ZIMBABWE:

ANOTHER ELECTION CHANCE

30 November 2004

Crisis Group Africa Report N°86
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EXECUTIVE SUMMARY AND RECOMMENDATIONS

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

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

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

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

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

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

The opposition Movement for Democratic Change (MDC) must revive itself quickly and develop a unified strategy if it is to make the most of the March elections. Its leader, Morgan Tsvangirai, has at least been acquitted of one set of trumped up treason charges but a second such case still hangs over his head, the party remains persecuted in numerous ways, and its leadership is uncertain over how to respond. The decision taken in August 2004 by the MDC leadership group to boycott the March

2005 elections unless there can be a guarantee in advance that they will be free and fair will be reviewed in the coming weeks. A last minute decision to boycott can always be made if circumstances compel it, but it is critical for the MDC's credibility and effectiveness as a political force that it participate now in the political and electoral process to the greatest possible extent. At the same time, it should seek to maximise understanding from SADC and other observers of the need for genuine electoral reforms to be implemented before the elections.

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

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

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

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

RECOMMENDATIONS

To the Zimbabwe Government and ZANU-PF:

1. Implement by 1 January 2005 as preparation for the parliamentary elections scheduled for March 2005 the SADC principles and guidelines governing democratic elections in letter and spirit, including by:
   (a) working with the opposition MDC to develop consensus on technical electoral reforms and their implementation, including appointments to a new, independent electoral commission;
   (b) revising or repealing laws such as the Preservation of Public Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPPA), the Private Voluntary Organisations Act (PVO) and the new NGO Bill so as to restore rule of law and political freedoms necessary for the conduct of truly free and fair elections;
   (c) ending political violence by disbanding youth militias and desisting from using the military to repress political opponents;
   (d) ceasing manipulation of food aid for political purposes; and
   (e) desisting from messages of hate in public rallies, state events and the press, and tacit approval of violence.

To the MDC:

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

To the South African Government:

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

   (a) adhere to the SADC principles and guidelines;

   (b) repeal repressive laws so that truly free and fair parliamentary elections can be held in March 2005; and

   (c) cooperate within SADC and the AU to ensure a robust monitoring presence is in country by 1 January 2005.

To SADC:

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

   (a) setting specific timelines for incorporation of those principles and guidelines into national law, regulations and procedures and for the establishment of a genuinely independent electoral commission;

   (b) sending a team by 1 January 2005 first to work with ZANU-PF and the MDC on implementation of the protocol's principles and guidelines, in letter and spirit, and then to monitor the elections;

   (c) announcing publicly that SADC will call for postponement of the elections at least to June 2005, when the parliamentary term expires, if the necessary preliminary steps, including establishment of a genuinely independent electoral commission, are not in place at least two months before the scheduled date of those elections; and

   (d) announcing publicly that SADC will not endorse the results of elections unless its monitoring team is satisfied that the entire election process was in conformity with the letter and spirit of the protocol's principles and guidelines.

To the Nigerian Government:

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

To the African Union:

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

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

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

   (a) helping finance and train monitoring teams;

   (b) urging deployment of a UN election monitoring team by 1 January 2005; and

   (c) assisting Zimbabwean civil society voter education efforts.

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

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I. INTRODUCTION

President Robert Mugabe and his administration appear to have improved their popular standing despite a still desperate economic situation, according to recent polling data,[1] and have announced reforms to the electoral system. The repressive governance system remains intact, however, which means that serious obstacles must be overcome if the March 2005 parliamentary elections -- on which the international community is increasingly focusing -- are to be free and fair. Zimbabwe's political future hinges on those elections.[2] If ZANU-PF gains at least a two-third parliamentary majority (100 of 150 seats), it would be able to amend the constitution at will.[3]

A. LEGAL RESTRICTIONS

Restrictive laws undermine the basic freedoms of association, movement and assembly.[4] These include the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), the Private Voluntary Organisations Act (PVO), the Broadcasting Services Act (BSA), and the recently promulgated Criminal Procedure and Evident Amendment Act (CPEAA). For example, POSA, enacted before the 2002 presidential election, prohibits public statements deemed "likely to undermine public confidence" in the state and its institutions or to foment "feelings of hostility" towards the president. This vague language has amounted to a blank cheque for the police and other arms of state security to repress dissent.

The government is using these laws to shut down public meetings of the opposition party Movement for Democratic Change (MDC) and civil society organisations. In August 2004, the MDC was forced to seek redress from the courts when POSA was employed to bar its leader, Morgan Tsvangirai, from addressing eleven campaign rallies and even attending important party meetings.[5] Courts have been used frequently to harass government opponents. No activity of the ruling (ZANU-PF) party has ever been banned under POSA.

AIPAA, which requires all journalists and media houses to register with the government, has also been directed against ZANU-PF critics. It has been

[1] See Annie Chikwanha, Tulani Sithole, and Michael Bratton, "The Power of Propaganda: Public Opinion in Zimbabwe, 2004", Afro-Barometer, working paper, No. 42, 2004. Movement for Democratic Change (MDC), the opposition party, believes the poll does not accurately reflect the views of many citizens, who fear to respond candidly to a polling organisation. Crisis Group interview, senior MDC figure, November 2004.

[2] Crisis Group has reported regularly on the deteriorating Zimbabwe situation, including the need to develop the broadest possible multilateral consensus in support of establishing the conditions for free and fair elections. See Crisis Group Africa Report N°78, *Zimbabwe: In Search of a New Strategy*, 9 April 2004; Crisis Group Africa Briefing, *Decision Time in Zimbabwe*, 8 July 2003; Crisis Group Africa Report N°60, *Zimbabwe: Danger and Opportunity*, 10 March 2003; Crisis Group Africa Report N°52: *Zimbabwe: The Politics of National Liberation and International Division*, 17 October 2002, and previous.

[3] A possible scenario rumoured in Harare involves constitutional amendment to create a new post of executive prime minister, with Mugabe retiring to a ceremonial presidency. Crisis Group interview with civil society leaders, Harare, 27 August 2004. Many doubt, however, that the president has any intention of giving up any of his power before the expiration of his term of office in 2008. Crisis Group interview with senior MDC figures, November 2004.

[4] See, World Organisation Against Torture, "Open Letter to Mr Robert Mugabe, President of the Republic of Zimbabwe", 13 August 2004. Under AIPPA three private newspapers have been closed down.

[5] "MDC Takes POSA to Court", *Zimbabwe Independent*, 13 August 2004. The police denied Tsvangirai permits to address campaign meetings in the rural areas of Bikita East, Bikita West, Masvingo North, Gutu South, Gutu North, Gokwe Central, Gokwe East, Gokwe West, Kadoma Central, Silobela and Hwedza.

extended to non-journalists such as NGOs (non-governmental organisations) that gather information and to the activity of Zimbabwean journalists, who work for media groups.[6]

PVO, on the books since 1996, requires organisations that provide welfare services and treatment to register. The government's discretion to refuse that registration has been utilised vigorously since 2002 against NGOs it views unfavourably. Although the Parliamentary Legal Committee (PLC) ruled unconstitutional the new Non-Governmental Organisation (NGO) Bill, which provides for the "operations, monitoring and regulation of all non-governmental operations",[7] ZANU-PF used its majority in parliament to rubber-stamp it into a law in November 2004.[8] NGOs are now concerned that the new NGO law, first introduced in August 2004, will restrict their freedom more substantially. While the requirement that NGOs apply for registration before the registrar of the NGO Council working under the ministry of social welfare is neither new nor peculiar to Zimbabwe,[9] the new law could be used to criminalise the activities of human rights and governance NGOs.[10]

Asked whether there is any contradiction between the new NGO legislation and the Southern African Development Community (SADC) principles for conduct of free and fair elections that Zimbabwe has accepted,[11] a government official insisted to Crisis Group the legislation was a way of "creating the level [electoral] playing field". This reflects a widespread view in the government and the ruling ZANU-PF party that NGOs, especially those in the human rights and governance sectors, are being used as conduits of foreign money to benefit the MDC. The law is intended to give the government authority to ban foreign funding for human rights NGOs and to seize assets of an NGO that accepts such funding.[12]

Civil society leaders view the legislation primarily as an attempt to undercut their operations ahead of the 2005 elections and to ensure that they cannot monitor those elections.[13] Its potential implications also include that "foreign non-governmental organisations that are providing food will not be able to continue doing so without restriction",[14] because they threaten the monopoly over food distribution that is a valuable source of government patronage and influence on voting.

The legislation could potentially cost some 10,000 NGO employees their jobs,[15] but more significantly, an NGO leader says, the anticipated restrictions could engender a situation where "tyranny will continue unchecked by civil society and unobserved by all except its victims".[16] Removing the more restrictive elements of the bill is a pre-condition for a healthy electoral environment. The bill has been passed into law, despite that civil society in Zimbabwe has lobbied SADC leaders to prevail upon the government to withdraw or substantially amend it.

B. POLITICAL ROLE OF THE SECURITY SERVICES

On the eve of the 2002 presidential election, the top echelons of the military announced that they would not salute anyone who had not participated in the independence struggle, a clear reference to Morgan Tsvangirai, the opposition leader.[17] Not only the military, but also the police and Central Intelligence Organisation (CIO) remain in the hands of reliable ZANU-PF veterans.

