

# **Zimbabwe's Negotiated Inclusive Government: Is It a Messy Power-Sharing Experiment or a Positive Step Towards Democratization?**

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## **Abstract**

The inclusive power-sharing government in Zimbabwe that came into power in February 2009 is the product of a long drawn-out SADC led negotiation process between ZANU-PF and the two MDC factions (MDC-T led by Prime Minister Morgan Tsvangirai and MDC-M led by Deputy Prime Minister Professor Arthur Mutambara). This negotiated political settlement was reached after the country had gone through almost a decade of ZANU-PF dictatorial rule characterised by economic decline, media repression, human rights violations, political violence, abductions, arrests, torture and murder of opposition politicians and activists. This paper examines whether this power sharing government is a positive step towards moving Zimbabwe away from ZANU-PF's authoritarian rule towards a democratic dispensation or simply a façade masking the continuation of ZANU-PF's authoritarianism. Such an examination is provoked by the fact that over the last few months there have been numerous violations of the Global Political Agreement (the political working document signed by all three parties) by ZANU-PF politicians and aligned elements suggesting that the pre-inclusive government status quo remains intact and in control of state institutions of power. The paper further questions whether such a negotiated inclusive government which accommodates President Mugabe—who lost the first round of the last presidential elections—as head of state is a good precedent for Sub-Saharan Africa or an affront to democracy as it encourages losing incumbents to reclaim power through undemocratic and often violent means.

## **Introduction**

In recent years peace agreements have stipulated the inclusion of warring parties in government in countries such as Burundi, Liberia, Sierra Leone, Ivory Coast, Democratic Republic of Congo and Rwanda, among others. In 2008, power sharing was adopted in Zimbabwe and Kenya. These power sharing agreements (PSAs) are political deals in which rival political parties agree to coexist in government and to share power in predetermined ways, often under the mediation of regional, continental and international community leaders (Totolo, 2009). There are various explanations to why feuding parties find power sharing attractive. Conflict management literature demonstrates that combatants are much more likely to sign an agreement if it reduces

uncertainty by the inclusion of guaranteed positions in the future government (Jarstad, 2006). Democratic theory also advocates power sharing arguing that it socializes opponents into compromises and moderation, and is the only option for democratic governance for many divided societies (Jarstad, 2006). However, others such as Rothchild (2005) argue that there are case studies which illustrate that power sharing may be a source of instability, ineffective governance and violent conflict. Using Zimbabwe as a case study, I seek to examine whether the power-sharing agreement—known as the Global Political Agreement—signed by President Robert Mugabe of ZANU-PF, Prime Minister Morgan Tsvangirai of the Movement for Democratic Change-T and Deputy Prime Minister Professor Arthur Mutambara of the Movement for Democratic Change-M is a positive step towards building peace and democratic governance in Zimbabwe or simply a façade perpetuating ZANU-PF’s undemocratic and unaccountable governance. The Zimbabwean case raises pertinent questions about building democratic governance in societies emerging from an undemocratic violent past. In what ways does power sharing facilitate, or obstruct, the transition of such politically divided societies towards a secure democracy? Firstly, there is need to unpack the concept of power-sharing?

### **What is power sharing?**

One strand of research that conceptualizes power sharing is conflict management. In this discourse the main function of power sharing is to end violence. Power sharing is seen as a mechanism for solving the commitment problem in a context of severe distrust and vulnerability (Walter, 1999, 2002) among competing foes. The concessions involved in a peace deal increase the parties’ vulnerability and limit their ability to enforce the treaty’s other terms. Also, the parties cannot trust each other to implement the agreement (Jarstad, 2006). Under such circumstances, each side is likely to demand some form of power sharing as the ‘price for peace’ (Walter 1999). In such political deal-making, power sharing denotes all types of sharing and dividing power between former foes, with less emphasis on democratic representation and elections (Jarstad, 2006; Rothchild 2005; Hartzell and Hoddie 2003; Walter 1999). This suggests that in conflict management discourse, the main function of power sharing is largely to end violence in the short-term, not to build democracy.

