



Zimbabwe: recent political developments

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Zimbabwe's political prospects remain highly uncertain. Since the beginning of 2011, relations between the main parties to the 'inclusive government' established following the signing of the September 2008 Global Political Agreement (GPA) have remained extremely fractious and difficult. Progress towards agreeing a new Constitution, which is supposed to be in place before elections can be held, has been painfully slow and there is still no date for a referendum on it. Elections must be held by June 2013. Levels of violence and harassment are again increasing.

The mediation efforts of the Southern African Development Community continue but many feel that they have been episodic and insufficiently sustained. Western restrictive measures (or sanctions) remain in force, although some steps have been taken to ease them. In July 2012, in response to progress made in the implementation of the GPA, the EU announced the suspension of restrictions on development assistance and pledged that it would suspend the majority of its restrictive measures if a credible and peaceful referendum is held on a new Constitution. In 2009/10 and 2010/11, Zimbabwe returned to the 'Top 20' recipients of UK bilateral aid, excluding humanitarian assistance.

For developments in Zimbabwe between September 2008 and the end of 2010, see SN/IA/5793, [Zimbabwe since the Global Political Agreement](#) (7 December 2010)

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1 Events since January 2011

1.1 2011

In January 2011, Mugabe threatened to dissolve Parliament and unilaterally set a time for elections, despite the fact that the planned new Constitution, which is supposed to be agreed beforehand, was still not in place. Just how much work there was still to do before conditions existed for free and fair elections was highlighted by a report of the same month, published by the Zimbabwe Election Support Network, alleging that the voter's roll was riddled with inaccuracies. The committee drafting a new Constitution made slow progress during 2011. Suffering from funding shortages and obstruction from within ZANU-PF, a draft had still not been agreed by the end of the year, although a 19 January 2012 deadline for doing so was eventually agreed, and no date for a referendum was set.

During the first half of 2011, South Africa again became increasingly strongly involved in negotiations intended to produce agreement on an 'elections road-map' for Zimbabwe, with President Zuma playing the role of SADC Facilitator. One motivation was undoubtedly growing concern at the economic and social impact of the presence of significant numbers of Zimbabwean economic migrants and exiles in South Africa's largest cities; the Pretoria Government announced in mid 2011 that it intended to resume deporting illegal Zimbabwean migrants back to Zimbabwe in the near future.

At a meeting of the SADC Troika (currently comprising Zambia, Mozambique and Namibia) on 31 March 2011 in Livingstone, Zambia, the road-map was duly unveiled. While it left many issues unaddressed, its provisions increased the odds against elections taking place during 2011. The Troika also expressed unprecedentedly forthright criticism of the growing levels of violence and harassment in Zimbabwe and, albeit indirectly, of ZANU-PF's obstructive approach to implementing the GPA. Importantly, the road-map also provided for the addition of SADC personnel (led by a key advisor to Zuma, Lindiwe Zulu, to the Joint Monitoring and Implementation Committee (JOMIC) of the GPA, signalling that SADC was prepared to intervene more directly in the implementation process. The Troika's intervention in March prompted strong condemnation of SADC by ZANU-PF spokespersons.

Subsequent negotiations involving South African mediation during August 2011 failed to produce significant progress on the 'road map' to elections. ZANU-PF refused to accept measures to promote security sector reform, a genuinely independent electoral commission, while Prime Minister Morgan Tsvangirai's faction of the MDC (MDC-T) protested about rising levels of state-sponsored violence. Although the JOMIC continued its monitoring and implementation work, this negotiating set-back seemed to take some of the momentum out of the overall South African mediation effort, which some observers described as once again 'marking time' during the rest of the year.

In September 2011, ZANU-PF finally acknowledged publicly that its call for elections in 2011 was unrealistic, arguing instead for a March 2012 deadline. Every other party initially declared this also to be unrealistic.

Despite the fact that a date for elections had not been set, both ZANU-PF and the MDC-T increasingly moved into campaigning mode during the course of 2011. Clashes between their supporters further escalated. Farm invasions continued. Levels of violence and harassment of MDC politicians and activists, not to mention civil society activists, by state agencies (or those indirectly linked with ZANU-PF) also rose. For example, in February, over

50 activists were arrested when attending a meeting in Harare to discuss the events taking place at that time in Egypt and Tunisia. They still face trumped-up charges. In June, there was a bomb attack on the home of MDC-T Finance Minister Tendai Biti. He was unhurt. In November, police allegedly fired tear gas into the Harare headquarters of the MDC-T.

In March 2011, the long official campaign against Roy Bennett on treason charges appeared finally to come to an end, when a state appeal against his acquittal for treason by the High Court in 2010 was thrown out by the Supreme Court. Bennett remains in exile in South Africa and has lost his Senate seat.¹

The MDC-M underwent a split following the defeat of its leader, Arthur Mutumbara, in its internal elections in January, by Welshman Ncube. Ncube went on to establish his own faction, called the MDC-N. In late July, Welshman Ncube was briefly arrested by the police when he sought to attend a public meeting.

