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## Zimbabwe: Power-Sharing Deal Under Stress

### Summary

- Zimbabwe's coalition government is increasingly dysfunctional, mainly due to a defeated incumbent ruler's unwillingness to surrender real executive authority to a popular opposition.
- The latest dispute over the president's unilateral exercise of appointment powers threatens to escalate into a constitutional crisis that seems likely to be resolved only through fresh elections.
- International actors can help to bring Zimbabwe's transition to a peaceful and democratic conclusion by guaranteeing power sharing, supervising elections, and maintaining targeted sanctions.

### Introduction

The fragile power-sharing deal between Zimbabwe's political parties is close to breaking down. A deep rift has developed between the main protagonists: President Robert Mugabe and Prime Minister Morgan Tsvangirai. Frustrated with deadlock in the country's "unity" government, each has publicly called for fresh elections in 2011 as the only way forward. Yet the prospect of a new round of political campaigning raises the specter of a return to state-sponsored violence.

The latest stalemate risks a constitutional crisis that could ruin the coalition. The precipitating events were the president's decisions to appoint provincial governors and ambassadors without informing the prime minister or seeking his consent. These unilateral acts are the most recent in a string of violations of the terms of a unity agreement struck two years ago. Mugabe's latest maneuver adds evidence that power sharing does not work when one partner holds the balance of power and lacks sincere commitment to cooperate.

### Background to Zimbabwe's Power-Sharing Arrangement

In 2008, Zimbabwe was in crisis. Due to disastrous mismanagement, the country's economy had shrunk by half over the decade. The national currency was beset by hyperinflation. And a cholera epidemic was abroad throughout towns and the countryside.

To make things worse, the incumbent party had blatantly stolen a national election. In the March 2008 parliamentary contest, the two wings of the opposition Movement for Democratic Change (MDC) together had won a majority of seats in the lower house, displacing Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) for the first time since independence

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in 1980. After a suspicious five-week delay, the Zimbabwe Electoral Commission hesitantly announced that Tsvangirai had also beaten Mugabe in the first round of the presidential vote, but not by the absolute majority necessary to avoid a runoff. Turning to his close allies in the security forces, Mugabe engineered a vicious crackdown that resulted in hundreds of deaths and thousands of displacements. When, in a bid to end violence, Tsvangirai withdrew from the second-round election, Mugabe cruised to a pyrrhic victory.

But the illegitimate government could not stand. The disputed election alienated even strong supporters of the ZANU-PF elsewhere in Africa. Thus, a regional negotiating team, headed by then-President Thabo Mbeki of South Africa, forced the contending parties to compromise. Following rocky negotiations, three principals—Mugabe, Tsvangirai and the leader of an MDC splinter group, Arthur Mutambara—signed a so-called Global Political Agreement (GPA) in September 2008. It stipulated the formation of a transitional government in which executive power would be shared between the president and prime minister, and other appointments would be distributed proportionally. The GPA was put into effect by a constitutional amendment (No. 19) in December 2008 and by the formation of a transitional government of national unity (GNU) in February 2009.

Yet power sharing was nobody's first choice. Accustomed to unchallenged dominance, the ZANU-PF was dead set against making concessions to rivals that it regarded as upstarts who never participated in Zimbabwe's liberation war, unlike Mugabe, who is regarded throughout the region as a legendary war hero. The ZANU-PF entered the agreement mainly to attract much-needed foreign assistance (including the lifting of targeted sanctions on its leaders) and to buy time to regroup politically. For its part, the MDC, especially Tsvangirai's wing, was profoundly reluctant to get into bed with Mugabe, who was committed to clinging to power and notorious for going back on his word. Yet they had learned from experience that, as an opposition, they could win elections and still not accede to office. Thus, half a loaf seemed better than none.

## A Growing Impasse

To be sure, the power-sharing arrangement has brought benefits. Zimbabwe in 2010 enjoys a modicum of peace. The brutal widespread violence of the last election campaign—which involved murder, abduction and rape—has subsided for the moment, though arbitrary arrests and farm invasions continue sporadically. The economy has regained a measure of stability due to the adoption of foreign currencies, which has tamed inflation and brought goods back onto the previously empty supermarket shelves.

Politically, however, the country remains polarized. From the outset, power in the GNU was divided rather than shared. And the division was never equal. The ZANU-PF retained control of the core instruments of state coercion: the ministries of defense and justice as well as the intelligence service. The MDC gained leadership of the ministries of finance, education and health. So, while the MDC has taken on the demanding responsibility of ensuring socioeconomic recovery (which it calculates will rebound to its electoral advantage), the ZANU-PF has concentrated on shoring up its apparatus of political control and national security (also in preparation for forthcoming elections).

In practice, the president—aided by a small entourage of hard-line party and security officials who have benefited from his patronage—has attempted to disrupt, even sabotage, the GNU. A donor-sponsored study in late 2009 found that the unity government had implemented only four out of two dozen GPA clauses. The agreement (now embedded in the constitution) requires that, on important decisions—such as, appointing top officials or announcing government policy—the president is bound to consult the prime minister. Yet Mugabe has repeatedly behaved as if he retains the powers of an absolute ruler by failing to honor the consultation requirement. He has

treated Tsvangirai with disdain, refusing him the chairmanship of the Cabinet in the president's absence and condoning the refusal of army and police chiefs to salute the prime minister. The fledgling prime minister's office and inexperienced MDC parliamentary delegation have yet to find ways to block these ZANU-PF power plays.

