



What are the options for Zimbabwe? Dealing with the obvious!

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Since the election in March 2008, Zimbabwe has been in a wholly new political space. The clear victories for MDC-T in the Presidential, House of Assembly, and Local Government elections in 2008 demonstrated to all that ZANU PF no longer ruled with the consent of a majority of the population, and finally demonstrated to all what happened in 2000.

At this point, in 2008, SADC and the AU had a very good opportunity to enforce the political transition, demanded continuously, by the Zimbabwean citizenry. By applying exceptionally strong political pressure upon ZANU PF to accept the results, insisting that no re-run for the Presidency was necessary, and, if such re-run was necessary, that it took place under carefully supervised conditions, all the subsequent events might have been unnecessary - and certainly the extreme violence that took place between April and June 2008 could have been avoided¹.

SADC and the AU, however, balked at such action, and opted, under the dubious direction of Thabo Mbeki, for dialogue towards a power sharing arrangement, as had been serendipitously the case in Kenya. The subtext to this dialogue was a clear demonstration to ZANU PF that flawed elections will not draw the same kind of political pressure as coups and being in violation of the Constitutive Act of the African Union. An alarming precedent for any future election in Zimbabwe has thus been set. Simply put, any *de facto* government that emerges from even the most unacceptable election – so long as there is an election of some kind - has a high probability of being accepted as *de jure* by governments in the region. This is the only reasonable conclusion to be drawn from the fact that despite SADC's rejection of the June, 2008 poll, two days later Robert Mugabe was accepted at an AU Summit as the President of Zimbabwe, and, later, as such at the next SADC meeting.

Setting another worrying precedent, Zimbabwe's opposition nonetheless yielded to SADC pressure, negotiated and signed a Global Political Agreement [GPA], agreed to amend Zimbabwe's Constitution to give legal effect to the GPA, and put in place an Inclusive Government [IG]. Throughout these processes many indicators of ZANU PF's lack of good will were manifest - from the attempts to doctor the GPA prior to signing; the many ambiguities in the drafting and passing of Constitutional Amendment 19; and the unresolved issues around government appointments. It is clear to all that ZANU PF does not regard the IG as a "power-sharing" arrangement. The ZANU PF leadership has bluntly stated as much on numerous occasions, and has held the process to ransom on the spurious issue of the restrictive measures, such as travel bans, placed upon their leadership. They have managed, furthermore, to translate "restrictive measures" into a dead-locked debate over "sanctions", dragging even the MDCs into arguing about "sanctions".

¹ See Kwinjeh. G (2008), *Staring a gift horse in the mouth. Death Spiral in Zimbabwe: Mediation, Violence and the GNU*. 18 June 2008. In this opinion piece, commissioned by RAU, Grace Kwinjeh argues that the inaction by SADC created the vacuum that allowed the violence seen between April and June 2008.

In fairness, the GPA is such a poorly drafted agreement that it would lead to many difficulties even if there was good will on the part of ZANU PF². When the considerable difficulties in interpreting the GPA are added to the patent lack of good will by ZANU PF, the situation is ripe for conflict and confusion: this was an agreement ostensibly designed to lead to a solution., The GPA was not a solution in itself. The obviously inherent problems in the GPA have been exacerbated by the general response (and lack thereof) by SADC and the AU to the GPA and its implementation.

Firstly, the AU now takes the position that, in the absence of any progress by the Zimbabwe parties themselves to effectively implement the GPA, it is SADC's primary responsibility to mediate, and that the AU will only become involved where SADC fails to resolve the difficulties. And effectively they have passed the baton to South Africa in SADC. Secondly, SADC, in dissimulating fashion, takes the position that the primary responsibility for dealing with all difficulties lies with the Zimbabwean parties, and, when pushed to intervene, continually refers the problems back to them. This is notwithstanding the fact that SADC agreed that it would be a "Guarantor" of the GPA and is referred to as such in the agreement. In so doing, both SADC and the AU have disregarded evidence that ZANU PF has a well-documented propensity for both reneging on agreements³, and a tendency to use violence as solution to challenges to its power, and that it is evident, not least from the repeated pronouncements of Robert Mugabe and ZANU PF generally, that there is no intention to share power or to allow a situation in which MDC-T will come to power.

