



# ESSAY

## ZIMBABWE'S ZEZURU SUM GAME

*The basis for the security dilemma in which the political elite finds itself*

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Reflecting on the crisis in Zimbabwe, one is immediately struck by the preoccupation of most commentators with President Robert Mugabe and the land reform programme. Many have touted the confluence of these two issues as the main drivers of that country's political, economic and humanitarian woes. This particular perspective, which is most dominant in the media, has captured popular attention. However, while these two factors are certainly important to understanding the current problems faced by Zimbabwe, little room has been left for the consideration of a number of underlying dynamics that have also contributed to the current stalemate. This omission encourages the perpetuation of myths and rumour, and leads to serious miscalculations in the various transition scenarios that have been mooted. One of the dynamics that has been largely omitted from the debate is the critical role played by what we have chosen to term the 'security dilemma' faced by Zimbabwe's elite.

This essay will also present Zimbabwe's political crisis as the result of attempts by the ruling elite to block the transition to enhanced democracy. Also central to the article is a conceptual framework that explains how this powerful group has responded to the threat implicit in political transformation, and how the dominant nationalist ideology represented by the Zimbabwe African National Union (Patriotic Front) (ZANU-PF) has fed into this dynamic.

### Introduction

As Zimbabwe commemorated the 25<sup>th</sup> anniversary of its independence on 18 April 2005, the country's main opposition party, the Movement for Democratic Change (MDC), found itself with little cause to celebrate. The negative mood which engulfed the opposition camp was attributable to its resounding defeat in the much-disputed parliamentary elections of 31 March 2005. The outcome of the poll

revealed an opposition party that was not just shell-shocked, but one which had apparently run out of ideas. It appeared to lack a strategic vision that would guide it in its difficult task of unseating the governing party (ZANU-PF), which has been in power under its leader, Robert Mugabe, since the country attained its independence from Britain in 1980.

Even though Zimbabwe is considered a *de jure* democracy, credible opposition to ZANU-PF did not begin to emerge until the

early 1990s, at a time of growing poverty and unemployment. Only one year after its formation, the MDC won 57 seats in the 2000 parliamentary election, compared with the 62 seats claimed by ZANU-PF. Interest in the elections was strong in the urban centres, although intimidation probably reduced participation in some rural areas. The most striking feature of the voting pattern was not so much the overwhelming support shown for the MDC in the cities, but that ZANU-PF won only two seats in the Matabeleland provinces. Furthermore, the MDC gained seven seats against ZANU-PF's six in Manicaland. That province and Matabeleland, which have in the past been the strongholds of opposition parties, voted for the same opposition party for the first time in 2000. This must have been alarming for ZANU-PF, which had made unity and the regional balancing of power among its leaders the main platform of its campaign rhetoric. The electoral outcome in 2000 made the MDC the most successful opposition party in Zimbabwe's history as an independent state.<sup>1</sup>

The results of the most recent parliamentary polls in March 2005, however, saw the governing party securing a two-thirds parliamentary majority, winning 78 of the 120 elected seats. The MDC managed to gain only 41 seats, 16 fewer than in the 2000 elections, when it came within three seats of winning a parliamentary majority.<sup>2</sup> The MDC has rejected the credibility of these results, claiming that the elections were rigged and that the voters' roll was in a shambles.<sup>3</sup> To make matters worse, the MDC maintains that the electoral playing field is skewed to the distinct advantage of the ruling party. For example, the president is authorised to appoint 30 non-constituency members to parliament (making up a total of 150 seats). As things stand, ZANU-PF finds itself very much in the 'pound seats', because its two-thirds majority in parliament allows it to change the constitution as it sees fit. The president and his party have been contemplating the prospect of such a move for some time now.<sup>4</sup>

Tables 1 and 2 represent the national summaries of votes and seats in the 2005 parliamentary elections.

**Table 1 National summary of votes**

|                   | Votes      | %    |
|-------------------|------------|------|
| Registered voters | 5, 658,624 |      |
| Total votes cast  | 2, 696,670 | 47.7 |
| Invalid votes     | 62,025     | 02.3 |
| Valid votes cast  | 2, 634,645 | 97.7 |

Source: The Kubatana Trust of Zimbabwe

**Figure 2 National summary of votes and seats**

| Party             | Votes     | %    | Change | Seats | Change |
|-------------------|-----------|------|--------|-------|--------|
| MDC               | 1,041,292 | 39.5 | - 08.9 | 41    | - 16   |
| ZANU-PF           | 1,569,867 | 59.6 | +11.9  | 78    | +16    |
| Others            | 23,486    | 0.9  |        | 1     |        |
| Appointed members |           |      |        | 30    |        |
| Total             | 2,634,645 |      |        | 150   |        |

Source: The Kubatana Trust of Zimbabwe

The celebratory mood that should have marked Zimbabwe's silver jubilee has also eluded a large proportion of Zimbabwe's population, who find themselves in the throes of the worst social and economic depression to have hit Zimbabwe since it became independent. The current economic and political crisis has reversed the social and economic gains that the country experienced under the leadership of President Mugabe in the first decade of his administration. These positive developments were brought about by massive investment in such sectors as education and primary healthcare.

In contrast, Zimbabweans are currently faced with an economy that is nearing collapse. It is characterised by hyperinflation, rampant unemployment, food and fuel shortages, and has been rated by some economists as "the fastest-shrinking economy in the world".<sup>5</sup> Domestic debt has trebled since February, to \$1.1 billion (about R6.8 billion), and according to the Reserve Bank of Zimbabwe, foreign currency reserves now meet less than ten per cent of demand from the productive sector. Annual inflows of foreign exchange from tobacco, which is Zimbabwe's main export crop, the sales of which began on local auction floors in April, are far below average. Experts have attributed this decline to poor crop quality and reduced output. The relative price stability of essential commodities maintained over the last year has ended, and reductions in inflation have bottomed out. Prices are said to have increased by 100 per cent since the election. The inflation figures released by the Reserve Bank of Zimbabwe at the end of April calculate inflation at less than 130 per cent<sup>6</sup> but economists from the private sector believe a more accurate estimate is somewhere between 300 per cent and 400 per cent.

