On 11 February 2009, Zimbabwe’s transitional Inclusive Government (IG) was inaugurated amidst much pomp and fanfare. Its creation represented the culmination of a process that had started with the signing of the Global Political Agreement (GPA) five months before. Both of these historic occasions were attended by leaders from the Southern African Development Community (SADC), who hailed them as examples of ‘African solutions to African problems’ – ‘solutions’ that followed intense mediation by former South African President, Thabo Mbeki, who had been appointed by SADC to tackle Zimbabwe’s political crisis. While the IG has failed to live up to all the hopes that were invested in it, many people are still optimistic about the prospects for a successful transition. However, much more needs to be done by SADC to support this transition and to ensure that legitimate elections can take place – and to prevent Zimbabwe from slipping back into crisis.
This essay will critically assess the implications of SADC’s intervention in Zimbabwe and the role it played in crisis management and conflict resolution and in preventing the country from imploding. The paper will argue that it would have been logical for SADC, as guarantor of the GPA, to assign a team of field observers for the duration of the transition – and that the lack of a regional monitoring mechanism to oversee the implementation of the agreement and of a strict time-table to review progress contributed to the slow pace of reform in Zimbabwe.

Background

In May 2007, SADC mandated Mbeki to negotiate a political agreement between the Zimbabwe African National Union Patriotic Front (ZANU-PF) and the two factions of the Movement for Democratic Change (MDC) against the backdrop of a political and economic crisis. The three main goals of the mediation were to endorse the decision to hold harmonised presidential, parliamentary and local government elections in 2008; agree on steps to be taken to ensure that the elections would be generally acceptable to all concerned and representative of the will of Zimbabwean voters; and, agree on the measures that had to be implemented to create the climate that would facilitate such acceptance (Solidarity Peace Trust, 2010). The three political parties agreed to the mediation for different reasons. ZANU-PF was driven by a combination of the free fall in the country’s economy, increasing international criticism and, perhaps most significantly, pressure from SADC to accede to the negotiations (Solidarity Peace Trust, 2010). MDC-T viewed a negotiated settlement as the best route to power, while the smaller MDC-M saw it as an opportunity to retain its political relevance (Solidarity Peace Trust, 2010). Mbeki surmounted serious obstacles and painstakingly got the parties to agree to key electoral reforms, facilitating a political climate that reduced the levels of pre-election violence in the run-up to the March 2008 elections.

However, the five-week delay in announcing the presidential election result fuelled serious suspicions about the manipulation of the outcome. When the results were finally released, Morgan Tsvangirai of MDC-T won 47.9 percent of the vote ahead of President Robert Mugabe with 43.2 percent (EISA, 2008a) – a controversial outcome that entailed a run-off between the two candidates. A wave of politically-motivated violence erupted in several parts of the country, leaving hundreds of MDC supporters dead and many more injured, and prompted Tsvangirai to withdraw from the June run-off. Unsurprisingly, Mugabe swept to victory in what was effectively a one-man race. However, election observer teams from SADC and the Pan African Parliament were unanimous in condemning the run-off election as neither free nor fair (SADC, 2008; Pan African Parliament 2008; and EISA 2008).

Within 48 hours of the run-off, President Mugabe was declared the winner and was inaugurated in time to attend the African Union (AU) Summit starting on 30 June in Egypt. The Summit could not ignore the controversies surrounding Mugabe’s re-election and mandated SADC to resume its mediation of the crisis. In September 2008, following a prolonged process facilitated by Thabo Mbeki, ZANU-PF and the two MDCs signed the GPA – with the AU, SADC and SADC’s facilitator of the intra-Zimbabwe dialogue as guarantors. The GPA was meant to stabilise Zimbabwe politically and economically, and prepare the ground for credible elections. However, the agreement was signed without a clear roadmap in relation to the implementation modalities. Differences over these modalities not only delayed the inauguration of the power-sharing government until February 2009, but also continued to slow progress during the lifespan of the IG itself.