There continued to be deep divisions within ZANU-PF during 2011. On 16 August, the powerful ZANU-PF politburo member General Solomon Mujuru, husband of Vice-President Joice Mujuru, one of the leading candidates to take over from Robert Mugabe when he eventually stands down, died in a mysterious fire at his home. Many interpreted this as a further illustration of rising tensions within ZANU-PF over the succession to Mugabe, now 87 years old. Both of the Mujurus have been seen by some in ZANU-PF as overly friendly towards the MDC. A police inquiry into his death was launched but some criticised it for a lack of urgency.

ZANU-PF held its party congress between 6 and 10 December 2011. To nobody's surprise, and despite his advanced age, Mugabe was declared the party's presidential candidate yet again. Much of his support appeared to be rooted in fears that, without him at the helm, the party could simply collapse. None of the obvious alternative candidates (Emmerson Mnangagwa or Joice Mujuru) directly challenged him. The fate of Solomon Mujuru may have helped to remind them all that the stakes in doing so could be very high. At the congress, Mugabe made it clear that his party's manifesto would be based primarily on 'indigenisation' and economic empowerment, along with a rallying-cry for an end to Western sanctions, which ZANU-PF hoped would be fully lifted after the GPA was signed, but which, in its view, remain fundamentally still in place (see below).² Mugabe renewed his attacks on the British Government, with anti-sanctions rhetoric spiced up by a condemnation of its advocacy of gay rights in Africa.³

In December 2011 there was also controversy over a television advert by Nando's depicting Robert Mugabe as "the last dictator standing" after the death of Colonel Gaddafi.⁴ While produced in South Africa, satellite television meant that some could also see it in Zimbabwe. ZANU-PF youth groups called for a boycott of the restaurant chain and on 2 December Nando's announced that it had withdrawn the advert. Prime Minister and leader of the MDC-M, Morgan Tsvangirai, suffered some personal embarrassment in the same month when he was forced to break off his proposed marriage to a woman with family links to ZANU-PF, on

¹ "Court throws out Bennett appeal", www.zimonline.co.za, 11 March 2011

² In 2007 the Indigenisation and Economic Empowerment Act (IEEA) was passed. It stipulates that foreign-owned companies with an asset value of over US\$500,000 should give up 51% of their shareholdings to locals within five years.

³ "Mugabe in attack on 'satanic' Cameron", *Times*, 25 November 2011

⁴ Advert available for viewing at: http://www.youtube.com/watch?v=u1EX--vdxh4&feature=player_embedded

the grounds that he now suspected it was a 'political sting' aimed at embarrassing or discrediting him.⁵

In late November 2011, the national budget for 2012 was announced. The finance minister, Tendai Biti, is a leading member of the MDC-T and has received plaudits for bringing Zimbabwe's economy 'back from the dead'. Following a GDP growth rate of 9.3% in 2011, the budget projected a growth rate of 9.4% for 2012 and inflation at the end of the year at 4% (slightly up on 2011). The projection included an assumption that diamond exports would bring in US \$600m during 2012 – an assumption no doubt encouraged by developments under the Kimberley Process (see below). The budget also included increased tariffs to protect local manufacturers, along with low-interest loans to them, and significant support to the agricultural sector, which is viewed as a key element in efforts to make progress on poverty-reduction.⁶ Significantly, the budget made provision for meeting the costs of a referendum on the new Constitution and a new census, but not for elections.⁷

At the time that the budget was announced, some observers expressed concern that the 2012 growth projection could be significantly over-optimistic. Zimbabwe remained a long way from a strong economic recovery as 2011 ended. Levels of unemployment remained staggeringly high at around 80% and the cost of living had risen significantly during the year as a result of rising food and energy prices.

1.2 Developments since the beginning of 2012

Constitutional and political developments

2012 has so far largely followed the pattern set in the four years since the GPA was signed in September 2008: halting steps forward but endless wrangling and set-backs, with ZANU-PF the main culprit.

Although the deadline for completing a draft of the new Constitution, 19 January, was missed, it was finally finished in February and made public at the end of April. The draft was immediately plunged into controversy over the inclusion in the draft of a clause stipulating that no candidate can have held the office previously for ten years or more. This could have prevented President Mugabe from standing again in the elections. The clause appears to have been modified so that it applies only in future.⁸ The draft reportedly proposed a range of significant limitations upon executive power and a degree of provincial devolution. Hostility to the draft Constitution remained intense on the part of some ZANU-PF elements, which called for parts of it to be re-drafted before it is finalized. A vituperative campaign against COPAC began, led by the state media and war veterans. Jonathan Moyo, now back in the ZANU-PF fold, called the draft Constitution a "stinking dead donkey". But the campaign against the draft was as much a civil war within ZANU-PF as anything else; there were other ZANU-PF elements – not least, its members in COPAC – which remained willing to be constructive.