The other strand of research takes its starting point in Arend Lijphart’s theory on consociationalism. Lijphart coined the concept of consociational democracy in 1968 to denote an

institutionalized form of democratic conflict management for societies divided along ethnic lines (Lijphart 1968). To avoid partition or majoritarian dictatorship, Lijphart advocates a group-based form of democracy, which he calls consociational democracy. Consociational democracy is a model of power-sharing for “plural societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic or racial lines into virtually separate sub-societies with their own political parties, interest groups, and media of communication” (Lijphart, 1984). Consociational democracy advocates ‘grand coalition’ governments, in which all significant parties are given a share of executive power, and in which minorities have the right of veto over important issues directly affecting their own communities (Reilley, 2008). Two additional features of consociational democracy are autonomy for each ethnic segment in all matters not of common concern and proportionality in political representation, civil service appointments, and the allocation of public funds (Lijphart 1993 cited in Reilley, 2008). This means that in consociational democracy political pacts are key and the main issue is how to make democracy function in divided societies.

Despite its enduring appeal, consociationalism has been widely criticized. Firstly, Lijphart developed this consociational model from a detailed examination of the features of power-sharing democracy in European countries such as the Netherlands, Belgium and Switzerland, and there is disagreement over the extent to which these measures can be applied to other regions (Reilley, 2008) especially Sub-Saharan Africa. Recent work by Roeder and Rothchild (2005) and by Jarstad and Sisk (2008) has raised pointed questions about the claims made by advocates of power-sharing in general and consociational models in particular. Others such as Norris (2004) have found limited support for consociational expectations that greater minority representation leads to greater support for democracy.

There are also other forms of democratic power sharing such as the integrative approach. Jarstad, (2006) argues that the integrative approach to power sharing eschews ethnic groups as the organizing principle for democracy. Centripetalism denotes a similar integrative approach. The explicit aim of centripetalism is to “engineer a centripetal spin to the political system – to pull the parties towards moderate, compromising policies and to discover and reinforce the centre of a deeply divided political spectrum” (Sisk, 1995). Centripetalism emphasizes the importance of institutions that can encourage cooperation, accommodation and integration across ethnic

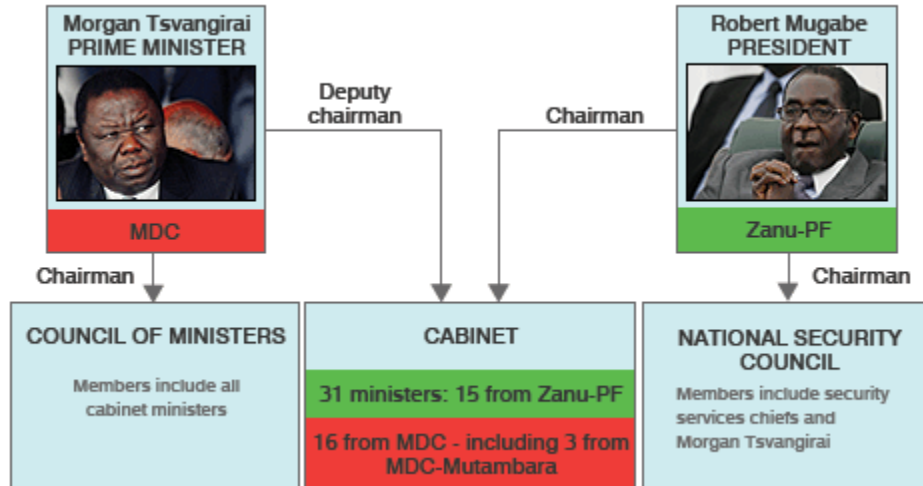
divides, and can thus work to break down the salience of ethnicity rather than fostering its representation institutionally (Reilley, 2008). In direct opposition to consociational democracy, incentives for moderation and cooperation across ethnic divides are engineered by the integrative approach. These constitutional designs can include majoritarian as well as non-majoritarian forms of electoral design. However, proponents of the consociational as well as the integrative approach agree on the base line that some form of joint rule is the only option for democratic governance in divided societies (Jarstad, 2006).

What is clear in the literature is that while scholars of conflict management have perceived of power sharing as a tool for short-term peace, scholars of democratic theory suggest that power sharing promotes democracy, while assuming that it also produces peace. Advocates of power sharing as a means for improving democracy suggest that government by many is more legitimate than mere majority rule (Lijphart 1999). Iterative cooperation in a grand coalition is expected to promote tolerance, increase trust, the development of a democratic culture and societal peace (Lijphart 1994).

