

A Critical Analysis of the 2008 Mediation in Zimbabwe: an Exploration of the Main Debates and Criticisms

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COMPULSORY DECLARATION

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Abstract:

Since independence in 1979 Zimbabwe has experienced periods of great conflict and instability. The chief explanation for this is the ruling party ZANU-PF's monopolistic attitude to rule. The party has historically quashed attempts at opposition, drawing its political legitimacy from its role in the liberation struggle. 2008 election results favouring the opposition lead to ZANU-PF inflicting violence, including retributive attacks on former ZANU-PF supporters. The SADC mandated an Mbeki-lead mediation following this violence. Mugabe accepted the mediation due to historically minimal criticism from Mbeki, yet had no intention to sincerely share power with opposition MDC factions. Even though ZANU-PF was in a legitimacy crisis it refused to cede power. This is clearly evident in the poor implementation of GPA and resuscitation of old problems as well as the development of new problems between the parties. The extent of the legitimacy crisis is an important issue here. Even though some critics laud the mediation as a landmark in the country's history and attribute it some success, the lack of respect for the agreement undermines these notions. The case highlights the difficulty for a mediator to bring positive peace, especially in the context of an historically one-party militarized state. It has further bearing on mediation in general when it shows how mediation success can only be judged in the long run, regarding parties' implementation of agreements. If power patterns remain the same post mediation, as they do in Zimbabwe, the mediation should be seen as a failure.

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1 Chapter 1: Introduction

1.1 Research Question

In July 2008 Thabo Mbeki, then president of South Africa, led a mediation in Zimbabwe between the long ruling party Zimbabwe African National Union Patriotic Front (ZANU-PF) and the opposition, the Movement for Democratic Change (MDC). The mediation concluded in September of that year with the signing of the Global Political Agreement (GPA).

The mediation was lauded by many as being a success largely because the agreement contained a power-sharing deal in the form of the Government of National Unity (GNU). Other observers disagreed, doubting ZANU-PF's commitment to implementing the agreement.

Strong debate exists on how to define mediation success and failure, in general and in the Zimbabwean case. Does the signing of an agreement, such as the GPA, mean mediation was successful? Does successful mediation mean parties respect the agreement? Do repeated power patterns after a mediation's resultant agreement mean failure? In relation to Zimbabwe's 2008 mediation, there are not many analyses of these questions. Did the power-sharing agreement not allow ZANU-PF to perpetuate its monopolistic approach to rule while at the same time silencing political pluralism and political freedom? The Zimbabwe experience of mediation is a good example of the ambiguity in defining mediation failure or success, as well as the dynamics of why a decision was made and its implementation.

This dissertation is a critical analysis of the 2008 mediation in Zimbabwe, with mediation scholarship framing the discussion. This means that the question framing the discussion is:

What are the main criticisms and debates of the 2008 mediation in Zimbabwe?

1.2 Research Format and Methodology

The critical analysis of Zimbabwe's mediation obviously involves a focus on a particular case and can thus be classified as a case study. Further, it is a case study intended to make a contribution to the scholarship about mediation. Arend Lijphart identifies six types of case study methods: atheoretical

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case studies; interpretative case studies; hypothesis-generating case studies; theory-confirming case studies; theory-infirming case studies and deviant case studies (1971: 691). He explains these are “ideal types,” meaning that in practice a case study “may fit more than one” category. Lijphart discusses the choice of a case study methodology being either “an interest in the case *per se* or because of an interest in theory-building” (1971: 691). This dissertation is an interpretative case study as it focuses on the Zimbabwe case and its interesting mediation outcome. Interpretative case studies revolve around “interest in the case” but do make us of “established theoretical propositions” (Lijphart, 1971: 692). They are explained as not focusing on theory-building as in theory-confirming and theory-infirming case studies. Discussion in this dissertation is framed by mediation scholarship. Even though it does not primarily seek to use theory in the way a theory-confirming or theory-infirming case study does, the interest in the Zimbabwe mediation and its outcome leads to discussions of the theory of success and failure in mediation, and potential improvements. Indeed, Lijphart states that even atheoretical case studies include some “theoretical notions,” with this dissertation including contribution to theory that is usually excluded in an interpretative case study (1971: 691). Both theory-confirming and theory-infirming case studies are “...analyses of singles cases within the framework of established generalizations” (1971: 692).

This case study choice clearly supports the dual aims of the dissertation. In addition to the primary aim of gaining greater understanding of the 2008 mediation there is a secondary aim of confirming or infirming aspects of the theory on mediation success and failure. Lijphart states an advantage of a single case study being that the case “can be intensively examined” (1971: 691). Doing this forms the foundation for a discussion on how best to define mediation success and failure. Primary and secondary literature will be used to support this methodological choice. This is to account for the drawbacks Lijphart describes as inherent to the case study process (1971: 693). Primary documents in the form of the GPA and memorandum of understanding (MOU) are explored and this is supported by a variety of secondary sources including academic perspectives and critiques as well as newspaper articles.

1.3 Literature Review

1.3.1 Zimbabwe in Crisis

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Different authors focus on different definitions and causes of the country's crises, yet there is implicit consensus on its historical causes (Raftopoulos, 2004 and Chiumba and Musemwa, 2012: xi). Chiumba and Musemwa highlight the role of land and property rights and their associated conflicts (also in IJR, 2010: 1). By the mid-1990s these conflicts amounted to "a profound economic and political crises" (Chiumba and Musemwa, 2012: ix). Mlambo and Raftopoulos term Zimbabwe's economy in 2007 having "...all the indicators of a country in severe distress" (2010: 2). The IJR term it "a crisis of governance" (2010: 0); whereas, Rupiya discusses a "protracted internal political crisis" (2012: 169). Raftopoulos and Eppel explore the mediation as a response to an "electoral crisis" (2008: 269). Chiumba and Musemwa also discuss the impact the crisis has on "ordinary people" (2012: xix) with Hammerstad partly terming it a "humanitarian crisis" (2012: 19). Mlambo and Raftopoulos discuss infrastructural problems alluding to this as part social crisis (2010: 2)

Following on from this, Chiumba and Musemwa criticize how the crisis is framed "in singular terms" stating "...it is plainly simplistic, if not reductionist, to view and characterise the political situation in Zimbabwe as a mono-crisis" (Chiumba and Musemwa, 2012: ix). There is indeed growing recognition of the multifaceted nature of the crisis. The IJR discuss "multiple crises" (2010: 9) while Chiumba and Musemwa aver "multidimensionality" when writing about the country's conflicts (2012: xix). Mlambo and Raftopoulos echo this, discussing "a complex multilayered and pervasive series of catastrophes" (2010: 1).

Even though described as an internal political crisis, the international community is termed a strong role player in the crisis, especially in Mugabe's fall back of colonial rhetoric (Mlambo and Raftopoulos, 2010: 3). The Economic Structural Adjustment Programmes (ESAP) enforced by the World Bank, for example, adversely affected the ordinary citizen's life in Zimbabwe (IJR, 2010: 9) leading to unemployment and de-industrialisation (Mlambo and Raftopoulos, 2010: 1). Later the international community enforced boycotts and sanctions on the country, turning Zimbabwe into a "pariah state" (Mlambo and Raftopoulos, 2010: 2).

ZANU-PF and the MDC understood the crisis differently (Mhango, 2012: 22). ZANU-PF used the liberation struggle, including the issues of land, to legitimate its claim to power, and used violence to gain support and subordinate people, "...disciplining any form of dissent" (Mhango, 2012: 15 and Raftopoulos and Eppel, 2008: 385). Despite ZANU-PF's violence the MDC gained electoral support which caused "... a sense of panic within the ruling party" (Mlambo and Raftopoulos, 2010: 1). The

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MDC, in contrast to ZANU-PF was “...constructed through a language of...postnationalist aspirations...” (Raftopoulos, 2011). Ndlovu-Gatsheni reinforces this,

A post-liberation political formation like the MDC–T, with its roots in civil society rather than in the liberation struggle, has had to contend with resilient pre and post-liberation subtexts of histories, memories and reconstruction of myths of solidarity within Southern African national-liberation movements (2011: 15-16).

1.3.2 Mediation in Zimbabwe

Broadly speaking, there is much discussion in the literature on the role of external factors yet this often focuses on the role of one agent or body. In his book, ‘The Politics of Negotiation: Opposition and Power Sharing in Zimbabwe’ Thys Hoekman focuses on not only national but regional and international factors to explain events and the form of the GPA (2012). The various regional and international actors are attributed much power regarding their influence on the mediation and its outcome.

SADC

SADC is reported to have supported ZANU-PF, among others by avoiding direct pressure on GPA implementation. This is described by Ndlovu-Gatsheni as Mugabe’s party claiming to be “victims of an imperialist onslaught” (2011: 14). Mlambo and Raftopoulos discuss the broader crisis showing SADC’s limitations in “dealing” with parties who operate against “democratic principles by resting their tenure on a liberation struggle and coercion.” (2010: 4). Yet SADC and the AU were seen to criticize the election result preceding the mediation, showing a decrease in continental support (Raftopoulos and Eppel, 2008: 376). Raftopoulos and Eppel claim this meant Mbeki’s role as mediator became very important for ZANU-PF (2008: 376). Yet many African countries are described as staying loyal to Mugabe and his party (Ndlovu-Gatsheni, 2011: 6).

A strong debate exists around the role of SADC. Raftopoulos raises as one of the challenges for the mediation being “...the impediments in implementing the regional body’s protocols on democratic accountability...”(2011). Raftopoulos and Eppel state that the mediation casts doubt on “SADC’s political capacity” (2008: 271). Ndlovu-Gatsheni discusses how Zimbabwe has been an important military player in the region and that questions of national security must be dealt with collectively

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(2011: 13). He also discusses this in combination with ZANU-PF's liberation history as the reason SADC has treated the party and its leader "with kid gloves" (2011: 13). This in turn influenced the shape of the mediation (Ndlovu-Gatsheni, 2011: 3). It is attested that "regional concern" was focused on "restoration of stability" rather than "regime change" (Ndlovu-Gatsheni, 2011: 15). There is also contention on regional action as the results of the 2008 mediation showed a "former liberation movement" defeated, with SADC countries mirroring Zimbabwe's process "...hav[ing] not made the transition fully from national liberation movements to political parties" (Ndlovu-Gatsheni, 2011: 16). Ancas reflects that a regional organisation's effectiveness turns on "political will" of member states as well as "whether enough political cohesion exists" (2011: 141). As has been seen in the above discussion of power-sharing, a clear debate exists on whether the unity government is the appropriate solution to such a crisis.

The dramatic rise in the popularity of unity governments is problematic because, to date, analysis of the conditions necessary for power-sharing to be effective, and the likely consequences if these conditions do not hold, has been largely superficial (Cheeseman and Tendi, 2010: 204)

Raftopoulos argues that ZANU-PF conducted a strategy to control the formation of the GPA "...under the cover of the regional body [of SADC]" (2011). The all-important liberation movement ties that secured ZANU-PF's power and support are contrasted with "the MDC's regional isolation.... The MDC...only succeeded in cultivating good relations with the West and the US." (Ndlovu-Gatsheni, 2011: 15). It is also argued that Mbeki feared the military would not support the MDC and that the MDC lacked the political 'know how' to run Zimbabwe and was "too close to the West" (Raftopoulos, 2011).

Mhango states that SADC's acceptance of South Africa's quiet diplomacy "...may be jeopardising its own commitment to peace and security..." (2012: 14). Quiet diplomacy, he argues, was at odds with SADC principles, highlighting "...the gaps that exist in SADC's peacemaking framework." (2012: 17). Ndlovu-Gatsheni quotes Mozambican legal scholar, Nkuubi James in his depiction of SADC as a "club of brother presidents' leading 'sister movements' who are prone to supporting rather than condemning each other" (2011: 7).

These critiques of SADC (in)action relates to the lack of pressure applied with the final mediation attempts. Ancas reflects, using Hammerstad (2005), that even though SADC has developed clear

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guidelines on “security cooperation and safeguards on democracy and human rights” there is a gap between this and its practice of action on “sovereignty and solidarity” (2011: 141). She explains that neither SADC nor South Africa have made “meaningful” attempts to alter the status quo in the country (Ancas, 2011: 145). The Institute for Democracy in Africa (IDASA) acknowledges the widespread “scepticism” of the mediation’s effectiveness, yet maintains that action of “the main local actors” (2008) shows the mediation process as rectifying instability (2008) (in Ancas, 2011: 145).

The AU

Rupiya discusses the AU’s role of “...seiz[ing] ownership” in placing the Zimbabwe crisis on the organisation’s agenda (2012: 169).

This then crowded out any other players with different interests and capacities and signalled to the parties in conflict that the AU was the convener, arbiter and final source of legitimacy for any political institutions that were to function in Zimbabwe. (Rupiya, 2012: 169).

The AU is reported to have approached the mediation with a clear solution “...developed through trial and error” (Rupiya, 2012: 178). Ancas highlights, though, that the AU avoided criticism of ZANU-PF (2011: 144-145). This, again, is implicitly compared with SADC’s response, with conflict resolution efforts limited by “the strong devotion to national sovereignty held by Africa’s leaders” (Ancas, 2011: 147). Related to this, the International Community is also criticized in its use of “megaphone diplomacy” (Mhango, 2012: 18). It is explained that as the louder criticism from the West is, the stronger African leaders become in their solidarity for the country and its leader (Abdul-Raheem 2005) (in Mhango, 2012: 17).

South Africa

Mhango criticizes the role of South Africa in the mediation process. South Africa structured the mediation in accordance with its national interest, with “competing interest between the mediator and the parties” causing mistrust and an uneasy settlement (2012: 23). Tensions within SADC are discussed as part of the reason for Mbeki’s mediation experiencing stagnation in July 2008, along with pressure from the international community, criticism from the ANC, MDC’s mistrust of the process and belligerence from ZANU-PF (Raftopoulos and Eppel, 2008: 375). Importantly, Mbeki is

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seen as having “ideological sympathies with former liberation movements” (Ndlovu-Gatsheni, 2011: 12). This exemplifies SADC’s policy attitude towards the country.

South Africa and Mbeki come under fire as does the quiet diplomacy policy utilized by Mbeki. Matyszak discusses how Mbeki historically “blocked criticism” against Zimbabwe as well as “deflect[ed] pressure for action on Zimbabwe” (2010: 2). “Mhango refers to Nathan’s (2010) work stating that Mbeki’s neutrality “...is held suspect” (in 2012: 22). Raftopoulos and Eppel write about how much needs to be done by Mbeki to show quiet diplomacy was a positive policy choice (2008: 269). Mhango writes about contention on this, referencing Lipton (2009), McKinley (2006), Graham (2006) and Adelman (2004) in the policy being “a necessary evil” for halting Zimbabwean conflict (2012: 15). Yet as a dominant force in the region South Africa is criticized for establishing its domination in such a manner. Mhango states that quiet diplomacy as a conflict resolution tool “...thrives on unclear and unverifiable goals” due to its private nature, by association “leading to informal commitment which does not necessarily bind either party” (2012: 19-20). Mbeki believed Zimbabwe’s problems should be solved, if not by ZANU-PF then with assistance from the AU and SADC and should not involve regime change. There was consensus with those in power that “...local ownership of a transitional process needs to take precedence over what local players often see as ‘readymade’ international solutions to the quest for peace in particular situations.” (IJR, 2010: 14).

Cheeseman and Tendi examine Mbeki leading SADC to apply a power-sharing model based on its use in Kenya, which meant Mbeki’s ‘quiet diplomacy’ was “effectively legitim[ized]” (2010: 204). Using the work of Prys (2008) and Graham (2006), Mhango argues that South Africa protected Zimbabwe “from public criticism in international organizations [through the] endorsement of questionable election results...” (2012: 16). African solidarity is seen too in Dlamini Zuma, former Foreign Minister of South Africa saying “...if your neighbour’s house is on fire, you do not slap the child who started it. You help them to put out the fire” (Graham in Mhango, 2012: 20).

Mhango highlights South Africa’s “strong resistance” to an “expanded mediation team” meaning the mediation lacked “normative congruence” (2012: 21). He further criticizes South Africa’s failed attempts in the past to bring Mugabe to mediation (2012: 21). Hammerstad explains the existence of “...a complex inter-relationship between foreign and immigration policy” with immigration concerns finally prompting regional action from South Africa (2012: 2). She continues stating the country’s historical reluctance to acknowledge Zimbabwe’s crisis, epitomized in their returning

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Zimbabwe immigrants to Beit Bridge border post (2012: 18). In terming 2008 “a watershed” for Zimbabwe and ANC Hammerstad is implicitly criticizing the country’s slow response to the crisis (2012: 18). Later she becomes more explicit in this criticism in terms of policy, stating

...South Africa’s current Zimbabwe policy reflects an uneasy compromise between domestic pressure and foreign policy aims. As argued by Jordaan, if made to choose, South Africa prefers stability over democracy and incumbents over opposition groups in its African foreign policy. (2012: 23)

1.3.3 The Question of Success

Cheeseman and Tendi criticize the power-sharing solution as representing the “politics of continuity” (2010: 203; 206). This means that power dynamics remained the same, with MDC in the victim role and ZANU-PF relying on military backing. They use a historical approach to assess and highlight the continued role of the military after the signing of the GPA and ZANU-PF’s refusal to accommodate MDC politically, stating “the more things change the more they stay the same.”(2010: 206).

Matyszak’s book title on this, ‘Law, Politics and Zimbabwe’s ‘Unity’ Government’ speaks directly to the failure of the mediation – achieving unity only in name (2010). He extends this in his titling his chapter on implementation of the GPA as ‘Losing Focus: Zimbabwe’s ‘Power-Sharing’ Agreement’ (2010: 66). Again, it is a power-sharing agreement in name only.

Mhango reflects on the GPA and states “the agreement has become a theatre of power politics for the ZANU-PF and MDC” (Mhango, 2012: 19). This also highlights Cheeseman and Tendi’s ‘politics of continuity’ discussed below. The content of the GPA receives a fair amount of criticism in the literature. Mhango highlights the agreement’s lack of attention on the path to the next election and the muted nature of how the political status quo reached through the GPA will transform to a stable democratic government (2012: 19). Mlambo and Raftopoulos further criticize the GPA’s weakness when it comes to the next elections (2010: 3). The ‘politics of continuity’ is echoed in their discussion, “ZANU-PF continues to control of the central levers of the military and security sectors and controls the ministries responsible for these forces.” (Mlambo and Raftopoulos, 2010: 3). Raftopoulos discusses the GPA’s structure, with the language of both ZANU-PF and MDC evidently existing at one with each other (2011). Ndlovu-Gatsheni conflates reasons for entering into the mediation with reasons for accepting the GPA (2011: 15). ZANU-PF is termed as biding time to reformulate a strategy against the “opposition, civil society and international community” after

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electoral defeat and truculence in leaving their long enjoyed position of power (Ndlovu-Gatsheni, 2011: 15). The MDC is described as accepting the GPA as the next best option after state power, which was not brought from electoral victory (Ndlovu-Gatsheni, 2011: 15). "...The fear of ongoing repression and the exhaustion of their supporters..." was further highlighted as a reason, as was realization of the importance of SADC engagement coming too late (Ndlovu-Gatsheni, 2011: 15).