COPAC produced a final draft of the new Constitution in July. In early August, the MDC-T endorsed it and said that it should be put to the required referendum as it stood. However, ZANU-PF called for further changes to the text. It unilaterally referred the text to its Politburo, which made public later in the month a significantly re-written version that undid many of the changes painstakingly agreed through the COPAC negotiating process, including the limitations on presidential power and the references to devolution. Jonathan Moyo and his

⁵ "PM was sleeping with enemy", *Advertiser*, 3 December 2011

⁶ "Budget 2012: Zimbabwe steps up efforts to protect local industries", *IHS Global Insight*, 25 November 2011

⁷ "Zimbabwe government 'may close without diamond money'", *BBC News Online*, 14 March 2012

allies even insisted for a time that that the Politburo's rewrite was non-negotiable.⁹ Some worried that ZANU-PF might now put the Politburo text to a referendum, rig its endorsement and then call elections for March 2013, which Mugabe has presidential powers to do.¹⁰ However, with the MDC-T calling for SADC intervention to force ZANU-PF to abandon the Politburo text, in mid September it appeared to do so, agreeing that the COPAC draft should now go before a broad-based 'stakeholders conference', as provided for under the GPA. A date for the conference has not been agreed, but it is expected to take place soon. Once this conference is over, then, finally, the referendum on the proposed Constitution can be scheduled. Time is increasingly tight. Elections based on that new Constitution must be held by June 2013 under the GPA.

The shift in ZANU-PF's stance has been welcomed, but many suspect that there is more brinkmanship to come from the ruling party. It is sure to make further efforts to amend the COPAC draft so that it includes significant elements of what was in the Politburo text.¹¹ Civil society is also agitating against any attempts to 'stitch up' the conference, including by excluding it from participation.¹² In addition, a set of long-delayed by-elections in 26 seats mainly won in 2008 by the two main factions of the MDC but since fallen vacant (some as a result of court judgments which many viewed as politically motivated), are due to be held over the coming months, comprising up to one-fifth of the electorate. Mugabe may hope he can weaken the position of the MDC's in the run-up to the 2013 national elections by calling this 'mini general election' and winning back some of those seats.¹³ The MDC's oppose holding all of these by-elections under the present Constitution. Tendai Biti says there is no money available to do so. But a court order means that three may have to be held soon in Matabeleland.¹⁴

On a more positive note, legislation to establish an independent and credible Human Rights Commission and Electoral Commission has been passed by parliament in recent months.

The issue of who will succeed Mugabe has continued to shape the often erratic behaviour of ZANU-PF, including in relation to the draft Constitution. In April, there was another round of media reports claiming that he was gravely ill. These turned out to be exaggerated, although he does require regular medical treatment for what many believe is prostate cancer. In May, he suggested that he was ready to contemplate standing down, leading some to wonder if he might do so at the party congress at the end of 2012.¹⁵ But this has all been heard before.¹⁶

The case of six left-wing activists who were arrested in 2011 for holding a public lecture during which video footage of mass protests in Egypt were shown came to a conclusion in March 2012. They were found guilty in the High Court of inciting public violence (treason charges had been dropped) but received US \$500 fines and ordered to carry out 420 hours of community service. The activists are appealing against the sentence. One civil society activist stated that the convictions were evidence that "we are really going towards elections

⁸ "Battle lines are drawn", *Movement for Democratic Change*, 28 March 2012

⁹ "A sickly constitution", *Africa Confidential*, 7 September 2012

¹⁰ "A sickly constitution", *Africa Confidential*, 7 September 2012

¹¹ "ZANU-PF in Constitution climb-down", *Financial Gazette*, 19 September 2012

¹² "Zimbabwean civil groups raise concern over exclusion from stakeholders' meeting", *SW Radio Africa*, 22 September 2012

¹³ "Outlook for 2012-16: Election watch", *World Markets Research*, 7 September 2012

¹⁴ "Biti makes u-turn on elections", *Herald*, 5 September 2012

¹⁵ "Mugabe's last throw of the dice", *The World Today*, June/July 2012

¹⁶ "Muscling out Mugabe", *Africa Confidential*, 25 May 2012

and that the democratic space that was previously somewhat open is quickly closing down.”¹⁷ The security forces have been intensifying their harassment of MDC-T activists over recent months.

In late March 2012, the inquest into the death of Solomon Mujuru in a fire at his home in August 2011 ruled that there was no evidence of foul play. The Attorney General, the controversial Johannes Tomana, was quick to close the case. The Mujuru family, including Vice-President Joice Mujuru, had called for an independent pathologist to be allowed to examine Solomon Mujuru’s remains, but to date this has not been permitted.¹⁸

SADC/South African mediation efforts have continued this year, but once again, critics are questioning the level of commitment being put into pushing ahead with the March 2011 elections road-map. JOMIC continues to raise questions about why so much of the GPA has still not been implemented, but little effective action has followed to remedy the situation.¹⁹ Mugabe deliberately failed to attend the January 100th birthday celebrations in South Africa of the African National Congress (ANC) and relations remain extremely poor between the ANC and ZANU-PF.²⁰ When ZANU-PF insisted in August on its own Constitutional draft being considered, President Zuma of South Africa reportedly suggested that both it and the COPAC draft could be put to the people in a referendum – a proposal that critics argued would violate what was agreed under the GPA.²¹ Zuma, of course, has his hands full at home.

