

A Review of Negotiated Settlements as Conflict Resolution Strategies in Zimbabwe

Listen Tererai Mtize*

Department of Political Science, University of Zimbabwe, Zimbabwe

ABSTRACT

The history of negotiated settlements is not a new concept within African perspective. It has been a widely used conflict resolution strategy. Likewise, Zimbabwe has encountered more than three negotiated settlements who have served as conflict and peace strategy in one way or the other. The aim of the paper is to highlight negotiated settlements as structures of durable peace. This is only achievable when the structures themselves are made effective by the selective participant actors. The history of negotiated settlement in Zimbabwe can be traced to ancient times before colonial but the most recorded include the 1979 Zimbabwe-Rhodesia; 1980 Lancaster House Agreement; the 1987 Unity Accord; and the 2009 GNU. All these have similarities in fighting for inequality and the protection of human rights. Since colonialization the majority have been subject to discriminatory policies by elite ruling class founded by the white racist regime. Hence the paper analyzed existing literature which is awash with success and failures of negotiated settlements without understanding how these structures actually work in developing countries. The paper gives a nuanced approach highlighting on the major four negotiated settlements and their reasons for existence, as a way to elaborate how negotiated settlements have been utilized and implemented in Zimbabwe. The paper thus creates a sense of how these negotiated settlements have by far been used as conflict resolution strategies in the country and how well their structures can be mended for future use.

Keywords: Negotiated settlements; Government of national unity; Conflict resolution strategy; Conflict; Settlers

INTRODUCTION

Negotiated settlements in Zimbabwe and Africa at large are not a new phenomenon. These structures have been implemented as conflict resolution strategies for a long time in different essences of course. Particularly Zimbabwe has implemented more than three negotiated settlements in just 34 years between 1979 and 2013. Key negotiated settlements include the 1979 Zimbabwe-Rhodesia, the 1980 Lancaster House Agreement, the 1987 Unity Accord and the Government of national Unity 2009-2013. Likewise, the structures were agreements who's conformant to negotiated settlement might differ but all serving shared power structures, and dynamics. Negotiated settlement refers to the peaceful agreements that are made between the political organizations or individuals that culminates in shared power even if the stakes are not even. However, these structures have

remained temporary in nature owing to their fragility political sensitive nature. They bring temporary peace which is not sustainable in the long run. More so the political elites have tended to abuse these structures for their own selfish gains at the expense of the ordinary people further weakening the structures.

This paper highlights how Zimbabwe as a country has been a subject to negotiated settlements since the colonial era which has had an effect to its present-day shared power policies. The paper is basing its evidence on the literature done on the Zimbabwean grounding politics.

The paper uses this evidence to answer critical research questions that include, how negotiated settlements has affected and shaped Zimbabwean political landscape? And Do Africa understand how negotiated settlements structures work in order to harness their full potential?

Correspondence to: Listen Tererai Mtize, Department of Political Science, University of Zimbabwe, Zimbabwe, Tel: 263773799657; E-mail: teri@hotmail.co.za

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METHODOLOGY

The paper analyzed existing literature on negotiated settlements and how the concept has been used in Zimbabwe. The paper was answering the research questions: How can negotiated settlements bring durable peace? And how has Zimbabwe's history been shaped by negotiated settlements? The aim was to give a nuanced analysis on government of national unity as the structure was used more than three times with a developing country setting. Thus, understanding if these structures can bring effective administrations that can protect and work towards the well-being and upgrading the livelihoods of the ordinary people. Hence the research was purely desk research.

What Are Negotiated Settlements

There is no one acceptable definition of negotiated settlement, however many scholars have tried to explain the phrase according to context and how the phrase has been implemented. OECD (2012:2) highlighted that negotiated settlement, "refers to how the balance of power between elite socio-political groups is settled through agreement around the rules of political engagement". These settlements might be formed by the result of a solitary occasion, (for example, a peace understanding), or it might mirror a continuous procedure of negotiations and exchange that reaches out after some time where what is important is the direct of key entertainers. Negotiated settlement, "is defined as any form of direct or indirect communication whereby parties who have opposing interests discuss the form of any joint action which they might take to manage and ultimately resolve the dispute between them" (CSJ, 2017:34). In other words, it is the coming together of all active participants and representatives of the whole for a common cause. Negotiated settlement as the agreement made between various political elites to share power and state resources for the people they represent and easing tensions that would otherwise escalate into full blown wars [1]. RAND Corporation added that these are settlements that are achieved when a conflict has escalated to levels that continuing with it is no more beneficial to all stakeholders involved and both stand to lose hence dialogue will be the only way forward [2]. In other words, negotiated settlements are arrived at when the parties involved are now losing with the continued conflict but however are too stubborn to stop the conflict. This is witnessed in the post electoral conflict in Kenya 2007-2008 shortly before the GNU was introduced and what followed in Zimbabwe in 2008 during the electoral run-off elections campaign period.

