



## **When the Locusts Ate Zimbabwe's March 2005 Elections**

**By  
Peter Kagwanja**

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### **Introduction**

The 31 March 2005 parliamentary elections in Zimbabwe—the sixth since independence in 1980—provided a chance to end nearly five years of political deadlock and pull Zimbabwe from the brink of instability. President Robert Mugabe and the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) won a landslide victory, garnering 78 seats against 41 by the main opposition party, the Movement for Democratic Change (MDC). In addition to the 30 seats that Mugabe is entitled to appoint, the ZANU-PF parliamentary force totalled 108, more than the two-thirds of the 150-member legislature required by the government to amend the constitution at will. Observers, including the African Union, the Southern Africa Development Community (SADC), liberation movements and African governments, including South Africa swallowed the bait and judged the elections as representing the will of the people. How did ZANU-PF manage to win such a resounding victory against the background of an economy on the free fall, a skyrocketing inflation, food insecurity, state terror and an appalling human rights record? Clearly, Mugabe and ZANU-PF used more sophisticated strategies than in the previous elections. They stage-managed the entire electoral process through an array of legal and extra-legal mechanisms that outmanoeuvred the opposition and assured the incumbents of an overwhelming victory long before the first ballot was cast. Mugabe and the ZANU-PF policy mandarins perceived stage-managing the elections in a way that made them appear fairly clean as the surest way of regaining international recognition and coming out of political cold and isolation. They believed that with the political rehabilitation of the regime, sanctions imposed by western governments would be removed and aid would flow from international financial institutions in support of economic recovery. Failure to recognise Zimbabwe after the elections

would split international opinion and confirm Harare's claim that it is a victim of racist conspiracy. In comprehending how the incumbents staged, manipulated and triumphed in the March election, a retrospective and nuanced analysis of the pre-election environment is necessary. This paper attempts to do so.

### **Pre-Election Reform Debate in a Shark Tank**

From early 2004, the Mugabe government seized the opportunity provided by the upcoming March 2005 parliamentary election to stage a dramatic political comeback. Its strategy was to institute ephemeral changes to the electoral system which would enable the government to stage a credible, but heavily manipulated, election in March whose results would be endorsed by observers. The regime's strategists calculated that the endorsement of the election would enable the government to re-engage with the international community to end the long winter of isolation, sanctions and pariah status. With this in mind, during the opening of Parliament on 20 July 2004, President Mugabe announced that his government would bring to Parliament a new Bill to substantially reform the electoral system. This triggered a public debate on elections in Zimbabwe and ingeniously turned attention to elections as a solution to Zimbabwe's five-year political impasse. Mugabe endorsed the SADC principles and guidelines governing democratic elections adopted by the organisation's leaders during their summit in Mauritius in August 2004. But even as Mugabe promised reforms, the ruling party refused to open the reform door wide enough to liberate Zimbabwe's heavily restricted political space. Instead, the government remained overtly reluctant to introduce substantial changes to the electoral system, let alone fully restoring democracy.<sup>1</sup>

Ahead of the elections, the debate narrowed down to exerting pressure on Mugabe to comply with SADC's dozen or

so electoral guidelines in hope that this would level the playing field. Electoral reforms were confused with political reforms, a fact that ZANU-PF exploited with glee<sup>2</sup> and ZANU-PF closed its eyes to policy suggestions. Ensuring a transparent, free and fair election in March demanded confronting a broad set of factors that undermined a level playing field. These factors include:

- A repressive governance system that remained intact—including a plethora of restrictive laws which undermined fundamental freedoms, muzzled the print and electronic media and emasculated the judiciary;
- Pervasive intimidation, arbitrary arrests of opposition members and dispersal or raid on their meetings;
- Rampant use of state security forces including the army, police and prison officers in the electoral process;
- A highly partisan and inefficient election management system with overlapping and conflicting legal authorities;
- A voter's murky roll and restrictive voter registration process that disenfranchised thousands of potential voters, especially in urban areas;
- A restricted postal polling or absentee ballot that disenfranchised perhaps millions of Zimbabweans exiles;
- Use of food as a political weapon by exploiting deteriorating food insecurity due to the government's monopoly over food distribution, as well as restriction on non governmental organisations from distributing food;

<sup>2</sup> These range from total citizen participation in the political process; freedom of association; political tolerance; constitutionally guaranteed regular election intervals; equal opportunity and access by all political parties to media; equal opportunity to vote and to be voted for; judicial independence; impartiality of the electoral institutions; voter education; to acceptance and respect by all political parties of election results proclaimed by the competent lawful authority to be free and fair. See: Southern African Development Community, "SADC Principles and Guidelines Governing Democratic Elections," Mauritius, August 2004.

<sup>1</sup> Reginald Matchaba-Hove, "Comment on Proposed Election reforms" *Ballot News*, No. 2, 2004.

- Government monopoly over voter education exposing voters to propaganda and manipulation;
- Unnecessary delays and selective invitation of international observers potentially undermined the credibility of the election; and
- Politicisation of ethnic differences and sensibilities with profound implication for electoral violence and Zimbabwe's long-term stability.

Positively utilising the window of opportunity provided by the 31 March 2005 election to resolve Zimbabwe's crisis required the government to take concrete measures in the following areas:

- *Repealing or desisting from using the existing restrictive laws:* Restrictive laws included the Public Order and Security Act (POSA) that the government widely used to close political space and undermine the opposition.
- *Giving the opposition equal access to both state-controlled print and electronic media.* This also required the repeal of the Access to Information and Protection of Privacy Act (AIPPA).
- *Ending political violence and intimidation:* The government needed to restrain the police from intimidating the opposition including interfering with its campaign meeting and generally ensure the impartiality of other state security forces in the electoral process. It also needed to disband the youth militias to eradicate political violence.
- *Cleaning up the voters' roll of all anomalies:* This would ensure that all eligible voters had a chance to vote and ghost voters eliminated from the roll.
- *Ensuring the complete impartiality and authority of the Electoral Commission:* This necessitated total control over the electoral process by the election management system.
- End to the use or manipulating of food shortages for political ends.
- *Adoption of inclusive criteria for accrediting election observers.* Legitimacy of the election also depended on observers representing

all segments of the international community.

Besides the government, members of the international community had a role to play. South Africa, as the Chair of the SADC Organ on Politics, Security and Defence, needed to work with other SADC members and Secretariat to send a monitoring team to ascertain the level of compliance to the electoral guidelines by Zimbabwe, and whether a level playing field existed ahead of the elections. Such a team was never dispatched. Observer missions by SADC and South Africa arrived a few days before the elections. The African Union also needed to work closely with SADC to send in a team to verify whether Zimbabwe had implemented the recommendations of its Human Rights Report adopted in January 2005, but this never happened. The wider international community, particularly the European Union and the United States did use available diplomatic channels to ensure that the key African actors such as South Africa, SADC, and the African Union used their leverage to ensure transparency, fairness and freeness during the polling. The African side however, shielded Mugabe rather than getting his government to democratise. It was also expected that the United Nations would send a monitoring team, in addition to an inclusive observer mission during the elections but from the beginning the effectiveness of the United Nation in dealing with Zimbabwe was thwarted by solidarity among African states which out-voted all measures to censure Harare's human rights record. With this, the stage was set for Mugabe and ZANU-PF to move ahead and stage the election in a largely uneven political environment.

#### **SADC's Electoral Guidelines: Compliance or Defiance?**

As soon as SADC's electoral principles and guidelines were adopted by regional Heads of State during their summit in Mauritius in August 2004, policy debate in Zimbabwe shifted to the guidelines rather than on concrete political and constitutional reform. Hinging the debate itself on the SADC principles was misplaced given the fluidity of the

document. Even though SADC's election tenets have a universal appeal and were, in fact, derived from a wide array of regional and global documents on human rights, democracy, good governance, rule of law and election management, they are neither legally binding nor equipped with penalties for non compliance.<sup>3</sup> President Thabo Mbeki, as the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, warned several times that any SADC member state that fails to adhere to the election guidelines risks sanctions, but expulsion of an errant member state remained a remote option.<sup>4</sup> Whereas the electoral benchmarks were praised as symbolising a paradigmatic shift from the *hands-off* approach that insisted on non-intervention in the internal matters of individual member states to a policy of 'non-indifference' and *shared vision* of a democratic future, this was not the case with Zimbabwe. SADC and its member states maintained a cautious approach, recognising the influence of the country's liberation hero, Mugabe. Zimbabwe jumped to the top of reform politics by initiating reforms aimed at complying with the SADC electoral guidelines. On 17 January 2005, President Mugabe signed into law the Zimbabwe Election Commission Bill and Electoral Bill.<sup>5</sup> This won congratulation from SADC officials who showered accolades on Zimbabwe for being "the first country to comply with the regional election

principles."<sup>6</sup> However, the two pieces of legislation regrettably fell short of providing a congenial environment for free and fair elections. They hardly ensured the right of opposition parties to hold meetings as well as fundamental freedoms such as expression, assembly, association and access to media.<sup>7</sup> The legislation had its own shortfalls.

