

## **An overview of the circumstances of the Unity Accord of 1987 in comparison to those of the Global Political Agreement of 2008**

**By Shari Eppel, Solidarity Peace Trust, February 2009**

In Zimbabwe in 2008, the March Presidential election failed to produce an outright winner, although Morgan Tsvangirai won 47% of the vote to Robert Mugabe's 43%. The ensuing state orchestrated violence reduced the June run off to an illegitimate one-man race, as Morgan Tsvangirai withdrew, citing impossible conditions for his supporters. Since then, there has been a running debate both in Zimbabwe and abroad on whether the MDC should enter into a transitional government of unity with ZANU PF, as a way of temporarily resolving the crisis of governance. On September 11<sup>th</sup> 2008, such a transitional government was agreed to – and then disputes about the modalities of operation delayed implementation until Feb 2009.

Those with reservations about the Global Political Agreement (GPA) frequently refer to the Unity Accord (UA) of 1987, in which the opposition party ZAPU was swallowed up by ZANU PF, as providing a salutary lesson to those who attempt to govern side by side with ZANU PF.<sup>1</sup> While the current GPA presents a major challenge to all players, and could well fail to thrive in the months to come, the circumstances leading to the GPA and the UA have been markedly different, as have the nature and content of the agreements themselves. Furthermore, Zimbabwe's world context has significantly changed in the last twenty years, meaning that crude parallels between the UA and the GPA may be neither particularly useful nor instructive.

In order to assess the relative circumstances prevailing for and against MDC and ZAPU various factors should be considered. These include:

- the relative extent of the support bases of the two parties in their respective historical moments
- the extent and nature of the repression against the two parties prior to the signing of their respective deals
- the extent of supportive resources for ZAPU/MDC within the broader context of the nation, including general knowledge of and empathy for the repression among ordinary citizens, media coverage including access to and dissemination of information about unfolding events, and support from civil society nationally for the victimised groups in each era.
- the extent of understanding and support for victimised groups in Zimbabwe within the neighbouring states and their ability and willingness to respond - in the 1980s compared to post 2000
- the extent of understanding and support for the victimised groups within the broader international community, and its ability and willingness to respond, in the 1980s and post 2000
- the power and cohesion of the ruling party in 1987 and in 2008, and the socio-economic strength of the nation in each era

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<sup>1</sup> The Zimbabwe Congress of Trade Unions' full page advert in the *Zimbabwe Independent*, 13 Feb. 09, in which they warn of the pitfalls of the GPA by directly comparing it to ZAPU's demise after signing the UA is but one example of this tendency.

- Most importantly – the very nature of the agreements between ZAPU/ZANU PF in 1987, and MDC / ZANU PF in 2008.

### **Relative support bases of ZAPU (1987) and MDC (2008)**

ZAPU dates from 1961, which meant that by 1980 it was a party with a support base that had been in existence for twenty years. It was a party with an impressive military wing and a charismatic and cohesive leadership. However, its once national spread had been regionalised to the west of the country – Matabeleland and the Midlands – by the first election. This support base was very strong, with all seats in Matabeleland and some in other parts of the nation going to ZAPU in 1980. There were, however, long standing animosities between ZANU PF and ZAPU and between their armed wings, and serious problems and conflicts arose within the first years of Independence during the process of trying to integrate three armies into one.<sup>2</sup> This led to armed insurgency and a grotesque over reaction by the state in the ensuing years in which thousands of civilians died and tens of thousands were tortured and assaulted.

At its peak, ZAPU held around 25% of elected seats in parliament (1980) and held 15% of seats in 1987 – all of these seats in Matabeleland - when the UA was signed. It can be seen that ZAPU was never more than a strong opposition, and in 1987 had no prospect of posing a serious national challenge to ZANU PF's majority. Mugabe's desire to annihilate ZAPU was not because it posed a national challenge, but because he had always envisaged a one-party state and ZAPU stood in the way of this goal.

By comparison, the MDC had existed for less than one year when it entered its first election in 2000, but it was immediately a party with a fairly convincing spread of support, winning all urban areas, although no rural seats outside of Matabeleland. Since the harmonised elections of 2008, the combined MDC currently holds a majority of seats in the House of Assembly, with MDC T holding 100 seats, MDC M holding 10 seats and ZANU PF holding 99. The MDC T now holds seats in all rural provinces, and their president Morgan Tsvangirai won more votes in the March 2008 Presidential election than Robert Mugabe, although not the 50% + 1 needed to carry outright victory. Moreover, MDC T has the majority of the support base in Harare, the capital city, always a key factor in politics. In 2009, MDC clearly poses a national threat to ZANU PF and has overthrown its hegemony.