1979 Zimbabwe-Rhodesia negotiated settlement

Although past history can say a lot about negotiated settlements that have been agreed upon in the past, the most notable was the 1979 Zimbabwe-Rhodesia, an internal settlement made between the ruling white minority party (Rhodesian Front) led by Ian Smith (who was the current Prime Minister) and the some black movements including United African National Council (UANC) led by Abel Muzorewa, Zimbabwe National African Union (ZANU) led by Ndabaningi Sithole and United National Federal Party (UNFP) led by Kayisa Ndiweni. Abel Muzorewa became the substantive Prime Minister for the following six months [3,4].

Due to mounting pressure from the international community for the white settler government to allow for majority rule and curb discrimination of the majority indigenous black people. This coupled with the ongoing negotiations between United States and Britain with Rhodesian Front to allow majority rule, even though the negotiations were guaranteeing white interests. Hence, "March 1978, in a vain attempt to return to international legality, stay in control and direct unfolding events, the Rhodesian Front came to an internal settlement of the crisis with conservative black leaders." [5]. The white minority government conducted elections which saw some limited black people being granted limited civil rights to participate in the elections. "In 1979, Rhodesian Prime Minister Ian Smith conducted elections under a constitution which granted blacks limited civil rights, and Bishop Abel Muzorewa, a moderate black, was elected prime minister in a campaign that effectively excluded the rebels [6].

The negotiated settlement was a power sharing arrangement that protected the white minority interests and gave them a glass like reflector that would highlight them as saviors of the black majority and have international recognition. In this light, the white supremacy elevated Abel Muzorewa as the country's first ever black Prime minister with some of the black people getting some positions in the government. However, it is important to understand that this settlement only lasted for six months between April 1979 and December 1979).

The Zimbabwe-Rhodesia of 1979, managed to bring a temporary cease fire, and provided some of relief to the ordinary people in the Tribal Trust Lands (TTL) and in the reserves. This is because the war directly affected people in two ways; the freedom fighters who sought shelter, food and clothing would normally do harm to the community especially those who did not comply naming them as sell-outs [7]. On the other hand, the Smith regime soldiers terrorized the same communities in search of information leading to the capture and killing of freedom fighters.

The temporary peace created some breathing space for communities to look for food and other activities. However, the temporary relief was short lived as the front-line parties' namely ZANU-PF and PF ZAPU were not part of the negotiations and resorted to continuation of the struggle.

It is pertinent to note that the negotiated settlement was intended to provide a peaceful transition to majority rule on terms not harmful to white Rhodesians, in theory. However, the idea behind was to portray the white racist government as considerate and ease the pressure mounting from the international society [8].

Fisher (2010:5) explained that major obstacle was the quest by white settler to maintain white dominance, "establishing Rhodesia was a display of white dominance whereby the settlers located themselves at the heart of the nation-namely, the freehold areas of the countryside and towns, spaces in which the black majority enjoyed only tenuous rights" (Fisher, 2010:5). The minority whites never wanted to share the state resources and this was quickly realized when Muzorewa was mam to many major issues including the Land issue and discrimination issues

that prohibited free movement of blacks into urban areas without consent from the whites and affecting the blacks hence labeled a puppet of the white administration and a traitor towards the independence of his own race.