Mhango describes the GPA as "a landmark contribution to mediation efforts" yet quotes Mlambo and Raftopoulos (2010: 10) terming it an "unhappy compromise" (2012: 19). Hammerstad alludes to something similar, terming the GPA "a typical creature of South African diplomacy" being "dominated" by ZANU-PF yet bringing an increase of social and economic stability (2012: 21). Comparing Zimbabwe's to Kenya's power-sharing deal, Cheeseman and Tendi find neither model provides conditions for "effective reform" stating a "unity government serves to postpone conflict, rather than to resolve it." (2010: 203). The "...combination of institutional and partisan veto players ensured that the power-sharing government was stillborn from the very start..." (Cheeseman and Tendi, 2010: 215).

The issue of the "politics of continuity" is a constant in the discussion of the mediation. Yet the scholars do not link continuity to the larger analytical question of failed or successful mediation. The implementation of the GPA is discussed but not in relation to the question of mediation success or failure. Cheeseman and Tendi's 'politics of continuity' is explained as being seen in the implementation rather than negotiation process, "...the impact of the different veto players..." being evident (2010: 215). The IJR criticize the delay between the signing of the agreement in 2008 and forming of the unity government in February the following year (2010: 12). Discussion of criticism regarding implementation focuses on ZANU-PF's dominance of the government – acting contrary to provisions in the GPA (Cheeseman and Tendi, 2010: 216) and monopoly of military forces (Raftopoulos, 2011). Another author who refers to the 'politics of continuity,' but in other works is Matyszak. He states, "Given Mbeki's support for Mugabe in the months and years preceding the signing of the agreement on 15 September 2008, it is not surprising that the agreement sought to restore Mugabe's legitimacy, left him in full control, and admits scant hope for the return of the rule of law and democracy in Zimbabwe" (2010: 15). This directly engages with the inequality of the power-sharing agreement and Mbeki's continued attitudes towards Mugabe and his party.

Continuing on this it is seen that Mugabe has gone so far as to acknowledge his lack of GPA implementation, seen in Ndlovu-Gatsheni's discussion that the EU and US sanctions were termed by

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Mugabe as reasons to “...justify his reluctance to implement the GPA” (2011: 14). Matyszsak discusses Mugabe’s hold on power after the election and into the mediation as having “...been retained through other juridical mechanisms, including distortions and violation of public order legislation, the Criminal Procedure and Evidence Act... and electoral regulation...” (2010: 64)

Raftopoulos explains how the MDC factions lacked “internal leverage” against Mugabe and his party and thus they did not hold much negotiating power in the terms of the MDC (2011). This is seen in the implementation of the agreement,

...the MDCs have on the one hand pushed for full implementation of the GPA, while on the other hand they have struggled to position themselves in a state whose structure is still largely shaped by the imperatives of ZANU-PF’s military-economic elite (Raftopoulos, 2011).

This is contrasted with ZANU-PF’s domination of the mediation (Mhango, 2012: 23). The MDC’s lack of political power makes them susceptible to domination from ZANU-PF and its military allies, especially the Joint Operation Command (JOC) – the body in control of the country’s state security (Cheeseman and Tendi, 2010: 214, 216).

Mlambo and Raftopoulos term the GPA allowing for the GNU as a “landmark contribution of the mediation efforts” (in Mhango, 2012: 19). The Institute for Justice and Reconciliation (IJR) term the agreement after stagnated talks “a cautious political breakthrough” and describe how the country’s crisis “...was to some extent abated” through the signing of the GPA (2010: 12, 4). Rupiya argues the agreement helped bring stability to the country (Rupiya, 2012: 170). Scholars thus disagree whether the mediation was a success.

1.4 Definitions

Mediation can take many forms and is broadly defined by Bercovitch (1992) and used in Bercovitch and Houston as 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 organization to change, affect or influence their perceptions or behaviours, without resorting to physical force, or invoking the authority of the law” (2000: 171)

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Mediation is “non-coercive” in nature (Beber 2008: 724; 2012: 400). It generally aims to improve the crisis situation and help decrease aggregate conflict fatalities (Dixon, 1996: 654-656; Beber, 2012: 398).

1.5 Chapter Outline

The following chapter presents a mediation framework with which to assess the mediation. It includes discussions of how the literature defines mediation success and failure as well as what factors are held to account for such outcomes. These factors include the conflict environment and parties involved; ripeness; the issues; and mediator and mediation style. Chapter three provides a background to the case, exploring important historical events and dynamics within the ruling party and its opposition (or lack thereof). The discussion includes the 2007 mediation, the conflict environment and parties involved; ripeness; the issues; and mediation. Chapter four explores the main debates and criticisms of the 2008 mediation, focusing on conflict environment, parties involved and ripeness. Chapter five explores the main debates and criticisms of the 2008 mediation, focusing on the issues and mediation. Chapter six provides the findings of this research, providing an account of the debates and criticisms of the mediation and how the mediation theory has been problematized.

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2 Chapter 2: Mediation – Success and What Creates It

How do scholars define failure and success in mediations? And what factors contribute to failure and success? The purpose of this chapter is to discuss these questions. The mediation scholarship discussed will guide the discussion of the mediation in the following chapters.

2.1 Mediation: Defining success and failure

Conflict is endemic to all facets of society and mediation an increasingly common response to conflict (Beardsley et al., 2006: 59). Indeed, Bercovitch et al. state that “...mediation is almost as common as conflict itself” (1992: 7). Yet there is not a clear theoretical answer as to what factors account for successful mediation or indeed how to define it. One reason is the myriad forms mediation can take. Kressel and Pruitt doubt “...whether a unified theoretical and empirical literature on mediation will ever be possible” (1985: 196)¹. William Simpkin describes such an effort as “an exercise in futility” (Bercovitch et al., 1992: 8). When such attempts are made results are often seen to be “oversimplified” in comparison to the complex practicalities of conflict situations (Kressel and Pruitt, 1985: 180). Kleiboer terms mediation success an “elusive notion” while Beardsley terms definitions of mediation success as “inconsistent” (2006: 360; 2008: 724).

Scholars clearly define successful mediation differently. First, intentions and outcomes should be kept in mind when assessing a mediation case study. Beardsley, for example, states that success is difficult to judge if one does not understand the mediation’s initial objectives (2010: 395). But in practice this is difficult because it involves determining whether the conflict has reached its final settlement, which Miall terms as reflecting “the real uncertainty in the conflict” (in Dixon, 2003: 657).

¹ Kleiboer also states that “we seem to lack a widely agreed upon Archimedean point for evaluating attempts at international mediation,” which can be extrapolated to apply to intrastate mediation (1996: 362).

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Second, an important difference is made between short term and long term mediation success. Beardsley cites Wilkenfeld et al.'s research that mediation increases the chance of a formal agreement – which in turn increases the likelihood of long term mediation success (2006: 67). In his paper on ripeness and international mediation Greig distinguishes between what he terms “short term and extended term” mediation success in his exploration of ripeness (2001: 691). Beardsley adds that when mediation is seen to have failed in the long term, this “...is not necessarily a failure of mediation per se, but a failure of the post mediation environment,” suggesting that increased mediation during non-conflict times might avoid this relapse (2008: 737-738).

Bercovitch et al. suggest that various “normative criteria” such as “greater fairness, efficiency, legitimacy, etc” can be used to judge mediation success (1992: 9). Fisher states a successful mediation outcome is “resolution,” which could take many forms (1972: 81). Bercovitch and Langley delineate the outcome variables as: “a cease fire,” “partial settlement,” “full settlement,” “unsuccessful” mediation and “offered only” (1993: 674; Bercovitch et al., 1992: 8). Effectiveness of the mediation is also judged in terms of “formal agreement, post-crisis tension reduction, and contribution to crisis abatement.” (Beardsley et al., 2006: 58). Beardsley et al.'s work discusses actor satisfaction as a potential judge of success yet they conclude it is insignificant for judging effectiveness (2006: 65). They deem effectiveness as a function of whether the mediation achieved its “expectations”, yet admit these are difficult to quantify (2010: 395). Touval places achievement of objectives, the decrease in conflict, and resolution stability as factors relevant for judging effectiveness, with effectiveness being a way to assess success (2003: 94). Dixon specifies criteria as the prevention of “escalatory transitions” and whether they produced “peaceful settlements,” which he describes as “any written or unwritten mutually agreeable arrangements between parties that at least temporarily resolve or remove from contention one or more, but not necessarily all, of the issues underlying the dispute” (Dixon, 2003: 654-655; 657). Indeed, it seems effectiveness can be at least partly judged by whether a settlement is reached, as Fearon (1995) and Powell (1999) assert - its alternative being “continued conflict” (Beardsley et al., 2006: 62).

Dixon's definition of ‘peaceful settlements’ asserts that mediation can be successful even if this is temporary relief from conflict, meaning short term mediation success. Yet Beardsley et al. state that short term mediation success can often be to the detriment of sustained peace, in that “...mediation can create artificial incentives that, as the mediator's influence wanes and the combatants' demands change, leave the actors with an agreement less durable than one that would have been achieved

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without mediation.” (2008: 737; 723). This shows mediation to have “competing short- and long-term effects” (Beardsley, 2008: 737; 723) with Bercovitch et al. affirming that short term mediation success is not always mirrored in long term success (1992: 9). Greig states something similar to Beardsley in that he claims factors that aid short term and long term success often differ (2001: 691). Pruitt et al. distinguish between short term and long term success with the former being that which is “observable at the time of mediation,” including the reaching of a settlement and actor satisfaction both during and immediately after mediation; whereas, the latter is to be judged after the mediation and includes whether actors were actively committed to the agreement and “the absence of new problems between them” (1993: 314).

Bercovitch et al.’s “normative criteria” of fairness and legitimacy can only be tested in the long run, thus full mediation success can only be judged in the longer term (1992: 9). Beardsley et al.’s defining effectiveness as whether mediation achieves its “expectations” can also only be judged in the long run. Despite the differences about the long and short term, there is consensus that mediation success is to be judged by the mediation’s *outcomes* (Kleiboer, 1996: 361), which goes beyond the signing of an agreement.

2.2 Factors Affecting Failure and Success

Scholars and practitioners disagree on what variables account for successful mediation. Kleiboer assesses the literature and states “[n]ot surprisingly, no golden formulas for achieving mediation success have been found” (1996: 374). This is echoed by O’Kane when he discusses “the real dangers of a ‘one size fits all’ approach to conflict resolution,” (2006: 268).

Explanations of failure and success are usually case-dependent, requiring a nuanced understanding of one context. Sawyer and Guetzkow speak of a contingency approach (1965), which has been further developed by Druckman (1977), Bercovitch et al. (1992), Bercovitch and Langley (1993), Bercovitch and Houston (2000) as well as by Kleiboer (1996). The contingency model postulates that mediation success is a function of contextual and process variables. “The framework developed takes account of the individual influences of personal, role, situational, goal, interactional, and outcome variables... and their interactive effects within the context, process, and outcome of conflict management” (Bercovitch and Houston, 2000: 172). It classes three stages of conflict management, namely the “antecedent” or “contextual dimensions” which are understood to shape

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the mediation strategy and decisions of the parties; the “current” stages which include the mediator’s qualities and the “consequent” stages which are “past interactions of experiences the parties have had with mediation” (Bercovitch and Houston, 2000: 172). Bercovitch et al. apply the contingency model to understanding mediation, and they class the contextual variables as “(a) the nature of the dispute, (b) the nature of the parties, and (c) the nature of the mediator” including mediator strategy in process variables (Bercovitch and Langley, 1993: 672). Kressel and Pruitt claim that comprehension of mediation behaviour will only occur when researchers use the contingency model (1985: 194).

Many factors can appear in the contingency model. Bercovitch and Houston add “party alignment,” “mediator’s relationship with parties,” “mediation environment” and “expected mediation duration” to the list of contextual factors (2000: 193). Kleiboer adds the factors “the dispute,” “the contending parties and their relationships,” “the mediator,” and “the international context” (Kleiboer, 1996: 361). Bercovitch and Langley add “...fatalities, complexity, nature of the issue, and duration of dispute” are relevant for outcomes (1993: 670). On defining mediation failure Muench (1960) adds “ineffective communication, mutual distrust, and differing perceptions of the same issues” (in Fisher, 1972: 69). Fearon (1995) and Powell (2004) emphasize “problems of information barriers and credible commitment” exacerbated by time inconsistency as the causes of mediation failure (in Beardsley, 2008: 725). Beardsley et al. place violence levels and the degree of it being a protracted conflict, as well as the international system’s polarity as bringing mediation failure (2006: 73).

In the contingency approach, however, four factors stand out:

2.2.1 Conflict Environment and Parties

In the contingency approach scholars insist the *context* can affect the mediation and outcome (Bercovitch and Houston, 2000: 176). Touval refers to Bercovitch’s (1997) and Touval and Zartman’s studies (2001) on the role the “political environment” can have on mediation (2003: 91). Wood and Bell assert that research in conflict resolution is done partly to explain which variables affect choices of conflict resolution strategy (2008: 126). They claim answering this question is partly done by assessing the literature on the role of actors’ personalities, showing the parties and their character as an important variable influencing mediation outcome. Yet Bercovitch and Houston state it is

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difficult to apply a cognitive-psychological assessment of data as is done with other factors (2000: 178).

Commitment to the process on part of the parties is considered vital for successful mediation, relating to the time inconsistency problem discussed by Beardsley, which explains that “artificial incentives” mean parties will not comply with the agreement in the long run (Kressel and Pruitt, 1985: 186; Beardsley, 2008: 723). Yet this is clearly difficult to judge. Indeed Zartman states that sometimes a party’s involvement in mediations is nothing more than superficial commitment, what he terms a “tactical interlude,” relating to the difficulty in judging sincerity on part of actors involved in mediation (2001: 9). Robert Gurr alludes to something similar, continuing his discussion of how conflict resolution initiatives are not “uniformly effective,” saying that

Internationally brokered settlements and the atmospherics of cease-fires, 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 (2000: xiv).

Zartman further emphasizes that parties have “an interest in winning” and that the mediation will only be successful if it produces a “favourable outcome” (1996: 282). Brown and Shraub discuss something similar stating that parties need to have an “interest” in solving the conflict at mediation and that the way parties perceive their interests may differ from “perceived interest” (1992: 239).

Fisher emphasizes communication and an increase in “positive attitudes” as important for successful mediation (1972: 69). This is also discussed in Bercovitch and Houston, who claim that parties who have similar social and political backgrounds hold more positive perceptions of each other (2000: 179). This is also mentioned in Kressel and Pruitt, who explain the intuitive idea that if parties have a bad relationship there is less chance of mediation success (1985: 185). They state that the higher the degree of “commonality,” the lesser the need for third party involvement (2000: 179).

Cohesiveness of parties, “their motivation to mediate,” their interrelationship and the power parity among them are also seen as important for mediation success (Kleiboer, 1996: 364). Power parity – with one-party holding greater power than the other - is discussed as a factor that could have a strong sway over mediation outcome (Bercovitch and Houston, 2000: 180; Bercovitch et al., 1992: 10; Kressel and Pruitt, 1985: 187; Greig, 2005: 252). Bercovitch terms this as logical, with smaller power differentials allowing for a greater chance for successful mediation (1992: 10). Motivations, interests and commitments are discussed as the key factors in the contexts of mediation.

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2.2.2 Ripeness

In explanations of successful mediation, Zartman's ripeness theory is essential (Schrodt, Yilmaz, and Gerner, 2003: 15). His theory has been applied to many cases and is often used when explaining mediation outcome (Zartman, 2001: 10)²

A common theme in the success of mediation turns on the *timing* of the intervention, with Regan and Stam stating the importance of mediation not occurring in an "ad hoc manner" (Regan and Stam, 2000: 253). Zartman's ripeness theory and its emphasis on timing of initiatives is intuitively attractive and has been applied to both intra and interstate mediation efforts (Amer, 2004 and 2007; O'Kane, 2006). Zartman states that rather than only the content of agreements reached through mediation, it is the timing of mediation that is equally important for successful mediation (2001: 8). Ripeness is a perceptual event in which the parties see themselves in mutually hurting stalemate (MHS) "...optimally associated with an impending, past or recently avoided catastrophe" (Zartman, 2001: 8). Although he states that the presence of a catastrophe is not pivotal to the definition or existence of ripeness, Zartman rationalizes that parties in this situation might seek a 'way out' of the crisis (2001: 8), a second necessary component of the perceptual event, an element emphasized by Carnevale and Pruitt (1992) (in Bercovitch and Houston, 2000: 178). This is often when unilateral policy options are no longer available and bilateral solutions become available.

In his seminal work 'Ripe for Resolution,' Zartman describes the situation in Zimbabwe between Joshua Nkomo, Robert Mugabe and Ian Smith as a precipice, "sinking deeper and deeper" into catastrophe (1985: 233). Stephan Stedman later applied ripeness to understanding Zimbabwe's negotiated settlement (1991). At a ripe moment, staying in the MHS would bring more pain than relief thus parties are motivated to seek a solution. He explains, "Parties resolve their conflict only when they are ready to do so – when alternative, usually unilateral means of achieving a satisfactory result are blocked..." (Zartman, 2001: 8). Ripeness is further explained by a shift in power dynamics or the "slipping trends" as "...the proper moment for mediation occurs when the upper hand starts slipping and the underdog starts rising" (1985: 236). The perception of the way out acts as a 'pull' force while that of MHS acts as a 'push' allowing for the creation of a ripe moment. Ripeness is

² But it has been recorded that successful mediation is possible without a ripe moment as Zartman defines it (Amer, 2004, 2007).

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assessed by looking at both vertical and horizontal dimensions of the crisis, with the former being the “intensity” or “escalation” while the latter is its alternatives or “policy tracks” (1985: 231)

Zartman originally included the element of parties having a valid spokesperson, fulfilling the role of “indicat[ing]” whether parties perceive a way out and notifying parties involved in a “change of judgment” - the latter being vital for ripeness signifying the perception of a MHS (Zartman, 2001: 2). In later publications he termed this a “structural element” of secondary importance, referring to the work of Stedman and Lieberfeld (Zartman, 2001: 10-11). He emphasizes that ripeness is a necessary yet insufficient condition for mediation success, thus providing conceptual and theoretical space for consideration of other variables. On identification of ripe moments, Zartman states “conceptually, the moment stands out, but in reality it is buried in the rubble of events” (Zartman, 1985: 236-237). Indeed, he explains how often it is the work of the mediator to induce a ripeness saying “...they then have the difficult task of bringing the parties to recognize that the time has come” (1985: 237). This places much responsibility at the hands of the mediator, in their helping the parties to perceive the ripeness. This is especially so as the existence of a ripe moment is a necessary but insufficient factor for mediation success. Zartman expands on this saying “Moments, when ripe, do not fall into one’s hands; they have to be taken with skill” (Zartman, 1985: 237).