The economy

In early March, finance minister Tendai Biti announced that Zimbabwe’s government might be forced to close down entirely if revenues from diamond sales did not begin to flow. As described above, the 2012 budget made assumptions that this would be the case. However, in recent months, several Diamond auctions have been held and revenues have started coming in. One forecaster has said that Zimbabwe could be the world’s biggest diamond producer within a few years. It is currently seventh.²²

Still less clear is how far the government’s own coffers will benefit from diamond sales. In July, the projections for growth in 2012, originally set at 9.4%, had been halved.²³ Cash-flow is a big problem, which has led Biti recently to begin negotiations with his South African counterpart, Pravin Gordhan, about the facilitation of a credit line.²⁴

Many believe that supporters of ZANU-PF, which controls both the Ministry of Mines, the department responsible for organising diamond auctions, and the Zimbabwe Mining Development Corporation continue to sell diamonds illicitly, helping the party to pocket much of the revenue generated (see below).²⁵ Others believe it is greedy individuals, rather than the party as a whole, which benefits from this sort of activity.²⁶ A June [report](#) by Global

¹⁷ “Convictions in Zimbabwe add to political tensions”, *International Herald Tribune*, 21 March 2012

¹⁸ “Zimbabwe closes probe into ex-general’s arson death”, *Agence France Presse*, 29 March 2012

¹⁹ “No sign of Zuma as election fears rise”, *SW Radio Africa*, 19 March 2012

²⁰ “ZANU-PF lashes out at South Africa”, *Open Society Initiative for Southern Africa*, 6 March 2012

²¹ “A sickly constitution”, *Africa Confidential*, 7 September 2012

²² “ZMDC to prospect for more diamonds”, *Herald*, 14 September 2012

²³ “From no growth to low growth”, *Africa Confidential*, 20 July 2012

²⁴ “South Africa, Zim discuss facilitation of a credit line”, *SANews.gov.za*, 22 September 2012

²⁵ “Zimbabwe government ‘may close without diamond money’”, *BBC News Online*, 14 March 2012; “Blood diamonds ‘could be used for election violence’”, *Associated Press*, 16 February 2012

²⁶ “Towards the climax of economic stripping”, *Financial Gazette*, 12 September 2012. Land grabs are continuing too, although they have been less frequent since the formation of the inclusive government.

Witness documented the involvement of the CIO and army in Zimbabwe's diamond, cotton and property sectors. In September, the MDC-T condemned the recent purchase of arms by the Ministry of Defence, which it suspected had been funded through diamond sales.²⁷

At the end of March it was announced that over 5,600 ZANU-PF youth militia had finally been removed from the government payroll, from which they had received stipends since 2008.²⁸ However, the army reportedly recruited 4,600 new soldiers without Biti's authorization during the first half of the year. There continue to be reports that some cabinet ministers and MPs may be arrested in connection with abuse of constituency development funds. Every MP has been given \$50,000 to develop their areas.²⁹ Earlier trials were halted in order that a full audit of how these funds could be conducted by a government-appointed Commission. This has been a slow process and is still under way, leading some to fear that it may have been a delaying tactic, rather than a genuine attempt to uncover the truth.³⁰

There has also been controversy over revelations that senior politicians, including President Mugabe and his family, have failed to pay their electricity bills. The Zimbabwe Electricity supply Authority is in financial crisis and there have been severe power cuts, particularly in the townships.³¹ These have contributed to serious water shortages in many towns and cities.³² Overall, the energy sector needs massive new investment, so power shortages will persist for many years to come. Biti has also announced a strategy to deal with Zimbabwe's \$9.1 billion external debts, which is based on a mixture of write-offs, new international funding and the lifting of sanctions.³³

Also in March, the Commercial Farmers Union warned that, with a third of the country's maize crop having to be written off, food shortages could again become a problem for ordinary Zimbabweans. The Government blamed the lack of rains, but the CFU also argued that the agricultural sector was still in a parlous state following years of underfunding and insecurity of tenure.³⁴ By September, there were media reports of food shortages and the World Food Programme estimates that 1.6 million out of Zimbabwe's population of 13 million will need food aid over the coming six months.³⁵

In the same month, there was an apparent success for ZANU-PF's 'indigenisation' agenda, with Zimplats, a local subsidiary of South African platinum mining company Implats, agreeing to transfer 51% of its shares to Zimbabwean stakeholders (10% to the workers, 10% to a local community trust and 31% to the National Indigenisation and Economic Empowerment Fund). The decision by Zimplats, a large player in the mining industry, paved the way for others in the sector to follow suit.³⁶ The issue of whether compensation should be paid for such shifts in ownership is still in dispute, as is what should happen to any funds held 'off-shore' by companies compelled to indigenise. Minister of Indigenisation Saviour Kasukuwere rejects any idea of compensation. Some economists warn that the agenda is scaring away

²⁷ "Purchase of arms signals increased state repression", Movement for Democratic Change, press release, 21 September 2012

²⁸ "Zimbabwe removes over 5,600 ZANU PF militia from state payroll", *SW Radio Africa*, 26 March 2012

²⁹ "Zimbabwe's Tsvangirai says arrest of corrupt ministers, MPs 'now imminent'", *Standard*, 25 March 2012