1980 Lancaster House Negotiated Settlement

The Lancaster House Agreement of December 1979 was key and a game changer to the country's politics. The negotiated settlement not all to give a positive sum for all parties, it indirectly protected the white minority whilst opening the doors for majority rule and democratic space. The Lancaster House Agreement was a negotiated settlement that was made between the British government under Margret Thatcher as the colonial master under the Commonwealth and front-line parties (ZANU PF and PF ZAPU) as well as the Zimbabwe-Rhodesian government. The agreement was the first to successfully end the liberation war and opened doors to majority rule through free and fair election for all Zimbabwean citizens. The agreement could see the country reverting back to its colonial status whilst nullifying the Zimbabwe-Rhodesia internal settlement. It is often accredited to bringing the first ever free elections which the majority black people voted for the first times elevating Robert Mugabe as the first ever black prime minister in the new Zimbabwe. According to Chung and Kaarsholm (2006:242) some of the agreements reached include:

- “to accept the authority of the British Governor;
- to abide by the New Independence Constitution;
- to comply with the pre-independence arrangements;
- to abide by the cease-fire agreement;
- to campaign peacefully and without intimidation;
- to renounce the use of force for political ends; and
- to accept the outcome of the elections and to instruct any forces under their authority to do the same”

In addition to the mentioned above some of the major agreements were in the parliamentary portfolios. It was agreed that on the voter's roll be a special provision for separate minority representation in Parliament, will be enrolled on a White Voters Roll (including Colored and Asians) whilst there would be a Common Voters Roll on which will be enrolled all voters. This meant that there was a special portion for white minority protection in the parliament. In the Senate for instance it was agreed that, there will be a Senate of 40 members with a special 10 Senators elected by an electoral college consisting of members of the House of Assembly elected on the White Voters Roll. Also, in the House of Assembly consisting of 100 members, 20 members will be elected by voters on the White Voters Roll. This agreement although not in favor of the front-line parties had made significant positive moves towards democratizing the political space. However, amongst other critical issues, one stumbling block was the issue of land compensation and redistribution which the front-line parties were pressured to stop for the first 10 years. Although the agreement provided for relief fund to compensate farms from willing white sellers in the first 10 years, the agreement was that the black administration would not do any radical land policies at least to guarantee safe passage for the white commercial farmers who were thought to have had

invested much into the land.

The country peacefully held its elections and the country was renamed a republic with its Independence Day set on 18 April 1980. The black majority had for the first time got their freedom from white discrimination and oppression. The negotiated settlement had successfully brought a new revolution making Zimbabwe another successful story of decolonization and as a case in point for South Africa which was still battling apartheid.

RESULTS

1987 unity accord

The infant newly established republic had more cracks that needed to be mended before it could develop. In 1987 the country sealed off another negotiated settlement known as the Unity Accord between the elite revolutionary parties, ZANU PF and PF ZAPU. The two parties culminated into signing a cease fire agreement which saw the two political parties merging into one big ZANU PF. Although some have described it as a PF ZAPU takeover by ZANU PF. The settlement saw the administration establishing two vice presidents one old ZANU PF and another of PF ZAPU descendant. The first vice president from ZAPU was Joshua Nkomo whilst Mugabe was the executive President from being the Prime Minister. The Prime Minister's office was removed.

The newly established nation was quickly plunged into another conflict between the rival patriotic front parties in quest to gain access to state resources and power. The conflict which continued to distract from service delivery to the ordinary people, as resources were channeled to the conflict between elite political parties [9]. The battle was between ZANU PF and PF ZAPU. It might be recalled that before the Second Chimurenga, the main black nationalist organization in Southern Rhodesia, ZAPU, was torn apart in 1963 [10]. The splinter group became known as the ZANU. Though these groups had a common origin they gradually grew apart, with the split away group, ZANU, recruiting mainly from the Shona regions, while ZAPU recruited mainly from Ndebele-speaking regions in the west [9]. The groups however are believed to have grown rivalry on tribal grounds [10].

One argument as a major cause for the conflict is that ZANU PF under Robert Mugabe sought a one-party state. The invitation to PF ZAPU leader Nkomo to join the government soon after independence was a way to swerve PF ZAPU to ZANU PF [10], highlighted that in hindsight Gukurahundi primarily sought political rather than military objectives. Mugabe had sought a one-party state since attaining power. He often than note expressed the multiparty system as a luxury, thus he actively sought to wipe out PF ZAPU which was the only strongest opposition to his rule [9]. This explains why the Fifth Brigade's tactics of not going after dissidents but villagers appear that their primary motivation was to wipe out ZAPU's support base, and to intimidate the would be ZAPU followers not to continue supporting it [2]. However, the depth of the atrocities were extreme as ordinary people lost their lives and homes.

