

# Policy Briefing

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## Zimbabwe's Elections: Mugabe's Last Stand

### I. Overview

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A return to protracted political crisis, and possibly extensive violence, is likely, as Zimbabwe holds inadequately prepared presidential, parliamentary and local elections on 31 July. Conditions for a free and fair vote do not exist. Confidence in the process and institutions is low. The voters roll is a shambles, security forces unreformed and the media grossly imbalanced. The electoral commission is under-funded and lacked time to prepare. Concerns about rigging are pervasive, strongly disputed results highly likely. The Southern African Development Community (SADC) and the African Union (AU) face severe credibility tests. They must avoid a narrow technical approach. If the vote is deeply flawed, they should declare it illegitimate and press for a re-run after several months of careful preparation or, if that is not possible, facilitate negotiation of a compromise acceptable to the major parties; and strong diplomacy will be needed to forestall extensive violence if the presidential contest moves to a run-off in conditions like 2008, or, if President Robert Mugabe loses at any stage, to ensure a smooth transition

89 years old and 33 years at the helm, President Mugabe seeks to ensure his Zimbabwe African National Union-Patriotic Front (ZANU-PF) regains full control of government before embarking on a fraught succession process. Out-maneuvring both the two rival Movement for Democratic Change (MDC) formations and SADC, ZANU-PF hardliners, supported by the president, secured a Constitutional Court ruling that confirmed the premature election date, shutting down in the process any prospects of necessary reform, around which there had appeared to be growing convergence between the MDCs and SADC.

The regional body, as well as the AU, might have pressed harder for a postponement; however, in the end, they felt they had little option but to accept the sovereign decision of the newly constituted court. MDC formations favoured a later date but could only cry foul and reluctantly agree to participate, since they know a boycott would be counter-productive and that to remain relevant they must demonstrate they retain popular support.

With the campaign in full swing, ZANU-PF has a strong resource advantage. The MDCs have struggled to raise money but are relatively well organised. Prime Minister Morgan Tsvangirai's MDC-T believes it can win the presidency but fears the electoral

commission is being undermined from within and cannot deliver a free, fair, transparent and credible process.

Many expect a Mugabe victory, because “ZANU doesn’t lose elections”, and even if outvoted, as in the first round in 2008, its hardliners would not give up power. Its strategy is to get its supporters to the voting stations and keep the opposition away. Preventing manipulation of the voters roll and tabulation process are critical challenges, as in past polls, though both will potentially have greater scrutiny. The parliamentary vote hinges on 34 swing constituencies in Masvingo and Manicaland provinces, where ZANU-PF seeks to recoup 2008 losses.

Repeated calls from all parties to avert a repeat of the 2008 violence have tempered intimidation tactics, but as campaigning has intensified, incidents have increased, raising fears for what may happen, especially if the presidential contest again goes to a run-off. If the MDCs feel cheated, they are dependent on dispute resolution mechanisms that are untested or have a history of partisanship.

Much resembles 2008, including an atmosphere of intolerance and restricted access, state media bias and lack of confidence in institutions. There are some significant differences: more voter access to information, especially through the internet, social media, mobile phones and satellite news. ZANU-PF no longer has an increasingly frustrated region’s unquestioning loyalty. SADC publicly acknowledges need for reforms, but expectations it would or could ensure a genuine vote are severely compromised, raising questions about its post-31 July role.

Much of the international community is expected to take its cue from the AU and, especially, SADC, but there are concerns the latter may repeat its 2011 performance in the Democratic Republic of Congo (DRC), when it accepted an election replete with violations of its own guidelines. Mugabe’s threat in the 5 July speech that launched his campaign to leave SADC, “if it makes silly decisions”, and hardliner posturing that the organisation and its most powerful member, South Africa, want regime change, highlight ZANU-PF’s continued reliance on brinkmanship.

Though both are aware Zimbabwe is not ready for elections, SADC and the AU have deployed observers, after weakly urging postponement, but thus far not to the swing constituencies or to many rural areas, though the major threat to security and proper tabulation of results comes from the very security forces legally bound to protect the elections. Especially if the presidential contest goes to a run-off, as in 2008, they should seek to include well-trained SADC police and military (whether active duty or retired) in their observer delegations specifically to monitor the conduct of the Zimbabwe military and police.

