotiated settlement. In light of the growing international pressure, SADC was forced to hold an extra-ordinary SADC Heads of State and Government Summit in Dar es Salaam, Tanzania on 29 March 2007 to deliberate on the governance crisis in Zimbabwe (Maisiri 2013). In its communique (in Mhandara and Pooe 2013:9) SADC expressed its displeasure at the turn of events in Zimbabwe and took the decision to mandate President Mbeki to facilitate internal political dialogue between ZANU-PF and the two factions of the MDC. On this point, some scholars such as Anstey (2007:433) argue that mediation success is guaranteed more in conflicts where the mediator is invited

by the disputants than in the case of Zimbabwe where Mbeki was imposed by SADC. However, Nyakudya (2013:89) asserts that the choice of President Mbeki was a natural one in the sense that he had started his mediation efforts in 2001 working with the Nigerian President, Olusegun Obasanjo, in the Commonwealth, to try to bring ZANU-PF and the MDC to the negotiating table. In addition, President Mbeki was a mediator with interests and leverage, which according to Ripeness theoretical framework, the theory that informs this study, are some of the variables central to mediation effectiveness and success (Anstey 2007:433-434). According to Ndlovu-Gatsheni (2012:153), Mbeki was worried about the ripple effects of a 'political and economic implosion in Zimbabwe' given that South Africa was directly affected by the situation in Zimbabwe. Furthermore, Mbeki led Zimbabwe's biggest trading partner and therefore seemed best placed to negotiate a settlement, especially as he was espousing an 'African grand design that crystallised around the philosophy of the African Renaissance' (ibid). Mbeki's foreign policy 'included a determination to show that Africa was able to take charge of her destiny and use 'African solutions to solve African Problems' (ibid: 156). However, as will be illustrated in the chapter, from the perspective of the parties to the conflict particularly the MDC, Mbeki's partiality was questioned with the MDC perceiving him as a 'dishonest broker', which in turn put his acceptability as mediator to question (ibid). President Mbeki's mediation process in Zimbabwe is generally prescribed into three phases; firstly, the pre-2008 harmonised election phase, followed by the post 2008 harmonised election phase and the Global Political Agreement Phase (GPA) leading to the to 2013 harmonised elections. The GPA phase is beyond the scope of this study as the research treats the signing of the GPA as its endpoint.

4.3.6 The Pre-2008 Harmonised Election Phase

The pre-2008 election phase is defined by the initiation of active mediation by SADC in Zimbabwe (Maisiri 2013). The phase covers the period from May 2007 to March 2008. President Mbeki made it clear after being mandated by SADC to facilitate internal dialogue between Zimbabwe's political players that at the heart of his mediation was addressing electoral conditions and constitutional reform. His mediation goals were threefold and aimed to achieve the following among the three parties:

- Endorse the decision to hold harmonised parliamentary, presidential and local government elections in 2008.
- Agree on the steps that must be taken…to ensure that everybody concerned accepts the results of the elections as being truly representative of the will of the people and
- Agree on the measures that all political parties and other social forces must implement and respect to create the necessary climate that will facilitate such acceptance (Mbeki in Raftopoulos 2010 and Dzinesa and Zambara 2011).

Mbeki's mediation was also focused on addressing the socio-economic challenges and the assistance for Zimbabwe's re-entry into the international community. According to Mhandara and Pooe (2013:17), what was critical in the first phase was the creation of an election environment that was meant to produce uncontested 2008 harmonised elections. Mlambo and Raftopoulos (2010) agree with this view and note that from the onset of the mediation process, it was clear that Mbeki's efforts were concentrated on reaching an agreement that would result in a generally acceptable election process in 2008, as a means of settling the issue of international legitimacy. Over several months, Mbeki mediated between ZANU-PF and the two MDC formations, seeking their agreement to free and fair elections that would hopefully end the crisis in Zimbabwe (Nyakudya 2013:89). It however needs mentioning that ZANU-PF was initially dismissive of the mediation initiative.

President Mugabe's position was 'talks to talk about what' (Nyakudya 2013:89), which suggests that ZANU- PF did not perceive the country to be in crisis warranting mediation. With time, President Mbeki eventually persuaded the disputants to agree on a range of constitutional, electoral and media reforms which were endorsed by the Zimbabwe Parliament in December 2007. The mediation had in that sense resulted in some minimum agreements on creating conditions for a free and fair election although the MDC had wanted more reforms before the holding of elections. The two MDCs' conditions for a free and fair election involved the need for 'a new democratic national constitution'

(Nyakudya 2013:91). The two MDCs considered the existing constitution as the root cause of the many problems that beset the country (MDC 2007 in Mutisi 2012:167). ZANU-PF on the other hand located the land question and not the need for a new constitution at the centre of the crisis in Zimbabwe. However, amongst the notable electoral reforms credited to President Mbeki's mediation was Constitutional Amendment 18 which according to Mutisi (2012:167) was supposed to facilitate credible elections in Zimbabwe in accordance to SADC Principles and Guidelines Governing Democratic elections. However, as noted by Mlambo and Raftopoulos (2010), events over the next three months exposed SADC and Mbeki's helplessness in the face of the continued intransigence of ZANU-PF. President Mugabe unilaterally declared 29 March 2008 as the election date for the harmonised elections without the consent of the MDC and before a new constitution could be crafted and any meaningful reforms effected. Indeed, as noted by Raftopoulos (2010), the announcement of the election date by Mugabe 'amounted to a repudiation of the SADC dialogue by ZANU-PF. However, as noted by Nyakudya (2013:91) to President Mbeki's credit, the 29 March 2008 Harmonised elections that followed were relatively peaceful, potentially yielding a credible outcome albeit that the elections were not conclusive.

