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Zimbabwe's Impending Elections: What Other Countries Can Do, and Why

By Roger Bate

Without pressure from outside nations, upcoming elections in Zimbabwe are almost certain to hasten the country's slide into dictatorship under longtime leader Robert Mugabe. Pressure must be brought to bear on Zimbabwe's Southern African neighbors to enforce the agreed election protocols or they, and not just Zimbabwe, should face the withdrawal of aid, trade deals, and other U.S. largesse.

His Excellency Comrade Robert Mugabe remains president of Zimbabwe because he is a tyrant who stole two elections. The international community is absolutely convinced of this, but South Africa and most of Zimbabwe's neighbors have refused to condemn him. Instead, the Southern African Development Community (SADC) is trying to cajole Mugabe into acting decently. It is failing miserably.

Two years ago, South Africa's president, Thabo Mbeki, gave President Bush the assurance that his "quiet diplomacy" would resolve the impending problem of a complete lack of democratic process in Zimbabwe. Now that the date of presidential and parliamentary elections has been announced as March 31, the problem has become urgent. All signs indicate that Comrade Robert intends to cheat and brawl his way to another "victory."

In August 2004, the leaders of SADC, an alliance of fifteen southern African countries, agreed to adopt electoral guidelines intended to ensure free and fair elections throughout the region. Part of the deal was that an SADC team would be invited to visit each country prior to elections and assess whether the guidelines were being implemented. When it came to Zimbabwe, South Africa was confident that these arrangements would satisfy critics who had accused

SADC leaders of allowing Mugabe to rampage over civil freedoms. But South Africa's foreign minister, Nkosozana Dlamini-Zuma, was obliged to admit to a parliamentary media briefing that the SADC team would be welcome only as part of a pan-African (African Union) poll observer team, and not significantly in advance of the elections.

Mugabe well understands that limited election monitoring is the absolute minimum requirement that allows his regime to be internationally recognized. By allowing the SADC a brief, sanitized glimpse at the election process, Mugabe is shrewdly trying to use the organization as a patsy for his legitimacy. It has worked well enough before, since SADC ignored numerous reports of violence and ballot-rigging and laughably declared the last two elections "largely free and fair." But will SADC yet again play into Mugabe's hands and allow for this most recent snub to go unpunished? If it does, then the SADC, and not just Zimbabwe, is not serious about democratic reform.

Recent signs of tension between South Africa and Zimbabwe indicate that at least SADC's most powerful member is growing nervous over the potential damage to its reputation brought on by dawdling over another sham election. Within the last month, a Zimbabwe court convicted three people of selling state secrets to South Africa. Most recently, a pre-election fact-finding delegation from South Africa's official parliamentary

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opposition party, the Democratic Alliance, was expelled on arrival at Harare International Airport. Zimbabwe has also twice barred the powerful Congress of South African Trade Unions (COSATU), allied to Mbeki's African National Congress party, from sending fact-finding missions to the country ahead of the vote.

Mugabe's views on his own country's trade union organization are made plain on the website of the party he leads, Zanu PF:

The Zimbabwe Congress of Trade Unions (ZCTU) has been exposed for what it is, a front for employers and the opposition MDC. The ZCTU, which is bankrolled by employers, the MDC and imperialist countries such as Britain and the USA has for the past five years ignored the plight of workers and concentrated on pursuing the agenda of the opposition party of trying to topple the ZANU PF government.

When last October COSATU representatives visited Zimbabwe at the invitation of the ZCTU, they were thrown out after spending only a few hours in the country, since Zimbabwean officials described their visit as "inappropriate and offensive." Undeterred, the general secretary of COSATU, Zwelinzima Vavi, planned another trip, which was also blocked. COSATU announced a protest blockade of the border crossings.

Opposition and Dissent

The Movement for Democratic Change (MDC) is Zimbabwe's only opposition party, and the decision for the MDC to take part in the election was taken only on Friday, February 12. After the announcement, Mugabe's government wasted no time marginalizing MDC's participation. By the following Tuesday, February 15, the Zimbabwean attorney general, Sobuzza Gula-Ndebele, ordered prosecutors around the country to revive charges against MDC activists that long ago were dropped because of lack of evidence. Unsurprisingly, the MDC sees this as a clear bid to hamstring its election campaign. Legal challenges to the last elections have yet to be heard. And though MDC leader Morgan Tsvangirai was recently acquitted of treason, another trial for treason is pending.

The stakes in these elections are high. The MDC is planning to put up 120 candidates, although several candidates did not succeed in registering at nomination courts by the deadline of February 18. (The matter is still

pending as we go to press.) They currently have fifty-seven seats in parliament and must retain at least fifty to veto constitutional amendments. Should Zanu PF muster a constitutional majority, the limited checks on Mugabe's power would all but disappear. Unsurprisingly, the current regime is doing all it can to ensure such an outcome. Speaking on February 17, MDC secretary-general Welshman Ncube said that so far many candidates had been unable to find an official in place to process their applications, without which, of course, they cannot register. He adds, "We have written to the Zimbabwe Election Commission repeatedly, but they ignore us."

