

# **ZIMBABWE: PROSPECTS FROM A FLAWED ELECTION**

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## ZIMBABWE: PROSPECTS FROM A FLAWED ELECTION

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The regional mediation offering the most realistic chance to resolve Zimbabwe's eight-year crisis has failed. South African President Thabo Mbeki's stated objective in talks between the ruling ZANU-PF party and the opposition Movement for Democratic Change (MDC) was to secure conditions for free and fair elections that would produce an undisputed outcome. But on 29 March 2008, Zimbabwe will hold elections already flawed by pre-poll misbehaviour, notwithstanding what may occur on polling day and thereafter. The results are likely to be heatedly disputed. Though the playing field is far from even, and efforts to create a united opposition have failed, ex-ZANU-PF politburo member Simba Makoni is seriously challenging Robert Mugabe's re-election. The 84-year-old president probably has the means to manipulate the process sufficiently to retain his office, though possibly only after a violent run-off, but there is little prospect of a government emerging that is capable of ending the crisis. If the situation deteriorates, the African Union (AU) needs to be ready to offer prompt mediation for a power-sharing agreement between presidential contenders and creation of a transitional government with a reform agenda.

Primary responsibility for the failure of the Southern African Development Community (SADC) initiative lies with Mugabe. He and his party conceded changes to security, media and election laws, while obtaining MDC acceptance of a constitutional amendment that paved the way for simultaneous presidential, parliamentary and local government elections and facilitated his opportunity to use the parliament to select his own eventual successor. But at the end of January 2008, Mugabe unilaterally called snap elections and ruled out passage before the polls of the new constitution that was supposed to be the single most important product of the negotiations. ZANU-PF has subsequently been using all the extensive means at its disposal to maintain an unfair advantage. The bitterly divided opposition must also share blame: it gained relevancy from the mediation but was unable to agree on an electoral strategy at a time of acute national crisis, thus exposing a serious failure of leadership. The MDC's Morgan Tsvangirai retains a following and may reach a run-off against Mugabe but appears to have little chance of election.

Makoni, who is also a former finance minister and head of SADC, announced his presidential candidacy on 5 February. This first open challenge to Mugabe from within the ruling party since independence in 1980 is engineered by some ZANU-PF heavyweights, notably retired General Solomon Mujuru in the background and former liberation war commander Dumiso Dabengwa in public. While some of Makoni's backers are driven by economic self-interest, others want genuine change and have made overtures to the MDC for a government of national unity; Arthur Mutambara has put his breakaway MDC faction behind the ruling party renegade. Makoni's candidacy is viewed favourably by regional governments, who have long considered a reformed ZANU-PF able to control the security apparatus the most desirable transition option.

Makoni's late entry and limited grassroots support, as well as the opaque nature of his establishment backing work against him, but his challenge has thrown ZANU-PF into turmoil and left Mugabe unsure of his allies. Influential actors within the security apparatus are quietly lining up behind Makoni. Mugabe, however, is likely prepared to do whatever is necessary to defeat him, quite possibly including escalation of violence in the event of a run-off, even at the risk of sparking bloody factional fighting within ZANU-PF.

Only "friendly" countries and institutions have been invited to observe the polls, and it is critical that the AU and SADC judge the overall electoral environment and preparations, not just conduct on election day itself, in strict accordance with their regional principles. In the event the Zimbabwe Electoral Commission, which he appears to dominate, declares Mugabe the winner in the face of massive abuse and manipulation of the overall process, the outcome should be rejected. While the national circumstances are different, if the situation deteriorates the AU should have contingency plans in place to offer emergency diplomatic assistance to the parties as it did recently to defuse the Kenya crisis.

A negotiated settlement need not necessarily remove Mugabe. He might, for example, serve as a non-executive head of state during a transitional period until new elections can be held. The important point at this stage is for the region to be prepared to act quickly if, as is likely, the

elections do not produce a clearly legitimate government that can deal with a national crisis whose consequences are increasingly being felt beyond Zimbabwe's borders, especially in terms of migrant pressures. With South Africa and SADC having lost some credibility, the AU needs to take the lead.

Events in Zimbabwe are outrunning international policy. If the elections go badly, so that violence increases, the humanitarian crisis grows worse, and the population exodus puts the stability of regional neighbours under greater pressure, the Security Council may yet need to take up the deteriorating situation. For now, the wider international community must be ready to provide concerted backing to an AU-led mediation, including by offering an economic and political recovery program guided by principles of good governance and designed to promote institutional and security sector reform. The EU and U.S. have little appetite to re-engage with a ZANU-PF dominated government, particularly if there is still a place in it for Mugabe, but if that is the result of a genuinely negotiated agreement that aims at reconciliation and renewal, they should not hold back.

## RECOMMENDATIONS

### To the Zimbabwe Electoral Commission (ZEC):

1. Extend voting to a second day if confusion caused by the redrawing of electoral boundaries makes this necessary in order to allow all registered voters the opportunity to cast a ballot.
2. Give maximum transparency and credibility to the results by publicly announcing tallies at the constituency level and allowing party agents, as well as national and international observers, to monitor the compilation at the national command centre.

### To the African Union (AU) and Southern African Development Community (SADC), National and Other Foreign Election Observer Teams:

3. Observe the elections and assess their legitimacy in strict accordance with regional and international standards.

### To the AU Chair, Jakaya Kikwete, in coordination with South Africa and SADC:

4. Conduct contingency consultations and planning so as to be prepared in the event that the announced results of the elections are heatedly disputed and national and regional observers report credible evidence of widespread irregularities, whether

occurring before the election, on polling day or during subsequent counting of votes, to:

- (a) issue a joint statement that the regional bodies are withholding recognition of the results; and
- (b) dispatch a high-level AU mediation to assist negotiation of a power-sharing agreement between ZANU-PF, the MDC factions and the camp represented by Simba Makoni, with a view to establishing a transitional government that would implement institutional, economic and security sector reforms in advance of new elections.

### To President Mugabe and his Allies within the Zimbabwe African National Union-Patriotic Front (ZANU-PF):

5. Desist from escalating the violence during the remaining campaign period and in particular in the event of a run-off.
6. Engage constructively in negotiations facilitated by the AU to establish a government of transition if the results of the elections are heatedly disputed and not accepted by the African regional bodies.

### To the ZANU-PF Faction Led by Simba Makoni and the MDC Factions Led by Morgan Tsvangirai and Arthur Mutambara:

7. Eschew violence, form a united front of all opposition forces in parliament and demand an AU-led mediation with the objective of establishing a transitional government of national unity if the Zimbabwe Electoral Commission declares President Mugabe re-elected in the face of major vote rigging.

### To the U.S., European Union (EU), EU Member States and Wider International Community:

8. Review the targeted sanctions lists following elections and consider:
  - (a) extending the measures against human rights abusers in the security services and/or those blocking a political settlement to the crisis; and
  - (b) relaxing the measures against individuals within ZANU-PF who show an open and genuine commitment to engage in power-sharing talks and join forces to restore democratic governance.

9. Intensify planning for an economic and political recovery package guided by principles of good governance and designed to promote institutional change and state publicly an unambiguous intention to re-engage if a government of national unity is established and key constitutional, political and economic reforms are implemented.
10. Refer Zimbabwe for discussion at the UN Security Council in the event of a massive outbreak of violence or other grave developments threatening peace and security in the country and the region.

**Pretoria/Brussels, 20 March 2008**

## ZIMBABWE: PROSPECTS FROM A FLAWED ELECTION

### I. INTRODUCTION

On 29 March 2008 Zimbabwe will hold presidential, parliamentary and municipal elections in a climate of fear, uncertainty and widespread suffering. State-sponsored repression continues unabated; manipulation of food aid, abuse of state resources and vote-buying is rife; and the media remains under state control. Electoral preparations – constituency demarcation, voter registration and education, inspection of the voters roll and party primaries – have been chaotic and deeply flawed. The poorly resourced Zimbabwe Electoral Commission (ZEC) operates at the behest of the government. The military and intelligence forces exercise undue influence over the process, while interfering in every aspect of civilian life. President Mbeki of South Africa and his regional counterparts have failed to speak against this, instead lauding the mediation initiative of the Southern African Development Community (SADC).

The economy continues its dramatic downward slide. Hardships multiple for ordinary people by the day, including astronomic inflation and a chronic lack of food, fuel, cash and essential medicines. While the great majority of the population lives in poverty, an elite composed largely of ruling Zimbabwe African National Union-Patriotic Front party (ZANU-PF) functionaries but also including some members of the opposition and civil society is getting rich. The resulting polarisation has serious implications for the country's long-term stability.

Zimbabweans desperately want change but have little faith that the elections will produce it. The late entry into the presidential race of former ZANU-PF politburo member and finance minister Dr Simba Makoni, campaigning on a theme of renewal and reconciliation, has raised expectations and generated excitement, though mainly among the urban and educated electorate. His challenge has the potential to open much-needed political space at the top, as it reflects and accelerates realignments in a ruling party long riddled by factionalism.

The leader of the breakaway faction of the opposition Movement for Democratic Change (MDC), Arthur Mutambara, has thrown his weight behind Makoni, making the presidential election a three-man contest between President Robert Mugabe (ZANU-PF), Morgan

Tsvangirai (MDC) and Makoni (officially standing as an independent after being expelled from ZANU-PF).<sup>1</sup> If no candidate captures 50 per cent plus one of the vote, there would be a first-ever run-off between the top two candidates.

The passage of Constitutional Amendment Eighteen empowering parliament to act as an electoral college to choose a successor in the event the sitting president resigns or becomes incapable of serving increases the stakes in the legislative elections. Mugabe needs a two-thirds parliamentary majority he can rely on to ensure that he can pick his successor. The Makoni camp and the MDC (if its factions form a working alliance) could cooperate to thwart that strategy if they win sufficient seats. The first same-day elections in Zimbabwe's history promise to be chaotic and possibly violent, most likely requiring African Union (AU) mediation to resolve subsequent heated disputes if they are to move the country out of its crisis.

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<sup>1</sup>A little-known independent candidate, Langton Towungana, is also standing.

## II. THE REGIONAL INITIATIVE: INSUFFICIENT RESULTS

By the end of 2007, the parties had signed a draft constitution, agreed to legislative reforms and discussed a range of substantive issues, producing cautious optimism that the SADC initiative could deliver more than initially anticipated.<sup>2</sup> That optimism evaporated when the talks stalled over the timing for implementation of the constitution and the election date.<sup>3</sup>

### A. PIECEMEAL REFORMS

None of the constitutional, legislative and regulatory reforms necessary for free and fair elections in 2008 have been carried out.<sup>4</sup> The most significant negotiated measure which has come into force is an inter-party agreement on Constitutional Amendment Eighteen that was designed to facilitate Mugabe's succession within the party.

#### 1. Constitutional Amendment Eighteen

On 18 September 2007, ZANU-PF and the MDC reached a surprise agreement on the adoption of this amendment, which cleared the way for simultaneous elections in 2008, expanded the size of parliament and empowered it to choose a new president should the office become vacant by resignation, death or severe illness.<sup>5</sup> The MDC had vowed to block the measure when it was introduced by the government in mid-year, arguing it would further entrench Mugabe's rule.<sup>6</sup> But following a personal guarantee from Mbeki that in return for cooperation, a new

constitution would be in place before elections or SADC would hold ZANU-PF to account,<sup>7</sup> the party went along.<sup>8</sup>

The MDC's decision precipitated an angry reaction from parts of civil society, which accused it of betraying the democratic struggle.<sup>9</sup> The MDC claimed that its cooperation had obtained significant concessions in the amendment, including reduction in the number of members of parliament to be appointed by the president.<sup>10</sup> But these were negligible in comparison with ZANU-PF's advantage. An expanded parliament with more constituencies in rural areas where the ruling party has most of its support significantly increased the scope for gerrymandering and patronage. Mugabe likewise calculated that simultaneous elections would tie the fortunes of many ZANU-PF candidates to his candidacy, thus securing their support in his fight to maintain control of the party<sup>11</sup> and giving him a better chance to get the loyal two-thirds majority he needs to choose his own successor.<sup>12</sup>

In fact, the MDC acquiesced to the amendment under pressure from South Africa, which wanted to move the mediation forward. Most local as well as international observers hailed its cooperation at the time as a sign of

<sup>2</sup> For background on the initiative, see Crisis Group Africa Report N°132, *Zimbabwe: A Regional Solution?*, 18 September 2007.

<sup>3</sup> Crisis Group interview, MDC Secretary General (Mutambara faction) Welshman Ncube, 22 January 2008. Talks (2002-2004) mediated in Pretoria between ZANU-PF and the MDC produced a draft constitution but also collapsed over the timing of implementation. See Crisis Group Africa Briefing N°38, *Zimbabwe's Continuing Self-Destruction*, 6 June 2006, pp. 3-5.