4.4 The 2008 Harmonised Elections

Zimbabwe for the first time simultaneously held harmonised presidential, parliamentary and local government elections on 29 March 2008. The elections were viewed by all standards by local and regional observers to have passed the legitimacy test of a free and fair election in line with both the SADC and AU Principles and Guidelines on the holding of free and fair elections. They were also seen as fulfilling the criteria for free and fair elections as set out by Elklit and Svensson (1997). This is despite that ZEC, the electoral body which conducted the elections is considered to be lacking in independence and impartiality as it is a government appointed constitutional body making its appointment politically driven (EISA 2008). The pre-election environment was all the same relatively peaceful although the electoral playing field was still skewed in favour of the incumbent ruling ZANU-PF party. There was none the less some façade of 'freeness'

(Badza 2009, Raftopoulos 2013). The country's population then was 13, 5 million (EISA 2008). With a voter turnout of 2,497,265, constituting 42,8 percent, ZANU-PF lost its majority in the House of Assembly for the first time since independence in 1980 garnering 97 seats against a combined 110 seats won by the opposition- the MDC-T won 99 seats, MDC Mutambara (MDC-M) won 10 seats and an independent candidate won 1 seat (Bamfo 2010:107) out of a total number of 210 seats. In the presidential race, pitting four presidential candidates, Robert Mugabe of ZANU-PF, Morgan Tsvangirai of the MDC and two independent candidates, Simba Makoni of the MKD and Langton Towungana, Mugabe was defeated by MDC leader Tsvangirai by 47, 9 percent to 43, 2 percent. To note is that for the presidential election Zimbabwe uses the majority electoral system, where candidates are elected with an absolute majority of 50 plus one vote (Tendi 2010:258). According to this system, if there is no ultimate winner, the two round system is used to determine the winner. Scholars such as Bamfo (2010:107) consider the system to have subverted the electoral will of the Zimbabwean people.

As Tsvangirai was short of the 50 plus one vote needed for an outright victory, a decision was made to have a run-off election in June 2008 (Tendi 2010:258, Mawere 2011:91). There was much contestation over the results particularly since ZEC took nearly a month before releasing the election results (Bamfo 2010: 107). The country was thus thrown into a tense period and anarchy amid growing suspicions that ZANU-PF was manipulating the electoral outcome. The MDC accused ZANU-PF of staging a silent coup (The Nation 12 May 2008). The ZEC only released the results on 2 May 2008 and declared that none of the presidential candidates had won a majority. Mugabe quickly accepted the result as announced and offered to contest in the run-off election while Tsvangirai denounced the result insisting that he won the first elections outright. As argued by Benyera (2013: 163), Tsvangirai's failure to garner sufficient votes to avoid a run-off presented ZANU- PF with an opportunity to re-strategise. The March 2008 election outcome sparked panic in ZANU-PF. Predictably, what was to follow before the run-off election is described by Masunungure and Bratton (2008:41-55) as a 'ruthless election campaign rooted in violence and impunity' in defiance of both the AU and SADC charters on principles governing democratic elections. Maisiri (2013) notes that by implication this meant that the momentum gained through Mbeki's 2007 mediation, which created the conducive

March 2008 election conditions was lost in the period of the re-run. Nyakudya (2013: 90-91) notes that an alarmed SADC called an Extra-Ordinary Summit of Heads of State and Government which was held on 12 April 2008, where Mbeki brought the SADC mediation process into disrepute by claiming that 'there was no crisis in Zimbabwe' (Mail and Guardian:12 April 2008). According to Ndlovu-Gatsheni (2012:159), this prevented SADC from taking formal action against Mugabe and ZANU-PF in order to prevent them from using further violence against opposition forces.

It has been argued though that due to the pervasiveness of the violence in the run-up period, Mbeki was advised by Kinglsey Mambolo, the former South African Ambassador to Zimbabwe and Head of the SADC Election Mission in the March elections, that a presidential re-run could not take place under the deteriorated conditions (Ndlovu-Gatsheni 2012:159). Mbeki responded by dispatching retired South African generals to Zimbabwe to look into the allegations of escalating political violence and intimidation; their report, which was not made public, confirmed the evolution of the state's role (ibid). Despite the evidence of the pre-election violence neither Mbeki nor SADC attempted to stop the profligacy. Mbeki continued with his kid glove handling of Mugabe in the name of 'quiet diplomacy'. This did not sit well with various role players and interest groups such as the MDC-T, civic society, some SADC countries such as Tanzania, Zambia and Botswana as well as the Western countries resulting in increasing criticism of Mbeki's mediation (Mlambo and Raftopoulos 2010). Like the MDC, the Western countries were increasingly sceptical about Mbeki's mediation approach of quiet diplomacy. The MDC saw Mbeki as a limited actor whose efforts were ineffectual against an entrenched dictatorship (Nyakudya 2013:91) and given the credence in the MDC claims, Mbeki's intervention compels an interrogation on the need for more principled third party mediation particularly in conflicts with human rights issues.

The chapter will now consider the immediate post 2008 election phase which encompasses the events and activities from the post March 2008 election period, which includes the run-up to the run-off election, the election itself and the negotiations for the GPA.

4.4.1 The Post 2008 Harmonised Election Phase and the AU Intervention

The following subsections focus on the period after the 2008 harmonised elections in Zimbabwe up until the political and electoral dispute escalated until SADC and the African Union got involved.