The regime loyalty of the security forces has helped to stabilise the state and cushion it from possible coups. But failure to keep professional distance

[6] Crisis Group interview with a Zimbabwean journalist, 28 August 2004.
[7] See the bill's preamble.
[8] Njabulo Ncube, "NGO Bill Declared Unconstitutional," *Financial Gazette* (Harare), 18 November 2004; "Amnesty warns on Zimbabwe NGO Bill", South African Broadcasting Corporation (SABC), 19 November 2004.
[9] Many SADC countries, including South Africa, have similar registration requirements for NGOs. The conditions that must be met have become tougher and are more closely monitored as part of anti-money laundering measures across the region.
[10] Arnold Tsunga and Tafadzwa Mugabe, "Zim Bill: Dangerous for Human Rights Defenders", Zimbabwe Lawyers for Human Rights, 2004.
[11] See below.
[12] Tsunga and Mugabe, "Zim Bill", op. cit.
[13] Crisis Group interview with the Zimbabwe Crisis Coalition, August 2004.
[14] Crisis Group interview with a South African Non-Governmental Organisation Council (SANGOCO) official, September 2004.
[15] Zimbabwe Human Rights Forum, "NGO Bill 2004", No. 2.
[16] Crisis Group interview with a Zimbabwe NGO leader, Harare, August 2004.
[17] Chris Chinaka, "Zimbabwe Security Chiefs Line up Behind Mugabe, But…", Reuters, 11 January 2002

from partisan politics could hamper a democratic transition. The police are formally responsible for maintaining law and order but the army and air force have been called upon to crush political demonstrations in the past four years. Further the CIO, which under the minister of state for national security in the president's office is responsible for internal and external security, has been widely used to monitor and punish dissent.[18]

Political violence linked to security forces has marred the seven by-elections since the 2002 presidential vote, and there are indications that the beating and intimidation of suspected opposition voters is likely to increase ahead of March 2005 elections. Since June 2004, individuals in military uniforms[19] have been observed beating civilians, particularly in the low-income suburbs of Harare and Bulawayo, which are opposition strongholds. The army has been enforcing the POSA by arbitrarily detaining opposition politicians and dispersing MDC rallies.[20]

The government has cited the need to preserve law and order as justification for deploying military personnel to high-density, low-income residential suburbs. In April 2003, the *Sunday Mail* carried a defence of this measure by Minister of Information and Publicity Jonathan Moyo:

> It would be foolhardy to deploy only the police to deal with such terrorists. Terrorism in constitutional democracy requires a military response, and where the military is deployed nobody should expect [a] picnic because throwing petrol bombs at civilians and placing dynamites under bridges and in buildings is just not a picnic.[21]

The military has worked in tandem with the police to clamp down on the opposition and prevent it from conducting public functions. In August 2004 alone, the opposition alleged that ten of its rallies were cancelled for no apparent reason.[22] ZANU-PF has increased its support within security forces by giving soldiers and senior police officers more pay, large swathes of land from confiscated white commercial farms, and houses in Harare. If there is to be a level field for the 2005 elections, the security services will need to adhere to professional neutrality.

C. YOUTH MILITIAS

In August 2004, President Robert Mugabe called on the ZANU-PF youth league to "go and work", warning that:

> If we lose the election I will expect you in the youth league to be answerable. Deal with these midgets [opposition MDC]...we must teach them a lesson across the whole country that Zimbabwe will never be a colony again.

Political violence linked to youth militias has aided ZANU-PF in past elections. In April 2004, the ruling party used intimidation and violent tactics to win an MDC parliamentary seat in Harare. This was viewed as a curtain raiser for the coming elections.[23] Since August, the government has stepped up its campaign to win the hearts and minds of young people. Youth training became part of ZANU-PF electoral strategy when the government unveiled a plan to establish 35 youth centres nationwide and increased budget allocations to the National Youth Service Program from Z$418 million (about $79 million) in 2002 to Z$2 billion in 2003 ($380 million).[24] National Youth Training Centres, known as "Border Gezi" after a former ZANU-PF secretary for the commissariat and minister of youth and employment, have since been opened in Matebeleland North and South, Midlands and Masvingo.[25]

Zimbabwe's young people, as the social category hardest hit by poverty and unemployment, are pawns in the political game. Many have volunteered to join the national youth service where they are paid, fed

[18] Soldiers reportedly have abducted, tortured and carried out extra judicial killings of opposition members at the behest and in defence of the ruling party. U.S. Department of State, "Zimbabwe: Country Reports on Human Rights Practices", 25 February 2004.

[19] The Law and Order Section of the police wear uniforms similar to army camouflage dress.

[20] U.S. Department of State, "Zimbabwe", op. cit.

[21] This is a reference to an incident in which two commuter vehicles were petrol-bombed and other property destroyed in urban areas during a national stay-away that the government blamed on the MDC, *Sunday Mail*, 6 April 2003.

[22] *The Daily Mirror*, July 2004.

[23] "Zim Poll Violence 'Worrying'", *Mail & Guardian*, 7 April, 2004.

[24] Integrated Regional Information Network (IRIN), 18 December 2002, http://www.irinnews.org. Unless otherwise noted, figures denoted in dollars ($) in this report refer to U.S. dollars.

[25] These Youth Training Centres are named in honour of one of Zimbabwe's liberation heroes, who died in a car accident.

and clothed. The government has attracted them into Border Gezi youth centres by promising jobs and making a certificate from the centres a prerequisite for service in the military or police, as well as entry into government training colleges and the public university system. The government says 20,000 youth trainees have graduated so far from Border Gezi, although the figure may be higher.[26]

The training programs are aimed at indoctrination. They equip trainees with skills which can be applied to suppress, even torture supporters of the opposition.[27] Graduates of the centres confirmed that the curriculum includes regular subjects such as globalisation, land reform, and independence history but also how "to hate [the] MDC".[28]

Graduates are deployed around the country to monitor dissent and undertake an array of political projects including, setting up roadblocks, ensuring compliance with government price controls and distributing food for the Grain Marketing Board.[29] Youth militias have also been responsible for torture, destruction of property, and ubiquitous violence against opposition loyalists. In mid-August 2004, for example, ZANU-PF youth militia abducted an MDC official, Mbare Mutukwa, and assaulted him at a militia base.

There are many reports that the youth militias are harassing opposition supporters and forcing them to denounce the MDC and join the ruling party. The government is clearly using the youth to seal off the countryside, making it into no-go-areas for the opposition. ZANU-PF militias harass and intimidate villagers, a trend likely to escalate closer to election day.[30] An opposition leader informed Crisis Group that ZANU-PF youths are giving ultimatums to MDC supporters to join the ruling party. MDC holds Mugabe responsible for escalating acts of violence against its officials because of his recent call on ZANU-PF youths to attack the opposition.[31] Although ZANU-PF National Youth Chairman Absolom Sikhosana has denied MDC charges, mass training of youths is fuelling suspicions that the government is creating a private army for electoral purposes.[32]

The Geneva-based International Parliamentary Union (IPU) recently censored the government for failing to stop youth militias linked to ZANU-PF from persecuting and torturing MDC parliamentarians. It noted that 24 MDC parliamentarians have been arrested or harassed by security agents or ZANU-PF militants in the past four years.[33] Mobilisation of youth violence is a major obstacle to a level electoral field for the 2005 elections. The government should immediately stop recruiting party militias in order to end extra-legal violence.

[26] Crisis Group interviews with government officials, 27-28 August 2004.
[27] "Taught to Hate", *Mail & Guardian*, 19 August 2004.
[28] Ibid, and Crisis Group interviews, Harare, September 2004.
[29] Anthony Reeler, "The Role of Militia Groups in Maintaining ZANU-PF Power", ZWNEWS.com, March 2003.
[30] "Zanu-PF Revives Terror Bases", www.ENEWS.com, 20 August 2004.
[31] See "Youth militia begin new terror campaign", ZimOnline, 21 July 2004, at www.zimonline.co.za.
[32] "Compulsory 'Patriotism' Camps for Zim Youth", Zimbabwe Situation website, 29 January 2002, at www.zimbabwe situation.com.
[33] "IPU Confirms Systematic Harassment of the Political Opposition", ZWNEWS.com, 2 September 2004.

II. ELECTION POLITICS

A. ELECTORAL ECONOMICS -- LAND AND FOOD

The ZANU-PF government is managing the country's troubled economy with an eye more on the March 2005 parliamentary contest than the fundamental problems. Reserve Bank Governor Gideon Gono has introduced new monetary policies that have brought inflation down from an annual rate of 624 per cent in January 2004 to 250 per cent in August. These include anti-corruption measures in the banking sector and, more importantly, procedures to boost foreign currency reserves by directing remittances from over 5 million Zimbabweans living abroad through official channels. Desirous of showing that the land reform process is becoming a success, the government is citing the drop in inflation as proof of general economic recovery. Nevertheless, the benefits for the more than 75 per cent of the population still living below the poverty line have been relatively small.[34]

Meanwhile, tobacco production, traditionally Zimbabwe's agricultural life-line and a major foreign currency earner, has declined to 60 million kilograms this season from a peak of 220 million five years ago.[35] Shortage of foreign currency has led to soaring food prices, and long queues reflect a fuel scarcity. Food production has declined seriously as a by-product of the way land reform has been carried out.

The government has adopted a number of popular measures, such as banning increases in school fees and imposing restrictions on the ability of local authorities to increase tax rates, which have contributed to the crumbling of social services across the country. Land, however, has been the medium most often employed for political purposes. The government has given farms to well-placed opposition leaders to induce defections from MDC. In early September 2004, it reportedly allocated land to Harare's executive mayor, Sekesai Makwavarara, who left the MDC the previous month.[36] In July, High Court Judge Michael Mujuru claimed he was offered a farm in exchange for shutting down the country's largest private newspaper, the *Daily News*.[37] The judge now lives abroad, and the paper was eventually closed down.

Land has also been given to the military and the police to ensure loyalty. However, the rural peasants have benefited most, receiving land under the A1 scheme of the fast track reform. This has built strong rural support for ZANU-PF.