Pre-election statements by SADC and the AU suggest an atmosphere of calm, but if they are to safeguard the region from a new crisis and help Zimbabwe move toward an adjustment of political power that fairly and efficiently reflects the genuine strengths of the two main camps, they need to be prepared to react promptly and strongly to an unfair vote, an escalation of violence or results rejected by bitterly divided camps.

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## **II. Unprepared for a Free and Fair Vote**

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The 31 July elections are to be held despite the failure of six years of SADC-facilitated negotiations to achieve significant reforms, including security sector realignment, fair media access and changes to laws inhibiting freedom of association and expression. All parties, but disproportionately ZANU-PF, have a share of the blame for that

failure.<sup>1</sup> The latter argues that the March 2013 constitution addresses these issues, but any chance for that document to make a practical difference was scuppered by the imposition of a date for the vote so early that implementing measures could not be ready in time.<sup>2</sup>

The 31 May decision of the Constitutional Court (an expanded version of the Supreme Court) for a July date renewed concerns about ZANU-PF's continued influence over important elements of the judiciary.<sup>3</sup> The MDC factions expressed surprise at the ruling, which essentially ended debate on whether the elections could or should be pushed back to September or October. SADC endorsed South African President Jacob Zuma's call for more reform before elections and recommended that the political parties ask the court for "more time beyond 31 July 2013 deadline for holding the harmonised elections".<sup>4</sup> While the MDCs were pleased by the statement, it in effect repeated an approach – asking the opposing camps in Zimbabwe to reach a mutual accommodation – that has failed repeatedly.<sup>5</sup> ZANU-PF rejected a joint submission, instead submitting a weak unilateral brief to the court, which upheld its initial decision without providing reasons.

In the meantime, a constitutionally-mandated 30-day intensive voter registration process began under the voter registrar, Tobias Mudede, who has been accused of being close to ZANU-PF.<sup>6</sup> The voters roll has been central in the manipulation of previous elections, and the new electoral act is meant to provide unprecedented oversight and access.<sup>7</sup> The registrar's initiative in May to address the old problems failed miserably – deliberately so, critics said – and the Zimbabwe Electoral Commission (ZEC) described the roll as "shambolic".<sup>8</sup> The 30-day process was hampered by resource restrictions, showed bias against registration in cities – especially Harare – and ended on 10 July amid protests. Civil society organisations assert that as many as two million youths have not been registered; there are more registered voters than adults in almost a third of the 210 constituencies; since 2008 the number of registered urban (traditionally MDC) voters has decreased, while registrations in rural resettlement areas

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<sup>1</sup> For more on the reform process, see Crisis Group Africa Report N°202, *Zimbabwe: Election Scenarios*, 6 May 2013; Briefing N°82, *Resistance and Denial: Zimbabwe's Stalled Reform Agenda*, 16 November 2011; and Report N°173, *Zimbabwe: The Road to Reform or Another Dead End?*, 27 April 2011.

<sup>2</sup> The cabinet approved amendments to the electoral act to align it to the new constitution on 11 June 2013. "Zimbabwe government extraordinary gazette", vol. XCI, no. 44, 12 June 2013.

<sup>3</sup> ZANU-PF denied any impropriety. "Zimbabwe has an independent judiciary", *ZimEye News* (www.zimeye.org), 2 June 2013. The Constitutional Court rejected an appeal and upheld its original decision on 4 July.

<sup>4</sup> SADC's call for more reform ostensibly reflected convergence with the MDCs' position. "Communiqué", Extraordinary Summit of the SADC Heads of State and Government, Maputo, Mozambique, 15 June 2013. Zuma took over as SADC's facilitator from former South African President Thabo Mbeki in 2009.

<sup>5</sup> "ZANU-PF's control of the most important state institutions makes it difficult for parties to develop a consensus". Crisis Group interview, former Western ambassador to Zimbabwe, Pretoria, 16 July 2013.

<sup>6</sup> Crisis Group interview, development agency governance adviser, Harare, 17 June 2013.