### *The Zimbabwe Election Act and Electoral Commission*

The Election Act strategically introduced polling day changes: voting in a single day; counting of ballots at polling centres; translucent boxes; and abolished mobile stations previously accused of serving as conduits of massive rigging. These fitted like a glove into ZANU-PF's scheme of staging an election that was massively flawed and manipulated ahead of the voting day, but fairly clean on the material polling day. The Act also created an Election Court to hear election petitions, but failure to reform the judiciary to ensure its impartiality cast serious doubts on the court's potential as an effectiveness institution. On the whole, the new Electoral Act failed to adequately address contradictions bedeviling the general electoral environment, including the opposition's right to hold meetings, access to the media and absence of political violence.<sup>8</sup>

The Zimbabwe Electoral Commission Bill, that created the Zimbabwe Electoral Commission (ZEC), was another remarkable change in the electoral system and a step in the right direction. The ZEC was charged with conducting presidential and parliamentary elections; elections to the governing bodies of local authorities; and referendums. Its responsibilities also include directing and controlling the registration of voters; compiling and ensuring proper custody of voters' rolls

<sup>3</sup> These documents include, the Universal Declaration of Human Rights (UN, 1948); the International Covenant on Civil and Political Rights (UN, 1966); the African Charter on Human and Peoples' Rights (OAU, 1981); the AU Declaration on Principles Governing Democratic Elections in Africa (AU, 2002); the SADC Gender Declaration (1997); SADC Parliamentary Forum's Recommendations on Elections (March 2001); the SADC, ECF and EISAA Principles for Election Management, Monitoring & Observation (PEMMO, 2003) and the New Partnership for Africa's Development' (NEPAD) Democracy and Good Governance Initiative (2001).

<sup>4</sup> See Crisis Group Africa Report No. 86, *Zimbabwe: Another Election Chance*, Brussels and Pretoria, 30 November 2004.

<sup>5</sup> "Mugabe approves election laws", *Reuters* 17 January 2005

<sup>6</sup> Interview with SADC officials, February 2005

<sup>7</sup> Zimbabwe: "Electoral Bill fails to Meet Benchmarks" Human Rights Watch Press Statement November 24 2004

<sup>8</sup> "Zimbabwe: Electoral Bill fails to Meet Benchmarks" Human Rights Watch Press Statement, 24 November 2004.

and registers; designing, printing and distributing ballot papers; procuring ballot boxes. It was also charged with establishing and operating polling centres; conducting voter education and accrediting election observers. However, the ZEC proved to be a far cry from the envisaged strong and independent body capable of managing elections fairly and impartially in line with the SADC electoral tenets. Its functions of supervising and administering elections were severely undermined by a muddle of overlapping and potentially conflicting authorities.<sup>9</sup> Worse still, its functions and powers conflicted with those of the pre-existing electoral institutions, including the Election Supervisory Commission (ESC) and the office of the Registrar-General, charged with supervising and controlling the registration of voters. Having been established by ordinary legislation, the ZEC lacked the requisite constitutional basis unlike the Election Supervisory Commission that was constitutionally established. A feeble 'independent' Electoral Commission operating alongside entrenched and partisan institutions however, was the consummate arrangement enabling ZANU-PF to stay on top of the election manipulation game.

Appointment of members to the 'new' electoral system underscored ZANU-PF's hegemonic power and President Mugabe's powerful patron-clientele system remained intact. Mugabe appointed five members of the new Zimbabwe Electoral Commission on 21 January 2005. He also appointed Justice George Chiweshe, a High Court Judge, as chairperson of the Commission after consultation with the Judicial Service Commission. The domination of the judiciary by ZANU-PF sympathisers cast serious doubts on the impartiality of the chair.<sup>10</sup> The President appointed other four commissioners from a list of seven names nominated by a bipartisan parliamentary committee. Although this process was viewed as an impartial bipartisan process

involving all parliamentary parties,<sup>11</sup> civil society organisations lamented that they were excluded from the process.<sup>12</sup> What set many observers on edge was the clause in the Act providing for state employees such as the defence, the police and prison forces to be seconded to the Commission during elections. Given Zimbabwe's highly volatile political climate, the involvement of state security forces in the electoral process posed a serious risk of the politicisation and the potential erosion of confidence of the voting public in the new Commission's impartiality. Potentially, it could also serve to intimidate opposition voters.

### ***Voters' Roll: Disenfranchisement and Gerrymandering***

Zimbabwe's election authorities failed to provide in a timely fashion, copies of the printed voters' roll to all parties, including providing electronic copies on request. The voters' roll was also found to be grossly inaccurate, "littered with ghost voters" and in shambles, prompting genuine calls for an independent review.<sup>13</sup> A preliminary survey of the voters' roll by the MDC shadow Justice Minister David Coltart, in the Bulawayo South constituency unveiled such anomalies as duplicate names, dead people still registered and very low registration numbers of youth who turned 18 since 2000.<sup>14</sup> The new Election Commission failed to ask the Registrar-General to undertake remedial measures to correct anomalies in the voters' roll and ensure its accuracy. ZANU-PF itself made no effort

<sup>11</sup> Author's interview with senior MDC officials, Harare, February 2005.

<sup>12</sup> Author's interviews with officials of the Zimbabwe Election Support Network (ZESN) and National Constitutional Assembly, Harare, February 2005.

<sup>13</sup> Author's interview with MDC leaders, Harare, 30-31 January 2005; "Voters roll in shambles," *The Sunday Mirror*, January 24 2005; "Call for independent review of voter roll," *IRIN*, 17 January 2005.

<sup>14</sup> David Coltart, "Report on arrest of MDC activists in Bulawayo South constituency, 14 February 2005; also Author's interview with David Coltart, a Member of Parliament and MDC Shadow Minister for Justice.

<sup>9</sup> See *Constitution of Zimbabwe*, section 61, p.27-28.

<sup>10</sup> "New poll body appointed," *The Herald*, 21 January 2005.

to clean-up the voters roll to ensure a transparent process.

Zimbabwe's election authorities introduced new and stringent conditions for the registration of new voters. This disenfranchised thousands of potential voters, especially opposition strongholds in urban areas.<sup>15</sup> Unable to produce the required title deeds, water or electricity bills, lodger's cards or letters from employers as proof of residence, thousands of poverty-stricken and unemployed young people residing in poor urban neighbourhoods lost their right to vote.<sup>16</sup> In contrast, new voters in ZANU-PF's turf in rural areas only required confirmation by the village head or farm owner vouching for the residence status to register as voters! Despite this, there is no evidence of concerted measures to ensure that all eligible voters were given the chance to vote.

The inaccurate figures in the voters' roll submitted by the Registrar-General to the Delimitation Committee were used to determine constituency boundaries. As an immediate result, the number of constituencies was reduced by three in the MDC stronghold of Matebeleland provinces, Harare and Manicaland and simultaneously increased by the same number in the ZANU-PF enclaves of Mashonaland East and West. In view of this gerrymandering, MDC entered the March election with an initial deficit of three seats.<sup>17</sup>

The Act severely restricts postal polling or absentee ballot and limit this to voters who are absent from their constituencies on government business, preventing an estimated 3.5 million Zimbabweans exiles from voting.<sup>18</sup> Efforts by the exiles' lobby, the Diaspora Vote Action Group, to pursue

this right in court, failed.<sup>19</sup> Neither did SADC's electoral principles, that are mute on the status of absentee ballot, aid their struggle for the right to vote. Although countries such as South Africa and Mozambique ensured that nationals living abroad voted in the elections, ZANU-PF dithered on ensuring that Zimbabwean exiles voted, arguably because this vote could strike a fatal blow to its electoral scheme.