The use of genuine economic problems for political gain is also illustrated by the manipulation of food aid. On 12 May 2004, against the backdrop of the deepening food crisis, the government told donors Zimbabwe would not require assistance aid in 2004-2005 because it anticipated a bumper harvest.[38] In an interview, President Mugabe said that in view of an anticipated harvest of 2.4 million metric tons of maize, Zimbabwe would also halt food imports.[39] The actual situation is still unknown because the government has failed to provide hard information but the international community, including UN agencies, donor countries and NGOs believe the country is experiencing a serious food deficit. For example, a survey in Manicaland, Matebeleland North and Mashonaland West by the UN Food and Agriculture Organisation (FAO) and the World Food Program (WFP) Crop and Food Supply Assessment Mission (CFSAM), released in July 2004, predicted a deficit in cereals of 325,000 metric tons.[40] FAO predicts the year's cereal production will not exceed 950,000 metric tons.[41] Preliminary findings by the Zimbabwe Vulnerability Assessment Committee (ZimVAC) indicate that 2.3 million people in rural areas will need food aid in 2004-2005.[42]

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[34] Felix Njini, "Navigating Zimbabwe's Political Terrain", *The Financial Gazette*, 10 October 2004.
[35] "Tobacco Output Plummets", ZimOnline, 10 August 2004, at www.zimonline.co.za.
[36] "ZANU-PF Rewards Mayor with Farm", ZimOnline, 10 September 2004, at www.zimonline.co.za.
[37] Crisis Group interview with Michael Mujuru, former High Court Judge now living in South Africa, September 2004.
[38] "Zim Will Not Require Food Aid: Mangwana", *The Herald*, 12 May 2004; "Zimbabwe Predicts Good Harvest", *The Herald* (Harare), 14 May 2004.
[39] "Interview with President Mugabe", Sky News, 15 May 2004.
[40], "The Politics of Food Assistance in Zimbabwe", Human Rights Watch Short Report, 12 August 2004, p. 6. See also, "Not Eligible: The Politicisation of Food in Zimbabwe", A Human Rights Watch Short Report, October 2003.
[41] "Special Report -- Zimbabwe," FAO, Rome, July 2004.
[42] In an earlier study, ZimVAC predicted that as many as 2.5 million urban Zimbabweans would need food aid. See, ZimVAC with SADC's Food, Agriculture and Natural Resources (FANR) Vulnerability Assessment Committee, "Food Security and Vulnerability Assessment", September 2003.

A bi-partisan Portfolio Committee on Lands and Agriculture set up by parliament to verify government crop yield estimates and which began its work in August, received conflicting figures from government agencies on the last maize harvest.[43] The state-controlled Grain Marketing Board (GMB) told it that 2.4 million metric tons had been produced, 600,000 more than required to carry the country to the next harvest, around March 2005.[44] The Central Statistical Office (CSO), under the ministry of finance, however, reported that the maize harvest would be at most 1.2 million metric tons.[45]

More ominously, the Bulawayo City Council has reported a rising number of deaths attributed to hunger and malnutrition.[46] Most of these are in opposition strongholds. An August 2004 report of the Council indicated that 125 people, including 21 children under five, died of hunger and malnutrition-related causes between March and July.[47] Crisis Group confirmed these figures and the causes of deaths with the executive mayor of Bulawayo, Ndabeni Ncube, and Director of Health Dr. Zanele Hwalima.[48] In September, deaths from hunger and malnutrition in areas of Bulawayo badly hit by food shortages reached 161.[49] Crisis Group was told that there is widespread famine in Matabeleland, an opposition stronghold, but other than in Bulawayo the death toll has not been reported.[50]

Minister for Information and Publicity Jonathan Moyo has threatened the Bulawayo City Council with "drastic action" for releasing statistics.[51] The government appears apprehensive that food aid from its leading international critics, especially the UK, U.S. and EU, would undermine its position in advance of the elections. It is instead, according to humanitarian officials and aid agency workers, importing food secretly through South Africa and Zambia.[52] While the government denies this, the South African Grain Information Service reportedly has monitored ship cargoes in 2004 of nearly 200,000 metric tons of grain from Argentina and the U.S. destined for Zimbabwe.[53]

By holding information so tightly and monopolising supply and distribution, the government appears to be using food as a political weapon, permitting opposition enclaves to suffer while favouring its own supporters.[54] MDC charges that its backers are denied food and accuses the government of lying about harvests and rejecting international help so it can use distribution to lure votes.[55] For example, priority in distribution is said to go to the three rural Mashonaland provinces and parts of Masvingo where ZANU-PF is strong.[56]

The GMB, a state-owned body headed and controlled by the ruling party and responsible for importing maize and selling it at a subsidised price, has been accused of failing to ensure equal access irrespective of citizens' political alignment. Its operations lack transparency but persons suspected of MDC sympathy are said to be excluded routinely from purchasing GMB maize,[57] while ZANU-PF youth militias are employed to help with distribution.[58] Local authorities, overwhelmingly aligned to the government and the ruling party, also play a major role in determining who qualifies for government food aid.[59] Crisis Group interviews indicate that the GMB's virtual maize monopoly and its distribution policies will, if they remain unchanged, influence the March 2005 elections in favour of ZANU-PF.

During the May 2004 by-election for Lupane Constituency in Matebeleland North, left vacant by

[43] "House Adopts Motion to Ascertain Country's Grains", *The Herald* (Harare), 3 June 2004.; "Food Security Controversy Rages on", *Financial Gazette*, Harare, 29 July 2004.
[44] ZimOnline, 26 July 2004, at www.zimonline.co.za.
[45] Zimbabwe consumes at least 100,000 metric tons of maize per month, about 1.2 million tons a year. In addition the country requires 600,000 tons for its strategic grain reserve stock.
[46] Bulawayo City Council Report, May 2004. p. 6.
[47] 63 people died in March, 21 in May, twelve in June and 29 in July. Crisis Group interviews, 26 August 2004; Savious Kwinika, "Hunger claims more lives -- children worst victims of malnutrition," *The Zimbabwe Standard*, 8 August 2004.
[48] Crisis Group interview, August 2004.
[49] These deaths have occurred in wards 2, 6, 7, 9, 10, 13, 22, 24 and 25 of the Bulawayo County Council.
[50] Crisis Group interviews, August 2004.
[51] Savious Kwinika, "Nine More Die as Food Crisis Deepens", *The Zimbabwe Independent*, 13 September 2004.
[52] Crisis Group interview August 2004.
[53] "UN Sees Huge Zim Food Shortage", new24.com, 3 June 2004.
[54] Human Rights Watch, "Not Eligible: The Politicization of Food in Zimbabwe", 28 October 2003; Human Rights Watch, "The Politics of Food Assistance in Zimbabwe", New York, 12 August 2004, p.9.
[55] Crisis Group interview, 27 August 2004.
[56] Crisis Group interview, August 2004.
[57] Human Rights Watch, "Not Eligible: The Politicisation of Food in Zimbabwe", op. cit.
[58] Crisis Group interviews in Harare, 27 August 2004.
[59] Crisis Group interviews with leaders of Zimbabwean NGOs, 28 August 2004.

the death of an MDC parliamentarian, ZANU-PF reportedly brought maize meal to the area and sold it at barely 10 per cent of the regular retail price. This, coupled with threats to local communities by party officials that if they did not vote correctly they would not receive food, helped ZANU-PF to win the seat.

Government officials interviewed by Crisis Group claimed that the MDC is also attempting to use the food issue for political gain. In the wake of the controversy between donors and the government, it allegedly has claimed credit for distribution by foreign non-governmental groups and asked for votes in return.[60]

Donor political views also affect the food situation, albeit not significantly. Donors, who are highly critical of the conduct of the government's land policy, have been reluctant to fund food aid and agricultural inputs that might appear to support those policies. In any event, the government itself places restrictions on access to resettled land areas that would make it difficult to distribute food there.[61]

There cannot be free and fair elections in the context of the continuing food crisis unless the government halts discrimination in access to food and makes it accessible to all irrespective of political affiliation. The government will also need to ensure that the GMB acts transparently, impartially, and efficiently. Political partisans, including war veterans and ZANU-PF youth militias should not be involved in distributing food. Finally, the government should remove all legislative restrictions on humanitarian assistance, including aspects of the impending NGO bill.

B. THE BATTLE FOR THE PRESIDENCY

1. The ZANU-PF congress

In May 2004, President Mugabe said he would not seek re-election in 2008 and might retire before then but was having difficulty identifying his successor.[62] This touched off an intense power struggle between and within the various factions of the ZANU-PF elite which threatens to tear the party apart as it prepares for its December 2004 congress.[63]

While earlier intra-party struggles have been fuelled by old-guard refusal to transfer political power to younger leaders and Mugabe's personal indecision over a successor, the present round is focused sharply on the need to fill two key vice-presidential positions, one left vacant by the death of Simon Muzenda in October 2003, and the other held by the second vice president, Joseph Msika, who is likely too old and frail to have realistic prospects to succeed Mugabe. The December congress might be a watershed in Zimbabwe's future largely because it is expected to fill both positions and, by extension, give an indication of Mugabe's potential heir.[64] These party elections are in effect elections within an election because they will have profound bearing on the March 2005 parliamentary election and the post-Mugabe era. The contest is taking the form of ethnic, generational and gender struggles, with the anti-corruption card being played to out-manoeuvre rival factions.

2. The ethnic factor: "It's our time to eat"

The scramble for the presidency has rekindled long-standing ethnic feuds between and within the Shona and Ndebele communities. Although efforts have been made to ensure power-sharing between the Shona and the Ndebele, most members of Mugabe's inner circle are from his Zezuru sub-group of the Shona, who occupy the Mashonaland Central, East and West provinces.[65] The two main camps mirror the political divide between Mugabe's Zezuru sub-group and Shona's most populous group, the Karanga, who mainly occupy Masvingo and Midlands provinces.