Politics in Africa often centers on struggles to capture the personal benefits of state power and Zimbabwe is no exception. Thus, appointments to official positions have prompted the bitterest disputes. Even before the GNU had been sworn in, President Mugabe assigned his own loyalists to the strategic positions of attorney general and Reserve Bank governor. Then, in May 2010, he took it upon himself to independently swear in five new Supreme and High Court judges. In July, he designated six ambassadors, again without consultation. These high-handed actions took place alongside the president's refusal to appoint to the Cabinet the MDC's designee for deputy minister of agriculture, who was legally persecuted even after a trumped-up treason charge was dismissed.

## The Current Dispute

Yet, the latest abuse of power is a step too far. In early October 2010, Mugabe unilaterally reappointed ZANU-PF governors to Zimbabwe's 10 provinces in direct violation of an earlier understanding that these posts would be shared proportionally with the MDC. Once again, the president failed to inform the prime minister or to seek the latter's consent.

In response, Tsvangirai raised the political stakes. He framed the issue as a constitutional dispute that threatened the viability of the coalition government. In a carefully worded public statement on October 7, 2010, the prime minister confessed that "the events of the past few months have left me sorely disappointed in Mr. Mugabe and in his betrayal of confidence." Not only had Mugabe initially "reappointed himself president in breach of the Constitution of Zimbabwe" but he disregarded the need "to appoint new governors according to the law." He called upon the Senate to refuse to seat the governors, the Chief Justice to void the promotions of illegally-appointed judges, and the diplomats to reject the credentials of new ambassadors. While boycotting a cabinet meeting, Tsvangirai concluded that "neither I, nor the MDC, can stand back any longer and just allow Mr. Mugabe and ZANU-PF to defy the law, to flaunt the Constitution, and to act as if they own this country."

Predictably, Mugabe reacted sharply, denouncing "foolish and stupid" the events unfolding within the government. He declared that the power-sharing experiment was only meant to last for two years and called for an end to the unity government with fresh elections by mid-2011. A ZANU-PF spokesman claimed that the president had acted within the constitutional scope of his office.

This war of words between the president and prime minister must be understood in context. Partisan enmity arises against a background of a dysfunctional GNU, preparations for elections on both sides, and threats of rekindled political violence. The MDC's newfound resolve to stake out a position on the rule of law is motivated in good part by the party leadership's disappointment with the previous disruption of efforts to launch the constitutional reform process mandated by the GPA. The work of a parliamentary committee to elicit popular views on a new constitution ended abruptly in September 2008 when ZANU-PF thugs broke up public hearings in the heart of the capital city. As a result, any new constitution will likely be the product of an elite bargain rather than the "people-driven" document for which many had hoped.

## The Way Ahead

These recent developments provide sober lessons for Zimbabwe's next elections. While political parties are gearing up for voting in 2011, none of the contenders are ready to run an effective

## ABOUT THIS BRIEF

Michael Bratton, a Jennings Randolph senior fellow at the U.S. Institute of Peace, wrote this Peace Brief based on press monitoring and interviews in Harare, Zimbabwe, Washington, D.C., and elsewhere between May and October 2010.

campaign. The ZANU-PF garners only minority support in opinion surveys about vote preferences and Tsvangirai's wing of the MDC must first rebuild local party structures decimated in 2008. All other parties—including Mutambara's MDC, Simba Makoni's Mavambo Kusile Dawn (MKD), and a revived Zimbabwe African Peoples Union (ZAPU)—risk poor showings at the polls.

Given the uncertainty that now surrounds the constitutional reform process, it is unclear whether the elections will be held under old rules or new. While minor electoral reforms have been introduced, the laws still allow leeway to the authorities to conduct surveillance of the vote. Moreover, as of now, the official electoral management body is ill-prepared to guarantee a free and fair contest. While the Zimbabwe Electoral Commission (ZEC) has new and more balanced leadership, its staff is still composed of old-guard elements, including from the military and intelligence services. Most importantly, militia leaders loyal to the ZANU-PF are already warning would-be voters in rural areas that violence will befall anyone who dares to vote for the MDC.

In all probability, and despite stresses and strains, the "unity" government will limp along. Neither the ZANU-PF nor the MDC has any other political refuge. The most likely scenario is that Mugabe and his party will continue to try to provoke Tsvangirai and his supporters into leaving the alliance, but the latter will refuse to take the bait – and the blame that would go with it. At the same time, given the unworkable arrangement of a divided political executive, the Zimbabwe GNU is unlikely to accomplish much going forward in the way of meaningful political or policy reform.

## Recommendations

- The African Union (AU) and the Southern African Development Community (SADC) should insist on the full implementation of all provisions of the 2008 GPA.
- As guarantors of the GPA, the AU and SADC should prepare to comprehensively supervise general elections in Zimbabwe. They should insist that the election date be agreeable to both the president and the prime minister, and refuse to recognize any electoral results gained through violence. They should take active measures to ensure a peaceful electoral environment, free campaigns, a fair and accurate count and a transfer of governmental authority to the electoral victors.
- The United Nations and European Union, along with affected countries—Italy, Sweden, Switzerland and South Africa—should refuse to accept the diplomatic credentials of any unconstitutionally-appointed ambassador from Zimbabwe.
- The United States and European Union should continue to maintain targeted sanctions against individuals, civilian and military, in the top leadership of the ZANU-PF until such time as all signatories implement all GPA provisions and/or conduct free and fair elections.



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