<sup>7</sup> Derek Matyszak, "2013 Vision – Seeing Double and the Dead: A Preliminary Audit of Zimbabwe's Voters Roll", Research and Advocacy Unit, September 2009; Brian Chitemba, "Voters' roll: The puzzle remains unsolved", *The Zimbabwe Independent*, 26 April 2013; "MDC raises concerns over Nikuv's voters' roll manipulation", *Mail and Guardian*, 19 July 2013; "Israeli elections rigging machine exposed", *Zimbabwe Independent*, 19 July 2013.

<sup>8</sup> Justice Rita Makarau, ZEC's chairperson, quoted in "Voters roll shambolic: ZEC", www.newsдзе zimbabwe.co.uk, 5 June 2013.

(traditionally ZANU-PF) have increased; and the roll has almost 900,000 duplicate entries.<sup>9</sup> There is no time to fix this situation before 31 July.

The registration problems highlight the need for effective observation at every stage of the electoral process and for a functioning and transparent results-reporting infrastructure that enables field-based and complementary national results tabulation. The ZEC uncovered serious results tabulation flaws during the constitutional referendum process earlier in the year,<sup>10</sup> and the July elections are considerably more complicated. Tabulation difficulties that hamper efficient release of results would create uncertainty and heighten tensions.

Over \$58 million short of the funding it needs, the ZEC's preparations for elections have been acutely compromised.<sup>11</sup> This was apparent in the fiasco over early voting by members of the security forces, including unresolved questions about the authentication of tens of thousands of police reservists whose applications ZEC accepted.<sup>12</sup>

The ZEC insists it can still deliver if it receives funds, but the damage has been done: a compromised voters roll, chaotic special voting, inadequate voter education, absence days before the vote of a transparent results-management system,<sup>13</sup> delayed postal voting and failure to provide for voting by prisoners. Late and inadequate funding has also undermined its capacity to build confidence in the integrity of electoral institutions and processes.<sup>14</sup> On 23 July, Justice and Legal Affairs Minister Patrick Chinamasa said money had been obtained locally but gave no details.<sup>15</sup> ZEC's new chairperson, Justice Rita Makarau, has introduced a culture of openness, appears committed to improving operational transparency but must navigate a political

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<sup>9</sup> "An audit of Zimbabwe's 2013 voters roll", Research and Advocacy Unit, 17 July 2013. The ZEC, which now has specific responsibility for registration, made searchable official electronic copies of the voters roll available for the first time. See also, "Serious shortcomings to voters roll - Missing urban voters and young voters", Zimbabwe Election Support Network, 9 July 2013. The final roll has not been released for inspection, and allegations of manipulation have escalated. "Biti claims Mudede created four different voters rolls", SW Radio Africa, 19 July 2013; "MDC raises concerns over Nikuv voters roll manipulation", *Mail and Guardian*, 19 July 2013.

<sup>10</sup> Crisis Group interview, ZEC secretariat member, Harare, 19 May 2013.

<sup>11</sup> "Why Zec Must Seek Poll Postponement", Election Resource Centre, 17 July 2013. The shortfall is more than half the \$107 million request for support to the UN Development Programme the government cancelled early in the year. "Govt request UNDP to mobilise funds for polls", *Zimbabwe Independent*, 8 February 2013.

<sup>12</sup> The early-voting process established for those unable to vote on election day because they would be on duty "was engulfed by massive irregularities" that resulted in less than 10 per cent of ballot papers being distributed and even fewer cast. The MDC-T has questioned the number of police applications received for early voting: 69,322 applications were reportedly received though only 44,113 officers are on the payroll. "Chaotic Special Vote exposes ZEC's lack of readiness for polls", SW Radio Africa, 15 July 2013. In 2008, fewer than 4,400 such applications were submitted. Crisis Group interview, Zimbabwe attorney, Johannesburg, 17 July 2013. The ZEC has promised that those not able to vote early would have an opportunity to vote on 31 July. "ZEC apology over special vote fiasco", [www.newzimbabwe.com](http://www.newzimbabwe.com), 17 July 2013; "Will Zim security forces get a second chance to vote", SW Radio Africa, 18 July 2013. An MDC-T high court challenge to the process, including the number of applications, was dismissed by Justice George Chiweshe, who was the ZEC chairperson when it endorsed the results of the 2008 elections. "MDC-T defiant as cop vote case dismissed", [www.newzimbabwe.com](http://www.newzimbabwe.com), 19 July 2013.