### **Power-sharing in Zimbabwe**

Zimbabwe's three major political parties ZANU-PF, MDC-T and MDC-M signed a power-sharing Global Political Agreement (GPA) on 15 September 2008. This GPA is designed to create a new democratic political culture of tolerance and diversity and an opportunity for a collective approach at turning around Zimbabwe's economy. The signing of the GPA was followed by the subsequent swearing in of a power-sharing government on 13 February 2009. This inclusive power-sharing government in Zimbabwe is the product of a long drawn-out Southern African Development Community (SADC) led negotiation process between the mentioned main parties. These negotiations were primarily instituted following the run-up to the violence-plagued June 27 2008 presidential election run-off. The presidential election run-off was never held following Morgan Tsvangirai's withdrawal from the election citing murder, torture, harassment and abduction of his supporters by ZANU-PF supporters and militia. The power-sharing agreement produced the following executive share of power and government cabinet posts:

### ZIMBABWE POWER-SHARING DEAL



Source: BBC, 2008

In addition, President Robert Mugabe nominated two vice-presidents from his ZANU-PF party while Prime Minister Morgan Tsvangirai's MDC-T nominated one deputy prime minister and the MDC-M also nominated one deputy prime-minister. The power-sharing deal also created 15 deputy ministerial posts, with eight nominated by the ZANU-PF, six by the MDC-T and one by the MDC-M.

The impact of the power-sharing government on Zimbabwe's economy, civic and political liberties, reform of state organs and institutions has been largely mixed. In general terms, the macro-economy started improving soon after the power-sharing government came into power as epitomised by the fall of the inflation rate from 231 million percent in October 2008 to minus 3.1% at the end of February 2009 (Central Statistical Office, 2009). The introduction of a multi-currency free market trading system with the South African Rand being the reference currency in conjunction with the removal of price controls has also enabled wholesalers and supermarkets to import basic commodities. Shop shelves which were empty in January 2009 have now been filled up and food is readily available for those with the foreign currency to buy it. With humanitarian assistance from Northern governments and UN agencies which are paying retention allowances to doctors and nurses, state hospitals and clinics have reopened (Philp, 2009), the cholera epidemic which killed thousands early this year has been contained, but there is still a long way to go to ensure that there is a proper health delivery system. In the education sector, some schools which had been closed for most of 2008 due to industrial action by teachers

have reopened. State universities have also reopened after the new government allowed them to charge tuition fees in foreign currency. However, there is still need for a huge cash injection to rehabilitate these universities' infrastructure, teaching facilities, libraries, re-orient and motivate staff to concentrate on core university academic business.

Relations with IFIs, specifically the IMF have thawed signified by its willingness to provide technical assistance in targeted areas that include tax policy and administration, payments systems, banking supervision and central banking governance and accounting (IMF, 2009). Lines of credit have been availed to the new government by the Eastern and Southern African Trade and Development Bank (PTA Bank) (Muleya and Mpfu, 2009), the African Export-Import Bank (Afrexim), regional bloc the Common Market for Eastern and Southern Africa (Comesa) as well as by neighbours South Africa and Botswana (Banya, 2009). While there is no doubt that the inclusive government has made some socio-economic progress, a myriad of macro and micro-economic challenges persist.

On the other hand constitutional reform, reform of media space, political institutions, electoral system, state organs and institutions has not been implemented thus raising questions about the ability of the fragile power-sharing government to set Zimbabwe on a path of democratization. These failures directly emanate from the flaws of the power-sharing structure of the new government. No more are these flaws evident than in the distribution of executive powers and authority as enshrined in the GPA.

### **Executive Powers and Authority**

According to the GPA, executive authority of the inclusive government is shared among the president, the prime minister and the cabinet, as provided for in Zimbabwe's constitution and legislation. More specifically, President Mugabe exercises executive authority, chairs cabinet, chairs the National Security Council (which includes army, police, and secret services) and has powers to dissolve parliament in consultation with the prime minister. On the other hand, Prime Minister Morgan Tsvangirai who won the first round of presidential elections—but didn't participate in the run-off as mentioned earlier—also exercises limited executive authority, chairs the Council of Ministers, is the deputy chairperson of cabinet, oversees the formulation of government policies by the cabinet, is a member of the National Security Council, and reports