However, the conflict was seen by white racist government in South Africa as an opportunity to destroy the new black government [10]. This is because it is alleged that South Africa's apartheid government used Central Intelligence Agencies of Zimbabwe, namely, "Mac Callaway and Kevin Woods as double agents to further stir the conflict between ZANU PF and PF ZAPU, by spreading malicious rumors that PF ZAPU wanted to dethrone ZANU PF [10]. The South African agents sabotaged Inkomo barracks, destroying \$50 million worth of ammunition and equipment Feb 1981", [8]. The same counterfeit was reported to have sabotaged ZANU PF headquarters in December 1981.

The tension between ZANU PF and ZAPU was also aligned to a historical background of tribal conflict. It is noteworthy that the feud between Shona and Ndebele, dated back to the arrival of the Ndebele people led by Mzilikazi in 1837 from South Africa, escaping from King Tshaka. Mzilikazi used his army's great fighting skills to conquer and command large territories thereby dispossessing the indigenous people who lived north [2]. The Ndebele used their skills to continuously raid the Shona kingdoms off their farm produce and enslaving able bodied men and women to work on their farms. Some Shona groups who were weak to fight had negotiated settlements which resulted in them paying tribute every year to Mzilikazi in fear that he would wipe-out the whole kingdom [5]. The ethnic fight did not end it was witnessed again during the liberation struggle, during training in Zambian camps. ZANU's ZANLA forces migrated to Mozambique as they constantly had direct conflicts with ZAPU's ZIPRA forces in the training camps [10].

This ethnic conflict thus remained a cause for concern between Ndebele and Shona people. When the country gained independence in 1980, mistrust between the two rival militant parties made it difficult to integrate them as a unity into the national Army, subsequent to the Lancaster House Agreement. "The tension between reached a high point when in February 1982, there was discovery of arms caches in ZIPRA. Seizure or detention by the Fifth Brigade was arbitrary [5].

Matabeleland leading to the arrest of ZIPRA high commanders and expulsion of ZAPU leaders from cabinet" [10]. "ZANU-PF openly accused ZAPU of plotting another war and ZAPU leaders were arrested or removed from cabinet". Although treason charges were leveled against some ZAPU members as the instigators, the treason trial of Dumiso Dabengwa and Lookout Masuku failed to prove a case against them in 1982, [5,10]. To this enlightenment, some, ex-ZIPRA members fled to exile and abandoned the army, in pursuit to protect their lives, whilst most of their most of their leaders were either in detention or in exile. There were major outbreaks of violence carried out by ZIPRA against the civilian population. For instance, former ZIPRA elements attacked civilian areas in Zvishavane, Kadoma and Bulawayo.

It can be said that the newly inaugurated government dominated by ZANU-PF did not represent local demands of land redistribution and other unfulfilled promises in the Matabeleland region. It is also believed that the conflict was fueled by Rhodesian ex-agents and South African Apartheid government who supported some of the rebels in Matabeleland

region further undermining the efforts of reconciliation. "Robert Mugabe, then Prime Minister, signed an agreement with North Korean President Kim Il Sung in October 1980 to have the North Korean military train a brigade for the Zimbabwean army". The brigade known as the Fifth Brigade/Gukurahundi Brigade had members drawn from the 3500 ex-ZANLA troops. The regiment was straightforwardly subjected to the Prime Minister office. The regiment was sent to the Matabeleland between 1983 and 1984 In January 1983. The detachment's orders evidently determined a quest for ZAPU officials and veterans of its furnished wing, ZIPRA. Seizure or detention by the Fifth Brigade was arbitrary [5].