The notion of ripeness has been applied in many cases and the literature presents a number of variations on the theory. Stedman emphasizes the internal dynamics of parties, something he says is excluded from Zartman’s original notion (1991). Zartman states Stedman’s refinements have been the most important to the theory (2001: 10). For Stedman, a paramount factor in ripeness is the military element of the party perceiving the MHS. He adds that not all of the party needs to perceive the MHS (1991: 238). Stedman is writing on the premise that the “... usefulness of ripeness as a theoretical and practical tool depends on the clarity of its indicators” thus his reformulation of the theory (Stedman, 1991: 240). This means that ripeness does not hold much use in conflict resolution if its presence is not evident at the time. Mark Anstey (2007) argues against ripeness in the context of the 2007 mediation in Zimbabwe, writing pre mediation, showing an attempt to use it predictively. Using the conflict in Northern Ireland, Dean Pruitt focuses on the psychological aspects of ripeness, discussing the importance of trust for successful mediations and presenting readiness theory as a reformulation of ripeness (2007: 1534). The amendments include that readiness theory “...uses the language of variables rather than necessary states and focuses on the thinking within a single party rather than on the joint thinking of both parties to a conflict” (Pruitt, 2007:

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1525). Readiness relates to the highest powers or leaders and "...fosters conciliatory behaviour," which relies on the presence of "motivation" and "optimism" (Pruitt, 2007: 1525)

Elements of ripeness theory are evident in much of the literature on mediation, with Beardsley et al. purporting the necessity for "a sufficiently large joint bargaining space and a small amount of expected utility from violent conflict" (2006: 81). This utility parallels Zartman's assertion that parties must perceive themselves to be in a costly situation (2001: 8). Greig puts forward something similar suggesting that, "[c]onflict stalemate factors are factors that promote successful mediation and, by extension, could promote the occurrence of mediation" as well as referring to Mitchell's (1995) emphasis on the role that "costs" of the conflict play in mediation (2005: 256). The costs of continuing the conflict must be greater than the cost of mediation (Greig, 2005: 251). The role of timing in mediation is also present in literature not directly related to ripeness theory though. Regan and Stam (2000) assert that successful mediation is most likely to occur near the start of a conflict (in Northedge and Donelan, 1971: 309). Bercovitch echoes this stating, "The timing of a mediation intervention is of the highest importance ... once violence begins, it is likely too late." (Regan and Stam, 2000: 240).

2.2.3 Issues

It is intuitively attractive to assume the issues of the conflict have a large sway over whether the mediation is successful (Kressel and Pruitt, 1989; Bercovitch and Langley, 1993: 675). Yet Bercovitch et al. state that the literature is often unclear on this, discussing the contention over which issues are most suitable for successful mediation (1992: 11; Bercovitch and Langley, 1993: 676). Mediation is used in particular when issues of the conflict are "complex" and "drawn out" and "neither side is prepared to countenance further costs or escalation of the dispute" (Bercovitch et al., 1992: 8). An awareness and understanding of a conflict's history is clearly important in order to appropriately assess mediation, in that "[i]ssues in conflict refer to the underlying causes of a dispute" (Bercovitch et al., 1992: 14). Issues can be classed as "territory," "ideology," "security," "independence," "resources," and "other" (Bercovitch and Langley, 1993: 677). Aubert (1963) introduces the distinction of tangible and intangible issues, with the former being "concrete" and measurable and the latter involving perceptions and questions of "image, legitimacy and presentation" (in Bercovitch and Langley, 1993: 677). The intensity of the issues is also termed a variable for mediation success; the greater the intensity of the conflict the less likely the mediation will be successful (Bercovitch,

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1991: 23; Kleiboer, 1996: 362). Bercovitch and Langley discuss how the definition of 'intensity' in such discussions does not have clear meaning, leading to "...considerable difficulty in operationalizing dispute intensity" (1993: 675). This can possibly account for the disagreement on the matter of intensity, as Kleiboer cites Jackson (1953) and Young (1967; 1968) claiming that that the greater the conflict intensity the greater the chance of the mediation being accepted by the parties and being successful (1996: 364). Kressel and Pruitt (1989) define conflict intensity as "...explained by a number of factors such as the severity of prior conflict, the level of hostilities, the number of fatalities, the level of anger and intensity of feeling, the types of issues at stake, and the strength of the parties' negative perceptions" (in Bercovitch and Houston, 2000: 177).

Closely related to dispute intensity is that of its duration. There is relative consensus that with increased conflict duration, comes decreasing chances of successful mediation although Bercovitch et al. state that "there does seem to be a minimum amount of time necessary before mediation is successful" (1992: 13) what Regan and Stam term a "middle point in a conflict" (2000: 239). This refers back to the appropriate timing of intervention being a potential factor in mediation success or failure.

2.2.4 Mediator and Mediation Style

The process of mediation features prominently in the contingency model, especially that of the mediator and their style:

There is much debate on which style of mediation brings the most successful outcomes. Elangovan explains that mediation strategy is an important variable to consider when judging mediation outcome (in Bercovitch and Houston, 2000: 171), and Beardsley et al. claim that the mediation style has a strong impact on the "strategic bargaining environment" (2006: 58). This relates to the above discussion of the importance of mediation environment. The three main styles are facilitation or communication, formulation and manipulation. Brown and Shraub term the first as "completely procedurall" and a "passive" role facilitating information exchange (1992: 252). This approach is also explained as the mediator seeing the conflict as a breakdown of communication and thus the mediator's primary task is to communicate (Zartman, 1996: 279). Formulation sees the mediator take "a more substantive role" (Zartman, 1996: 280) in negotiations, this includes "...suggest[ing] solutions to...disputes" (Brown and Shraub, 1992: 253). Manipulation furthers involvement to "the

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maximum degree...making itself a part of the solution" (Brown and Shraub, 1992: 253). It sees the mediation exerting great power in order to produce an outcome (Brown and Shraub, 1992: 253)

Beardsley et al. find that manipulation, used by mediators to "...increase both the immediate costs of continuing conflict and the future costs of renegeing on an agreement" as the most successful style for formal agreements and decrease in the crisis, while facilitation which sees the mediator act primarily as 'communicator' is best at reducing tension (2006: 64, 58). They conclude that a combination of formulation, facilitation and manipulation brings most success in mediation (Beardsley et al., 2006: 81). This is paralleled in Gurr's book 'Peoples versus States: Minorities at Risk in the New Century,' in which he states that the strategies "favoured by Western states and international organizations are not uniformly effective" (2000: xiv). This means a variety of approaches are necessary to solve a conflict, which calls to O'Kane's (2006) discussion, referenced above, of the dangers of a 'one-size fits all' approach.

Kleiboer states that the literature attests to three important factors for the mediator being (im)partiality, status and leverage (1996: 368). Regarding leverage, Zartman asserts that the mediator can "highlight" the objective referents "...when they are not immediately recognized by the party itself" thus helping to alter parties' perceptions (2001: 9). Kleiboer claims that "...the higher the mediator's status, the greater the chances of success" citing Low's (1985) exploration of the Lancaster House negotiations in Zimbabwe being sustained due to the high status of third party involvement (1996: 373). Adding to Kleiboer's criteria, Bercovitch and Houston discuss how success is more likely when the third party is an experienced mediator, citing Carnevale and Pegnetter (1985) and Kochan and Kick (1978) (2000: 184). Greig refers to Zubek et al.'s (1992) conclusion that builds on the experience factor, stating that chances of success will increase with the establishment of "rapport" between the mediator and parties (2005: 255). Regan and Stam also find this, and link the ability to develop this rapport with the same mediator being used throughout the process, connoting mediator familiarity as a possible success factor (2000: 239). The importance of support activities are emphasized by Beardsley and Fisher's exploration of the literature (2008: 728; 1972: 87). Touval and Zartman place the compliance to agreement at the hand of the mediator rather than the parties, something that Beardsley et al. term "sustained enforcement" (2006: 82; Beardsley, 2008: 737). Zartman explains this stating how the mediator "...may be needed to...watch over the final outcome..." (Zartman, 1996: 279).

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The mediator's role thus continues past the de facto end of the mediation. Indeed, Gurr states this regarding ethnic conflict, "Failure of outside parties to provide sustained political and material resources in post conflict situations all but guarantee the eventual renewal of conflict" (2000: xv). This can be understood as long term failure partly attributable to a lack of mediator presence post mediation:

Left again to their own instincts, the parties may well fall out of their mediated settlement.... For this reason, although the mediator is often tempted to start a process and then slip away as it develops its own momentum, the mediator may in fact be required to be more involved in the regional structure of relations after a mediation effort than before (Brown and Shraub, 1992: 259)

Traditional conceptions of mediation entail "*neutrality, voluntary, concessions, and impartiality*" (Bercovitch and Houston, 2000: 174). The role of mediator bias is much discussed, with conclusions varying on the effect this can have on mediation outcome. Although, it is not clear in many cases whether lack of bias relates to "...intention, consequence, or appearance (Kriesberg 1982)" (Kleiboer, 1996: 369). Kleiboer cites many authors who champion the role mediator impartiality plays in mediation success (Jackson 1952, 125-9; Young 1967, 81; Northedge and Donelan 1971, 299; Assefa 1987, 22; Miall 1992, 62; Hume 1994) in its causality with parties' faith in the mediator and subsequent acceptance of him (1996: 369).

Yet Bercovitch et al. refer to Zartman and Touval (1985) and Brookmire and Sistrunk (1980) who term mediators' possession of *resources* as more important than a lack of bias (1992: 14). Brown and Shraub refer to mediation occurring within the "context of power politics" thus affecting the mediator's motives (1992: 243). They further explain that mediator's motives are of "self-interest"; only intervening when "a conflict threatens their interests..." (1992: 250).

2.3 Summary

A multitude of factors can influence mediation outcomes, usually defined as being outcomes over the longer term period. Here we focus on: the conflict environment and parties; ripeness; the intensity and duration of issues; and the mediator and mediation style

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3 Chapter 3: The Zimbabwe Context

3.1 Introduction

In order to adequately assess the mediation in 2008 it is vital to identify elements of the country's political history that had an impact on the 2008-events. These are: the inheritance of a repressive state; the liberation struggle's legacy; the need of and limitations to socio-economic reform; one-party domination by ZANU-PF until 1999; and the international tolerance of ZANU-PF's behaviour in power. These elements are crucial to understanding what Galtung (1969) would describe as structural and direct violence. Finally, events surrounding the 2007 mediation and its outcome are discussed.

3.2 Zimbabwe Before 2007

3.2.1 Inheriting and Maintaining a Repressive State

Bratton and Musunungure state that "ZANU-PF's staying power hinges upon a destructive mix of ideology, patronage, and violence" (2008: 41-42). The country's history bears testament to this. After 1989 state violence was a regular occurrence. In the mid-1980s *Gukurahundi* ('the spring rain that washes away the chaff') in Matabeleland involved the Zimbabwe African National Union (ZANU) killing of some 50 000 civilians and Zimbabwe African People's Union (ZAPU) dissidents (Chitiyo, 2009). *Gukurahundi* ended in 1987 with the signing of a unity agreement. Mahmoud Mamdani (2009: 6) describes this agreement as 'reconciliation' as although the parties merged to form ZANU-PF, it remained de facto ZANU, with ZANU-PF leaders being distrustful of any unrest hiding a ZAPU agenda. The unity agreement in effect eradicated the opposition, giving ZANU-PF the monopoly on leadership. ZAPU leader Joshua Nkomo accepted "a toothless vice-presidency" (Meredith in Anstey, 2007: 422) in the agreement, allowing for "single-party rule" in Zimbabwe (Cheeseman and Tendi, 2010: 10).

Many of the laws and practices used by the Mugabe regime are rooted in the Rhodesian regime. One example is the Public Order Security Act (POSA) which enables silencing, arrest and beating of the opposition and gives police great power (ICG, 2007: 3). ZANU-PF enforced POSA and Access to Information and Protection of Privacy Act (AIPPA) in 2001, acts which are described by the Crisis in

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Zimbabwe Coalition as “...aimed at suffocating civil liberties among them freedom of expression and association” (2009: 4). ZANU-PF also inherited the Rhodesian regime’s key security body, the Joint Operations Command (JOC). It was made up of heads of the ministries of defence, armed forces, police, prisons, CIO and Reserve Bank. The JOC thus links not only all the armed services but also economic, political and military power.

2005 saw the imposition of Operation *Murambatsvina* (‘drive out urban rubbish’), engineered by the JOC which involved a series of “urban clean-up operations” (Anstey, 2007: 418) displacing 700 000 urban Zimbabweans (ICG, 2007: i). The Operation had a punitive quality, attacking urban communities which housed most of the opposition MDC’s support thus weakening their political challenge and ensuring ZANU-PF and its supporters held the majority of resources (Sokwanele, 2005). Being a card carrying ZANU-PF member became the only guarantee of some safety.

Many observers see Robert Mugabe as the key protagonist behind the country’s post 2000 crisis (for example, ICG, 2007: 11). His executive presidency meant he became head of the defence force with the power to “declare martial law” increasing the power of the military and assuring him political support (Anstey, 2007: 421). He kept his supporters “indebted” to him, for example long-time ally Gideon Gono and his position on the JOC and role as Reserve Bank governor (ICG, 2007: 8). This shows the importance of his patronage networks, keeping the military close and relying on historical stakeholders of the country’s conflict. Throughout the country’s crisis Mugabe was “rarely criticised publicly” (ICG, 2007: 14).

3.2.2 The Liberation Struggle’s Legacy

The liberation struggle forms an important background with which to understand Zimbabwe’s crisis and political turmoil. ZANU-PF believes that it is the party who has the ‘right to rule’ and that there are no legitimate challenges to this. Any opposition threat to this right is met with criticism and, often, violence: “Whenever necessary, party propaganda portrays the country’s situation as a permanent *chimurenga* (‘armed struggle’) and vilifies organized political opposition as a treasonous attempt to restore the colonial status quo ante.” (Bratton and Masunungure, 2008: 43). All general elections in Zimbabwe have shown varying degrees of “violence and intimidation,” explained by Kriger as a “recurrent strategy” (2005: 2).

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Post-1980 patronage politics among ZANU-PF, war veterans and the military reinforces the liberation struggle-legacy. Kriger describes elections post-independence explaining how ZANU-PF leaders have consistently used patronage benefits to state workers as leverage to get votes (Kriger, 2005: 23). Patronage partly explains why, despite “the brutish character of the Mugabe regime” the party still had “sufficient popular support” to carry on its political strategy (Anstey, 2007: 428).

ZANU-PF has provided compensation to war veterans (first in 1997) and the Central Intelligence Organisation (CIO) funded subsequent war veteran missions (e.g. the seizure of white-owned farms). This means that strong support was secured from war veterans (Cheeseman and Tendi, 2010: 6). Historically they have provided muscle for the party’s violence tactic “...reiterate[ing] [their] commitment to ZANU-PF on the eve of every national election.” (Cheeseman and Tendi, 2010: 12). This was in part aided by the party’s use of food and safety as leverage (ICG, 2007: 4 and Mutusi, 2011: 4-5).

Bratton and Munungure state:

... politicians govern principally by the methods that they first used to ascend to power. ZANU-PF’s formative years were spent as a national-liberation movement dedicated to overthrowing a white-settler government by force of arms. (2008: 42).

The JOC viewed their role as one of protecting the country’s sovereignty due to their military intervention in independence and subsequent support for Mugabe (Chiwenga in Cheeseman and Tendi, 2010: 12). The lack of generational change in the party means the same players were involved in the party’s conflict episodes from independence on. This strengthens the party’s view of their historical legitimacy, as these players are a constant reminder of the liberation struggle. The importance of the party’s liberation history is seen in military leaders’ assertion that they would only support a leader with “liberation credentials” which excluded Tsvangirai and his trade unionist background, seen in the Svinashe quote above (ICG, 2007: 6-7).

Bratton and Munungure explain the complementary and simultaneous politicization and militarization of the military and state respectively (2008: 48). The militarization of the state is an important factor to consider when analysing the country. Cheeseman and Tendi define militarisation in Zimbabwe as “...the incremental appointment of retired and serving military leaders

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to key state institutions and to positions within ZANU-PF, resulting in an increasingly blurred distinction between ZANU-PF, the military, and the state” (2010: 11). Senior military figures were involved in the struggle for independence (ICG, 2007: 6). Examples include Zimbabwe Electoral Commission (ZEC) chairman, George Chiweshe, retired Brigadier General; the JOC’s Mwangagwa who played a key role in *Gukurahundi* later becoming minister for rural housing and Commanders Solomon Mujuru, Josiah Tungamirai and Vitalis Zvinvashe of ZANU-PF’s politburo. Military officials are often given jobs in government (Ploch, 2010: 34). The position of military members in committees “...supervis[ing] cabinet ministers and senior government officials” meant the military and by association the JOC had a wide influence in political rule (ICG, 2007: 7). ZANU-PF’s monopoly on the use of force and coercion was strengthened by its alignment with the JOC, e.g. the CIO “flush[ed] out” police and army employees who supported the opposition (Phimister and Raftopoulos, 2007: 574).

ZANU-PF treated the MDC with “intolerance,” rooted in independence victory (Bratton and Masunungure, 2008: 43). Mugabe attempted to gain the moral upper hand by drawing on the country’s past by playing the ‘colonialism card,’ using “patriotic history” to gather a priori party support (Cheeseman and Tendi, 2010: 4). On MDC’s formation Mugabe attempted to undermine the party by describing them as “...a creation of white settlers (Nugent in Anstey, 2007: 425). The ‘state’ is vital to ensure ZANU-PF’s power, thus the party has historically termed any opposition as those seeking to undermine Zimbabwe’s postcolonial statehood – a response also used to defend the party’s use of violence. This is seen throughout Mugabe’s rule, e.g. at a 1985 election rally Mugabe presented this, “‘If you vote for Zapu, you are voting to support dissidents. Zapu will lose, and then where will you be?’” (Kriger, 2005: 9-10).

3.2.3 One-party Domination and Its Erosion

Anstey terms post-1980 Zimbabwe a “pseudo-democracy”, meaning “...there is an opposition but the system is shaped such that a governing party can never lose power” (2007: 419). After the events in Matabeleland in the 1980s and the signing of the Unity Agreement, it is clear that ZANU-PF was pushing even more for a one-party state. In 1988 Mugabe stated on ZCTU, the ostensible roots of the later formed MDC, “We do not want to see a situation where the ZCTU becomes a political party” (Kagoro, 2003: 17). The party’s (structural and direct) violence tactic is clearly evident through

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the course of the 1980s and beyond. Indeed, Anstey suggests that Mugabe won the 1980 election because of the electorate's knowledge of his military prowess and adept use of violence, a pattern that continued with the party's rule (2007: 419).