4.4.2 The June 2008 Presidential Run-Off Election

On 16 May 2008, ZEC announced 27 June 2008 as the date for the run-off election. What followed was what some civil society organisations termed a 'reign of terror' being unleashed on innocent civilians. During the run-up to the presidential election, war vets, the military, the intelligence and ZANU-PF militia were involved in a bloody campaign of intimidation, torture, rape and murder against opposition activists, journalists, polling agents, public servants, civic leaders and ordinary citizens suspected of voting for the MDC (Bratton and Masunungure 2011:11). Violence was deployed as a political tool to instil fear and to influence the voting behaviour of the electorate in favour of ZANU-PF. The level of violence was so pervasive to the extent that a collation of 105 representatives from civil society wrote a communique which included a discussion on the applicability of R2P (Crisis in Zimbabwe Coalition: 2008). MDC-T National Spokesperson, Douglas Mwonzora chronicles how the violence erupted in 2008:

> The electoral process was taken over by the military junta, results took more than four weeks to be announced after that the use of brute force and violence was state sponsored. Soldiers were deployed to establish camps throughout the country and intelligence as well. Violence was condoned by the state as long as it was directed to the MDC it was by and large legalised (Mwonzora in Masunungure 2009).

In affirmation of the unprecedented levels of the state sponsored violence, Masunungure (2009:81) argues that 'April to June 2008 election interregnum was a militarised moment. Tendai Biti (Solidarity Peace Trust 2011) former secretary general of the MDC described the situation in Zimbabwe as a 'war zone' which exemplifies the explosion of the crisis and which according to Mlambo and Raftopoulos (2010:9) should be understood in the

context of a major threat to the political future of the ruling party. An operation code named Wavhotera Papi ('how did you vote') was rolled out during the post March 2008 elections. This operation was aimed at rooting out, victimising and targeting all people suspected of supporting or voting for the opposition MDC in the March elections (Bratton and Masunungure 2008:50). It is important to point out at this juncture that while as noted by (Matlose 2013: 58), the existence of such state sponsored violence has been confirmed by various reports and it has also been acknowledged that the MDC too was responsible for some of the political violence. However, due to the prevalence of cases of violence with mainly opposition supporters as victims, on 22 June, Tsvangirai withdrew from the presidential contest, leaving Mugabe as the sole candidate and winner of the sham presidential election. Mugabe was declared the winner with 90, 22 percent (ZEC 2008). The results were hotly contested in Zimbabwe and were not accepted internationally. Estimates on the number of people affected vary with the Human Rights Watch (2011) stating that the widespread and systematic abuses led to the killing of at least 200 people, the beating and torture of more than 5 000 people and the displacement of about 36 000 people. The hapless SADC and Mbeki could only watch as Zimbabwe plunged into a leadership legitimacy crisis.

As noted by Matlose (2013: 56), the one man race was a ZANU-PF tactic clearly intended to turn the tables, claim moral high ground for the party and wrong foot the MDC. In that regard, the election result re-positioned ZANU-PF strategically; the outcome of the shambolic run-off emboldened the party ahead of the tough negotiations which were aimed at putting in place a power-sharing mechanism in the form of an inclusive multi-party government. The election outcome in other words gave ZANU-PF the upper hand as it negotiated as a sitting government, with the MDC negotiating from a position of weakness, as a divided opposition.

On the overall, SADC's response to the crisis was minimal and inadequate with only Botswana openly condemning the excesses of ZANU-PF and Ian Khama refusing to recognise Mugabe as a legitimate leader. Other countries such as Zambia, with minor variance, supported Botswana's position (Cawthra 2010). It should be noted that SADC was not always united on the Zimbabwe issue. SADC's inaction led the AU to take the

decision at the Sharm el-Sheik, Egypt Summit in June 2008, instructing SADC to facilitate engagement of political parties and negotiations for an agreement (Crisis in Zimbabwe Coalition 2010). This led to fresh inter party negotiations in which Mbeki persevered with his quiet diplomacy against all odds. Mbeki's mediation had now shifted from a focus on creating conditions for credible elections to establishing an interim coalition government (Nyakudya 2013:84).

The mediation however experienced stagnation again in July 2008. Tensions within SADC are discussed as part of the reason for the stagnation along with pressure from the international community, criticism from the ANC, MDC's mistrust of the process and belligerence from ZANU-PF, which together with the MDC monopoly of victimhood undermined the potential for common ground (Raftopoulos and Eppel 2008:375, Cheesemen and Tendi 2010:207). Most importantly, Mbeki was seen as having ideological sympathies with ZANU-PF (Ndlovu-Gathseni 2011:12). However, on 21 July 2008, the warring parties in Zimbabwe eventually agreed to a Memorandum of Understanding (MOU) that committed them to working for a resolution of the crisis in the country. As Ndlovu-Gathseni (2013:160) argues, this was a breakthrough that legitimised the concerns of all the warring parties, thus placing them on an equal footing and paving the way for the next phase of negotiations which culminated in the formation of the Government of National Unity (GNU) under the GPA on 11 September 2008. It however needs to be pointed out that for both ZANU-PF and the MDC; the GPA was not necessarily a popular concept. According to Mhandara and Pooe (2013:12), some of the considerations that influenced the MDC-T to accede to the GPA include the party's failure to dislodge ZANU-PF from power through the ballot box. Participation in the GPA therefore presented the party with the opportunity to gain full control of the state and this was to be realised by pushing the mediation process from SADC to the AU and ultimately the UN which gave credence to the claims by ZANU-PF that the MDC was a western puppet. For ZANU-PF, the concept of sharing power following years of unlimited access to and grip on the state machinery and most levers of power was highly unattractive. ZANU-PF therefore signed the GPA for tactical considerations; the GPA gave the party some international legitimacy which it had lost.

The GPA was therefore an interlude for the party to regroup. It needs mentioning that the very week that the power-sharing agreement was signed; Mbeki faced political pressures at home mainly triggered by faction fighting within his ruling ANC. This infighting culminated in a decision by the ANC's National Executive Committee on 20 September 2008 to recall Mbeki from his presidency. The toppling of Mbeki plunged the power-sharing agreement into uncertainty as there were deadlocks that would require the intervention of the mediator (Matlose 2013: 49). Following the resolution of the ANC leadership crisis Mbeki's successor, Jacob Zuma took over as the facilitator.