Furthermore, it is also evident from the monitoring of all the different sets of bench marks used to assess compliance with the GPA – whether those set down by the EU, the US, or Zimbabwean political parties and civil society organisations – that there has been little compliance with fundamental aspects of the GPA relating to democracy and the rule of law, and, furthermore, that the GPA is honoured more by the breach than observance⁴. This point requires no further elucidation.

Thus, it is probable that the current stalemate will persist until the only process capable of resolving the crisis in political power, new national elections, takes place. It is RAU's view, in common with others such as the Botswana Government (and possibly the South African government), that, whether or not such elections are preceded by constitutional reform or not (and probably not), these elections will be only vehicle capable of moving Zimbabwe towards political transition. This seems more probable by the day, with even Jacob Zuma urging elections, Robert Mugabe stating that elections will take place with or without a new constitution, and, most recently, Mugabe re-assigning all legislation related to elections back into the hands of ZANU PF.

It is not possible to set any certain time scale for this inevitable event, but it is most likely that the timing will be decided by ZANU PF unilaterally at a moment most suitable to itself. Given the evidence

² For a comprehensive analysis of the many difficulties see RAU (2009), *POWER DYNAMICS IN ZIMBABWE'S INCLUSIVE GOVERNMENT*. Derek Matyszak, Senior Researcher, Research and Advocacy Unit, Zimbabwe. 15 September 2009. HARARE: RESEARCH & ADVOCACY UNIT .

³ ZANU PF's response to both the Abuja Agreement , the Cotonou Declaration, and the Harare Declaration are sufficient evidence to make this point. Here see Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.; Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement: Two Months Report*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard?* 8 September 2003, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2006), *Zimbabwe's Failure to meet the Benchmarks in the Cotonou Agreement*, November 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2007), *Revisiting the Commonwealth and Zimbabwe: What is to be done? An Assessment of Zimbabwe's Performance since its Withdrawal from the Commonwealth & Suggestions for Re-engagement by the Commonwealth*. February 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁴ For example, see the regular reports produced by Sokwanele and also by the States in Transition Observatory [SITO] of Idasa.

of its lack of popularity emerging from recent opinion polls, ZANU PF would be very unwise not to take a proactive attitude towards elections.

Zimbabwe and elections

Although there have been continuous criticisms of elections since 1985 by Zimbabweans themselves (including the confusing position of Dr Jonathan Moyo), the period since 2000 has drawn the greatest criticisms, resulting in Zimbabwe being suspended from the Commonwealth, the withdrawal of bi-lateral support, and finally having selective restrictions placed upon individuals alleged to have been involved in gross human rights violations, misgovernance, or high-level corruption.

The first election in the current cycle, the 2000 Parliamentary Elections, came as a shocking surprise to both opposition political parties and civil society organisations. Although some violence was anticipated, the scale of the actual violence shocked the nation, and the excitement and openness that characterised the campaigns around the 2000 Constitution were soon replaced by fear and silence. It was evident in the aftermath of the 2000 poll that, notwithstanding the remarkable achievement of the MDC in obtaining a constitution-blocking minority, the MDC had probably lost in the region of 20 seats due to rigging and violence⁵. An attempt to legally challenge the results by the MDC, supported by civil society, was made for 38 constituencies, but this was blocked by ZANU PF through the dual strategy of forcing changes in the composition of the judiciary and then delaying the proceedings. By the end of the life of the 2000 Parliament, there had been no final decisions on any of the petitions: even those cases that were decided (and most were in favour of the MDC) were appealed, and the appeals not concluded by the elections in 2005⁶.

The clear implication for both the MDC and civil society was that there needed to be more effective strategies for managing elections, and combating violence and rigging, and various attempts were made to prepare accordingly for the 2002 Presidential election. Three major civil society initiatives deserve mention here.

The first was the formalisation of a civil society election monitoring body. Building on the earlier initiatives under the Zimbabwe Council of Churches [ZCC], the Zimbabwe Election Support Network [ZESN] was established, with a membership drawn from a wide variety of civil society bodies. The second was the formalisation of reports on violence by the Human Rights Forum. By setting in place the Political Violence Monthly Report, the Forum was able to give up-to-date reports on the violence in the pre-election period. The Forum also put in place, in conjunction with Zimbabwe Lawyers for Human Rights [ZLHR], an immediate-response unit for the actual poll. This unit very successfully provided moment-by-moment reports on the violence on the eve and during polling in the 2002 Presidential election.