The opposition in Zimbabwe slowly emerged in the 1990s. The MDC developed out of the Zimbabwe Congress of Trade Unions (ZCTU), which was formed in 1981, and the National Constitutional Assembly (NCA), formed in 1997. The NCA, comprised of civil society - NGOs, CSOs and youth and women's groups, was vocal about poor governance and constitutional reform yet quite clearly had no military power to serve as a challenge to ZANU-PF (Dzinesa, 2012: 2). Tsvangirai was NCA's National Taskforce chairman and head of ZCTU showing his having some familiarity with the opposition movement. Many of those involved in the NCA took up positions in MDC (Sithole, 2001: 164). Kagoro criticizes the NCA and its members in the MDC, "[m]any of its leaders came to be there because of the sense of urgency among the supporters to remove Mugabe..." (2003: 24). This is partly to account for the opposition's inability to change the status quo in the country - seen in light of the MDC's formation in light of inflation and unemployment plaguing the country (Ploch, 2010: i). 2000 saw the rise of the MDC, with their challenge and victory against ZANU-PF's bid for constitutional change via a referendum. Mugabe endeavoured to extend his term of office. Even though the party possessed "very little infrastructure" (Meredith in Anstey, 2007: 419), it was the first serious challenge after 19 years of unchallenged rule to Mugabe's one-party state (ICG, 2000: 2). The same year as MDC's victory against the referendum saw the enforcement of Operation *Tsuro* in March, a strategized use of violence on the part of the military for political gains (ICG, 2007: 6). 2000 also saw the reaction to the slow pace of land reform in the form of a series of violent invasions on farms (Ploch, 2010: 1). ZCTU arranged a general strike against the government in June 2001, showing their affiliation with the opposition over ZANU-PF.

With the increasing crisis in Zimbabwe, even civil servants who used to support the government started openly identifying with ZCTU (Mamdani, 2009: 6). Even though a civil society was forming - indeed, some civil society action took place outside Zimbabwe, e.g. In Johannesburg 2003 a symposium was held titled 'Civil Society and Justice in Zimbabwe' that sought to address "human rights abuses" in Zimbabwe (Raftopoulos and Eppel, 2008: 3) - it was not large enough to form a substantial enough challenge to force change within the incumbent. In addition to a weak civil

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society, the military stayed loyal to ZANU-PF and thus assured the incumbent's rule. Commander Svinashe's stated in January 2002,

[the military] will only stand in support of those political leaders that will pursue Zimbabwean values, traditions and beliefs for which thousands of lives were lost in the pursuit of Zimbabwe's hard won independence, sovereignty, territorial integrity and national interests (Cheeseman and Tendi, 2010: 11-12)³

The MDC's electoral success so soon after the inception of the party shows much of the electorate's dissatisfaction with ZANU-PF rule. Yet the party lacks the political skill to challenge Mugabe and his party. This is evident in Tsvangirai's near victory in 2002 elections, results reportedly fraught with rigging. In response to this Tsvangirai turned to the west – specifically Blair's Britain instead of seeking affiliation with the military. This shows the strong role the west had in furthering the divide between ZANU-PF and MDC. Further illustration of MDC's political weakness is their inadequate response to Operation *Murambatsvina* (ICG, 2007: 8). Later tension within the party and the subsequent splits is a further example of this lack of political skill.

In 2005 the MDC criticized the elections as fraudulent, yet little was changed – showing their attempt for change as ineffectual. The election period saw the emergence of ZANU-PF's Anti-Blair campaign which referred to racial land distribution and emphasized "Keeping our Zimbabwe" (Bracking, 2005: 350,351). Opposition threats to ZANU-PF were met with "party propaganda [that] portrays the country's situation as a permanent *chimurenga* ('armed struggle') and vilifies organized political opposition as a treasonous attempt to restore the colonial status quo ante." (Bratton and Masunungure, 2008: 43).

3.2.4 Constraints to Socio-Economic Reform.

Constraints to Zimbabwe's socio-economic reform date back to the end of the liberation war. Zimbabwe's liberation war concluded in 1979 through the British-led mediation under Lord

³ This notion also motivated Zimbabwe to exit the Commonwealth in 2003, due to the Commonwealth's decision to extend sanctions.

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Carrington, and the signing of the Lancaster House agreement. The Lancaster House agreement committed Britain to fund land reforms. Although regarded by Stedman (1991) and others to have been a successful mediation, the long term success regarding land provisions can be questioned. Mamdani explains “The inadequacy of the Lancaster House provisions for the decolonisation of land ensured that it remained the focus of politics in independent Zimbabwe.” (2009: 4). Property rights were given to white Zimbabweans delaying conflict rather than solving the land issue. When the sunset clauses expired, land was used by ZANU-PF to establish dominion, with white and urban Zimbabweans (the opposition support base) falling victim to various land policies.

Land has played a pivotal role in the Zimbabwe crisis (Cheeseman and Tendi, 2010: 6). Cheeseman and Tendi summarize the transition from ‘willing buyer willing seller’ of the 1980s to the state’s compulsory purchase power of the 2000s,

State policy changed from one that acted against illegal farm settlers (then referred to as ‘squatters’) in the 1980s, to one that actively encouraged and was complicit in the violent seizure of white-owned commercial farms in 2000 (Cheeseman and Tendi, 2010: 6).

Scoones (2008) researched the process and outcome of land reform, stating the policy was marked by elements of “coercion” and “corruption” (Mamdani, 2009: 7). ‘Fast-track’ land reforms continued past the deadline into 2003, degrading the rule of law (Mamdani, 2009: 7). The state’s compulsory purchasing power lead to many policy casualties, including the urban poor who, from 2000, were providing an increasingly large support base for the opposition (Mamdani, 2009: 8). The Crisis in Zimbabwe Coalition term the 2000 land reform as signifying the decline of the judiciary system with Mugabe purging the judiciary of those who did not support the policy (2009: 10). This is echoed by Hammer et al. (2003) and Raftopoulos and Savage (2005) who concur that land reform saw “...the centralised use of political violence” (in Cheeseman and Tendi, 2010: 6).

ZANU-PF rule saw the displacement of hundreds of thousands due to land based policies (Eppel and Raftopoulos, 2009: 10). Operation *Murambatsvina* in 2005 was a continued exercise of land as a political strategy in the forced relocation of many urban residents. This further stagnated socio-economic development for many Zimbabweans. Some commentators explain this use of violence as “...a political move aimed at preventing mass protests over the growing economic crisis or at punishing the reputed urban support base of the MDC” (Ploch, 2010: 23). Bracking describes

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Operation *Murambatsvina* as “wanton, symbolic and punitive” exemplifying ZANU-PF’s strategies to rule the country and its people (2005” 342).

3.2.5 International Support of ZANU-PF’s Governance

Despite regular state violence, the first ten years of independence had ZANU-PF praised by many observers and scholars:

For many years after independence in 1980, Mugabe was the western world's African darling. They feted him, showered him with honorary degrees, fed his ego with awards and his coffers with bilateral aid. (Mbanga, 2010)

During the 1980s, many market-focused ESAPs were adopted in Zimbabwe. With a few years of ESAPs the Zimbabwe economy was taking strain and for all intents and purposes imploded in 1995: Mbeki saying that “By late 2000, the country was in the midst of a serious economic crisis” (New Agenda, 2001: 25). Poor political decisions lead to the continual reprinting of money which exacerbated the financial crisis yet did mean that “...the president’s patronage network” was funded (ICG, 2007: 8). Mupunga and Van de Meer term Zimbabwe’s crisis as affecting the political, economic and social spheres of the country, “One of Africa’s brightest hopes.... Now it is regarded as a basket case” (2004: 1).

The economic situation of the country worsened with Zimbabwe’s entrance into the Congo war in 1998. (Kriger in Cheeseman and Tendi, 2010: 7). Involvement in the DRC was not welcomed by the West, resulting in the British review of arms sales and halting of land reform funding (Mamdani, 2009: 10). Sanctions re-enforced ZANU-PF and in particular Mugabe’s attitude towards the west, which in turn, cemented the party’s perception of their patriotic rule and role in the independence struggle. Mamdani terms sanctions as unproductive due to their “normative language,” referring to specific events like Zimbabwe’s involvement in the DRC war and land reform initiatives, rather than “good governance” (2009: 10). The lives of “ordinary people” were affected rather than the few officials intended, according to Gono (Mamdani, 2009: 11). McKinley wrote on Zimbabwe in 2003 how food and fuel were “...unaffordable for anyone but the elite (2006: 95). In 2004 ZANU-PF halted UN food aid and later aid from other donors (in 2002) through the Private Voluntary Organizations

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(PVO) Act, which placed restrictions on NGOs' use of food as a "political tool" (Kagoro, 2003: 23). This was in the face of a humanitarian crisis that saw approximately 4.8 million Zimbabweans needing assistance (Ploch, 2010: 28). Control of food distribution became both a form of structural and symbolic violence, emphasizing the party's hold on the country.

The IMF ceased funding in 2000, declaring Zimbabwe "ineligible to use the general resources of the IMF" (Mamdani, 2009: 10) to which Mugabe predictably responded by saying "If you follow the IMF you will not go anywhere" They will always prescribe for you..." This echoes the party's tactical postcolonial rhetoric (Phimister and Raftopoulos, 2007: 575).

Western and UN parties were critical of episodes such as *Murambatsvina* and violent land reform initiatives. Britain halted funding and, along with the USA, turned their funding to opposition movements, including the MDC (Ploch, 2010: 23). The 2002 election events prompted limited sanctions from EU, USA, Britain and Australia, including travel bans and asset freezing on certain ZANU-PF officials. These sanctions were intended to put pressure on government to lift "repressive laws" (POSA, etc.) (ICG, 2007: 16). Sanctions were not applied universally – inconsistencies included Gono being on the USA but not EU sanction list. Biles says such international efforts were predominantly "symbolic" and unproductive (2007). The targeted donor boycott caused a decrease in aggregate production and ZANU-PF continued to win parliamentary elections (Mamdani, 2009: 10-11).⁴

3.2.6 Summary

Zimbabwe's recent history reveals a country developing overlapping political, social and economic crises. Taken together, they can be described as structural and direct violence.

3.3 Mediation in Zimbabwe 2007

3.3.1 Introduction

⁴ Western sanctions contrast with the Non-aligned Movement's summit position in support of Mugabe in 2003 (McKinley, 2006: 87).

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In 2007, Zimbabwe was near “total collapse” (ICG, 2007: 1). The Save Zimbabwe Campaign was formed in August 2006 to postpone elections in the country and showed an albeit shaky emerging solidarity against the incumbent regime (ICG, 2007: 10). Responding to the growing crisis in Zimbabwe, MDC factions, churches and civil society organization (CSOs) planned the Save Zimbabwe Campaign prayer meeting to take place in Highfield on 11 March 2007.

The subsequent attack, torture and arrest of those in attendance sparked international attention (The Age, 2007). 100 activists were arrested including Tsvangirai who was beaten (Phimister and Raftopoulos, 2007: 575-576). In hospital recovering, Tsvangirai said

It just shows the extent to which this brutal regime is trying to protect its power. For the struggle, I think it's an inspiration to everyone. There is no freedom without struggle, and there is no freedom without sacrifice (Phimister and Raftopoulos, 2007: 576)

It was the attention to the country after International circulation of photos of these events that prompted the SADC-mandated mediation. The USA, Britain, Canada, Australia and New Zealand as well as the, the UN and EU publicly condemned the attacks (Phimister and Raftopoulos, 2007: 576). Western media criticized the portrayal of the MDC as arbiter of the violence, with Condoleeza Rice stating “The world community again has been shown that the regime of Robert Mugabe is ruthless and repressive and creates only suffering for the people of Zimbabwe” (Phimister and Raftopoulos, 2007: 576). Yet Anstey terms the international community as lacking “...a concerted strategy for external pressure on the Mugabe regime” especially in light of his stating the USA was sending out “mixed messages” (2007: 431-432). There is much *rhetoric* but this is not accompanied with a planned strategy. Anstey maintains that Western pressure may be counter-productive: “The vigorous support by the West [for the MDC] has perhaps ensured wider African support for Mugabe despite concerns over his actions” (2007: 432). Additionally, foreign investment and aid was still keeping the country afloat in 2007 (ICG, 2007: 9).

SADC responded but their statements after the 2007 SADC summit meeting were not encouraging. The meeting included Zimbabwe on an agenda of safety and stability in the region along with the DRC and Lesotho. The mediation was only mandated at the end of the summit; seemingly ‘ad hoc’ in nature, Phimister and Raftopoulos describing it as an “afterthought” (2007: 578). Additionally, there was little confrontation on an “exit package” for Mugabe (Phimister and Raftopoulos, 2007: 578) and

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mediation details, like timeline and human rights inflictions, were not discussed (Human Rights Watch, 2007). Mugabe termed the 2007 SADC summit an “excellent meeting” saying that he did not perceive criticism (Phimister and Raftopoulos, 2007: 579).⁵ He not only blamed the MDC for the violence but said Tsvangirai “deserved to be assaulted” (Phimister and Raftopoulos, 2007: 578).

Phimister and Raftopoulos describe the run up to the mediation as showing “growing regional embarrassment over Mugabe's authoritarian violence...” (2007: 573). The mediation is seen as SADC ‘pushing’ Mugabe to accept the process, with Phimister and Raftopoulos explaining it as “...a process that the Zimbabwean leader cannot easily refuse if he is to maintain the integrity and support of the region” (2007: 579). Chairman of the AU, Ghana’s President John Kufor termed the violence preceding the mediation “very embarrassing” (Ploch, 2010: 10). Yet there was no *real* pressure for sincere mediation commitment from the region.

The subsequent mediation involved ZANU-PF and the two MDC factions, MDC-T lead by Morgan Tsvangirai and the smaller MDC-M, led by Arthur Mutambara. Objectives included bilateral decision making on the 2008 presidential election and the creation of a political climate allowing for the result to “...be representative of the will of Zimbabwean voters” (Solidarity Peace Trust, 2010). Anstey emphasizes Mbeki’s role as to ‘normalize’ the political environment, which included the right of political affiliation and public protest (2007: 437). The violence tactic was used throughout the mediation, for example the arrest and beating of some 200 NCA activists protesting the Constitutional Amendment bill in July 2007 (Human Rights Watch, 2007). Anstey describes Mugabe’s behaviour *during* the mediation as “dismissive” (2007: 436). Mugabe responded to the mediation stalemate in January by unilaterally setting the March 2008 election date, January 2008 (Solidarity Peace trust, 2010).

The mediation clearly did little to improve relations between ZANU-PF and MDC. It saw the first meeting between Mugabe and Tsvangirai for ten years yet this did not ease the tension. The mediation was both a short term and long term failure due to the lack of progress made regarding the objectives (e.g. constitutional reform). The election violence of 2008 shows how the mediation did little if anything regarding crisis abatement. Additionally, the ICG report how the JOC tried to “derail” the mediation as they claimed it intended a regime change (2007: 15). Tsvangirai’s rhetoric that “unity of purpose” is far superior to “unity for the sake of it” reflected his intention to hold a

⁵ The USA criticized SADC nations’ lack of pressure on Mugabe regarding the mediation (The Age, 2007).

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moral high ground (ICG, 2007: 9). MDC-T is stated as agreeing to the mediation as it is the only way to attain power (Dzinesa and Zambara, 2011: 64). There were no options available to Tsvangirai in place of accepting the mediation. Indeed, the mediation served as no exception to MDC's lack of political strength – with the party unable to put pressure on ZANU-PF. It is clear that the MDC-M was forced into the mediation as it was "...an opportunity to retain its political relevance" (Dzinesa and Zambara, 2011: 64). MDC-M's inclusion in the mediation affirmed its political status and its separation from MDC-T, possibly furthering the divide - especially given Mutambara's willingness to make more concessions for Mugabe than Tsvangirai was. This emphasizes the minimal political threat MDC played for ZANU-PF.

Unsurprisingly, the mediation was unsuccessful.

3.3.2 Conflict Environment and Parties

As a whole, the conflict environment in 2007 can be described as the violence of a state/government against their own citizens. The political terrain included: the reliance on violence as a political tool; military support for the incumbent party; support from the continent; tension between the West and ZANU-PF; increasing support for the opposition from the international community; and continually sour relationships between ZANU-PF and MDC.

State Violence

State violence continued throughout the 2000s. One example is the response of people to the discovery of diamonds in the Chiadzwa region in 2006. People flocked to the area seeking wealth but the political and military elite saw this as a threat to control and wealth warranting the use of violence, hence Operation *Chikorokoza Chapera* ('Illegal Mining is Over') (ICG, 2007: 4). Forced removals, house burnings and the arrest of some 27 000 people followed. ZANU-PF and military officials were benefiting economically, while the population struggled.

After the Save Zimbabwe Prayer Campaign, a three month ban was set on public demonstrations and rallies. In February, police crushed Tsvangirai's presidential campaign as well as MDC-M's Defiance Campaign. 2007 also saw the arrest and torture of Independent newspaper *The Standard's*

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editor and journalist for exposing corruption in the political elite. This signifies the party's violent response to challenges and criticism (Anstey, 2007: 425).

Parties

In 2000, after 19 years of unchallenged rule, ZANU-PF did not get two thirds majority necessary to enable constitutional amendments: this "...marked the beginning of the end of the ruling party's hegemony" (Sithole , 2001: 160). But ZANU-PF did not perceive itself to be in a crisis of legitimacy, believing it had a right to rule.

ZANU-PF's violence had an interesting effect on the MDC; it

...revitalised a divided opposition which for some time past had been going nowhere. They had driven Tsvangirai and Mutambara together, if only for the moment, and they had left the MDC in undisputed possession of the moral high ground" (Phimister and Raftopoulos, 2007: 576).

The MDC's reliance on the West, however, was problematic. South Africa's Zwelinzima Vavi states in 2004:

Any person who is critical of their awful human rights track record is casually labelled an agent of Blair or Western interests... anyone critical of their policies that have resulted in record unemployment and hunger is seen to be working with the enemies of Zimbabwe (McKinley, 2006: 87)

In 2007 the ICG reported the opposition parties agreed mainly on removing Mugabe: it was "...a rare rallying point that cuts across partisan affiliations, and ethnic and regional identities" (2007: i). A patchwork of opposition groups attacked each other in the media (Ploch, 2010: 9), undermining their collective efficacy. The brief solidarity between the MDC groups after the violence of the prayer campaign is described by Phimister and Raftopoulos as "only for the moment" (2007: 576). Mutambara and his allies did not support Tsvangirai's management of the party, while Tsvangirai was distrustful of the Mutambara faction thus causing "friction" between the leaders, halting possibilities of growing in strength (ICG, 2007: 9). Anstey refers to the "internally divided" nature of the MDC as an obstacle to party success (2007: 427).

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3.3.3 Ripeness

Tolerance of Costs

2007 did not involve a ripe moment. ZANU-PF still held "...a de facto political monopoly" (Bratton and Masunungure, 2008: 45). The ban on political meetings (in 2007) did suggest the regime was to an extent "panicking" in the face of rising opposition (Phimister and Raftopoulos, 2007: 574) but because they had a "right to rule in perpetuity", ZANU-PF were prepared to tolerate very high costs" (Bratton and Masunungure, 2008: 42).