4.5 Conclusion

In a narrative, analytical and interpretative manner, the chapter has demonstrated that the 2008 Zimbabwe conflict is one of the many episodes of violence in Zimbabwe. It has also been argued that while violence in Zimbabwe predates the colonial times, the post 2000 period was marked by intensification of violence particularly in the context of elections. This has been attributed to ZANU-PF's pursuit of an ideology based on a one party state and its failure over the years to democratise and embrace multiparty politics in earnest. It has also been shown that ZANU-PF became more authoritarian with the emergence of the MDC on Zimbabwe's political landscape; violence therefore became a tool for the party's political survival (Mutisi 2012: 164). After ZAPU, the MDC is credited for being the first opposition political party to challenge ZANU-PF's hegemony starting with the 2000 Constitutional Referendum, where ZANU-PF lost to the MDC-led campaign for a 'NO' vote.

The chapter has illustrated that as a result of its loss at the Referendum, ZANU-PF responded by embarking on a chaotic and disorderly FTLRP which in turn was the first development to attract regional and international reaction. The US and the Western countries reacted by slapping Zimbabwe with sanctions which in turn entrenched ZANU-PF rule, while SADC tried to contain the situation by engaging the government of Zimbabwe against concerns over 'the contagion effects of the Zimbabwe crisis on the region' (Ndlovu-Gathseni 2013:160). SADC was however not united in its response to the Zimbabwe crisis owing to the sensitivities of the land issue as well as ZANU-PF's special

status in the regional bloc because of its liberation war history, which in turn worked against the MDC because of its neo-liberal agenda and closeness to Western countries that allegedly financed the party and its activities.

The chapter has also argued that the crisis in Zimbabwe continued to deteriorate with the economic implosion also becoming an appendage of the crisis. As such, ZANU-PF reasserted its control in the face of growing unrest to its rule by intensifying state involvement in the economy, which only worsened the crisis and increased political discontent with civic activism intensifying. SADC all the same continued with its benign attitude towards Zimbabwe. It has been shown that it was only in 2007 following the Save Zimbabwe Campaign incident that saw the police crackdown on the prayer rally that SADC was forced to take a more interventionist approach to the deteriorated political and economic crisis in Zimbabwe. President Mbeki was as a result mandated to mediate in the Zimbabwe crisis with a view to 'normalising the political and economic situation' (Nyakudya 2013:84-85).

It has also been argued that through President Mbeki's mediation of quiet diplomacy, minimal constitutional and electoral reforms were made, which were credited for the peaceful harmonised elections held in March 2008. ZANU-PF lost in both the presidential and parliamentary election. The failure by MDC-T leader Morgan Tsvangirai to garner an outright victory in the presidential election necessitated a run-off presidential election which was marred by unprecedented levels of violence that led Tsvangirai to withdraw from the presidential contest. Mugabe was declared the winner, an outcome that was heavily contested and not accepted internationally. SADC and Mbeki were hapless over the unfolding situation in Zimbabwe leading the AU to instruct SADC to facilitate negotiations for an agreement amongst Zimbabwe's political players. Mbeki's mediation approach was increasingly criticised for being ineffective by the MDC, civic society, some quarters within the ANC, some SADC countries and the Western countries, particularly in the face of Mugabe's continued intransigence. The MDC also questioned Mbeki's partiality given his close links with ZANU-PF (Ndlovu-Gatsheni 2011:12). The negotiations eventually culminated in the formation of the Government of National Unity (GNU) under the GPA on 11 September 2008, which was SADC's mechanism for

resolving the conflict in Zimbabwe. The successes and failures of the GNU as a conflict resolution mechanism will be explored in the next and final chapter on findings, recommendations and conclusion.

CHAPTER FIVE: FINDINGS, RECOMMENDATIONS AND CONCLUSION

5. Introduction

This concluding chapter presents a summation and analyses of the findings and recommendations of the study. Principally, the chapter seeks to address the key question of the study, which is the evaluation of Thabo Mbeki's mediation in the political conflict of 2008 in Zimbabwe. As President Mbeki's mediation approach of 'Quiet Diplomacy' culminated in the formation of a Government of National Unity (GNU), the chapter explores the effectiveness of the GNU model as a sustainable conflict resolution mechanism. Emphasis is placed on conflict interventions that address structural causes of conflict. As this was a SADC mandated mediation, the research findings are followed by a few recommendations to SADC on Thabo Mbeki's mediation, which incorporate and emphasise electoral democracy and the need for a more integrated mediation approach that is aimed at proper reconstruction and reconciliation, the inclusion of Track II actors such as civic society as well as the need for expanded mediation teams. Findings on the main research question are complemented with a focus on the following key objectives of the research:

1. Exploring the dynamics and causes of the 2008 Zimbabwe dispute.
2. Explaining the context of President Mbeki's involvement in the Zimbabwe dispute.
3. Assessing Mbeki's quiet diplomacy.
4. Assessing Mbeki's contribution towards the democratisation of Zimbabwe through the formation of the power sharing government.

5.1 Findings of the Study

The following subsections of the chapter flesh out the key findings of the chapter and provide a summation and analysis of the findings while addressing the key question of

the study which is an evaluation of Thabo Mbeki's mediation in the Zimbabwean electoral and political conflict of 2008.