### Skewed Election Observation

Election observation was another contested terrain in ZANU-PF's election game-plan. On 19 February 2005, President Mugabe announced that the government had invited organisations and countries to observe the March election. Foreign Affairs Minister Stan Mudenge unveiled a list of 45 invited regional and international organisations, including the Southern Africa Development Community, the African Union, Common Market for Eastern and Southern Africa, the Non-Aligned Movement, the United Nations and the Caribbean Community. Also included in the list of observers, were seven liberation movements mostly from Southern Africa, encompassing a total of 32 countries—23 African, 5 Asian, 3 from the Americas, and Russia.<sup>20</sup> Predictably, countries in the European Union bloc and United States were not invited. The ruling party argued that these countries were pre-disposed to be biased.<sup>21</sup> However, the selective criterion of accepting and accrediting observers was meant to silence and deny platform to hostile voices. Another opportunity was missed. Given Zimbabwe's history of election-related tension, Zimbabwe seriously needed the presence of observers (local, regional and international) to restore confidence in the political process. This was a necessary step in diffusing tensions by assisting voters, losing parties and candidates to accept election results if it was judged as

<sup>15</sup> "Bureaucracy could see thousands of voters disenfranchised", *Zimonline* 20 January 2005

<sup>16</sup> "Govt. move set to curtail voting rights," *The Zimbabwe Independent* 21 January, 2005.

<sup>17</sup> The seats lost in this process include Gwanda (Matebeleland), Glenview (Harare) and Mutasa (Manicaland).

<sup>18</sup> "Stepping up efforts to handle illegal immigrants" IRIN 26 January 2005

<sup>19</sup> "Zimbabweans abroad seek leave to vote in March polls," *The Herald* 1 February 2005

<sup>20</sup> "Mugabe picks poll observers" *iAfrica.com* 20 February 2005.

<sup>21</sup> Author's interview with a ZANU-PF official, February 2005.

having been conducted in transparent, free and fair manner.<sup>22</sup>

### Uneven Electoral Environment

The continued existence of heavily restrictive laws weakened and marginalised Zimbabwe's civil society in the electoral process and severely undermined the opposition's efforts to freely solicit votes. The police invoked POSA to disperse meetings of opposition members and civic groups. At times they insisted on sitting in and taking notes in meetings of the MDC and civic groups. The MDC Member of Parliament, Thokozani Khupe, challenged certain sections of POSA, but the High Court reserved judgment on a case heard on 10 February 2005.<sup>23</sup> Even as President Mugabe suspended the signing of the NGO bill that Parliament passed into law in December, the debilitating effects of the Bill took a heavy toll on the operation of civic society organisations. While many local NGOs closed down because of lack of funding and fear of repression, workers from their foreign counterparts were denied entry and work permits.<sup>24</sup>

The level of political violence declined remarkably in the run up to the elections in comparison with the 2000 and 2002 elections. In the words of one woman leader: "By this time houses were being burned and people forced to flee their homes for security reasons."<sup>25</sup> Staging a non-violent election was part of ZANU-PF's strategy of wringing endorsement of the March elections, the reason why the party's leaders called for a non-violent election and appeared to rein in youth militias.<sup>26</sup> Although international organisations such as the International Committee of the Red Cross (ICRC) made positive moves in reorienting ZANU-PF

youths from violence to productive enterprises by recruiting and training 4,400 graduates of Zimbabwe's National Youth Service for international humanitarian operations, decline of political violence was a political decision by ZANU-PF.<sup>27</sup>

There were however, many reports of isolated incidents of violence. One report indicated that on 10 February the government deployed 2000 youth militias in Kamativi while over 100 supporters of the opposition Movement for Democratic Change (MDC) were attacked after leaving a rally in Nyanga, Manicaland Province.<sup>28</sup> On 11 February 2005, court denied bail to 31 ZANU PF supporters charged with violent activities, including invading a police station and stabbing a police officer in Norton.<sup>29</sup> However, Youth militias—estimated at 40,000 strong were reportedly stalking the neighbourhoods and creating psychological fear. Suspected ZANU-PF PF activists terrorised people at night in the eastern border town of Mutare, demanding that they produce their ruling party's membership cards and then beating those who could not.<sup>30</sup> However, violence fizzled out in March as the election observers jetted in. This ensured that the voting day was remarkably peaceful, a fact noted by all observers present.

### Media in Chains

With the fall from power of Jonathan Moyo, rightly considered as the foremost architect of the restrictive measures that crippled the media in Zimbabwe, there was some hope for the return of a free media.<sup>31</sup> In early February, the government published a set of regulations to be followed by all political parties

<sup>22</sup> See, SADC's Parliamentary Forum Standards and Norms, paragraph 15.

<sup>23</sup> "MP challenges POSA," *The Zimbabwe Independent* 11 February 2005

<sup>24</sup> Author's interviews with senior diplomats and officials of funding agencies in Zimbabwe, February 2005.

<sup>25</sup> Author's interview with a Zimbabwean woman leader, January 30 2005.

<sup>26</sup> Author's interview with ZANU-PF leaders, February, 2005.

<sup>27</sup> Vimbiso Mafuba, "Red Cross embraces National Youth Service," *The Herald*, 24 February 2005.

<sup>28</sup> "Violence hots up," *The Zimbabwe Independent* 11 February 2005

<sup>29</sup> "31 ZANU PF supporters denied bail," *The Herald* 11 February 2005

<sup>30</sup> "Terror in Mutare as ZANU PF thugs demand cards" *Zimbabwe Standard* 27 February 2005.

<sup>31</sup> Author's interview with a Zimbabwean Journalist, Harare January 31 2005.

willing to have reasonable access to the electronic media. However, the state-controlled media continued to be dominated by slanted stories and propaganda calibrated to undermine the opposition which had no access to the media, both print and electronic.<sup>32</sup> In late February, four journalists working for international news organisations fled Zimbabwe following a series of police raids on their offices, allegations of espionage and the threat of arrest by the Central Intelligence Organisation (CIO).<sup>33</sup> A statement from the U.S. State Department condemned this “pattern of intimidation” of journalists - widely perceived as an attempt by the government to silence critical media before the 31 March elections.<sup>34</sup> Zimbabwe closed its ears to calls by the international community to halt intimidation of journalists.

SADC guidelines call for equal opportunity of political parties to access the media, but the media repression has continued unabated. The Executive Director of the Media and Information Commission threatened to ban the *Weekly Times*, a new Bulawayo-based newspaper launched in January 2005, for allowing Bishop Pius Ncube and MDC Secretary General, Welshman Ncube to publish articles.<sup>35</sup> Ruling on an appeal in the High Court made by the *Daily News*, Zimbabwe’s largest newspaper closed down by the government, was expected early in February, but it appeared that this was yet another gimmick by the ruling party to ease pressure from the critics of its media policy.<sup>36</sup> Repression on the media however, continued as the Zimbabwe government revived cases against more than 45 journalists of the outlawed *Daily News* whom it accused of having illegally worked for the paper

<sup>32</sup> “State to gazette media rules for political parties,” *The Herald* 11 February 2005

<sup>33</sup> “Journalists flee Zimbabwe” *News24* 23 February 2005.

<sup>34</sup> “US anger over Zimbabwe reporters” *BBC news* 23 February 2005..

<sup>35</sup> Author’s interview with Zimbabwean Journalists, February 2005.