A factor to consider regarding the party perception of costs was increasing divisions within ZANU-PF. At the December 2006 party conference ZANU-PF was split into three factions⁶ who wanted different things. Yet neither Solomon Mujuru nor Emmerson Mnangagwa, both contenders for presidential candidacy and leaders of the two new factions, were successful at the conference. Mugabe's relationship with the JOC and support from the military gave him security. Additionally, Mugabe retained the support of Security Minister Didymus Mutasa and long-time ally Gideon Gono.

The failed referendum was also a source of division for ZANU-PF. Mnangagwa supported the election's harmonisation but not Mugabe's term extension (ICG, 2007: 5-6). Mugabe had been distrustful of Mnangagwa after Mnangagwa attempted to gain the role of vice presidency "against Mugabe's will" (ICG, 2007: 6). Despite this, Mugabe favoured Mnangagwa over the Mujuru threat. Vice president Joyce Mujuru and her husband Solomon Mujuru formed the other dissident faction. The Mujurus had been aligned with Mugabe but were "...no longer enjoying Mugabe's favour" (Phimister and Raftopoulos, 2007: 574). The Mujuru and Mnangagwa factions initially requested Mugabe retire in 2008. Yet these affiliations were capricious: Mnangagwa initially sided with Mugabe against Joyce Mujuru's succession yet later attempted a deal with the Mujurus (ICG, 2007: 7). This weakened the challenge to Mugabe.

Tolerance of Economic Costs

⁶ This is the so-called Goromonzi Rebellion, a ZANU-PF member of the Mujuru faction stating "We need to change course. We need a new man" (ICG, 2007: 5)

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Despite pressure from the economic crisis and factional divisions, ZANU-PF members were still benefitting financially, for example the president's wife Grace Mugabe's "real estate and farming interests" and his nephews Leo Mugabe and Patrick Zhuwao's stakes in telecommunications and construction were testament to this (ICG, 2007: 9).

The 'Look East' policy was Mugabe's response to Zimbabwe's economic woes (Ploch, 2010: 34). Eastern trading options lessened the severity of economic pressure facing the country. China, for example, engaged without conditions involving human rights and accountability (Ploch, 2010: 41). Zimbabwe's platinum as well as the potential in the technological industry in Zimbabwe has been a major draw card for China. Iran is a further eastern source providing assistance, having committed to aid following Mugabe's 2006 Tehran visit. Iran's President Mahmoud Ahmadinejad showed solidarity against the West, stating "We condemn the efforts and pressure put on Zimbabwe by a few bully nations" (Musengeyi, 2006). He further enforced this "We envisage no limitations in the scope of our bilateral co-operation. This is equally true with our political relations" (Musengeyi, 2006).

Losing Friends?

ZANU-PF lost few African friends over its governance. SADC, for example, was relatively silent regarding election violence (Bracking, 2005: 348).

SADC called for Britain to act on Lancaster House land provisions and for sanctions to be dropped (International Relations and Cooperation Department, 2007). This shows greater pressure from SADC being put on western states than Zimbabwe. Despite some private calls for pressure to be placed on Mugabe within SADC (ICG, 2007: i), the chairperson, Zambia's Levy Mwanawasa, claimed Zimbabwe's problems were "exaggerated" (Human Rights Watch, 2007).

In early 2007 Zimbabwe was elected as Vice Chair on Common Market for Eastern and Southern Africa (Comesa) of which SADC is a trade bloc. Mugabe stated, "These developments vividly demonstrate the confidence of our African partners in our country despite the hype and gloom peddled by our Western detractors and their allies." (Anstey, 2007: 431).

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Most African leaders have supported Mugabe or at least abstained from being critical of his regime. Tanzanian president, Jakaya Kikwete was in solidarity with Mugabe against the West, having been quoted as visiting him in March “as a brother and an ally” (Phimister and Raftopoulos, 2007: 577). Angola’s Minister of the Interior reiterated such bonds, drawing on the history of the war for independence (Phimister and Raftopoulos, 2007: 577). Ghanaian president, John Kufor, was alone in his criticism of Zimbabwe, terming it an “embarrassment” in March 2007 (Phimister and Raftopoulos, 2007: 577). Indeed, there was little solidarity against Mugabe in the continent throughout the country’s crises. The AU summit in Egypt in 2007 saw little resolution regarding how to deal with Zimbabwe’s crisis despite the Pan-African Parliament concluding elections were neither free nor fair (Ploch, 2010: 35). Continental inaction entrenched ZANU-PF’s perception that they were in the right position and did not need to change their political strategy in their country.

3.3.4 Issues

Both Anstey (2007: 431) and Cheeseman and Tendi describe much of the crisis in 2000 onward as ideologically based, the latter claiming “ideas mattered” (2010: 11). This echoes Aubert’s (1963) classification of “intangible” issues that can cause conflict (Bercovitch and Langley, 1993: 677). Raftopoulos (2004) explains a hallmark of the country’s crisis as being

...a selective rendition of the liberation history deployed as an ideological policing agent in the public debate...Mugabe has not only defined the national project around a selective reading of nationalist history and an exclusivist construction of the nation, he has also sought to ensure that this message resonates in other black struggles both regionally and internationally (in McKinley, 2006: 87)

The liberation struggle played a paramount role in shaping ZANU-PF’s approach to political legitimacy: that is, the right to rule. There are countless examples of this approach. Throughout elections opposition parties were seen as “enemies” determined to bring down the state, on behalf of whites and the west (Kriger, 2005: 31). In March 2007 Mugabe described the MDC as being funded by Britain, “...you want to rule this country on behalf of Blair...As long as I am alive that will never happen” (McGreal, 2007). Mugabe also declared any opposition in trade unions or NGOs as “servants of the old white ruling class” (Mamdani, 2009: 8).

Further, Mugabe’s leadership and executive Presidency since 1987 meant he did not feel he could pass on his position to anyone (Phimister and Raftopoulos, 2007: 580). Kagoro agrees, explaining

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how the problem is rooted in “...the failure of liberation movements (ZAPU and ZANU-PF) to transform themselves into democratic governments and concomitantly the failure to deliver on the independence promise of freedom” (2003: 8).

The existence of an opposition challenges one-party domination. The relative success of the MDC was part of ZANU-PF's legitimacy crisis. Kagoro states on ZANU-PF's failed constitutional amendment, “It was as if the whole nation got a sense of the possibility that ZANU-PF was not, after all, invincible.” (2003: 21). ZANU-PF has always sought to show their opposition as “illegitimate” (Kriger, 2005: 1). Just as ZANU-PF continued their strategy so did the MDC. It is seen as having some power in Mugabe's 2006 failure to extend his presidency until 2010 and merge presidential and parliamentary elections.

Although ZANU-PF would not agree with the description of a legitimacy crisis in Zimbabwe, the major perceptions and interests at play in the country clearly relate to political legitimacy (Bracking, 2005: 346).

3.3.5 Mediator and Mediator Style

If so many African leaders and organisations supported the Mugabe regime, why did SADC decide on mediation in 2007?

It may well be that by President Mugabe presented SADC with a dossier on MDC violence, claiming the MDC was presenting itself as a victim of violence in order for the MDC's Western backers to place the problem on the agenda of the UN Security Council (Phimister and Raftopoulos, 2007: 578). SADC then tried to “deflect western criticism” by mandating mediation (Anstey, 2007: 440). The mediation was “the only show in town” and the actual SADC-pressure was minimal (Ashurst, 2010).

South Africa's leading role in the mediation involved little risk for ZANU-PF. South Africa followed a policy of “quiet diplomacy”, which usually amounted to support for ZANU-PF. In 2000, for example, South Africa provided a R300m economic ‘rescue package’ (McKinley, 2006: 89-90).⁷ Under Mbeki quiet diplomacy involved open support for Mugabe. Mbeki's stated he was committed to Zimbabwe

⁷ McKinley explains this as one of the reasons Mugabe was victorious in 2000 elections, even though challenged by the newly formed MDC (2006: 91).

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solving its own problems, “Zimbabwe can, and must win!” (New Agenda, 2001: 36). The Mbeki-Mugabe letters prove that Mbeki supported Mugabe’s party, his terming it “the party of the revolution” (New Agenda, 2001: 36). The letters also implicitly support ZANU-PF’s rhetoric about the white monopoly as “the oppressor” of wealth in Zimbabwe (New Agenda, 2001: 13). Mbeki termed South African criticism of Zimbabwe’s 2000 elections as “...continue[d] racial prejudice” and defended Mugabe after the 2002 elections against the “...white world[’s] ...stubborn and arrogant mind-set” that seeks to dominate and dictate action (McKinley, 2006: 92; 93).

Mbeki’s South Africa required ZANU-PF to retain power. MDC was an “...unknown and potentially unfriendly political force...” (McKinley, 2006: 91). The 2002 elections were said to be legitimate but not free and fair. Mbeki stated in 2005 that he had “no reason to think that anyone in Zimbabwe will militate in a way so that the elections will not be free and fair” (Ploch, 2010: 43).

For its part, ZANU-PF showed its hand when Mugabe’s unilaterally set an election date for March 2008, completely contradicting the spirit of mediation.

3.4 Conclusion

This chapter provides a backdrop to the events of the 2008 mediation. It is clear that until 2008 ZANU-PF did not perceive it necessary to change their political strategy: their costs were simply not high enough. Along with tolerable costs, ZANU-PF believed it had a right to rule. The opposition was not strong enough at this historical juncture to force a change in the incumbent’s politics. The MDC’s increasing factionalism in the post 2000 crisis meant that their political strength was weakened and the only challenge they gave ZANU-PF was in their electoral victories.

ZANU-PF did not perceive itself to be in a legitimacy crisis. The issue of legitimacy is based in Zimbabwe’s history. ZANU-PF’s use of direct and violence ensured the party’s reign over the country. With the mediator’s bias toward the Mugabe regime, ZANU-PF could happily consent to mediation – with not an iota of commitment to the idea of an outside actor helping to “to change, affect or influence their perceptions or behaviours, without resorting to physical force, or invoking the authority of the law” (Bercovitch and Houston , 2000: 171)

On the end of the 2007 mediation, Antsey wrote:

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The option of a government of national unity, involving the government and opposition parties for a transitional period only becomes viable if a regime recognizes a crisis in governance and perceives the only viable way through this to be through power-sharing leading to an electoral process in which it risks loss of power. (2007: 430)

Zartman further notes :

...not all 'negotiations' appear to be the result of a ripe moment. Negotiation 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. (2001: 9)

Gurr adds:

Internationally brokered settlements and the atmospherics of cease-fires, amnesties, and signing ceremonies that accompany them are often a façade behind which protagonists for political advantage and resources that fuel the next round of fighting (2000: xiv).

The 2007 mediation indeed seems to have been a "tactical interlude" or "façade" – a phenomena described in mediation theory. Anstey's discussion of the case affirms the incumbent's 'politics of continuity.'

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4 Chapter 4: 2008 Mediation (Part I) - Conflict Environment and Parties and Ripeness

This chapter explores the 2008 mediation, focusing on, first, the conflict environment and parties and second, the question of ripeness.

4.1 The Mediation

The first round of elections on 29 March saw Mugabe's first ever presidential loss and MDC's parliamentary victory⁸. Results were announced after a five week delay which served to heighten political tensions within the country and region. Mbeki acknowledged the delay yet emphasized the need for "patience" in waiting for results (BBC, 2008). There is relative consensus that Mugabe "[instructed]...the ZEC... to withhold the results to give time for Mugabe and the competing factions within ZANU-PF and the security sector to decide on their next move" (ICG, 2008: 3). It is widely accepted that ZANU-PF was responsible for ZEC's distortion of results, with cell phone networks on voting day having different results (Dzinesa and Zambara, 2011: 64; Chimbga, no date: 2; ICG, 2008: 1; Chan, 2008). Tensions arose as both Mugabe and Tsvangirai claimed to have won the elections (Chimbga, no date: 2). Election results saw Tsvangirai's achieve a narrow presidential victory which meant the scheduling of a run-off. Following the announcement, a violent campaign, Operation *Makavhoterapapi* ('where did you place your vote?') – a hallmark of increasing political violence in the country – saw the attack of both MDC supporters and ZANU-PF voters (discussed in greater depth below). The election violence and its impact on the ability to hold free and fair elections prompted Tsvangirai to withdraw from the run-off elections (BBC, 2008). The subsequent "one man" second round electoral race took place on 27 June (Dzinesa and Zambara, 2011: 64), with Mugabe claiming unsurprising victory. Further discussion of events leading up to the mediation will be discussed in relation to the various themes used to analyse the mediation.

SADC's emergency summit in Lusaka in April 2008 was in response to these delayed release of election results. The regional body mandated the continuation of mediation with the AU's support at the summit in Dar-Es-Salaam in March. The agenda focused on the Zimbabwe-election violence and showed the region taking the situation seriously, perhaps because refugees fled into especially South Africa, Zambia and Botswana to avoid election violence (BBC, 2008; Mutisi, 2011: 2). The

⁸ Tsvangirai won 47.9% to Mugabe's 43.2% for the Presidential vote (with remaining votes going to Simba Makoni, ex ZANU-PF member and independent) and the MDC-T and MDC-M together won 109 seats in parliament, to ZANU-PF's 97 (Eppel and Raftopoulos, 2009: 6)

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meeting and mandating of the mediation was done in response to election violence and political instability. The ICG reports that the AU and SADC were not vocal about their stance but “...applied increasing pressure as the election crisis has deepened” (2008: 10). SADC and Pan African Parliament observers defined the elections as “...neither free nor fair” (Dzinesa and Zambara, 2011: 64). Zimbabwe’s elections were criticised at the AU summit in June. Additionally, Chan regards the later SADC summit (August 2008) a “breakthrough” as Ian Khama of Botswana “refused to attend” and how the Zambian foreign minister was harshly critical about Mugabe (2008).

The 2008 negotiations had a structured outcome from the mediation’s inception. Mbeki, the mediator, went into the process with a prescribed solution with which to structure the mediation – a unity government, a popular solution to electoral crises seen in its application in Kenya, Angola, the Ivory Coast and DRC. The mediation agenda was cemented by the parties signing of the Memorandum of Understanding (MOU) on 21 July. This was prefaced by Mbeki meeting with Mugabe, briefing him on the tenets of a GNU. The MOU sought to end the crisis by committing the parties to addressing the welfare of all Zimbabweans, and ending social and political conflict. They further declared commitment in the MOU to “...build[ing] a society free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality...” (Department of Foreign Affairs, 2008). The agenda of the mediation focused on land, a new constitution, equality and unity, the rule of law and matters of safety and violence (Department of Foreign Affairs, 2008)

The mediation included Justice and Public Services Ministers, ZANU-PF’s Patrick Chinamasa and Nicholas Goche respectively; MDC-T’s Secretary General and Deputy Treasurer, Tendai Biti and Elton Mangoma, along with Mugabe, Tsvangirai and Mutambara. The mediation was reported to have been marked by much stagnation (ICG, 2008: 1). An MDC source reported a stalemate three days into talks yet ZANU-PF denied this (BBC, 2008). Mugabe and Tsvangirai disagreed on the extent of power the latter should hold as Prime minister, a matter decided quite early on in the mediation (McGreal, 2008). Both Mugabe and Tsvangirai’s claim of electoral victory exacerbated this tension. Control of the intelligence forces was a major point of contention. MDC wanted control of home affairs and the associated control of the police as ZANU-PF had control of defence and state security ministries (BBC, 2009). This echoed the importance of the JOC for ZANU-PF and their link to ZANU-PF’s staying in power. Chan observes on the delineation of power, “Tsvangirai is prepared to concede power over the military to Mugabe, if Mugabe is prepared to concede power over the

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cabinet to Tsvangirai." (2008). A Wikileaks cable filed by former United States Ambassador to South Africa, Eric M. Bost stated

Mugabe's negotiators were under instruction to offer Tsvangirai the position of third vice-president, and nothing more. On the other hand, Tsvangirai...said he will accept nothing less than the role of prime minister with full executive powers in a two-year transitional authority (Guma, 2013).

The cable further explains Tsvangirai's attempt for Joyce Mujuru to become "deputy Prime Minister (with executive authority)" in contrast to his suggestion for Joseph Msika, the country's vice president to hold no executive authority (Guma, 2013). It is suggested that this shows MDC attempting to ally with the Mujuru faction (Guma, 2013). Yet splits in the opposition meant that ZANU-PF was not under sufficient pressure. Tensions within ZANU-PF were not great enough to outweigh the weakness of the opposition. ZANU-PF was not willing to cede real power to MDC. Chinamasa stated on Tsvangirai's demands, "What he is asking for is a transfer of power, not a sharing of power" (Mail and Guardian, 2008). This highlights electoral issues signifying greater legitimacy problems for the incumbent party.

The relationship between the MDC factions worsened throughout the mediation. Mutambara was more willing to make compromises for Mugabe thus weakening the joint opposition position (Eppel and Raftopoulos, 2009: 7). Mugabe "woo[d]" MDC-M by saving two province governor slots for the faction *if* "...it helped ZANU-PF in the speakership contest" in attempt to undermine MDC-T power (ICG, 2008: 3). This undermined the MOU's commitment to eradicating corruption and patronage in Zimbabwe. Muench (1960) emphasizes how "mutual distrust" hinders successful mediation (in Fisher, 1972: 69). The historically bad relationship between ZANU-PF and MDC on top of the tension between the MDC factions meant that the distrust factor was a clear obstacle to successful mediation outcomes.

Tensions were further evident in discussions on the extent of constitutional reform and the time frame for new elections (McGreal, 2008). MDC wanted the allocation of ministries to match the parliamentary victory figures. At one point during the mediation the agreement was supposed to be signed but Tsvangirai "pulled out" (BBC, 2008). On issues of power-sharing Tsvangirai said to the New York Times, "It's better not to have a deal than to have a bad deal" (BBC, 2008). A mediation insider stated that Tsvangirai was the only party being pressured to compromise, with Mbeki putting little to no pressure on Mugabe (McGreal, 2008). MDC-T tried to get the AU and UN to take over

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from SADC but was unsuccessful. This did little to improve ZANU-PF's image of the MDC as being a puppet of the west, stalling mediation progress (Eppel and Raftopoulos, 2009: 8). Indeed, mid mediation, in August, George Charamba Mugabe's spokesperson said "The MDC is the Trojan horse of British interests..." showing it was unlikely he would consider sincere power-sharing (Mail and Guardian, 2008).

4.2 Conflict Environment and Parties

Operation *Mavhoterapapi* serves as a clear example of the incumbent's political as well as their bowing to increased pressures. It was planned to "...root out and target for retaliation all those suspected of casting a ballot for the MDC in the first round" (Bratton and Masunungure, 2008: 50). Carefully orchestrated by the military on behalf of ZANU-PF (Bratton and Masunungure, 2008: 51), the operation caused the death of 120 MDC supporters, the abduction of 5000 and displacement of 200 000 (BBC, 2008).