5.1.1 Dynamics and Causes of the 2008 Zimbabwe Dispute

The research observes and concludes that the 2008 political dispute in Zimbabwe was rooted in the authoritarian nature and governance of ZANU-PF, contrary to claims by both ZANU-PF and Thabo Mbeki that located the crisis in the land issue and the neo-imperial and neo-liberal agenda of the Western countries. The fact is that because of its liberation credentials, ZANU-PF believes in its entitlement to rule in perpetuity which explains its pursuit of a one-party state ideology since the country's independence. The party therefore continued with repressive laws and institutions inherited from the Rhodesian regime. As a result of ZANU-PF's failure to democratise, the party has shown deep intolerance of opposition which heightened in the post 2000 period with the emergence of the MDC in Zimbabwe's politics. The MDC is considered to have presented a formidable challenge to ZANU-PF rule since independence. Violence and the control of the conduct of elections therefore became central to the retention of power by ZANU-PF, which reached its peak with the party's first ever loss of elections in 2008.

5.1.2 Context of Thabo Mbeki's Involvement in the Zimbabwe Dispute

While Zimbabwe had shown signs of being in crisis from the late 1990s, both the AU and SADC only reacted to the deteriorating political situation in 2007. This followed an international outcry over the degenerating situation in the country exemplified by a conundrum of political and economic problems in Zimbabwe. SADC's appointment of Thabo Mbeki was driven more by the growing international criticism and concern than by genuine commitment to finding lasting peace in Zimbabwe. This vindicates the considered position of this research that the entire process was intended to create the impression that Africa was capable of resolving its own problems through the home grown approach to conflict resolution under the mantra of 'African solutions to African problems,' a mantra that has been associated with Thabo Mbeki's idea of the African Renaissance.

5.2. Assessing Mbeki's Quiet Diplomacy

The following subsections of the findings of the study are concerned specifically with the direct assessment and evaluation of Thabo Mbeki's 'quiet diplomacy' approach to the Zimbabwean electoral and political crisis of 2008, and the mediation that followed.

5.2.1 Successes of Mbeki's Quiet Diplomacy

Despite the many criticisms levelled against President Mbeki's mediation efforts in Zimbabwe, he is generally credited for successfully bringing the disputing parties; ZANU-PF, MDC-T and the MDC to the negotiating table for substantive dialogue through his mediation approach of quiet diplomacy. To be borne in mind is that the three political parties were highly conflicted with no room for compromise. Both ZANU-PF and the MDC-T wanted to rule Zimbabwe exclusively. The MDC-T's stance was that any resolution of the conflict should be based on the outcome of the March 2008 election. ZANU-PF on the other hand insisted on its recognition as the legitimate government of Zimbabwe because of its liberation credentials. However, through President Mbeki's mediation, the parties moved from a zero-sum mentality to a win–win situation. The research also concludes that through Mbeki's mediation, and true to his mediation objectives, he facilitated a political climate that reduced the levels of election related violence. As a result, Zimbabwe for the first time since 2000 held relatively credible harmonised presidential, parliamentary and local government elections in which ZANU- PF for the first time since independence lost to the opposition.

The signing of the power-sharing deal, known as the Global Political Agreement (GPA) between the three main protagonists namely; ZANU-PF, MDC-T and the MDC following the conflict surrounding the 2008 disputed election results was arguably a seminal achievement from Thabo Mbeki's mediation initiative. The GPA paved the way for the formation of a Government of National Unity (GNU), which in the immediate and short-term changed the trajectory of the country. In terms of short term mediation success, this study notes, the immediate objectives of peace and stability were achieved.

While debatable, this research argues and concludes that Thabo Mbeki's approach of quiet diplomacy was underpinned by a certain logic and rationale whereby he wanted to avoid the mistakes inherent in his predecessor, Nelson Mandela's proactive approach to foreign policy which alienated some African countries and leaders, and projected South Africa more as a regional imperial power aspirant than a well-meaning neighbhour (Masunungure 2008:50). Arguably, as discussed in Chapter Four, issues to the Zimbabwe conflict were complex, land redistribution was a legitimate requirement, sanctions were real, authoritarianism, brutal repression and disregard of the rule of law were blatant and outside forces were keenly interested. The research notes that in view of this, megaphone diplomacy which has been proffered as an alternative to Mbeki's quiet diplomacy would have scuttled the mediation efforts.

5.2.3. Quiet Diplomacy and its Weaknesses

Despite the successes associated with quiet diplomacy and the justification presented for its adoption as earlier discussed, the approach has been discredited by local, regional and international actors for being an ineffectual policy, especially in the case of Zimbabwe. The policy proved to be a big disappointment in view of the high expectations about South African mediation given its gravitas in the region. While Thabo Mbeki has justified its use for reasons that 'it allows the people of Zimbabwe to decide their own destiny without outside interference' (Anstey 2007: 443) which is in conformity with the principle of sovereignty and its corollary of non-interference, the implications have been that the approach has perpetuated human rights abuses and entrenched the autocratic rule of ZANU-PF. It is argued that Mbeki always avoided directly criticising Robert Mugabe over governance issues and in that sense tailored his mediation to encourage Mugabe's participation in the mediation. He was in that regard seen as biased towards Robert Mugabe and ZANU-PF and was also seen as endorsing what the government in Harare was doing. Further implications of Mbeki's use of quiet diplomacy were that it divided international pressure needed to force Mugabe to change. As a mediation tool, quiet diplomacy failed to induce 'ripeness' in the Zimbabwe conflict. The fact is that through quiet diplomacy, ZANU-PF was left in a position of strength to negotiate and retain power.