The Zezuru faction is led by a retired army general, Solomon "Rex" Mujuru. The prevailing view is that if ZANU-PF wins the 2005 elections, the Mujuru

[60] Crisis Group interviews with government officials, 27 August 2004.
[61] At the beginning of 2004, the government stopped two pilot projects by donors in resettled areas.
[62] Caroline Mango, "Mugabe Not Seeking Re-election in 2008", *East African Standard*, 15 May 2004. See also other articles from the same source. "A Rare Meeting with 'Comrade' Bob", *East African Standard*, 15 May 2004; Caroline Mango, "Chaos of the Land Seizures", *East African Standard*, 15 May 2004.
[63] See Crisis Group Report, *Zimbabwe: In Search of a New Strategy*, op. cit.
[64] Crisis Group interview with a senior ZANU-PF leader, September 2004.
[65] Zimbabwe has ten provinces: Harare, Manicaland, Masvingo, Mashonaland Central, Mashonaland East, Mashonaland West, Matabeleland North, Matabeleland South, Midlands and Bulawayo.

camp will seek the post of prime minister, possibly for one of its most credible technocrats, former Finance Minister Simba Makoni. Many in the Zezuru clique believe that the MDC is a creation of the Karanga. They point out that the majority of the opposition leaders and parliamentarians, including Morgan Tsvangirai, are Karanga. To counteract the Karanga faction, the Zezuru faction has forged alliances with such influential Matebele politicians as John Nkomo (ZANU-PF Chairman) and Dumiso Dabengwa, a former Commander of ZIPRA, the armed wing of Zimbabwe Peoples Union (ZAPU), and ZANU-PF Politburo member.

The Karanga faction is closely identified with Emmerson Mnangagwa, Mugabe's long-time ally and the secretary of the ZANU-PF administration. The Karanga faction feels it is its "time to eat" since the Zezurus have for many years controlled most of the national cake. While Mnangagwa is touted as a possible president, the accusation that he masterminded the army's slaughter of over 20,000 people in Matabeleland in the 1980s, when he was state security minister, has badly hurt his national stature. The struggle for the presidency has seen increased adverse press reports on Mnangagwa's alleged role in the looting of diamonds and other resources from the Democratic Republic of Congo during Zimbabwe's intervention in that country's war.[66] The police are currently investigating him for allegedly dealing in gold and foreign currency in Zimbabwe while ZANU-PF is probing for financial irregularities while he was its financial secretary and supervisor of its companies.[67] The Mnangagwa camp views this as a witch-hunt. It is suspected that Mugabe may catapult Mnangagwa into the presidency by cutting a deal with the party's provincial leadership. But the Mujuru faction has vowed to oppose Mnangagwa even at the cost of splitting the party.[68]

At the inter-ethnic level, the minority status of the Ndebele is an additional hurdle for their leaders. Under the terms of the ZANU-PF/ZAPU Unity Agreement of 1987, one of the two vice presidents must come from ZAPU (a Ndebele) and the other from ZANU (a Shona). This power-sharing arrangement disadvantages ambitious Ndebele like the ZANU-PF chairman, John Nkomo, who want to enter the race for the presidency. Because the second vice-presidential slot is already occupied by a former ZAPU stalwart, Msika,[69] the vacant position must go to a Shona. What may prevent a ZANU-PF split, however, is the common fear that it could open the door for the MDC.

3. Generational politics

Another faction that seeks the presidency is a small, but vociferous group of "Young Turks", including the fiery information and publicity minister, Jonathan Moyo, the agriculture minister, Joseph Made, and the justice minister, Patrick Chinamasa. The faction has exploited its control of the media to project itself as representatives of a new ZANU-PF. They have also given favourable publicity to young technocrats, including the Reserve Bank governor, Gideon Gono, who doubles as Mugabe's personal banker. Gono recently purchased controlling shares in a newspaper, *The Financial Gazette*.

The Young Turks have used their control over state media to denigrate other potential successors to Mugabe. Recently, they have waged a vicious media war against both the Mnangagwa and Mujuru factions. They have also not spared the old guard, including Msika, the information and publicity secretary, Ntahan Shamuyarira, and John Nkomo who have fired back through the little read party publication, *The Voice*.[70]

4. The gender candidate

On 5 September 2004, the ZANU-PF Women's League congress passed a resolution urging that a woman fill the vacant vice-presidential post.[71] Mugabe's wife, Grace, endorsed the resolution, which was taken as an indication the president himself might be supportive,[72] and indeed, on 22 November ZANU-PF announced it was nominating Joyce Mujuru, minister for water resources and infrastructural

[66] "The Fight for Higher Office", *Mail & Guardian*, 27 August 2004.
[67] Mnangagwa also sits on the board of ZIDCO Holdings, the holding company of ZANU-PF businesses. "Knives out for Mnangagwa", *The Financial Gazette*, 8 August 2004.
[68] Crisis Group interview, September 2004.
[69] Crisis Group interview with ZANU-PF leaders, September 2004.
[70] "ZANU-PF Chiefs in Dirty Media War", *Zimbabwe Standard*, 18 July 2004. This media war has contributed to a disturbing loss of faith in democracy among Zimbabweans, according to a recent study. See Chikwanha, Sithole and Bratton, "The Power of Propaganda", op. cit.
[71] "Women's League eye Vice Presidency," *Sunday Mail*, 5 September 2004.
[72] Ibid.

development, for the position.[73] She is Rex Mujuru's wife, but also a war veteran in her own right, Zimbabwe's longest serving female cabinet minister, and meets Mugabe's criteria that his successor must have liberation credentials.

The proposal to elevate her accords with a general policy to increase the role of women in party leadership. It may also be a move by rival factions to block Mnangagwa at the December congress.[74] In a counter-manoeuvre, his camp sought to force retirement of the aging Msika to create a second vacancy.[75] However, ZANU-PF announced at the same time as the Mujuru nomination that it was re-nominating Msika as First Vice President.[76] At least within the opposition, there is a belief that Mrs Mujuru's elevation is not an indication that she is now the front runner eventually to succeed Mugabe but rather a sign that the president wishes to keep all the contenders guessing while he retains ultimate authority.[77]

5. The anti-corruption card

The government's anti-corruption campaign in recent months, which has been well received in some quarters,[78] is part of its efforts to project a new image of economic transparency and political accountability designed to restore the confidence of international financiers as well as impress voters ahead of the March 2005 elections. It has also become a weapon in the battle for succession, with rival factions exchanging accusations.[79] Amid allegations that senior party officials were using party investments to amass wealth illegally and buy their way to power, the ZANU-PF Politburo ordered an investigation into the operations of its companies in April 2004.[80] The probe has been seen as a way of targeting members of rival power blocs.

The vast majority of those implicated to date are indirectly linked to Mnangagwa. Three directors tied to ZANU-PF companies, Dipak Padya, Jayant Joshi and Manharlal Joshi, have fled to the UK. Efforts to extradite them have been unsuccessful. Foes in ZANU-PF privately accuse Mnangagwa of masterminding their exit.[81] In August, the government seized a mining empire owned by Mutumwa Mawere, a businessman who built his empire via Mnangagwa's political patronage.

The probe has turned increasingly violent and partisan. Rex Mujuru is a key member of the committee probing ZANU-PF companies.[82] Mnangagwa threatened to shoot policemen who sought to interview about alleged gold-smuggling in May and has since warned that he will not go down alone.[83] Although the committee has since completed its investigation, the party has refused to make the results public, presumably because it would damage its electoral chances.[84] The stability of the eventual political transition may largely depend on the emergence of a critical mass of credible moderates able to address the corruption crisis.

C. ELECTORAL REFORMS

On 7 September 2004, against the backdrop of domestic and international pressure on it to abide by principles and guidelines governing democratic elections adopted the previous month in Mauritius by SADC, the government introduced a bill to create the independent Zimbabwe Electoral Commission (ZEC). It is meant not only to organise and supervise all presidential, parliamentary and civic elections as well as referendums, but also to control the registration of voters, ensure proper custody and maintenance of voter rolls, design, print and distribute ballot papers, procure ballot boxes, and establish and operate polling centres. ZEC is also to conduct voter

[73] "Mujuru Nominated VP", *The Herald* OnLine, 23 November 2004.
[74] Crisis Group interview with a ZANU-PF leader, September 2004.
[75] Crisis Group interview with a civil society leader, August 2004.
[76] "Mujuru Nominated", op. cit.
[77] Crisis Group interview with senior MDC figures, November 2004.
[78] See *New Africa*, No. 432, August/September 2004.
[79] Crisis Group interviews, August 2004.
[80] ZANU-PF investments fall under two wings, M & S Syndicate and ZIDCO Holdings. The party has vast interests in the financial sector through its shares in First Bank, Treger Holdings (which is involved in the production of building and hardware material), Ottawa (a property management company), and Cattercraft, which runs the catering at Harare International Airport, services all domestic and international flights, and operates duty free shops
[81] Crisis Group interviews, August 2004.
[82] Crisis Group interviews, September 2004.
[83] Crisis Group interviews, August 2004.
[84] "ZANU-PF Probe Turns Ugly", *The Financial Gazette*, 5 June 2004.

education and accredit both local and international observers of elections and referendums.[85]

The draft stresses that "the Commission shall not, in exercise of its functions, be subject to the direction or control of any person or authority". However, it gives power to the president to appoint the chairperson in consultation with the judicial services commission and the other members from a list of seven nominees to be submitted by the Parliament's Committee on Standing Rules and Orders. The fact that the parliamentary committee is dominated by ZANU-PF raises a serious question about independence. Ensuring the representative -- if not necessarily non-partisan nature of ZEC -- would require that its members at least be selected on the basis of some proportional representation of parliamentary parties. Independence of the administrative system is essential to electoral credibility, but electoral reforms by themselves are not sufficient to ensure free and fair elections. They must be accompanied by comprehensive political reforms and respect for the opposition.