Operation *Makavhoterapapi* aimed both to weaken the MDC party structures and intimidate voters after disappointing election results for ZANU-PF (Cheeseman and Tendi, 2010: 10). Torture camps were set up by ZANU-PF in locations where MDC had electoral support (Human Rights Watch, 2008). The geographical distribution of violence shows it was partly "retributive," having occurred in areas like Mashonaland east, historic bastions of ZANU-PF support as well as "politically contested" areas (Solidarity Peace Trust, 2008: 7; Bratton and Masunungure, 2008: 51). The election violence has been compared to the *Gukurahundi* of the 1980s, particularly because many of the same military members were involved in the 2008 violence (Solidarity Peace Trust, 2008: 5; Cheeseman and Tendi, 2010: 12).

South Africa's Department of Foreign Affairs explained the mediation as a response to Zimbabwe's crisis, "complicated" by election violence and the lack of a free and fair transparent process (Department of Foreign Affairs, 2008). Voter turnout for both first and second round elections was placed at approximately 42% (Coker and Mutsaka, 2008).

Tsvangirai's withdrawal from the second round election received acclaim from both within Zimbabwe and internationally, a perception of caring more about Zimbabwean people than personal power (BBC, 2008). Interestingly, Mugabe reacted by insisting he run for elections. Tsvangirai was

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initially reluctant regarding the mediation, and was only convinced by the AU and UN's sanctioning it. ZANU-PF's options post-election were carrying on without mediation and potentially facing a military coup or mediation. The MDC did not have other options. Mediation was the only way out for them while ZANU-PF entered into mediation to placate regional and international actors, without being sincere.

ZANU-PF

ZANU-PF's increasing reliance on violence affected the organisation. ZANU-PF's violence always had a top-down approach and an "organized nature" which showed the paramount role the army has played in the party's domination (Human Rights Watch, 2008). Even though the lower ranks of military were increasingly critical of ZANU-PF, the top military leaders were still Mugabe's allies (Chan, 2008). The JOC guaranteed ZANU-PF power by organizing Operation *Makavhoterapapi*. Additionally, the JOC had an important role in swaying Mugabe towards a second round of elections. At the end of March, "Mugabe informed his security chiefs that he had lost the presidential vote and intended to surrender power" but the head of the air force, prisons and police "vetoed" this (Bratton and Masunungure, 2008: 49). ICG state that by 2008 the JOC had "...replac[ed] the cabinet as the primary policy-making organ" (ICG, 2007: 7). Chan describes the CIO – a vital part of the JOC - as the "lynchpin" of political action in Zimbabwe (2008). Both the heads of police and army stated "...they would not recognize an electoral victory by anyone other than Mugabe" (Ploch, 2010: 15). Thus even though the elections and subsequent mediation saw increasing criticism of Mugabe from old allies in SADC and the AU, the party's legitimacy was not completely challenged as the crux of power (the vehicle for the party's violence mechanism) still supported Mugabe.

The JOC also had an important role in providing an ambit for party strength in the context of increasing factionalism within ZANU-PF. Much of the impact of the change in party divisions occurred in between the first and second round of elections. First round election results showed Simba Makoni (an independent candidate and ex ZANU-PF member) having garnered ex-ZANU-PF votes rather than MDC votes (Chan, 2008). Mugabe's ally Reserve Bank Governor Gono, urged Mugabe to consider a negotiated settlement instead of the second round of elections, for reasons including the expense of run-off elections, (approximately Z\$1,3 quadrillion), organisational time constraints, threats of ZANU-PF members changing sides if defeat ensued and the potential unrest of second round elections (ICG, 2008: 4). Gono was supported by some military officials yet Mugabe

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followed instruction from Mnangagwa, as his advice involved the concept of Mugabe maintaining political control. Mnangagwa's alliance at the congress suggested compliance would follow. Gono was also a potential Presidential threat for Mnangagwa, further encouraging Mnangagwa's allegiance with Mugabe (ICG, 2008: 4)

Mnangagwa was also supported by members of the JOC. Even though Intelligence General Happyton Bonyongwe and Army Commander Phillip Sibanda were willing to consider a power-sharing agreement with Tsvangirai, Defence Force Commander Constantine Chiwenga, Police Commissioner Augustine Chihuri, Chiwenga and Air Marshall Perence Shiri were fervently anti Tsvangirai and his lack of credentials (ICG, 2008: 4). This is echoed in Chiwenga's words, "So much blood was shed and this has to be known by every Zimbabwean" (Solidarity Peace Trust, 2008: 7). There was also a fear of the JOC losing impunity if ZANU-PF lost power (ICG, 2008: 4). Additionally, "securocrats" Chiwenga and Chihuri threatened a takeover if Mugabe was denied a second round of elections, showing the existence of a real threat of a military coup. Dumiso Dabengwa, former military commander reflected on this, "The country is now being run by military junta" (ICG, 2008: 5).

Mugabe's response after the first round of elections, warned the factions against being "used by enemies" saying Zimbabwe was "not for sale" and signified the party's reliance on post-colonial rhetoric (BBC, 2008). This is further seen in his description of MDC as a "puppet of the West..." by the party (Mutisi, 2011: 2). ZANU-PF described MDC's strategy as a "propaganda war" in their American and British support, "...using democracy and human rights as a cover to push for regime change." (Ploch, 2010: 2).

Mugabe stated, amid election furore, "The MDC will never be allowed to rule this country - never ever. Only God, who appointed me, will remove me - not the MDC, not the British." (Solidarity Peace Trust, 2008: 7). This serves to show that he was not committed to the mediation and its intended outcome of power-sharing. ZANU-PF has been historically intolerant of political pluralism, supported by 20 years of one-party domination. This complicated their ability to come to the mediation table in 'good faith.'

Additionally, even though Mbeki emphasized Zimbabwe being the solution to its own crisis, the template of power-sharing was favoured by SADC. Yet power sharing was not imposed by on ZANU-

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PF and Mugabe by Mbeki. The party never sought to be committed to power-sharing, planning from the beginning to give the MDC unequal portions of power and continuing. The wikileaks cable epitomizes this, stating that Mugabe's negotiators were told to only offer Tsvangirai third vice-president. This discussion is furthered in the following chapter

The MDC

When Mugabe blamed the election violence on the MDC at the SADC summit, the MDC did not have sufficient political prowess to retaliate. Eppel and Raftopoulos state "...the MDC is not yet strong enough to exert its hegemony over the state" (2009: 12). MDC factions were in a stalemate and did not possess a military element to put pressure on ZANU-PF, evident in their having been involved in a negligible amount of election violence (Solidarity Peace Trust, 2010). MDC calls for war crimes-trials against ZANU-PF did not endear the MDC to the JOC and party officials. After the election violence MDC emphasized the need for transitional justice, with a "transitional authority" to organise fresh elections (BBC, 2008). Yet these demands were not met, MDC lacking "the political muscle" (Eppel and Raftopoulos, 2009: 2). Seeking transitional justice mechanisms was never going to be successful for the party – they had both the wrong approach and insufficient power to support their strategy (which put greater focus on the economy than on politics of the country). The MDC opposition was split, worsening from the 2007 division, making their internal dynamics such that a unified opposition was not developed. This meant that they would not have been able to delay participation in order to organise and strengthen to remove ZANU-PF in the future.

General consensus existed in opposition groups, including the MDC factions and CSOs, for Mugabe to step down (BBC, 2008). During the 2008 election drama, Tsvangirai met with various SADC leaders in attempts to rally support for MDC calls for Mugabe to abdicate. Tsvangirai even met with Mugabe's ally, Angola's dos Santos in the run up to the 2008 mediation, attempting to "downplay" his Western ties after the first elections, focusing on continental support (ICG, 2008: 7). Tsvangirai was challenged in this because dos Santos's historic support for a charismatic Mugabe. Chan observes how "...neither [Mbeki], nor almost any leader in Africa, sees Morgan Tsvangirai as a viable alternative president" (2008). ZANU-PF's clear disregard for MDC, buttressed by historic continental and regional support, meant that the conflict was not easily negotiable.

Tsvangirai was far more vocal about the election violence than Mutambara. "I can't give support to an exercise I'm opposed to. The whole world has condemned it; the Zimbabwean people will not

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give this exercise legitimacy or support" (Muleya, 2008). This increased tensions between the two factions. They did not merge for the 2008 elections, an action which would have resulted in a stronger MDC victory. Thus strength in the party was not as great as it could have been. Welshman Mucabe of the MDC-M stated on the divisions "It is the person of Morgan Tsvangirai who is the problem. If Morgan is out of the picture, there isn't anything preventing the factions from coming together" showing stronger animosity towards Tsvangirai than Mugabe from MDC-M (ICG, 2007: 9). Tsvangirai was willing to talk with Mugabe, stating that he could become prime minister and Mugabe ceremonial president (Muleya, 2008).

Tsvangirai's attempts to distance himself from the west, clamouring for continental support showed his awareness of this as a hindrance to political success and stability in the country. Tsvangirai did not have much regional or continental support, with South Africa being no exception to this.

It was clear that negotiations were the only way for the MDC to rationally attempt to gain some power. In particular, Tsvangirai's stance on power-sharing had always depended on political opportunities of the time. He spoke of a possible power-sharing agreement with Simba Makoni and "moderate" ZANU-PF members yet Makoni's decision at the SADC Lusaka summit in April to put himself over Tsvangirai as transitional leader severed ties between the two (ICG, 2008: 8). For him and his party, power-sharing were the only chance of getting some degree of political power.

Muench's (1960) emphasis on how "mutual distrust" hinders successful mediation is clearly relevant in this case (in Fisher, 1972: 69). It is unlikely that Mugabe entered into the mediation desiring to sincerely engage with the MDC factions. Exacerbating this was the structural weakness of the MDC, due to ZANU-PF inflicted violence (Raath, 2008). The MDC's lack of power was epitomised in their economic strategy. Eppel and Raftopoulos observe "...an almost desperate compulsion [on part of MDC] to view the economy as an active ally in the struggle against Mugabeism" of MDC (2009: 11). A power-comparison between ZANU-PF and the MDC shows a clear power disparity. Scholars usually insist that the greater the power disparity, the greater the chance for mediation failure, with this mediation serving as an example of this for example, Bercovitch, 1992: 10).

Internal pressure

As has been discussed, MDC proved ineffectual in gaining control of Zimbabwe – being unable to serve as a strong enough threat to force ZANU-PF to change their strategy. In addition to this civil

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society, the roots of much of the opposition movement in the country, was not strong enough to challenge the party. The closed-door negotiations also made it difficult for civil society to hold the process to account as the nature of talks hindered transparency. Even though small scale civil society was making attempts to bring about change, e.g. the Zimbabwe Human Rights Forum using the outcomes of the 'Civil Society and Justice in Zimbabwe' symposium to discuss what was needed in terms of Transitional Justice mechanisms in the country through a workshop in Zimbabwe at the same time as the mediation. ZANU-PF was unwilling to consider transitional justice – what the MDC wanted, as it would entail them ceding real governmental power.

International pressure

The broad scale of such abuses in the wake of the 2008 elections brought international condemnation, but little consensus on how best to stop the violence.

(Ploch, 2010: 1-2)

Even though appropriately termed an internal political crisis, the international community was a strong role player in the crisis (stronger than some internal forces, such as civil society), especially in Mugabe's fall back of colonial rhetoric (Mlambo and Raftopoulos, 2010: 3). In her discussion, Kleiboer gives the international context much power in altering the course of the mediation, seen in the emphasis the end of the Cold War had on global interactions (1996: 373).

Amid 2008's election, the international community, in particular the West, increasingly criticised the Mugabe regime. The USA and Britain did not "recognise the outcome" of the 2008 elections (Mamdani, 2009: 11). The election crisis saw Gordon Brown heighten his criticism of Mugabe, stating "I cannot understand why it is taking so long to announce the result of the presidential elections...I am appalled by the signs that the regime is once again resorting to intimidation and violence" declaring that "the international community's patience with the [Mugabe] regime is wearing thin" (BBC, 2008). Mugabe responded saying, "I know Brown, he's a little tiny dot, eh? On this world" (BBC, 2008). This was no different from his responses to other criticism. The EU disagreed with the AU's decision to withhold criticism of Mugabe's government at the Sharm el-Sheikh summit where the mediation was mandated (Borger, 2008).

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Regarding impact of international criticism, the EU had been a vocal critics of elections in the country in 2000, 2002 and 2005. (Maytszak, 2010: 6). The 2008 elections and necessity for mediation is no exception to this. Further, July 2008 saw the increasing of EU and USA sanctions (ICG, 2008: 6). Yet even though the international sanctions were starting to have their toll on the country, the top ZANU-PF officials were benefiting through trading with the east (continuation of the Look East policy) and the Chiadzwa diamonds so did not rely solely on western trade and aid. The US wanted to impose sanctions through the Security Council but Russia and China stopped this, showing the existence of support from the international community. (NY Times, 2008). In 2007 a Zimbabwean whose business was on the sanction list said "I don't need to travel to Britain to do my business....I can go to Dubai, Singapore, Malaysia, Kuwait, China, Japan and South Africa" (ICG, 2007: 18-19). The attempt by the USA and UK to get the UN to intercede in Zimbabwe's 2008 crisis was stopped by Russia, China and South Africa's opposition to this – emphasizing the distinctly western flavour of anti-Mugabeism. UN Secretary General Ban Ki-Moon made statements regarding election results needing to be released and calm restored, yet without backing the UN could not take action. Internationally, 2008 did not bring *new* opposition to ZANU-PF and Mugabe's rule. In 2006 McKinley put forward that in Zimbabwe "...the majority of nations positioning themselves 'against' Mugabe are predominately Northern and white, while most of those siding 'with' Mugabe are predominately Southern and not white" (2006: 86). 2008 is no exception to this. France and Belgium joined the USA and UK in hopes of employing a "fact-finding mission" on part of the UN be sent to Zimbabwe yet the same countries challenged this, emphasizing SADC be the party to lead action (ICG, 2008: 12). The USA, UK, Norway and EU also pledged reconstruction packages if the crisis subsided (ICG, 2008: 11-12). Later pushes from MDC for the mediation to be facilitated by the UN and AU affirms the MDC's more western ties – in the eyes of ZANU-PF.

"...ZANU-PF depict[ed] the MDC as a stalking horse for regime change funded by the British, European, and U.S. governments ... (Bratton and Masunungure, 2008: 44). ZANU-PF *needed* MDC to have some symbolic power in order to placate the international community yet saw western support as against ZANU-PF's political strategy. This explains the outcome of the vote fixing.

African Stances

Matching reluctance to support Mugabe from within the region, there was a small, albeit nascent, rhetorical shift from within the continent. "...For the first time other African leaders have begun to call for either a transitional arrangement or a government of national unity" (Bratton and Masunungure, 2008: 41). This started before the run-off elections with SADC reporting on the

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political violence and the “one-sided coverage” of political parties by the state SADC Preliminary Statement, 2008: 4). Pressure was put on Mugabe and ZANU-PF by a few African leaders, showing increased criticism against the country – even compared to pressure prefacing the 2007 mediation. Mugabe accused Botswana’s Ian Khama of trying to “overthrow” the ZANU-PF regime, showing that the pressure sparked the uniform Mugabe response to criticism (BBC, 2008). Further criticism came from Kenya’s Prime Minister, Raila Odinga, who described Mugabe as “a shame to Africa” (Aljazeera, 2008).

The AU stance on Zimbabwe showed the collaboration of leaders increasing criticism of Mugabe, even if not being vocal in this regard. Additionally, Zambia’s Levy Mwanwasa supported Cosatu’s action to stop the Chinese arms’ ship that stopped in South Africa in April to unload weapons destined for Zimbabwe. The MDC agreed to join the mediation after the AU and indeed the UN expressed their support of it (BBC, 2009). Yet, the AU did not join the west in their support of sanctions on Zimbabwe, stating that they “encourage[d] President Robert Mugabe and the leader of the MDC Party Mr Morgan Tsvangirai to honour their commitment to initiate dialogue with a view to promoting peace, stability, democracy and the reconciliation of the Zimbabwean people” (Department of Foreign Affairs, 2008). Increasing criticism against Mugabe and his party was a step forward but the lack of real continental change, e.g. supporting sanctions, meant Mugabe did not feel sufficient pressure to seek a power-sharing arrangement. Regionally, SADC’s focusing efforts on “restoration of stability” rather than “regime change” shows tacit regional support for ZANU-PF despite acknowledgment of election violence (Ndlovu-Gatsheni, 2011: 15).

In summary, how should the conflict environment in Zimbabwe be conceptualised (in 2008)?

Although superficially the mediation has been seen as a response to an “electoral crisis” (Raftopoulos and Eppel, 2008: 269), it was aimed at resolving far more than just an electoral crisis, echoing Chiumba and Musemwa’s caution on viewing the crisis “in singular terms: (2012: ix). Even though the mediation was prompted by electoral issues, it was not dealing purely with electoral matters.

Rupiya’s classing the country experiencing a “protracted internal political crisis” highlights the nature of Zimbabwe’s situation, with violence occurring when the incumbent party is challenged (2012: 169). This behaviour dates back to 1980 but intensified after 1999. The resulting conflict could fit

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the description of regime change: a regime is challenged and they attempt to stay in power by using violence. Bratton and Masunungure for example say: "Regime power in Zimbabwe has always been buttressed by coercion, chillingly symbolized in ZANU-PF's trademark emblem, the fist...the regime's recourse to violence in 2008 was new only in its desperation" (Bratton and Masunungure, 2008: 50-51).

4.3 Ripeness

Ripeness emphasizes matters of timing and party perceptions. Mhango reflects that "...the competing interests in the conflict resolution process in Zimbabwe may draw immensely from the actors' differing perceptions of the crisis and its impact" (2012: 22).

MDC's evolution from trade union and influence from NGOs and various coalitions meant it was a movement more than a party. This means it lacked political skill to sufficiently pressure ZANU-PF. This, combined with ZANU-PF's historically appointed right to rule, means that ZANU-PF and Mugabe in particular (along with his JOC allies) did not perceive themselves to be in a crisis. It was the concept of 'opposition' that threatened the party and prompted its violent response during elections yet this threat did not force a change of action on part of the party (seen regarding GPA compliance, discussed in the next chapter). Ndlovu-Gatsheni emphasizes this,

A post-liberation political formation like the MDC-T, with its roots in civil society rather than in the liberation struggle, has had to contend with resilient pre and post-liberation subtexts of histories, memories and reconstruction of myths of solidarity within Southern African national-liberation movements (2011: 15-16).

Zartman insists: "...it is the perception of the objective condition, not the condition itself, that makes for a MHS" (2001: 9). And Stedman emphasizes that a MHS holds "a feeling that neither side can win and all will be dramatically worse off if the conflict is not ameliorated" (1991: 235). In this regard, ZANU-PF's historical view of the right to rule due to their role in the liberation struggle rather than electoral outcomes is particularly relevant.