<sup>4</sup> For details on those reforms, see Crisis Group Report, *A Regional Solution?*, op. cit., Executive Summary.

<sup>5</sup> The lower house was increased from 120 to 210 members (with new seats for rural areas where ZANU-PF is strongest) and the upper house from 66 to 93 seats. A new president is to be chosen by a two-thirds majority of both houses should the incumbent resign, die, be impeached or become incapacitated in office. For details, see *ibid*, pp. 5-6.

<sup>6</sup> "Tsvangirai: Zim election Bill undermines talks", *Mail and Guardian*, 13 June 2007.

<sup>7</sup> Crisis Group telephone interview, senior South African official, foreign ministry, Pretoria, 6 March 2008.

<sup>8</sup> Crisis Group interviews, Arthur Mutambara and Morgan Tsvangirai, Harare, 9 and 11 January 2008.

<sup>9</sup> Sebastian Nyamhangambiri, "Civic groups accuse MDC of treachery", *ZimOnline*, 20 September 2007; and Crisis Group interview, Lovemore Madhuku, Harare, 16 December 2007.

<sup>10</sup> MDC Secretary General (Mutambara faction) Welshman Ncube insisted: "Amendment Eighteen as passed is a different creature, it is a different animal from the original published Amendment Eighteen", SW Radio interview, 25 September 2007. After negotiation, it was agreed all 210 members of an expanded lower house would be directly elected, eliminating the provision for ten to be appointed by the president. It was agreed the Senate would have 93 members: 60 directly elected, plus five appointed by the president; ten provincial governors and eighteen chiefs (sixteen elected by fellow chiefs, plus the president and deputy president of the Council of Chiefs, ex officio). This compared with the original provision for 84 members, only 50 directly elected and six appointed by the president. The revised amendment also abolished the Delimitation Commission and transferred its functions to the Zimbabwe Electoral Commission, with variation in the size of constituencies to be limited to 20 per cent (original bill: 25 per cent). See [www.kubatana.net/html/archive/legisl/070912cz18amd.asp?orgcode=par001&year=2007&range\\_start=1](http://www.kubatana.net/html/archive/legisl/070912cz18amd.asp?orgcode=par001&year=2007&range_start=1).

<sup>11</sup> ZANU-PF has directed its candidates to deliver a Mugabe message first at every campaign meeting. Farisai Gonye, "ZANU-PF candidates to prioritise Mugabe re-election bid", *ZimOnline*, 29 February 2008.

<sup>12</sup> The logic behind Amendment Eighteen has been partly undermined by Makoni's candidacy, as some ZANU-PF candidates are openly campaigning for the former finance minister or standing as independents.

progress and maturity.<sup>13</sup> But by yielding to what Mugabe saw as the first prize in the talks without securing tangible reforms first, the MDC lost the little bargaining power it had. Rather than reciprocating, the government moved to circumvent key opposition demands.

## 2. Amendments to repressive legislation

A key MDC objective in the talks was repeal of the Public Order and Security Act (POSA), the Protection of Privacy Act (AIPPA) and other legislation which the government has used to curtail basic freedoms and stifle opposition activities. Having secured its desired constitutional amendment, ZANU-PF argued against full repeal of the laws. “After the 9/11 bombings in the U.S., countries the world over instituted and toughened security laws; Zimbabwe is no exception”, ZANU-PF negotiator Nicholas Goche told Crisis Group.<sup>14</sup>

ZANU-PF did concede changes to POSA, AIPPA and the Broadcasting Services Act, however, which though relatively minor could have improved the political climate if the police, judiciary and other regulatory bodies were not too compromised to implement them in good faith.<sup>15</sup> Amendments to POSA include provisions allowing political parties to appeal police bans of public events to a magistrate rather than the home affairs minister; giving organisers the opportunity, “wherever practicable”, to make a representation to the police before a public gathering is prohibited; and requiring police to give notice to organisers of a ban and to enter into dialogue with organisers of public events in the interests of public safety.<sup>16</sup>

The AIPPA amendments reconstituted the old Media and Information Commission as the Zimbabwe Media Commission, but there is no indication the new body will be less partisan than its predecessor, since Mugabe

retains the right to appoint the commissioners.<sup>17</sup> Provisions have also been made to establish an ethics media council and extend the period of registration for mass media outlets from two to five years.<sup>18</sup> The revisions to the media laws deal with technicalities rather than fundamental issues like the state monopoly and reestablishment of banned private newspapers such as the *Daily News*. Expressing a view shared widely by independent journalists and civil society, the Media Institute of Southern Africa dismissed the reforms as “dwelling ... on inconsequential issues which will not advance basic freedoms”.<sup>19</sup>

## 3. The Electoral Act

The MDC considered a new Electoral Act important to creating an even playing field. Following agreement during the mediation, a series of changes were made, including to prohibit the secondment of military, police and prison staff to the Zimbabwean Electoral Commission (ZEC) except for security purposes; open the media to all political parties; criminalise certain election-related intimidation; require the ZEC to consult with and receive representations from interested parties when drawing constituencies boundaries;<sup>20</sup> make the voters roll accessible to political parties and the public; and permit candidates and political parties to recount votes if they could demonstrate reasonable grounds.<sup>21</sup>

But even on paper the government retains the key decision-making powers, beginning with appointment of commissioners<sup>22</sup> and invitation of election observers.

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<sup>13</sup> Echoing a view shared by many at the time, the Swedish ambassador, Sten Rylander, described the inter-party agreement on Amendment Eighteen as a “good, first concrete step, which showed that the mediation was yielding results”, Zimbabwe roundtable in South Africa in which Crisis Group participated, Pretoria, 30 October 2007.

<sup>14</sup> “What we did was remove or clarify the offensive clauses without compromising the security laws of the country”, Goche added, Crisis Group interview, Harare, 9 January 2008.

<sup>15</sup> On 15 January 2008, Mugabe signed the amendments into law following parliament’s approval the previous month, “Amid talks deadlock, Mugabe signs security and media law reforms in Zimbabwe”, Associated Press, 19 January 2008.

<sup>16</sup> See the Public Order and Security Amendment Bill, 2007, at [www.kubatana.net/html/archive/legisl/071214\\_posaamd.asp?orgcode=par001&year=0&range\\_start=1](http://www.kubatana.net/html/archive/legisl/071214_posaamd.asp?orgcode=par001&year=0&range_start=1). Public events in the vicinity of state institutions are banned, and political parties are required to apply in advance for permission to hold gatherings.

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<sup>17</sup> The eight commissioners and its chairperson are to be appointed by the president from a list submitted by the parliamentary committee on standing rules and orders and “will be chosen on the basis of their experience in the media”, “AIPPA, POSA, BSA amendments signed into law”, Media Alert Update, Media Institute of Southern Africa (MISA), 12 January 2008.

<sup>18</sup> Journalists are no longer required to obtain accreditation cards. See “Access to Information and Protection of Privacy Amendment Bill, 2007”, at [www.kubatana.net/html/archive/legisl/071214aippaamd.asp?orgcode=par001&year=0&range\\_start=1](http://www.kubatana.net/html/archive/legisl/071214aippaamd.asp?orgcode=par001&year=0&range_start=1); for amendments to the Broadcasting Service Act, see [www.kubatana.net/html/archive/legisl/080111bsaamdac.asp?sector=LEGISL&year=0&range\\_start=1](http://www.kubatana.net/html/archive/legisl/080111bsaamdac.asp?sector=LEGISL&year=0&range_start=1).

<sup>19</sup> “AIPPA, POSA, BSA amendments signed into law”, op. cit.

<sup>20</sup> In “so far as is practicable within the time available”, see “Electoral Laws Amendment Bill, 2007”, at [www.kubatana.net/html/archive/legisl/071219elecamd.asp?orgcode=par001&year=0&range\\_start=1](http://www.kubatana.net/html/archive/legisl/071219elecamd.asp?orgcode=par001&year=0&range_start=1). For detailed and useful analysis of the amendment, see: “Electoral Laws Amendment Bill, 2007”, Zimbabwe Electoral Support Network (ZESN), 28 November 2007.

<sup>21</sup> Ibid.

<sup>22</sup> The president appoints the ZEC chair, who must be a judge, in consultation with the judiciary, which itself is highly politicised. The other six members are appointed by the president from a



In practice, ZANU-PF and the military have continued to control management of the elections. Despite the new law, the ZEC remains partisan and poorly resourced. Its holdover chairperson, Justice George Chiweshe, is a Mugabe loyalist and ex-military officer. The long-serving registrar general, Tobaiwa Mudede, another self-professed Mugabe loyalist, has been repeatedly accused of electoral malpractice. In October 2007, former government and military officials were seconded to the ZEC in a further sign ZANU-PF is intent on maintaining control.<sup>23</sup> In effect, it is the government, not an independent commission, that is running the elections.

While the mediation was underway, the ZEC, with the express permission of Mugabe, began to draw new constituency and ward boundaries unilaterally. Some urban areas were incorporated into rural areas or split in order to neutralise the opposition's urban strength – a pattern most pronounced in Mutare, Harare and Bulawayo.<sup>24</sup> The ZEC allocated 143 of 210 seats in the expanded lower house to rural areas where ZANU-PF is strongest and only 67 to urban and metropolitan areas.<sup>25</sup> The flawed delimitation exercise was based on a voters roll littered with ghost, dead and transferred voters. Once sent to Mugabe, the commission's report was not debated in parliament. Indeed, since only one copy was made available, most parliamentarians, let alone members of the public, were unable to scrutinise it.<sup>26</sup> As a result, party primaries were in some cases

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list of nominees supplied by the parliamentary committee on standing rules and orders. A proposal by the independent election monitoring group ZESN to enhance ZEC independence would have each party represented on the committee (ZANU-PF and the MDC) nominate an equal number for appointment following recommendations from the public. The other party could veto any nominee, thereby encouraging candidates to make relatively non-partisan selections. The president would select nominees from that list. "Electoral Laws Amendment Bill, 2007", op. cit., p. 6.

<sup>23</sup> Crisis Group interview, ZESN official, Nairobi, 13 December 2007.

<sup>24</sup> Caiphas Chimhete and Bertha Shoko, "Zimbabwe: Delimitation exercise dismissed as a fraud", *Zimbabwe Standard*, 20 January 2008.

<sup>25</sup> Carole Gombakomba, "Zimbabwe electoral commission under fire over pre-election redistricting", *Voice of America*, 7 January 2008. Outdated government statistics from the Central Statistics Office on the basis of a 2000 population count put the urban-rural population split at 35-65, but independent economists believe that migration to the cities, driven largely by economic factors, means the present division is probably close to 50-50.

<sup>26</sup> "Failure to allow this debate, and to hear the recommendations of the parliamentarians, flies in the face of the letter and spirit of the constitutional provisions", *ibid*; also see "Electoral Laws Amendment Bill, 2007", op. cit., p. 8.

held without knowledge of constituency boundaries, making "a mockery of the nomination process".<sup>27</sup>

All other electoral preparations have been equally flawed. The Electoral Act failed to clearly distinguish between functions of the ZEC and of the registrar-general's office. The former is meant to maintain the voters roll, but the latter retains responsibility for registration – an arrangement described by a local election monitoring group as "a recipe for confusion".<sup>28</sup> Mobile voter registration exercises, voter education, and inspection of the voters roll have all been characterised by corruption and logistical problems. Prospective voters have been turned away from registration centres despite having the correct documents; those who succeeded in registering were not always issued the certificate required for voting.<sup>29</sup> Many communities were simply not made aware that voter registration or inspection exercises were being held.<sup>30</sup>

#### 4. Other agenda items

The MDC also called for the estimated three million Zimbabweans living abroad to have the right to vote. The government sought to condition a diaspora vote on removal of foreign sanctions, arguing that senior ZANU-PF officials subjected to a travel ban should have the right to campaign in the West.<sup>31</sup> To get around this, the MDC suggested confining the diaspora vote to the SADC region but ZANU-PF refused, citing logistical problems.<sup>32</sup> While that refusal was motivated by fear the diaspora would vote for the opposition, there are considerable problems related to the expatriate vote that the MDC does not appear to have adequately thought through.<sup>33</sup>

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<sup>27</sup> See ZESN pre-election update no. 3, 22 January-6 February 2008.

<sup>28</sup> The Electoral Act should have transferred management of all electoral processes to the ZEC, including management of the voters roll. "Electoral Laws Amendment Bill, 2007", op. cit., p. 9.

<sup>29</sup> One week was initially set for inspection of the voters roll (1-7 February), which would have been the shortest inspection such period for a general election since 1980. The government extended the period to 15 February, ZESN pre-election update, op. cit.

<sup>30</sup> *Ibid* and ZESN mobile voter registration update, 26 October-6 November.

<sup>31</sup> Crisis Group interview, ZANU-PF official, Harare, 18 December 2007.