### **Zimbabwe's political culture and legacy**

The steady decline in living standards for most Zimbabweans throughout the 1990s was generally identified as one of the main reasons for the growing dissatisfaction with the government felt in society. This prompted civic

groups and the Zimbabwe Congress of Trade Unions (ZCTU) to form a political party, the MDC, led by Morgan Tsvangirai, in September 1999. Judging by its track record, ZANU-PF has failed to provide the broad mass of the people with either human security or social peace, despite its nationalist rhetoric. This deficiency is examined by Patrick Bond and Masimba Manyanya in their work *Zimbabwe's plunge: Exhausted nationalism, neoliberalism, and the search for social justice*. They argue that after two decades of independence, the country's voters are experiencing 'fatigue' arising from the ruling party's misgovernment and economic mismanagement.<sup>7</sup>

Unfortunately the MDC has not been able to translate the popular discontent over the government's policies into mobilisation in support of the opposition, which might ordinarily lead to a transition in its favour. This failure stems not only from deficiencies within the opposition, but also from extreme structural bias in the electoral process. The MDC has yet to participate in an election that can objectively be deemed free and fair, and to express the will of the people. It is ironic, particularly in the year that marks a quarter-century of independence, that the early struggle for liberation from colonial rule was based on extending the vote to all, regardless of ethnicity, race or affiliation (whether political or religious). The ZANU-PF-led government through its conduct, especially during the last three elections, seems to have disregarded this aspect of the nationalist struggle for liberation in which it took part.

But this argument may be challenged. Zimbabwe's liberation struggle may have had the unintended effect of adding certain tendencies or ideologies to the whole nationalist movement that may account for the ruling party's apparently revisionist and counter-revolutionary stance. It can be argued that African nationalism, seen as a social movement, was "basically hegemonic and intolerant of diversity, internal and external criticism and dissent. As a movement it was basically sweeping in what it claimed and annihilatory in what it rejected." Ngwabi Bhebe and Terence Ranger observe:<sup>8</sup>

But perhaps there was something inherent in nationalism itself even before the wars and the adoption of socialism, which gave rise to authoritarianism. Maybe nationalism's emphasis on unity at all costs - its subordination of trade unions and churches and all other African organisations to its imperatives - gave rise to an intolerance of pluralism. Maybe nationalism's glorification of the leader gave rise to a post-colonial cult of personality. Maybe nationalism's commitment to modernisation, whether socialist or not, inevitably implied a 'commandist' state. Indeed the post-colonial state authoritarianism cannot be explained only on the basis of its being a successor to an equally authoritarian settler colonial state. Rather, the legacy of African nationalism itself tainted the post-colonial state with authoritarian tendencies.<sup>9</sup>

This negative aspect of the legacy of liberation is particularly evident in the electoral politics of Zimbabwe. Robert Mugabe illustrated this phenomenon when he said in 1976:

Our votes must go together with our guns; after all, any vote we shall have, shall have been the product of the gun. The gun, which produces the votes, should remain its security officer, its guarantor. The people's vote and the people's guns are always inseparable twins.<sup>10</sup>

According to Sabelo Ndlovu-Gatsheni Zimbabwe's political culture is largely a product of four main influences: pre-colonial, colonial, the armed liberation struggle, and ZANU-PF rule.<sup>11</sup> This same author goes on to note that the contemporary political culture of Zimbabwe "represents an articulation of these four streams. The four influences that gave birth to the Zimbabwean political culture were all undemocratic."<sup>12</sup> For instance, pre-colonial societies were characterised by non-competitive politics. "Competition for power was not only illegitimate, but also fatal, and often those who sought power had to found their own polity elsewhere".<sup>13</sup> It can be argued that this explains why, to this day, the Zimbabwean

political elite regards political competition with suspicion and open hostility, as can be seen in the behaviour of ZANU-PF in the face of any political opposition, past and present. The other operative principle of pre-colonial Zimbabwean political authority mentioned by Ndlovu-Gatsheni is the idea of "life kingship or chieftaincy, an idea and practice that easily translates itself into the notion of 'life presidency'".<sup>14</sup> "Colonialism that succeeded pre-colonial rule was, by definition and design, an autocratic system of governance ... It was undemocratic to the core."<sup>15</sup> The settler colonial government made no attempt to create democratic institutions that embraced the Africans. Political participation was severely limited and political competition was neither allowed nor tolerated. Ndlovu-Gatsheni notes:

Colonial authoritarianism, far from deepening a commitment to democratic norms and practices on the African nationalist elite, merely consolidated an incipient authoritarian psyche in the nationalist leadership. The authoritarianism of the colonial era reproduced itself within the nationalist political movements. The war of liberation, too, reinforced rather than undermined this authoritarian culture.<sup>16</sup>

A more recent influence that has shaped political culture in Zimbabwe is the nationalist liberation struggle.

Every African was expected to embrace the liberation war and every one had to toe the line. This, more than anything else, generated and institutionalised a culture of fear, conformity and unquestioning support. The guerrilla armies and the nationalist parties were never democratically structured and did not operate in a democratic fashion. They were highly commandist and authoritarian.<sup>17</sup>

While the liberation struggle was instrumental in the country's gaining independence, the style of rule has scarcely evolved in institutional terms. It is still characterised by intolerance,

intimidation and violence. The liberation struggle instilled in many political leaders and their supporters a militaristic conception and perception of politics and political process.

These elements in Zimbabwe's political culture are the main reasons that many observers have argued that in the current political context the prospect of holding a free and fair election that can result in the peaceful transfer of power is unlikely if not impossible. This will probably be the case until the present style of government, which is predicated on the importance of regime security, is replaced or radically transformed. What is needed is a political dispensation that embraces a more pluralistic conception of political competition, based on democracy, human security, tolerance, rule of law, consent of the governed, and respect for human rights.

It is no coincidence that Zimbabwe's multifaceted problems have been caused by a confluence of colonial and post-colonial experiences. The most significant contributory factors are summarised below.

- Since independence, Zimbabwe's leadership has failed to transform the repressive colonial state structure into a democratic one. A related failure is that ZANU-PF as a former liberation movement has been unable to remould itself into a democratic government, and therefore has not fulfilled its promise, made when the country achieved independence, of political freedom for its citizens.
- The lack of accountability demonstrated by the government after independence is linked to the underdevelopment of the concepts of citizenship and participatory democracy. The colonial authorities conditioned the majority of Zimbabweans to acquiesce in, and comply with, decisions and actions taken by politicians, regardless of their independent opinions on the issues. They were compelled to act as mere unquestioning recipients; and the cost of non-compliance was always heavy. This led to an inherited culture of intolerance and impunity on the part of the government.