The third development was the establishment of the Crisis in Zimbabwe Coalition in August 2001. Deriving its mandate from wide civic consultation, the Crisis Coalition was intended to be a super co-ordinating body, composed of all the existing coalitions: the NCA, the Human Rights Forum, the Women's Coalition, ZCTU, ZESN, and affiliations from all the other civic groups not represented by these coalitions. One of the explicit purposes of the Crisis Coalition was to prepare for the 2002 poll and the near-certainty that this poll would be stolen again. This intention was based on the understanding that the executive powers of the Presidency were so extensive that the incumbent

⁵ See Amani (2002), *Organised Violence and Torture in the June 2000 General Election in Zimbabwe*, HARARE: AMANI TRUST; Zimbabwe Human Rights NGO Forum (2001), *Human Rights and Zimbabwe's June 2000 election*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁶ See Solidarity Peace Trust (2005), *Subverting Justice: The role of the Judiciary in denying the will of the Zimbabwe electorate since 2000*. MARCH 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

could effectively govern without Parliament in many ways⁷, and , were the MDC to win the poll, that ZANU PF would, at the least, lose much of its executive power; at the worst, the country would be thrown into a constitutional crisis with an MDC president and a minority MDC in parliament.

In the final event, there was no comprehensive strategy by either the MDC or the civics. The MDC remained committed to winning the election, notwithstanding that the violence rapidly eclipsed even the violence of 2000; when it was blatantly evident that ZANU PF would make no reforms to the electoral playing field in the direction required of a democracy; and when there was major conflict over the admission of election observer groups (and the leader of the EU observer group, Pierre Schori, deported). Some pressure was exerted by civic leaders for Morgan Tsvangirai to withdraw from the poll in protest, but this was very much a minority view, and had little support from either the MDC or civic groups such as ZESN.

When Mugabe won by 400,000 votes – the margin was the same as the supplementary voter register [I thought the margin was the same as those who had been prevented from voting in Harare alone]- all that was possible, in the absence of any protest strategy, was the wringing of hands and another election petition. There was no public outcry about a very crudely stolen election, and certainly no massive demonstrations by outraged voters.

2005 became the nadir for democratic challenges through elections. Although SADC had promulgated and passed the Principles and Guidelines Governing Democratic Elections in August 2004, and President Mbeki had commented (albeit obliquely about the 2005 elections) that there would be consequences for countries that failed to adhere to these standards, the elections again failed to meet the standards acceptable for democratic elections.

The MDC lost 17 seats in this election, and ZANU PF regained its two-thirds majority, an astounding development in the history of politics: whenever did a party that had overseen the complete demolition of people's livelihoods return to power with an increased majority! This did not alarm SADC and South Africa, however, who gave the election a passing grade, as did the AU, but with some reservations. The South African Council of Churches unreservedly condemned the South African decision, stating that the absence of overt violence climate was an inadequate ground upon which to declare the elections free and fair.

The key issue was that the elections were *less violent* than the previous elections in 2000 and 2002, a factor that the MDC itself unwisely agreed was significant. However, it was evident to all that intimidation and probable rigging still bedevilled the process, and an analysis of the pre-election climate showed how intimidation had worked for ZANU PF, without overt violence⁸. Based on careful statistical analysis of data derived from a nation-wide monitoring of the election climate by the NCA, it was evident that the presence of state agencies, militia bases and militia were significantly associated with political violence, forced attendance at meetings and the political use of food. More interesting was the finding that the indicators from the pre-election monitoring were significantly related to the results: the pre-election climate determined the outcome.

The point to be made here is that ZANU PF in 2005 tailored its campaign to the situation before it, and changed its tactics, reducing violence in order to avoid the complaints about the two previous

⁷ Here see particularly the Human Rights Forum detailing the use (or abuse) of Presidential powers. Zimbabwe Human Rights NGO Forum (2001), *Enforcing the Rule of Law in Zimbabwe*. September 2001. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁸ See again Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

elections, and taking advantage of the disarray in the MDC and the despondency in the electorate. The MDC and civil society did not have a comprehensive strategy to address this, and employed the same approaches used in 2002. There was no attempt, apart from the NCA pre-election climate project, to use the SADC Principles and Guidelines in a manner that would have caused SADC any measure of discomfort, and the general agreement, that things were less violent, walked straight into the trap prepared by ZANU PF.