regularly to the executive president and parliament. So in practical political terms what you have in Zimbabwe, is a situation where the party without a majority in the House of Assembly (ZANU-PF) and being led by a man who lost the presidential elections (Robert Mugabe) wields more executive power and the loser of the presidential election is the executive President and head of state and government and commander-in-chief of the armed forces. The man who won the first round of the presidential elections (i.e. Prime Minister Tsvangirai) wields less executive power yet his party won the parliamentary election and has a majority in the House of Assembly. In view of this disproportionate share of executive power, Zimbabwe's power-sharing agreement reinforces the argument that power-sharing legitimizes fraudulent electoral behavior by Africa's ruling elites. Despite President Robert Mugabe's manipulation of presidential elections in March 2008, the power-sharing deal has legitimized him to take the highest seat in government [as the head of state and government and commander-in-chief of the defence forces]. What does this mean for democracy in Africa in general and Zimbabwe in particular? Botswana President Ian Khama is justified in arguing that the power-sharing agreements in Kenya and Zimbabwe are "bad precedents for democracy in the continent". Khama's critique is justified because how does Africa justify have election losers ending up as executive presidents and their losing parties wielding more executive power compared to the genuine winners of elections.

The unbalanced nature of the distribution of power in Zimbabwe's power-sharing agreement is also symbolized by the allocation of ministry portfolios. When ministries were allocated, ZANU-PF retained powerful key ministry portfolios which include Defence, Foreign Affairs, Justice and Legal Affairs, Media, Information and Publicity, Local Government, Urban & Rural Development, Home Affairs (co-chaired with MDC-T), Mines and Mining Development, Lands and Rural Resettlement, Agriculture, Mechanisation and Irrigation Development. On the other hand MDC-Ts few powerful ministry portfolios include Finance, Economic Planning and Investment Promotion, Home Affairs - MDC-T (co-chaired with ZANU-PF), Labour and Social Welfare, Constitutional and Parliamentary Affairs. MDC-M was only allocated three ministries which include Industry and Commerce, Regional Integration and International Cooperation, Education, Sport, Art and Culture. In essence, ZANU-PF controls all powerful state security ministries—defence, intelligence, information and publicity—except the Ministry of Home Affairs which it co-chairs with the MDC-T. The negative effects of ZANU-PF's control of these powerful ministries on building a culture of democratic governance have been manifested in a

variety of ways since February this year. For example, in the past months, we have witnessed the use of the courts to decimate the MDC-T lead in the House of Assembly. Seven MDC-T MPs have been convicted or are facing trial on charges that carry custodial sentences that disqualify them from parliament. On the other hand ZANU-PF MPs who were implicated in violence in the run-up to the 2008 elections are free men facing no charges.

### **A fragile political marriage: Implications for democracy.**

The power-sharing government is also very fragile and is clouded by persistent public disagreements. The leaders of the three parties have failed to agree and resolve some outstanding issues originally set out in the GPA. These include the reappointment of provincial governors and ambassadors. President Mugabe's appointees also remain as permanent secretaries, giving Mugabe control of the administration of all ministries. From what the MDC-T says; ZANU-PF is the stumbling block as it is refusing to recall its appointees to these positions. In a sign of growing frustration with ZANU-PF, the MDC-T Secretary General, Tendai Biti, has made it clear that this delay in settling outstanding issues is an assault on the integrity and health of the all-inclusive government (Kuwaza, 2009).

Two other power conflicts between ZANU-PF and both MDCs which have been played out in the public domain include disagreements over Mugabe's reappointment of Reserve Bank Governor Gideon Gono and Attorney-General Johannes Tomana. Mugabe's unilateral appointment of the Reserve Bank Governor and Attorney-General to their senior civil service positions was in violation of the GPA. These reappointments were unprocedural in that they were executive appointments done after the signing of the GPA, which states that such appointments must be done following agreement by the principals—Mugabe, Tsvangirai and Mutambara. Despite continued MDC-T and MDC-M protests, Gono and Tomana remain in Mugabe's favour and have thus retained their positions. Mugabe continues to ignore suggestions by MDC-T and MDC-M that Gono and Tomana be replaced by bureaucrats agreed upon by all the three parties in line with the collective approach and democratic political culture of tolerance and diversity epitomised by the GPA.

Mugabe's contempt of the power-sharing agreement has also been demonstrated by his refusal to swear-in into office former white commercial farmer Roy Bennett who was nominated as deputy

minister for agriculture by Prime Minister Tsvangirai's MDC-T. In what one western diplomat described as deliberate provocation by Mugabe and a supreme act of bad faith and contempt (Harding, 2009), Bennett—who had been in exile in South Africa for more than two years—was arrested on the day the inclusive government was sworn-in on charges of terrorism later downgraded to illegal possession and maintenance of arsenal. After his release from prison a month later, Mugabe has refused up to now to swear him into office citing what he calls 'serious charges' against him (McElroy, 2009; Kuwaza, 2009). As I speak Roy Bennet's trial is currently on-going in the High Court in Zimbabwe.