- The structural adjustment policies introduced by the International Monetary Fund (IMF) and the World Bank had a very weak human development component, and exacerbated poverty in Zimbabwe. A contradictory situation was created. The model of neo-liberal democracy propounded by the structural adjustment policies prescribed a weakening of the state's role. But this came at a time when the human developmental deficits accumulated during the colonial and Cold War eras required an interventionist state. This contributed to the state's inability to redistribute resources in a coherent and orderly manner.
- The failure of leadership in independent Zimbabwe has created patronage systems based on region, ethnicity and political affiliation. These have completely undermined both advancement based on merit and market economics. A report compiled by the author describing the discussions that took place at a workshop held by the Institute for Security Studies in 2003, contained this comment: "Zimbabwe has become a nation of accomplices joined together by ethnicity, region, political affiliation and war credentials. Government, amongst other vices, specializes in covers and cover-ups. It is for this reason that a justice system manned by kinsmen and party cadres is as evil as the Rhodesian system which was constructed along racial lines."<sup>18</sup>

The crisis in Zimbabwe is essentially structural and deep-rooted. It cannot be resolved through tinkering with peripheral symptoms or piecemeal measures. Instead it requires far-reaching, honest and all-encompassing solutions.

What follows is an attempt to establish the extent to which the insecurity felt by the regime helps to explain the manner in which Zimbabwe's political elite has behaved in response to the political and socio-economic challenges that have brought about the country's present state of near-collapse. This paper argues that the political elite in Zimbabwe is increasingly trapped in

an 'insecurity dilemma'. This formulation not only supplies a reason for the uncompromising rigidity and resistance to change currently evident in the higher echelons of Zimbabwe's government, but, equally important, it may contribute to a more realistic assessment of possible models for transition. Change has, in and of itself, become anathema to Harare's ruling elite, a social evil that must be opposed at all costs. While it is expected as normal political behaviour that an elite should attempt to control the pace and the nature of political change, the degree to which President Mugabe and his cabinet have directed the political process goes beyond the simple perpetuation of ZANU-PF's regime.

### **The security dilemma of Zimbabwe's elite**

The process of regime change in Africa, as in most of the world, has typically occurred during periods that are characterised by political and/or economic crisis. While the general expectation is that peaceful, negotiated regime change will result in more inclusive (and, many would hope, more democratic) political systems, the reality is that political change rarely occurs in a linear manner.<sup>19</sup>

However, what prompts authoritarian regimes to liberalise, to become more democratic, to accept political competition? Traditional political scholarship has often put forward expected-utility theories, and in particular used rational-choice models of decision-making as the conceptual framework most suitable to explain political behaviour. In this sense, as Nicholson points out, "actors behave in circumstances of risk as if they were maximising the expected value of some defined concept of utility".<sup>20</sup> Applied to Zimbabwe, this would mean that the use of violence or other means of coercion would cease when the cost of coercion is estimated as being higher than the benefits of liberalisation.<sup>21</sup> Yet, even when faced with economic collapse, a deteriorating humanitarian situation and the increasing likelihood of social unrest, Zimbabwe's ruling elite continues to view the use of violence as an acceptable means of

attaining its political objectives. The following government statement amply illustrates this:

[The government] is fighting a Third 'Chimurenga'. This new 'war' is a struggle to achieve economic justice for the black majority. The Second Chimurenga war was fought to liberate the country from the yoke of white minority rule. This armed struggle resulted in the political emancipation of the black majority, but not economic emancipation as after 1980 a tiny white settler community continued to dominate the agricultural and commercial economy. In particular, a small number of whites still owned a huge proportion of the most fertile farmland, with the black majority being relegated to poor quality land. This gross social and economic injustice could not be allowed to continue. Thus when the landless people 'spontaneously' invaded white farmland to register their protest against this gross injustice, Government then felt compelled to act. It thus embarked upon its fast track resettlement programme. The new political party, the Movement for Democratic Change (MDC), was formed as a front for the whites to resist the moves towards the redistribution of the economic assets of Zimbabwe. Britain and other European powers are sponsoring the MDC because they wanted to protect the property rights of whites and are vigorously opposed to the expropriation of white-owned farmland. These Governments are also waging a vicious propaganda campaign against Zimbabwe. The Government was justified in taking all necessary measures to prevent the MDC and its Western allies from denying the black majority the economic justice they cried out for. It was perfectly justifiable to use necessary force to overcome resistance to the transformation of the economy in favour of the black majority to achieve economic justice. After all, the colonial regime had violently dispossessed the black majority of their land and had brutally suppressed them for many decades.<sup>22</sup>

## **The implications of universal jurisdiction for the elite**

Zimbabwe has historically been characterised by a culture of impunity that allows those in power to use it without restraint. This has continued from colonial times, through the Smith regime, the Gukurahundi massacres in Matabeleland and Midlands in the 1980s, to the more recent wave of organised violence and torture, particularly since April 2000.<sup>23</sup> It has been argued that the impartial application of justice will convey the message to present and future generations that perpetrators of politically motivated acts of torture and assault will be held accountable and punished. Such a message could presage an end to the cycles of political repression and violence that have afflicted Zimbabwe for decades.<sup>24</sup>

Very few countries have constitutional provisions that allow for the prosecution of sitting presidents. Furthermore, the international norm has tended to protect a head of state and, in certain instances, government officials, giving them immunity from prosecution while in office. The modern trend seems to run contrary to this, especially when the state takes the dual principles of accountability and transparency seriously. There is also the possibility that a head of state may face two kinds of prosecution. While an agreement may be made to grant amnesty to perpetrators of gross human rights violations (notably Mugabe himself) in order to smooth the political transition and act in the spirit of reconciliation, national amnesties do not protect individuals from international prosecution. Charges can be brought either by other states, using the principle of universal jurisdiction, or by the recently established International Criminal Court. This prospect, in and of itself, has contributed to a heightened sense of vulnerability in Harare's inner circles. Undoubtedly this has been the reason for their increasingly inflexible attitude towards negotiation with the MDC.

The now internationally accepted trend to hold heads of state and other government officials accountable for their actions after their term in office has ended has been most evident

in the cases of Augusto Pinochet and Charles Taylor, which are discussed below. According to the developing international legal position on crimes against humanity (including other gross human rights violations such as torture), no immunity can be granted for such crimes, there is no statute of limitations, and any state can try offenders in terms of international law.

Article 27 of the Rome Statute reads:

*Irrelevance of official capacity*

- 1 This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence.
- 2 Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.

## ***Crimes against humanity***

The concept of crimes against humanity is well established in international law, even though it is rarely enforced in practice. From the 1946 Nuremberg trials onwards, the definition has been expanded and formalised in a number of international instruments. These include the UN Universal Declaration of Human Rights (1948); Common Article 3 of the Geneva Convention (1949); the UN Convention on the Prevention and Punishment of the Crime of Genocide (1951); the UN International Covenant on Civil and Political Rights (1966); the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); and finally, Article 7 of the Rome Statute of the International Criminal Court (1998).