The fallacy of self-monitoring

There have been some serious challenges with the implementation of the GPA. The MDC has persistently raised concerns about the appointment of provincial governors, diplomats, senior public servants, the Attorney General Johannes Tomana and the Reserve Bank Governor Gideon Gono, as well as the arrest of some of its Members of Parliament. ZANU-PF, for its part, has complained about the continuation of sanctions imposed on many of its senior figures, the reported establishment of parallel government structures by Prime Minister Tsvangirai’s office and the generally anti-ZANU-PF radio broadcasts that are still being beamed into Zimbabwe from abroad.

These issues could, and should, have been monitored and resolved. But there was no independent body to do it. Arguably, the main mistake SADC made was that it did not establish impartial structures to effectively monitor and evaluate the implementation of the GPA, which it had so painstakingly helped to negotiate. Instead, a Joint Monitoring and Implementation Committee (JOMIC) was established to ensure the parties’ compliance with the GPA. But JOMIC has been a toothless bulldog. Priscilla Misihairambwi Mushonga of the MDC-M and a co-chairperson of JOMIC admitted:
“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, 23 January 2011).”

The JOMIC arrangement was flawed from the start because it made the three political parties both the players and the referees, leaving full implementation of the GPA vulnerable to non-compliance by any of the parties since there was no effective external supervision by SADC. Perhaps the regional body deliberately intended not to be seen as infringing on Zimbabwe’s sovereignty in a continent where sovereignty is the last line of defence and in a region in which elite political camaraderie still holds sway. Whatever the reason, relying on self-monitoring by the parties to the GPA meant that SADC was unable to assert its authority over the implementation of the agreement. This has been a determining factor in the parties’, especially ZANU-PF’s, non-compliance with the GPA, which has on numerous occasions threatened to derail the entire transitional arrangement. External involvement and pressure was further limited in the Zimbabwean context by ZANU-PF’s clarion call against imperialism, neo-colonialism and non-interference in the affairs of a sovereign state.

It is critical that the guarantors of the GPA realise that they have to hold ZANU-PF and the two MDC formations directly accountable for fully implementing the agreement – or the crisis will drag on and on. And it seems as if SADC’s position might be hardening. In a positive step in January 2011, South African President Jacob Zuma’s international affairs advisor, Lindiwe Zulu, stressed that:

“The issues around the implementation of the GPA have to be taken seriously, because they are critical in creating a conducive environment for elections. In fact the roadmap for Zimbabwe’s elections will be based on the SADC principles and guidelines governing democratic elections, the GPA and other local factors...It’s therefore important that the GPA is implemented and we have emphasised that to all the political parties. We can’t take too long because it’s something (elections) we all need...There is no way we can have an election roadmap without including the constitution-making exercise because the constitution is critical. The Zimbabwe Electoral Commission is also critical because they run the election and it’s important to know their state of preparedness.” (Newsday, 19 January 2011)

A few months later, a Troika Summit of the SADC Organ on Politics, Defence, and Security Cooperation (OPDSC) in Zambia noted its ‘disappointment’ with, and expressed its ‘impatience’ at, the slow pace of fundamental progress and the evident threat of a return to Zimbabwe’s recent dark past (SADC Communiqué). The summit undertook to appoint a team of officials to join the facilitation team and work with JOMIC ‘to ensure monitoring, evaluation and implementation of the GPA’.

Hopefully, the team will help to oversee the full implementation of the agreement, including the creation of a conducive environment for free and fair elections and the adoption of a credible, new constitution. Indeed, the constitution-making process is now a year behind schedule and provides arguably the clearest example of SADC’s ineffective intervention post the inauguration of the IG. Among its primary tasks, the coalition government was charged with producing a new constitution within 18 months, which would be drafted with the participation of the people and legitimised by a referendum. SADC did not have monitors on the ground to observe, what has turned out to be, a painfully slow and far-from-smooth constitution-making process.