Little needs to be said about the elections in 2008 as these have been written about in copious detail, and analysed in even greater depth. However, it is worth pointing out a number of issues.

Firstly, the agreement that the results would be posted at all polling and counting stations was a major victory, but almost immediately squandered by all. When it was evident that the results were only being posted at the polling stations, and not the ward and constituency counting stations, this should have produced an immediate outcry, long before the furore over the tally that followed. Failure by the MDC, EISA, and ZESN to do this meant that SADC and the AU could leave the country, claiming (as was true) that the run-up and the polling had by and large conformed to the expectations of all.

Secondly, the release of the ZESN parallel voter tabulation created a further problem due to the absence of certainty by the MDC and ZESN that they had all the results from all the 9,000 odd polling stations. It was apparent that ZESN were using a sampling approach which can have serious problems if the distribution of voters is skewed, but the more serious problem was that, in the absence of total capture of the polling results, ZANU PF were able to bolster their claims that Tsvangirai had not won the Presidential election by simply ensuring that the results that ZEC announced were corroborated by the ZESN results. In the final event, ZEC did not give any details of the Presidential poll, merely reporting the gross results by province, with the surprising finding that the results for Makoni and Towugana were exactly the same as the ZESN estimate. Unsurprisingly, the results for Mugabe and Tsvangirai were at the top and bottom of the ZESN confidence limits respectively⁹.

Thus, in a highly perverse outcome, ZANU PF, through its control of ZEC, was able to use the independent estimates to their own advantage, just as they had done in 2005 when the release of erroneous results (quickly corrected) induced the MDC to cry foul, complain to SADC and South Africa, and accept the results [?] by quickly mounting election petitions, that once again came to nought.

The rationale behind this brief overview of more recent elections is to make number of points. Firstly, it must be evident that ZANU PF always makes very careful preparations for elections, tailoring the strategy to the problem at hand, and, when the major problem is a Presidential election (with the huge dangers of losing executive power), then it is a safe bet that both careful rigging (which has never been effectively exposed in the courts) and massive, carefully applied violence will be employed. Secondly, the MDC and civics do not make such comprehensive plans, do not anticipate the ZANU PF strategy, do not have the information sufficient to challenge the results, and do not always use the information that they have wisely. It might be said uncharitably that the problem is not that ZANU PF are so good, but that the opposition, as has been largely the case in Kenya, are so bad!

⁹ See SITO (2008), ZIMBABWE ELECTIONS 2008. *Examining The Popular and Presidential Choice - Hiding or Run Off?* IDASA: PRETORIA; SITO (2008), *The Inconvenient Truth. A complete guide to the delay in releasing the results of Zimbabwe's presidential poll.* Prepared by Derek Matyszak of the Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA.

Thirdly, there has been no well-thought out strategy to deal with SADC and the AU around elections. It is evident, especially after June 2008, that Mugabe and ZANU PF understand the balance of forces at play which result in the acceptance of the results of elections. Mugabe, particularly, knows that ZANU PF can hold the Western world at bay only so long as he can keep SADC on sides, and the terrible lesson of June 2008 is that SADC may well give an election a failing grade, but nonetheless accept what should be merely a *de facto* government as *de jure*¹⁰. Thus, the strategy in dealing with SADC must be more than appeals to the countries to adhere to their own standards, and involve actively changing the balance of forces in SADC.

Since another election is a certainty, even though the timing may not be so clear, there is an opportunity to overcome the inadequacies of the past and approach this election with a comprehensive strategy, agreed by all parties (political, civic, and regional governments), and under the conditions of co-operation and integration. This requires an understanding of the likely scenarios.

Probable scenarios

Whilst it is possible to outline a large number of different scenarios (as is always the case for Zimbabwe), it is our view that these can be boiled down to three. These can be described shortly as follows:

- High Road;
- Low Road;
- Most Likely Road.