³⁰ "CDF audits blow off MP's cover", *Herald*, 4 September 2012

³¹ "Mugabe fumes over Zesa bill", *Zimbabwe Independent*, 23 March 2012

³² "Bulawayo residents face fifth day with no water", *SW Radio Africa*, 7 September 2012

³³ "New deal to retire country debt", *Herald*, 22 March 2012

³⁴ "Farmers warn that agriculture is in 'major crisis'", *SW Radio Africa*, 20 March 2012

³⁵ "Starvation stalks Zimbabwe villagers after poor rains", *Agence France Presse*, 13 September 2012

³⁶ "Zimbabwe 'indigenisation' push scares investors: analysts", *Agence France Presse*, 18 March 2012; "Colonial era laws impede indigenisation", *Herald*, 21 September 2012

foreign investors and holding back economic recovery. This has led to some adjustments in the policy. In July, Kasukuwere announced that indigenisation would not cover new sectors, such as tourism, entertainment, energy, transport, communications and education, leading a critic to call it a “scorched-earth policy”.³⁷ The MDC-T, which has been somewhat thrown on the back foot by ZANU-PF’s indigenisation agenda, is attempting to counter with its own programme, called JUICE (Jobs, Upliftment, Investment, Capital and Environment).³⁸

2 EU restrictive measures/the Kimberley Process/the SADC Tribunal

2.1 EU restrictive measures

Since the GPA was signed, President Mugabe has been obsessed with getting Western sanctions lifted. In recent months, ZANU-PF raised a petition of over 2 million signatures endorsing his opposition to sanctions. Under the GPA, the MDC-T is committed to helping to bring this about and continues to claim that it is doing what it can on the issue.³⁹ SADC has also said that it will seek to persuade Western countries to lift their restrictive measures.

Since the beginning of 2011, there has been some easing of EU and US restrictive measures, but this has been nothing like enough to satisfy ZANU-PF, or, indeed, the MDC-T.

EU measures were renewed in February 2011, although 35 people were removed from the list of those subject to travel bans and asset freezes. These were wives of ZANU-PF politicians, a number of deceased people and politicians who had quit ZANU-PF. It was also agreed to permit bilateral negotiations between Zimbabwe and specific EU member states over amending the lists of those subject to asset freezes. Further relaxations were made conditional on more progress towards creating an environment conducive to credible elections. The US added two diamond mining companies to its list in December 2011.⁴⁰

In order to “encourage further progress”, the EU did much the same thing on 17 February 2012, removing a further 51 people and 20 companies from its [lists](#). The justice and foreign ministers, Patrick Chinamasa and Simbarashe Mumbengegwi, both of them members of ZANU-PF, were also given special permission to travel to Europe where that travel was linked to the a process of EU re-engagement with Zimbabwe. 112 people remain subject to a visa ban and/or an asset freeze, along with 11 entities.⁴¹ Critics claim that some of those de-listed may have links to illicit diamond mining and should not have been de-listed.⁴² Some in ZANU-PF argue that this selective de-listing is a deliberate attempt to divide the party.⁴³

Restrictions on development assistance to Zimbabwe under Article 96 of the Cotonou Agreement were renewed in February 2012, but this time for six months only, instead of one year.⁴⁴ On 23 July, in response to what was considered some encouraging progress in

³⁷ “Indigenisation now on home stretch”, *Herald*, 17 July 2012; “Indigenisation design – scorched earth policy”, *Zimbabwe Independent*, 6 July 2012

³⁸ “MDC-T fails to launch blueprint”, *Herald*, 11 September 2012

³⁹ “Government committed to removal of sanctions, Tsvangirai tells house”, *Herald*, 21 July 2011; “Remove sanctions in toto – Tsvangirai”, *Herald*, 29 March 2012

⁴⁰ “Diamond mining firms unfazed by US sanctions list”, *Herald*, 15 December 2011

⁴¹ “European Union lifts more Zimbabwe sanctions”, *BBC News Online*, 17 February 2012; “EU removes 51 individuals and 20 entities from Zimbabwe’s sanctions list”, *IHS Global Insight*, 20 February 2012

⁴² “Diamond cash hidden in tax-free havens”, *SW Radio Africa*, 2 March 2012

⁴³ “Foreign minister faults EU over partial lifting of sanctions”, *Financial Gazette*, 27 February 2012

⁴⁴ EU (and US) Humanitarian aid is not subject to any limitations and has increased over the past decade in response to the economic situation in the country. It is worth noting that in 2009/10 and 2010/11, Zimbabwe returned to the ‘Top 20’ recipients of UK bilateral aid, excluding humanitarian assistance. See HC Deb 27 February 2012 c298-301W.

implementing the GPA, the EU **announced** an immediate suspension of the Cotonou restrictions. This holds open the possibility that Zimbabwe can be a much more substantial beneficiary under the next European Development Fund, which will come into operation in 2014. The EU also pledged to suspend the “majority” of the remaining restrictive measures in place if Zimbabwe holds a peaceful and credible referendum on a new Constitution.