[85] "Government Adopts Electoral Draft Bill", *The Herald*, 8 September 2004.

III. THE MDC

A. A DEBATE ON TACTICS

On 11 September 2004, the MDC celebrated its fifth anniversary amid serious questions about its viability as an alternative to the Mugabe/ZANU-PF government.[86] In a sense, the MDC was marking its survival in the face of five years of repression rather than any remarkable achievements. Formed by a coalition of civic groups and the Zimbabwe Congress of Trade Unions (ZCTU), it has seen its fortunes decline in the last four years.

Throughout much of 2004, Mugabe's popularity has been rising while Tsvangirai's has plunged to 18 per cent. ZANU-PF has scored victories in successive by-elections and is now only two seats shy of the two-thirds majority it requires to change the constitution. It is widely believed that it could easily get those extra votes from the MDC ranks. An Afro-Barometer poll has identified "popular resignation to the ZANU-PF's dominance".[87]

MDC fortunes have fallen because ZANU-PF has stridently bribed, bullied and persuaded its way back into the minds of Zimbabweans. It has bribed by economic benefits for party adherents, especially through land reform; bullied by selective use of physical violence and made recourse to an armoury of repressive laws against MDC supporters; and persuaded through propaganda that casts the MDC as little more than a vehicle for foreign interests and a tool of "white imperialists" seeking to overthrow Mugabe's "visionary rule", frustrate his "revolutionary project" and re-colonise Zimbabwe.

Another explanation of the MDC's plight is that its leadership has become too divided tactically to confront ZANU-PF. A recent study identified two broad wings, the division between which is traceable to the failure of the party to win the March 2002 presidential election. The first is identified with Morgan Tsvangirai and the national executive council, most of whose members failed to win parliamentary seats in 2000. This wing was dominant during the failed mass action and "final

[86] The full text of Tsvangirai's anniversary speech is published by New Zimbabwe.com, at http://www.newzimbabwe.com/page/tuesday/14.11622.html.

[87] Chikwanha, Sithole, and Bratton, "The power of Propaganda", op. cit.

push" demonstrations, which the security forces crushed in 2002, and is now at the lowest ebb of its power. Its preferred tactics have consisted of trade-union style mass action against the Mugabe regime. Their decision to urge mass resignations of MDC civic leaders from the Harare municipality has deprived the party of its main power base, while recent by-election boycotts have created further splits within its leadership.

The second tendency[88] has prioritised talks with ZANU-PF to resolve the political impasse, which they believe is primarily one of political legitimacy. They consider that a negotiated solution would be quickly followed by governance and economic reforms, a return to rule of law and an end to the humanitarian crisis.[89]

B. A POLL BOYCOTT: STRATEGY OR SUICIDE?

MDC internal debate has intensified in the wake of the August 2004 declaration that the party would not participate in the forthcoming by-elections and would boycott the March 2005 elections as well, unless ZANU-PF implemented in full the SADC electoral principles and guidelines. This came as something of a surprise since the party had quietly indicated only a month earlier that it would work with ZANU-PF on the electoral reforms announced by Mugabe when parliament resumed and was ready to cooperate in effecting constitutional amendments.[90] ZANU-PF responded that it would proceed with the elections with or without MDC participation.[91] At the same time, it said it would comply with the principles and guidelines. Even many government critics acknowledge that its move to establish an independent electoral commission and pledge to allow voting on a single day at more polling stations are steps -- though as yet insufficient -- in the right direction.

ZANU-PF, which has sought to portray the MDC as a sore-loser for never accepting defeat in the seriously flawed 2002 presidential election, has used the boycott issue to claim that the MDC is afraid of losing more elections, in the first instance the series of by-elections in August and September.[92]

Some MDC parliamentarians have broken ranks with the leadership, arguing that the boycott decision was taken by the executive council with too little advance consultation. Parliamentarians Trudy Stevenson and Job Sikhala have openly declared that a boycott is out of the question, and they intend to stand again in 2005. A number of MDC civil society allies also are unhappy with the decision and the manner in which it was taken. Dr. Lovemore Madhuku, chairman of the National Constitutional Assembly, has argued that the MDC should have concentrated instead upon getting appropriate constitutional reform.[93] The business sector has likewise indicated unhappiness with the boycott, which it worries will hamper efforts to attract foreign investment needed to resuscitate the economy.[94]

The MDC is engaged in internal consultations over the issue and is likely to decide on whether to contest the parliamentary elections in December or early January.[95] A boycott, however, would surely deliver the parliamentary elections to ZANU-PF. With the MDC on the sidelines, it is likely that ZANU-PF, in an effort to create a semblance of competition, would stand up smaller opposition parties such as the Zimbabwe African Peoples Union and allow them to win a few token seats.[96] But the MDC would cease being a parliamentary party and lose

[88] Adherents include MDC Secretary General Welshman Ncube and most of the party's parliamentarians, including National Executive Council members who won seats in 2000, and who have played a key role in the South Africa-mediated inter-party talks with ZANU-PF. They have a powerful ally in South Africa's ANC leadership. Ncube is said to have unhindered access to President Thabo Mbeki and others in the ANC leadership.

[89] Chris Maroleng, "Zimbabwe's Movement for Democratic Change: Brief Notes", Institute for Security Studies, Situation Report, 3 May 2004.

[90] "Zimbabwe: Mistake in the Movement", *Africa Confidential*, Vol. 45, No. 18, September 2004, pp. 6-7.

[91] "Mugabe Slams Door on Talks", ZimOnline, 7 September 2004, at www.zimonline.co.za.

[92] Crisis Group interview with a ZANU-PF leader, August 2004.

[93] Crisis Group interview, September 2004.

[94] "MDC Election Boycott Plan Worsens Uncertainty in Business Sector", ZimOnline, 6 September 2004, at www.zimonline.co.za. As noted above, the boycott has already cost the MDC several by-election seats (most recently the Seke constituency in Harare in September), increasing ZANU-PF strength in parliament to 98, two shy of the two-thirds majority required to amend the constitution. "MDC surrenders Seke without a fight", ZimOnline, 4 September 2004, at www.zimonline.co.za.

[95] Crisis Group discussions with senior MDC leaders, November 2004.

[96] See "Zimbabwe: Mistake in the Movement", *Africa Confidential*, Vol. 45, No. 18, September 2004, p. 6.

its only chance of influencing policy within the existing institutional framework. Since the past year has demonstrated that it lacks the ability in the current repressive climate to maintain a strong alternative presence in the streets, it would in effect be marginalised.

The MDC is unlikely to take such a risk but it should use the remainder of 2004 at least to press SADC and other African governments and bodies to establish an early pre-election presence in Zimbabwe. It wants to persuade them that if legal reforms are not passed in the next month and a truly independent electoral commission is not ready to begin its work at the start of the new year, the parliamentary elections should be postponed in order to provide more time to level the electoral playing field. While the government has called the elections for March 2005 (but not yet selected a specific date), the term of the present parliament does not expire until June, and, an opposition leader notes, the constitution only requires that new elections be held within three months of the expiration of the old parliament's term.[97]

C. TSVANGIRAI'S ACQUITTAL

The acquittal of Morgan Tsvangarai on treason charges by the High Court in Harare on 14 October 2004 appeared to remove at least one threat hanging over the MDC.[98] The case, which had dragged on for 32 months, had constrained the party leader's freedom of action, and the legal costs had been a heavy financial drain. The great question is whether the positive result will translate into a degree of political reconciliation in advance of the March 2005 elections. It is already resulting in pressure on the party to soften its stance with regard to a boycott of the parliamentary elections.[99]

Whether the court's action was the result of ZANU-PF strategy or vestigial judicial independence, first indications are that the political convenience of the regime rather than a radical change of course has been at work. The government exploited the acquittal to make the point that it has not muzzled the judiciary. ZANU-PF considers MDC a crippled party and probably calculates that Tsvangirai is less a problem at liberty than as an imprisoned martyr. Justice Minister Chinamasa simultaneously lamented that "a guilty man had been allowed to walk free" and praised the independence of the judiciary.[100]

Optimists suggest that the acquittal was intended as a signal to the MDC that the electoral playing field in March will not be as uneven as it has feared so it should forsake its boycott. Tsvangirai has subsequently taken a less confrontational stance, calling for national reconciliation and dialogue between the two parties and reiterating to Presidents Mbeki of South Africa and Berenger of Mauritius that the MDC is willing to take part in elections if the SADC principles and guidelines are implemented in full.[101] South African officials view the acquittal as a success for their quiet diplomacy and a chance to revive inter-party negotiations ahead of the elections.[102] As it develops strategy for the run-up to the elections, the wider international community should be encouraged that outside pressure can possibly have some impact and press Harare on the SADC principles and guidelines.

Nevertheless, the government appears to have reversed its earlier indication that it would not appeal the acquittal, and the MDC leader is at best only half free of his legal troubles. On 3 November 2004, he was back in court again to face a second pending treason charge, related to the failed mass action campaign against the government in 2003.[103]

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[97] Morgan Tsvangirai has called publicly for a three-month postponement, to June 2005. "Tsvangirai Calls for Postponement of Zimbabwean Polls", *Angola Press*, 29 October 2004. Crisis Group interviews, senior MDC figures, November 2004.

[98] "Tsvangirai acquitted", *The Daily News*, 15 October 2004.