High Road

Essentially, this scenario assumes that genuine constitutional reform takes place, and the consequent elections are free and fair, with the results being accepted by all parties. This leads to security sector reform, reform of state institutions, the creation of an independent judiciary, and an open, self-regulating media. Repressive legislation is repealed, and effective economic and social reforms begin. Moves begin towards some form of transitional justice process. This, of course, assumes the good will of all political parties, the concurrence of SADC and the AU, and the buy-in from the donor community. This is a highly improbable scenario at present.

Low Road

This scenario assumes the collapse of the IG, and ZANU PF re-assuming total control. This will lead to the banning or repression of many civil society organisations, severe restrictions upon or closure of the democratic space once again, mass arrests, increase in political violence, and a rapid downturn in the economy, with a consequent acceleration of the humanitarian crisis. The MDC-T will come under sustained and multifaceted attack again, with violence against its structures and arrests of its leaders on spurious charges. Stage-managed, violent elections will take place that are tolerated by SADC and the AU, but rejected by the donor community. SADC-driven negotiations for an inclusive government begin again. This is an improbable scenario, mainly due to the fact that the repression and violence may also lead to a strengthening of critical voices amongst SADC and AU countries, and also because the ensuing collapse of the economy will place even greater burdens on SADC countries through the inevitable increase in regional refugees and the increased demands for economic support of the region for Zimbabwe.

¹⁰See RAU (2009), SADC versus the people of Zimbabwe. HARARE: RESEARCH & ADVOCACY UNIT; see also Reeler, A.P (2009), *On the Nature of War and Zimbabwe*. HARARE: RESEARCH & ADVOCACY UNIT.

Most Likely Road

This is slightly different from the previous scenario. The constitutional reform process will proceed very slowly, but lead either to a form of a constitution which either conforms to the Kariba draft or leaves presidential powers intact. Any other version will be defeated at a referendum by both ZANU PF and civic forces (if this version does not meet civic expectations). At any rate, any "non-ZANU PF friendly" constitution can also be blocked at the level of Parliament by denying any bill for the new constitution approval by the necessary two-thirds majority.

Low-level violence will persist (as is the present case), there will be no moves to create an independent media space (and especially independent radio), and the various initiatives to undertake national healing, and set up independent commissions will draw civil society into protracted and divisive conflict. To this must be added the distractor of the Indigenisation Act. The economy and social crisis will be ameliorated to a degree by the "humanitarian plus" approach of the donor community, but full implementation of the potential reforms will be impeded by ZANU PF structures within the civil service. Here the issue is that too much improvement, especially through ministries controlled by the MDC-T, can operate to the detriment of ZANU PF's popularity.

The continued lack of co-operation by ZANU PF over implementation of the GPA creates fissures within MDC-T, and conflicts over how to manage a response, but the MDC-T continues to stay within the IG, mainly in order to avoid being seen as the "spoilers" by SADC and the AU. SADC and the AU continue to insist that the problems in Zimbabwe are "own affairs", continually deflect the problems back to the Zimbabwean political parties, and operate to prevent further Western action against Zimbabwe at the UN and other forums. The naive insistence by the South African President, that "sanctions" must be removed in order for the IG to flourish, is a classic example that SADC does not grasp the nature of the problem in the GPA. Even worse is the foolish statement by Zuma that the World Bank and the IMF should resume loans to Zimbabwe, when all are clear that Zimbabwe must first reduce its indebtedness to these institutions. Without doubt, SADC has been subtly dragooned into tolerating ZANU PF's obduracy over implementation of the GPA.

The most probable consequence of all of this is the eventual collapse of the constitutional process, and the precipitation of a national election, which will be very violent and flawed. The western nations will reject the outcome; SADC and the AU will reject the results but accept the ZANU PF government as *de facto*, and begin yet another round of negotiations for an inclusive government. The timing of the elections can be wholly determined by ZANU PF, and, with the collapse of the constitutional process, they will be almost completely under ZANU PF's control.

This is the most probable scenario, and many of the elements can already be seen. Hence the following is an attempt to examine the options available to the various groupings in Zimbabwe. No attempt is made to examine possible responses to the *Low Road*, since all groupings will be functioning in only survival mode, and many will have to operate on an external or underground basis. The *High Road* also requires no analysis, both because it is so unlikely and because the situation envisaged would not require any complex strategy.