According to the Rome Statute, crimes against humanity are inferred when any of the following acts, carried out in peacetime, are “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”:<sup>25</sup>

- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of population;
- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- torture;
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;
- persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognised as impermissible under international law;
- enforced disappearance of persons;
- the crime of apartheid; and
- other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

### ***Universal jurisdiction***

Normally, jurisdiction over a crime depends on a link, usually territorial, between the prosecuting state and the crime itself. But, as one leading jurist said, “in the case of crimes against humanity that link may be found in the simple fact that we are all human beings”<sup>26</sup>. To quote the words of Geoffrey Robertson, QC:

The concept of universal jurisdiction for crimes against humanity is the solution that international law offers to the spectacle of impunity for tyrants and torturers who cover themselves with domestic immunities and amnesties and pardons. They can still hide, but in a world where jurisdiction over their crimes

is universal, they cannot run.<sup>27</sup>

But even when hiding in foreign countries, tyrants and torturers can be assured of safety only while their host governments remain in power. A pragmatic reason that international law provides for universal jurisdiction is to ensure that there is no safe haven for those responsible for the most serious crimes.

Article 27 of the Statute of the International Criminal Court states that no government official, elected or otherwise, shall be immune or exempt from “criminal responsibility under this Statute”.<sup>28</sup> Furthermore, article 29 stipulates that “the crimes within the jurisdiction of the court shall not be subject to any statute of limitation”.<sup>29</sup> While Zimbabwe has not ratified the statute and is therefore not bound by it, ratification by a future government in Zimbabwe or jurisdiction granted through a UN Security Council resolution could mean that those responsible for directing, inflicting or condoning torture and like crimes might well find themselves before a court. Alternatively the perpetrators will have to spend the rest of their lives under threat of prosecution.

The Pinochet case established, as a historic precedent, that former heads of state and their officials are no longer immune from international prosecution for crimes against humanity committed while in power.<sup>30</sup> The most striking feature of the Pinochet case was that under the rule of universal jurisdiction a Spanish judge had the authority to order Pinochet’s arrest for crimes committed mostly in Chile, and mostly against Chileans. In terms of universal jurisdiction, every state has an interest in bringing to justice the perpetrators of particular crimes of international concern, no matter where they were committed, and regardless of the nationality of the perpetrators or their victims. This is primarily because, in international law, the perpetrators become *hostis humanis generis*, or ‘enemies of all mankind’.<sup>31</sup>

In the last ten years there have been remarkable developments in international justice, particularly in the application of international, conventional and customary laws regarding genocide, war crimes and crimes against humanity. The latter include torture

and other crimes committed against civilians as part of a widespread or systematic process introduced by a state or government. The following events are particularly significant in the international human rights regime:

- the establishment in quick succession of international criminal tribunals for the former Yugoslavia, Rwanda, East Timor and Sierra Leone and the subsequent stream of indictments, trials and convictions under these tribunals;<sup>32</sup>
- the arrest of General Pinochet in 1998 under the principle of universal jurisdiction; and
- the establishment of the International Criminal Court in April 2002.

The indictment in June 2003 of Charles Taylor for war crimes by a Sierra Leonean court and the subsequent request for his extradition from Ghana are not good omens for President Mugabe and several of his senior officials.

### **Justice versus political expediency?**

As a result of the above, a dilemma arises, particularly for authoritarian and undemocratic political cabals confronted with the possibility of change. This centres on whether they should reach an accommodation with opposition forces when there can be no guarantee of immunity from prosecution. In Zimbabwe, the spectre of the prosecution of ZANU-PF's most prominent members for gross human rights abuses has created a feeling of insecurity in their minds, particularly President Mugabe's. To a certain extent this may help to explain the unwillingness of the political elite to share power, contemplate the possibility of a government of unity and national reconciliation, or negotiate a peaceful change. This phenomenon is referred to in this article as "the insecurity dilemma of the elite".

Transitions of the kind Zimbabwe is facing present negotiators with the problem of balancing the need for justice for the victims with the needs of the perpetrators for amnesty and/or immunity from prosecution.

In Zimbabwe, negotiators or would-be negotiators are faced with the added pressure that a transition is urgently required to bring the country out of its political and economic quagmire. Yet, is it possible to grant exemption when there are strong *prima facie* grounds for charging the Mugabe regime with gross human rights violations? These have involved "the concerted conduct of many and [are] liable to involve the complicity of the officials of the state in which they occur, if not of the state itself".<sup>33</sup> How is it possible to bring the regime to the negotiating table without making concessions that compromise justice? On the other hand, how can those managing the negotiations prevent justice itself from holding Zimbabwe's political change to ransom? Is it simply a matter of a clash between principle and expediency?<sup>34</sup> Another consideration is that, while political pragmatism may lead those who will negotiate Zimbabwe's political future to reach an internal compromise by granting amnesty and immunity to members of the regime, there can be no guarantees that crimes committed by them will not be prosecuted outside the borders of Zimbabwe.

One solution to the problems of balancing the principle of justice against that of political expediency is to separate the issues of transition and accountability. For Zimbabwe, the current economic and political crisis requires solution without delay. This does not and should not mean that investigations should not take place, or that crimes against humanity should not be examined. While there should never be a trade-off between addressing the regime's history of gross human rights violations and finding a political and economic solution to the country's crisis, actions to redress human rights violations should wait until the transition has been negotiated. At this stage, accountability should not be made a matter for negotiation, but be left to the (as yet hypothetical) new democratic regime to decide.

If progress is to be made in moving Zimbabwe on from its current stalemate, negotiations will have to take place between the two main political parties. To most observers, a negotiated settlement between these parties offers the best way forward. According to a

report by the International Crisis Group, “the overwhelming priority must be to get talks started in order to avert a further meltdown in Zimbabwe”.<sup>34</sup> Indeed, negotiations would appear to be the only way out of the impasse. Moreover, recent conciliatory comments by President Mugabe seem to indicate that he may be ready for talks with the MDC, whose leaders he referred to as “fellow sons of the soil”.<sup>35</sup>

However, the possibility of successful negotiations is being jeopardised by factionalism within the ruling party. The internal divisions within ZANU–PF are related to the unresolved questions of presidential succession and the leadership of the party after Mugabe’s term expires. These stand in the way of any progress towards talks. Until these internal issues are addressed, the likelihood of the party’s accepting real change through negotiation is, at best, slim. Therefore, if the leaders of ZANU–PF are truly concerned about extricating their country from its present decline, they must act to resolve the leadership question swiftly.