A cursory investigation of the Zimbabwe mediations shows, however, that the status quo in 2008 was riper than in 2007. ZANU-PF's almost indiscriminate application of violence in the 2008 election perhaps does show a greater fear of loss of control. Criticism from SADC and the AU showed

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increasing regional pressure. Western sanctions had increased, putting greater economic pressure on the incumbent party. Yet ZANU-PF did not perceive themselves to be in a MHS. Eastern trading options ensured the decreasing impact of sanctions. Not all of the top officials were hurting economically due to inconsistent sanctions and economic options in the east. The 2008 mediation also saw the role of the JOC as “guardians of Zimbabwean sovereignty” increasing in its importance. The party was not hurting militarily as there had been very few cases of opposition inflicted violence. This meant that along with lack of *sufficient* regional pressure it was not ripe. Increased pressure does not necessarily mean there is *enough* pressure. The extent of pressure is the salient factor not the mere existence of pressure. ZANU-PF remained the party around which this mediation needed to be tailored and ZANU-PF did not see its future losses as increasing or even an impasse (Zartman, 2001: 9). The MDC has to date always been on the ‘losing’ side, being a new political party who had been victim to ZANU-PF domination and physical and structural violence. The Zimbabwean people and the opposition not the incumbent party were hurting as a result of the political stalemate.

The threat of Zimbabwean voters rising political support for the MDC encouraged ZANU-PF to reinforce – repeat, but more intensively – their strategies. In this threat of opposition Zartman remarks “Reinforcement is the normal response”, clearly seen in ZANU-PF’s reliance on violence, the military and JOC (2001: 12). The situation contained a mounting struggle for legitimacy: this makes for difficult mediation material, as the incumbent party was experiencing more pressure than in the past but not enough for it to change its course (echoing the basic tenets of ripeness theory).

Another of Zartman’s statements reverberates in this case strongly – that of the sincerity of parties’ involvement. Involvement in mediation is not always sincere and does not necessarily prove ripeness. The stagnation and violation of GPA implementation shows that the mediation was not “productive” in the extended term which proves lack of party commitment to the process.

4.4 Conclusion

Kressel and Pruitt (1989) define conflict intensity as “...explained by a number of factors such as the severity of prior conflict, the level of hostilities, the number of fatalities, the level of anger and intensity of feeling, the types of issues at stake, and the strength of the parties’ negative perceptions” (in Bercovitch and Houston, 2000: 177). It is clear that conflict in Zimbabwe at this time can be described as intense. The historical nature of ZANU-PF’s one party domination meant

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political dynamics were entrenched in the functioning of the country's politics. Support from the military and JOC, perpetrators of much of the state violence guaranteed Mugabe could continue this strategy. Conflict was a continuation of the country's past, albeit with bolder violent steps from ZANU-PF compared to earlier in the 2000s.

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5 Chapter 5: 2008 Mediation (Part II) - Factors Affecting Failure and Success in the Mediation

This chapter explores the 2008 mediation, focusing mainly on the issues and the mediator and mediation style. This is followed by an assessment of mediation success or failure.

ZANU-PF and Mugabe showed a façade of commitment through the signing the MOU and then the resultant agreement, the GPA. The GPA set down the splitting of executive and judicial powers between MDC and ZANU-PF. In theory, a power-sharing agreement would mean Mugabe would not be able to make unilateral decisions like he has in the past. Discussing short and long term failure is made easy by assessing GPA compliance. ZANU-PF has failed to implement most of the provisions in the GPA, showing a longer term failure on the part of the incumbent.

5.1 Issues

Political legitimacy and violence

The 2008 mediation was no exception to relative consensus that mediation is used when conflict issues are “complex” and “drawn out” (Bercovitch et al, 1992: 8). As the incumbent party since independence, ZANU-PF was responsible for much of the country’s crisis, the underlying cause being ZANU-PF’s refusal to cede power. Due to the party’s role in the liberation it was always going to claim sole power to rule. This was an intensely held view.

ZANU-PF’s historical legitimacy stood in direct contrast to the election results of 2008. But ZANU-PF’s legitimacy came not from elections but from the liberation struggle. The potential loss of the state for ZANU-PF meant both a complete loss of power *and* political legitimacy. An electoral loss means a comprehensive loss, as in Zimbabwe the “ruling party and public administration are fused, and organizational structures are conflated at all levels-the party is married to the state.” (Bratton and Masunungure, 2008: 45). Yet power threats can be viewed as enforcing Mugabe and the JOC’s position that ZANU-PF must be in rule. This hindered post-mediation GPA compliance, discussed below.

Mugabe portrayed himself as a powerful leader, stating on the election results in June, "Only God will remove me" yet he did entertain the façade of mediation commitment in inviting Tsvangirai to this inauguration (Rotberg, 2008). His political prowess kept him in power for decades; his charisma

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and struggle credentials historically guaranteeing continental support (Chan, 2008). His response to political action depended on whatever ensured his claim to power, in this case, feigning mediation commitment. A contrast to this is his categorizing himself a “victim” of the West due to sanctions and international criticism (ICG, 2007: 18).

Interestingly, Chan notes Mugabe was “inclined to accept defeat” after the March elections yet his “hard men” influenced his position (2008). The support of the JOC and military “hard men” in an increasingly unstable party evidently shaped Mugabe’s attitude towards Mbeki and the mediation (Chan, 2008).

The country’s social and economic decline along with Mugabe’s power decrease meant Mugabe was reliant on the military and JOC. In this case the food shortage and economic meltdown and later a cholera epidemic played a potential role. Hyperinflation was at 230 million percent in July 2008, which combined with food, fuel and job shortages created a socio-economic crisis (Mutisi, 2011: 3). With the decrease in international assistance⁹, 2008 saw wider expanses of the population – including historic ZANU-PF supporters in rural areas – experience the toll of the food shortages (ICG, 2008: 3). The dimensions of the violence can be contrasted with past cases, due to the retributive nature of election violence. Chan observed in Highfields during the elections that he “...counted six factories in every ten idle” (2008). The crisis was used by Mugabe to gain control of the electorate using food as a “political weapon” (by stopping relief supplies) echoing his use of both direct and structural violence (Rotberg, 2008).

The ICG quote a civil society leader in 2007, “Without pressure on this regime, Mugabe won’t give in” (2007: 10). But increasing pressure in Zimbabwe meant increasing pressure on the JOC and military - an increase of pressure which served to entrench the status quo, despite Mugabe’s statement that “he felt sure differences could be overcome” (BBC, 2008).

Political Options

Political options in 2008 were for ZANU-PF to continue its rule; a power-sharing agreement; another election; or even a coup (if the JOC decided Mugabe and not ZANU-PF was the problem). Power-

⁹ Aid organizations such as Care International and Save the Children’s activities were stopped (Solidarity Peace Trust, 2008: 7).

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sharing was the only option for MDC to try and establish some power. Yet the power-sharing agreement was a danger for the party as ZANU-PF can easily undermine power-sharing agreements. This is clearly seen in the GPA implementation. ZANU-PF did not accept their electoral defeat and thus would not be committed to power-sharing.

The MDC, however, did not want to entertain another round of elections as ZANU-PF has shown its recourse to violence and continuation of its political strategy. Indeed, there is consensus from SADC, the AU and the International Community that 2008 elections were neither free nor fair. Some critics state that if elections were free and fair the MDC would have won by a greater margin. Yet legitimate elections in Zimbabwe can only happen when the incumbent respects the electoral outcome.

The issues at play include the claim to power, political legitimacy, the use of violence and the political opposition. Yet the mediation failed to adequately incorporate this into its agenda – evident in GPA compliance.

5.2 Mediation and Mediation Style

This deterioration of the crisis for Zimbabweans sparked greater international and regional attention than in previous years.

SADC

SADC's non-binding nature meant it was difficult to apply real pressure on Zimbabwe. Raath writes that SADC "...has tacitly accepted that it is powerless to stop Mr Mugabe" (2008). They continued calls for the dropping of sanctions at the Dar-Es-Salaam summit, thus were not complicit in applying *real* pressure on ZANU-PF and Mugabe (Department of Foreign Affairs, 2008). SADC member states were divided, with Kikwete, Khama and Mwanawasa affirming tough treatment of Zimbabwe; whereas, Dos Santos (showing Tsvangirai's efforts as fruitless) and Mbeki disagreed. The former group supported a transitional government in the country, a similar position to Zimbabwe's opposition – although this did not mean automatic and categorical support for the opposition.

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SADC's pronouncement that elections were neither free nor fair showed them siding with the Western view. "The state-led violence that preceded the run-off was so intense that even long-time supporters in SADC and the AU were unwilling to accept Mugabe's claim of victory." (ICG, 2008: 2). This was a clear change from previous relationships. For ZANU-PF, not entering mediation now could have meant international and regional "isolation"; it encouraged them to enter into talks, regardless of commitment levels (Solidarity Peace Trust, 2010).

Yet SADC pressure does not always mean sufficient pressure. Zimbabwe had often distanced itself from SADC in the face of criticism.¹⁰ It is also possible that ZANU-PF viewed regional criticism as lip service to the West. Besides, "SADC's tentative response to the March vote allowed space and time for ZANU-PF to regroup and ramp up the violence and threats of more of the same ..." (Kwinjeh, 2008). It was only this regional pause that Mbeki was mandated by SADC to mediate the Zimbabwe crisis.

South Africa and Mbeki

South Africa supported the UN Security Council's July decision against sanctions against Zimbabwe and supported the mediation.¹¹ Yet South Africa never reached a point of open criticism of Mugabe (ICG, 2008: 8). South Africa claimed it wanted to occupy "the moral high ground" about Zimbabwe but there are lesser reasons for South Africa's policy (McKinley, 2006: 96).

Mbeki's quiet diplomacy and abstinence from terming the elections illegitimate made him an acceptable mediator for Mugabe. A ZANU-PF source said "If [Mbeki] says Mugabe's re-election is illegitimate, he won't be able to continue in his mediation role" (Muleya, 2008). An Mbeki-led mediation was the only way for both the MDC-T and MDC-M to establish a semblance of power, as without mediation it was likely that either ZANU-PF would stay in power following the second round

¹⁰ In August 2007, Zimbabwe claimed that the SADC Tribunal "did not exist by law" in response to white Zimbabwean farmers taking the government to court (Human Rights Watch, 2011: 4). This led to Zimbabwe's "withdrawal from the tribunal" and Zimbabwe courts rejection of SADC's rule in favour of the farmers (Human Rights Watch, 2011: 4).

¹¹ The Department of Foreign Affairs stated they "encourage President Robert Mugabe and the leader of the MDC to honour their commitment to initiate dialogue with a view to promoting peace, stability, democracy and reconciliation of the Zimbabwean people" (Department of Foreign Affairs, 2008). The country's stance mirrored Mbeki's, government publications emphasized, "...the resolution of the current political challenges facing Zimbabwe lies with the people of Zimbabwe acting with the support of the international community" (Department of Foreign Affairs, 2008).

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election results or a coup would occur - both detrimental to the MDC factions (BBC, 2008). In his inauguration speech Mugabe thanked Mbeki for his assistance in mediation, saying he was "indebted" to him (Coker and Mutsaka, 2008). Mbeki and Mugabe also shared a similar philosophy on history and politics, "...Mbeki and Mugabe are the two intellectuals of the region's presidents..." (Chan, 2008). This was seen particularly in their shared view of white ownership of wealth, as Mbeki wrote to Mugabe "The bulk of the economy of Zimbabwe remains in white private hands. It is a capitalist economy dominated by people who belonged among 'the oppressor nation' " (New Agenda, 2001: 13). Mbeki's pressure did coax Mugabe to the negotiation table, yet was insufficient for Mugabe to consider power-sharing. South Africa and Mbeki were not making life difficult for ZANU-PF. This relationship would affect the mediation outcome.

Was Mbeki biased by interests? South Africa could not risk severing its new ties with the West, who was increasing pressure to intervene. Additionally, South Africa's R300m rescue packages of 2000 benefitted South African investment in "infrastructure, tourism and natural gas exploration" as well as many of South Africa's state-owned corporations (McKinley, 2006: 90).¹²

Mbeki was slow to speak out against the situation in Zimbabwe, stating there was "no crisis," and describing the need for a second run as "...a normal electoral process" (BBC, 2008). He encouraged patience regarding the delayed election results (Department of Foreign Affairs, 2008). Mbeki always avoided directly criticising Mugabe and tailored his mediation to encourage Mugabe's participation¹³. On chances of mediation success he said "It won't last unless it's a common product that is owned by this entire collective of the leadership of Zimbabwe" - *appearing* to allocate responsibility to all parties, rather than ZANU-PF/Mugabe (BBC, 2008). But his letters to Mugabe confirm his belief that the solution to the country's crisis was to be found in the country, within the party of liberation (New Agenda, 2001: 25). Mbeki sought to decrease the role of the West in the mediation, mirroring ZANU-PF's anti-western sentiments. Indeed, this is seen in a letter Mbeki sent to Tsvangirai, criticising Tsvangirai's closeness to the west.

Realistically, Zimbabwe will never share the same neighbourhood with the countries of Western Europe and North America, and therefore secure its success on the basis of friendship with these... It may be that, for whatever reason, you [Tsvangirai] consider our region and continent as being of little

¹² There were as well as increasing criticism of South African "quiet diplomacy" from *within* South Africa.

¹³ Tsvangirai would claim Mbeki was "bias[ed]," showing attempts to maintain some semblance of control when he knew it was Mugabe who was vital for mediation occurrence and success (ICG, 2008: 9).

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consequence for the future of Zimbabwe, believing that others further away, in Western Europe and North America are of greater importance”(in Matyszak, 2010: 1)

This is particularly relevant in light of MDC’s success in establishing generally strong connection with the US and the West (Ndlovu-Gatsheni, 2011: 15).

Even though Mbeki sought to decrease the role of the West in the mediation he also sought to bring about stability in the mediation. Yet these two aims are not mutually exclusive. It was in South Africa’s national interest to stop the influx of Zimbabwean refugees entering SADC-countries. Brown and Shraub state mediators “...possess a certain interest in [the mediation] outcome; otherwise, they would not mediate” (1992: 243). This “self-interest” on part of the mediator is seen in light of South Africa’s interest (Brown and Shraub, 1992: 250). Without interest, in other words, an actors’s willingness to mediate is doubtful.¹⁴

Mbeki’s solution was an exported version of the South African solution. Brown and Shraub state that “Formulas are the key to a negotiated solution to a conflict...” (1992: 252). This includes power-sharing and a GNU¹⁵. Mbeki’s bias and prescribed solution did not allow for real political change in the country (1996: 281). The mediation became dominated by debates over who was to have executive power.

5.3 Mediation Outcomes

5.3.1 Introduction

As discussed before, it is necessary to distinguish between short term and long/extended term mediation success. A formal agreement is clearly an element of short term success. But long term success depends on commitment to the agreement plus no problems arising.

5.3.2 In the Short Term

¹⁴ The ANC solidarity on liberation struggle-links can be doubted. The ANC had stronger ties with ZAPU than with ZANU or ZANU-PF.

¹⁵ A truth commission has not been seriously discussed in Zimbabwe.

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The parties signed the GPA on 15 September. It is widely remarked that the mediation avoided a coup, Chan attesting this as a result of pressure from South Africa and divisions between generals (2008). Other positive signs include MDC celebrating Tsvangirai's inauguration as prime minister without police interference in February 2009 and an increased food supply (BBC, 2008).

Yet the situation remained unstable. Shortly after the GPA signing there was disagreement about ministry allocations causing Tsvangirai to leave the country for two months. November saw the Constitutional Amendment 19 agreement, allowing the legalisation of the GPA. The stalemate post mediation before the implementation of the GPA did not bode well for mediation success. Indeed, Phando Skelemani, Botswana's Foreign Minister said to the BBC that the mediation had failed (BBC, 2008). The 2008 mediation in Zimbabwe is a good case study to problematize the judgment of mediation success. Assessing this case, it is seen that participation in a mediation process (1) does not guarantee real commitment and (2) does not guarantee success. The mediation highlights the difficult if near impossibility of an outsider bringing positive peace. From the point of view of negative peace the mediation can be seen as a success yet from that of positive peace it is clearly a failure, as seen below. The power-sharing agreement effectively silenced political pluralism and political freedom. This leads to one to reflect on Beardsley's time inconsistency problem as a cause of mediation failure (Beardsley, 2008: 725). Mugabe's signed the agreement with an intention to appear a committed party to the mediation yet this interest did not extend into the longer term.

ZANU-PF retained control of Foreign Affairs, Home Affairs, Defence and Internal Security; whereas MDC got Education and Health. Mugabe also retained his role of head of the JOC, renamed the National Security Council (NSC) keeping him in control of those who kept him afloat throughout the country's crises, continuing the pattern of rule. Eppel and Raftopoulos observe that

...the agreement should be viewed very much as a terrain of struggle in which both parties will continue their fight for state power in a situation where the ruling party still has the advantage of the control of the means of coercion (2009: 13).

Cheeseman and Tendi describe this, terming the power-sharing agreement as being testament to the "politics of continuity" which is evident if one looks at Mugabe retaining JOC turned NSC control (2010: 1). MDC received the finance ministry with Tendai Biti as minister, which technically gave them some power, but Mugabe's desire to placate the west and hopefully cease sanctions should be considered here. Cheeseman and Tendi explain this as the GPA being "...signed largely for

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international consumption...” (2010: 13). Sanctions and international pressure provided some impetus for ZANU-PF to produce *something* from the mediation, but allocating Finance to the MDC was not done with sincere intentions to power share. Economic avenues existed for the party meaning sincere commitment to the negotiations and the resulting agreement was not necessary.

SADC termed the mediation as exhibiting “African solutions to African problems” (Dzinesa and Zambara, 2011: 63). The mediation may also have avoided a coup by the JOC (Makumbe, 2011: 3; and Dzinesa and Zambara, 2011: 67). Yet the mediation was intended to share power fairly – and power remains unfairly distributed.

In the short run, the GPA was supposed to bring both economic and political stability. Even though the economic situation in the country had improved, partly attributed to dollarization and the establishment of Biti as Finance minister, sporadic violence (physical and structural) and poor GPA implementation shows mediation failure. This failure brings to mind the concern O’Kane raises of a “‘one size fits all’ approach to conflict resolution,” seen in the establishment of power-sharing between the parties and Mbeki’s prescribed solution (2006: 268). Indeed Makumbe states “...the GPA can safely be argued to have failed in its intended objectives” having implemented only 30% of the GPA’s provisions (2011: 2).

5.3.3 In the Long Run

With ZANU-PF still in control, the power-sharing government continues to use an arsenal of repressive legislation and unlawful tactics to restrict the right to freedom of expression, and harass and punish critical journalists.