So, in order to deal with the *most likely scenario*, it is important to understand the current situation, and this requires analysis of the facts, and not exhortation to hopeful rhetoric¹¹.

The state of the political forces in Zimbabwe

¹¹For example, the recent paper by the Solidarity Peace Trust suggests solutions that provide no support for these, but refers rather to generalised fears about the power of the security forces and the relative incompetencies of the various political parties. Here see SPT (2010), *What Options for Zimbabwe?* 31 March 2010. JOHANNESBURG: SOLIDARITY PEACE TRUST.

It is clear from all available information that ZANU PF is at its weakest point ever. Deprived of the most of the resources of the state, and losing citizen support on a massive scale (MPOI, Freedom House, and RAU estimate only 8%, 12%, and 9% overt support respectively), the party is no shape to contest an election, even under the conditions that pertained in March 2008. However, ZANU PF still is not threatened by the MDC-T, and certainly sees no challenge from MDC-M. Rather they see MDC-M as a useful pawn in keeping up the appearances of democracy, and are convinced that MDC-T will only operate as a parliamentary political party, and not challenge them in any serious fashion outside of elections. In respect of the latter, this means that ZANU PF believes that MDC-T has the capacity or a strategy to undertake mass mobilisation only under the conditions of an election, and is equally convinced of its power to contain an overt political threat¹². ZANU PF is also comfortable with the IG, since many national management and service delivery problems are being tackled by MDC-T. This gives ZANU PF breathing space to re-group and is tying up the limited human resources of the MDC-T wholly in government and parliament. Furthermore, there are the enormous distractions of the constitutional process, the processes around healing and reconciliation, continuing land grabs, and now the indigenisation debacle. Once again, ZANU PF has succeeded in providing areas of contest with which the civics are comfortable, and has provided distractions away from the main political question: who can wield political power in Zimbabwe.

ZANU PF has only two major goals: the removal of personal sanctions (and hence access and use of extra-governmental funds, and a wider advocacy base) and the winning of an election at a time of their own choosing. Whilst deprived of state resources, they nonetheless maintain total control of the repressive machinery¹³. They still control the army, the police, and the CIO: JOC is still not under civilian control. They still have access to substantial militia forces, and can also call on the vast patronage system set in place under "land reform". Here it should be pointed out that all those "re-settled" since 2000 exist by grace and favour of ZANU PF, are continually reminded of the possibilities of the MDC removing them through reversal of the "land reform" process, and also reminded of the possibilities of removal if they are not wholly supportive of ZANU PF. Thus, in addition to the army, police, CIO, and the militia (some 100,00 "supporters"), ZANU PF can call upon a support base of some 150,000 families – possibly a million adults – under direct, coercive patronage¹⁴. While their support base is eroding rapidly – their party structures have almost disappeared and have been replaced by quasi-military structures – ZANU PF can still call upon a very large human resource for a violent campaign.

Furthermore, the claims of splits within the ZANU PF hierarchy are always grossly exaggerated, and it is clear that the party always maintains internal coherence in the face of external threat; there is no greater external threat than an election. In addition, all evidence suggests that ZANU PF is highly conservative in its strategies, and tends to resort to tried and tested methods. Hence, it can be expected that ZANU PF will plan for an election in which they have full control of the election machinery¹⁵, and use violence in order to diminish MDC support and increase compliance from the rural population. Finally, ZANU PF will have factored in the probable international response, and drawn the clear conclusion from the June 2008 election that SADC and the AU will not intervene in anything other than military coup. This last is frequently intimated, but it must be an open question as to whether ZANU PF enjoys the full support of the security forces as a whole, and to what extent military power in support of ZANU PF is to some unknown extent a bluff.

¹² This is the central point of the SPT analysis. See previous footnote and reference.

¹³ See RAU (2010), *Civilian-Military Relations*. HARARE: RESEARCH & ADVOCACY UNIT.

¹⁴ When ZANU PF announces that it is printing 1.6 million party cards, it is an educated guess where the greatest "sales" will be; 150,000 families, with probably 3 to 5 adults per family, will give them exactly that number of voters, as well as that number of people to "campaign".