By 1987, ZAPU-supporting regions were extremely marginalised and demoralised, and could rely on support from no significant group beyond themselves, which

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<sup>2</sup> The factors contributing to the disturbances of those years have been covered in detail in other accounts, notably: Catholic Commission for Justice and Peace (CCJP) and Legal Resources Foundation (LRF), *Breaking the silence, building true peace: a report on the disturbances in Matabeleland and the Midlands 1980 – 1988*, Harare, 1997; Alexander J, McGregor J and Ranger T: *Violence and Memory: a hundred years in the dark forests of Matabeleland*, James Curry, 2000. The intention of this paper is not to re-argue these factors. According to these accounts, there was a genuine problem of armed insurgency in the west of the country in the early 1980s, but this insurgency was not centrally controlled or directed by ZAPU leadership but was the result of problems with the reintegration process and fears (based in experience) of ex ZIPRA cadres being persecuted. It is also unequivocally known at this stage that the state response was extreme and shocking, resulting in thousands of civilian deaths.

meant that their bargaining position with ZANU PF was very weak indeed. ZANU PF's support base – around 80% of voters in 1987 – were mostly uninformed about the massacres and were unconcerned about ZAPU's right to survive: they were supportive of the UA, having believed the government's propaganda that the disturbances in Matabeleland were all about violence perpetrated by Ndebele, ZAPU-supporting dissidents. The nation and the world at large believed the ZANU PF propaganda that some kind of civil war had been going on, rather than the one-sided massacre and oppression of civilians that had actually taken place.<sup>3</sup>

### **Relative extent of the repression**

The death toll was clearly higher during the 1980s than it has been since 2000: while the exact scale of the massacres in Matabeleland remains a subject of debate, it is not unreasonable to talk of **10,000 murdered in the space of three years** (1983 – 1985) as opposed to arguably **fewer than 1,000 murdered in the space of 8 years** (2000 – 2008). In addition, the 10,000 murdered were all killed in a small geographical area, home to around 20% of the population, giving a clear indication of how intense the violence was to those who suffered it. Those who have suffered through the horrors of events of the last eight years should imagine a ferocity of state violence in the 1980s in which **at least ten times as many were murdered, in one fifth of the geographical space and less than half the time**. In short the violence of the 1980s was devastating – in affected areas, nothing before or since, including the war of liberation, has come near this intensity of violence.

In the 1980s the repression was confined to the west of the country, where ZAPU's support base mainly lay, while since 2000 the repression has increasingly been nationwide. During the 1980s, the repression was overtly and predominantly military, relying on organised units such as 5 Brigade, or CIO, while since 2000 the repression has most often been at the hands of youth militia or war vets, or ZANU PF supporters at the village level, although the army and the police have been responsible for torture and abuses on a large scale at times. While there were armed bandits in Matabeleland in the 1980s, these numbered no more than 400 at their peak, and this number hardly explains the murder by the state of around 10,000 civilians!<sup>4</sup>

There are, nonetheless, some parallels in the use of violence by ZANU PF across eras. The violence in Mashonaland rural during 2008 was very reminiscent of the worst of Gukurahundi – the modus operandi of the massacre at Chaona in Mazowe in May 2008, when eight people were brutally tortured and beaten to death in front of their families,<sup>5</sup> echoes horribly the massacres in Tsholotsho, Lupane and Nkayi in 1983. In both eras there have been other weapons of suffering, such as political abuse of access to food, first used on a province-wide scale in Matabeleland South in 1984,

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<sup>3</sup>Banana, Canaan, Editor: *Turmoil and Tenacity: the Road to the Unity Accord*, Harare, 1991, for essays typical of this position.

<sup>4</sup> Emmerson Mnangagwa, Head of the Central Intelligence Organisation (CIO), himself gave this figure of 400 dissidents to Boston Lawyers for Human Rights in 1984: cited in CCJP and LRF, 1997.