<sup>32</sup> Crisis Group telephone interview, MDC Secretary General (Tsvangirai faction) Tendai Biti, 14 January 2008, and Crisis Group interview, Patrick Chinamasa, Harare, 9 January 2008. The government has dragged its feet over the expatriate vote, labelling the diaspora community opposition supporters. Prior to the negotiations, it had decreed that only citizens in the country at the time of the elections could vote, except for those on official duty abroad.

<sup>33</sup> A large proportion of Zimbabwean migrants in South Africa, Botswana and other SADC countries are illegal and lack

That around a quarter of Zimbabwe's citizens cannot vote, however, further undermines the credibility of this month's elections.

The parties agreed in principle that land reform was necessary to rectify historic imbalances and that ZANU-PF's program was largely irreversible, but the MDC condemned the government's methods and motives, accusing it of hijacking the land issue for political gain and undermining food security.<sup>34</sup> While the opposition conceded that land ownership could not revert to pre-2000 patterns, it called for the constitutional establishment of a land commission to rationalise redistribution and deal with compensation. The MDC also refused to comply with government demands to endorse its land program and call on the UK to honour obligations to pay compensation.

## B. DEAL BREAKERS

The primary MDC objective was the adoption before elections of a new constitution that guaranteed basic freedoms and curtailed presidential powers.<sup>35</sup> In 2007 there was some hope for this. In June, the parties agreed to negotiate a constitution that would be debated in parliament. ZANU-PF also accepted in principle that the election date would be determined by the time needed to implement the interim constitution.<sup>36</sup>

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documentation, so proving nationality and constituency of origin would be problematic, particularly in a first-past-the-post parliamentary system. The migrants live in constant fear of deportation – thousands are forcibly removed from South Africa each month – and would be reluctant to come forward to vote, particularly if polling was at the embassy. Although a vocal segment of the diaspora is politically engaged, many are focused primarily on finding work and sending money home to family. A successful expatriate vote would require full host-government cooperation, including suspension of deportations and opposition and civic groups to help by mapping the location of and mobilising the electorate. Neither the MDC, SADC governments nor Zimbabwean civic organisations operating in SADC have a very precise idea of the potential electorate's location. The organisation of diaspora voting would also be costly. Organising voting for the estimated one to three million expatriates would, therefore, be extremely difficult. Crisis Group interview, Refugees International, following its mission to the SADC region to assess the status of Zimbabwean migrants, Johannesburg, October 2007, and Zimbabwean migrants and diaspora leaders, Johannesburg and Pretoria, October-November 2007.

<sup>34</sup> Crisis Group interview, MDC Secretary for Agriculture Renson Gasela, Harare, 4 January 2008.

<sup>35</sup> Crisis Group interview, MDC Secretary General Tendai Biti, Harare, 4 January 2008.

<sup>36</sup> For the MDC, the election date was a substantive issue that "went to the heart of the matter", "MDC statement on the failed SADC dialogue on the crisis in Zimbabwe", 21 February 2008.

On 30 September 2007, the negotiating teams agreed on a draft constitution in the presence of senior South African officials.<sup>37</sup> It was a hybrid document that drew on past draft constitutions and included a two-term presidential limit, a bill of rights and a land commission.<sup>38</sup> If implemented, it would have opened political space and curbed presidential powers; it could still be a starting point for a new constitutional dispensation after the elections. But it was strongly in Mugabe's interest to call snap elections without a new constitution. There was no incentive on the table to induce him to do otherwise and no significant regional pressure.

EU member states asked Mbeki how they could assist his mediation<sup>39</sup> and were told that Western countries could best support the SADC process by staying out of the negotiation phase and then by supporting implementation of a comprehensive agreement with financial aid.<sup>40</sup> Heeding this advice, EU member states gave the South Africans free rein and communicated to individual SADC countries that they would be prepared to provide incremental economic assistance via SADC to Zimbabwe once clear benchmarks were established.<sup>41</sup> That incentive was undermined by Mugabe's calculation that he could strike bilateral deals with countries like China and Angola to obtain vitally needed foreign reserves.<sup>42</sup> Mugabe

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<sup>37</sup> Lead ZANU-PF negotiators Patrick Chinamasa and Nicholas Goche and their MDC counterparts Tendai Biti and Welshman Ncube initialled the draft constitution in the presence of the South African mediation team: Local Government Minister Sydney Mufamadi, Director General in the Presidency Frank Chikane and Mbeki's legal adviser, Mojanku Gumbi, all close Mbeki confidantes. "Zimbabwe: ZANU-PF, MDC sign new constitution", *The Zimbabwe Independent*, 19 October 2007.

<sup>38</sup> The past constitutions include a 2004 draft that was a product of secret South Africa-mediated inter-party talks, a government draft rejected in the 2000 referendum and a 2000 counter-draft from the National Constitutional Assembly. Crisis Group interview, senior South African foreign ministry official, Pretoria, 5 November 2007.

<sup>39</sup> Crisis Group interview, European diplomat, Pretoria, 6 March 2008.

<sup>40</sup> Crisis Group telephone interview, South African foreign ministry official, 5 March 2007.

<sup>41</sup> A report by the SADC secretariat in the context of the mediation on the role SADC could play in assisting Zimbabwe's recovery identified the need for immediate balance of payment support of \$ 2.5 billion to \$3 billion.

<sup>42</sup> Beijing has intensified commercial links with Zimbabwe, extending a \$42 million loan in February 2008 for farming equipment. China will supply some of the equipment directly. "Chinese loan to fund Zimbabwe farm equipment purchases", Reuters, 23 February 2008. Chinese companies like Sinosteel are also buying out Zimbabwean counterparts, "Chinese firm expands chrome holdings", *Africa Mining Intelligence*, no. 170, 2-13 January 2008, p. 2. On Angola's role, a regional expert told Crisis Group: "The Luanda-Harare axis is as an important

was also suspicious that conditional international assistance would be directed toward regime change.<sup>43</sup>

On both the South African and the EU sides, there was lack of clarity over the definition of success in the mediation. Mbeki publicly maintained that the objective of his “facilitation” was for the parties to reach agreement so that “they [elections] should be held in an atmosphere that would result in free and fair elections without controversies”.<sup>44</sup> But with the talks shrouded in secrecy, he consistently refused to spell out benchmarks or implementation mechanisms, and deadlines were repeatedly missed without explanation. The lack of transparency on Mbeki’s part to engage and win the confidence of the international community made it difficult for Western countries to carry out a trade-off over aid or targeted sanctions.

Western countries did not lay out what it would take to end Zimbabwe’s isolation, other than referring to generic standards of good governance, fair elections and an end to repression. They may have privately advised the parties that they were ready to re-engage with a reformist government born out of the talks, but they simultaneously gave the impression that as long as Mugabe remained in power, Zimbabwe would remain a pariah, no matter what reforms were implemented. With respect to the mediation, public support for Mbeki was mixed with even more public criticism of Mugabe. UK Prime Minister Gordon Brown’s declarations that he would boycott the December 2007 EU-Africa summit due to Mugabe’s presence produced the anticipated controversy.<sup>45</sup>

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but overlooked dynamic in the SADC process. The prospect of Angola standing ready to bail out Zimbabwe gives Mugabe confidence and undermines regional mediation efforts, even if the aid does not ultimately materialise”, Crisis Group interview, Mark Ashurst, director of Africa Research Institute, London, 8 January 2008.

<sup>43</sup> Crisis Group telephone interview, South African foreign ministry official, 5 March 2007.

<sup>44</sup> Mbeki insisted he was merely “facilitating” dialogue between the parties and refused to outline benchmarks or clarify his definition of success, “Transcripts of a SADC media briefing conducted by President Thabo Mbeki and an interview of President Mbeki by the SABC, on the SADC Summit held in Lusaka”, 17 August 2007, at [www.info.gov.za/speeches/2007/07082309451002.htm#briefing\\_zimbabwe](http://www.info.gov.za/speeches/2007/07082309451002.htm#briefing_zimbabwe).

<sup>45</sup> “Why is that the prime minister is not able to sit down at a summit with Mugabe but can shake the hands of other African dictators?” a Zimbabwean civil society activist asked, Crisis Group interview, London, January 2008; also, Stephen Castle, “Zimbabwe and trade dominate tense Europe-Africa summit”, *International Herald Tribune*, 8 December 2007. Gordon Brown’s stance received cross-party parliamentary and wide public support, Crisis Group interviews, London, January 2008.

While the mediation continued, Australia (in August 2007) and the U.S. (in December 2007) expanded their targeted sanctions,<sup>46</sup> which dispelled Mugabe’s hope that participation in the mediation alone would result in an end to the aid freeze and targeted sanctions. That hope had been a significant motivation for Mugabe’s participation in the mediation. With encouragement from South Africa and SADC,<sup>47</sup> ZANU-PF pressed the MDC to call for removal of sanctions.<sup>48</sup> The MDC agreed to consider this only if the government permitted free and fair elections under a new constitution.<sup>49</sup> By ignoring the possibility of a detailed trade-off between reforms and sanctions, however, an opportunity was lost. Similarly, the mediation did not engage with the West to negotiate guarantees for Mugabe’s immunity from prosecution.<sup>50</sup> Crisis Group argued that a guaranteed soft-landing for Mugabe – through retirement or by retaining a ceremonial role – might be the only way to break the stalemate.<sup>51</sup> According to a senior MDC official, the UK and U.S. advised the movement to preferably agree only to a deal that would leave open the possibility of holding Mugabe to account.<sup>52</sup>

A bitterly divided opposition, meanwhile, had little bargaining power. Its main weapon, repeatedly brandished, was to threaten to deprive Mugabe of legitimacy and the South African mediation of success by boycotting elections. Pretoria accordingly pushed hard for participation,<sup>53</sup> and

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<sup>46</sup> In August 2007, Canberra implemented measures to screen all student visa applications from Zimbabwe to identify whether applicants were children of regime officials subject to travel and financial sanctions. Student visas held by eight children of senior officials were revoked. “Australia takes new steps against senior Zimbabwe regime figures”, media statement by Foreign Minister Alexander Downer, 17 August 2007, at [www.foreignminister.gov.au/releases/2007/fa106\\_07.html](http://www.foreignminister.gov.au/releases/2007/fa106_07.html). In December, the U.S. imposed travel sanctions against 38 additional persons and financial sanctions against several persons and two additional companies, “The human rights crisis in Zimbabwe”, remarks delivered by Assistant Secretary of State for African Affairs Jendayi Frazer, Center for Strategic And International Studies NGO Forum, at [www.state.gov/p/af/rls/rm/96183.htm](http://www.state.gov/p/af/rls/rm/96183.htm).

<sup>47</sup> South Africa and SADC have long urged lifting of the sanctions. The SADC Secretariat’s report on Zimbabwe’s economy likewise called for removal and blamed them for a negative impact on the economy.

<sup>48</sup> Crisis Group interview, MDC Treasurer General Roy Bennett, Pretoria, 22 January 2008.

<sup>49</sup> Crisis Group interview, MDC official, Harare, 11 January 2008.

<sup>50</sup> Crisis Group telephone interview, South African foreign ministry official, 5 March 2007.

<sup>51</sup> Crisis Group Report, *A Regional Solution?*, op. cit., p. 18.

<sup>52</sup> Crisis Group Report, *A Regional Solution?*, op. cit., p. 18; and Crisis Group interview, senior MDC official, Pretoria, January 2008.

<sup>53</sup> Crisis Group interview, MDC official, Harare, December 2007.

the MDC knew that a boycott would risk political oblivion. Moreover, it was doubtful whether rank and file parliamentarians would have heeded a boycott that would have risked their livelihoods at a time of severe economic crisis.<sup>54</sup>

Morgan Tsvangirai told Crisis Group the mediation ultimately failed because of Mugabe's intransigence, but Mbeki should have shown more courage in dealing with him.<sup>55</sup> While this is valid criticism, the MDC made a strategic error in relying exclusively on the mediation to obtain reforms without mobilising other pressures.<sup>56</sup> It failed to rally its supporters around key bread and butter issues and to resolve its serious internal differences. An MDC official conceded: "Given early progress, we had faith the SADC initiative could produce a breakthrough. We put all our eggs in one basket and our political programs suffered".<sup>57</sup>

### C. SADC AND SOUTH AFRICA'S FAILURE

As it became clear Mugabe would not yield on the timing of a new constitution and the election date, Mbeki flew to Harare on 17 January 2008 in a last-ditch effort to break the deadlock.<sup>58</sup> His aim was to secure a deal around one of three compromise options on which he had already secured opposition buy-in: March elections under a new constitution to be adopted by national referendum in February; postponement of elections, perhaps to 2010 (as provided for by Amendment Eighteen) to allow time for a national constitutional referendum; or March elections following parliament's adoption of the new constitution.<sup>59</sup>

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<sup>54</sup> "If Tsvangirai boycotts, he'll be the only one", was a common refrain amongst MDC supporters and civil society activists, Crisis Group interviews, Harare, December 2007. The MDC ultimately decided to participate "under protest".