[99] "Beyond Tsvangirai Acquittal", *The Zimbabwe Independent*, 16 October 2004.

[100] "Government Will Not Appeal against Sentence", *The Sunday Mail*, 17 October 2004.

[101] Jonathan Katzenellenbogen and Dumisani Muleya, "Tsvangirai Changes Tune on Mbeki's 'Quiet Diplomacy'", *Business Day*, 29 October 2004; "Tsvangirai revises view of Mbeki", SABC News, 29 October 2004, at www.sabcnews.com.

[102] "Tsvangirai acquitted", *Pretoria News*, 16 October 2004.

[103] "Tsvangirai Back in Court to Face New Treason Case", *Daily News*, 4 November 2004; "Zimbabwe to appeal Tsvangirai treason acquittal", SABC News, 31 October 2004; "Tsvangirai urges region pressure on Mugabe," SABC News, 26 October 2004, at www.sabcnews.com.

IV. REGIONAL ACTORS

A. SADC

SADC has been increasingly vocal in calling attention to the ZANU-PF government's deviations from rule of law and good governance, although South Africa, its most prominent member, continues to moderate direct criticism.[104] The Protocol on Principles and Guidelines Governing Democratic Elections adopted by the organisation's fourteen heads of state at their August 2004 summit has, as described above, become the focus of much of Zimbabwe's internal political manoeuvres as well as international activity.

That document, which has been hailed as a landmark in the democratic transition of the region, was substantially inspired by the African Union's Declaration on the Principles Governing Democratic Elections in Africa.[105] Signatories to the SADC Protocol are expected to adhere to nearly a dozen core principles, ranging from ensuring full participation of citizens in the political process, freedom of association, political tolerance, and elections at regular intervals, to guaranteeing equal access to state media for all political parties and equal opportunity to exercise the right to vote and to run for office. Other requirements are to ensure an independent judiciary and impartial electoral system and to provide voter education.[106] Political parties are obliged to accept and respect election results proclaimed as free and fair by competent national electoral authorities in accordance with the law of the land, but are also to be guaranteed opportunity to challenge results.

The most innovative part of the Protocol, which could have considerable relevance for Zimbabwe's March 2005 elections, is the provision for a SADC observer mission,[107] the mandate and operational guidelines of which are set out in detail. The Protocol also defines explicitly the responsibilities of the member state conducting elections.

Aware of the Protocol's impending promulgation and seeking to improve its international image, Zimbabwe moved toward amending its electoral system as early as June 2004,[108] but it was the sharp critique of its human rights situation by the African Union (AU)[109] that provided real impetus. On 20 July 2004, President Mugabe told the opening session of parliament that his government would introduce a number of specific electoral reforms.

At one level, the government is undoubtedly attempting to out-flank the MDC on the electoral reform issue. In May the MDC and its civil society partners published a draft election law in a document with the revealing title, "RESTORE: Minimum Standards for the Restoration of Genuine, Democratic Elections in Zimbabwe".[110] Even if fully implemented, however, the Protocol's detailed provisions would not remove the fundamental obstacles to genuinely democratic elections in the country, since they are calibrated primarily to technical and administrative issues such as improving the level of transparency associated with the casting and counting of votes. They would cause election day to proceed in a fairer manner but not cure many of the flaws rooted in the absence of rule of law and good governance that would skew the overall process to the ruling party's advantage.[111]

SADC principles and guidelines, while providing a useful framework within which domestic groups and governments can press ZANU-PF to level the electoral playing field, are neither legally binding nor

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[104] Crisis Group Report, *Zimbabwe: In Search of a Strategy*, op. cit., p. 16.

[105] "Executive Summary of the Report of the Fact-Finding Mission to Zimbabwe, 24th to 28th June 2002", EX.CL/109(5) Annex II.

[106] See Southern Africa Development Community, "SADC Principles and Guidelines Governing Democratic Elections".

[107] In large measure, this reflects the basic tenets of the African Union's Electoral Observation and Monitoring Missions. Both in turn represent the development on the continent in favour of citizen participation in decision making processes and consolidation of democratic practice and institutions illustrated as well by the African Peer Review Mechanism (APRM) on good governance in the New Partnership for Africa's Economic Development (NEPAD). More cynically, however, the suggestion is also made that SADC promulgated the Protocol in part at least to stem rising criticism of its member governments, including Zimbabwe, from civil society, and perhaps from the African Union as well, which, as discussed below, had just strongly criticised Zimbabwe's human rights situation.

[108] The Zimbabwe Human Rights NGO Forum, "Review of SADC Principles and Guidelines Governing Elections", Update on Zimbabwe Election Laws and Analysis, 9 June 2004.

[109] "African Union criticizes Zimbabwe", posted at zablogger on 5 July 2004, at http://fodder.blogs.com/fodder/2004./07/african_union_c.html.

[110] The document is available online, http://www.mdczimbabwe.org/restore.htm.

[111] See article by the MDC's Secretary General, Welshman Ncube, "Harare's Narrow Electoral Prism", *This Day*, 11 August 2004.

equipped with penalties for non-compliance, though President Mbeki has pointed out that "the SADC Treaty gives the possibility for member states of the community to be excluded from the regional body if they are found to be in violation of the treaty".[112] Getting the Mugabe regime not only to reform the electoral system comprehensively but also to accept extensive political reforms that target restrictive laws will require concerted efforts by as wide a range of regional and other international actors as possible.

B. SOUTH AFRICA

The most influential of those actors is undoubtedly South Africa, which since the controversial presidential election in 2002 has consistently advocated dialogue -- especially between ZANU-PF and the MDC -- as the best means for Zimbabweans to resolve their political crisis. In July 2003, when U.S. President Bush visited South Africa, Mbeki undertook to find a solution to the crisis within a year via resumption of inter-party talks.

South African mediators got the two sides into informal "talks about talks" but no further, and the June 2004 target passed without significant change. The director general for the foreign ministry, Ayanda Ntsaluba, said contacts were going nowhere because neither the MDC nor ZANU-PF felt it needed the other. Critics have reacted to this failure by suggesting that South Africa seeks to use its quiet diplomacy to reduce outside pressure on Mugabe while concentrating on encouraging internal ZANU-PF changes.[113] The MDC secretary general, Welshman Ncube, who led the MDC negotiating team, supports this view.[114]

In August 2004, South African Deputy Foreign Minister Sue van der Merwe said that ZANU-PF by-election victories and increasing focus on the March 2005 elections were also partly responsible for the talks deadlock.[115] While conceding that those talks have not delivered tangible results, officials deny they have nothing to show for their efforts.[116] Government insiders argue that in 2002 Zimbabwe was on the brink of anarchy, and their diplomacy defused tensions, buying time to work for gradual reform.[117] "Transforming a totalitarian regime into a democracy is far easier and less costly in terms of lives and resources than getting a country out of anarchy and introducing democracy", said an official. Other South African officials said approvingly that Zimbabwe is more stable today than two years ago. For quite different reasons, MDC and ZANU-PF leaders interviewed by Crisis Group agreed there is more reason to be hopeful about the country in 2004 than in 2002.[118]

There are indications that in the past half-year South Africa has begun to press a more self-confident and relatively more popular ZANU-PF government to open up and restore democracy. This is the time frame within which Mugabe has moved to introduce electoral reforms, endorsed the SADC Protocol and promised to change the constitution to incorporate its guidelines. In late June 2004, on the eve of the AU summit at which the report critical of Zimbabwe's human rights record was circulated, South Africa's ruling African National Congress (ANC) party received a powerful ZANU-PF delegation led by John Nkomo.[119] ZANU-PF allegedly asked for and received some sort of assurance that the ANC would help it secure a convincing majority in the March 2005 parliamentary elections.[120]

However, South Africa's civil society is emerging as a formidable force for change in Zimbabwe. For instance, churches have been supporting their counterparts in putting pressure on ZANU-PF to open up society. The South African Council of Churches (SACC) has been urging both ZANU-PF and the MDC to join a forum for dialogue, similar to South Africa's Convention for a Democratic South Africa (CODESA).[121] The South

[112] Quoted by Kathryn L. Hoeflich, "The SADC Summit: A Nip and a Tuck or Whole Body Workout", Electronic Briefing papers, Centre for International Political Studies, No. 52, 2004.
[113] Crisis Group interviews, August-September 2004.
[114] Welshman Ncube, "Zimbabwe Compliance the Litmus Test for SADC Protocol on Democratic Polls", New Zimbabwe.com, 13 August 2004.
[115] "ZANU-PF wins stall talks", *The Zimbabwe Independent*, 20 August 2004.
[116] This analysis is based on extensive interviews by Crisis Group with South African officials, April-August, 2004.
[117] Crisis Group interview with South Africa government officials.
[118] Crisis Group interviews with MDC and ZANU-PF leaders, Harare, 26-28 August 2004.
[119] Brendan Boyle, "Mbeki Cements Ties with ZANU-PF", *Sunday Times*, 11 July 2004.
[120] "Quiet Diplomacy or Quiet Support, Ask DA", iafrica.com, 25 September 2004. The South African opposition was critical of this putative electoral pact.
[121] In 1991, CODESA talks, in which all South African political and civil society organisations participated, led to the creation of an interim constitution and, three years later, to South Africa's first non-racial election. See "Zimbabwe: South African Churches Urge Political Parties to Talk", IRIN, 9 July 2004.

