

Justice aside, Zimbabwe must give peace a chance

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In the continuing political drama being played out in Zimbabwe, the one challenge for the international community is to maintain pressure on Robert Mugabe without closing-off opportunities for negotiated solutions. The United Nations Security Council has unanimously condemned state-led violence in Zimbabwe.

Given the wholesale intimidation and Mugabe's vow to ignore any election loss, the UN body's statement that a free and fair election would be impossible is unsurprising. It also vindicates the opposition party's decision to withdraw from the June 27 re-election.

The UN might begin to explore formal sanctions. Even if politically obtainable, would sanctions be effective? Sanctions result in stigma, cost and inconvenience to such regimes, and can be useful tools of coercion. Zimbabwe is landlocked and highly dependent on South Africa, including for electricity. Comprehensive economic sanctions would hurt. The leadership might feel increasingly alone. But we ought to avoid excessive faith in formal legal measures.

Sanctions take time to kick in. They can have unwanted side effects.

Strong sanctions such as the solemn threat of international prosecutions can also sometimes entrench defiance, reinforce hard-liner positions, and increase isolation and paranoia.

Proud, scared but still powerful regimes are often most dangerous when they feel they have nothing to lose.

Globalisation makes us exaggerate our ability to influence events elsewhere. Outside pressure helps to create incentives to cooperate, but beyond tightening unilateral measures, Australia's own options are limited.

Ultimately no foreign sanctions no matter how "smart" change the fact legitimate and long-term political solutions are usually the result of a locally made bargain. The Rudd Government has rightly emphasised the need for regional African institutions and voices to be encouraged, supported, or even gently mocked.

The growing African chorus of disapproval is important, but needs to come with practical suggestions.

The next few weeks are critical. Once this election period passes there is danger of the Zimbabwe crisis, already some years old, dragging on for months or years.

Some are suggesting military options. Lack of military capacity and the spectre of more uncomfortable precedents make it highly unlikely the African Union will choose this path.

South Africa has a formidable military, but is trying to distance itself from its "regional bully" past.

If Darfur or Burma have not inspired the world to act as one on its international law, "responsibility to protect" civilian populations, it is unlikely the situation in Zimbabwe will do so.

Mugabe's regime is smart enough to keep violence below the threshold that compels humanitarian intervention. No one in Harare is holding their breath for a swift direct external solution.

Some are speaking of the International Criminal Court.

The more our sense of impotence and frustration, the more likely we will unreasonably narrow our options.

The instruments of international justice are important in themselves.

But they are also only one means to an end.

Sometimes one needs to speak firmly but carry a soft stick.

The spate of dire warnings to Mugabe must be married with a will to match words with deeds, but also preparedness to compromise for the sake of preventing serious conflict.

One reason for regime resistance is the acute fear of international prosecution and humiliation.

Along with pressure there must be signals of incentives to cooperate.

Promises of conditional amnesty seem distasteful, but may become necessary.

South African judge Richard Goldstone, later International Criminal Court chief prosecutor, has remarked that the successful 1990s South African truth commission process, which included amnesties, "wasn't taken for moral reasons or for reasons of justice.

"It was a political compromise between having Nuremberg-style trials on the one hand and forgetting on the other."

Mugabe is hardly held prisoner, and high-profile trials are not on the cards at this time.

Serious consequences must certainly be communicated to the regime's leaders.

But political space needs to be preserved or cleared. Wavering, moderate or disillusioned elements of the Zimbabwe leadership and military are currently open to suggestions and must be reassured and offered an alternative path.

In arriving at a sustainable peace, what is "right" and what "works" are not always the same thing.

But it is possible to map a way between principle and pragmatism in Zimbabwe.

A full measure of justice would be ideal, but pursuing it could jeopardise the chances of peace.

A compromise approach that privileges "peace" over "justice" might need to be struck to persuade those guilty of orchestrating political violence that it is safe to cooperate in any interim period towards an acceptable government.

For many Zimbabweans, the right thing for the world to do now is whatever works.

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