



The Zimbabwe Elections: A Dream Deferred

Special Report

June 2008

EXECUTIVE SUMMARY

“Fear and anxiety concern the post-election process. The most frequent comment from the residents and well as others: ‘will the old man rig the election; will the count be fair...?’ The fear of a stolen election and the possible outbreak of spontaneous violence creates a palpable anxiety throughout the country.”

So concludes a March 31 message from a member of the Africa Action/TransAfrica Forum Election Observer Mission to Zimbabwe. As this report goes to print, the election results have been announced, after an unprecedented month-long delay, but the country’s political future is unclear. The results:

- Out of a 5.2 million eligible voters, approximately 42% of those eligible voted.
- For the first time in 28 years, the ZANU-PF government lost control of the Parliament. There were 210 parliamentarians elected to the House of Assembly. The combined opposition won 109 seats, ZANU-PF 97, and one seat went to an independent.
- In the Senate, there were 60 seats being contested. ZANU-PF took 30 seats, MDC’s Tsvangirai faction took 24 seats, and the MDC’s Mutambara faction got six seats.
- Morgan Tsvangirai defeated President Robert Mugabe in the presidential election, but not with enough votes to avoid a run off: Morgan Tsvangirai - 47.9 %, Robert Mugabe - 43.2%, and Simba Makoni - 8.3%. Zimbabwe’s Electoral Act requires a 50% plus one vote majority for a candidate to be an outright winner. In the absence of such a majority, a runoff election must take place within 21 days.

Any detailed post-election policy proposal risks being overtaken by events. The most recent developments are the opposition’s decision to contest the presidential runoff, despite escalating violence, the failure to verify the long-delayed presidential vote count and the MDC’s contention that they were deprived of an over 50% margin by fraud. The deadly violence, attributed by observers mostly to a decision by security authorities to intimidate the population into voting for President Mugabe, has already claimed at least 50 lives since the March 29 elections. Thousands more have been beaten and/or lost their homes and other properties, making grim the prospects for a free and fair runoff. Whether a runoff election with any credibility is in fact possible will depend on whether both internal and external pressure force security officials to desist from this systematic campaign of violent intimidation.

Recommendations

1. The government of Zimbabwe must immediately end its campaign of violence against the political opposition, members of civil society and the human rights community, as well as ordinary citizens.

2. The solution to Zimbabwe's crisis rests with the people of Zimbabwe. However, the international community, including the U.S. and the United Nations, clearly has an important role to play, particularly in ensuring the opening up of democratic space to allow unhindered participation by all Zimbabweans. As such we encourage:

(a) The U.S. and the international community to support the ongoing mediation of the Southern African Development Community (SADC). We believe that for this mediation to be meaningful, the international community must be firm with both ZANU-PF and the MDC to ensure total abidance to the process and outcomes.

(c) The U.S. and the international community to support African-led mediation designed to conceptualize and implement a transitional arrangement.

TransAfrica Forum and Africa Action acknowledge the complexity of conceptualizing and implementing a transitional arrangement in an environment characterized by acute political polarization. The challenges include: i) Legal issues – The constitution will have to be amended to accommodate a transitional arrangement. ii) Justice – By its very nature as a negotiated settlement a transitional arrangement, sacrifices aspects of justice and accountability. The growing demands to bring members of President Mugabe's administration to account for human rights abuses and corruption present a challenge to negotiating a political settlement. It is largely because of this justice question that some grassroots sentiments within Zimbabwe are opposed to a transitional authority or government of national unity. iii) Transformation - However the Zimbabwean crisis is defined, it is clear that the solution requires a deep transformation in political culture and economic management. A negotiated settlement by definition limits the extent to which this transformation can go, as the preserved power of the status quo will work to limit systemic changes as much as possible.

These factors make it obvious that a negotiated settlement is an inferior solution to Zimbabwe's problems; however, the current power dynamics within the country make it unavoidable. Principally: i) ZANU-PF is still deeply entrenched – while ZANU-PF lost the March 29 election, it remains an entrenched force that cannot be ignored. Fierce loyalty among war veterans and the security forces, including the Army, Police, Secret Service and the Prison Services provides pillars of support that tilt the power balance in the government's favor. In addition, the vote distribution from the March 29 elections give a hung outcome in which the vote is nearly split in the middle for presidential, parliamentary and Senate elections. ii) The opposition does not seem to be pursuing any other option that can bring democratic pressure to bear on President Mugabe's government. Thus the alternative to a transitional arrangement seems to be ZANU-PF. This situation can only increase the suffering of ordinary people and potentially lead to intense violence, even civil war.

Conceiving the Transitional Arrangement:

1. While the fine details of any arrangement must be worked out by Zimbabweans themselves, there are important elements that need to be emphasized:

(a) The transitional arrangement must be time limited, possibly two years. This is an important difference between a *transitional authority* and a *government of national unity*. A transitional authority is a clearly time limited, short term arrangement, whereas a government of national unity is generally a long term arrangement.

(b) The mandate of the transitional authority must be clearly spelled out from the beginning. The main task must be to create an environment that allows not only for a free and fair election and the end of the transitional arrangement, but also for the unhindered transfer of power to the winning party. Key to this is:

i) A democratic constitution.

ii) Democratization and professionalization of state institutions, most importantly the security forces, the judiciary and the Zimbabwe Electoral Commission.

iii) Arresting Zimbabwe's socio-economic collapse, principally stabilizing the Zimbabwe dollar, bringing down inflation, stemming corruption, solving food shortages and restoring industrial and agricultural productivity.

2. The international community, in particular the nations of Southern Africa, should provide material and other support for a process of national reconciliation.

3. The international community should continue to encourage and support the actions of civil society both in Zimbabwe and throughout Southern Africa to create a free, democratic and socially just Zimbabwe. Civil society must continue to play an important role in Zimbabwe given the critical need for institutions that can referee between the state and the people. Groups need to pay special attention to i) developing a human rights framework within the country, ii) building and strengthening systems of accountability, iii) capacity building for civic groups and strengthening their autonomy.

International groups should continue to prioritize people-to-people solidarity, supporting organic people-driven organizations, particularly those that are working to ensure that Zimbabwe's future economic engagement is based on terms defined by the people. African Americans, in particular, need to be more visible for support. As one civil society leader interviewed by this delegation stated in March, "when we see African Americans we see only their support for ZANU-PF. African Americans need to be more visible in their solidarity... Stealing an election is beyond color."

5. The international community should continue to provide support that addresses Zimbabwe and the region's humanitarian needs.