Mugabe's continued contempt of the power-sharing government was also demonstrated in April this year when he unilaterally—without consulting Tsvangirai and Mutambara—stripped the MDC-T led Ministry of Information Communication Technology some of its core functions. The Ministry which had been in charge of the telecommunications sector including the regulation of phone companies NetOne, TelOne, Zimpost and their governing body, the Postal and Telecommunications Regulatory Authority of Zimbabwe lost all these functions as Mugabe transferred them to an expanded Ministry of Transport, Communication and Infrastructural Development headed by his long-time ally and former intelligence minister, Nicholas Goche (Newzimbabwe.com a, 2009). This move by Mugabe was because ZANU-PF was keen to retain control of the telecommunications sector which is under the national security ambit. Despite repeated protests from both MDCs, the move has not been reversed and ZANU-PF now controls all powerful state security ministries—defence, intelligence, information and publicity—except the Ministry of Home Affairs which it co-chairs with the MDC-T.

The Zimbabwean case also shows that structural reforms are very difficult to implement under power sharing. The GPA set a number of focus areas and deliverables. One of these was the commitment to write a new constitution which deepens democratic values and principles and the protection of the equality of all citizens, particularly the enhancement of full citizenship and equality of women. While the inclusive government has set-up the constitution select committee of parliament composed of representatives of the three parties and convened a stakeholders conference to decide the constitution making process thematic focus areas and committees as set out in the GPA, the whole process has stalled. There has been persistent disagreement between ZANU-PF and both MDCs over how the public consultative process should be conducted. They

are also differing on whether the draft constitution which was rejected by the electorate in a referendum in 2000 should be used as a reference document in writing the new constitution or alternatively use the so-called Kariba draft which was agreed on by the three parties in informal negotiations before 2008. Lack of adequate funding has compounded the stalling of the constitutional reform process. With missed deadlines, it's clear that the power-sharing government's target of having a new constitution within 2 years before having democratic multi-party elections will not be realized.

The GPA—which is the forerunner to the power-sharing government—also states that “state organs and institutions do not belong to any political party and should be impartial in the discharge of their duties” (Government of Zimbabwe, 2008). However, 10 months into the life of the power-sharing government, structural reform of institutions such as the judiciary which must be independent and transparent in any democracy has not occurred. For example, as recent as November 2009, the Law Society of Zimbabwe (lawyer's representative group) staged a protest march demanding the dismissal of Attorney General Johannes Tomana over his bias and the “continued harassment and attacks on its members” (The Zimbabwe Times, 2009). In a petition aimed at protesting the recent arrest of lawyers taking up political cases, the Law Society of Zimbabwe argued that this “harassment has been a direct attack (on) and interference with the independence of the legal profession from the police, Attorney General and other state agents (The Zimbabwe Times, 2009). Failure to reform the judiciary system which is one of the pillars of democracy is a further signal of how Zimbabwe's power-sharing government has largely failed to dismantle structures which were partisan to the previous ZANU-PF status quo.

Freedom of expression and communication is also one of the cardinals of liberal democracy. When the power-sharing government came into power, they had pledged to ensure the immediate processing by the appropriate authorities of all applications for newspaper and radio re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act (Government of Zimbabwe, 2008). They had also pledged to take steps to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities (Government of Zimbabwe, 2008). However, these pledges have not been met. Private independent newspapers such as the Daily News, the Tribune and Daily News on Sunday that were banned by the previous ZANU-PF

regime using the draconian Access to Information and Protection of Privacy Act regime have not been re-registered. No new applications for registering independent newspapers, radio or television stations have been approved. The country remains with ZANU-PF controlled radio stations and daily newspapers. Only weekly independent newspapers exist. While there is sporadic impartial coverage of all three political parties and their activities on radio and in the daily newspapers, these media largely spew ZANU-PF propaganda on a daily basis. This propaganda continues to denigrate MDC-T and MDC-M political and governance activities. In a sign of lack of reform of media space, Prime Minister Morgan Tsvangirai has been forced by this partisan media to launch the Prime Minister's newsletter which he uses to communicate directly with the electorate and counter ZANU-PF propaganda.