<sup>36</sup> Author’s interview with a former editor of the *Daily News*, Harare February 2005.

without being registered with its Media and Information Commission (AIPPA)<sup>37</sup>

### Fishing in Troubled Economic Waters

The ruling party heavily manipulated Zimbabwe’s economic meltdown and food insecurity for political mileage. On 26 January 2005, Reserve Bank Governor Gideon Gono announced a quarterly monetary statement in which he disclosed inflation at the end of 2005 was between 20-35 percent from a peak of 623 in January 2004.<sup>38</sup> Economic analysts accused the Ministry of Finance of working in cahoots with the Reserve Bank to fiddle with inflation figures for political ends. They dismissed Gono’s projections as an electioneering statement barely supported by the situation on the ground, insisting that Zimbabwe’s economy was still deep in the woods.<sup>39</sup> The government also adopted a number of populist measures such as banning school fees and imposing restrictions of local authorities to increase tax rates. On 25 February the government authorised monthly pensions of \$1.3 million to each former political prisoner, detainee or restrictee.<sup>40</sup> Calibrated to increase ZANU-PF’s political mileage, these measures contributed to the crumbling of social services across the country. The International Monetary Fund (IMF) meeting in Washington in mid-February did not give a clean bill of health to Zimbabwe’s economic turnaround efforts being fronted by the country’s central bank. However, it gave a temporary

<sup>37</sup> “45 Daily News journalists to face trial” *Zim Online* 4 March 2005.

<sup>38</sup> “Gono consolidates gains,” *The Herald*, 27 January 2005.

<sup>39</sup> Even if the government’s figures were correct, 400% inflation was still crippling and a proof of the ongoing economic meltdown in the country. A further proof of this melt down is the exchange of the Zimbabwe dollar which today stands at nearly Z\$10,000 to the US\$ compared to Z\$10 to US\$ in 1997 when the current crisis began to set in.

Author’s interview with economists in Zimbabwe, December 2004.

<sup>40</sup> “Payout binge,” *Financial Gazette* 3 March 2005.



amnesty to Zimbabwe to cure its economy.<sup>41</sup>

Meanwhile, the government belatedly admitted that Zimbabwe was facing serious food shortages, especially in parts of Masvingo, Midlands and Bulawayo provinces.<sup>42</sup> This was a u-turn from its 1993 erroneous claims that the country had enough food to take the nation to the next harvest. On 27 January 2005, a United Nations food agency placed Zimbabwe on the high priority list alongside Somalia, Eiretria and Ethiopia as countries in need of urgent food aid.<sup>43</sup> Over 5.8 million were hit by food shortages predicted to be at its peak from January to March.<sup>44</sup> In December, a parliamentary committee on food and agriculture revealed that the country's silos had only received 350 000 tonnes of maize, the country's staple food, from the 2003/ 2004 farming season. Zimbabwe requires 1, 8 million tonnes of maize for annual consumption and another 500 000 for strategic reserves.<sup>45</sup> Food insecurity, characterised by an acute shortage of maize meal, cast a long shadow over the end of March elections.<sup>46</sup> Food insecurity hit the opposition strongholds of Masvingo, Midlands and Bulawayo provinces, raising suspicions that the government might use food as a political weapon by starving households supporting the opposition. It was also reported that ZANU-PF supporters in these rural areas were being fed from the meagre resources

available at the state controlled Grain Marketing Board (GMB). Although the NGO Bill has not been signed into law, the government has still placed restrictions on food distribution by non governmental organisations. MDC leaders expressed hope that ZANU-PF's chances of manipulating food for political ends could be minimised if agencies such as the World Food Programme (WFP) and countries like the U.S. intervened. However, the chance of food aid to Zimbabwe being distributed by impartial non-state agents was limited by the weakening or collapse of NGOs.<sup>47</sup> Thus food distribution remained in the hands of partisan chiefs in rural areas with all the credible risks of the politicisation of food insecurity.

### **Zanu-PF: The Battle for Mugabe's Mantle**

Before the elections, the ruling ZANU-PF appeared as a major threat to Zimbabwe's stability. Factional struggles for power along ethnic, generational and gender lines reached dangerous levels during the party's December 2004 Congress. Two largely ethnic-based factions, the Zezuru led by retired Army General, Rex (Solomon) Mujuru and the Karanga, led by the Speaker of Parliament, Emmerson Mnangagwa, locked horns in the vicious scramble for the vacant vice-presidential post created by the death of Simon Muzenda in October 2003.<sup>48</sup> The vice-presidential position occupied by the aging and ailing Joseph Msika was also assumed to be up for grabs. Mugabe's announcement in June 2004 that he was going to retire in 2008 introduced a presidential succession angle to the intra-party infighting as each faction manoeuvred to strategically position their candidate in the line of succession.<sup>49</sup>

<sup>41</sup> Kumbirai Mafunda, "Zimbabwe's IMF Arrears Rise to US\$306m," *Zimbabwe Standard*, 21 February, 2005. Zimbabwe's arrears to the International Monetary Fund (IMF), is a staggering US\$306 million.

<sup>42</sup> Famine Early Warning System Network Report, "Zimbabwe Food Security Update, December 2004," 5 January 2005.

<sup>43</sup> "UN food agency puts Zimbabwe on high priority," *The Zimbabwe Independent* 28 January 2005.

<sup>44</sup> Famine Early Warning System Network Report, "Zimbabwe Food Security Update, December 2004," 5 January 2005.

<sup>45</sup> Crisis Group interviews, Harare, December 2004.

<sup>46</sup> "Food shortages to peak in next two months," *Zimonline* 28 January 2005; "Maize meal runs out," *Zimbabwe Standard*, 10 January 2005.

<sup>47</sup> Author's interviews with MDC economic experts, Harare, February 2005.

<sup>48</sup> See Crisis Group's earlier reporting on this subject, Africa Report No. 86, *Zimbabwe: Another Election Chance*, 30 November 2004, pp.7-9.

<sup>49</sup> Crisis Group Africa Report No. 86, "Zimbabwe: Another Election Chance," 30 November 2004, pp.7-9.

A secret meeting by the Mnangagwa camp drew the famous ‘Tsholotsho’<sup>50</sup> Declaration’ which had all the makings of a “palace coup” aimed at placing him firmly in the line of succession to Mugabe. In response, the Mujuru camp invoked gender as a trump card to block Mnangagwa’s vice-presidential ambitions. ZANU-PF politburo amended the party constitution to reserve the vacant vice-presidential slot to a “woman candidate.”<sup>51</sup> During the December congress, the Mujuru camp made a clean sweep in what became an acrimonious “election within an election.”<sup>52</sup> Joyce Mujuru was elected to fill the vacant vice-presidential spot seat while Mugabe was unanimously re-elected by all the party’s 10 provinces as the president of ZANU-PF until 2009. This quashed speculation—at least for now, that the 81 year old leader was set to retire from active politics. The ruling party wielded a heavy stick against the Tsholotsho. Mnangagwa and members of his camp were demoted or stripped of their party positions. Jonathan Moyo, the convener of the Tsholotsho meeting, had ambitions to contest the Tsholotsho Constituency on a ZANU-PF ticket dashed when the seat was declared a “woman” seat. Moyo was finally ired from the party and cabinet seats when he opted to stand as an independent candidate.

The arrest of a South African counter-intelligence operative in December saw

<sup>50</sup>Deriving its name from a meeting held on 18 November 2004 in the remote rural Tsholotsho Constituency in Matabeleland North province, the ‘Tsholotsho’ line-up was a lucid balancing of Zimbabwe’s ethnic, generational and gender identities. It sought to replace all the members of the presidium, except Mugabe, with leaders aligned to the Mnangagwa faction. In the line-up were Robert Mugabe (a Zezuru as President), Emmerson Mnangagwa (a Karanga as first vice-president), Thenjiwe Lesabe (a Ndebele female war veteran as second vice-president), Patrick Chinamasa (a Manyika “Young Turk” as National Chairman); and Jonathan Moyo (a Ndebele “Young Turk” as Secretary for Administration).

<sup>51</sup> “Emergency politburo called”, *The Daily Mirror*, November 24 2004; “Mnangagwa bares all”, *The Financial Gazette*, 12 November 2004.

<sup>52</sup> “Mujuru nominated VP”, *The Herald*, 23 November, 2004.

many more heads falling as ZANU-PF intensified its crackdown on the Mnangagwa faction. Among those affected by the spy debacle were top party officials and close associates of Mnangagwa, such as Phillip Chiyangwa (Mugabe’s cousin) and provincial chairman for Mashonaland West; Itayi Marchi., director of external affairs, Kennedy Karidza, director for security and Shadreck Dzvairo, Ambassador designate for Mozambique. Most of these have been jailed while others are facing trial on charges of espionage.