<sup>5</sup> Solidarity Peace Trust: *Desperately seeking Sanity: what chance for a negotiated settlement in Zimbabwe?* Johannesburg, May 2008, for a full account of this massacre and the violence of the run off period.

and used to date. In both eras, ZANU PF has criminalised the opposition, and charged opposition leaders with false crimes. There were two treason trials during the 1980s – both failed to result in convictions. There have been two sets of treason charges since 2000 – both have failed to hold water. In both eras there have been mass arrests, assassination attempts on leadership, and brutal torture of those in senior positions.

There are of course other ways of gauging terror and oppression than direct violence. Since 2000, there have been the nationwide mass displacements caused by the farm invasions, and then by the urban demolitions of 2005; there has been the terrible hardship caused by the politically induced collapse of the economy. Since 2000, the collapse of health care has dramatically exacerbated the HIV crisis and its death rate, and has resulted in thousands of deaths from cholera and other normally treatable diseases. This has demoralised people and escalated Diasporisation. In the last decade the life expectancy in Zimbabwe has fallen to the lowest in the world, at 34 for women and 37 for men – all this has had a terrible toll on people of all political affiliations nationwide, and has impacted on the capacity of the MDC and its supporters to organise and mobilise.

MDC has over the last eight years suffered serious injury to its structures, and both political persecution and the economic collapse have led to the Diasporisation of an important section of its support base and structures. The widespread assaults, torture and disappearances during the run off period of April to June 2008 were clearly highly orchestrated and aimed at destroying MDC structures and its ability to organise itself as a coherent opposition on the ground.

While MDC faces large challenges in 2009 in terms of rebuilding its structures across the country, it is in a stronger position than ZAPU was in 1987: by the middle of 1987, ZAPU was a banned party, with a leadership either silenced, dead, in jail or in exile, a terrorised and tortured support base, and little recognition of this fact in the rest of the nation.

### **Civic, media and international support for ZAPU (1987) and MDC (2008)**

ZAPU's sense of isolation and marginalisation by 1987 could not be more different from the position of MDC in 2009. The vast majority of Zimbabweans simply had no idea of what was going on, and therefore had no sympathy for ZAPU or for people in Matabeleland. Thousands died in almost total national silence. There was little discernable public protest from civics nationally and certainly nothing remotely like the overwhelming and highly visible civic support that the MDC currently has the benefit of, not only nationally but regionally and internationally.

### **Civic support and documentation**

There were almost no human rights oriented civic groups in Zimbabwe in 1983 when the massacres began in Matabeleland, compared to the extensive civic base that existed in 2000 and after. In the 1980s, civil society in Zimbabwe was celebrating the arrival of Independence and by and large was happy to go along with the way ZANU PF chose to define the "dissident era", and to work to support government development initiatives without any critique of the violence. The violence was restricted geographically to the west of the nation and it was therefore easy for the

rest of the nation to remain ignorant of events, in particular for Harare-based organisations to do so.

The notable non governmental organisation (NGO) exceptions to this were the Catholic Commission for Justice and Peace (CCJP), and the Bulawayo Legal Project Centre (BLPC), both of which undertook remarkable work to support victims of the violence, to document unfolding events and to legally represent victims – as did various private law firms in both Harare and Bulawayo.

Apart from low-key support from CCJP and BLPC, in the 1980s there was no humanitarian assistance to fleeing families, no safe houses, little legal aid, no formalised medical support for those tens of thousands beaten and tortured. The ZAPU leadership who found themselves facing treason or other charges mostly had to use their own resources to source legal aid, in some cases even selling their houses to do so.<sup>6</sup>

There were very few public statements condemning events, and apart from several direct approaches to Robert Mugabe by CCJP and the Catholic Bishops who presented him with dossiers of atrocities, those few who were documenting the unfolding terror kept the information on the shelf and did not produce it for public dissemination.

The first substantive national NGO report on the 1980s atrocities was produced in 1997, by CCJP and Legal Resources Foundation (LRF)– **ten years after the violence had ended.**<sup>7</sup> The Chihambakwe Commission of Inquiry in 1984 has never seen the light of day – and this inquiry was conducted at the very same time as ZANU PF was cynically running Bhalagwe Camp, where thousands of innocent people were transported, tortured and where many were murdered! The inquiry was in any case a very limited attempt to investigate the atrocities of 1983 only. The atrocities of 1984, including Bhalagwe Camp and other detention centres, and the 1985 enforced disappearance and murder of hundreds of people, have never been officially investigated.