<sup>55</sup> Crisis Group interview, Morgan Tsvangirai, Johannesburg, 13 February 2008. At a press conference in Johannesburg on 13 February 2008, Tsvangirai said, "we also need to see a little courage from Thabo Mbeki....He can break with his policy of quiet support of the dictatorship in Zimbabwe....He can add his voice to those demanding free and fair elections in Zimbabwe....He can do it without taking the risks that we are taking. He won't be arrested, tear-gassed, beaten, he won't be charged with treason, he won't see his supporters killed", "Mbeki is a liar – Morgan Tsvangirai", *ZimDaily UK*, 15 February 2008.

<sup>56</sup> Crisis Group telephone interview, MDC National Organising Secretary Elias Mudzuri, 18 February 2008.

<sup>57</sup> Crisis Group interview, senior MDC leader, Pretoria, 10 February 2008.

<sup>58</sup> Blessing Zulu, "Despite last-ditch Harare demarche, accord eludes S. Africa's Mbeki", *Voice of America*, 17 January 2008.

<sup>59</sup> Crisis Group interview, senior official in Mbeki's office, Pretoria, 22 January 2008. Also see MDC statement on the failed SADC dialogue on the crisis in Zimbabwe, 21 February 2008.

In a six-hour meeting, Mbeki failed to persuade Mugabe to accept any of these.<sup>60</sup> His further attempt to rescue the mediation by brokering a face-to-face meeting between Mugabe, Tsvangirai and Mutambara was likewise rejected.<sup>61</sup> That Mbeki went to Harare to try for a compromise showed his seriousness but also the limits of his influence.<sup>62</sup> In December 2007, he had lost the presidency of the African National Congress (ANC), South Africa's ruling party, to his arch-rival and former deputy president, Jacob Zuma, in an acrimonious political battle.<sup>63</sup> Undermined at home, he was weakened as a mediator. A week after his Harare visit, Mugabe unilaterally set elections for 29 March.<sup>64</sup>

Crisis Group previously called on Mbeki to candidly acknowledge the mediation's failure if need be.<sup>65</sup> Although it was a clear failure on Mbeki's own terms – it did not secure conditions for free and fair elections – he lauded it a success when he briefed his regional counterparts at an extraordinary SADC summit and in his State of the Union address in February 2008.<sup>66</sup> SADC was quick to endorse this positive assessment in an official communiqué.<sup>67</sup>

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<sup>60</sup> Crisis Group telephone interview, ZANU-PF politburo member privy to details of the meeting, 27 January 2008.

<sup>61</sup> Crisis Group interview, ZANU-PF politburo member, Pretoria, 6 February 2008.

<sup>62</sup> Emerging from the meeting with Mugabe, Mbeki told journalists: "We are going to continue the process; it's a work in progress", "Mbeki confident on Zim talks", Reuters, 17 January 2008.

<sup>63</sup> Zuma, a controversial populist, took almost 60 per cent of the votes of the 4,000 delegates at the ANC leadership conference in Polokwane. The ANC's five other leadership posts all went by comfortable margins to Zuma backers. Zuma was a close ally until Mbeki fired him as deputy president in 2005 over corruption allegations. Though acquitted for rape, Zuma faces trial in August 2008 on the corruption charges. If he is prosecuted, he will likely step down in favour of the new ANC deputy president, Kgalema Motlanthe, who would then be well-placed to assume the state presidency after the 2009 general elections. "Zuma wins ANC leadership election", BBC, 19 December 2007; and Karima Brown and Amy Musgrave, "ANC wants cabinet post for Motlanthe", *Business Day*, 17 January 2008.

<sup>64</sup> "Zimbabwe polls set for March 29", Agence France-Presse, 25 January 2008.

<sup>65</sup> Crisis Group Report, *A Regional Solution?*, op. cit., p. i.

<sup>66</sup> "State of the Nation address of the President of South Africa, Thabo Mbeki: Joint sitting of parliament", 8 February 2008, at [www.dfa.gov.za/docs/speeches/2008/mbek0208.html](http://www.dfa.gov.za/docs/speeches/2008/mbek0208.html).

<sup>67</sup> SADC "welcomed the good progress made by the Zimbabwe negotiating parties and congratulated them for successfully concluding their negotiations", euphemistically adding that the "only outstanding matter" related to the modalities of implementation of the constitution, media statement on the extraordinary meeting of the SADC organ on politics, defence and security, Addis Ababa, Ethiopia, 31 January-1 February 2008.

With the mediation stalemated, Mbeki revised his definition of success from producing credible elections to having facilitated inter-party talks that left unresolved only “procedural” (implementation) issues.<sup>68</sup> By doing so, he held the door open to revive the mediation after the elections.<sup>69</sup> Senior ZANU-PF officials indicated to Crisis Group that even a Mugabe-led government would consider implementing the agreed constitution after the vote, since, allegedly, only timing not substance prevented its prior implementation.<sup>70</sup>

It is highly doubtful Mugabe will accept a constitution that curbs his powers, unless he comes under strong internal and external pressure. The unwillingness of South Africa and SADC to hold him to account in the context of their initiative has seriously undermined their credibility, particularly with local actors, and suggests they are unlikely to bring the necessary pressure to bear in the future. There has been speculation the new ANC president, Jacob Zuma, might take a more robust line because his trade union (COSATU) support base has been critical of Mbeki’s diplomacy and has links with the MDC. All Zuma’s statements, however, have emphasised continuity in Zimbabwe policy, and he has accused Western countries of hindering the mediation.<sup>71</sup> Members of the newly appointed ANC National Executive say privately the new leadership team will adopt a more forceful approach, but with the same objective of maintaining the northern neighbour’s stability.<sup>72</sup>

### III. THE ELECTORAL ENVIRONMENT

#### A. A VIOLENT CLIMATE

There is no chance of truly free and fair elections on 29 March. Despite the amendments to repressive legislation, basic rights including freedom of association, assembly and expression are denied. The government continues to employ violence and intimidation against all perceived opponents. Within days of the supposed relaxation of the security and media laws, police cracked down on the MDC and its supporters.<sup>73</sup> Wielding batons and firing tear gas, they beat up and arrested MDC supporters making their way to a court-sanctioned rally on 23 January 2008 at which Tsvangirai was giving an address.<sup>74</sup>

Civil society activists, students, independent journalists and public sector workers continue to be subjected to brutal treatment and harassment by government agents.<sup>75</sup> On 19 February nine members of the Progressive Teachers Union engaged in a peaceful street protest in Harare against the damage done to the education system were seized by ZANU-PF youths and severely assaulted. Instead of arresting the youths, police charged the union leaders with violating a law banning distribution of pamphlets in public places.<sup>76</sup> The incident was typical of the government’s selective application of law. ZANU-PF-sponsored events benefit from the state’s resources and protection. During the war veterans’ “million man march” in December 2007, for example, public buses were used to ferry participants (sometimes forcibly) to Harare, and police escorted the demonstrators.<sup>77</sup>

The government also continues to use more insidious forms of intimidation to manipulate and control the

<sup>68</sup> “State of the Nation address”, op. cit.

<sup>69</sup> Crisis Group telephone interview, senior South African foreign ministry official, Pretoria, 6 March 2008.

<sup>70</sup> Crisis Group telephone interview, ZANU-PF cabinet minister, 27 February 2008. The new constitution incorporates many of the most significant elements of Amendment Eighteen, including parliament’s power to select a presidential successor.

<sup>71</sup> Zuma made the comments on the margins of the Davos conference in January, saying that Western interference bordered on racism, “Zuma says West’s interference stalling progress in Zimbabwe”, *ZimOnline*, 26 January 2006.

<sup>72</sup> Crisis Group interview, ANC National Executive member, Pretoria, 24 January 2008.

<sup>73</sup> Following agreement at the SADC talks, the amendments to the POSA and AIPPA laws were passed by parliament in December 2007 with bipartisan support.

<sup>74</sup> Having initially given approval, the police banned an MDC rally and march through Harare at the eleventh hour. A magistrate’s court partially overruled the ban, allowing the rally to go ahead but agreeing with police that the march posed a threat to public order. In the early morning prior to the rally, Tsvangirai and two senior MDC officials were arrested at their homes and detained for several hours, then released without charge. “Zimbabwe opposition, police clash in protest march over elections date”, *Voice of America*, 23 January 2008.

<sup>75</sup> See the monthly political violence reports, Zimbabwe Human Rights NGO Forum, March 2007, at [www.hrforumzim.com](http://www.hrforumzim.com).

<sup>76</sup> Some of the female teachers were subjected to verbal and sexual abuse. At least five were hospitalised. “ZANU-PF members attack teachers in Harare”, Zimbabwe Lawyers for Human Rights, press statement, 20 February 2008.

<sup>77</sup> Crisis Group interview, ZESN official, Nairobi, 13 December 2007.

electorate.<sup>78</sup> It retains tight control of television and radio, which it uses to threaten and insult political opponents. It has employed delaying tactics to prevent reestablishment of influential independent newspapers, like the banned *Daily News*, before the elections.<sup>79</sup>

ZANU-PF seeks to ensure that many persons, particularly in rural areas, will not dare to risk anything other than a ZANU-PF vote, so that election day itself can be kept relatively calm. This is a plausible strategy against the background of a culture of violence that over many years has inculcated a sense of fear among ordinary citizens and in the context of a humanitarian disaster which forces increasing numbers to depend on state support for survival.<sup>80</sup>

ZANU-PF also continues to militarise and politicise key state institutions. The Zimbabwe Republic Police (ZRP), which is responsible for some of the most serious human rights abuses, regularly characterises government opponents and critics as “enemies” and “agents of the West”; some members appear “to have usurped the constitutional role of the Attorney-General”, while increasingly seeking to intimidate independent prosecutors and lawyers.<sup>81</sup> In the run-up to the elections, heads of the security services have heightened tensions with inflammatory statements. The police chief threatened to use firearms against politically motivated violence.<sup>82</sup> Retired Major General Paradzayi Zimondi, head of the

prison services (part of the Zimbabwe Defence Forces), ordered newly promoted officers to vote for Mugabe.<sup>83</sup>

The military together with state security agents and other ZANU-PF sponsored militia such as the militant youth activists known as the green bombers<sup>84</sup> have been deployed to rural areas to distribute food aid selectively, prevent opposition parties from accessing the electorate and intimidate voters. On 20 February, the government tripled military pay packages in an effort to pacify restive personnel whose allegiances have been further strained in the wake of the Makoni challenge.<sup>85</sup>

Mugabe was concerned about the prospect of intra-ZANU-PF violence even before that challenge. Observers considered his uncharacteristic call at the ZANU-PF congress in December 2007 for the party to shun violence a coded message to factions to refrain from fighting each other.<sup>86</sup> Ahead of that congress, the “war veterans” had been organising marches countrywide to denounce ZANU-PF officials who did not support “the revolution”.<sup>87</sup> Makoni’s candidacy has now increased the risk of at least broken bones within the ruling party, particularly in hotly contested rural areas, as the Mugabe camp seeks to purge his supporters.<sup>88</sup>

Intra-MDC violence, both within and between the factions, also cannot be ruled out. There were already violent clashes within the larger Tsvangirai grouping in November 2007, following the controversial ouster of the chair of the party’s women’s assembly, Lucia Matibenga, a popular trade unionist.<sup>89</sup> Infiltrators from the intelligence agency

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<sup>78</sup> Although the 2005 parliamentary elections were less openly violent than the 2002 presidential election, they were characterised by more sophisticated and insidious means of manipulation, Crisis Group interview, Harare-based activist, Johannesburg, 25 October 2007. Also see Crisis Group Africa Report N°93, *Post-Election Zimbabwe: What Next?*, 7 June 2005, p. 1.

<sup>79</sup> In late January 2008, Zimbabwe’s media commission asked the Associated Newspapers of Zimbabwe, publishers of the banned *Daily News* and its sister paper *Daily News on Sunday* to resubmit their application for a license. This was seen as a ploy to prevent the independent newspapers from resuming before elections. Sebastian Nyamhangambiri, “ANZ to re-submit Daily News application”, ZimbabweJournalists.com, 17 January 2008.

<sup>80</sup> Crisis Group interview, human rights activist David Chimhini, Harare, 10 January 2007.

<sup>81</sup> “Partisan policing: An obstacle to human rights and democracy in Zimbabwe”, International Bar Association Human Rights Institute, October 2007, The report was produced with funding from the Open Society Institute of South Africa (OSISA).

<sup>82</sup> Police Chief Augustine Chihuri said, “there has been talk in some opposition circles and civic organisations of street protests or Kenya-style riots if the ballot does not go in favour of one’s political party. We will never allow that to happen in this country. We will nip it in the bud. We are adequately resourced to cover this election”, “Police chief threatens to use guns against protesters”, *ZimOnline*, 27 February 2008.