Despite this, ZANU-PF strategically refused to expel the Tsholotsho group fearing that this would force them to either join the opposition or reconstitute themselves into a rival party and deny ZANU-PF the outright victory it was seeking. The government feared that post-Congress fall-out and bitterness would chip away at the party’s vote and weaken its performance in the poll.<sup>53</sup> In the words of one Zimbabwean academic, “ZANU-PF and Mugabe’s greatest threat in this election is not so much the MDC, but internal opposition.”<sup>54</sup> ZANU-PF’s primary elections to nominate candidates for the March elections were marred by factional conflict, violence and rampant vote-buying and rigging, with seats eyed by candidates from the Mnangagwa camp reserved for “women.”<sup>55</sup>

### **The Disintegration of the Nationalist Coalition**

The triumph of gender politics in the elevation of Joyce Mujuru went hand in hand with the ethnic polarisation of the Zimbabwean polity. This is exemplified by the preponderant rise of the Zezuru sub-tribe which witnessed a rapid disintegration of the ethnic balance that

<sup>53</sup> “Manifesto, chaotic primaries delay ZANU PF campaign,” *The Financial Gazette* February 10 2005

<sup>54</sup> Author’s interview with a Zimbabwean academic, University of Zimbabwe, February 2005.

<sup>55</sup> This is a manipulation of the SADC requirement that at least a third of the 120 constituencies be reserved for women candidates.

characterised the nationalist coalition, and a speedy 'Zezurunization' of the upper echelons of power in the ruling party and the government. ZANU-PF made efforts to reconstitute its multi-ethnic power-base by elevating such Karangas as Rugare Gumbo and Retired Air Marshall Tungamirai, strong allies of the Mujuru faction and respected ex-liberation fighters, which sidelined and alienated the "Young Turks" described by President Mugabe as power-hungry.

Even as Joyce Mujuru is a credible nationalist and a heroine of the war of liberation in her own right who also enjoys the full support of President Mugabe, some analysts saw her as "a pawn" in a dangerous ethnic game.<sup>56</sup> The real power behind the throne is Joyce Mujuru's husband, retired General (Rex) Solomon Mujuru. The General has dependably strong connections with former ZIPRA combatants whom he trained before switching to ZANLA, among them former ZAPU stalwarts such as Joseph Msika, John Nkomo and Dumiso Dabengwa. Rex Mujuru has also come to wield overwhelming influence within the state security forces currently under the control of his Zezuru ethnic kith and kin such as Constantine Chiwenga (the Defence Forces Commander), General Happyton Bonyongwe (Central Intelligence Director), Augustine Chihuri (Police Commissioner), Paradzai Zimondi (Director of Prisons).

As a woman and formidable leader, Joyce Mujuru provided a 'soft' front for the manifestly hard power of the Mujuru camp, epitomised by the Defence Minister Sydney Sekeramayi, Retired Air Marshall

<sup>56</sup> Joyce Mujuru joined the war of liberation in as a teen-ager in 1973 where she went under the pseudo name, "Teurai Ropa" (Spill Blood), rising to become a Camp Commander and member of the General Staff. Recently, Mugabe has urged her "to aim higher," saying in his closing remarks to the Congress that: "When you choose a vice-president you don't want her to remain in that position forever do you?" See, "Mugabe mystery hint on successor," *The Financial Gazette*, 9 December 2004; See "Aim higher, President tells VP Mujuru", *The Herald*, 6 December, 2004.

Josiah Tungamirai, State Security Minister, Nicholas Goche, Information and Publicity Secretary Nathan Shamuyarira and the ZANU-PF Women League boss, Oppah Muchinguri, all stalwarts of Zimbabwe's liberation struggle who fought alongside Mujuru and Mugabe. The downside to the ethnic debate is that the heavily ethnicised pre-election political climate rekindled the Shona-Ndebele ethnic hostilities. The memory of the infamous Gukurahundi massacre in the 1980s played a galvanising role, a fact that the maverick former ZANU-PF spin-doctor, Johathan Moyo, shrewdly exploited to win the Tsholoshu seat as an independent. The escalation of the Ndebele-Shona ethnic sensibilities effectively undermined the electoral performance of ZANU-PF and Mugabe in Matebeleland provinces, which ZANU-PF campaign chiefs dubbed "a touch-and-go-area."<sup>57</sup>

### The MDC: Difficult Choices

The main opposition party, the MDC, also faced its own woes, which undermined its standing as a viable alternative to Mugabe and ZANU-PF. On 3 February, the MDC voted to contest the March elections, reversing an earlier decision made in August 2004 to boycott the elections until the ruling party implemented the SADC electoral guidelines in full.<sup>58</sup> This decision was a result of pressure from the party's supporters, who viewed the move to boycott as an act of betrayal which amounted to handing victory to ZANU-PF on a silver platter. The MDC President, Morgan Tsvangirai, summed up the dilemma his party faced in taking the decision when he told a forum in South Africa: "We are damned if we participate, and damned if we don't."<sup>59</sup>

The MDC also came under pressure from regional and international actors who believed that the boycott would exacerbate the Zimbabwe crisis and deprive the party

<sup>57</sup> Author's interviews, in Bulawayo and Harare, February 2005.

<sup>58</sup> "MDC to contest elections", *The Herald* 2 February 2005

<sup>59</sup> "Tsvangirai explains election dilemma," *The Star* 27 January 2005

of what little influence it had on domestic politics. In view of the repressive governance structure which has tended to criminalise and neutralise political action by political parties and civic groups, Parliament provides a lawful channel to challenge and even shape policy. MDC's parliamentary clout, for example denied ZANU-PF the chance to change the constitution at will, something which has altered with the party's two-thirds majority. The MDC confronted two difficult choices: in staying the course and opting for a boycott, the party would have lost its only chance of influencing policy within the existing legal institutional framework- by maintaining its presence in Parliament until the next elections. The MDC needed parliamentary presence because, with the palpable repression, it could not count on a formidable presence in the streets to sustain its political fortunes until the next presidential elections, scheduled for 2008.

The MDC took a long time to decide to take part in the elections, and even then plunge into the March elections "under protest." Valuable time for strategising and effective campaign was lost, to a degree contributing to a degree to the party's dismal performance during the March elections. The MDC also faced the challenge of ensuring unity within its top leadership echelons. Many rank and file members and constituent organisations such as trade unions felt that the party had dangerously strayed into the rigid and inaccessible bureaucratic corridors and needed to find its way back to its social movement character.<sup>60</sup> The MDC primary elections to select candidates witnessed incidents of violence while allegations of vote rigging prompted losers to stand as independents.<sup>61</sup> The likelihood of these fissures ending in a real split of the party was slim, but there were worrying talks of a 'third force.' Most disturbing has been a declining relations between the MDC and the Zimbabwe Congress of Trade Union

(ZCTU). ZCTU Secretary-General, Wellington Chebhebe, maintained that the MDC has treated the Trade Union Congress as "a catapillar that digs the road and as soon as it is smooth and ready for use, the catapillar is banished and punished if it tries to drive on it."<sup>62</sup> Civic groups such as the National Constitutional Assembly (NCA) felt let down by MDC's lukewarm position on constitutional reform agenda, on whose platform the party was formed, and instead, pursuing a purely bureaucratic struggle for power. Even as they recognised the strategic importance of the party winning parliamentary seats and entrenching itself in Parliament and local government, Zimbabwean intellectuals urged the MDC to seize the moment to re-mobilise its constituents and re-embrace its founding principles as a social movement as the surest way of turning tables on ZANU-PF during the presidential elections in 2008.<sup>63</sup>

The MDC also confronted a serious challenge to maintain unity in the face leadership, ideological, ethnic and even generational fissures. The party is largely divided between two camps coalesced around the party president Morgan Tsvangirai and the Secretary-General Welshman Ncube, respectively. Ideological differences, albeit not unexpected, between those in the party advocating more and less confrontational approaches to taking on the government have hampered its ability to present a coherent and consistent opposition strategy. These personality and leadership wrangles took on a muted ethnic dimension that pitted the Shona (Tsvangirai) against the minority Ndebele (vice-President Sibanda and Ncube) over control of the main party positions. Many of these internal divisions made it more difficult for the party to engage in timely and effective decision-making after the March elections. The party's electoral

<sup>60</sup> Author's interview with trade union and civic leaders, Harare 1-4 February 2005.

