

INTERNATIONAL CRISIS GROUP - NEW REPORT

Zimbabwe: Another Election Chance

Pretoria/Brussels, 30 November 2004: African institutions and above all South Africa need to apply pressure to make Zimbabwe's upcoming elections free and fair. The U.S., UK and EU should tone down their rhetoric and get behind African efforts.

[Zimbabwe: Another Election Chance](#),* the latest report from the International Crisis Group, highlights a small opening for returning to genuine politics as a means for resolving the country's deep crisis. South Africa is the state with by far the most influence on its neighbour, but London, Washington and other Western capitals, whose own rhetoric has at times been considerably more forceful, need to harmonise policies and support African leaders.

"The chance the elections scheduled for March 2005 can be a genuine turning point is small, but it is there", says Suliman Baldo, Director of Crisis Group's Africa Program, "if African leaders push the ZANU-PF regime to live up to its commitments. The regime wants a C-minus election -- fairly clean on election day but deeply flawed by months of non-democratic practices that determine the results in advance.. African monitoring teams need to be in country by 1 January and then press hard for the creation of a level electoral field".

Zimbabwe's crisis remains severe, with widespread abuse of human rights and ever harder lives for the average citizen. The ruling ZANU-PF party continues to use repression and manipulate food aid unscrupulously for partisan purposes.

In recent months, Zimbabwe has come under more intense African scrutiny in regard to the elections. In July 2004, the African Union (AU) adopted a report severely critical of the government's poor human rights record. AU heads of state deferred early action, but the following month, the Southern African Development Community (SADC) approved a protocol setting out principles and guidelines for democratic elections in the region.

Partly in reaction to African pressure, President Mugabe endorsed the SADC rules. The specific steps he indicates he will take to implement them, however, are seriously flawed. Repressive laws need to be repealed, and a genuinely independent electoral commission operating at least two months before election day or the elections should be postponed -- they do not need to be held before September -- to allow those essential steps to be taken.

The opposition Movement for Democratic Change (MDC) should decide quickly against a boycott and develop a unified strategy if it is to make the most of the elections. "The MDC should conduct a full campaign", says Crisis Group's South Africa Project Director Peter Kagwanja. "If the right electoral environment can be created -- a big 'if' -- there is a chance to reverse the slide toward national and regional chaos. If not, the international community will soon need to consider tougher measures in less favourable circumstances".

Contacts: Andrew Stroehlein (Brussels) 32 (0) 485 555 946

Jennifer Leonard (Washington) 1-202-785 1601

To contact Crisis Group media please [click here](#)

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Zimbabwe: Another Election Chance

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Zimbabwe's crisis -- political as well as economic -- remains as deep as ever, with widespread abuse of human rights and ever harder lives for the average citizen. The ruling ZANU-PF party continues to use repression and manipulate food aid unscrupulously for partisan purposes. African institutions and above all South Africa need to apply pressure to make the crucial elections scheduled for March 2005 free and fair in order to give the democratic opposition a chance. Western friends of Zimbabwe like the U.S., UK and EU should tone down rhetoric and get behind the African efforts if a vital chance to resolve the crisis peacefully is not to be lost.

President Mugabe has used economic bribery, bullying, and propaganda to stage something of a comeback. While polling data in Zimbabwe is controversial, a recent finding suggests his support may have increased from a 2000 low of 20 per cent to as much as 46 per cent, and his job approval from 21 per cent to 58 per cent. It is just possible ZANU-PF could win those elections in a relatively straightforward way now that it has used so many unfair advantages to tilt the electoral playing field.

As the party prepares for its annual Congress in the first week of December, however, it is riven by bitter ethnic, generational and even gender disputes. Important decisions foreshadowing an eventual successor to Mugabe are due but he may well continue to keep the key contenders guessing. ZANU-PF seeks a sweeping victory in the parliamentary elections so it can amend the constitution at will, perhaps to create a new executive structure and an honorary position into which Mugabe might step before his term expires in 2008.

In recent months, Zimbabwe has come under African scrutiny in regard to those elections. In July 2004 the executive council of the African Union's (AU) foreign ministers adopted a report severely critical of the government's poor human rights record. AU heads of state deferred early action, but the following month the Southern African Development Community (SADC) adopted a protocol setting out principles and guidelines for democratic elections in the region.

Partly out of his renewed sense of confidence, partly in reaction to the pressure from African quarters he cannot afford to dismiss and has thus far always been able to work an accommodation with, Mugabe endorsed the SADC principles and guidelines. The specific legislative steps he indicates he will take to implement them, however, are flawed, such as a new electoral commission whose independence will be doubtful because he and his party are to have overwhelming influence on selection of members.

As matters now stand parliamentary elections would clearly not be free and fair. If the technical reforms now under discussion are taken but are not matched by other measures -- repeal of repressive laws and an end to political violence such as that widely practiced by state-sponsored youth militias -- the best prospect in sight is a C-minus election that is fairly clean on election day but deeply flawed by months of non-democratic practices. There are no signs that the government is yet prepared to take those essential additional steps.

The opposition Movement for Democratic Change (MDC) must revive itself quickly and develop a unified strategy if it is to make the most of the March elections. Its leader, Morgan Tsvangirai, has at least been acquitted of one set of trumped up treason charges but a second such case still hangs over his head, the party remains persecuted in numerous ways, and its leadership is uncertain over how to respond. The decision taken in August 2004 by the MDC leadership group to boycott the March 2005 elections unless there can be a guarantee in advance that they will be free and fair will be reviewed in the coming weeks. A last minute decision to boycott can always be made if circumstances compel it, but it is critical for the MDC's credibility and effectiveness as a political force that it participate now in the political and electoral process to the greatest possible extent. At the same time, it should seek to maximise understanding from SADC and other observers of the need for genuine electoral reforms to be implemented before the elections.