### **ZeZuru sum game, or zero sum game?**

The parliamentary poll, far from providing an all-encompassing solution to Zimbabwe’s multifaceted crisis, has simply emphasised the unconstructive nature of this country’s adversarial and typically intolerant political culture. The two main political parties have emerged on the other side of the electoral tunnel more unstable than they were when they first entered the electoral contest. Unfortunately there still seems to be no obvious solution.

Using games theory, we learn that “a situation in which the winning of some players must equal the losses of the other is described as a ‘zero sum game’”.<sup>36</sup> In a zero-sum game “the total benefit to all players in the game, for every combination of strategies always adds up to zero”.<sup>37</sup> Within a political context, zero sum games are mentioned when it is believed that resources are limited and every decision will produce both winners and losers, that is,

that only some players will benefit. In such situations political decisions will be made on the basis of trade-offs between competing interests.

It is argued that the situation in Zimbabwe is not just a zero sum game, but also one in which the gains of Mugabe’s ZeZuru faction and their allies (to be discussed in greater detail below) must be matched by the losses to their intra- and inter-party rivals in order to address their security dilemma, resulting in a ‘ZeZuru sum game’. In this context the net change in total gains by society and many key political actors is zero. Instead, political and economic gains are just shifted from one political group to another.

### **The ZeZuru sum game**

Even though ZANU–PF emerged from the 2005 elections with a two-thirds majority in the legislature, this party is still far from feeling secure. Internal faction fighting has opened up serious cleavages within it that are based mainly on ethno-linguistic considerations. This became apparent in December 2004 at the ZANU–PF congress, in what has been dubbed ‘the night of the long knives’, when a predominantly ZeZuru faction, led by a prominent party figure, Solomon Mujuru, put pressure on the party to elect a woman (Joyce Mujuru) as one of Mugabe’s two vice-presidents. This move was intended to block the candidacy of his party rival, Emmerson Mnangagwa, for the same position.<sup>38</sup>

Acting on behalf of Mnangagwa, Jonathan Moyo, formerly the party’s information minister, supported by six other leading party officials, led a campaign to prevent the appointment of Joyce Mujuru. At a meeting in Tsholotsho Moyo’s group and younger members of the party framed what became known as the Tsholotsho Declaration. This expressed their implied criticism of Mugabe’s choice by demanding that a younger candidate replace Vice-President Msika.<sup>39</sup> Observers were of the opinion that the Tsholotsho meeting was nothing less than an attempted palace coup, which, if successful, would mean that all

positions in the presidium would be filled by Emmerson Mnangagwa or his supporters. (The Karanga faction, led by Mnangagwa, have long “felt that it is their tribe’s ‘time to eat’, since the Zezurus have since independence controlled most of the national cake”.<sup>40</sup> Most of the prominent members of Mugabe’s inner circle and of his allies, the Mujuru faction, hail from the Zezuru sub-group, while the more populous Karanga ethno-linguistic group, led by Mnangagwa’s faction, has been marginalised.) In fact, the Zezuru Mujuru faction has consolidated its advantage over the Mnangagwa camp by forging alliances with influential Ndebele politicians such as the current parliamentary speaker and ZANU-PF chairman, John Nkomo.

The campaign against corruption launched by the Mugabe government must also be seen as a political move against certain factions in his own party. Most of those who have been implicated in corruption scandals have indirect links with Mnangagwa. They include three directors tied to ZANU-PF companies, Dipak Padya, Jayant Joshi and Manharlal Joshi, who have fled to the UK.<sup>41</sup> In August 2004, the government seized a mining empire owned by Mutumwa Mawere, a businessman who built his empire on Mnangagwa’s political patronage. It should also be noted that Solomon Mujuru is a key member of the committee probing ZANU-PF companies.

The marginalisation of other factions in the ruling party has opened the way to a post-election realignment within ZANU-PF, which has seen the balance of power shifting further in favour of the Zezuru faction. This has occurred at a time that the fortunes of the political opposition in Zimbabwe have declined. The result has been that this elite cabal has acquired almost hegemonic dominance of Zimbabwe’s political economy, which is why the author describes governance in Zimbabwe as a ‘Zezuru sum game’. This term indicates the dominance of the Zezuru faction in a political environment that lacks political force, either within or outside ZANU-PF, that can act as a counter-balance. The most negative feature of this situation is that, given the general political and economic environment in Zimbabwe, its

citizens are unlikely to benefit from it.

A notable illustration of the Zezuru sum game being played by Mugabe is the deliberate allocation of key positions in government and the ruling party to members of this faction. It can be assumed that the rationale has been to create an unchallengeable position for the Zezuru faction. It will also bring it a step closer to acquiring absolute control of the ruling party and all the other important institutions of the state (the executive, the legislature, the judiciary and all the security agencies). The Zezuru sum game can therefore be seen as a move by Mugabe and his close associates within this faction to address their security dilemma by gaining total dominance. Placing trusted faction members in strategic positions would provide protection from political rivals and from the threat of prosecution in the future. This would also enable them to manage the pace of political transformation and avert any unforeseen transfer of authority. In other words, a situation has been engineered in terms of which the Zezuru and its allied factions at the core of the government and ZANU-PF will ultimately decide who gets what, when and how. The danger is that the dominance of the Zezuru in government and in the ruling party may exacerbate inter-ethnic tensions, as various other factions (which are also sometimes aligned along ethnic affiliations) challenge the dominance of the Zezuru clique. Such struggles for power within the party may further hamper efforts to find a negotiated solution to the crisis in Zimbabwe.

On a more positive note, and developing an argument diametrically opposed to that given above, some analysts have speculated that ZANU-PF’s parliamentary majority and the Zezuru faction’s dominance will allow President Mugabe and his party to overcome their insecurity. ZANU-PF now has a sufficient majority in parliament to amend the constitution without hindrance from the opposition. (The MDC opposed amendments to the constitution after they entered the legislature after the 2000 parliamentary elections.) Observers anticipate that when parliament reconvenes on 9 June 2005, the ruling party will amend the constitution to

create a senate and possibly a new post (of executive prime minister), which will allow Mugabe to retire to a largely ceremonial presidency and serve out his term, which expires in 2008, in this role. The idea of his reverting to a largely symbolic role has long been mooted, even in discussions with the MDC. This, and the appointment of an executive prime minister to handle the important affairs of government would open an avenue that would accommodate a continuing role for Mugabe as 'Father of the Nation' while permitting shifts in policy that would respond to some of the most pressing concerns of the international community.<sup>42</sup> This would provide the sort of security guarantees that would allow the ageing president to make a graceful exit from the political scene in 2008. Some observers have pointed out that even if Mugabe has no intention of giving up his power to an executive prime minister, pressure from powerful members of his faction such as Solomon Mujuru may force him to comply.