<sup>61</sup> Author's interview with civic leaders, 1-3 February, 2005; see also "Infighting could cost MDC the election," *The Daily Mirror* 30 January 2005.

<sup>62</sup> ZCTU convened the historic 1 March 1999 "National Working People's Convention" in Harare consisting of more than 40 civic group, which formed the MDC. Author's interview with Wellington Chibebhe, Secretary-General, ZCTU.

<sup>63</sup> Author's interviews with civic leaders and Zimbabwean intellectuals, 1-4 February 2005

defeat and failure to mount a credible post-election response also fuelled some of these internal disputes.

### South Africa: The Perils of 'Quiet Diplomacy'

South Africa's position on the Zimbabwe elections swung like a roller-coaster between support for the ruling party and public criticism of the absence of a level playing field. The approach to the election, however, was heavily tinted by its policy of 'quiet diplomacy.' South Africa has been accused of using quiet diplomacy to shield President Mugabe from international pressure, although President Mbeki's government has encouraged changes within the ZANU-PF to make the 31 March elections free and fair.<sup>64</sup> In a recent widely publicized interview with the *Financial Times*, President Mbeki insisted that 'quiet diplomacy' has not failed, arguing that ultimately "it's really the Zimbabweans who must find a solution to their own problem."<sup>65</sup> The March election was seen by South Africans as yet another chance to breathe life into an "inter-Zimbabwean dialogue."<sup>66</sup>

However, the Mbeki administration's position on Zimbabwe toughened with the surfacing of the spy saga involving a South African counterintelligence officer who was arrested by Zimbabwe's authorities. On 18 December 2004, Zimbabwe's Central Intelligence Organisation (CIO) lured and arrested a South African agent.<sup>67</sup> The spy saga was a clear indication of the determination by the ANC government to stay on top of

developments in the potentially volatile succession politics in ZANU-PF.<sup>68</sup> In January, the ANC Secretary General, Kgalema Motlanthe, publicly censured the ZANU-PF for not levelling the electoral playing field: "We have been concerned about several things. The MDC is a party that participates in Parliament and it controls several municipalities. This [barring of political meetings] impairs their ability to interact with their constituencies."<sup>69</sup> During a meeting of the ANC alliance on 27 January 2005, consensus emerged that the conditions in Zimbabwe were not congenial for free and fair elections.<sup>70</sup> On 22 February, Mbeki himself expressed concern over irregularities in the Zimbabwean voters roll, though he was careful to stress that free and fair elections in Zimbabwe were still possible and to reiterate his commitment to sending a team of SADC observers.<sup>71</sup>

The spy incident, however, became an important trump card for Mugabe against Pretoria's hardening position in the run-up to the election. The South African spy was not released even after the March 31 elections as ZANU-PF awaits the election dust to settle. The presence of the spy, as one South African official then put it, "gives Mugabe what he thinks is a useful card to play."<sup>72</sup>

Although the South African officials dismissed the impact of the incidence on their policy towards Mugabe, evidently it weakened South Africa's moral grip on Zimbabwe, with substantial implication for South Africa's position on the March 31 elections. Minister Pahad has already indicated that "no one expects 100 percent

<sup>64</sup> On November 26, it successfully blocked a resolution in the UN General Assembly Third Committee on Zimbabwe over human rights abuses by filing "no action motion." Crisis Group interviews, South Africa government officials, February 2005 see "Zim, Sudan resolutions blocked," *The Daily Mirror*, November 26 2004.

<sup>65</sup> "Transcript of *Financial Times* Interview with President Thabo Mbeki," *Business Day* 22 February 2005.

<sup>66</sup> Transcript of FT interview with President Thabo Mbeki" *Business Day* 22 February 2005

<sup>67</sup> Author's interview with top ZANU PF politicians in Harare, December 2004

<sup>68</sup> Author's interview with top Z ANU PF politicians in Harare, December 2004

<sup>69</sup> "ANC urges Mugabe to allow opposition rallies," *The Daily News* 17 January 2005

<sup>70</sup> "ANC/COSATU agree conditions in Zim not 'conducive' to free poll" *IRIN news* 28 January 2005.

<sup>71</sup> "Transcript of FT interview with President Thabo Mbeki" *Business Day* 22 February 2005.

<sup>72</sup> Author's interview with South African officials December 2004; See also Africa Confidential, Vol. 46 No.4 February 2005.

adherence to the guidelines” by Harare.<sup>73</sup> On 2 March, Mbeki, speaking at a joint news conference with Mugabe's long-time friend President Sam Nujoma of Namibia, declared that he had no reason to expect fraud in Zimbabwe's March 31 general elections.<sup>74</sup> This view was quickly condemned by the media as impartial and misleading pre-judging of the elections, with MDC saying he is either misinformed or has information that people on the ground do not have.<sup>75</sup> Many players in South Africa were not charmed by their governments open support for Mugabe.

The Congress of South African Trade Unions (COSATU), a member of the ANC alliance, grew increasingly impatient with ‘Quiet diplomacy’, accusing the government of using the policy as a ploy of shielding President Mugabe’s government.<sup>76</sup> But COSATU’s two fact-finding missions to Harare—the first in October 2004 and the second in February 2005—to verify the degree of Zimbabwe’s compliance with the SADC electoral principles failed when its delegates were expelled.<sup>77</sup> The South African Communist Party (SACP), the other member of the tripartite alliance, also made a statement urging SADC observers to give an honest assessment of the elections in Zimbabwe, rather than a rubber-stamp approval.<sup>78</sup> ZANU-PF responded angrily to COSATU’s overtures, charging that “Zimbabwe was not a province of South

Africa.” Because of its narrow mandate as a trade union movement, COSATU’s high-profile public campaign led to the widespread view in Harare that ‘it was behaving like the proverbial neighbor who wailed more than the bereaved.’<sup>79</sup> Harare has merely said that the statement was well-taken as advice coming from an organisation with which it has strong ties dating back to the liberation struggle.<sup>80</sup> The Democratic Alliance (DA), South Africa’s predominantly white opposition party which has been a vocal critic of Mugabe’s land seizures and human rights violations, also made an attempt to send a ‘fact-finding’ mission to Zimbabwe, accusing the Mbeki administration of being “determined to provide prefabricated approval for a Zimbabwean election” despite evidence of serious flaws.<sup>81</sup> The DA mission was also deported in February.<sup>82</sup> But given the racial sensitivities in the region, the DA trip to Harare played directly into the hands of Mugabe’s effort to give a strong racial tinge to the March elections—already declared an ‘Anti-Blair Campaign’—by painting the DA party as the face of white ‘racist interests.’ The DA efforts boomeranged on the MDC campaign, considered a strong DA ally as ZANU-PF’s propaganda machine seized the occasion to charge that MDC was a ‘puppet of white imperialist interests.’<sup>83</sup>

### SADC: A Delayed Mission

SADC dithered on sending in an advance team to verify that there was a level playing field in Zimbabwe. Although President Mbeki and deputy foreign Minister Pahad stressed the importance of getting a multilateral team of SADC election monitors into Zimbabwe, this did

<sup>73</sup> South Africa’s Deputy Minister, Aziz Pahad: “That’s the world of intelligence. Everyone expects that every country has declared and none declared agents in operation but we [South Africa and Zimbabwe] are not enemies.” See “Pahad foresees no fallout over spy saga,” *The Sunday Times*, 23 January 2005.

<sup>74</sup> “S. Africa’s Mbeki says sees fair Zimbabwe polls” *Reuters* 2 March 2005.

<sup>75</sup> “Mbeki ‘wrong’ on Zimbabwe’s poll” *BBC news* 3 March 2005.

<sup>76</sup> “Cosatu seeks to revisit Zimbabwe,” *The Daily Mirror* January 14 2005

<sup>77</sup> “Mugabe again kicks out ANC’s trade union allies” *Business Day* 3 February 2005. See also “ANC won’t stop Zim blockade” *Independent Online*, 13 February 2005.

<sup>78</sup> “Democracy at risk in Zimbabwe poll, SACP warns allies” *Business Day* 21 February 2005.