If something is to be made of the electoral opening, small and problematic as it is, it will need to be those with the greatest leverage -- Mugabe's fellow Africans -- who make most of the running. South Africa, the state with by far the most influence on its neighbour, remains committed to quiet diplomacy, and other African states strongly prefer to emphasise gradual change -- a "restoration" of at least better governance -- rather than sudden, and as they tend to see it, destabilising "regime change". If they are to be effective in the next few months, London, Washington and other Western capitals, whose own rhetoric has at times been considerably more forceful, need to harmonise policies and support the Africans.

Specifically, efforts should focus on holding the Mugabe regime to its commitment on the SADC Protocol and getting observation missions into the country immediately so they can monitor and raise warnings about the broader environment in which the election process unfolds. If ZANU-PF does not undertake major reforms in the coming weeks, and most particularly if a genuinely independent electoral commission is not operational at least two months before the scheduled date of the elections, those missions should press for rescheduling at least to June, when the term of the present parliament expires. The MDC should conduct a full campaign.

If these things can be done, it may just be possible for the 2005 elections, whether in March or slightly later, to be free and fair enough to mark an important turn back toward genuine politics as the means for resolving Zimbabwe's crisis. Out of that might come a division of power based on genuine election results, perhaps followed for the first time by productive inter-party discussion on the country's future.

It must be said frankly that the odds against such a relatively optimistic scenario are substantial. Because the international community appears to lack the will or the means to formulate and implement a more comprehensive and forceful strategy at this time, however, it is worth dedicating the next few months to even a small chance. The alternative is a continued slide toward national and regional chaos, which would ultimately require the international community to consider much graver measures in even less promising circumstances.

RECOMMENDATIONS

To the Zimbabwe Government and ZANU-PF:

1. Implement by 1 January 2005 as preparation for the parliamentary elections scheduled for March 2005 the SADC principles and guidelines governing democratic elections in letter and spirit, including by:

- (a) working with the opposition MDC to develop consensus on technical electoral reforms and their implementation, including appointments to a new, independent electoral commission;
- (b) revising or repealing laws such as the Preservation of Public Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA), the Private Voluntary Organisations Act (PVO) and the new NGO Bill so as to restore rule of law and political freedoms necessary for the conduct of truly free and fair elections;
- (c) ending political violence by disbanding youth militias and desisting from using the military to repress political opponents;
- (d) ceasing manipulation of food aid for political purposes; and
- (e) desisting from messages of hate in public rallies, state events and the press, and tacit approval of violence.

To the MDC:

2. Decide to contest the parliamentary elections, and campaign accordingly, even if it is not possible to obtain at this stage absolute guarantees that they will be conducted in a fully free and fair manner.

To the South African Government:

3. Press the Zimbabwe government bilaterally and within SADC to:

- (a) adhere to the SADC principles and guidelines;
- (b) repeal repressive laws so that truly free and fair parliamentary elections can be held in March 2005; and
- (c) cooperate within SADC and the AU to ensure a robust monitoring presence is in country by 1 January 2005.

To SADC:

4. Pursue implementation of the protocol on principles and guidelines for democratic elections vigorously with Zimbabwe in connection with the parliamentary elections now scheduled for March 2005, including by:

- (a) setting specific timelines for incorporation of those principles and guidelines into national law, regulations and procedures and for the establishment of a genuinely independent electoral commission;
- (b) sending a team by 1 January 2005 first to work with ZANU-PF and the MDC on implementation of the protocol's principles and guidelines, in letter and spirit, and then to monitor the elections;
- (c) announcing publicly that SADC will call for postponement of the elections at least to June 2005, when the parliamentary term expires, if the necessary preliminary steps, including establishment of a genuinely independent electoral commission, are not in place at least two months before the scheduled date of those elections; and
- (d) announcing publicly that SADC will not endorse the results of elections unless its monitoring team is satisfied that the entire election process was in conformity with the letter and spirit of the protocol's principles and guidelines.

To the Nigerian Government:

5. Use the chairmanships of the Commonwealth and the African Union to intensify pressure on the Zimbabwe government to create a level playing field for the 2005 parliamentary elections.

To the African Union:

6. Maintain a watchful eye on the human rights situation before the 2005 parliamentary elections, including by sending a team of experts by 1 January 2005 to assess the electoral environment, and support implementation of the SADC principles and guidelines by the Zimbabwe government.

To the Wider International Community, especially the European Union and the United States:

7. Support the efforts of African states and institutions to achieve free and fair parliamentary elections in Zimbabwe in 2005, in conformity with the letter and spirit of the SADC Protocol, including by:

- (a) helping finance and train monitoring teams;
- (b) urging deployment of a UN election monitoring team by 1 January 2005; and
- (c) assisting Zimbabwean civil society voter education efforts.

8. Deliver clear messages to the Zimbabwe government through diplomatic channels that it cannot expect any development assistance or positive political relations, including relaxation of existing targeted sanctions unless a clear consensus exists among monitoring teams that the parliamentary elections have been free and fair, within the letter and spirit of the SADC Protocol.

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