Even more important, the alleviation of its insecurity dilemma in this fashion would result in the ruling party's becoming more confident about engaging in a robust dialogue with the opposition on the way forward for Zimbabwe. Previously, talks between the two main political parties failed because ZANU-PF wanted to enter them from a dominant position, and because the party's leaders were too preoccupied with internal power struggles to be focus in any meaningful way on inter-party dialogue.

Returning to an earlier point, it is the opinion of a number of analysts that President Mugabe and ZANU-PF were unwilling to make the sort of concessions that the MDC were calling for if the two parties entered into talks from an almost equal footing. It is also generally agreed that the political context following the 2002 presidential elections placed both parties on such a level. It can therefore be assumed that at that time Mugabe and his party officials did not have any guarantee of continued security in the event of a negotiated transition, whereas the situation in 2005 is very different. Speculations are that Mugabe might use the newly consolidated position

of the Zezuru faction at intra-party level and the dominance of ZANU-PF in parliament at inter-party level as a platform from which to strike a favourable deal with the opposition. ZANU-PF could extend an olive branch to the MDC, thereby proving that it too is capable of reconciliation. In this way, the ruling party could mollify its critics under the rubric of 'the national interest', though what effect such a move would have on the MDC's future as a political party is moot.<sup>43</sup>

It is almost a given that Mugabe, being the astute politician that he is, would have calculated that a settlement between a re-committed and united leadership with a two-thirds majority and a greatly weakened opposition party would result in some sort of power-sharing. Such a solution could have the added effect of addressing the government's perceived lack of political legitimacy, which in turn would allow the president to present a more acceptable face to both the region and the international community. Again, this would open up the possibility of re-engaging with the West and applying for badly needed overseas development assistance from Western-controlled institutions such as the World Bank and International Monetary Fund (IMF).

### **The zero sum game**

The Zezuru sum game may yet turn into a zero sum game, as the president and ZANU-PF have not yet extended the olive branch to the MDC. The anticipated rapprochement between Zimbabwe's main parties might have been indicated by an invitation to senior members of the MDC to take up positions in the cabinet, and the creation of some sort of power-sharing arrangement. This has not occurred. Another sign of conciliation would have been indicated by an announcement that formal talks with the MDC were imminent, but this has not happened either. Instead we have seen a triumphant president and ruling party who have used the commemoration of Zimbabwe's independence to thumb their noses at the opposition and the international community.

Even worse, the MDC has announced that it is cutting all links with the South African government (whose representatives have acted as would-be interlocutors or mediators between the two parties), claiming that the South Africans were not honest brokers. This has created a situation that further reduces the possibility of a regionally led initiative to solve the crisis.

However, all is not yet lost. This situation may open up the possibility of an internally driven solution. The appointment of John Nkomo as the new Speaker of Parliament is seen by some analysts as an indication that President Mugabe may be considering creating an executive prime ministerial position that could be filled by the moderate Nkomo. Speaking at the opening of parliament, Nkomo demonstrated his awareness of the dire state of the country when he said, "This is the most difficult period in Zimbabwe's history."<sup>44</sup> He went on to underline the need for national unity, and above all for parliament to "focus on the economy and development."<sup>45</sup>

### **Lessons to be learnt from Zambia's political transition**

In many situations of transition, like that in Zambia in the early 1990s, the opening up of political space is supposed to empower the masses by removing the monopoly of political power hitherto enjoyed only by the elite. In Zambia the primary motivation for change was the introduction of political pluralism to what had previously a one-party state. The change to a multi-party political system was seen as the most important indicator of sustainable political change that would be based on the rule of law and respect for human rights.

Zambia was heralded as a model for democracy after the peaceful transfer of power in November 1991, when the Movement for Multi-Party Democracy (MMD) and its leader, Frederick Chiluba, gained a landslide victory over President Kenneth Kaunda and his United National Independence Party (UNIP). The MMD government, which inherited weak state institutions and a history of human

rights abuse from the previous administration, came to power on a platform that promised to uphold democratic principles. However, most political observers would agree that Zambia has not lived up to these undertakings in the last decade, even if a progressive path towards democratic transition has been laid down. The reason appears to be that political liberalisation in Zambia came about as the product of domestic and international pressure for political reform. Yet the internal political environment lacked truly committed leaders and political parties with either the vision or the capability to carry out the necessary political and economic restructuring. The flawed elections held in 1996 had contradictory implications for democracy: they undercut consensus, reinforced apathy in voters, and raised concerns about the abuses committed by elected leaders. These developments seem to confirm that Zambia is a conventional example of a country where a period of political liberalisation has been followed by a narrowing rather than an opening up of political options.

Zimbabwe should learn from the experiences of countries that have gone through a process of political transition. The argument here is not that any particular foreign experiment will be particularly applicable to Zimbabwe, but that the Zimbabwe could profit from an analysis of the successes and mistakes of other countries. At the same time negotiators hoping to craft Zimbabwe's transition will have to develop models that address the insecurities of the elite while ensuring justice for those who have been wronged. The two need not be mutually exclusive. The onus is on negotiators, interlocutors and policymakers to come up with more creative models of transition that will make progress possible.

### **Avoiding a transition that is flawed**

First and foremost, Zimbabwe's political transition must succeed. It should be centred on the creation of a more viable democratic political system through the introduction and successful implementation of political reforms. Many analysts have argued that reconciliation

and national unity should be the means through which a country stabilises its political situation. The central vehicle through which this could be achieved would be a government of unity and national reconciliation (GUNR), comprising members of ZANU-PF and the MDC. The logic behind this form of government is that equitable participation will diminish the risk of conflict and improve the prospects for national stability, integration and development, because it is assumed that a major source of instability is the exclusion of prominent political players from the structures and processes of governance.

This position does not take into account other dynamics such as ideological differences and the easing of inter-party relations. Zimbabwe has had several experiences of coalition governments that were intended to bring about national unity. These include:

- the 1978 Muzorewa/Smith Zimbabwe-Rhodesia coalition;
- the 1980 independence government; and
- the 1987 ZANU/PF-ZAPU unity government.

The shared feature of these three examples is that they followed periods of severe conflict, and were thus aimed at buying peace at any cost. All three ultimately failed to meet the objectives they espoused. The 1978 arrangement faltered because it was state- and not people-driven, and was therefore unable to address the concerns of the majority of Zimbabwe's population. The 1980 government did not address some of the key structural issues that had led to the liberation struggle (including the land question and the economic marginalisation of the black majority). The 1987 coalition simply integrated the 'vanquished' into the ruling party without in any way attending to the causes of the conflict between ZANU and ZAPU.