This is in stark contrast to the very impressive ability and willingness of NGOs in recent years to publicise violations of human rights within hours of their occurrence. The number of NGO human rights reports since 2000 runs to hundreds at this stage, with many groups producing monthly violence reports, and others more substantive documents a few times a year.

While there has been no official investigation into violations against MDC supporters in the last decade, there is at least reference in the GPA to the need to deal with the past, as well as growing civil society pressure for this, and one could certainly hope that it will not take twenty-plus years for an official, publicised investigation, as it has in relation to Gukurahundi.

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<sup>6</sup> Interview by the author with J Alexander, February 2009.

<sup>7</sup> Internationally, the Boston Lawyers for Human Rights produced an excellent report on unfolding events in 1985 and Amnesty International and other international NGOs expressed alarm at events at various points, but there was not the cacophony of international condemnations that the Zimbabwe government has faced in recent years.

### **Media and access to information**

Media support and understanding of the true dynamics of what was happening during the 1980s was very limited. The media was almost entirely government controlled, and the *Chronicle* and the *Herald* presented the violence as being driven by ZAPU dissidents aiming to overthrow a legitimate regime.<sup>8</sup> There were brave voices in *Horizon* and *Moto* magazines, but their few, sporadic articles also presented only a tip of the iceberg in terms of what was happening and the circulation of these magazines was very limited. Apart from this, there was no national media support for the ZAPU position and no publicity nationally of the massacres.

International media exposure of the atrocities was also extremely limited and ad hoc in the 1980s, amounting to a handful of intermittent articles in the South African, British and other overseas press. There was certainly nothing to equal the existence of the Zimbabwean media at home and in exile since 2000, such as VOP, SW Radio Africa, Voice of America, or the *Zimbabwean* newspaper, as well as the daily stream of articles and TV news items available around the world from the mainline media. Within the country, the *Zimbabwe Independent*, *The Zimbabwe Standard* and the *Financial Gazette* today provide alternative positions to state media, as did *The Daily News* – until its printers were bombed in 2002. There are several websites devoted solely to Zimbabwe news and updated daily. Of course the whole nature of information control has changed world wide in the last twenty years – and MDC has the benefit of this, which ZAPU did not. In all countries, it is now much harder to suppress human rights abuses, as anyone with a mobile phone can record and sms images and news of events even as they are happening, from and to almost anywhere in the world.

The curfews of the 1980s were very effective in suppressing almost all access to affected areas: these were the days before mobile phones and the internet: information of what was actually happening was easy to control by controlling human movement, which was very comprehensively done – again in stark contrast to today. Today NGO representatives fly to all parts of the globe, able to lobby internationally on a continuous basis in all relevant human rights and political forums – which have also dramatically escalated in number in the last twenty years. NGOs have the resources to do so, and generally receive a sympathetic hearing, which has enabled them to successfully raise Zimbabwe's profile on the international agenda and keep the violations in the international public eye.

### **The international community**

Huge strides were made in the 1980s in ZANU PF-supporting parts of Zimbabwe in terms of improved access to health, education and rural development, and this received deserved praise and financial support from western nations. It also meant that the West was not prepared to criticise Robert Mugabe or ZANU PF. In his early years in power, western nations gave Mugabe honorary degrees and feted him, even while Bhalagwe Camp was in full swing, torturing and murdering innocent Zimbabweans. Furthermore, Zimbabwe was facing the destabilising efforts of the

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<sup>8</sup> CCJP and LRF, *ibid*, database the *Chronicle* version of events in the 1980s and compare it with eye witness accounts of who was responsible for violations – this makes for salutary reading and makes a strong case for the importance of a free media.

apartheid regime in South Africa –even though there has only ever been very limited proof of support from South Africa for “dissidents” in Matabeleland<sup>9</sup> – which once again made the West hesitant to criticise, considering the oppression and reach of South Africa’s regime. More than 90% of atrocities in Matabeleland were at the hands of 5 Brigade and the CIO, but internationally there was a belief that the bandits were a stronger – and more centrally organised force - than they actually were.<sup>10</sup> Criticism was guarded and behind closed doors.

However, the relationship between the world and Mugabe has changed since 1987. Mugabe is no longer an admirable, articulate leader in his first and second terms in office, but is considered the archetype of an African dictator, who has now remained in power for almost 30 years. He is 85 years old this year and any strides made in development during the 1980s have been entirely eroded by the events of the last decade. There is nothing left to admire in the governance of Zimbabwe. Only a handful of world leaders, mainly fellow dictators, are prepared to offer any overt praise or support for Mugabe now.