The interpretation surrounding Mbeki's preference for quiet diplomacy is that it protected his own ideological interests of pan-Africanism and anti-imperialism which served his quest to preserve African solidarity. This gives credence to claims that Mbeki's choice of quiet diplomacy was informed by the desire to avoid alienating some political parties such as ZANU-PF. ZANU-PF therefore was the biggest beneficiary due to its historical ties with the ANC and this was worsened by Thabo Mbeki's personal perceptions of the MDC. Mbeki therefore gave more weight to African solidarity than respect for good governance. The effect is that his credibility as mediator was compromised given his stated commitment to the African Renaissance project and good governance in Africa. Thabo Mbeki's eroded credibility also raised questions over the integrity of the entire SADC process. The previous point is instructive as Mbeki through his quiet diplomacy failed to enforce his own agenda of African Renaissance with regards to the Zimbabwe crisis, for example ignoring human rights violations in Zimbabwe contradicted his notion of a peaceful and inclusive African Renaissance. Arguably, the failure of quiet diplomacy was in Mbeki's futility of trying to persuade Mugabe to change in ways which according to some scholars such as (Masunungure 2008:51 and Anstey 2007:441) have drawn parallels with Chamberlain's appeasement strategy with Hitler. As the policy failed to change Mugabe, the conflict in Zimbabwe continued to degenerate and violence to escalate.

The research also argues that apart from his personal interests, South Africa as a country also stood to benefit from the crisis in Zimbabwe as demonstrated by the fact that South African trade and investment interests benefitted from the country's role as sole mediator in the Zimbabwe crisis. Thabo Mbeki therefore, seemingly, failed to rise above his interests in the Zimbabwe situation leading to questions over his sincerity in resolving the Zimbabwe political and economic crisis. The study concludes that the mediation was more of a containment exercise intended to create the impression that the Zimbabwe conflict was being attended to and thereby deflect Western criticism and probably ameliorate the sanctions.

It has been argued that had Thabo Mbeki used a more decisive and principled mediation approach, the conflict in Zimbabwe could have been resolved much earlier. While there

is some merit in Mbeki's concerns that more confrontational tactics would have worsened the Zimbabwe situation, which would have rebounded on Pretoria through mass influx of refugees, disrupted trade links and generalised chaos, the argument has been rendered baseless as the situation in Zimbabwe still deteriorated to the levels of a collapsed state with unprecedented levels of hyperinflation, unemployment and mass exodus of Zimbabweans that still had a rebound effect on South Africa. It therefore would have been prudent and morally courageous for Thabo Mbeki to intervene more assertively much earlier. The use of quiet diplomacy therefore exposed not only moral shortfalls in the conduct of conflict resolution as represented by both Thabo Mbeki's and SADC's silence over ZANU-PF's human rights abuses but also institutional and structural shortfalls prevailing in quiet diplomacy as a mediation tool. This suggests that Mbeki should have laced his quiet diplomacy with assertiveness to make it an effective means of managing the Zimbabwe crisis. With quiet diplomacy alone both SADC and Mbeki were powerless in the face of ZANU-PF intransigence, prevarication and an outright refusal to comply with the provisions of the GPA.

5.3 An Assessment of Thabo Mbeki's Contribution to Democratisation in Zimbabwe

Thabo Mbeki resolved the dispute that followed the 2008 election result in Zimbabwe by prescribing an exported version of the South African power sharing model. Thus the signing of the Global Political Agreement (GPA), a power-sharing deal amongst Zimbabwe's political elites which had no input from the electorate, paved the way for the formation of a Government of National Unity (GNU), which was presented and rationalised as the 'African solution to African problems' (Cheeseman and Tendi 2010:215) and yet widely discredited for being a flawed power-sharing agreement that failed to effectively resolve the conflict in Zimbabwe in a sustainable manner.

While GNUs have since 2007 emerged as a fashionable model for resolving disputed and indecisive elections in Africa, for example in Kenya and Cote'd Ivoire, they have far reaching implications for electoral democracy as they undermine the democratic value of

elections. The study argues that contrary to Mbeki's chief objective of resolving the governance crisis in Zimbabwe, through constitutional and security sector reform, which was undeniably at the heart of the crisis in the country, the process leading to the formation of the GNU was instead fraught and dominated with power struggles and bickering and debates over distribution of political spoils such as the ministerial and other public posts at the expense of national development. Heated disagreements amongst the political elites revolved around the allocation of the ministries considered powerful such as those of Defence, Home Affairs, Finance, Trade and Industry, Foreign Affairs, Agriculture and Information (Cheeseman and Tendi 2010:221). What followed was an asymmetrical distribution of power in favour of ZANU-PF which had managed to tilt the political balance in its favour by making unilateral appointments to public office with no input from the MDC formations.

ZANU-PF thus on numerous occasions violated the GPA from the time it was signed raising questions over its sincerity and commitment to the process. This research argues that as a result, there was no genuine power sharing, as the MDC was relegated to the position of junior partner in the Inclusive Government, in ways that replicated the 1987 ZANU-ZAPU Accord. This is demonstrated by the fact that Robert Mugabe continued to chair the cabinet which had executive authority, while Prime Minister Morgan Tsvangirai was to chair the powerless council of ministers. As these two centres of power were created in a shabby way, it was to result in discordant government resulting in political and policy gridlock. On the overall, the implications were that ZANU- PF's political hegemony was reproduced in a different guise which in other words guaranteed the party's political continuity and survival even after it had lost elections. This effectively meant that the party continued to have the power to shape and influence how the new Zimbabwean state would evolve. This was to later cause functionality problems for the Inclusive Government.