¹⁵ It would be most desirable for ZANU PF if this all takes place under the current constitution, and hence it is wise to take careful of Mugabe's recent assertion that elections will take place with or **WITHOUT** a new constitution.

The position for the MDC is very complex. Firstly, it is unlikely that there will be any meaningful alliance between the two MDC factions; in particular, MDC-M will not give up the position in which they can (somewhat anomalously and undemocratically) influence the political process through their independent position. The relevance of the MDC-M is, and will be, to offer ZANU PF a certain amount of “democratic” cover, and allow all issues to be muddled by having to consider a third (entirely unelected and self-interested) position¹⁶. This will always work to ZANU PF’s advantage.

It is the MDC-T that will thus have the critical role in challenging ZANU PF. However, there is little evidence yet that MDC-T has any coherent strategy, either for managing the IG, or for dealing with the failure of the GPA. In dealing with the GPA, there have been many opportunities for challenging ZANU PF’s obduracy through legal challenge, and there has been the considerable power of Parliament’s oversight function to call ZANU PF to account and to publicly challenge them. There has been no meaningful attempt to develop a principled alliance with the civics, and no determined attempt to explain to the citizenry at large the costs and benefits of the GPA or the alternatives to the GPA.

The single major failure of the MDC-T, and this is long-standing, has been not to develop a strong Secretariat and party position independent of government. Since its inception, and certainly since 2000, the Secretary-General has been simultaneously a Parliamentarian (and now a Minister). No modern political party can afford to function without a *full-time* Secretary-General, supporting the members of Parliament, dealing with the party branches and the mobilisation of the party, providing good accurate feedback to and from the grass roots of the party, running an effective and efficient information service, and developing alliances with other political parties, civil society organisations, and social movements. It does not help that civil society has maintained a spuriously independent position from political parties, a position in clear opposition to the obvious reality that civil society must develop alliances with political parties in order for their agendas to have political reality. Zimbabwe is not unique in the situation in which civil society maintains a feigned independence in order to avoid the wrath of the government. This is not a sustainable position in Zimbabwe, however, and civics will have to make choices eventually, no matter how difficult this might appear. For MDC-T there are some hard decisions that must be made, irrespective of the equivocating positions of the civics.

The MDC-T needs to create two obvious and well-coordinated centres of power: one in the Executive of the government, and another in the party. It also needs to take much stronger steps to create a strong party machine under the direct control of the Secretary-General, to cut out the plethora of independent statements from party members and members of Parliament, and to present a clear, coherent position at all times.

The MDC-T also needs to take much stronger steps to build alliances with civil society groups and social movements. Such alliances should be based on clear principles, agreed and enforceable common strategies, and mechanisms for allowing differences that do not undermine the respective groupings.

Parliament must be used more effectively, and its operation ought not to be dependent on whether MPs have sitting allowances. Parliamentarians need to demonstrate the kind of commitment that they wish from the citizens, sit as frequently as they can (irrespective of the difficulties), strongly exercise their oversight function vis-a-vis the Executive, and provide a venue for engaging the citizenry. This

¹⁶ The peculiarity of the MDC-M position is clearly understood by the ordinary citizenry. A recent RAU poll of women found that only 3% of the 2255 sample expressed support for MDC-M, whilst only 2 out of 2255 thought that Arthur Mutambara had any power in the Inclusive Government. See RAU (2010), *Women, Politics, and the Zimbabwe Crisis*. May 2010. Report produced by Idasa, the ICTJ, and RAU. HARARE: RESEARCH & ADVOCACY UNIT.

has not been the case to date, and one small example shows how this failure plays out. ZEC presented a totally dissimulating report to Parliament. A report to parliament on the elections is mandatory and requires both presentation and debate. Although the report was tabled, it has not been debated. As a result, the whole selection process for a new ZEC by parliament occurred without the previous members of ZEC being challenged in any meaningful way. Members of the previous ZEC have thus been able to present themselves for future appointment without any criticism of their highly questionable past conduct. A detailed analysis of ZEC's failings was provided to the MDC-T in anticipation of the report being debated by Parliament, but the opportunity to expose ZEC's failures and argue for serious reform was lost¹⁷.