The leaders of western nations have since 2000 sharply and publicly censured Mugabe and ZANU PF for repressive behaviour and human rights violations, introducing smart sanctions and calling for Mugabe to leave office. They have offered moral and material support to NGOs dealing with victims and have raised events in Zimbabwe at every forum including the United Nations Security Council. They have pressurised Southern African Development Community (SADC) leaders to facilitate a solution.

The nature and outspokenness of western support for the democratic movement has not been unproblematic for MDC, making it possible for ZANU PF to declare Tsvangirai a stooge of the West carrying out its regime change agenda - but hostility towards allowing a western driven solution to Zimbabwe’s crisis has in all likelihood been a factor that has kept SADC engaged in facilitating the GPA.

The SADC region has since 2000 been in a very different position in terms of its ability to intervene in Zimbabwean events. In 1987, ZAPU was completely isolated in this regard. While Botswana and Zambia allowed reluctant refuge to ZAPU supporters fleeing the massacres, Mugabe was a respected front line leader and his activities in Matabeleland faced much less of a challenge from the region than have his activities since 2000. While South Africa has been criticised for not being outspoken enough on the Zimbabwe crisis in recent years, in 1987 the silence from southern African nations was deafening in relation to the Matabeleland massacres. In 1987, apartheid South Africa was quite rightly the nation most criticised, posing the biggest threat to the region.

SADC has been very directly affected by the recent economic and political collapse of Zimbabwe, providing them with motivation to push for the GPA. Even though there

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<sup>9</sup> For example, in April 1988, only 122 dissidents surrendered in response to the general amnesty, and they numbered only 400 at their peak. CCJP and LRF, *ibid*, page 34 for background to the handful of South African sponsored “Super Zapu”.

<sup>10</sup> Alexander, McGregor and Ranger, *ibid*; also CCJP and LRF, *ibid*, for relative responsibility for the violence.

have been complaints that SADC has not been forceful enough in driving ZANU PF to make concessions to MDC, it is beyond doubt that without SADC intervention the current GPA, faulty as it is, would never have been arrived at. If, for example, MDC had had to negotiate with ZANU PF directly with no mediation, any deal would either have been impossible or would have conceded close to nothing to MDC, who have few ways of exerting direct, internal pressure on the regime.<sup>11</sup> As it is, MDC proved capable of getting concessions out of ZANU PF in 2008 in the context of these mediated negotiations – even if not as many as they would have wanted – again, in stark contrast to the negotiations of 1987.

By comparison, in 1987, after years of murder, torture and detention, with its offices all closed and key leaders still in jail, ZAPU had to negotiate directly with ZANU PF, with no outside help in this mediation and no possibility of exerting internal pressure. CCJP facilitated bringing the political players together, but this was all done with no ability or interest from any national or international player in providing pressure on ZAPU's behalf.

Crucially, nobody in the international community made further aid to Zimbabwe conditional on ZAPU having a certain amount of real power in the government post 1987! Yet in 2009, every western power has made donor support to Zimbabwe contingent on the GPA resulting in tangible power sharing.

### **The Unity Accord - surrender and not compromise (1987)**

In December 1987, ZAPU signed up to an agreement that **had as its explicit and sole objective the complete annihilation of ZAPU as a separate entity**, in return for an end to the persecution of their supporters. It therefore makes little sense when current commentators point out that the Unity Accord led to the absorption of ZAPU into ZANU PF. Of course it did so, as this was the agreement's stated and unambiguous intention!

The Unity Accord offered ZAPU very little except a commitment that killings in ZAPU strongholds would stop. In short – you cease to exist and we will stop killing you. ZAPU was too powerless in the negotiations to gain any concessions from ZANU PF whatsoever. No promises were made to the region in terms of future development, none of ZAPU's symbols was taken on by the new “combined” party.