In 1987, the two rival parties reached negotiated settlement termed the Unity Accord between their leaders, Robert Mugabe and Joshua Nkomo. This effectively unified PF-ZAPU and ZANU PF into the new ZANU-PF [3]. Thus, the subsequent years, the new administration pardoned all who participated in the Gukurahundi. Likewise, ZAPU leader Joshua Nkomo encouraged them to surrender their weapons [10]. Resultantly, Unity Accord brought peace, but many wounds and issues that remained unsolved. It is worth noting that the Unity Accord managed to bring back the much-needed peace, but however failed to bring the necessary healing and compensation for the victims, although the perpetrators were granted full amnesty and pardon. Also, the ethnic nature of people had calmed down such that Shonas and Ndebele could travel to any place without fear of being knifed down. According to Pindula, some of the provisions agreed upon included:

- That ZAPU-PF and PF-ZAPU have irrevocably committed themselves to unite under one political party
- That the unity of two political parties shall be achieved under the name Zimbabwe African National Union Patriotic Front (ZANU PF)
- That President Mugabe shall be First Secretary and President of ZANU PF
- That ZANU PF shall have two second secretaries and Vice-Presidents who shall be appointed by the First Secretary and President of ZANU PF
- That ZANU PF shall seek to establish a socialist society in Zimbabwe on the guidance of Marxist- Leninist principles
- That ZANU PF shall seek to establish one-party state in Zimbabwe
- That leadership of ZANU PF shall abide by leadership code
- That existing structures of ZANU PF and PF-ZAPU shall be merged in accordance with the letter and spirit of this agreement
- That both parties shall, in the interim, take immediate vigorous steps to eliminate and end insecurity and violence prevalent in Matabeleland
- That ZANU PF and PF-ZAPU shall convene their respective congresses to give effect to this Agreement within the shortest possible time and
- 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 ZAPU PF.

2009-2013 government of national unity

Following a failed 2008 presidential elections which resulted in a civil conflict. This culminated into an emergency crisis for human rights which necessitated a negotiation between the rival ZANU PF and MDC. The structure was mirrored to the Kenyan Government of national Unity of 2007. African Union tasked its sub regional organization SADC to invest in an emergence conflict resolution, which saw Thabo Mbeki, the then South African president, taking over the negotiations as the principal mediator between the rival political parties.

The GNU was established in 2009 following the signing of the Global Political Agreement of 2008. The GPA was the founding document that laid out how GNU was to operate as a shared power structure. Such as the 1979 Zimbabwe-Rhodesia, Morgan Tsvangirai of MDC was subsequently elevated as the Prime minister whilst Mugabe remained the executive president. It is pertinent to note that, the prime minister's executive powers were only in theory and confined as the head of parliament leaving Mugabe with absolute control [10].

The GNU was a direct result of the failed elections of 2008. What is more critical about the 2008 harmonized elections is that the process of vote counting was somewhat not clear. Hence the election seemed was flawed. Resultantly, the presidential election results took over a month to be announced after the first round. The inability to discharge results was unequivocally reprimanded by the restriction MDC, which ineffectively looked for a request from the High Court to constrain their release. After the recount and the check of the results, the Zimbabwe Electoral Commission (ZEC) reported no one had garnered the required 50% +1 vote, as Tsvangirai had a total of 47.9% of the vote whilst Mugabe garnered 43.2%, requiring a runoff. In spite of Tsvangirai's proceeding with cases to have won a first round greater part, he chose to take an interest in the runoff.

The period that changed a ton of things is the period following the first round which was set apart by substantial political viciousness. ZANU-PF and the MDC reprimanded each other's supporters for executing the brutality. Albeit western governments and noticeable western associations accused the ruling ZANU-PF for the savagery as it was still in government with the command to bring harmony and rational soundness. On 22 June 2008, Tsvangirai pulled back from the run-off, depicting it as a fierce trick and saying that his supporters gambled being executed in the event that they decided in favor of him. The second round proceeded with Mugabe as the main and only candidate effectively taking an interest applicant, despite the fact that Tsvangirai's name stayed on the voting form. The post-electoral violence, which was intense, forced interventions from the AU through SADC. This led to the negotiations and the possibility of another government of national unity, this time with active opposition.

Global Political Agreement Supported and ensured by the Southern African Development Community (SADC) and the African Union (AU) as an "African Solution to an African Problem", the Inclusive Government was intended to be an examination in national soundness and democratization, with

the GPA. Giving the hypothesis of progress that impelled and directed how the administration would work and what it ought to have accomplished. To put it plainly, the GPA hypothesis was predicated on the speculation that, a comprehensive way to deal with overseeing and critical thinking by the three significant ideological political parties spoke to in parliament. This would bring about the decrease of political flimsiness, capture of the financial free-fall, stop the helpful emergency, and establishment of equitable changes and for the most part giving a comprehensive way to deal with the goals of the Zimbabwean emergency.