These examples are instructive in that they demonstrate the dangers and limitations of a parochially-defined government of national unity. Fundamentally, all of these shared arrangements were unable to build durable peace, because for unity to become a reality it must grow from the bottom up: from the

people on the ground. To accomplish that, any form of transitional process adopted in Zimbabwe must break down the structural barriers preventing the economic and political participation of ordinary citizens. The most vital issues that must be addressed to resolve the country's ills must therefore go beyond a discussion of power sharing. Any process initiated to solve the multi-layered national crisis should include a participatory and comprehensive review of the constitution and of the country's electoral laws and institutions. These reviews should involve the full participation of civil society, political parties, the business community and faith-based organisations, and their recommendations should include provision for a comprehensive and equitable redistribution of resources. Afterwards preparations for fresh national elections should begin, and a truth, justice and reconciliation body that interrogates Zimbabwe's past and present injustices should be established.

## Conclusion

The current dilemma facing the Zimbabwean elite has arisen out of uncertainty and fear of prosecution. This group's need to secure itself and the state against change has worked both ways. It has, attempted to preserve itself by excluding alternative political and social influences but it has created a protective iron cage that imprisons its members.

The dangers faced by the political elite in Zimbabwe can be expressed in another way. As Ayoob puts it: "[I]n most Third World states there are competing forces of authority, usually weaker than the state in terms of coercive capacity, but equal or stronger in terms of legitimacy."<sup>46</sup> This greater credibility of political forces outside government leads to greater domestic insecurity for the ruler, creating "vulnerabilities that threaten to, or have [the] potential to, bring down or significantly weaken state structure, both territorial and institutional[,] and regimes".<sup>47</sup> One implication of this theory is that transitional times in authoritarian states such as Zimbabwe are

especially difficult for the governing regime, as they become exposed to domestic challenges. If this is true, then one can expect that in such periods as the one that Zimbabwe is currently facing, the elite will turn to repression of political opposition and co-optation as a means of addressing its insecurity and regaining legitimacy. However, this may well be counter-productive: the desire for legitimacy and increased security may well push the elite back into its iron cage and stall any prospects that justice and a negotiated political settlement may prevail. The words of James Der Derian encapsulate the current situation in Zimbabwe: "A safe life requires safe truths. The strange and the alien remain unexamined, the unknown becomes identified as evil, and evil provokes hostility - recycling the desire for security."<sup>48</sup>

To avoid recycling old insecurities that may very well result in the perpetuation of the current political stalemate, there is a need to balance the desire of the victims of the regime for justice against the wishes of the perpetrators for amnesty and /or immunity from prosecution. Failure to balance these contending needs could result in the principle of justice becoming a retardant to Zimbabwe's political transformation. One solution to the problem is to separate the issues of transition and accountability. For Zimbabwe, there is an urgent need to solve the current economic and political crisis. Therefore it is a question of deciding whether calling to account those responsible for the regime's appalling history of gross human rights violations is as imperative as finding a political and economic resolution to its woes.

## Notes

- 1 L Laakso, The politics of international election observation: The case of Zimbabwe in 2000, *Journal of Modern African Studies* 40(3), 2002, pp 437-464.
- 2 Full parliamentary election results, 3 April 2005, <www.kubatana.net>.
- 3 As the results were published, the MDC denounced what it called "the sham elections", which it said had been marked by massive electoral fraud. "The elections cannot be judged to be free and fair," an MDC statement said. "The distorted nature of the pre-election playing field and the failure to address core demo-

cratic deficits preclude a free and fair election." The MDC claimed that it would have won 90 seats if the election had been conducted correctly. See Zimbabwe parliamentary elections, 2005, <www.answers.com/topic/zimbabwe-parliamentary-elections-2005>, 03 August 2005.

- 4 The results showed the same patterns as in 2000. The MDC won virtually all the seats in the main cities, Harare and Bulawayo, where the civil society organisations are relatively strong and able to prevent electoral manipulation. The MDC also won a majority of seats in the southern region of Matabeleland, where the Ndebele people, once supporters of the late Joshua Nkomo's ZAPU, continue to oppose the Shona-dominated ZANU-PF. But in rural Mashonaland, in central and northern Zimbabwe, where the majority of the population lives, ZANU-PF won all but one seat, <www.answers.com/topic/zimbabwe-parliamentary-elections-2005>. 6 July 2005.
- 5 See the Economist Intelligence Unit, Country profile 2004, <www.eiu.com>, 23 October 2004.
- 6 Reserve Bank of Zimbabwe official website, <www.rbz.co.zw/about.inflation.asp>, 15 July 2005.
- 7 P Bond & M Manyanya, *Zimbabwe's plunge: Exhausted nationalism, neoliberalism, and the search for social justice*, Weaver Press, Harare, 2002.
- 8 Ibid.
- 9 N Bhebe & T Ranger (eds), *Nationalism, democracy and human rights*, vol 2, *Colonial and post-colonial legacies*, University of Zimbabwe Publications, Harare, 2003.
- 10 These sentiments expressing his view of electoral democracy were uttered during a radio broadcast from Maputo in 1976. This view camouflages a basic contempt for electoral democracy in that it is actually saying the gun is the more important of the "inseparable twins". If the twins have to be separated, the vote is readily sacrificed for the gun. ZANU-PF has demonstrated this philosophy ever since it attained power in 1980, although admittedly this was power guaranteed it by its control of the gun. Zimbabweans have, therefore, been held hostage to the gun ever since Independence. The ZANU-PF regime consolidated itself in the 1980s through the use of the gun that crushed the rival PF-ZAPU and culminated in the forced Unity Accord of 22 December 1987. In each successive election since independence, the gun has been the 'security officer', the 'guarantor' of the votes for Mugabe and ZANU-PF who have not hesitated to use it. ZANU-PF's commitment to the use of the gun has increased as its popularity has decreased, particularly since the party was