The EU-Zimbabwe political dialogue, initiated in 2009, remains in place. The EU is Zimbabwe’s second largest trading partner after South Africa.⁴⁵

Australia has also taken steps during 2012 to remove more people and entities from their lists of those subject to restrictive measures.⁴⁶ However, the US has largely stayed its hand. It has taken a few individuals off its lists but continues to insist that there must be “substantial and irreversible progress” made towards the implementation of the GPA before it will lift any of the measures it has in place.⁴⁷

During the first half of 2012 both the International Crisis Group and the well-respected analyst Brian Raftopoulos questioned whether the Western position on the issue of sanctions – overall retention, but selective relaxation – was doing more harm than good in terms of encouraging progress towards full implementation of the GPA.⁴⁸ But the EU announcement in July is a potentially significant step. A call in May by the UN Commissioner for Human Rights Navi Pillay for the suspension of sanctions helped to create a permissive climate for the EU move. Pillay is South African.

In 2009/10 and 2010/11, Zimbabwe returned to the ‘Top 20’ recipients of UK bilateral aid, excluding humanitarian assistance.⁴⁹

2.2 The Kimberley Process

Growing international concern about reports of state-sponsored violence during the second half of 2009 against thousands of illegal panners on Zimbabwe’s immensely lucrative diamond fields in the east of the country led to calls for Zimbabwe to be suspended from the Kimberley Process Certification Scheme, which provides certificates for diamond exports where they are deemed not to be fuelling conflict. This call was heeded in November 2009. However, in July 2010 the go-ahead was given for the country to resume limited exports from the Marange diamond fields, despite the opposition of many, including human rights groups, who argued that forced labour, torture and harassment of miners was continuing.

Members of the Kimberley Process met in early November 2010 to discuss whether to allow a full resumption of exports, but no agreement was reached. Despite pressure from the diamond exchanges and backing for Zimbabwe from the China, Russian, Indian and South African Governments, Western governments blocked such a move. Campaigning groups like Global Witness called for a full “demilitarisation of the diamond trade”, a tackling of smuggling and establishment of a credible monitoring mechanism.⁵⁰ Soon after the meeting, there were reports that Zimbabwe had exported US\$160 million worth of diamonds to India in

⁴⁵ “Country, EU trade doubles”, *Herald*, 30 March 2012

⁴⁶ See, for example: “Australia softens Zimbabwe stance”, *Sunshine Coast Daily*, 6 March 2012

⁴⁷ “Zimbabwe must stop violence for US to lift sanctions: envoy”, *Agence France Presse*, 24 July 2012; US demands ‘irreversible progress’ before lifting Zimbabwean sanctions”, *IHS Global Insight*, 17 May 2012

⁴⁸ Brian Raftopoulos, “the shadow of elections”, SPT-Zimbabwe Update No. 4, March 2012; ICG, “Zimbabwe’s sanctions standoff”, Africa Briefing No. 86, 6 February 2012. The EU does not acknowledge that it has any sanctions in force against Zimbabwe – hence its use of the term ‘restrictive measures’.

⁴⁹ See HC Deb 27 February 2012 c298-301W. See also the [DFID web page](#) on Zimbabwe

⁵⁰ “Industry must refuse Zimbabwe diamonds certified by rogue monitor”, Global Witness, 16 November 2010

violation of the export restrictions in force under the Kimberley scheme.⁵¹ The MDC-T supported the resumption of exports but called for the state, rather than ZANU-PF, to have control over the proceeds of those exports. Vast sums of money remain unaccounted for, with much of it presumed to be flowing into ZANU-PF's coffers, rejuvenating the resources available to it after a period of relative penury.⁵² Grace Mugabe and Emmerson Mnangagwa, an aspiring successor to her husband, have been named as major beneficiaries of the Marange fields.⁵³

In late June 2011, the members of the Kimberley Process approved a full resumption of exports from two of the five mines operating in the Marange fields. The decision led some campaigners to [question the value](#) of the Certification Scheme. In November, participants in the Kimberley Process agreed to relax the ban on export sales from Zimbabwe's Marange diamond fields, subject to an adequate verification regime being in place. The EU, US and Canada switched from opposition to relaxing the ban to abstention. International and local human rights groups condemned the decision. Global Witness, which campaigned for the establishment of the Kimberley Process, announced that it was leaving the process in protest at the decision.⁵⁴ Campaigning is under way to try and get an explicit mandate to address human rights – which does not currently exist – into the Kimberley Process at its forthcoming meeting in November.⁵⁵ Predictably, ZANU-PF is lobbying to prevent this happening.⁵⁶

Critics continue to fear that the decision may allow ZANU-PF to replenish its coffers ahead of the forthcoming elections, perhaps even helping to fund a campaign of violence and intimidation.⁵⁷ The first diamond auction began within weeks of the decision in November 2011, with some estimating it could raise US \$300m. There have been more diamond auctions held since then.⁵⁸ In June, Global Witness [urged](#) that no diamonds originating from Marange should be bought until buyers could be certain that such purchases do not fund the security forces.

2.3 The SADC Tribunal

There has been ongoing controversy about the future of the [SADC Tribunal](#) which in November 2008 ruled in favour of three white Zimbabwean farmers who had argued that the confiscation of their farms had been illegal. After the Zimbabwean Government refused to implement its ruling, the Tribunal ruled in June 2009 that the Government was in contempt of court. South Africa's High Court subsequently allowed the three farmers to seize Zimbabwean Government property in South Africa. ZANU-PF embarked upon a prolonged campaign to discredit the Tribunal within SADC.