The research concludes that the GNU failed to facilitate Zimbabwe's transition to democratisation given that it was not engineered with structural changes as the primary motive. For Thabo Mbeki the immediate imperative was the short-term one of achieving peace and security. He was therefore narrowly focused on the signing of the GPA which

not only overlooked the need for genuine reform of the forces that animated the Zimbabwean conflict, such as the state institutions as well as constitutional and security sector reform but also lacked a clear roadmap in relation to the implementation modalities. Mbeki was therefore not able to change the structure of the conflict. The undeniable fact is that Zimbabwean politics was highly militarised with the security establishment also being highly politicised. Security sector reform was therefore central to addressing Zimbabwe's governance architecture and political culture. The posture of the security sector during the post-election crisis was decisive. Arguably, without addressing these structural issues, there seems to be no guarantee that the MDC-T leader Morgan Tsvangirai or any other person that might succeed Mugabe would not use the same provisions against their opponents. This gives credence to the assertion by some scholars (Cheeseman and Tendi 2010 and Bratton and Masunugure 2008) that the authoritarian nature of many post-colonial African regimes stemmed from the fact that leaders of these regimes have successfully campaigned for the departure of the colonialists, merely took over and maintained the same oppressive laws and procedures that the colonial administration had instituted in the country.

This research also concludes that Mbeki's failure to effectively resolve the conflict in Zimbabwe points to the fact that the conflict conditions were not ripe for resolution as demonstrated by the various motives of the parties to participate in the GNU. Arguably, ZANU-PF signed the GPA for international consumption given the increased regional and international pressure. The mediation was therefore not of interest to ZANU-PF which was from the start dismissive of the mediation initiative, the mediation only served to be of political convenience and partisan benefit. ZANU-PF also signed the GPA for tactical considerations as it gave the party the international legitimacy it had lost. However, beyond that, ZANU-PF did not perceive itself to be in a Mutually Hurting Stalemate (MHS) which is necessary for sincere commitment to the conflict resolution process and hence long term mediation success. Pressure from the Western sanctions was not sufficient to 'hurt' the party which had found an outlet through the Look East policy. Its participation in the mediation was therefore not sincere as demonstrated by its violation of the GPA and lack of commitment towards the implementation of the power-sharing deal. The GNU was therefore an interlude for the party to restrategise. Equally, the MDC also had its own

motives to agreeing to share power with ZANU-PF. The GPA presented an opportunity to the opposition's quest for full control of the state after the party's successive failure to dislodge ZANU-PF from power through the ballot box. To achieve this goal, the MDC tried to frustrate the mediation process with the hope of getting the UN involvement. As a result of these self-serving interests, the mediation was not focused on issues that were to bring real political change in Zimbabwe, in a way partisan political jostling overtook national interest.

This study also concludes that the transitional administration was an inclusive government in name only. In practice, ZANU-PF and the MDC exercised power separately within exclusive and often competing zones of authority. The parties to the GNU still remained worlds apart. This demonstrates that the power-sharing arrangement was merely a political marriage of convenience and an unhappy compromise for that matter. This is given credence by the fact that in the post-mediation environment political persecution also continued and Robert Mugabe continued to act unilaterally. This renders baseless the argument that GNUs are mechanisms that promote inclusive politics by diluting the bitterness inherent in competitive electoral politics (Bratton and Masunungure 2008).

5.4. Transient Benefits of the GNU

While the concluded position of this study is that post-election GNUs do not offer a durable socio-political order, it has been argued that they are indeed positive interventions for the short-term. Following the formation of the GNU, the conflict in Zimbabwe de-escalated on both political and economic fronts. The reign of terror which the state had unleashed on political opponents in the aftermath of the June 2008 presidential re-run election immediately abated. The GNU also rescued the economy from collapse with the most visible manifestation of economic recovery being the taming of the stratospheric hyperinflation, which in September 2008 was officially at 221 million percent. Many other dimensions of social life improved for example consumer goods re-appeared on shelves, schools and health centres reopened and basic infrastructure was restored. However, the dividends were more visible on the economic than the political front. This study argues

that beyond these islands of progress, the success and effectiveness of the GNU as a conflict resolution mechanism was largely confined to the immediate and short term, which gave the illusion of mediation success as there was a semblance of peace.

5.5 Recommendations of the Study

The following subsections of the chapter delineate the recommendations of the study that derive from the above observations, arguments and conclusions of the study.

5.5.1 Need for Structural Reform of Conflict

As discussed in Chapter Three and Chapter Four, it can be argued that the crisis that unfolded in Zimbabwe as viewed by some scholars (Ndlovu-Gastheni 2013:152) is rooted in the country's governance architecture; particularly Zimbabwe's stalled transition to democratisation. This is demonstrated by the continued prevalence and defensiveness of authoritarianism and the prolonged character of the political crisis. This suggests the need for genuine democratic reform which would ensure Zimbabwe's transition to a political culture that is more open, inclusive and democratic. This study strongly recommends that in future conflict resolution interventions, SADC should address the structural causes of conflict such as constitutional and security sector reform that were not attended to in the case of Zimbabwe. Structural reform is likely to ensure and guarantee sustainable post conflict reconstruction and development.

5.5.2 GNUs versus Electoral Democracy

This study concludes that GNUs as a response to disputed elections are a negation of electoral democracy as they are a subversion of the electoral will of the people. To note is that GNUs legitimise power grabs by those who abuse incumbency and who have the support of state organs. Further, negotiated governments pose the dilemma of whether political stability and peace should be prioritised over and above democracy. The study argues that GNUs should never be treated as 'African solutions to African problems'. This would suggest that elections and governments that reflect the electoral will of the people remain the first best solution. This study would in that sense recommend that in cases of

election disputes, regional organisations such as SADC should instead focus on dealing with the smooth transfer of power as this is the only way to guarantee the development of democracy on the continent. This is imperative in view of the discernible trend of increasing election disputes on the continent.