(Human Rights Watch, 2001: 2)

Pruitt et al.’s classification of success includes the parties’ commitment to the agreement and “the absence of new problems between them” (1993: 314). But the conflict of ministry allocation after the GPA was signed is a clear and immediate example of *new problems* and resuscitation of old problems between parties.

ZANU-PF needed the MDC for international legitimacy, but would not give the MDC the power promised in the GPA. The military had always ensured ZANU-PF was in power, evident in election

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violence throughout Zimbabwe's history, and Mugabe's running the NCS made him and ZANU-PF the holders of substantive power. The MDC's dilemma was "translating...electoral victory into state power" (Solidarity Peace Trust, 2010). Additionally, there was a clear problem with power separation regarding the executive and judiciary's relationship, an example cited by the Crisis in Zimbabwe Coalition (2009: 6). Mugabe still had the executive power afforded to the presidency, and his failure to consult Tsvangirai on appointments, discussed below, cemented this. Chimnga cites Mugabe's unilateral action as being afforded due to the "ambiguity" of the GPA (no date: 14-15). Mugabe's appointment of eight retired military officials to positions in the Information and Publicity ministry showed both the close connection to the military and his refusal to share power, boding poorly for GPA success (Cheeseman and Tendi, 2010: 15).

ZANU-PF is reported to have undermined the premises of the GPA "repeatedly" (2008: 1). The MDC had spoken out against ZANU-PF's use of violence, which ZANU-PF denies (BBC, 2010). Since the February 2009 inauguration of the GNU "arbitrary arrests" have become a renewed hallmark of Zimbabwe's regime (Makumbe, 2011: 3). Journalists and lawyers were still susceptible to abuse, detention, harassment and prosecution - grossly undermining the rule of law (Cheeseman and Tendi, 2010: 15). Women of Zimbabwe Arise (WOZA) members have been assaulted in a demonstration against MDC's Roy Bennet's imprisonment at Parliament in February 2009, the same month as the GNU was inaugurated (Zimbabwe Election Support Network, 2009: 3). This violated Article 12's Freedom of Assembly and Association. Laws such as POSA and AIPPA were still being practiced. Article 18, Security of Persons and Prevention of Violence which committed the parties "...to promote the values and practices of tolerance, respect, non- violence and dialogue as means of resolving political differences" had also clearly been violated (GPA, 2008: 8).

Article 20 of the GPA, Framework for a New Government described the delineation of ministers (GPA, 2008: 12) from each party yet ZANU-PF went against this, without consulting MDC, appointing 41 instead of 31 ministers (Crisis in Zimbabwe Coalition, 2009: 9). Mugabe appointed Johannes Tomana as Attorney General before Tsvangirai's inauguration, finding a loophole in the GPA structure. Tsvangirai and Mutambara had challenged Gono and Tomana's appointment (Crisis in Zimbabwe Coalition, 2009: 8). This resulted in the appointments being retracted, showing meagre political progress. Mugabe refused to accept Roy Bennet as deputy minister of Agriculture and had not ceded to MDC's desire to have Bennet's charges dropped (Sibanda, 2011). Tensions also existed

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regarding land grabs of white owned farms with MDC disagreeing with ZANU-PF's stance of their continuation (BBC, 2010).

The lack of progress regarding a new constitution represented the failure of the agreement's implementation. Constitutional reform was given an 18 month timeline, a prime example of the politics of continuity (Cheeseman and Tendi, 2010: 4). The Constitutional Outreach programme was only started in 2010, already past the deadline for a new constitution. The programme saw a series of meetings claiming to respect Article 6 in the constitution on citizens' right to be involved in constitution making and constitutional reform (Human Rights Watch, 2010: 1). Yet war veterans, police and ZANU-PF supporters aborted the meetings using violence and intimidation. Some 13 MDC meetings on constitutional reform were "suspens[ded]" due to arrests and violence prior (Human Rights Watch, 2010 : 1). Post mediation, this is still reminiscent of ZANU-PF's historical pattern of rule.

Retaining presidential power meant ZANU-PF was free to manipulate the law and accrue financial benefit. Eastern trade helped keep the party and military afloat so diamond revenue meant commitment to the GPA was not vital. Government officials were reported to be in control of their own dig sites utilising the black market to profit (Dixon, 2008). Indeed, sites are referred to as 'Grace Mugabe' and 'Joyce Mujuru' due to their ownerships of these plots (McGreal, 2008). Dixon states, "Not only are they personally enriching themselves with one of the few natural resources still left in this ruined country, party fat cats may be finding life support in the diamond riches..." (2008). A close friend of Mugabe's owned the company that controlled the mines (Andersson, 2011). This emphasizes the 'politics of continuity' and Mugabe's hold on power, rewarding his supporters.

ZANU-PF's type of rule continues. One manifestation of continuity is the operation of the Joint Monitoring and Implementation Committee (JOMIC). JOMIC was established in Article 22 of the GPA comprising four ZANU-PF members, four MDC-T members and four MDC-M members. Success would have been more apparent had JOMIC been structured differently. MDC-M's Priscilla Misihairambwi Mushonga, co-chairperson of JOMIC said in January 2011,

Clearly, we have not been as effective as we would have liked to be, considering our mandate. When we started, we were effective but we could not maintain the effectiveness... There was also little interaction, if any, between us and SADC and yet SADC is supposed to rely on us to assess the situation in the country ... (Newsday, 2011)

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Dzinesa and Zambara describe the problem as “the fallacy of self-monitoring” (2011: 64). ZANU-PF was not committed to real power-sharing. Mushonga should rightly blame not only SADC but the parties, who allowed JOMIC’s structure. Also there were deadlocks throughout the mediation process. The resolution to have the parties monitor themselves was an erroneous and simplistic view of the conflict. Kasambala and Mbelle write that an “active commitment” was needed from ZANU-PF and MDC to ensure mediation success (2007). SADC’s diplomatic responsibility was to mediate a conflict, ensuring it came to a successful conclusion. SADC needed to stay involved in making sure parties were committed to their agreement - increasing the opportunity cost of not implementing or violating the GPA. Zartman’s discussion of potential third party involvement at the end of mediation, quoted above, is clearly relevant in this case. Mediators “...may be needed to...watch over the final outcome...” (Zartman, 1996: 279).

Who “watches over” the agreement?

This is the responsibility of the mediator, SADC, but many blame SADC for not ensuring free and fair elections (Solidarity Peace Trust, 2008: 5). The words of Brown and Shraub capture the folly of self-monitoring regarding parties being left to their own devices,

Left again to their own instincts, the parties may well fall out of their mediated settlement, and there are plenty of cases (often unstudied by analysts and practitioners focusing on the moment of mediation) in which the hard-bargained agreement subsequently fell apart under changed conditions or revived enmities. For this reason, although the mediator is often tempted to start a process and then slip away as it develops its own momentum, the mediator may in fact be required to be more involved in the regional structure of relations after a mediation effort than before (Brown and Shraub, 1992: 259)

5.4 Conclusion

The above discussion clearly shows that despite the seeming short term success of the mediation – the signing of the GPA - it has not experienced long term success. A paramount factor in this is the nature of the crisis of legitimacy experienced by the incumbent party – they did not perceive themselves as experiencing a crisis in governance. They were buttressed by the military and arms of force, more recently evident in the JOC’s influence on Mugabe to enter into a second round of

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elections. Increased pressure was in some ways counter-productive, entrenching Mugabe's position, supported by the JOC and military. This means that even though pressure had increased from the both region and continent, it was not done so to the extent to influence the incumbent in an effective direction (to lead to commitment to power-sharing). The GPA exhibits a mixed language of both ZANU-PF and MDC which partially explains why it is not a non-implementable agreement. JOMIC's failure to hold parties accountable to implementing the agreement aptly signifies the lack of pressure from SADC. This was seen even before the mediation in SADC's stance against western sanctions on the country. The slow response regarding releasing election results on part of the region as well as Mbeki's encouraging patience regarding Zimbabwe's elections shows a clear lack of pressure for mediation commitment from the parties – particularly ZANU-PF (Department of Foreign Affairs, 2008).

In the long run, the mediation has failed. The lack of GPA implementation and continuation of ZANU-PF's strategy of rule, quashing the MDC within the power-sharing agreement is evidence of this.

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6 Chapter 6: Conclusion

6.1 Introduction

The Zimbabwe mediation is an interesting case study in many respects. Reasons include assessing the impact of regional mediation, problematizing how to solve a crisis of one party dominance, dealing with liberations movements who believe they have the monopoly of leadership, the validity of power sharing, how to mediate in a militarized state and theoretical judgments on mediation success.

This dissertation was written in response to the Zimbabwe mediation having such an interesting outcome. Its aim was to explore the 2008 mediation highlighting the main debates and criticisms, framed by important themes in mediation scholarship - that highlight various issues - conflict environment, ripeness, issues and the mediator. A secondary aim was to problematize part of mediation theory, particularly the notions of mediation success and failure. The choice of single site case study was logical in order to explore components of the mediation, especially considering the repeated patterns of rule seen in Mugabe and his party's strategic violence tactic. An interpretative case study allowed significant breadth in researching the history of the country and using this to account for political dynamics in 2008 and onwards. Using theory to frame the discussion allowed for various components of the literature to be confirmed or infirmed. Even though the dissertation was Zimbabwe focused, questions of mediation success and failure are relevant for all mediations and thus this structure allowed for important reflection on mediation scholarship to be done. The findings of the dissertation as well as the implications of these findings are summarised below

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6.2 Mediation in Zimbabwe

6.2.1 Conflict Environment and Parties

“I believe that who votes how in the party is unimportant. What is extremely important is who counts the votes and how they are recorded”

(Stalin quoted in Matyszak, 2010: vii)

On the 2007 mediation, Anstey correctly states that, “The risk for a mediator in such circumstances is that a despotic regime may simply use the process to afford it legitimacy while continuing as before...” (2007: 427). ZANU-PF and Mugabe were and remained unwilling to cede executive power. This is at the core of the shape of the mediation outcome and the poor implementation of the GPA. ZANU-PF had incentive only to silence criticism from the region, continent and international community. They did not have a sincere intention to power-share. Historic regional and continental support, more specifically Mbeki’s position on the country and Mugabe, buttressed this position. When an opposition emerged in 2000, in response to Mugabe’s attempts to change the constitution, ZANU-PF’s one party state was challenged. Yet the MDC, although winning the elections, was weakened by internal divisions and lack of political skill.

Phimister and Raftopoulos reflect on this, talking generally about opposition movements (in Africa),

...the dilemma of post liberation opposition movements [is to] confront the anti-colonial discourse of authoritarian nationalist governments, with a political language that negotiates the tensions between democratic political questions, and the pressures of redistributive economic demands. (2007: 580).

Zartman’s notion that parties may use the mediation as a “tactical interlude” is clearly relevant in this case. The mediation did not and very likely could not deal with this adequately. SADC was evidently the “only show in town” putting pressure on Mugabe and his party which was insufficient to change party perceptions. To date ZANU-PF has not viewed the opposition as legitimate. Repressive statehood and the importance of its role in the liberation struggle casts doubt on whether they ever will, Mugabe in particular. This repressive statehood is supported by the JOC who was firmly against regime and were the coordinators of the state violence discussed above (Matyszak, 2010: 65)

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6.2.2 Ripeness

It is clear that ZANU-PF has yet to perceive it necessary to change their political strategy: their costs have never been high enough. Regional and international pressure did not bring a high enough opportunity cost to pressure the party into sincerely engaging in the mediation process and respecting its outcome. Their reasons for submitting to mediation are tactical, as referred to above, or carry a view that they will not lose anything substantial in the mediation. The perceptual element of ripeness has been a useful lens with which to assess the mediation. Poor GPA compliance shows that ZANU-PF's perception that it had the right to monopolistic rule has not been altered.

ZANU-PF's high tolerance of costs begins in its belief in its own legitimacy, derived from the liberation struggle. And then, it can be argued, ZANU-PF – understood as the ruling elite - has never suffered intolerable political and economic costs to its defence of its regime. Certainly it has not lost many friends in Africa. Power relations in Zimbabwe have remained much the same since independence with the mediation process and indeed the mediator proving powerless to change this. Basdza writes on this, "Mbeki's seemingly endless mediation may have been intended simply to create an impression of commitment to crisis management" (in Masunungure, 2009: 165). To date both the quality and quantity of pressure on ZANU-PF has been insufficient for it to force a change of rule.

6.2.3 Issues

As the incumbent party since independence, ZANU-PF was responsible for much of the country's crisis, the underlying cause being ZANU-PF's refusal to cede power. Due to the party's role in the liberation it was always going to claim sole power to rule. This was an intensely held view:

Kressel and Pruitt (1989) define conflict intensity as "...explained by a number of factors such as the severity of prior conflict, the level of hostilities, the number of fatalities, the level of anger and intensity of feeling, the types of issues at stake, and the strength of the parties' negative perceptions" (in Bercovitch and Houston, 2000: 177). Indeed, strongly related to dispute intensity is that of its duration. There is relative consensus that with increased conflict duration, comes decreasing chances of successful mediation. The intensity of the issues accompanies conflict

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duration as a mediation success variable, the greater the conflict intensity the less likely the mediation will be successful (Bercovitch, 1991: 23; Kleiboer, 1996: 362). The mediation in 2008 was dealing with issues that were both greatly intense and historically entrenched. Importantly, even though the conflict was intense for the MDC, ZANU-PF and Mugabe did not view it as such. If ZANU-PF had perceived the conflict as being detrimental to them it is likely their attitude towards the mediation and power-sharing would have been different

The 2008 mediation highlights the difficult task at hand of the mediator to bring peace or at least fairness to an increasingly militarized state with an incumbent party reluctant to consider another party ruling the country. Since the incumbent party feels it is legitimate in this stance, the context contained intense differences over legitimacy. The mediation structure and outcome (in the form of the GPA) was unable to address the issue of restoring positive peace to the country. ZANU-PF's historical attitude of vilifying the opposition had not changed, emblematic of the perpetuation of power patterns.

6.2.4 Mediation Process

Western and eastern countries provided support to various parties in the mediation, and this shows the potential power the international community has in conflict resolution initiatives. Yet approaches need to be planned and supported by regional and continental organisations, SADC and the AU in this case. Intervention is accompanied with a measure of pressure, the extent of which is a much debated topic in international and regional politics. Indeed, the new regional and continental pressure on Zimbabwe can be seen to have further entrenched Mugabe's position in his being influenced by military officials. The quality of pressure applied is important to assess. This case shows that the presence of pressure alone is not sufficient. Indeed Cheeseman and Tendi express how in light of western pressure the GPA was "...signed largely for international consumption..." (2010: 13).

Mbeki's role in the mediation ensured Mugabe's involvement in the process but his bias in favour of Mugabe's party and his prescribed solution of power-sharing meant that Mugabe was not put under pressure to approach the mediation with the sincere intention to power-share. Mbeki's prescribed formula for how to deal with the conflict meant the mediation process was undermined as the outcome had already been structured. Mhango discusses the mediation's inception "...there are

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observations that the use of quiet diplomacy for mediation exposed methodological as well as moral shortfalls in the conduct of peacemaking.” (2012: 21)

Debate remains surrounding South Africa and SADC’s responsibility to intervene in conflict scenarios. SADC has been historically quiet regarding criticisms of Zimbabwe and more specifically, Mugabe, despite clear perpetuation of human rights abuses

6.3 Mediation Outcomes

Regardless of the merits of the GPA, mediation can only be termed successful if the agreement reached is implemented. Indeed, this highlights the importance of the agreement that is signed *being* implementable. In the context of Zimbabwe it clearly was not. Some of the literature normatively criticizes the mediation as opposed to attacking its ability to live up to its rhetoric. There is clearly much to criticise regarding the lack of democracy in Zimbabwe yet *before* doing so one needs to assess whether the mediation lived up to its aims and whether the agreement was implemented. The GPA has not been implemented and many of its tenets have been contravened. Additionally, the power-sharing agreement allowed for the silencing of political freedom as ZANU-PF has been able to remain dominant in the GNU. Even though the mediation had the objective of bringing stability to the country and an end to violence for its people (as stated in the MOU), following a disputed election, the mediation outcome did not achieve this (Department of Foreign Affairs, 2008).

The post-mediation environment exhibits the politics of continuity, allowing for ZANU-PF to continue its pattern of rule regarding one-party domination. Even though the mediation achieved a degree of negative peace in the short term, the long term shows the lack of positive peace in the form of suppressed political freedoms.

The failure of the mediation is clear in that the pattern of ZANU-PF’s rule has not changed, exacerbated by the MDC’s collapsing into the GNU – just as ZAPU once collapsed in the alliance with ZANU. Many authors argue for the complexity of factors in explaining the mediation. This discussion shows that even when regional and international pressure (Hoekman, 2012) impacted the mediation it is still ZANU-PF, the party’s history and power relations that have dictated the course of

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the mediation and its outcome (evident in the lack of GPA implementation and undermining of its tenets).

Intervention and pressure continues into the post-mediation environment. The inadequacy of JOMIC and negligent role played by South Africa post mediation meant little pressure was put on the parties (in particular ZANU-PF) to implement the mediation agreement. This raises the issue of post-mediation mediator involvement, and the extent of responsibility the mediator has in such contexts.

6.4 Implications

An awareness and understanding of a conflict's history is clearly important in order to appropriately assess mediation, in that "Issues in conflict refer to the underlying causes of a dispute" (Bercovitch et al., 1992: 14). But what do the issues, taken together, mean? It is obvious that the literature needs to consider the mediation in the context of regime change, in Zimbabwe defined as from one-party domination to political pluralism. Even though this was not in the mediation's agenda, positive peace in the country will only be brought when democracy is freely practised – through political pluralism. This is clearly lacking in mediation theory yet is an important part of conflict to understand in often intractable conflicts. This case shows that the signing of an agreement means neither that the agreement will be implemented nor that parties are committed to changing power patterns. The importance of the conflict environment and parties in this case highlights their potential relevance in other mediation cases. Even though the mediation process is important the context of the conflict's environment and parties involved needs to be appropriate or at least amenable for the mediation process to have any hope of success.

Additionally, mediation can only be termed successful if short term success is accompanied with long term success – marked by all the parties respecting the agreement. The discussion of GPA implementation clearly shows that ZANU-PF has not respected the agreement. Critics claim short term success in its signing and as has been discussed, this was termed a landmark in the country's crisis history. Chapter four's discussion of the Marange fields highlights the system of patronage and approach to rule that has not been changed. Thus, it is clear that when discussing mediation success or failure it is necessary to look into the long term in order to make such statements. Further, judging mediation success by normative criteria as suggested in the literature means there is a danger in attributing too much success to the mediation (and mediator). Increased economic

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stability may be partially attributed to Biti's role as finance minister yet it would be fallacious to attribute all periods of relative stability in Zimbabwe to the mediation. If parties implement the agreement greater normative criteria should be a by-product. Even though there is academic scope for assessing the merits of the GPA, the power patterns pre and post the 2008 show that the mediation was a long term failure due to the ZANU-PF's perceptions, exemplified in their attitude towards GPA compliance.

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