In May 2011, SADC announced a moratorium on decisions by the Tribunal and stated that it planned to establish a new tribunal based on a different jurisdiction in 2012. Critics accused SADC of capitulating to pressure from Zimbabwe. Two of the farmers have since asked the African Commission on Human and Peoples' Rights in Banjul to hear a complaint about the imposition of the moratorium. In March this year, it agreed to do so. It was hoped that pressure of this kind might persuade SADC to reverse the moratorium at its next heads of

⁵¹ "Blood diamond scheme issues fresh alert over Zimbabwe's 'illegal' exports", *ZimOnline*, 19 November 2010

⁵² "Zimbabwe gets go-ahead to sell diamonds again", *Independent*, 17 July 2010

⁵³ "A multi-faceted business", *Africa Confidential*, 19 November 2010

⁵⁴ "Activists split from 'failing' blood diamond watchdog: Zimbabwe", *Times*, 5 December 2011

⁵⁵ "Diamond abuses show need for reforms", Human Rights Watch, press release, 4 June 2012

⁵⁶ "Proposed diamond trade changes under fire from ZANU-PF", *SW Radio Africa*, 12 September 2012

⁵⁷ "Harare in the sky with diamonds", *Africa-Asia Confidential*, November 2011

⁵⁸ "Zimbabwe government 'may close without diamond money'", *BBC News Online*, 14 March 2012

state summit in August.⁵⁹ But there is no sign of this happening. At its August 2012 summit, SADC **decided** to negotiate a new Protocol restricting the jurisdiction of the Tribunal to inter-state disputes. This decision was condemned by human rights and lawyers across the sub-region.⁶⁰ The SADC Lawyers' Association has said it will not support the Tribunal in its revised form.⁶¹

3 Looking ahead

Fears remain that an ultimately 'blocked transition' could mean that, if and when elections do happen, the country could find itself in a re-run of the crisis of 2008. Minister of Finance Tendai Biti said in February 2012: "With this election you need three things: Integrity of the vote, security of the person and security of the vote. Without that we will have a throwback to 2008."⁶² Certainly, if ZANU-PF does usurp the constitution-making process and then tries unilaterally to 'fast-forward' to elections, the prospects for Zimbabwe look dire.

ZANU-PF has been in election campaigning mode since last year and its methods of operating have not changed much since 2008. Levels of political violence and harassment of peaceful political opponents have been on the rise during 2012.⁶³ There is renewed evidence of pro ZANU-PF 'youth mobilisation'.⁶⁴ But the party is not simply relying on coercion. Its main campaign message is that, having returned the 'land to the people', now is the moment to do the same for the economy as a whole through an indigenisation and economic empowerment agenda. This agenda appears to be creating some tensions within both ZANU-PF and the MDC-T. Reserve Bank Governor Gideon Gono is worried that moving ahead too fast will indeed scare off foreign investors, while Indigenisation Minister Saviour Kasukuwere favours a decidedly rapid pace. Finance Minister Tendai Biti has given indications that he may be more willing to accommodate the indigenisation agenda than his Prime Minister, Morgan Tsvangirai, who perhaps has a stronger focus on the opinion of Western governments, which are suspicious of the agenda.⁶⁵ But it could be that the MDC-T will feel compelled, as the election draws nearer, to shift towards Biti's position on the issue.

Several commentators have argued that indigenisation has increased public support for ZANU-PF. One, Alex Duval Smith, went so far earlier this year as to claim that, through it, Mugabe had "won over a nation – again".⁶⁶ Some in the trade union movement, which has been an MDC heartland, are undoubtedly attracted by the indigenisation agenda. A fair bit of the gloss has also come off the MDC-T 'brand' since 2008, following significant levels of corruption within its ranks, not least within MDC-T run municipalities.⁶⁷ A recent poll suggested that the MDC-T was now trailing behind ZANU-PF in terms of voter preferences,

⁵⁹ "Pressure builds on SADC to enforce rule of law", *SW Radio Africa*, 14 March 2012

⁶⁰ "Legal and judicial affairs: Safeguarding judicial independence", Open Society Initiative for Southern Africa, press release, 30 August 2012

⁶¹ "Legal and judicial affairs: SADC lawyers refuse to support new Tribunal", Open Society Initiative for Southern Africa, press release, 28 August 2012

⁶² "Polls in 2012 a recipe for disaster – Biti", *Zimbabwe Independent*, 16 February 2012

⁶³ "Zimbabwe monitors: upswing in political violence", *Associated Press*, 31 March 2012

⁶⁴ "ZANU-PF in election mode", *Financial Gazette*, 30 March 2012. See also the regular e-bulletins of the Zimbabwean Human Rights NGO Forum, which are available from the author of this briefing.