African Trade Union Congress (COSATU) has also been defending the MDC and calling on Zimbabwe's government to respect human rights. In late October 2004, COSATU broke with its coalition partners in the ANC and sent a mission to Zimbabwe to investigate trade union rights and whether conditions exist for free and fair elections. This seriously embarrassed the Mbeki government and exposed sharp differences within the ANC over Zimbabwe.[122]

Another group likely to exercise influence on South African policy, though with an interest above all on stability and economic common sense, is the business community. Zimbabwe, which has witnessed foreign direct investment sharply plummet since 2000, seeks to attract South African investors to fill the gap, and those investors are indeed replacing such Western companies as the Canadian Independence Mining Group in crucial foreign exchange earning sectors.[123] Zimbabwe has also become a new investment frontier for beneficiaries of the Black Empowerment Policy under which the ANC government seeks to increase black economic participation in the economy. In July 2004, South African business tycoon Mzi Khumalo a representative of the emerging black business elite, disclosed that his company, Metallon Resources Ltd, was investing R100 million (approximately $16 million) to boost Zimbabwe's struggling mining industry.[124]

Anticipating a favourable economic climate after the March 2005 elections, many South African whites are also increasingly buying assets, especially in Harare and other urban areas.[125] South African investors are capitalising on their proximity to and knowledge of the country, the goodwill their government has in Zimbabwe and continued targeted sanctions on the Zimbabwe government by the West. The collapsed Zimbabwean dollar facilitates their purchases of property at extremely low prices. A Zimbabwean told Crisis Group, "South Africans are buying Zimbabwean assets for a song". South Africa's interest in Zimbabwe's political stability is likely to rise along with the economic stakes, though this does not necessarily translate into pressure for rapid transformation of the political system.

South Africa is recognised as the indispensable country when it comes to affecting events in Harare. As a result, both the U.S. and the UK, while publicly expressing reservations about its quiet diplomacy policy, look to Pretoria. At a recent meeting, British Foreign Secretary Jack Straw indicated London would support South African efforts to ensure that Zimbabwe holds free and fair elections in line with SADC principles. Both South Africa and SADC will be expected to send observer missions early enough to follow the entire electoral process.

C. THE AFRICAN UNION

The AU has become more vocal about Zimbabwe's deteriorating human rights conditions. This focus on internal political behaviour reflects its developing intention to hold member states to democracy, good governance and the rule of law as pre-requisites for development.[126] On 3 July 2004, the AU Executive Council at the foreign minister level adopted a report highly critical of the Mugabe government's human rights record. The report, which grew out of a fact-finding mission of the Commission on Human and Peoples Rights that visited Zimbabwe two years earlier (24 to 28 June 2002), is the harshest criticism of a member state so far and marks a departure from a period in which the AU was accused of closing its eyes to gross abuses by member states.[127]

The document censored Zimbabwe for failing to report on the measures it had taken to give effect to the rights, duties and freedoms enshrined in the AU charter and concluded that "[t]here was enough evidence placed before the mission to suggest that, at the very least, during the period under review, human rights violations occurred in Zimbabwe".[128] However, after vehement protest by Zimbabwe's Foreign Minister Stan Mudenge,[129] it was referred back to

[122] Hopewell Radebe, "Cosatu's Harare Safari Stirs Alliance Waters", *Business Day*, 29 October 2004.
[123] Ngoni Chanakira, "Mzi Tighten Grip on Mines", *The Zimbabwe Independent*, 30 July 2004.
[124] Ibid.
[125] Crisis Group interview with a South African investor, Harare, 26 August 2004.

[126] This trend is signified by the African Peer Review Mechanism (APRM), which has been ratified by nearly twenty AU member states.
[127] "African Union criticizes Zimbabwe", posted at zablogger on 5 July 2004, at http://fodder.blogs.com/fodder/2004./07/african_union_c.html.
[128] "Executive Summary of the Report of the Fact-Finding Mission to Zimbabwe 24th to 28th June 2002", EX.CL/109(5) Annex II.
[129] Mudenge claimed the report was authored by the British. The chairman of the government's Media and Information Commission, Tafataona Mahoso, claimed that the international human rights movement is dominated by the world's most dangerous war mongers and war criminals,

Harare for further consultations, with the notation that the Zimbabwe situation was a political crisis that requires negotiations at the highest level.[130]

Since the report can be expected to come up again at the AU summit in 2005, the ZANU-PF government has at least been forced to work on a response.[131] The MDC welcomed the report, even though the disposition of it required nothing immediate from the government.[132] President Mugabe's new interest in electoral reforms suggests, however, that he considers the AU a serious forum whose criticism he cannot ignore in the same manner as he has Western criticism. The AU should use this leverage, especially as the March 2005 elections approach.

D. NIGERIA

Nigeria, one of Africa's major players, has become a vocal critic of Zimbabwe's human rights record,[133] because President Obasanjo considers it endangers the credibility of the New Partnership for Africa's Development (NEPAD) and its Peer Review Mechanism (APRM), which Nigeria, together with South Africa, Algeria, Senegal and Egypt, has fostered to stimulate African economic recovery and development.[134] Nevertheless, he has been unable to persuade South Africa's Mbeki to take a more forceful line.[135] Nigeria consequently has increasingly pressed Zimbabwe on its own.

As the current chair of the Commonwealth's Heads of Government Meeting (CHOGM), Obasanjo has responsibility for assessing whether Zimbabwe has made enough progress on good governance for its membership to be revived.[136] Aware it can never have the same unilateral influence in Zimbabwe as South Africa, however, Nigeria has also sought to use its key positions within continental structures, most notably the AU chair Obasanjo assumed in July 2004 and the chair of the NEPAD Heads of State and Government Committee.

Relations between Harare and Abuja are further strained because Nigeria is one of the African countries offering to provide new homes for over 3,000 white Zimbabweans whose farms have been seized in the land reform program.[137] In March 2004, it earmarked the western state of Kwara for settlement of over 200 such farmers, with 99-year leases, tax breaks, and loans to develop infrastructure.[138] This effort to "benefit from the expertise and experience of the farmers" to kick-start Nigeria's neglected agricultural sector has increased Zimbabwe's isolation within Africa by exposing the racist dimension of its land reform.[139]

Harare has accused Nigeria of being a front for British policies[140] and, driven by its fear of external campaign financing for the MDC, has charged that it is interfering in domestic politics.[141] On 9 August 2004, through the state-controlled press (*The Sunday Mail*), it complained that Nigeria was bankrolling the MDC to the tune of $200 million in the March 2005 elections, a charge the MDC vehemently denied.[142]

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which he identified as the U.S. and Britain. Crisis Group interviews, 3 July 2004; "Zimbabwe Blames Opposition for Critical AU Report", New Zimbabwe.com, 7 July 2004.

[130] "African Union Defers Zimbabwe Human Rights Discussion", 8 July 2004, at http://www.politinfo.com/articles/article_2004._07_8_3808.html.

[131] Crisis Group interviews with ZANU-PF officials, 28 August 2004, indicated that the government is working on a response that will address some of the criticisms in the report.

[132] "MDC welcomes report of the African Commission on Human and People's Rights", Paul Themba Nyathi, Secretary for Information and Publicity, http://www.mdczimbabwe.org/julynews/071104-1.htm. While the affair has been embarrassing for Mugabe, it can be argued that fellow African leaders have again refrained from taking serious action.

[133] Nigeria holds the chairmanship of the African Union, the NEPAD Heads of State and Government Committee, and the Group of 77 and provides the Commonwealth's Chairperson in Office.

[134] In June 2004, Nigeria's foreign minister, Oluyemi Adeniji, chaired the meeting of the AU's Executive Council at which the report severely critical of Zimbabwe's human rights record was tabled. As a result of cooling relations, the new Nigeria envoy to Zimbabwe, Anthony Ufumwen Osula, who was appointed in June 2004, had to wait three months to present his credentials. See "We Will Turn our People into Guerrillas Again, Mugabe Warns", New Zimbbawe.com, 3 September 2004, at http://www.newzimbabwe.com/pages/powell6.1157 3.html.

[135] Crisis Group Report, *Zimbabwe: In Search of a Strategy*, op. cit., p.16.

[136] See Commonwealth Secretariat, "The Commonwealth's Role in Africa", Release, 12 February 2004.

[137] Others are Zambia, Kenya, Tanzania, Mozambique, Uganda and Angola.

[138] "Nigeria Woos Zimbabwe Farmers", BBC, 24 March 2004.

[139] "Nigeria Signs Zimbabwean Farmers", BBC, 27 July 2004.

[140] Iyefu Adoba, "Nigeria Protests Zimbabwe's Accusation", Zwnews.com, 4 September 2004.

[141] Loughty Dube, "MDC Slams Government Over Nigeria Attack", *The Zimbabwe Independent*, 27 August 2004.

[142] Crisis Group interview, 27 August 2004; see also statement by MDC Spokesman Paul Themba Nyathi, "Attack on Nigeria Regretted", 24 August 2004. Also on 24

V. OTHER INTERNATIONAL ACTORS

A. THE UNITED NATIONS

The UN system provides multiple forums for addressing the Zimbabwe crisis but the approach by its various bodies and agencies has generally been soft. Most notably, the Commission on Human Rights has not adopted critical resolutions or appointed a special rapporteur for the situation in the country. Indeed, Zimbabwe was elected one of the Commission's 53 members in 2003.[143] The U.S. and EU are unlikely to have more success with a resolution they support in the present General Assembly.[144]

But some attitudes do appear to be changing. In August 2004, the Assistant Secretary General for Political Affairs, Tuliameni Kalombo, paid a low-key visit to Zimbabwe to prepare an internal assessment.[145] His trip coincided with deteriorating relations between Harare and such UN agencies as the World Food Program (WFP), the Food and Agriculture Organisation (FAO) and UNICEF, largely over the use by ZANU-PF of food as a political weapon. Zimbabwe's relations with the UN Economic Commission for Africa (UNECA) plunged in mid-October 2004 when the Ethiopia-based body released a report, during the Fourth African Development Forum of the African Union in Addis Ababa, which blamed the country's economic decline on bad governance and the breakdown of rule of law.[146]

In the period before the 2002 presidential election, a critic of the world body's response to Zimbabwe's difficulties said that "about the only person prepared to speak is the UN Secretary General, Kofi Annan".[147] At that time he urged Harare to create the conditions for free and fair elections,[148] and he has continued to speak up on sensitive matters.[149] The Secretary General has unique personal and institutional prestige that he should use to press President Mugabe on the importance of implementing the SADC Protocol and accepting a UN expert team into the country to evaluate the electoral environment well in advance of the 2005 elections. He could also usefully encourage ZANU-PF to engage in a genuine dialogue with the MDC on national reconciliation.