Respect of human rights was also one of the key deliverables pledged by the power-sharing government when it came into office. However, structural reforms in this area have also been very minimal. For example, the power-sharing agreement was shaken badly in early May 2009 following the wanton re-arrest and detention of human rights activists, who include Zimbabwe Peace Project director Jestina Mukoko, former personal aide to the Prime Minister, Ghandi Mudzingwa, freelance journalist Shadreck Manyere, and 15 other MDC and civil society activists on charges of plotting to overthrow Mugabe. While all these activists were released on bail the following day these arrests clearly undermined the spirit and letter of the GPA. This incident did not only further expose the fragility of the inclusive government but it also demonstrated that there are still some remnant ZANU-PF elements within the police and state security departments who still do not have respect for the law, human rights and are working against the success of the inclusive government. Both MDCs are well-aware of the existence of such ZANU-PF elements who continuously attempt to scuttle the new government. This has led Tsvangirai to publicly state that "there is a small minority of people in Zimbabwe who benefited from the previous regime and refuse to accept the efforts made by the new government" (Newzimbabwe.com b, 2009). The state security service chiefs have been singled out in that regard as they have shown reluctance to respect Tsvangirai during national events such as Independence Day and Heroes Day celebrations (Kuwaza, 2009).

As a result of the power-sharing government's failure to unlock these civil and political liberties, freeing the media, pockets of political violence and a catalogue of the mentioned outstanding

issues; Tsvangirai's MDC-T '*disengaged*' from the inclusive government in October this year. MDC-T announced that "it is our right to disengage from a dishonest and unreliable partner. In this regard, whilst being in government we shall forthwith disengage from ZANU-PF and in particular from cabinet and the council of ministers until such time as confidence and respect are restored amongst us" (Morgan Tsvangirai, 2009). But they continued their parliamentary activities. MDC-T however suspended this '*disengagement*' on November 6 after a summit of SADC regional leaders impressed upon the parties in the power-sharing government to open dialogue and expeditiously solve all outstanding issues. The sub-text of this MDC-T disengagement is clear. It was a demonstration of the MDC-Ts frustration with the failures of the power-sharing government and the reluctance of ZANU-PF to reform state institutions, organs and political practices and set Zimbabwe on a path of reform and democratization.

## **Conclusion**

In conclusion, it is fair to say that the recent agreement in Zimbabwe brings new doubts about the effect of power-sharing deals for democracy in Africa, even though in politically divided societies there may be no alternative. Very few scholars contend that power-sharing agreements are ideal institutions, but rather they represent pragmatic adjustments to difficult circumstances in deeply divided societies. Power-sharing creates conditions for peace through inclusion of warring parties in power. As the Zimbabwean power-sharing agreement demonstrates, political violence and economic recession subsided after the inclusive government came into power. However, it is necessary to distinguish peace agreements from actual democratization efforts and long-term political stability. While power sharing has achieved peace in Zimbabwe, its chances to achieve democratization seem much smaller. The country does not seem to be on the right path to installing a credible system of multi-party politics due to the fragility of the inclusive government and refusal by ZANU-PF to reform state organs and institutions. Besides refusing to allow some MDC-T members to be sworn into government, ZANU-PF is proving to be an "arrogant and unreliable partner" (Tsvangirai, 2009) in government persecuting MDC-T and MDC-M officials and delaying media and constitutional reforms needed for free and fair elections in future. The power-sharing deal had envisaged the creation of separated centers of power over a transitional period in anticipation of democratic elections in two years time. Looking at the evidence presented here, the power-sharing deal looks more like a façade than a

credible political strategy towards democratization. It is not difficult to see where power lies in this inclusive government: The MDC-T and MDC-M look like the guests of a delinquent (ZANU-PF).

At the same time, the power sharing system in Zimbabwe is not offering stability in the long term because it is undermining some basic pillars of multi-party democracy. For example, competition between political parties and the presence of organized political oppositions - which are fundamental characters of liberal democracies - have been replaced by a grand coalition government where counterparts are attempting to cooperate, but failing, and have little in common. The power sharing deal is also negatively affecting democratization by excluding moderates outside the three main political coalition parties. The three main parties shared power among themselves and excluded other small political movements such as Mavambo-Kusile-Dawn (led by Dr Simba Makoni) and independents from power. In view of all these failures of power-sharing in Zimbabwe to set the country on a credible path towards democratization, I will leave you with a very simple question: Is it Time to Dismiss Power Sharing in Sub-Saharan Africa?

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