There are many other issues that could be raised here, but, in summary, the MDC-T needs to:

- Develop a stronger Secretariat;
- Develop more effective mobilisation of national support (and not only for and at elections);
- Build strong explicit *alliances* with civil society around a common strategy;
- Build strong *alliances* with regional political parties;
- Use Parliament more aggressively.

Whilst this analysis has been very critical of the MDC-T, it is also the case that civil society can also be strongly criticised. Civil society has shown a propensity for developing ever-increasing platforms and coalitions (composed mostly of all the same member organisations), and developing positions for these coalitions that are often conflicting: individual organisations can therefore apparently happily belong to different coalitions, espousing different positions, without apparent difficulty. Furthermore, and especially in respect of the negotiations leading up to the GPA and the GPA itself, civil society was unable to develop, despite the best efforts of some organisations, a comprehensive and principled position on many of the issues under debate. In addition, civil society seems determined to avoid any formal alliance with the MDC. This is due in part to the success with which ZANU PF has argued that such alliance exists under "*imperialist*" encouragement, and in part due to the apparent desire of civil society to avoid just this accusation. To the outsider, and particularly the SADC outsider, Zimbabwean civil society gives the impression of a divided and fractious community, unable to develop common positions and unable to develop (with a few exceptions such as WOZA and the NCA) a mass base.

This is equally the case for the labour movement. Against an ever-diminishing membership, the ZCTU has failed to keep some of its large members (GAPWUZ and PTUZ) strongly within its fold, avoided strong alliances with civil society, and singularly failed to take the leadership in civil society, as might have been expected. The ZCTU has also failed to develop strong regional solidarity in the region, and failed to take the lead in the kind of campaign that regional labour could support. All the fractures and fissures within the labour movement and civil society have played out wholly to advantage of ZANU PF.

Conclusions

It should be evident from this analysis that the major problem is not whether or not the personal restrictions on ZANU PF leaders are removed, or whether the GPA can be made to work or not, but whether the fundamental method of validating political power, elections, can reflect the will of the citizens of Zimbabwe. Some argue that the track record of recent years, the malevolent influence of the security forces, and the dire socio-economic situation require a softly-softly approach for the

¹⁷ See RAU (2009), *HEAR NO EVIL, SEE NO EVIL, SPEAK NO EVIL: A CRITIQUE OF THE ZIMBABWE ELECTORAL COMMISSION REPORT ON THE 2008 GENERAL ELECTIONS*. Derek Matyszak. August 2009. HARARE: RESEARCH & ADVOCACY UNIT.

future. There is value in this view, but it is nonetheless the case that, in the modern age, political power transfers via elections, and this will no less the case for Zimbabwe; whether in 2010 or 2013, the existing political parties will have to submit themselves to the scrutiny of the citizenry.

The question here is whether this inevitable election will allow the citizens to choose freely or not, and whether ZANU PF will allow this or not. On available evidence they will not because they cannot: the results of 2008 March, and their failure at the polls, stare ZANU PF in the face, and their support has dwindled further since. Thus, ZANU PF cannot face any genuine poll with any confidence, and will try to avoid this with every means possible. For MDC-T and civil society, the way forward is to find ways to prevent repeats of most elections – March 2008 apart – since 2000. The problem is not whether Zimbabwe has an election, but in the response that SADC and the AU will have to an election; whether they will merely “observe” this election or attempt to ensure that this election meets the standards that they have publicly determined should be manifest; and whether they will repudiate any election (and the government established by such an election) that does not meet their standards. Even more seriously, whether, when a transfer of power does happen, SADC and the AU will insist that this does happen.

As hopefully is evident from this analysis, SADC (and it will be the crucial arbiter of any election in Zimbabwe) should depend for their lead upon Zimbabweans; political parties, civics, and citizens will need to make it crystal clear to SADC what conditions need to be put in place for the election to meet the SADC Principles and Guidelines, and, more importantly, to demonstrate before, during, and after the elections where the process has failed to meet SADC’s own standards. Most importantly, Zimbabweans must make it plain to SADC that they will not meekly accept yet another fraudulent election! The lead that Zimbabweans provide should be that that SADC (and the AU) follows, and it will be elections – not the removal of restrictive measures or the support of the GPA – that determine the health of a future Zimbabwe.