- defeated in the referendum held in February 2000 and the advent of a formidable opposition party in the MDC. For a more detailed discussion of this topic, see the late great Masipula Sithole's The fight for democracy needs commitment to democracy, *Financial Gazette*, 6 January 2002, <www.zimbabwesituation.com/june14\_2002.html>.
- 11 S J Ndlovu-Gatsheni, Dynamics of the Zimbabwe crisis in the 21st century, *Africa Journal in Conflict Resolution* 1, 2003.
  - 12 Ibid.
  - 13 Ibid.
  - 14 Ibid.
  - 15 Ibid.
  - 16 Ibid.
  - 17 Ibid.
  - 18 C Maroleng, Closed Roundtable Report, Prospects for political transition in Zimbabwe, Institute for Security Studies, Pretoria, May 2003.
  - 19 See M Ayooob, The Third World security predicament, in B Job (ed), *The insecurity dilemma: Security of Third World states*, Rienner, Boulder, 1992, pp 63–80.
  - 20 M Nicholson, The conceptual bases of the war trap, *Journal of Conflict Resolution* 13(2), June 1987. The earlier description of expected-utility analysis is taken from J von Neumann & O Morgenstern, *Theory of games and economic behavior*, Princeton University Press, 1944.
  - 21 B Buzan, *People and fear: An agenda for international security studies in the post-Cold War era*, University of North Carolina Press, Chapel Hill, 1991.
  - 22 See Zimbabwe Human Rights NGO Forum, Politically motivated violence in Zimbabwe 2000–2001: A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform, Harare, 2001.
  - 23 See Amnesty International, *Zimbabwe: The toll of impunity*, London, 2002.
  - 24 R Monroe, Accountability or impunity? Gross and systematic human rights violations in Zimbabwe and the search for justice, *Africa Rights*, 14 July 2003.
  - 25 Statute of the International Criminal Court; Rome Statute Article 27.
  - 26 R Monroe, Accountability or impunity? Gross and systematic human rights violations in Zimbabwe and the search for justice, *Africa Rights* 14 July 2003.
  - 27 Ibid.
  - 28 Statute of the International Criminal Court; Rome Statute Article 27.
  - 29 Statute of the International Criminal Court; Rome Statute Article 29.
  - 30 *Ex parte Pinochet Ugarte* (No 3) (1999).
  - 31 See *The Pinochet precedent: How victims can pursue human rights criminals abroad*, March 2000. Human Rights Watch, <www.hrw.org/campaigns/chile-98/brochfln.htm>, 03 August 2005. Similarly, in the civil action brought by torture victims and relatives of the 'disappeared' against ex-President Marcos of the Philippines, the court rejected, on the same grounds, his plea for immunity. Yet we should point out that the prosecution of crimes against humanity is not a simple affair. A P Reeler has articulated the position as follows: "[T]here remains a very strong attitude amongst the political forces of the world, with the United States foremost in this view, that a certain amount of immunity is necessary for political action to take place. Means–ends analysis, in this view, requires that hard decisions must sometimes be made that contradict human rights considerations. This is clearly argued in the 'war against terrorism', and has been argued for years by Israel in their conflicts with terrorism or guerrilla war: torture has even been justified once by the Israeli Supreme Court, although it has now rescinded this view. Nevertheless, the Pinochet judgment gives us some guidance in this respect as it is clear from the Law Lords that the modern meaning of crimes against humanity is that such crimes offend against all peoples and cannot be seen as merely domestic matters. Again, as Lord Millet stated: 'Since the Second World War states have recognized that not all criminal conduct can be left to be dealt with as a domestic matter by the laws and the courts of the territories in which such conduct occurs. There are some categories of crime of such gravity that they shock the consciousness of mankind and cannot be tolerated by the international community. Any individual who commits such a crime offends against international law. The nature of these crimes is such that they are likely to involve the concerted conduct of many and [is] liable to involve the complicity of the officials of the state in which they occur, if not of the state itself. In these circumstances it is desirable that jurisdiction should exist to prosecute individuals for such conduct outside the territory in which such conduct occurs'. (Millet, *ex parte Pinochet*, (3), 1999.)
  - 32 Examples of successful use of the concept of international jurisdiction to prosecute heads of state include the former prime minister of Rwanda, Jean Kambanda, who was sentenced to life imprisonment in 1998; ex-President Hissene Habre of Chad, who was prosecuted in 2000; and Prime Minister Ariel Sharon of Israel, indicted by Belgium in 2001 for the Sabra and Shatila refugee camp massacres when he was defence minister in 1982. Other prosecutions include senior military leaders such as Colonel Tharcisse Muvunyi of

- Rwanda, arrested in Britain in 2000 and extradited to face charges of crimes against humanity; and more lowly militia leaders such as the Bosnian Serb Dusko Tadic, who was sentenced in 2000 to 20 years' imprisonment.
- 33 A P Reeler, *Crimes against humanity and the Zimbabwe transition*, Pretoria, 6 May 2003.
- 34 ICG Africa Briefing, Decision time in Zimbabwe, 8 July 2003.
- 35 As cited in C. Maroleng, "Zimbabwe's Movement for Demomractic Change: Briefing notes". *Situation Report*. Institute for Security Studie. 3 May 2004.
- 36 Ibid.
- 37 See, in this regard, R A McCain, *Game theory: An introductory sketch - Zero-sum games*, Drexel University, <<http://william-king.www.drexel.edu/top/eco/game/zerosum.html>>, 03 August 2005.
- This is a complex description of the zero-sum game, which is an aspect of game theory. In addition to the definitions and theoretical background, the author includes examples of zero-sum games. See also Von Neumann and Morgenstern, op cit, 3<sup>rd</sup> edition, 1953.
- 38 See C Maroleng, Zimbabwe's 2005 election: Overture or finale? Situation Report, African Security Analysis Programme, Institute for Security Studies, 10 March 2005.
- 39 Ibid.
- 40 Ibid.
- 41 Ibid.
- 42 Ibid.
- 43 Ibid.
- 44 Ibid.
- 45 ZimOnline, *New Speaker extends hand of peace to MDC*, 13 April 2005. The ZANU-PF party chairman, John Nkomo, took up the parliamentary speaker's chair with a call on the government and the opposition to co-operate and focus their energies on national issues. "I take over during the most challenging time of turning around the economy. We will seek to consolidate efforts made to transform the institution from a colonial to a modern democratic institution." Political analysts say the loss of influence by radicals like the former state propaganda chief, Jonathan Moyo, and the former Justice Minister, Patrick Chinamasa, to doves like Nkomo and Joyce Mujuru could pave the way towards a negotiated political settlement between the government and the MDC. Significantly, the MDC did not oppose the nomination of Nkomo to the speaker's chair, and the opposition party's vice-president and leader in the House, Gibson Sibanda, paid surprisingly glowing tribute to him on his appointment to head parliament. Sibanda said: "I worked with John Nkomo when he was President of the International Labour Organisation. I experienced your firmness and principles during that time and I hope you will use the same to lead this august House. I know that you are fair-minded and as the MDC, we congratulate you for being elected speaker of parliament," [www.zimonline.co.za](http://www.zimonline.co.za), 03 August 2005.
- 47 Ayoob, op cit.
- 48 J. Der Derian, Politics of transitions: from simple transitions to transformation; *Journal for International Affairs*, Vol, 20, No. 5, May 2003.