<sup>79</sup> Author’s interview, Harare March 29 2005; “No chance for free and fair poll in Zimbabwe: Cosatu,” Pretoria News 24 January 2005

<sup>80</sup> “ZANU PF not shaken by ANC statement,” *The Sunday Mirror* 24 January 2005

<sup>81</sup> “DA: postpone Zimbabwe elections” *Mail and Guardian* 18 February 2005.

<sup>82</sup> “DA trio to appeal Zim ejection” *Mail and Guardian* 18 February 2005.

<sup>83</sup> “Mugabe says he doesn’t need lessons on democracy” *Mail and Guardian* 15 February 2005.

not happen not happened.<sup>84</sup> Sadly, South Africa's bureaucrats sent conflicting signals regarding this multilateral path. A public controversy erupted with accusations that South Africa had moved to stop the dispatching of a SADC fact-finding team of legal experts drawn from South Africa, Lesotho and Namibia to Zimbabwe. A letter sent by the Department of Foreign Affairs to SADC's Secretariat in Botswana cancelled the mission saying that "the issue of the legal experts' visit" before the parliamentary election is "unnecessary" and "should not be followed up"<sup>85</sup> The issue of sending the SADC team to Zimbabwe has also been bogged down by conflict over mandate. On the one side, the SADC secretariat claimed that it had no power to send in a legal team to Zimbabwe without direction from South Africa, that chairs the directorate of politics, defence and security. On the other, Foreign Affairs Minister, Nkosazana Dlamini-Zuma, insisted that organising a legal team was SADC's responsibility, that South Africans "have nothing further to do with." Over and above this confusion, Zimbabwe's obviously conscious delay to send an invitation to SADC complicated the matter.<sup>86</sup> An earlier decision to send a 35-member fact-finding team of parliamentary observers from the SADC Parliamentary Forum and a multiparty team of parliamentary observers from South Africa to Zimbabwe never saw the light of day.<sup>87</sup>

Evidently, SADC's was not enamoured with the idea of sending a fact finding team to Harare. Many of its member states strongly believed, erroneously though, that "Zimbabwe is not a case" but rather a victim of undue attacks by the West

<sup>84</sup> "SADC should go to Zim soon-Mbeki" *iAfrica.com* 14 February 2005. See also "SA wants monitors in Zimbabwe soon," *Business Day* 21 February 2005.

<sup>85</sup> "SA 'scraps' Zim poll monitors," *News24* 16 February 2005. See also "Confusion over SADC team's Harare visit" *Business Day* 18 February 2005.

<sup>86</sup> "Zim not yet ready for SADC," *The Daily Mirror* 24 January 2005

<sup>87</sup> "'Multi-party' observers" to Zim," *News24 SA* 10 February 2005

because of its land reforms.<sup>88</sup> SADC officials reiterated that SADC's electoral guidelines were not intended to serve as an "instrument of punishment" against Zimbabwe. The organisation even showered praise on Zimbabwe for being the first member state to incorporate the regional electoral guidelines into its constitution. With this favourable disposition towards Zimbabwe, it was improbable that the organisation was going to judge the March elections as off the mark.

### ***The African Union***

President Mugabe's government also invited the Africa Union to send an observer mission, although the Union had taken a critical stance on Zimbabwe's human rights record during its July 2005 summit. Worse still, the Executive Council of the African Commission on Human and People's Rights finally adopted the controversial report during the African Union summit in January in Abuja, Nigeria.<sup>89</sup> The recommendations of the report were not very different from the demands of the SADC election guidelines. It called on Zimbabwe to restore the impartiality of the judiciary, make the police politically impartial, end arbitrary arrests of political opponents and revisit media and security legislation. It also urged for an electoral authority independent of political influence and freedom for non-governmental organisations involved in human rights and governance to operate without sanctions. This report provided another standard to measure the degree of compliance by Harare with conditions that would lead to a free and fair election. The African Union, like SADC, however, did not consider sending in a team to verify whether these conditions have been met. Its judgment of the election was favourable, but it is likely to step up

<sup>88</sup> Author's interview with SADC officials, 9 February 2005.

<sup>89</sup> The report was adopted by the AU Executive Council at the Foreign Minister level on July 3 2004, but referred back when Harare argued that it had not been given a chance to respond to the charges. See Crisis Group Africa Report No 86, *Zimbabwe: Another Election Chance*, 30 November 2004.

pressure on Zimbabwe to respect human rights in the post-election period.

*The International Community* refrained from maintaining pressure on the Mugabe government, but left space for future engagement dependent on the outcome of the elections. The European Union (EU) announced that it was renewing sanctions against Zimbabwe for another year, until 20 February 2006, citing lack of democratic principles, including political violence, failure to ensure free and fair elections, freedom of the media, judicial impartiality and continued illegal farm occupations.<sup>90</sup> However, the 21 February 2005 meeting left a small window for post-election re-engagement saying that these measures will be reviewed on the basis of an in-depth assessment of the situation in light of the 31 March elections. This came as another incentive for the ruling party to stage a 'clean polling day' in spite of the unevenness of the electoral field. Since 2002, the EU has imposed targeted sanctions against senior members of the Mugabe government, although the travel regime has not been airtight. President Mugabe's government adopted a selective method of inviting and accrediting observers to the elections which excluded the EU and member, the US and countries of the G8 countries, except Russia. This heightened tensions with these countries, who ruled the March elections as 'massively rigged.' The window for re-engagement with EU members appears to be shut until Zimbabwe embrace 'full democracy.'

The United States remained a vocal critic of the Mugabe state. Zimbabwe has occupied a fairly prominent place on Washington's African agenda, but the Bush Administration has continued to oscillate between rhetoric and constructive engagement with key regional actors such as South Africa.<sup>91</sup> On 18 January 2005, incoming US Secretary of State Condoleezza Rice named Zimbabwe among six countries considered "outposts of tyranny" requiring close US attention, signalling Washington's hardening of its

policy on President Robert Mugabe's government.<sup>92</sup> At the same time, the US also warned its citizens against travelling to Zimbabwe, saying the security situation in the country was deteriorating in the run up to the March 2005 election.<sup>93</sup>

Zimbabwean civil society and the opposition hailed Condoleezza Rice's statement as a great boost and a crucial symbolic gesture of support to the pro-democracy movement increasingly weighed down by the extant repressive governance system. However, the accuracy of the labelling of Zimbabwe as one of the six "outposts of tyranny" has been questioned. Even the fiercest critics of the Mugabe government have pointed out that Zimbabwe may perhaps be in the same league with Cuba, Burma, North Korea, Iran and Belarus, but in a completely different division.<sup>94</sup>

But the 'outpost of tyranny' tag sparked a furore with South Africa, America's erstwhile partner in the region. In a widely publicised interview, President Mbeki dismissed the putting of Zimbabwe on this list as "an exaggeration," adding that "whatever your government wants to do with regard to that list of six countries, or however many, I think it's really somewhat discredited..."<sup>95</sup> The reply from U.S. Embassy in Pretoria underscores America's frustration over "South Africa's policy of restraint," a veiled criticism of President Mbeki's "quiet diplomacy." Said an embassy statement: "As a regional leader and as a democratic nation SA can play a key role in putting pressure on the Mugabe regime to adhere to the spirit as well as the letter of the electoral principles established unanimously...by the Southern African Development Community (SADC)."<sup>96</sup> Meanwhile, the US extended

<sup>92</sup> "Rice says Zimbabwe 'outpost of tyranny' BBC News January 18 2005.

<sup>93</sup> "US put citizens on alert," *The Zimbabwe Independent* 28 January 2005.

<sup>94</sup> Author's interview with senior diplomats, February 2005.

<sup>95</sup> "Transcript of Financial Times Interview with President Thabo Mbeki," *Business Day* 22 February 2005.

<sup>96</sup> "SA can play key rol in pressurizing Zimbabwe, US insists," *Business Day (SA)*, 23 February 2005.