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<sup>83</sup> Zimondi added that supporting Makoni or Tsvangirai was tantamount to supporting former the colonial master Britain. He was among the defence forces chiefs who on the eve of the 2002 presidential election declared they would not recognise as president anyone who had not participated in the independence struggle, a reference to Tsvangirai. “Zim prisons chief orders officers to vote Mugabe”, Reuters, 29 February 2008; and “NCA [National Constitutional Assembly] statement on the army chief’s reckless statements”, 29 February 2008.

<sup>84</sup> The name derives from the green fatigues the young activists characteristically wear.

<sup>85</sup> “Soldiers get huge salary hike”, *The Zimbabwe Times*, 26 February 2008. Following the raise, soldiers earn a minimum of ZW\$3 billion per month (\$250 on the parallel market), compared with ZW\$300 million before (about \$15).

<sup>86</sup> Crisis Group interview, Zimbabwean academic and Africa program head at the Royal United Services Institute for Defence and Security Studies (RUSI), Dr Knox Chitiyo, London, 8 January 2008.

<sup>87</sup> The remarks were aimed primarily at the Mujuru and Dabengwa factions, which made clear their opposition to the marches.

<sup>88</sup> Crisis Group telephone interview, Dr John Makumbe, political science lecturer, University of Zimbabwe, 23 February 2008.

<sup>89</sup> On 18 November 2007, Tsvangirai backers sparred outside party headquarters in Harare with Matibenga supporters angry at her ouster, see “Political Violence Report”, Zimbabwe Human Rights NGO Forum, November 2007, pp. 2 and 6. In October,

(CIO) likely were partly responsible for exacerbating tensions within the opposition, particularly in the Tsvangirai faction. But those clashes and bitter MDC infighting are also symptoms of structural weaknesses, poor leadership and frustration at leadership failure to convincingly articulate a winning strategy.<sup>90</sup> “ZANU-PF has created a very damaging political culture that is being replicated by the MDC and civil society”, a prominent Zimbabwean activist told Crisis Group.<sup>91</sup>

## B. ABUSE OF STATE RESOURCES

The ruling party’s politically motivated manipulation of food aid and state resources during an economic crisis gives it yet another unfair advantage over opponents. While the economy contracted 6 per cent in 2007, the annual inflation rate is one of the highest ever known, at over 100,000 per cent and rising.<sup>92</sup> Blaming cash barons and commercial banks for the money shortage, Reserve Bank Governor Gideon Gono has issued ever higher denomination notes: the ten million Zimbabwe dollar bill is worth less than half a U.S. dollar on the parallel (real) market – enough to buy a loaf of bread.<sup>93</sup> Economic damage will accelerate as the government prints more money ahead of the elections.

The former regional breadbasket is suffering severe food insecurity, with some four million people – over a third of the population – dependent on food aid that

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the national women’s assembly was dissolved and Matibenga was replaced with Theresa Makone, wife of close Tsvangirai adviser and party financier Ian Makone. The party leadership said Matibenga’s administration was dysfunctional, and a new women’s assembly would revive the structure. Some opposition supporters argued that Makone had been unilaterally imposed, signalling a breakdown of internal democracy and promotion of loyalists at the expense of the trade unionist wing. Observers noted that the chaos in the women’s league damaged one of the party’s most effective campaign forces. Crisis Group interviews, Zimbabwe newspaper editor, Johannesburg, 1 November 2007, and senior MDC officials and civil society activists, Johannesburg and Pretoria, November 2007.

<sup>90</sup> Crisis Group interview, senior MDC official, Harare, 11 January 2008.

<sup>91</sup> Crisis Group interview, Elinor Sisulu, writer, academic, and human rights activist, Pretoria, 31 October 2007.

<sup>92</sup> The official inflation rate is 100,000 per cent. IMF estimates put it at 150,000 per cent. “Zimbabwe inflation hits 100,000 per cent”, BBC News, 20 February 2008; Shakeman Mugari, “Zimbabwe: IMF estimates inflation at 150,000 per cent”, *Zimbabwe Independent*, 18 January 2008; and “Zimbabwe inflation hits 26,470 pct, economy shrinks”, Reuters, 31 January 2008.

<sup>93</sup> Jonga Kandemiiri, “Zimbabwe central bank governor points finger at banks for cash crisis”, *Voice of America*, 22 January 2008; and Angus Shaw, “Only in Zimbabwe: 10-Million-Dollar Bill”, *Associated Press*, 17 January 2008.

comes mainly from the World Food Programme and its partners.<sup>94</sup> There are chronic shortages of cash, essential medicines and fuel. Long, chaotic lines formed outside banks in December 2007, as people queued for hours to withdraw money. Massive power shortages were experienced in early 2008. Social conditions are rapidly deteriorating, as basic services near collapse, and trained professionals emigrate. The health and education systems – once regional models – had held together until recently but are now crumbling.<sup>95</sup> In urban areas, water supply and sanitation conditions are breaking down, and for the first time aid agencies are detecting significant malnutrition.<sup>96</sup> The high HIV/AIDS prevalence rate has further increased vulnerability.<sup>97</sup>

Zimbabwe has, nevertheless, defied predictions of complete economic collapse. The high level of remittances from workers who have left the country, together with the remarkable tenacity of the population, go a long way to explaining why. A recent study backed by strong anecdotal evidence indicates that the vast majority of Zimbabwean migrants in South Africa regularly send home money or groceries.<sup>98</sup> Such remittances, which

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<sup>94</sup> The World Food Programme (WFP), the Consortium for Southern Africa Food Security Emergency (C-SAFE) comprised of CARE, Catholic Relief Services and World Vision and which is funded by the U.S. Agency for International Development (USAID), and other international partners provide the bulk of food aid. In January 2008, for example, WFP and C-SAFE programs to vulnerable households covered 4.1 million beneficiaries, over 60 per cent of the population in districts receiving food aid. The government provides some subsidised food, which it imports from neighbouring countries, including Malawi, South Africa and Zambia. See the Famine Early Warning Systems Network, Zimbabwe page, at [www.fews.net/pages/country.aspx?gb=zw&l=en](http://www.fews.net/pages/country.aspx?gb=zw&l=en); and Nelson Banya, “Zimbabwe’s farmers warn of more food shortages”, Reuters, 8 January 2008.

<sup>95</sup> In a statement citing Zimbabwe as one of the “top ten” most underreported humanitarian stories of 2007, Médecins sans Frontières (MSF) wrote: “The national health-care system, once viewed as one of the strongest in southern Africa, now threatens to collapse under the weight of this political and economic turmoil with the most acute consequences potentially for the estimated 1.8 million Zimbabweans living with HIV/AIDS. Currently, less than one fourth of the people in urgent need of life-extending antiretroviral (ARV) treatment receive it. This translates into an average of 3,000 deaths every week. And the prospects for a further scale up of the national AIDS program are dim”, MSF, press release, 20 December 2007, at [www.doctorswithoutborders.org/publications/reports/topten/](http://www.doctorswithoutborders.org/publications/reports/topten/).

<sup>96</sup> The World Food Programme says 45 per cent of the population is malnourished, [www.wfp.org/country\\_brief/indexcountry.asp?country=716](http://www.wfp.org/country_brief/indexcountry.asp?country=716).

<sup>97</sup> The national HIV/AIDS prevalence rate is estimated at 18 per cent, *ibid*.

<sup>98</sup> A pilot study profiling Zimbabwean migrants in South Africa found that 90 per cent of 4,654 respondents remitted some money and/or groceries home monthly to support family.



likely match international aid, have become a lifeline for many.<sup>99</sup> But even with help from the large diaspora community, life has become a grinding struggle for survival that saps energy and contributes to voter apathy.

Economic desperation is translating into disengagement from the political system rather than protests. Zimbabweans have little if any confidence that elections can produce much of the change they desire.<sup>100</sup> A Zimbabwe economist said, “there is a sense of resignation, which has been compounded by a divided opposition”.<sup>101</sup> Many ordinary people have more immediate priorities than the election. “I am battling to eke out a living under these hard conditions and put a meal on the table for my family. That is my concern. I have given up voting in elections which do not bring change – just more suffering”, a Harare bank clerk told Crisis Group.<sup>102</sup>

ZANU-PF cynically exploits the humanitarian crisis by manipulating food aid. A Zimbabwean monitoring group has documented egregious abuses in government-subsidised food distributed through the Grain Marketing Board, including denial to some without a ZANU-PF party card, requiring recipients to chant party slogans, violence and harassment accompanying distribution and sexual abuse of women and children.<sup>103</sup> Traditional and community leaders affiliated to ZANU-PF are major culprits. In all provinces, local leaders and village assemblies recommend who should receive the government-subsidised food, and those considered not to be loyal to ZANU-PF are most likely to be kept off the list.<sup>104</sup>

International agencies carry most of the burden of the humanitarian relief effort and mitigate the discrimination in government programs. Nevertheless, although donors have safeguards to prevent abuse, reliance on community leaders

makes it difficult to resist interference entirely,<sup>105</sup> and government pressure has grown ahead of the elections.<sup>106</sup>

The government has also mobilised its extensive patronage network to sway voters.<sup>107</sup> Traditional leaders countrywide have been given farming tools and fuel on the specific understanding they will get out the rural vote for ZANU-PF. High-ranking officials as well as small farmers have benefited from cheap fertiliser, seed and other agricultural goods. Three weeks before the elections, Mugabe signed a controversial law requiring foreign and white-owned firms to hand over majority stakes to black owners,<sup>108</sup> awarded large pay hikes to all civil servants including teachers<sup>109</sup> and gave farm equipment worth millions of dollars to thousands of new black farmers.<sup>110</sup>

### C. POTENTIAL POLLING DAY PROBLEMS

The 29 March elections are the first in which a president, a parliament and municipal officials will be selected at the same time. There are many new constituency and ward boundaries, and voters will have to cope with multiple ballots.<sup>111</sup> Given the low level of voter education, polling day is likely in the best of circumstances to be characterised by confusion, leading to many spoiled ballots and potentially widespread disenfranchisement.<sup>112</sup> It can be expected, however, that the Mugabe camp will seek to turn the situation to its advantage, particularly in urban areas where opposition forces are strongest, if this is needed to secure victory.

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Only 2 per cent of those remittances were sent through banking channels. Professor Daniel Makina, “Study of profile of migrant Zimbabweans in South Africa: A pilot study”, University of South Africa, September 2007, pp. 9-10. Anecdotal evidence shows the same pattern, Crisis Group interviews, migrants and diaspora leaders, Johannesburg and Pretoria, November 2007.

<sup>99</sup> Makina, “Survey”, op. cit.; and Alec Russellin, “Zimbabwe propped up by \$500m a year from expatriates in S Africa”, *Financial Times*, 26 September 2007.

<sup>100</sup> Crisis Group interviews, a range of observers, Harare, January 2008.

<sup>101</sup> Crisis Group interview, Zimbabwean economist John Robertson, Harare, 8 January 2008.

<sup>102</sup> Crisis Group interview, bank clerk, Harare, 8 January 2008.

<sup>103</sup> See the September and October 2007 “Food Monitoring Reports” by the Zimbabwe Peace Project (ZPP).

<sup>104</sup> “Food Monitoring Report”, ZPP, October 2007, pp. 1-2.

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<sup>105</sup> Crisis Group interview, representative of a major humanitarian NGO operating in Zimbabwe, Nairobi, 18 December 2007; September and October 2007 “Food Monitoring Reports”, op. cit.

<sup>106</sup> Diplomatic missions and foreign NGOs generally have also come under increasing scrutiny and surveillance ahead of the polls.

<sup>107</sup> For a more detailed account of ZANU-PF’s patronage network, see Crisis Group Report, *A Regional Solution?*, op. cit., pp. 8-9.

<sup>108</sup> The legislation is known as the Indigenisation and “Economic Empowerment Bill” and applies to all foreign firms, including banks and mines, “Mugabe approves Zimbabwe nationalisation law”, Reuters, 9 March 2008.

<sup>109</sup> Teachers, who are a majority of civil servants, have been holding countrywide strikes over salary. Mugabe announced the raise at a school in Inyathi, Matabeleland North, an MDC provincial stronghold; he did not specify an amount. “Mugabe awards big pay-hike to civil servants”, *Mail and Guardian*, 12 March 2008.

<sup>110</sup> Cris Chinaka, “Mugabe woos voters with tractors, retire says rival”, Reuters, 8 March.

<sup>111</sup> Voters will have to consider separate ballot papers for the presidency, the Senate, the House of Assembly and local councillors. In municipalities, there will be a fifth ballot, for mayor. “ZESN calls for longer inspection of the voters roll”, ZESN press statement, 4 February 2008.

<sup>112</sup> “Electoral Laws Amendment Bill, 2007”, op. cit., p. 14.