The Unity Accord is a very brief document, with only 11 points in total. It was negotiated over two years, when ZAPU was at its weakest, and as Masipula Sithole pointed out in 1991:

“ Even a cursory look at the terms of the Unity Accord (let alone the Chiwewe minutes) gives one the impression that the document spells out terms of surrender and not compromise. Nowhere in the eleven-point agreement does Nkomo's name appear, but Mugabe's appears three times. (Nkomo's name only appears as a

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<sup>11</sup> The shrinking of the trade union membership base as formal employment has imploded since 2000, combined with the repressive responses of the state to urban attempts to protest, have left MDC with no viable alternatives to a negotiated solution. Large-scale public protest or an uprising is impracticable in the current circumstances.



signatory to the document.)... Eight of the eleven points are pregnant with victorious Mugabe's ideas. Where mention is made of PF-ZAPU it is to indicate that henceforth it shall be called ZANU (PF) (p. 285-6).”<sup>12</sup>

A summary of the eleven points of the UA follows:<sup>13</sup>

1. That ZANU PF and PF ZAPU have irrevocably committed themselves to unite under one political party.
2. That the unity of the two political parties shall be achieved under the name Zimbabwe African National Union (Patriotic Front) in short ZANU PF.
3. That Comrade Robert Gabriel Mugabe shall be the First Secretary and President of ZANU PF.
4. That ZANU PF shall have two Second Secretaries and Vice Presidents who shall be appointed by the First Secretary and President of the Party.
5. That ZANU PF shall seek to establish a socialist society in Zimbabwe on the guidance of Marxist-Leninist principles.
6. That ZANU PF shall seek to establish a One Party State in Zimbabwe.
7. That the leadership of ZANU PF shall abide by the Leadership Code.
8. That the existing structures of ZANU PF and PF ZAPU shall be merged in accordance with the letter and spirit of this Agreement.
9. That both parties shall, in the interim, take immediate vigorous steps to eliminate and end the insecurity and violence prevalent in Matabeleland.
10. That ZANU PF and PF ZAPU shall convene their respective Congress to give effect to this Agreement within the shortest possible time.
11. That, in the interim, Comrade Robert Gabriel Mugabe is vested with full powers to prepare for the implementation of this Agreement and to act in the name and authority of ZANU PF.

There were no concessions made to ZAPU apart from an end to the persecution – point 9 - and the agreement that there would be two Deputy Presidents. By mutual agreement outside of the signed agreement, one Deputy President was always to come from ZAPU ranks. There were no other commitments in the actual signed Unity Accord in terms of numbers of ZAPU Cabinet ministers, or which portfolios should go to ZAPU thereafter. It has become convention for several Cabinet Ministers to come from Matabeleland, but this was not part of the written agreement.

The Unity Accord was not a temporary or time limited agreement, but a permanent state of affairs. The agreement, according to ZANU PF, continues to be valid and to have to be taken into account to date. The GPA has had to allow for two Deputy Presidents, both ZANU PF, one from Matabeleland, in order to keep the now increasingly token Unity Accord alive.<sup>14</sup>

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<sup>12</sup> *Zambezia* (1991). XVIII (eii), pages 143 to 152, for Masipula Sithole's review of *Turmoil and tenacity: the road to the Unity Accord*, a volume of essays edited by Canaan Banana. This volume includes Wellington Chiwewe's minutes of all meetings between ZANU PF and ZAPU as they negotiated the Accord.

<sup>13</sup> Wikipedia, under ZAPU, for summary of Unity Accord.

<sup>14</sup> This agreement has become even more token since the decision in late 2008 by the old ZAPU guard who had been absorbed into ZANU PF since 1987, that they were going to break away and henceforth call themselves ZAPU again. However, this is not the focus of this discussion, and the ZAPU-ZANU power struggle in 2008 pales into insignificance compared to the ZANU-MDC power struggle.

## The Global Political Agreement – September 2008

In September 2008, and in response to the inability to otherwise resolve the impasse left by a March Presidential election with no outright winner and a completely discredited “run off” in June, the two MDCs signed a Global Political Agreement with ZANU PF. This was the result of SADC mediated talks between the two MDCs and ZANU PF.<sup>15</sup>

The GPA is a **power-sharing** agreement, and it is intended to create a **transitional** government that should have among its primary agendas:

- the establishment of a new constitution within 18 months, and
- improvement of democratic space to enable a free and fair election as soon as possible thereafter

The GPA agrees that the most important issue to be addressed is the restoration of economic stability and growth, including the establishment of a National Economic Council composed of representatives of key sectors to formulate recovery plans.