<sup>13</sup> ZEC budgeted for a results-management system to ensure timely and accurate transmission from polling stations, ward and provincial collation centres to the national command centre. "The case for an efficient and transparent results management system", Election Resource Centre, 23 July 2013.

<sup>14</sup> For more, see Crisis Group Report, *Zimbabwe: Election Scenarios*, op. cit.

<sup>15</sup> "Chinamasa blocks Tendai Biti bid to seek Zimbabwe elections funds", [www.zimbabweelection.com](http://www.zimbabweelection.com), 23 July 2013.

minefield and cannot be expected to rehabilitate the commission singlehandedly after its disastrous 2008 performance.<sup>16</sup> Trust in ZEC has eroded since campaigning began, with MDC-T suggesting security elements “have clearly taken over the running of these elections”, and ZANU-PF accusing MDC-T of working with ZEC elements to sabotage the process.<sup>17</sup>

The constitution and legislation introduce a new electoral dispute resolution infrastructure that is untested, lacks capacity and is undermined by mistrust based on prior experience. The Constitutional Court is responsible for challenges to the presidential election results. The Zimbabwe Human Rights Commission (ZHRC), responsible with the Zimbabwe Republic Police (ZRP) for investigating human rights violations, lacks staff and infrastructure. Multi-party liaison committees, responsible for dealing with political violence and electoral disputes have not begun work and have acute resource limitations.<sup>18</sup> The Joint Monitoring and Implementation Committee (JOMIC), established by the Global Peace Agreement (GPA) that ended the 2008 electoral crisis, played this role previously, but ZANU-PF frustrated efforts to reconfigure it for the 2013 elections. Allegations of media malpractice must be dealt with by the Media Council of Zimbabwe and Broadcasting Authority of Zimbabwe, both accused of ZANU-PF partisanship.

### III. Another Violent Election?

The unprecedented violence and intimidation before the 2008 presidential run-off haunts the approaching vote. The sporadic, relatively low levels of localised violence to date – similar to the run-ups to earlier elections – is often presented as an unfortunate “natural” consequence of Zimbabwe politics.<sup>19</sup> Emerging narratives, including from the state media, suggest ZANU-PF and MDC-T are equally responsible. However, they ignore the involvement of state actors in both formal and informal repression, as well as ZANU-PF’s extensive use of proxies. While there have been fewer incidents, the pattern is remarkably similar to 2008.<sup>20</sup>

Because of systemic impunity, perpetrators continue to live within the communities they victimised. This has enabled ZANU-PF to reap what MDC-T Secretary General Tendai Biti has described as “the harvest of fear”.<sup>21</sup> The organisations and groups

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<sup>16</sup> Makarau defends ZEC’s integrity, arguing allegations must be supported by evidence. Crisis Group interview, Harare, 24 May 2013; “Makarau fends off bias allegations”, [www.newzimbabwe.com](http://www.newzimbabwe.com), 20 July 2013.

<sup>17</sup> “ZEC taken over by military junta – Biti”, *Zimbabwe Independent*, 16 July 2013. Crisis Group telephone interview, MDC-T adviser, 18 July 2013. “Analysts speak on plot to derail polls”, *The Herald*, 18 July 2013.

<sup>18</sup> The 2012 Electoral Act provides for establishment of these multi-party liaison committees. They should have begun operation on 29 June, after the Nominations Court confirmed parliamentary and presidential candidates. Crisis Group telephone interview, election expert, Harare, 24 July 2013.

<sup>19</sup> Crisis Group interview, ZANU-PF central committee member, 28 May 2013; “ZRP warns against political violence”, *The Herald*, 11 January 2013. Some observers point to internal MDC-T violence and other incidents as suggestive that a culture of political violence is taking root.

<sup>20</sup> “Summary of violence related to political process in Zimbabwe 2008-2013”, unpublished draft, private consultant, June 2013; “Understanding the characteristic nature of the political violence in Zimbabwe since January 2008”, unpublished manuscript, private consultant report based on access to key human rights databases, July 2012.