The government-controlled ZEC is the sole body responsible for voter education, to the exclusion of independent civic organisations,<sup>113</sup> but it has neglected this part of its mandate. Citizens still lack critical information about where and how to cast ballots in complex elections held under new rules.<sup>114</sup> Most have not been advised about the changes in parliament constituency and ward boundaries; some voters have not been informed that they are registered at different polling stations than in the past. A list of polling stations published on 8 March contained significant errors.<sup>115</sup> All this increases the likelihood that voters will turn up at the wrong polling station and not be permitted to cast ballots. Again, there is a suspicion that some of this confusion may either be deliberate or be seized upon to the extent necessary on election day to lower the anticipated opposition majorities in the cities.

Abuses that marred the 2002 presidential election, which Mugabe won by only 400,000 votes, with 56 per cent of the total against 42 per cent for Tsvangirai, risk being repeated.<sup>116</sup> As in 2002, urban centres like Harare and Bulawayo have relatively few polling stations compared to rural areas: each of their polling stations is responsible for more than twice the number of registered voters as polling stations elsewhere.<sup>117</sup> Harare, for example, has 379 for about 760,000 registered voters, an average of slightly more than 2,000 voters for each station. That would give a citizen a mere 22 seconds to vote (casting four separate ballots) if logistics at the polling stations are identical to those at the 2002 election and in the unlikely event of full voter turnout.<sup>118</sup> Similarly, Bulawayo has only 207 polling stations with an average 1,514 voters per station. By comparison, the rural province of Mashonaland East (a Mugabe stronghold) has 1,038 polling stations equivalent to an average of 601 registered voters per station, a pattern repeated in other ZANU-PF/Mugabe strongholds.<sup>119</sup>

In the 2002 election, long queues formed outside polling stations in urban areas, and thousands were unable to cast their ballots even though voting was scheduled over

a two-day weekend and was extended by the High Court for a third day.<sup>120</sup> The ZEC has announced that this time there will be multiple lines in urban polling stations, not a single one as in 2002. But with polling limited to twelve hours (7am to 7pm) on one day and multiple contests to be voted on, many urban residents may again be disenfranchised by the clock.

Even more worryingly, it is expected to take about five days before the election results are announced because the compilation and tallying must be done manually.<sup>121</sup> During that time, the government-controlled ZEC, protected by loyal security forces and with likely minimal oversight from national and regional observers, will have control of the ballot boxes, with consequent opportunity for chicanery if it appears Mugabe is losing. In 2002 there were numerous discrepancies between the results as announced at the constituency counting centres and the final results which had passed through the military-manned Election Command Centre.<sup>122</sup> The Mugabe camp has another possibility to inflate its count by taking advantage of the procedure by which security personnel vote two days ahead of the general population.<sup>123</sup> Ballot boxes from the barracks (containing up to 40,000 votes)<sup>124</sup> can be transferred to counting centres without independent oversight or verification.

On 12 March 2008, the MDC filed an urgent High Court application to compel the ZEC to increase the number of polling stations and permit opposition representatives at the Election Command Centre, which is normally manned exclusively by the security establishment. The opposition has also demanded that the tallied results be announced at constituency level before being compiled nationally.<sup>125</sup> Unless such measures are taken to provide a degree of transparency and independent oversight capable of preventing a repeat of past electoral malpractice, the election results are likely to be intensely disputed.

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<sup>113</sup> "ZEC responsible for voter education", *The Herald*, 7 January 2008.

<sup>114</sup> Crisis Group telephone interview, Noel Kututwa, ZESN chairperson, 12 March 2008.

<sup>115</sup> "Pre-election update no. 5", ZESN, 6 February-11 March 2008.

<sup>116</sup> See Crisis Group Africa Report N° 78, *Zimbabwe: In Search of a New Strategy*, 19 April 2004.

<sup>117</sup> "Pre-election update no. 5", op. cit.; and Cuthbert Nzou, "MDC says fewer polling booths a ploy to aid Mugabe", *ZimOnline*, 12 March 2008.

<sup>118</sup> Crisis Group telephone interview, Noel Kututwa, ZESN chairperson, 12 March 2008.

<sup>119</sup> Ibid. Mashonaland Central, another ruling party stronghold, has 774 polling stations, with an average of 579 voters each.

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<sup>120</sup> "Zimbabwe vote extended", BBC news, 10 March 2002.

A month after the March 2002 presidential election, the MDC and its presidential candidate, Morgan Tsvangirai, filed a challenge in the High Court to Mugabe's victory. His petition cited the reduction of polling stations in urban areas as one of the irregularities that marred the election.

<sup>121</sup> Crisis Group interview, senior ZEC official, 11 March 2008.

<sup>122</sup> The MDC electoral petition challenging the 2002 election referred to discrepancies between results announced at the constituency level and the final results and tampering of the results by the registrar general's office. See fn. 120 above.

<sup>123</sup> Under election rules, all members of the security services, including on-duty police, army, intelligence and prison service personnel, vote two days before a general election to allow them to engage in law and order activities during the polls.

<sup>124</sup> The figure is taken from the December 2007 edition of the *Zimbabwe National Army Magazine*.

<sup>125</sup> "Polling station row spills into High Court," *newzimbabwe.com*, 13 March 2008.

## IV. POLITICAL CHALLENGES TO ZANU-PF

Makoni's entrance into the presidential contest at a time when the failure of the MDC to unite has left the opposition in disarray has injected a new dynamic into the presidential contest, at least among the urban and educated classes, who rushed to register and check the voters roll.<sup>126</sup>

### A. THE MAKONI CHALLENGE

At its extraordinary party congress in December 2007, ZANU-PF unanimously confirmed Mugabe as its presidential candidate.<sup>127</sup> Though reports emerged of discontent among senior officials, it seemed as if Mugabe had again contained intra-party rivalries.<sup>128</sup> With the 5 February 2008 announcement of Makoni's candidacy, however, the long power struggle against Mugabe and his on-again, off-again ally, Rural Housing Minister Emmerson Mnangagwa, led by the camp around retired General Solomon Mujuru came to a head.<sup>129</sup>

A former SADC chief and respected party technocrat, Makoni (57) has been touted for some time as a possible Mugabe successor.<sup>130</sup> Coming from a small Shona sub-tribe, the Manyika, he is considered an acceptable alternative to the Zezuru hegemony of the post-independence era.<sup>131</sup> He became finance minister in 2000, pledging fiscal discipline to restore relations with the donor community but resigned two years later, when Mugabe refused his proposals to re-engage with the

IMF and the World Bank and radically adjust his land redistribution policy.<sup>132</sup>

Makoni has made renewal and reconciliation his campaign themes and presents himself as the candidate best able to return the country to normalcy. He claims to have confronted Mugabe privately in January 2008, saying "there was a need for renewal in the party and the country".<sup>133</sup> His manifesto pledges "national reengagement and dialogue for economic, social and political revival", as well as development of a "new people-driven national constitution ... after full consultation".<sup>134</sup> It is frank about the scale of the national crisis, if short on policy detail. Within days of announcing his candidacy, Makoni was expelled from ZANU-PF.<sup>135</sup> Mnangagwa explained: "Simba Makoni was in breach of the standing rules by challenging the endorsement of President Mugabe as the party's presidential candidate, and by that action he automatically expelled himself from the party".<sup>136</sup>

Only a handful of ZANU-PF heavyweights have publicly declared for Makoni. These include Dumiso Dabengwa, a senior politburo member and the party's second most senior leader of the old ZAPU movement,<sup>137</sup> and former House Speaker Cyril Ndebele.<sup>138</sup> Some of those strongly suspected of supporting Makoni are keeping in the background, however, formally adhering to the party's endorsement of Mugabe, or even making public statements

<sup>126</sup> A week after Makoni announced his candidacy, ZEC reported the number of such people had doubled.

<sup>127</sup> Cris Chinaka, "Zimbabwe ruling party endorses Mugabe in 2008 vote", Reuters, 13 December 2007.

<sup>128</sup> Dumisani Muleya, "Mugabe endorsement a fraud", *The Zimbabwe Independent*, 14 December 2007.

<sup>129</sup> On the internal ZANU-PF opposition to Mugabe, see Crisis Group Report, *A Regional Solution?*, op. cit., pp. 9-10.

<sup>130</sup> During Zimbabwe's independence struggle, Makoni studied in the UK, where he gained a PhD in chemistry. On independence in 1980, he returned and was appointed deputy minister of agriculture. Over the next four years he served as minister of energy and of youth before leaving government. For almost a decade, he was SADC's chief executive. "Mugabe to face polls challenge from ex-minister", *Mail and Guardian*, 5 February 2008. Other figures regularly cited as potential successors included Emmerson Mnangagawa, Vice President Joyce Mujuru, Parliamentary Speaker John Nkomo and Gideon Gono.

<sup>131</sup> Crisis Group interview, source close to ZANU-PF, 29 February 2008.

<sup>132</sup> "Mugabe to face polls challenge from ex-minister", op. cit.

<sup>133</sup> Crisis Group telephone interview, Simba Makoni, 12 February 2008. In his launch statement, 5 February 2008, Makoni also said, "firstly let me confirm that I share the agony and anguish of all citizens, over the extreme hardships that we have all endured for the past ten years now. I also share the widely held view that these hardships are a result of failure of national leadership and that change at that level is a pre-requisite for change at other levels of national endeavor".

<sup>134</sup> Makoni's presidential campaign manifesto, released on 13 February 2008.

<sup>135</sup> "Let me affirm here, my faith in, and loyalty to the Party. I would have very much wished to stand as its official candidate. Unfortunately, as well known, that opportunity was denied to any other cadre who would have offered themselves to serve the party and the country", Makoni's launch statement, 5 February 2008.

<sup>136</sup> Crisis Group telephone interview, 10 February 2008.

<sup>137</sup> During the liberation struggle, The Zimbabwe African People's Union (ZAPU) led by Joshua Nkomo was a rival to Mugabe's ZANU. Following the massacres of Ndebele in Matabeleland and Midlands (ostensibly to crush pro-Nkomo rebels), Mugabe and Nkomo merged their parties in the 1987 Unity Accord to form ZANU-PF. Dabengwa was instrumental in securing the accord. The day before Dabengwa declared for Makoni he sat close to Mugabe on the podium when the president launched his campaign.

<sup>138</sup> Nelson Banya, "Top official in Mugabe party backs election rival", Reuters, 1 March 2008.

in his support, in order to hedge their bets. This reflects the continued pull of the ruling party but also a deliberate effort to retain influence. By staying within ZANU-PF, Makoni backers, including some with close links to the military and security forces, are in a better position to mobilise support through party structures in critical rural areas and to protect the candidate against election rigging. Should the Makoni campaign fail, however, they would be better able to make their peace with the victors.

But Crisis Group contacts indicate that Makoni does have influential backers. The most important are believed to be Solomon Mujuru and his wife, Vice President Joyce Mujuru. Also on the list are the country's other vice president, Joseph Msika; National ZANU-PF Chairperson and Parliamentary Speaker John Nkomo; retired General Vitalis Zvinvashe; Dzinashe Machingura (alias Alfred Mhanda), a liberation war hero and founding member of a veterans group, the Zimbabwe Liberators Platform, which broke with the pro-Mugabe war veterans association;<sup>139</sup> retired Major Kudzai Mbudzi; former Industry and Trade Minister Nkosana Moyo; and the first post-independence education minister, Fay Chung (credited with contributing to the literacy surge in the 1980s).<sup>140</sup>

Funding comes from members of the influential business community, which believes Makoni has the credentials to turn the economy around. His chief strategist is Ibbo Mandaza, a member of the ZANU-PF intelligentsia and a politician turned publisher with business links. The spokesperson is Mugabe's former press secretary turned businessman Godfrey Chanetsa.

Having failed to block Mugabe's endorsement at the December congress, the Mujuru camp now seeks either to secure Makoni's election or, failing that, to acquire decisive influence over the Mugabe succession in the post-election period. The strategy involves working both through internal party structures and with the opposition.<sup>141</sup> The key to winning the election is to solicit support for Makoni through party structures in ZANU-PF's provincial strongholds: Mashonaland East, Masvingo and Manicaland (also Makoni's home province), as well as the three Matabeleland provinces. If successful, this would cut

into Mugabe's traditional rural base.<sup>142</sup> The expectation is that Makoni can attract many urban voters who are frustrated with the MDC's internal squabbles and ineffectiveness.