Within its 24 articles, running to 53 pages in the original signed format, the GPA deals with issues pertaining to:

- land acquisition;
- sanctions;
- the need to promote national healing;
- the need for respect for the rule of law;
- free political activity;
- freedom of assembly and association;
- the need to depoliticise traditional leaders;
- the need to depoliticise national youth training;
- non interference in humanitarian assistance;
- security of persons and prevention of violence;
- freedom of expression and communication including the media;
- and importantly a framework for a new government

From the point of view of civics many of these issues are dealt with controversially and anti democratically in the GPA<sup>16</sup> – and in the four months since signing the document the doubts about the sincerity of ZANU PF have justifiably risen, as the government has continued to show total contempt for the rule of law and the constitution as it now exists. The abduction of more than 30 activists and the torture of many of these has been the most outrageous contravention of the signed agreement by government. The arrest of Roy Bennett, MDC’s Deputy Minister of

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<sup>15</sup> It is not the intention of this paper to re examine the minutiae and the controversies of this process, which have been well covered elsewhere – see for example S Eppel and B Raftopoulos, “Political crisis, mediation and the prospects for transitional justice in Zimbabwe”, IDASA, November 2008.

<sup>16</sup> For example, the continuance of any kind of youth training programme is questionable, as is the supposed irreversibility of the land acquisition process; insisting the international community lifts targeted sanctions is also beyond the brief of an agreement between two Zimbabwean political parties. However, the GPA is the product of compromise with ZANU PF and inevitably during this interim period, certain issues will remain highly compromised and unresolved.

Agriculture on the day on which Cabinet was sworn in, was a further act of provocation.<sup>17</sup> These concerns are very real, and ZANU PF's ability to adjust to genuine power sharing remains to be proven - as does MDC's ability to create enough principled pressure to hold them accountable.

The new government structure allows for the sharing of Executive Authority among the President, the Prime Minister and the Cabinet. The President remains the chair of Cabinet (Robert Mugabe) while the Prime Minister (Morgan Tsvangirai) chairs the Council of Ministers.

There are two Deputy Presidents, both ZANU PF, and two Deputy Prime Ministers, one from each MDC.

In terms of the GPA, there are 31 ministers, 15 from ZANU PF with 13 and 3 from each of the two MDCs, which for the first time in Zimbabwe's history, gives a party other than ZANU PF the numerical control of Cabinet. There has, since the signing of the agreement, been an agreement to allow all parties a certain number of "Ministers of State"; the exact number needs to be finalised at time of writing, but will no doubt continue to reflect this balance of power within Cabinet.

All senior government appointments including permanent secretaries require the consultation and agreement of all of the executive - they cannot be unilaterally appointed by any individual.

Allowance is made for the President to appoint five senators, and for the two MDCs to appoint 4 and 2 senators respectively.

One of the biggest areas of contention has been around which party should get which of the Cabinet posts. ZANU PF was quick to insist on the coercive ministries, while MDC has most of the social service and delivery ministries. MDC has the Ministry of Finance, but there remains contention over control of the Ministry of Home Affairs. SADC has ruled that this ministry should be co-chaired for six months, and the situation reviewed thereafter. This has been the most controversial decision in relation to the Cabinet, particularly in view of ZANU PF's continued abuse of coercive power, including using the police to abduct, disappear and torture people in the last few months since the GPA was signed.

### **GPA compared to the UA**

If one compares the nature of the GPA to the Unity Accord, it is clear that the 1987 Unity Accord was about the absorption of one party into another and the 2008 Global Political Agreement, on paper at least, is about power sharing. Moreover, the GPA provides for a time-limited government whose role is to return the country to some

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<sup>17</sup> See Zimbabwe Lawyers for Human Rights, daily updates on Jestina Mukoko's abduction and that of fellow activists, from January 2009; Zimbabwe Human Rights NGO Forum, "Statement on Abductees and the Inclusive Government", 10 February 2009; also United Nations Press Release, 12 February 2009, "UN human rights chief urges new Zimbabwean government to restore rule of law, provide justice for human rights victims", expressing concern about these violations in the context of the GPA.

kind of humanitarian and economic equilibrium, while also creating democratic space and a new constitution – and leading in less than five years to a new election.