The Global Political Agreement marked on 15 September 2008, authoritatively brought together the three principle political parties into one government and along these lines the truce of political viciousness. The three articles, ZANU-PF, MDC-Tsvangirai and MDC-Mtambara conceded to settling the difficulties confronting Zimbabwe after the contested political race consequence of 2008. It is appropriate to take note of that Mbeki's peaceful discretion made the dealings to shared force increasingly drawn out. Just a couple of days after the understanding was marked, Mbeki had to leave as President of South Africa by his party, the ANC. This raised extra worries about the eventual fate of the understanding, it was indistinct if Mbeki would keep on going about as mediator, and it was hazy if South Africa, under new authority, would remain so vigorously associated with settling Zimbabwe's political circumstance. Round 3 of the negotiations which began on 9 September brought the consensus and signing of the GPA. The trio quickly moved up to forming the Government of National Unity. Major GPA agreements amongst others include:

- "Mugabe would remain the President with full executive authority and Commander in Chief of the Army;
- Tsvangirai chairs the Council of Ministers and is the Deputy Chairperson of Cabinet. He also among other responsibilities, shall have the responsibility to discharge the functions of the Leader of Government Business in Parliament;
- A new home-grown constitution was to be drafted within 18 months; following a referendum on the new constitution;
- Harmonized elections were to be conducted no later than three months from the date the new constitution was done; and
- The MDC and ZANU PF were to share the ministries evenly (GPA official document: Article 20)"

The GNU subsequently then kicked off with many obstacles as mostly ZANU PF who remained with key powerful portfolios continued to undermine the structure. Criticism often rounded up how Tsvangirai's position of Prime Minister's position merely was of a puppet parliament leader as Mugabe continued to use his powers in favor of ZANU PF without consulting his counterpart. Thus, the conflict never really died down as perpetrators mostly from ZANU PF supporters and members continued to unleash terror seriously undermining human rights. More so the GPA's most articles remained untouched especially on national healing compensation and prosecution. The victims were never compensated and the perpetrators are still free causing havoc even in present day Zimbabwe. The GNU

could just be seen as merely a political agreement with no beneficial facts to the ordinary people's livelihoods. Critics often argue that the platform was merely a reorganizing structure for the political parties, using the state resources to maximize on political campaigns and gaining political mileage for the 2013 harmonized elections whilst using the platform to decamping each other and play the blame game with no benefit to the ordinary people in the streets. However, in the absence of direct conflict, some peace is realized especially in urban spaces, the country recovered temporarily economically through unofficial dollarization. There was food in the shops industries in all its forms, fuel, electricity and LPG gas. Resultantly that provided temporary economic relief to the people of Zimbabwe. Also, it is argued that GNU completed its mandate of bringing a new home-grown constitution, although its validity in terms of capturing people's concerns and suggestions remains another debate [5,9,10].

DISCUSSION AND CONCLUSION

In conclusion, Zimbabwe has subjected itself to negotiated settlements as a better conflict resolution strategy. Although their significance and effectiveness has remained questionable, the structures have indeed brought immediate peace. The paper managed to highlight how the country's history has been shaped by negotiated agreements and dialoguing as a means to end civil conflicts often with detrimental results to the ordinary people. Thus, negotiated settlements are structures that can be oiled to make them more permanent in future given that they have been largely appreciated to bring peace even though the peace is not sustained for longer periods of time. The Zimbabwe- Rhodesia felt because it lacked support from the two front line parties who commanded largest support, whilst the 2009 GNU was met with political elites who sought to satisfy personal interests and gaining political mileage hence rendering the institution weak and just a platform for blame game without effective mechanism

to develop the country. The history of these settlements provides us with more critics as how to make the structures strong for future purposes, as the continued civil unrests in Zimbabwe are prompting for more permanent solutions that can curb gross human rights atrocities, and bring democratic policies that favor majority rule. But before any prosperity can be realized, Zimbabwe needs to formulate better negotiated settlement structures based on the four that have already left a failed mark.

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