Lessons could have been learned from Kenya, where the process was completely different. Following the post-election violence in 2007, mediation by an AU Panel of Eminent African Personalities chaired by former United Nations Secretary General Kofi Annan also led to the establishment of a coalition government as a means to institute comprehensive political reforms. But, crucially, civil society was tasked with monitoring the unity government. Social Consulting, a non-governmental organisation with expertise in governance and social development, was contracted to independently monitor the implementation of the Kenya Peace Accord and provide regular reports to the High Level Panel of Prominent Persons on any achievements as well as any challenges or issues that needed to be addressed. The organisation reflected that:

“By their very nature coalitions are politically fragile. They comprise different and dynamic political entities that work jointly while preserving their individual identities. It is difficult, therefore, for coalition partners to monitor or track their progress on their own because individual interests may influence how they see and interpret this progress. Therefore, in order to keep focused on the goal of the National Accord, there is a need to regularly track or monitor progress made in implementing action points on each agenda item. An external and independent assessment is important in showing progress or lack of it in implementation of each agenda item. This is also critical in identifying and providing feedback on progress, challenges and gaps in implementation.” (Social Consulting)
**2007**

**MAY**

SADC mandates President Mbeki to negotiate political agreement between ZANU-PF and the MDCs

**2008**

**MARCH**

Zimbabwe Presidential elections

MDC’s Tsvangirai wins with 47.9% of the votes to ZANU-PF’s Mugabe with 43.2%

Wave of politically-motivated violence directed toward MDC followers in Zimbabwe

**JUNE**

Tsvangirai withdraws from the run-off

Mugabe victorious in the one-man elections race

AU Summit in Egypt

Summit mandates SADC to resume mediation of the Zimbabwe crisis

**SEPTEMBER**

ZANU-PF and MDCs sign the GPA

Different views between parties delays the inauguration of the IG until February 2009

**2009**

**JANUARY**

JOMIC launched to ensure parties’ compliance with the GPA

**2011**

**JANUARY**

President Zuma’s International Affairs Advisor, Lindiwe Zulu, states that GPA implementation issues need to be taken seriously

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**Mediation in the Absence of Regional Mediation Architecture**

The SADC Organ on Politics, Defence and Security Cooperation is in the process of setting up a Mediation Unit, whose mandate will be to deal with conflicts within and among member states. This stems from a growing recognition that mediation has been a ‘gaping hole’ in the regional body’s efforts to prevent the outbreak of violence between opposing parties. Over the years, SADC’s mediation has been on an ad hoc basis, with eminent southern African leaders – such as former presidents Nelson Mandela and Thabo Mbeki of South Africa, Frederick Chiluba of Zambia, Ketumile Masire of Botswana and Joaquim Chissano of Mozambique – being called upon to intervene in troubled countries like the Democratic Republic of the Congo, Lesotho, Zimbabwe and Madagascar.

The establishment of SADC’s mediation architecture, which is in sync with Chapter VIII of the UN Charter that encourages the development of peaceful settlement of local disputes through regional arrangements, should help to enhance coherence, synergy and the effectiveness of its efforts. But the envisaged mediation structures should be created as part of a comprehensive regional policy and strategy for preventive diplomacy. This is important since experience the world over has demonstrated that preventive diplomacy tools — such as conflict prevention, mediation, good offices, fact-finding missions, negotiation, special envoys, informal consultations, peace building and targeted development activities — can be more useful and cost-effective, as well as being less risky, than military activity in delivering desired peace dividends.

In the absence of a dedicated SADC mediation architecture, the SADC Secretariat in Botswana should ideally have played a more meaningful role in support of the intra-Zimbabwe dialogue. However, there is a consensus that the work of the Directorate of the SADC OPDSC has been undermined by its ‘small (and weak) administrative and infrastructure and capacity’ as well as its insufficient human and financial capacities (Anthoni van Nieuwkerk, p.11). This is partly explained by the fact that divergent national security agendas and the different priorities of member states in relation to state (regime) security versus human security influenced the establishment of a ‘minimalist’ directorate. As Van Nieuwkerk concluded, “In short, the Organ is not more than the sum of its parts, and given its in-built shortcomings, the parts become key.” (Anthoni van Nieuwkerk, p.12)
It is important that efforts are made to strengthen the capacity of the directorate with additional human and financial resources in order to provide more effective, responsive and efficient support for SADC peacemaking efforts. And it is just as important for SADC to ensure that the planned mediation unit is supported by adequate human and financial resources to facilitate effective administration and management.