### **ZANU PF – in 1987 and in 2009**

In 1987 ZANU PF was a ruling party at its zenith – it was a massively powerful and hugely ambitious government with total control of the state, and with the capacity to control and direct most aspects of the economy and development. It was also a state highly respected and supported by its neighbouring states (with the exception of South Africa), and by the international community. During the 1990s, the power of the Zimbabwean state and the strength of the economy shifted as growing national debt, resulting in part from spending on social development projects, led to the need to incur international loans and the resulting commitment to Economic Structural Adjustment Programmes. This led to a reduction in government spending, and the liberalisation and consequent slowing down of the formal economy. By the late 1990s, the state was sufficiently weakened to face a serious challenge from its citizens, first through the growing power of the trade unions and secondly through a constitutional movement driven by civics. The rising tide of frustration with ZANU PF gave rise to the MDC in late 1999, posing the first serious challenge to ZANU PF's one party state rule since 1987.<sup>18</sup>

The last ten years have seen cataclysmic collapse in Zimbabwe's formal economy as ZANU PF has destroyed the agricultural and industrial base of the nation, and has thrown all the resources of the state into the single objective of remaining coercively in power. The Gross Domestic Product has contracted by over 40% in a few years, the fastest contracting economy ever in a nation not in a state of war. All social and economic indicators have fallen at record breaking pace – and the ZANU PF of 2009 is a party that is no longer attempting to devise real policies with regard to any kind of social delivery, focused instead on rent seeking activities and an ever smaller circle of patronage, as senior party members parcel out commercial farms and control of mineral resources at the total expense of the formal economy and its citizenry. It is clear that Mugabe has driven himself into a position where his leadership has no legitimacy, even among neighbouring states, and the government has no way of generating real income. The GPA is a way for ZANU PF to try and regain both. Without the GPA, ZANU PF would face no option but to continue its cycle of violent pillage and patronage in order to cling to power destructively for as long as possible – which conceivably could be for many more years - as the citizenry plummeted ever further into suffering.<sup>19</sup>

The collapse of Zimbabwe on every parameter has also weakened ZANU PF internally. It is no longer the cohesive party of 1987. The party is clearly fractured, with some within its ranks very aware that the GPA is necessary at this point if Zimbabwe is to begin to recover economically, even if it means reducing ZANU PF's

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<sup>18</sup> Other opposition parties such as Zimbabwe Unity Movement and the Forum Party had attempted to create space between 1987 and 1999, with very little success, and ZANU Ndonga had continued to hold one seat in parliament.

<sup>19</sup> B. Raftopoulos, "In search of hope in Zimbabwe Politics", published in the Daily News, Johannesburg, 24 December 2008, outlines reasons for the unlikelihood of a positive political outcome should the GPA fail to be implemented.

own power base. However there is a hard line group within ZANU PF, believed to include the old Joint Operational Command (JOC), or military and police leadership, who greatly resent and fear any relinquishing of power. JOC leadership has been implicated in illegal activities, including death squads during the 1980s – and again in 2008 - and in the pillage of mineral resources, among other forms of corruption. It is alleged that they fear that the GPA will lead ultimately to accountability, which they wish to avoid, and it is this JOC element that appears to have defied directives by other elements within ZANU PF's power base, to release the 30+ detainees and Roy Bennett.<sup>20</sup> If the GPA fails to thrive, it is likely the splits within ZANU PF over such issues that will potentially contribute to its failure. Again, this is a marked difference with 1987 – there was no possibility of accountability for the crimes of the 1980s at the time the UA was signed; ZANU PF was a united party fully backing and backed by its military. It is clear in 2009 that this it is no longer this simple – and it is also clear that SADC would not stand for a military coup in its backyard.

While ZANU PF has a thirty-year proven history of treating other political parties treacherously, the GPA is not the Unity Accord and 2009 is not 1987. Nor is the MDC equivalent to ZAPU. While the year ahead – and the years after that – will face enormous challenges and while the GPA could well founder, this will be for reasons that bear little relation to the reasons for the demise of ZAPU. The whole world is watching events now, and there is a large civil support base both within Zimbabwe and abroad that will be intent on holding both parties to account and to drawing attention to any failures to stand by the terms of the GPA. SADC has underwritten the GPA and has stated that it will hold both parties to the agreement. While these factors do not guarantee success, they do give the GPA some chance of survival at least. The GPA is by its very self-definition a transitional, compromised form of governance and the responsibility lies with Zimbabweans to hold not only this temporary government, but all future governments accountable to its citizens.

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<sup>20</sup> *The Times*, South Africa, "Zim security brass terrified that unity means retribution", 17 Feb 2009, for one of many articles addressing this issue. Bennett himself referred to attempts by hardliners to derail the process as being behind his arrest.