<sup>90</sup> "EU renews sanctions," *Pretoria News* 21 February 2005

<sup>91</sup> See Crisis Group Report November 30 2004



the assets freeze in place against Mugabe and about 80 other prominent Zimbabweans for another year, beginning 6 March 2005.<sup>97</sup>

Two weeks before the vote, the United States toned down its rhetoric, encouraging Mugabe to organise a free and fair election. U.S. Ambassador to Zimbabwe, Christopher Dell, announced that the Bush administration would recognise any winner of the 31 March poll, but with the proviso that the elections were free and fair. Secretary Rice ruled that “the campaign and election day itself were generally peaceful,” but the election process was neither free nor fair because the “electoral playing field was heavily tilted in the government's favour.”<sup>98</sup> In the immediate post-election period, there is no indication Washington is considering a fundamentally harder line. In fact, the country's problems have slipped further down on their policy radar. It is diplomatic victory to Mugabe that some United States officials, like others in the West, appear to be considering the possibility that an evolving ZANU-PF may be the most likely political force to shape an eventual post-Mugabe Zimbabwe.<sup>99</sup>

### **Rethinking the March Election: A Conflict Prevention Perspective**

Zimbabwe's 2005 election was envisaged, from a conflict prevention paradigm, as a possible preventive and conflict resolution tool. However, even before the first vote was cast, it became increasingly clear that the election was more of an escalatory factor than a solution to Zimbabwe's political impasse. Indeed, Zimbabwe's crisis has long genealogical roots in electoral manipulation. Both the 2000 parliamentary election and the 2002 presidential election left behind a profound legacy of dispute, political stalemate and threat of instability. Cast in this mould, the March election generated three

possible scenarios<sup>100</sup> with far-reaching implications for Zimbabwe's stability.

### ***Triumph of the regime.***

- The contours of this scenario were set by President Mugabe's electioneering strategies. In March, he announced that if ZANU-PF gained the requisite two-thirds majority, it would change the constitution to re-introduce a bi-cameral legislature with a Senate within four to six months after the polls.<sup>101</sup> Clearly, this was Mugabe's strategy of defusing mounting tensions within his party by dangling the carrot of “senate” positions to despondent aspiring candidates who lost in the party primaries to ensuring that they campaigned and voted for the party.<sup>102</sup> Within ZANU-PF circles however, the party's outright victory was considered as a *sine qua non* for Mugabe's exit from power. One pervading view was that this would lead to the creation of a non-executive or semi-executive presidential role to be filled by Mugabe. Real governmental authority would rest on an executive prime ministerial post that would probably be occupied by more dovish leaders such as Joyce Mujuru or perhaps John Nkomo, currently the chairman of the party and speaker of Parliament. Understandably, the role of the opposition hardly featured in this scenario, reflecting the ZANU-PF political mindset that MDC was a non-player in the post-election dispensation. This scenario pointed to either a repetition of past dynamics and trends, such as co-option of moderate MDC leaders, or more ominously the crushing of the opposition. After all, Mugabe's campaign war cry was to “Bury Tony

<sup>97</sup> “White House extends freeze on Mugabe's assets,” *Independent Online* 3 March 2005.

<sup>98</sup> “U.S.: Zim polls not free or fair”, *News24*, 2 April 2005.

<sup>99</sup> Crisis Group interview, March 2005.

<sup>100</sup> Some of these ideas emerged from a series of policy forums and conferences that Crisis Group either convened or attended in South Africa and Zimbabwe.

<sup>101</sup> “ZANU-PF will not Readmit Deserters,” *The Herald online*, 24 February, 2005.

<sup>102</sup> “ZANU-PF will not Readmit Deserters,” *The Herald online*, 24 February, 2005.

Blair's puppet."<sup>103</sup> Many felt that the MDC could adeptly use the moment of overwhelming ZANU-PF victory to remobilise and strategise in preparation for the crucial presidential election in 2008. This would entail:

- Forming new strategic alliances and partnerships with civil society and other stakeholders;
- holding party elections and revitalising party structures;
- formulate sound strategies to mount pressure on the ZANU-PF government, rallying such a campaign around core issues of concern to Zimbabweans such as the deteriorating economy, food insecurity, constitutional reform and human rights; and
- engage with regional players within the Southern Africa region, the African Union and the international community to mobilise support and increase pressure on the Mugabe government to re-institute democracy.

### ***Victory for the Opposition***

The second scenario envisaged was an overwhelming victory by the MDC, leaving ZANU-PF in charge of the executive through the presidency, but with Parliament firmly in opposition hands. One option was that the MDC could use its parliamentary majority to dismantle the repressive governance structure by repealing restrictive laws such as POSA in preparation for a democratic victory in 2008. It was then felt that in view of existing inter-party tensions, the opposition party would come under extreme pressure to use its parliamentary force to pass a vote of no confidence in the ZANU-PF president. This was ZANU-PF's main fear, as well. There was palpable fear that if the MDC won an outright victory, there was a possibility that the military, whose leaders said in 2002 that they would not salute someone without liberation credentials and would protect the values of the liberation struggle, would strike back. This would

<sup>103</sup>“Mugabe Launches Zanu-PF Election Campaign” *allAfrica.com, The Daily News* 11 February 2005.

touch off a cataclysmic chain of events leading to open conflict, and perhaps intervention by the regional and international community to protect democracy. At issue was the future of Mugabe and ZANU-PF leadership, whose immunity was not guaranteed. Ask what MDC would do with a two-thirds victory, one source quickly said: “We would give them 24 hours to vacate. Winning parties everywhere in the world form governments; losers become opposition.”<sup>104</sup> However, others said the opposition would ensure a quiet retirement for Mugabe as the founding father of the nation.

### ***“Hung” Parliament***

The third scenario captured the possibility of the MDC retaining the same number of seats (57), resulting in a “hung Parliament” situation. This would be *déjà vu* with Zimbabwe's return to the post-election situation in 2000. Pretoria's diplomatic intervention would become crucial, but this time around ‘quiet diplomacy’ would have invariably given way to a robust inter-Zimbabwean dialogue possibly leading to a government of national unity. Leaders from the two sides of the political divide indicated that they are wary of Zimbabweans who, fatigued by the political stalemate, cannot endure more years of economic crisis. They wanted an end to political paralysis and robust economic recovery strategies.

It was clear from the outset that the chance of the situation in Zimbabwe degenerating into a civil war was quite slim. Some analysts, however, pointed to existing forces within Zimbabwe ready to mobilise against the government in case of evident manipulation of the elections by using the ingredients present for open conflict. The failure of the MDC and civic groups however, to mount a credible post-election response to ZANU-PF's contested triumph poured cold water on this view. It was clear from the beginning that the highly partisan Zimbabwean security forces, especially the National Army, that imagines itself as a praetorian guard with a

<sup>104</sup> Author's interview with an opposition activist.

domestic function, would come down hard on any uprising against the government. This has been cited as the reason why the MDC ruled out the option of mass protest against what it dubbed a stolen election. The first scenario, the triumph of the regime, has prevailed but the Zimbabwean crisis is far from over. Although African observers passed the elections as representing the will of the people, powerful members of the international community and financial organisations have judged the elections as massively flawed. At one level is tension of what constitutes free and fair elections or can any election be free and fair when democracy is conceived as a process of 'becoming?', as emerged in an interview with a Zimbabwean academic from the University of Zimbabwe, 3 February 2005.

The answer is that it is possible to arrive at a notional view of free and fair elections. An election that focuses on polling-day technicalities and environment, although these have their place, and ignores the

larger political environment within which and election takes place, can by all means not be free and fair. This is the fundamental problem underlying Zimbabwe's flawed 31 March 2005 parliamentary election. ZANU-PF deliberately staged an election whose sole aim was not to restore democracy, but to gain endorsement by observers and retain a hegemonic control of a highly centralised power structure that ZANU-PF has entrenched and sustained by whipping up residual nationalism. Even as the polling day was peaceful and orderly, the entire spectrum of the electoral field was heavily mined with fundamental legal and extra-legal obstacles, serious enough to cast credible doubts on the election's freeness or fairness. Promoting genuine democracy by opening political space and ensuring respect for the rule of law and human rights is the critically important challenge confronting post-election Zimbabwe.

#### **ABOUT THE AUTHOR**

Peter Kagwanja is an associate researcher with the Centre for International Political Studies, University of Pretoria and the Director of the International Crisis Group Southern Africa Project, but the views expressed here are his.  
Email: [pkagwanja@crisisgroup.org](mailto:pkagwanja@crisisgroup.org)

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