The second track of the strategy focuses on gaining control of parliament in the 29 March elections, even if Makoni loses the presidency. This would prevent Mugabe from using Amendment Eighteen to anoint his preferred successor (probably Mnangagwa).<sup>143</sup> The Mugabe camp has a numerical advantage in terms of parliamentary candidates.<sup>144</sup> The Makoni camp has fielded only some 73 independents, though it counts approximately 90 officially ZANU-PF candidates as potential supporters. It also banks on the support of both MDC factions – which are likely to win a majority of seats in urban areas and the Matabeleland provinces – to make Makoni president in the event that the parliament eventually has to act as an electoral college, pursuant to Amendment Eighteen, due to Mugabe's death in office or incapacity.<sup>145</sup>

Echoing the inflammatory language used against the MDC, the state media has branded Makoni a puppet of the West; Mugabe himself called his former cabinet minister a prostitute and deviant on nationwide television.<sup>146</sup> War veterans led by Jabulani Sibanda, a relative and key Mnangagwa ally, were unleashed against influential ZANU-PF Makoni backers like Dabengwa. Other suspected Makoni backers face harassment and intimidation. Makoni announced his candidacy as ZANU-PF was completing a nomination process for parliamentary candidates marked by intense factional rivalry. The Mugabe camp<sup>147</sup> immediately halted that process in order to purge perceived Makoni backers,<sup>148</sup> but a majority of the candidates had already been confirmed. In a few instances, pro-Mujuru Makoni candidates were stripped of nominations but still were able to file election qualifying papers. This has resulted in two ZANU-PF parliamentary

<sup>139</sup> The "war veterans" are a diverse group. Many like Jabulani Sibanda and his followers have questionable credentials and did not necessarily participate in the liberation struggle (some were too young); others feel that ZANU-PF has betrayed the original ideals of the liberation struggle.

<sup>140</sup> Crisis Group interview, ZANU-PF politburo member, Johannesburg, 8 February 2008. Those on this list who have made public statements of support for Mugabe include Joyce Mujuru, Nkomo and Zvinvashe.

<sup>141</sup> Crisis Group interview, ZANU-PF politburo member, Harare, 6 January 2008.

<sup>142</sup> Crisis Group interview, senior ZANU-PF official involved in the Mujuru/Makoni initiative, Johannesburg, 16 January 2008.

<sup>143</sup> Crisis Group interview, ZANU-PF politburo (Mnangagwa camp), Harare, 30 December 2007.

<sup>144</sup> Crisis Group interview, ZANU-PF politburo member on the party's election directorate, Johannesburg, 15 February 2008.

<sup>145</sup> Crisis Group interview, ZANU-PF politburo member (Makoni camp), Pretoria, 13 February 2008.

<sup>146</sup> "No regime change, Mugabe vows at birthday bash", *Mail and Guardian*, 24 February 2008.

<sup>147</sup> The term Mugabe "camp" or "faction" is used below as shorthand for a bloc led by the president and, most prominently, his ally Emmerson Mnangagwa. As with the Mujurus, it is heterogeneous, with different and sometimes competing interests.

<sup>148</sup> Crisis Group interview, ZANU-PF central committee member (Mnangagwa camp), Pretoria, 12 February 2008.

candidates standing in some constituencies.<sup>149</sup> Other pro-Makoni candidates have registered as independents.<sup>150</sup>

Makoni's entry in the presidential race has apparently isolated Mugabe in the party presidium, which has the power to overrule politburo decisions,<sup>151</sup> and exacerbated fissures in the politburo, as well as in the military, intelligence and civil services.<sup>152</sup> The prospect of a Makoni presidency appears to be dividing the leadership of the security forces. Military sources told Crisis Group that only the Mugabe loyalist Defence Forces Commander General Constantine Chiwenga was not amenable to a Makoni presidency.<sup>153</sup> Other senior security officials, like Air Force Commander Perence Shiri, CIO Director-General Happyton Bonyongwe and Army Commander Phillip Sibanda, are believed to be sympathetic to a Makoni administration.<sup>154</sup> With its loyalty in doubt, Mugabe has bypassed the presidium and politburo and is working to quell the party rebellion through a trusted inner circle led by Mnangangwa, Chiwengwa, Reserve Bank Governor Gideon Gono and some members of the Joint Operation Command.<sup>155</sup>

Makoni enjoys more confidence and support in the SADC region than the MDC's Tsvangirai, including from South Africa's Mbeki and Tanzania's President Jakaya Kikwete (also AU Chair). He has drawn on extensive contacts from his service as SADC Executive Secretary to sell his program to regional peers.<sup>156</sup> Dabengwa also has close

links with the ANC leadership in South Africa dating back to the liberation struggle. In meetings there in mid-February 2008, he briefed members of the Zimbabwean community and senior ANC leaders, including Mbeki and Jacob Zuma, on Makoni's candidacy.<sup>157</sup> Fearful of the precedent an MDC victory would set in a region largely controlled by liberation-era parties and more confident that a ZANU-PF successor to Mugabe could keep the military in the barracks, South Africa and other SADC countries would be sympathetic to a Makoni presidency and a possible national unity government.

## B. A DIVIDED MDC

The failure to agree on an electoral strategy has raised hard questions about the willingness of MDC leaders to sacrifice ambition to make common cause against Mugabe as well as their ultimate capacity to govern. The hope was that the factions would field a single presidential candidate and refrain from competing with each other in the legislative elections. A proposed coalition agreement was to be "bound and guided by the single candidate principle".<sup>158</sup> It would have made Tsvangirai the MDC presidential candidate, while Mutambara contested a safe parliamentary seat in Harare. After the elections, the factions would have pursued full reunification. Parliamentary seats were to be distributed in each province on a 70-30 or 50-50 ratio, depending on the relative strengths.<sup>159</sup> However, months of unity talks formally collapsed on 3 February 2008 in disagreement over the distribution of parliamentary seats.<sup>160</sup>

The reunification strategy had been agreed in principle and awaiting signature, but at the last minute the

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<sup>149</sup> In the most populous province, Masvingo, for example, about twelve constituencies have both pro-Mugabe and pro-Makoni candidates standing.

<sup>150</sup> In Masvingo and Manicaland provinces, for example, candidates associated with the Mujuru-Makoni camp standing on the ZANU-PF ticket include Edison Zvobgo, Dzikamayi Mavhaire, Samuel Mumbengegwi, Henrieta Rushwaya, Nation Madongorere, and Sheila Mahere.

<sup>151</sup> The presidium is composed of Mugabe, Vice Presidents Joyce Mujuru and Joseph Msika and National Chairman and Parliamentary Speaker John Nkomo.

<sup>152</sup> Crisis Group telephone interview, senior army official, 12 February 2008.

<sup>153</sup> Crisis Group telephone interview, senior military official, 16 February 2008.

<sup>154</sup> This group prefers a Makoni presidency over a Tsvangirai presidency because the former's backers are closely associated with the liberation struggle, *ibid*.

<sup>155</sup> The Joint Operation Command (JOC) is made up of the heads of the army, police and intelligence services, Crisis Group interview, ZANU-PF politburo member, Pretoria, 29 February 2008. Other members of the inner circle include Labour Minister Nicholas Goche, State Security Minister Didymus Mutasa, National Commissar Elliot Manyika, Justice Legal and Parliamentary Affairs Minister Patrick Chinamasa and Women's League head Oppah Muchinguri.<sup>155</sup>

<sup>156</sup> Crisis Group telephone interview, official in Makoni's management committee, 16 February 2008.

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<sup>157</sup> Crisis Group interview, senior ANC official, Pretoria, 20 February 2008. The ANC and Joshua Nkomo's ZAPU (Zimbabwe African Peoples Union) were historically close. Both were members of the "Khartoum Alliance", a grouping of pro-Soviet Union liberation movements. Mugabe's ZANU was part of a rival group backed by Maoist China.

<sup>158</sup> Crisis Group has had access to an MDC document entitled the "Transitional reunification agreement between the MDC formations", which sets out in detail the mechanisms for an electoral pact and eventual reunification.

<sup>159</sup> In Harare province, for example, where the Tsvangirai faction is strongest, parliamentary seats would have been distributed 70-30, Tsvangirai-Mutambara; in Bulawayo, where the Mutambara faction is strongest, the reverse would have applied. Midlands was the only province where the distribution was to have been evenly split; six of the ten provinces were 70-30 in favour of the Tsvangirai faction; the split in Bulawayo, Matabeleland North and South favoured the Mutambara faction.

<sup>160</sup> Tsvangirai and Mutambara both confirmed to Crisis Group that the talks collapsed for this reason, Crisis Group interviews, Pretoria, 14 February 2008.

Tsvangirai faction's national executive council demanded the Matabeleland arrangements be changed from 70-30 favouring Mutambara to 50-50.<sup>161</sup> This destroyed the unity pact and the single candidate principle on which it was based. Mutambara subsequently withdrew from the presidential contest to support Makoni, and the MDC factions are competing against each other for seats in parliament and local councils.

Mutambara claimed to Crisis Group: "We would have very much liked to have forged an electoral pact informed by the single candidate principle, but this could not happen because our colleagues changed the terms of the agreement at the last minute, and in those circumstances we were left with no choice but to go it alone".<sup>162</sup> Tsvangirai was personally instrumental in initiating the reunification talks, but ultimately his inability to take his party with him showed a failure of leadership.<sup>163</sup> Articulating a widely held sense of disappointment with the opposition, Zimbabwean academic Eldred Masunungure said, "if an opposition party like the MDC does not see the purpose of uniting to end Mugabe's rule and disagrees on basic political strategy, you are left to wonder whether they are indeed worthy of taking power".<sup>164</sup>

### C. A UNITED FRONT?

Early in the Mbeki mediation, informal discussions took place without Mugabe's blessing around the establishment of a transitional government that would address critical constitutional issues in preparation for elections in 2010. It would be headed by a moderate ZANU-PF candidate, such as Makoni or Dabengwa, acceptable to the security establishment, with Tsvangirai and other MDC leaders taking senior cabinet positions. Mugabe would be given personal security guarantees and in return step down voluntarily at the December 2007 ZANU-PF Congress.<sup>165</sup> Following Mugabe's endorsement as presidential candidate at that congress, the discussions continued but on the assumption Makoni would need to challenge

Mugabe at the polls as leader of a united opposition front.<sup>166</sup>

The calculation was that a united MDC could win close to 50 per cent of the total vote and Makoni at least half the ZANU-PF vote, producing a victory margin the Mugabe camp would have difficulty contesting. Ideologically, such a "New Patriotic Front" would combine credible elements of the liberation movement with the pro-democracy opposition and so be able to reclaim the "liberation struggle" from Mugabe in both name and substance.<sup>167</sup> The MDC reunification talks were in part about whether the party would join such a united front, and their failure thus had wider implications.<sup>168</sup>

Mutambara and his faction have now joined Makoni, but the larger Tsvangirai faction has not. It welcomes Makoni's challenge as weakening ZANU-PF but casts doubt on the former finance minister's ability to bring genuine change.<sup>169</sup> Tsvangirai publicly dismissed Makoni as "old wine in a new bottle", a long-time member of the political establishment who shared responsibility for the economic crisis.<sup>170</sup> The Tsvangirai camp has even accused him of being "imposed" by the diplomatic community.<sup>171</sup> A Tsvangirai adviser told Crisis Group that as Makoni has no political constituency of his own, he should defer to the MDC leader on the presidency.<sup>172</sup> The Tsvangirai camp compares its ability to field candidates countrywide with the 73 independents standing under Makoni's banner. "They [the Makoni camp] should first show us what they are bringing to the table for us to talk about a possible arrangement to work together. We have an open mind, but they should show us what support they have on the ground", a senior MDC official explained.<sup>173</sup>

The Makoni camp views the Tsvangirai faction as dependent on an urban protest vote and points to its

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<sup>161</sup> Crisis Group interview, Arthur Mutambara, Pretoria, 14 January 2008.

<sup>162</sup> Ibid.

<sup>163</sup> Crisis Group interview, MDC National Executive member (Tsvangirai), Pretoria, 12 February 2008.

<sup>164</sup> Crisis Group interview, Eldred Masunungure, Pretoria, 14 February 2008.

<sup>165</sup> Crisis Group interview, source close to ZANU-PF, 29 February 2008. It is still unclear how Mugabe secured his endorsement at the ZANU-PF December Congress.

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<sup>166</sup> Although Dabengwa is more of a heavyweight, Makoni was chosen as the candidate because he is widely seen as neutral, not representing a particular tribe or historical movement. Dabengwa is from the minority Ndebele tribe and a ZAPU leader.

<sup>167</sup> Crisis Group interview, source close to ZANU-PF, 29 February 2008.

<sup>168</sup> Crisis Group interview, MDC official, Pretoria, 2 March 2008.

<sup>169</sup> On learning of the Makoni bid, MDC spokesperson Nelson Chamisa (Tsvangirai) said, "what we are seeing is a split in ZANU PF, and we have said it before that any weakening or limping of ZANU PF is good music for all democratic forces in Zimbabwe", Patricia Mpofu, "MDC welcomes new Mugabe challenger", *ZimOnline*, 6 February 2008.

<sup>170</sup> "Mugabe rival rules out alliance", BBC, 11 February 2008.