Against this backdrop, Zuma’s appointment of a three-member facilitation team to assist him in monitoring Zimbabwe’s embattled coalition government – comprising Lindiwe Zulu, political advisor Charles Nqakula and special envoy Mac Maharaj – illustrates SADC’s current institutional inadequacies. While Zuma and his team have so far managed to keep the ‘marriage of convenience’ in Zimbabwe from ending in divorce, his strategy has also brought a new dynamic to the whole process. The mediation is now largely viewed as a bilateral issue between South Africa and Zimbabwe, more so when one considers that Zuma and his team all come from the same political party – the African National Congress – a close ally of ZANU-PF.

**SADC’s Election Architecture**

Southern Africa has established a normative framework for the conduct of credible and peaceful democratic elections, including the SADC Parliamentary Forum Norms and Standards (2001), the Electoral Institute of Southern Africa/Electoral Commissions’ Forum (2003) and the SADC Principles and Guidelines Governing Democratic Elections (2004). These regional guidelines commit SADC member states to follow agreed best election practices. However, the guidelines call for the resolution of election-related disputes – like those in Lesotho in 2007 and Zimbabwe – in accordance with their own national laws. This means that SADC is hamstrung in this crucial area since it can only encourage member states to adhere to the SADC principles. It cannot enforce their compliance.

Therefore, it is critical that the ‘roadmap’ to credible, transparent and peaceful polls – both for the constitutional referendum and subsequent elections – that SADC and the three Zimbabwe principals are busy crafting addresses the challenges inherent in Zimbabwe’s body politic and conforms to SADC’s regional guidelines. This should include ensuring that the Independent Electoral Commission, established under the GPA, is autonomous, impartial and conducts itself in a transparent manner; promulgating sturdy legislation to govern the electoral process; and, delimiting electoral boundaries (Khadiagala, 2010, p.15). The new electoral system should also include dispute resolution mechanisms to efficiently and effectively deal with any electoral conflicts. 

**Concluding Reflections: The dilemma of SADC mediation**

The SADC mediation in Zimbabwe provided a litmus test for the regional body’s capacity to resolve conflicts using mediation as a constructive and non-violent tool. There is no doubt that some successes were scored and that Zimbabwe’s imminent implosion was halted. Notwithstanding this, three critical issues have emerged. Firstly, the development of SADC’s mediation capacity is still a work in progress. Important institutional gaps were exposed during the process in Zimbabwe, particularly the lack of an effective monitoring mechanism.

Secondly, the Zimbabwe case has provided lessons that should inform future mediation exercises. Among many issues, the process highlighted the following major concerns:

- Limiting the process to only three political parties excluded important players such as civil society, labour and smaller political parties, and reinforced the politics of exclusivity that has characterized ZANU-PF rule and is against the dictates of participatory democracy;

- The result was a political settlement that did not timeously recognise the immediate needs of specific victims of the crisis, such as refugees and internally displaced people, women and other victims of politically motivated violence, and lacked an effective transitional justice mechanism since the Organ on National Healing and Reconciliation was stillborn; and,

- Leaving political parties, who had been at each other’s throats for years, to implement the GPA on their own and monitor themselves through JOMIC was probably SADC’s most serious misjudgement to date.

And finally, South Africa has been placed between a rock and a hard place. On one hand, the country does not want to be seen as assuming a hegemonic role in the region, yet on the other, Zimbabwe would not be where it is today without the ability of South Africa’s leaders, Mbeki and Zuma, to influence events.

In conclusion, the years of crisis in Zimbabwe illustrate how important it is that SADC is setting up a mediation unit. If properly instituted, well funded and sufficiently staffed, the unit will help to alter the dynamics of mediation in the region – shifting it from an ad-hoc process based on current and former presidents towards a more effective, institutional architecture that will strengthen SADC’s ability to mediate and bring peace to the region.


Newsday “We’ve been helpless — Jomic” (available at http://www.newsday.co.zw/), Accessed 23 January 2011.


Social Consulting, South Profile, (available at http://south.co.ke/Profile.aspx)