<sup>21</sup> “ZANU-PF’s harvest of fear”, *Daily News*, 24 April 2013. “Political violence haunts Zimbabwe voters”, *Voice of America*, 19 July 2013.

employed in the 2008 violence are largely in place and can easily be reactivated.<sup>22</sup> Military deployments across the country are a further reminder of where hard power lies, and President Mugabe has ignored SADC's request to publicly draw security force commanders' attention to Section 208 of the constitution, prohibiting political partisanship.<sup>23</sup> The police are a broken, largely corrupt force in which most people have little faith.

Violence and resulting tensions are increasing as election day approaches.<sup>24</sup> Most observers anticipate the violence will be kept within bounds during the first round of voting, but prospects for serious bloodshed are real if a second round is needed to decide the presidency and control of the legislature. As in 2008, it would be orchestrated by parallel networks within the security services working outside regular command chains and in conjunction with surrogates. The situation is complicated by divisions within ZANU-PF, fragmentation of its associated youth, militia and veteran forces, and its reported growing links with criminal groups, such as the Chipangano gang in Mbare, outside Harare.<sup>25</sup> There is no visible deterrent to violence; most incidents are not even reported to the police.

#### IV. Haven't We Been Here Before?

Zimbabwe has trodden a similar path before.<sup>26</sup> The GPA "ceasefire" has been lifted, and electioneering provides cover for powerful forces who seek to reconfigure the political landscape. For ZANU-PF, as Mugabe stated in the speech that launched his campaign in early July, this is a "do or die" contest in defence of its revolution.<sup>27</sup>

The contest is also as much about younger ZANU-PF leaders jockeying to succeed the old president as it is about Mugabe himself. This played out in the run-up to a chaotic primary process in which supporters of Defence Minister Emmerson Mnangagwa gained an advantage over those of the more moderate vice president, Joice Mujuru. Mnangagwa delivered Mugabe's 2008 re-election and wants the top job. He has little national appeal but could benefit from the new constitutional succession mechanism that enables the victorious party to choose a successor if the incumbent resigns, dies or becomes incapacitated in office.

If ZANU-PF loses these elections, it is unlikely to simply yield power. Incumbency, the support of the security forces, a partisan judiciary and a critical mass of bureaucrats would most likely frustrate any smooth transfer. Few believe it would accept a

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<sup>22</sup> "The organisation of community repression: A revisit of the 'Anatomy of Terror'", report by in-country Zimbabwe civil society organisations, September 2012.

<sup>23</sup> "The Report of SADC Facilitator on Zimbabwe", SADC, 15 June 2013.

<sup>24</sup> Crisis Group telephone interviews, civil society election and violence monitors, 15-18 July 2013; also, "Vote Rigging", *Daily News*, 12 July 2013; "ZANU-PF youths terrorise Chitungwiza", AllAfrica.com; "ZANU-PF intimidation leaves Gokwe residents living in fear", SW Radio Africa, 15 July 2013; "Hate speech and misinformation on the rise ahead of polls", *ibid*, 15 July 2013; and "13 days to election and intimidation on the increase", *ibid*, 19 July 2013.

<sup>25</sup> "Chipangano is ZANU-PF", *Zimbabwe Independent*, 7 September 2012. Crisis Group interview, GPA negotiator, Harare, 18 June 2013. Some ZANU-PF groups have rejected those alleged links. "Zanu PF youths disown Chipangano", *NewsDay*, 12 May 2012.

<sup>26</sup> Derek Matyszak, "The 2013 Elections: Zimbabwe's Groundhog Day", July 2013.