5.5.3 Track Two Actors for Effective Mediation

A key lesson emerging from the SADC backed mediation in Zimbabwe relates to the composition of actors in the mediation process. The process leading up to the formation of the new government and the very composition of that government excluded Track II actors who are non-state actors such as civil society organisations, academics and churches whose voices were severely curtailed. This suggests that instead of empowering such interest groups, post-election negotiated elite pacts tend to disempower them, empowering instead the political elites such as the Track I actors. The involvement of civil society is critical in that it is likely to legitimise regional processes of conflict resolution given that civil society organisations are important players who understand the structural basis of conflicts. The study would recommend that SADC mediators should include Track II actors in negotiations and other forms of political dialogue as they can influence the peace process. The study recognises that both tracks of negotiators may complement each other in the search of sustainable solutions to a conflict. However, at regional levels particularly at SADC, there has been a gaping hole as the conceptualisation of regional mediation initiatives remains state centred.

More scholarship is required to engage on the debate about concerns surrounding the exclusion of civil society from regional mediation frameworks. This is in recognition of the important policy space occupied by non-state actors in enhancing regional mediation capacity. This will help to move away from the state-centric and 'point man' regional approaches that have dominated SADC's conflict resolution interventions to more encompassing regional mediation architecture (Nyakudya 2013). As a supranational body, SADC can make the initiative to hold an all-stakeholders consultation between its member states and the various concerned non–state actors to map the way forward in coming up with broad based conflict resolution mechanisms that empower all the interest

groups. As this is anticipated to provide a more homegrown solution, it will also address the concerns of most African countries that are sensitive about their sovereignty.

5.5.4 Expansion of Mediation Teams in Cases of Mediator Partiality

As discussed in Chapter Four, SADC's approach in Zimbabwe relied on Thabo Mbeki as the regional body's 'point man' who was guided by his own ideological, domestic and international predilections. It can be argued that Thabo Mbeki's credibility as mediator was greatly undermined by his lack of impartiality given his biases against the MDC. This study therefore recommends the expansion of SADC mediation teams. This is likely to ensure more effective mediation as it will involve more players who work within a clear formal framework rather than reliance on 'point men' acting on personal whims or the whims of their individual countries.

5.6 Study Limitations

As discussed in Chapter Three, one of the variables of mediation success lies in the implementation of the peace agreement. It would therefore have been pertinent for the study to look at the implementation phase of the GPA in order to ascertain the success and effectiveness of Thabo Mbeki's mediation in a holistic manner; for instance the parties' commitment to the agreement. Admittedly, the study's focus was limited to the signing of the GPA with implications that this research did not subject the implementation phase to academic scrutiny and therefore the research gave a partial assessment of Thabo Mbeki's mediation in Zimbabwe. For a balanced assessment, future studies could consider looking at the GPA phase which ended with the holding of the 2013 harmonised elections; which also marked the end of South African mediation. Otherwise this study was limited in so far as it isolated its efforts to the process of the mediation and its immediate results and not the enduring results up to the next election.

Another limitation is the fact that there were no interviews, questionnaires or direct contact with the main disputants which would have given an insider and intimate perspective. This would have further enriched the research study.

5.7 Summary of the Study and Conclusion

This concluding section of the chapter provides a summation of the study. Chapter One introduced this study and provided the rationale behind the formulation of the research. The background and problem statement informing the investigation and discussion of the study were identified. The methodology used in the study was also stated and the research questions and study objectives were explained. Limitations encountered by this study were also identified and the chapter outline was given.

In Chapter Two, the study highlighted the limitations of the power based approaches such as realism, liberalism and constructivism as appropriate tools to analyse Thabo Mbeki's mediation approach to the Zimbabwean political conflict of 2008. William Zartman's Ripeness theory was therefore identified and elected as the best theoretical tool to analyse Thabo Mbeki's mediation approach in Zimbabwe as it has also been used to analyse previous mediation initiatives in Zimbabwe by other studies. The theory was also identified as best designed to analyse Thabo Mbeki's mediation as it also recognises the integral role played by both primary (disputing) and secondary (mediator) parties in conflict resolution.

Chapter Three of the study alluded to limitations of mediation in resolving the underlying issues to conflict. Implications of mediation success and effectiveness were also explored. It was recognised that the signing of a settlement agreement does not necessarily mean mediation success as this has to be accompanied by commitment from the parties involved. The chapter also discussed the potential of mediated agreements as sources of future conflicts. The chapter explored the flaws in the 1979 Lancaster House Settlement and the 1987 ZANU/ ZAPU Unity Accord and their contribution to the 2008 conflict in Zimbabwe.

Chapter Four demonstrated that the 2008 conflict was one of the many episodes of violence in Zimbabwe. The chapter situated the 2008 conflict in ZANU-PF's failure to democratise and hence the party's reliance on violence to maintain its grip on power. The chapter also illustrated that because of divisions in SADC, the regional bloc only reacted to the crisis in Zimbabwe in 2007, when it appointed South African President Thabo Mbeki

to mediate in the conflict. Thabo Mbeki's mediation was constrained by principles of state sovereignty, non-interference and African solidarity. These are presented as the reasons he settled for quiet diplomacy as the best mediation policy on Zimbabwe. The Thabo Mbeki, SADC backed mediation resolved the conflict surrounding the 2008 disputed election results through the formation of a Government of National Unity (GNU), which has widely been discredited for failing to resolve the conflict in Zimbabwe in a sustainable manner.

Chapter Five stated the main research findings and offered a few recommendations to SADC on the way forward with regards to regional mediation initiatives. Emphasis was laid on conflict resolution mechanisms that address structural causes of conflict such as the governance crisis in the case of Zimbabwe. Recommendations were also made on the need for the involvement of influential citizens as Track Two actors such as civic society organisations as a way of empowering them politically. The chapter also recommended the expansion of mediator teams to avert cases of mediator partiality. In the case of Thabo Mbeki and the Zimbabwean mediation, his ideological interests in the African Renaissance and Pan-African solidarity of liberation movements, and his partiality to South African national interests were observed by the study to have impinged on the mediation and its outcomes.

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