<sup>171</sup> Dr Alex Magaisa, "Who is imposing whom and why?", *The Zimbabwe Independent*, 2 March 2008.

<sup>172</sup> Crisis Group interview, Tsvangirai adviser Elphius Mukoweshuro, Pretoria, 12 February 2008.

<sup>173</sup> Crisis Group interview, MDC Treasurer General Roy Bennett, Johannesburg, 26 February 2008.

repeated failure to win elections. It believes its candidate has cross-party appeal and can capture both urban and rural votes. It further argues that Tsvangirai should step aside for Makoni, because a successful challenge to Mugabe and subsequent transition can only be led by someone from the ruling party.<sup>174</sup>

Nevertheless, a united front is still being discussed as an option in the event no presidential candidate receives a majority, thus necessitating a run-off. While there is almost no chance Mugabe would concede defeat merely because he was forced into a second round, a coalition of opposition forces from within and outside ZANU-PF would be highly significant, especially if it could be maintained into the post-election period.

## V. ELECTION SCENARIOS

Three main election scenarios are possible. Mugabe might be declared the winner with an absolute majority in the 29 March balloting. That would almost certainly require massive rigging of one kind or another, facilitated by the ZEC, even given the unsatisfactory election preparations and the prejudicial environment created by the government.<sup>175</sup> However, if Makoni's support extends into the ZEC, extensive rigging may not be possible. There would then likely be a run-off between Mugabe and either Makoni or Tsvangirai.<sup>176</sup>

### **Mugabe is declared the winner in the first round.**

If Mugabe is declared the winner after the 29 March vote, the MDC would immediately challenge the vote. Makoni's reaction would be less certain since, depending on the parliamentary results, he might still be in a position to succeed the elderly president in a relatively short time by operation of Amendment Eighteen.<sup>177</sup> Some rigging of the parliamentary elections can be expected, but it will be more difficult to do this comprehensively over some 270 contests with 976 candidates. The MDC, and perhaps only its Tsvangirai faction, could be left isolated to seek nullification of Mugabe's election through a court battle – which would be doomed to failure given the status of the judiciary – or by attempting to mobilise massive street demonstrations.

However, the prospect of popular outrage translating into extensive protests and violence as in Kenya is relatively small, since many ordinary citizens are resigned to another Mugabe victory and have opted out of politics. The MDC's only chance to influence a political transition would then be to join Makoni's parliamentarians in an effort to block Mugabe's succession plan, which would

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<sup>175</sup> Such rigging might involve, for example, acceptance by the ZEC of pre-marked ballot papers or blatant changes to the compiled vote totals, like Mwai Kibaki's men arranged in Kenya two days before results were officially announced, as described in Crisis Group Africa Report N°137, *Kenya in Crisis*, 21 February 2008.

<sup>176</sup> The Electoral Act (Chapter 2:13; Part XIX; Section 101 (3) (2002)) states: "[W]here two or more candidates for president are nominated and after a poll ... no candidate receives a majority of the total number of valid votes cast, a second election shall be held within twenty-one days after the previous election..." between the top two candidates. If those two receive an equal number of votes, parliament will meet as electoral college to elect one as president "by secret ballot and without prior debate".

<sup>177</sup> Zimbabwe's electoral rules do not allow Makoni, as a presidential candidate, to also stand for parliament, but Amendment Eighteen permits a non-member of parliament to be chosen president by the parliament acting as an electoral college.

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<sup>174</sup> Crisis Group interview, Makoni adviser, Pretoria, 11 February 2008.

probably mean having to accept another ZANU-PF presidency.

**Run-off between Mugabe and Tsvangirai.** Unless the Mugabe camp succeeds in massively rigging the election specifically to the disadvantage of Tsvangirai, the MDC leader stands a good chance of being Mugabe's opponent in a run-off. He still commands strong following in urban areas and his Manicaland home province. He may also retain significant support among the Ndebele of Matabeleland North and South and Midlands, who may resent the decision of Mutambara and his close colleague Welshman Ncube to throw the weight of their MDC faction behind a member of the ZANU-PF establishment.

If they must fight a run-off, Mugabe and his supporters would prefer it to be against Tsvangirai, since this would allow them to offer forgiveness to Makoni or at least many of his followers and make deals on the future government and the succession, in order to staunch the rebellion within ZANU-PF, then use all the ruling party's and the state's resources to defeat the MDC candidate. While Mugabe might be anticipated to escalate state-sponsored violence against opposition supporters, as he did after suffering an unexpected defeat in the referendum in 2000 on his proposed constitution,<sup>178</sup> he could paradoxically gain more political legitimacy in a run-off victory against Tsvangirai than from a more completely flawed and improbable first-round victory. The outcome would probably be contested by the MDC, but again with little chance of success.

**Run-off between Mugabe and Makoni.** If Makoni is to reach a run-off, the Mujuru camp will have to mobilise sufficient support from the ZANU-PF Shona rank and file, as well as among ZEC officials and members of the security apparatus, while other key supporters like Dabengwa, Mutambara and Ncube bring along Matabeleland and Midlands voters. This is not unrealistic, since Mugabe has become deeply unpopular among many ZANU-PF members as a result of his failed land reform and the economic crisis. But Makoni will probably also need to benefit from a low turnout in cities where Tsvangirai is strongest.

A run-off against Makoni would present Mugabe with greater difficulties. ZANU-PF could split irrevocably,

with Makoni gathering dissidents into a new party which the MDC factions might also join. Critical mass could build if a genuine united front were formed which could galvanise a still mostly apathetic electorate. With the parliamentary and municipal elections over, Mugabe could count even less on the support of party structures. His recourse would likely be to escalate the violence and try to impose his victory, but that would risk collapse of the 1987 ZANU-ZAPU Unity Accord, with loss of influential figures to the new party.<sup>179</sup> At that point there would be a high risk of infighting within the security establishment that could produce serious instability. Defence Forces Commander Chiwenga has openly said he is not ready to salute any president other than Mugabe.<sup>180</sup>

Mugabe might well be able to power his way to a victory even in such a scenario, but in the end, none of the three scenarios, to the extent that they result in his re-election, would be likely to produce a legitimate government for Zimbabwe or offer a promising way out of an economic crisis that could be expected only to worsen.

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<sup>178</sup> In February 2000, ZANU-PF unexpectedly lost a national referendum on the government-backed proposed new constitution, by a 55-45 margin. The MDC actively opposed the referendum, while the ruling party complacently assumed an easy victory. It was the first time Zimbabweans had gone against ZANU-PF in what was clearly a protest vote; the result was a shock to Mugabe and his government, which responded with violence and repression.

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<sup>179</sup> Crisis Group telephone interview, senior Zimbabwean military official, 17 February 2008.

<sup>180</sup> Kitsepile Nyathi, "Zimbabwe: Army Chief Warns of Coup If 'Sell Outs' Win", *The Nation* (Nairobi), 11 March 2008.

## VI. AU AND WIDER INTERNATIONAL ENGAGEMENT

Positive political prospects can sometimes result even from a less than fully free and fair election, as has been seen in Pakistan, but this is unlikely in Zimbabwe unless there is robust and coordinated African and other international engagement to mitigate the crisis and possibly prevent large-scale violence.

Mugabe selected election observers he believes will give him sympathetic treatment, while excluding Western countries and the Commonwealth. Nevertheless, the 47 invited foreign observer teams encompass a wide variety of national and regional groups, some of which have successfully participated in previous international observation missions.<sup>181</sup> It is critical that the election observers, particularly those from the AU and SADC, judge the elections in strict accordance with their regional standards. By doing so, South Africa and SADC could regain much of the standing they lost during the mediation. The refusal of all-African observer teams to endorse Kenya's flawed 27 December 2007 election offers an example for the AU, SADC and others to follow. This would involve calling attention to all defects in the process, including those predating conduct on polling day, and, if necessary, perhaps even declaring the outcome illegitimate and recommending political institutional and legal reforms so that new elections could be organised at a later time in a genuinely free and fair environment.

South Africa and SADC failed to obtain vital constitutional reforms before the 29 March elections. Much of their efforts can, nevertheless, still be salvaged. South Africa in particular should not accept a Mugabe fait accompli

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<sup>181</sup> Those invited to observe the elections include all SADC members (Angola, Botswana, the Congo (Democratic Republic), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zambia); ten other African countries (Senegal, Algeria, Egypt, Kenya, Nigeria, Ghana, Libya, Uganda, Ethiopia and Sudan); five Asian countries (China, India, Malaysia, Indonesia and Iran); and four Latin American countries (Brazil, Jamaica, Venezuela and Nicaragua). Regional organisations include SADC, the AU, the Common Market for Eastern and Southern Africa, NAM, the Economic Community of West African States, the Pan African Parliament, the Economic Community of Central African States and the East African Community. Among invited sub-regional organisations are the Africa, Caribbean and the Pacific Group of States, the Association of South East Asian Nations (ASEAN), the MAGREB Union, the Community of Portuguese Speaking (Lusophone) Countries and the Inter-Governmental Authority on Development (IGAD). "Zim invites 47 observer teams", *The Herald*, 7 March 2008.

but instead put its weight behind an AU mediation. The AU – through its outgoing chair, Ghana's President John Kufuor, and incoming chair, Tanzania's President Kikwete – played a key role in preventing an escalation of violence and ending the electoral crisis in Kenya, first by sending eminent African personalities led by former UN Secretary General Kofi Annan to begin a negotiation process, then by pushing through a power-sharing agreement between the incumbent president and the opposition leader. Something similar may become necessary in Zimbabwe.

A government whose legitimacy is questioned should not be recognised by African states. It would be prudent for the AU to be prepared to offer to facilitate negotiation of a power-sharing agreement between the three presidential contenders quickly after the vote, if circumstances require. Implementation of the already agreed draft constitution resulting from the Mbeki initiative and an economic recovery program would be key objectives.

A negotiated arrangement would have to guarantee a degree of continuity with the current regime. Mugabe might have to remain a non-executive head of state for a period leading to new elections, while an executive prime minister runs a transitional government to end the political crisis and implement an economic recovery strategy. He should, however, be constitutionally barred from standing in future polls, thus forcing a succession process and his political marginalisation. A power-sharing deal would most likely need to provide current regime leaders, political and military, with guarantees against prosecution and be anchored in a constitutional amendment.

Events are outrunning Western policy. Makoni, for example, is on the EU sanctions lists, as are many of his key allies.<sup>182</sup> As political forces realign, those lists are becoming out of date. They should be reviewed in the light of any power-sharing negotiations. Although the EU and U.S. have little appetite to re-engage with a ZANU-PF regime, they should judge the next government, whatever its composition, on its program.<sup>183</sup>

While there are domestic constraints that would make it difficult for Western governments to deal with any government that contained Mugabe,<sup>184</sup> international re-engagement should not be made dependent on his

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<sup>182</sup> Makoni is not on the U.S. sanctions list.

<sup>183</sup> There is growing acknowledgment in Western capitals that for the foreseeable future Zimbabwe's government is likely to be linked to ZANU-PF, Crisis Group interviews, Western diplomat, 9 January and 20 February 2008.

<sup>184</sup> This is particularly true in the UK where a sometimes sensationalist media has focused heavily on the situation in Zimbabwe and characterised Mugabe as the archetypal dictator, Crisis Group interviews, London, January 2008.



removal. It should be designed to support and promote genuine institutional and security sector reform, which could be consistent with his retention pursuant to a negotiated settlement as a non-executive head of state for a certain period. The establishment in January 2008 of a World Bank-coordinated donor trust fund for Zimbabwe is an important step in the right direction. The fund provides a much-needed framework for aid and is commissioning studies on sectoral areas (like civil service reform) that will need to be addressed in a reconstruction phase.<sup>185</sup> Donors should say publicly what they are ready to offer and under what precise conditions if a reformist government is established.

## VII. CONCLUSION

As political forces realign within both the ruling party and the opposition, Zimbabwe's situation is volatile, with a high risk of violence. The open political rebellion within ZANU-PF marks the start of a transition that will likely be protracted and difficult. An endorsement of a flawed election and sharply disputed outcome by the AU or SADC would not help that transition. If the region's leaders were again to recognise an illegitimate government, Zimbabwe's dramatic economic disintegration would continue, and the inevitable early next round of the struggle over Mugabe's succession could easily provoke bloodshed.

Even after the 29 March elections, a negotiated compromise, including creation of a transitional government, will likely be the prerequisite to halting the crisis, but only the first step. The AU needs to be ready to seize that opportunity. The new government, with substantial external help, will then need to reform an entrenched military-security complex, attack endemic corruption, reverse economic decline and institute major democratic reforms.

**Pretoria/Brussels, 20 March 2008**

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<sup>185</sup> Crisis Group telephone interview, Western diplomat, Harare, 25 January 2008.

APPENDIX A

MAP OF ZIMBABWE