<sup>27</sup> "This is a 'do or die struggle' – Mugabe", video, YouTube, 8 July 2013, [www.youtube.com/watch?feature=player\\_embedded&v=tv3iKylppmQ](http://www.youtube.com/watch?feature=player_embedded&v=tv3iKylppmQ).

role as the “loyal” opposition or doubt that, as in 2008, it would instead adopt high-risk tactics to retain its pre-eminence.<sup>28</sup>

Though lacking a firm empirical basis, many observers believe Mugabe will win the presidential vote. Tsvangirai, as in 2008 when he led the first round before withdrawing in the face of extensive violence, is a serious challenger, but whether his support translates to votes and votes to victory remains to be seen. Mistrust has again prevented the MDC formations from forging a united front; both have instead brokered alliances with minor (former ZANU-PF) political players<sup>29</sup>. They may well split the vote again, as in 2008, leading to a potentially dangerous run-off.<sup>30</sup> Analysts widely anticipate that a split MDC vote will produce a hung parliament, though one in which the two formations might have potentially decisive leverage on legislation.

## V. Electoral Observers' Credibility

Faced with multiple electoral deficiencies and the risks of serious new violence inherent in them, it is vital that SADC and the AU – the GPA co-guarantors – not fall back on a purely technical assessment of 31 July. Their own election guidelines empower them to take a wide-angle perspective, including standing up for the concerns on such matters as security and media fairness that SADC identified at its June summit.<sup>31</sup> SADC's point role as facilitator and co-guarantor of the GPA gives it unique insights into the operational environment. The input of its facilitation team and members in JOMIC in particular would assist the observation teams in addressing all aspects of the elections.<sup>32</sup>

There is growing concern, however, that both organisations may opt for a narrow evaluation of the elections.<sup>33</sup> Their recent statements have soft-peddled the flaws and made no mention of the reforms SADC said in June were still required.<sup>34</sup> Their election roadmap has been abandoned and responsibility to deliver a credible election handed

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<sup>28</sup> While few in Zimbabwe relish the prospect of further power sharing, there is considerable speculation that this is where the country is ultimately heading. Crisis Group interview, political analyst, Harare, 20 May 2013; telephone interview, political analyst, 10 July 2013. Recently-leaked documents purporting to come from Zimbabwe's intelligence services detail a range of efforts to manipulate the vote. “Proof Mugabe buys elections: Astounding documents show evidence of ‘neutralising’ of voters, millions paid for systematic rigging and smuggling of blood diamonds – to ensure tyrant, 89, clings to power”, *Mail on Sunday*, 21 July 2013.

<sup>29</sup> MDC-T is aligned with Simba Makoni, interim president of Mavambo Kusile Dawn (MKD); MDC with Dumiso Dabengwa, president of the Zimbabwe African People's Union (ZAPU).

<sup>30</sup> If no candidate receives more than half the votes, a run-off between the top two vote getters is held. Section 110-3 (f) iii of the Electoral Act. It is by no means certain other opposition parties would back Tsvangirai in a second round.

<sup>31</sup> “SADC Principles and Guidelines Governing Democratic Elections”, August 2004; “AU Guidelines on African Union Election Observation and Monitoring Missions”, 2002.

<sup>32</sup> ZANU-PF threatened to withdraw from JOMIC but subsequently relented. “Zanu-PF quits Jomic, abuse of assets cited”, *The Herald*, 16 July 2013. “ZANU-PF ‘quits’ govt watchdog group, blames MDC”, SW Radio Africa, 17 July 2013. Crisis Group telephone interview, civil society election observer, Harare, 18 July 2013.

<sup>33</sup> Crisis Group interviews, Zimbabwe civil society leaders, Johannesburg, 19 July 2013. “Africa putting relationships before principles”, Zimbabwe Human Rights NGO Forum, 22 July 2013.

<sup>34</sup> “Press Statement”, AU Peace and Security Council, 19 July 2013; “Communiqué of the Summit of the Troika of the Organ on Politics, Defence and Security Cooperation plus Mozambique”, SADC, Pretoria, 20 July 2013.

back to Zimbabwe's political leaderships. Faced with an unbalanced electoral playing field and deep disagreements between the primary players, they have limited options.

Western observers have not been allowed, and the European Union (EU) has declared it will follow SADC's lead in responding to the elections.<sup>35</sup> It has limited leverage of its own, as Western moves to re-engage and promote normalisation of relations were not reciprocated by ZANU-PF, which remains insistent on unconditional removal of sanctions. The EU and others would suffer their own loss of credibility and prestige were they to accept endorsement by the African bodies of a clearly problematic poll.