On February 16 the MDC started making preparations for the election by holding a candidate training workshop at a hotel in the capital, Harare. But the MDC is still under intense surveillance, and police soon arrived to declare the workshop illegal and to demand that the candidates disperse. The MDC election manager, Ian Makone, was arrested and later released.

Arrests of officials and candidates have been a daily occurrence since Mugabe was shaken by the success of the MDC in the 2000 general election. He has successfully strained to make the lives of party officials uncomfortable. A survey taken a year ago among MDC members of parliament (MPs) found that 42 percent claimed to have been assaulted in the previous four years, most commonly by the police, while 24 percent said they had survived assassination attempts. Three MPs had died following assaults. Most MPs had been arrested. Only one had been convicted: Job Sikhala was eventually fined \$5 for assaulting a police officer, after having been arrested seventeen times, stripped, bound, blindfolded, subjected to electric shocks to his teeth and testicles, and urinated on by a policeman.

MP Roy Bennett is contesting his seat despite being in prison and serving a ten-month sentence on a chain gang. Bennett's offense was to push Patrick Chinamasa, the justice minister, during a heated debate in which the minister branded Bennett's family "murderers and thieves." Bennett was unconstitutionally sentenced by a parliamentary committee, but this means that he is not a convicted prisoner and can stand for reelection. Despite being white, he speaks the local language, Shona, fluently, is well liked, and is certain to win.

In Mugabe's own tribal (Shona) heartland, Mashonaland, he expects unquestioning support, rather than grudging acceptance. But unease is growing as food supplies become dangerously low. And while in a recent survey most agreed that life was getting harder and that the

government was to blame, most still said they would vote for the ruling Zanu PF “because we fear that if we turn against the government, we will be victimized,” said one.

When addressing his people, Mugabe routinely portrays the MDC as foreign-sponsored militants seeking to undermine the country’s prosperity and security, and against which he is bravely fighting: “The MDC is now a timid and much frightened creature as it tries to create all sorts of excuses to escape certain electoral defeat. . . . Let them be warned, however, that we shall brook no violence or any act that may seek to tarnish the country’s image. Let them also be warned that our security organs will show no mercy towards any aberration that detracts from our peace, stability and tranquility. The situation of law and order must be maintained,” he exclaimed recently.

Repeals Required

So far Mugabe has shown no intention of complying with SADC protocols, but if he was pressured to comply, he should start by repealing these damaging laws: Public Order and Security Act (POSA) No. 1 of 2002; Access to Information and Protection of Privacy Act (AIPPA) No. 5 of 2002; Non-Governmental Organizations Bill (NGO), still to be signed into law and gazetted; and Zimbabwe Electoral Commission Act (ZEC), No. 22 of 2004.

There are five key sections of POSA that must be repealed immediately for there to be the least chance of a free and fair election in six weeks’ time.

- Sections 15 and 16 provide that imprisonment can result from publishing anything prejudicial to the state and abusive of the president. Remarkable even by Zimbabwe’s despotic standards, this act was passed into law despite being contrary to Section 20 of Zimbabwe’s constitution, which protects freedom of speech.
- Sections 24, 25, and 26 also pack a punch. These establish that agreement by the police and four days’ notice are required before a political rally and other meetings can occur. These sections effectively ban opposition meetings. This is in direct contravention of Section 21 of the constitution.

Two sections of the NGO should be removed before it is enacted. Preferably the bill should be completely

abandoned and the perfectly serviceable Private Voluntary Act reinstated.

- Section 9 duplicates Sections 24–26 of POSA and imposes the same restrictions on national and international bodies.
- Section 17 makes it illegal to accept foreign funding for NGOs, including from Zimbabweans living abroad. This notably restricts work on human-rights protection, voter education, and monitoring voter fraud.

The whole purpose of the Access to Information and Protection of Privacy Act seems to be to restrict freedom of the press. The entire Act should be repealed since it has no redeeming qualities. Press freedoms in Zimbabwe are virtually nonexistent; since the last independent daily newspaper, the *Daily News*, was bombed out of its offices in 2003, the electronic media are all controlled by Mugabe, and nearly all foreign journalists have been expelled.

The Zimbabwe Electoral Commission Act is the most blatantly pernicious specimen of this sorry collection of legislation. Five sections, particularly, should be repealed. Sections 17, 51, and 83 respectively allow the military to “supervise” elections, to decide the number and location of polling stations, and to exclude MDC observers from polling stations.

Section 21 allows the voters’ roll to be in paper rather than electronic form. Before this was enacted last year, the registrar-general could have provided an electronic copy to all legitimate requesters—not that he ever did, since Mugabe demanded limited access. Paper rolls can be stolen, and when they have been one realizes why Mugabe limits access. Perhaps 400,000 deceased people are on the old roll—and the dead do not vote for the opposition. The roll should be given electronically to the opposition to help identify voting fraud.

Section 71 restricts postal ballots, effectively disenfranchising all Zimbabweans (probably over 4 million of a current electorate of approximately 11 million) living abroad, many of them as political exiles.