⁶⁵ "Biti, Tsvangirai clash", *Herald*, 23 March 2012

⁶⁶ "How Mugabe won over a nation – again", *Independent*, 16 March 2012

⁶⁷ "Is MDC-T still a viable brand?", *Financial Gazette*, 23 March 2012; "MDC widens corruption probe following reports of graft by councillors", *Financial Gazette*, 22 September 2012

although half of those canvassed expressed no preference.⁶⁸ But others remain convinced that ZANU-PF would be swept away in a genuinely free and fair election.⁶⁹

A further problem for Tsvangirai, as he looks ahead to future elections, is that it also looks doubtful at present that he will be able to persuade PF-ZAPU leader Dabengwa or other opposition figures to back him as sole anti-ZANU PF candidate. Simba Makoni, who stood in 2008, has said in the past that he plans to stand again. He leads the MKD party.⁷⁰ To sum up, there are many factors which suggest that the elections, when they come and even if they are reasonably free and fair, will not be a foregone conclusion. Ironically, intolerable as the two main protagonists have often found power-sharing with each other, the election could well lead to another period of 'forced marriage' in the form of a second inclusive government.⁷¹

Tsvangirai can take comfort from the fact that the MDC-T is not alone in facing major challenges. Some analysts argue that ZANU-PF's behaviour over the past few years means that it is finally losing the relative immunity it has enjoyed from many other leaders in the region, who have hitherto been unwilling to turn against one of its most senior national liberation movements. Brian Raftopoulos, a defender of the MDC's decision to join an inclusive government in 2008, wrote last year:

Whatever the weaknesses of the GPA, and there are many, it has forced ZANU PF into closer accountability for its behaviour at different levels, including cabinet, parliament, JOMIC, the constitutional reform process, SADC, the AU and its relations with the West [...] The once taken-for-granted regional solidarity against the West is no longer so easily available, and at a stroke a key part of the ZANU PF strategy over the past decade has been placed under threat.⁷²

But divisions between SADC, on one side, and the EU and the US on the other, about sanctions have given ZANU-PF continued room for manoeuvre. While there have been significant shifts in the EU's position, reducing the distance between it and SADC, there is still no united front. Raftopoulos recently called for the sanctions to be suspended if an elections road-map is agreed by the partners to the GPA, with the proviso that they would be re-imposed if the elections subsequently fail due to ZANU-PF actions.⁷³ SADC momentum on Zimbabwe is highly episodic and not sustained. The question now is whether SADC's future mediation efforts can succeed where previous ones have fallen short. Quite apart from the many unimplemented provision of the GPA, it is yet to resolve one absolutely crucial issue in the successful holding of elections: how a transfer of power, should they produce that outcome, is to be handled.⁷⁴ Another imponderable is how the current food shortages will impact on the political scene. In 2008, ZANU-PF did not hesitate to use food aid as a political tool.⁷⁵

ZANU-PF's political position may have strengthened somewhat over the past year or so, but it has many problems of its own. Factionalism remains rife within the party and, if anything, is

⁶⁸ "A sickly constitution", *Africa Confidential*, 7 September 2012

⁶⁹ "Mugabe's last throw of the dice", *The World Today*, June/July 2012

⁷⁰ "Prime Minister should not impose himself as group leader", *Zimbabwe Independent*, 25 November 2010

⁷¹ "Outlook for 2012-16: Election watch", *World Markets Research*, 7 September 2012

⁷² Brian Raftopoulos, "Beyond Livingstone", SPT-Zimbabwe Update No. 3, June 2011

⁷³ Brian Raftopoulos, "the shadow of elections", SPT-Zimbabwe Update No. 4, March 2012

⁷⁴ "Poll roadmap ill-defined", *Financial Gazette*, 18 July 2011

⁷⁵ "Nation faces acute hunger, starvation", *Zimbabwe Independent*, 22 March 2012

growing.⁷⁶ Tensions within the party over who should succeed Mugabe as its leader, and when, are far from resolved, with some now speculating that, if he is re-elected, he might stand down after a year or two voluntarily, having once again made his political point. Some in the party can certainly imagine doing a post-election deal with the MDC-T. One potential successor, Vice-President Joice Mujuru, having been widowed in circumstances that remain mysterious to some observers, has called in the past for the “depoliticisation” of national programmes, including indigenisation.⁷⁷ But, following the death of Solomon Mujuru, her position is more exposed.

Another possible successor, Defence Minister Emmerson Mnangagwa, who Mugabe has alternately boosted and undermined over the years, has rejected claims from within the party that Tsvangirai constitutes a ‘national security threat’. In 2011, both were reported to have been putting out feelers to Tsvangirai about “how to handle post-Mugabe politics”, although Mnangagwa often takes a hard line in public.⁷⁸ The Commander of the Zimbabwe Defence Forces, General Constantine Chiwenga, has also been spoken of as a possible successor to Mugabe, sometimes in the context of a coup triggered by ZANU-PF disintegration on the succession issue.

⁷⁶ “Turmoil in ZANU-PF”, *Financial Gazette*, 30 March 2012

⁷⁷ “Vice-President stresses on need to depoliticize national programmes”, *Zimbabwe Independent*, 21 July 2011

⁷⁸ Zimbabwe: spinning out of control”, *Africa Confidential*, 22 July 2011