SADC intends to have over 400 observers, the first of whom arrived in mid-July.<sup>36</sup> The AU has 60 short-term observers in place, complementing a smaller team of longer-term observers that is mandated to make a detailed assessment of conditions.<sup>37</sup> While it may be tempting for the two organisations to take the low road, both internal and international scrutiny is far more intense in Zimbabwe than it was in the Congo, where serious irregularities were more easily overlooked.<sup>38</sup> Likewise, there is much more information about conditions on the ground in Zimbabwe than there was in 2008.

## VI. Managing Outcomes

Averting a slide into brutality and repression or open conflict is essential if SADC is to fulfil its regional responsibilities. Though characteristically the immediate pre-election period has not witnessed extensive violence, the prospect of violent push back, particularly from frustrated youths, is increasing, especially if the democratic process fails to deliver. More likely, as in 2008 if the vote goes against them, is violence from hardline ZANU-PF elements and "securocrats", who stand to lose most from a change in political fortunes. SADC gave ZANU-PF the benefit of the doubt in 2008 and has not developed visible deterrence to such tactics in 2013. Sanctions, suspension of membership or even expulsion are largely untested options. Threats to employ them have little credibility, given tepid responses to past violence and intimidation. It is unclear whether, how and to what extent member states have supported the SADC facilitation team's push for reforms by exerting bilateral pressure via incentives and warnings.<sup>39</sup>

The least likely outcome is an uncontested victory by either MDC-T or ZANU-PF. A number of more likely outcomes include:

<sup>35</sup> "EU will let SADC judge Zimbabwean poll", *Business Day*, 15 July 2013.

<sup>36</sup> "SADC launches election observer team for Zimbabwean elections", *Business Day*, 16 July. By 21 July, 360 observers were deployed. "Organising election will be tough: Kikwete", *New Zimbabwe*, 22 July 2013.

<sup>37</sup> In 2012, the AU Democracy and Electoral Assistance Unit (DEAU) launched a roadmap to transform AU practice from short-term to long-term election observation. "The Integrity of Elections: The Role of Regional Organizations", International Institute for Democracy and Electoral Assistance, 2012, p. 31. The AU tested in Kenya the methodology it will use in Zimbabwe (and eventually Mali). Crisis Group interview, AU long-term observation mission team leader, Harare, 20 June 2013.

<sup>38</sup> For more, see "DR Congo: Learning the Lesson", Crisis Group African Peacebuilding Blog, www.crisisgroup.org, 9 February 2012. SADC has taken a harder, more interventionist line in Madagascar, criticising the election nomination court's endorsement of three candidates in the pending election and threatening sanctions unless they withdraw.

<sup>39</sup> There is general understanding that South Africa complemented its facilitation on behalf of SADC with bilateral lobbying to modify the organisation's overall position. Several sources said the SADC facilitator (South African President Zuma) threatened ZANU-PF with sanctions in January if it continued to block a constitutional referendum. Crisis Group interviews, Harare and Johannesburg, May, June, July 2013.



- ❑ ZANU-PF wins a deeply flawed election that is accepted by most in the interest of avoiding violence and further economic chaos;
- ❑ ZANU-PF wins a deeply flawed election that is accepted by SADC/AU observers, but not by MDC formations and civil society, leading to further political impasse and economic deterioration;
- ❑ ZANU-PF “wins” a clearly rigged election; the courts give no remedy, leading to large protests, repression, political isolation and economic deterioration; or
- ❑ MDC-T wins at least in the first round, provoking a backlash by hardliners/securocrats to prevent a transfer of power.

Other scenarios are also possible, but whatever ultimately transpires, it will become more precarious if the presidential contest again goes to a second round. Most projected outcomes suggest a strongly disputed result. In that event, resolution mechanisms may not provide a legal remedy, and African facilitation may be required to either rerun elections after several months of careful preparation or, if that is not possible, secure a political solution involving a negotiated reconfiguration of power sharing.