This last item is being legally challenged by a group of exiles living in Britain, the Diaspora Vote Action Group. This is a group of six people, but they represent perhaps close to 90 percent of the Zimbabweans living outside the country. The group has pointed out that Section 71 is contrary to the constitution and that both

Botswana and Mozambique included overseas residents in recent elections. These arguments are unlikely to cut any ice with Justice Minister Patrick Chinamasa. But they may be useful to convince SADC leaders that Zimbabwe is an undemocratic pariah that will harm the organization's reputation.

Socioeconomic Indicators and the Zimbabwean Diaspora

The Zimbabwean economy has halved in value in the past five years; money is printed on one side only and is largely worthless since inflation is rampant, unemployment is over 80 percent, and most people have given up trying to find a job. Not surprisingly public services have collapsed.

The state education and health systems, the proudest achievements of Mugabe's early years in office, are imploding. In 2000, primary school enrolment was 95 percent for boys and 90 percent for girls. Four years later it was 67 percent for boys and 63 percent for girls. Ordinary Zimbabweans are so broke that they cannot afford state school fees of \$4 a term. The middle classes still had the luxury of sending their children to private school of very high quality—until the police brought notices round to the schools commanding them to reduce their fees to nominal rates that are too low to cover costs. As teaching standards fell, the pupils were taken away, not just from school, but from the country.

AIDS and other infectious and opportunistic diseases are running riot in Zimbabwe, helped along by malnutrition. Apart from lack of rains two years ago, which caused Mugabe to request international famine relief, his policy of reclaiming farmland "stolen by imperialists" has slashed food production. While actual production figures are kept secret, the U.S.-funded Famine Early Warning Systems network recently reported that about half the population—5.8 million people—would need emergency food aid before the next harvests in April. While MDC persistently claims that its own supporters are denied government food handouts, the government reacted angrily to the claims of shortage. Agriculture Minister Joseph Made described the report as part of Western plans to destabilize Zimbabwe ahead of the elections. The author witnessed food roadblocks preventing

maize from being transported into opposition areas in November.

The combined effect of food shortage and disease has been disastrous. In 1992, life expectancy in Zimbabwe was sixty; in 2002 it was thirty-three and dropping. Infant mortality has doubled in a decade. The official HIV/AIDS rate in 2002 was about 27 percent (the third highest in the world), but the real rate is probably much higher, since sexual behavior, both forced (notably in Mugabe's youth camps) and consensual, is likely to spread HIV rapidly.

AIDS patients have no drugs and no future. Many are too sick to travel and seek treatment abroad, but younger Zimbabweans, who are overtly healthy though malnourished, leave if they possibly can. This is exactly the age group that carries the highest HIV burden, and they take the virus with them wherever they go—many of the women into prostitution.

The only good news is that the diaspora of Zimbabweans into neighboring states may further encourage SADC leaders to act. In the short run Southern Africa benefited from the influx of single, educated Zimbabweans, but as the exodus continues those leaving have an undesirable profile—lesser educated and probably carrying a higher burden of disease. Neighboring African leaders will soon have to choose between strong action against Mugabe or destabilizing health and economic situations in their own countries. Acting now would demonstrate foresight and prudence.

Western Policy

The MDC has entered the upcoming election "without prejudice" and so reserves the right not to comply with the outcome. If it sees evidence of rigging when the vote occurs, and presuming it has some successful candidates, the MDC could refuse to take up seats in parliament, and so invalidate the result. After that, the best hope is that its neighbors will finally refuse to recognize the legitimacy of the despotic regime that is dragging them all down with it. But what can the West do?

So far policy has revolved around smart sanctions against the seventy-one highest ranking Zimbabwean

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officials, from Mugabe to odious generals like Vitalis Zvinivasche, who has hundreds of deaths on his hands. These sanctions, which prevent travel to the United States and to EU countries, have apparently upset the hierarchy but have had little impact on policy changes. No doubt diplomatic channels are open and must remain so, but so far, inaction has been the order of the day. Quiet diplomacy—the “talk, talk, and more talk” of South African president Thabo Mbeki—is changing nothing in Zimbabwe, and the West’s support of this strategy has done no good.

Unlike in the Darfur region of the Sudan or the regions ravaged by the tsunami last December, the bodies are not piling up in Zimbabwe under the scrutiny of a video-hungry media. Instead, apart from a steady but relatively small number of victims of political murder, black

Zimbabweans are dying out of sight, in rural communities, of starvation and HIV.

Secretary of State Condoleezza Rice is to be commended for addressing Zimbabwe. But the rhetorical battle has only just begun. She must convince SADC leaders that U.S. aid, military support, and other diplomatic favors such as trade deals hinge on their solving the problem on their doorstep. They must believe that unless they enforce the election protocols agreed to by Mugabe, the United States will withdraw support for the region.

The big question is whether Mbeki will finally stand up to the man who supported him during the apartheid years by allowing ANC bases in Zimbabwe. America can—and it should—make it too uncomfortable for Mbeki not to. Business as usual should not be an option for this outpost of tyranny.