## VII. August Responses

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If SADC and the AU take the low road with respect to a vote on 31 July that is clearly deeply flawed – regardless of which political camp appears to “win”, though realistically the ZANU-PF side is more likely to be able to employ and benefit from gross manipulation – their ability to maintain regional stability as well as to promote democratisation and good governance will be undermined. Instead, they should be prepared to declare the results illegitimate and press for the elections to be run again after a minimum of three months is used to ensure:

- ❑ adequate funding to resource and prepare fair elections;
- ❑ voter education to explain the new election system to all citizens;
- ❑ operationalisation of a viable dispute resolution infrastructure;
- ❑ extended opportunity for additional voter registration and subsequent publication of the voters roll to allow for inspection and audit;<sup>40</sup>
- ❑ opening of access to the state media for all political players;<sup>41</sup>
- ❑ cooperation between SADC facilitators and JOMIC to monitor political violence and intimidation and assess respect for electoral laws and institutions;<sup>42</sup> and
- ❑ robust nation-wide monitoring by SADC and the AU to help avoid a disputed outcome.

In this interim period, SADC and the AU should continue to recognise the current GPA power-sharing administration as the legitimate government. If new elections are held after October 2013 (the constitutional deadline in view of the end-of June dissolution

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<sup>40</sup> Zimbabwe's statistics agency, Zimstats, must release details on adult population disaggregates and distribution to assist the ZEC with its review.

<sup>41</sup> “The Report of SADC Facilitator”, op. cit., p. 4.

<sup>42</sup> Ibid, pp. 4-5.

of the parliament), or the parties prefer to avoid elections for the time being, either an extension of the current arrangement or negotiation of a reconfigured power-sharing deal – described by some as “GPA 2”<sup>43</sup> – would be required. If the government refuses, SADC and the AU should consider such options as non-recognition, suspension of membership and targeted sanctions to enforce compliance.

SADC and the AU will also need to be strong and pro-active – both threatening and using a similarly wide-range of diplomatic tools and pressing for more extensive presence of their personnel in specially vulnerable areas, including observers competent to keep watch on the security services – if a surge in violence begins or appears imminent either in immediate consequence of the 31 July balloting or, as in 2008, in process toward a presidential run-off.

## VIII. Conclusion

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Five years on from the violence and chaos that the fundamentally flawed 2008 elections led to, Zimbabwe's main political actors – President Mugabe's ZANU-PF and the MDC factions – each retain substantial national support and a claim to exercise primary responsibility for the nation's future. However, they have made little if any genuine progress toward the mutual trust or at least tolerance that might enable them to agree on a solution to their political deadlock. The necessary reforms of law, the media and especially the security sector that should precede recourse to the ballot box to decide their differences have long been known, but they either are not in place, exist only on paper or are insufficiently implemented.

In short, while the country will go to the polls on 31 July, the conditions in today's Zimbabwe – the polarisation, the skewed balance of power and the apparent determination of those with power not to give it up – mean that the elections are unlikely to prove a satisfactory mechanism for determining who holds office. Depending on the specific nature of shortcomings at the polls or with regard to the results and their domestic acceptance, SADC and AU diplomatic intervention will almost certainly be required. Their facilitation of reworked power sharing in some guise and proportion, with due account taken of the GPA's flaws, may also become an unavoidable complement.

All that places a heavy burden on the two African inter-governmental organisations that are the only outside entities with sufficient standing, self-interest and on-ground presence to have a chance of managing the fragile and potentially explosive situation. They felt unable to press for a delay after the Constitutional Court upheld the date. They badly want both to uphold basic democratic and rule-of-law standards and to welcome Zimbabwe back into their fold. It is likely, however, that these elections will be so deeply flawed or its results so sharply contested as to make those goals incompatible by ushering in an exacerbated crisis rather than the beginning of political stability.

In either event, the region, the continent and others like the EU that have indicated they will follow an African lead will have to make difficult choices in August. No policy would be free of costs, but a renewed effort to uphold basic standards – by candour, public and private diplomacy and perhaps even further sanctions – would stand the best chance eventually to cure Zimbabwe's dangerous fevers.

**Johannesburg/Brussels, 29 July 2013**

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<sup>43</sup> Crisis Group Report, *Zimbabwe: Election Scenarios*, op. cit.

Appendix A: Map of Zimbabwe



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Crisis Group also operates out of over 30 different locations in Africa, Asia, Europe, the Middle East and Latin America.

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