B. THE EUROPEAN UNION

The EU and its member states have rested their hope for improvement in Zimbabwe on the 2005 parliamentary elections. Since 2002, the EU has maintained sanctions targeted against 95 key individuals in the Zimbabwe government and ruling party, including Mugabe, his vice presidents, cabinet ministers, leaders of ZANU-PF and the uniformed services, as well as family members, though particularly the travel regime has not always been airtight.[150] A number of member states -- for example, Sweden -- have recently multiplied their expressions of concern for the deteriorating political, social and economic situation.[151]

The UK, the former colonial power has been most active. Its rhetoric has oscillated rather sharply between calls for regime change and more moderate expressions of the need for restoration of rule of law through free and fair elections. Thus, Prime Minister Tony Blair recently told the House of Commons:

August, the *Zimbabwe Chronicle* carried a cartoon depicting President Obasanjo polishing the boots of President Bush.

[143] "United Nations (UN) Human Rights Commission Declined Recently to Take any Action," *Legalbrief Today*, 26 April 2004. At its annual meeting in Geneva in April 2004, United Nation Commission on Human Rights voted 26 to 24 not to take action on a draft resolution sponsored by the European Union that urged the Zimbabwe to invite UN experts to investigate the numerous allegations of human rights abuses in the country.

[144] "UN Draft Resolution: Situation of Human Rights in Zimbabwe", U.S. Department of State, at http://www.state.gov/g/drl/hr/37786.htm.

[145] "UN Spying on Zim?", *The Financial Gazette*, 5 August 2004.

[146] Njabulo Ncube, "UN Itches to Tighten Screws on Zim", *The Financial Gazette*, 13 August 2004; "UN Ambushed us: Zim", News24.com, 13 October 2004; Gift Phiri, "UN Envoy to Tackle Zim", *Zimbabwe Independent*, 19 November 2004.

[147] Greg Barrow, "UN Plays waiting Game with Zimbabwe", BBC, 29 January 2002.

[148] "Zimbabwe: Annan Appeals to Government to Allow Fair Polls", IRIN, 25 February 2002.

[149] For example, see "Zimbabwe: Annan Urges Revised Land Reform Program", IRIN, 28 August 2002.

[150] See http://www.eurunion.org/legislat/Sanctions.htm .Zimbabwe.

[151] Sweden's Pierre Schori, the head of the EU observation delegation during the March 2002 presidential elections, was deported by Zimbabwe prior to the vote, and the EU in protest refused to select an alternate.

> ...we work closely with the MDC on the measures that we should take in respect of Zimbabwe, although I am afraid that these measures and sanctions, although we have them in place, are of limited effect on the Mugabe regime. We must be realistic about that. It is still important that we give every chance to, and make every effort to try to help, those in south Africa -- the southern part of Africa -- to put pressure for change on the Mugabe regime, because there is no salvation for the people of Zimbabwe until that regime is changed.[152]

Concern that the British government intends to finance the MDC in order to effect regime change has led ZANU-PF increasingly to describe the opposition party as a Western puppet. The MDC has replied that, "we get our money from local supporters and from the Political Parties Finance Act", while criticising London for undermining its electoral prospects by playing into the hands of the regime's anti-imperialist propaganda.[153]

Foreign Secretary Jack Straw sought to distance the British government in September 2004 from claims it was supporting the MDC. He said it stood by its commitment under the 1980 Lancaster House agreement to fund land reform in Zimbabwe and that £45 million was available for this once a solution is found to the political and economic crisis.

The 2005 elections are critical for the EU-Zimbabwe relationship. Brussels and the member states should work with and even through SADC, the AU and UN to put in place a mission that is adequately financed and trained to monitor effectively not merely the actual polling day, but the full electoral process, country-wide, over many months.

C. UNITED STATES

Zimbabwe has a fairly prominent place on Washington's Africa agenda but the Bush administration, which has in place targeted sanctions against senior Zimbabwe government and party figures similar to those of the EU, appears divided about how further to operationalise its interest in a return to democracy and economic revival.[154] Much as in the UK, U.S. policy makers have spoken both forcefully of the need for regime change and appreciatively of South Africa's quiet diplomacy.[155]

For most of the year after President Bush visited South Africa in July 2003, the U.S. appeared to count on South Africa to find a viable solution to the Zimbabwe crisis. As late as July 2004 -- after expiration of the twelve months within which Mbeki had predicted success -- Assistant Secretary of State for African Affairs Charles Snyder said, "the jury is still out as to whether South Africa has done enough to help resolve the crisis".[156] In September, however, the new U.S. ambassador to South Africa, Jendayi Frazer, was more sceptical:

> It's not evident that [quiet diplomacy] is working at this point. There is clearly a crisis in Zimbabwe and everyone needs to state that fact. The economy is a freefall. There is continuing repressive environment. There needs to be a return to democracy.[157]

In her first address to journalists in Johannesburg, she called on regional countries to acknowledge the crisis and for a "coalition of the willing" to push for "regime change".[158]

By contrast, Secretary of State Powell spoke more cautiously of "regime restoration" at the swearing-in ceremony of the new ambassador to Zimbabwe, Christopher Dell. Describing the Zimbabwe crisis as a danger to its own citizens, "a drain on the region" and "a calamity-in-the-making for the international

[152] United Kingdom Parliament, 14 June 2004, Column 523.
[153] An MDC leader interviewed by Crisis Group spoke of the heavy political toll these "misguided" utterances take: "whenever Tony Blair speaks on Zimbabwe, MDC loses thousands of votes", 28 August 2004.

[154] In regard to Zimbabwe, differences often appear between the State Department and the National Security Council and frequently centre on how hard to press South Africa to take action. See Crisis Group Report, *Zimbabwe: In Search of a Strategy*, op. cit., p.18.
[155] Charles Stith, the former U.S. ambassador to Tanzania, where terrorists attacked the U.S. embassy in 1998, recently stressed the role of South Africa as an ally "in the fight against terrorism" by working to bring economic and political stability to African countries plagued by economic problems and political unrest. See DeWayne Wickham, "S. Africa's Role in Zimbabwe Bodes Well for Region, U.S.", *USA Today*, 26 January 2004.
[156] "U.S. Ambassador to South Africa Hits Out at Zim", Allzimbabwe.com, 22 July 2004.
[157] "Quiet Diplomacy on Zim Isn't Working -- U.S. Envoy", *Zim Observer*, 3 September 2004.
[158] Basildon Peta, "U.S. Seeks 'Coalition' to Force Zimbabwe Regime Change".

community", Powell called for concerted efforts by Zimbabweans, SADC and the wider international community, while noting that the problems transcend any one man [Mugabe].[159] Arguing that the constitutional foundations of a pluralist democracy exists in the country, he argued that:

> The political regime in Zimbabwe has been degraded but its constitutional basis remains intact. Zimbabwe needs regime restoration. It needs to restore the rule of law, and the country's former pluralist life.[160]

Powell said Dell was going to Harare "not to accuse or complain, not to point fingers or make demands. We're sending him to work with Zimbabweans to build a society that respects the rule of law and human rights, that cares first and foremost about the wellbeing of its citizens, and that contributes to regional peace and stability". And he urged Mugabe to adjust his course and restore his legacy as a great African leader before it was too late.[161]

To the extent that Washington (or London) employs the relatively incendiary language of "regime change" it is likely to encounter difficulties in stimulating the necessary multilateral approaches, in particular with African nations and institutions, and most of all with South Africa. Ambassador Frazer herself acknowledged that the U.S. "could not act on its own, put...boot[s] on the ground and give Robert Mugabe 48 hours to leave Zimbabwe".

VI. CONCLUSION

In recent months, the Mugabe government has shown signs of attempting to accommodate to a degree the pressure from Zimbabwean stakeholders, regional actors and the wider international community to dismantle some aspects of its authoritarian order and create an improved electoral environment for transparent elections. That creates a small opening that needs to be exploited in the specific context of the March 2005 parliamentary elections.

One way or the other those elections will have far-reaching implications for Zimbabwe's political future. If the opportunity is to be seized, domestic and international actors alike will have to rethink strategies. As Morgan Tsvangirai has said: "We must drop all political experiments of the past five years and get real. Zimbabwe needs a new start. Zimbabwe needs a new beginning".[162] While the ruling party is torn by internal power struggles, the opposition needs to unite behind a common strategy and set of tactics if it is to provide a credible and viable alternative.

African leaders remain sensitive to outside criticism, and Mugabe is still very much considered one of their own. Significantly, the same SADC summit that adopted the Protocol on election principles and guidelines in August 2004 was marked by sharp criticism of Western policies on Zimbabwe.[163] Uganda's president, Yoweri Museveni, on a solidarity visit to Harare, dismissed regime change as an option in Zimbabwe, saying that "it can't be for black Africa. It cannot happen here".[164] Mugabe, while accepting the credentials of the new UK, U.S., Australian and Nigerian heads of mission, reacted to Ambassador Frazer's comments by threatening that "we will turn our people into guerrillas again should the need arise".[165] If the U.S., the UK and the EU are to be effective in resolving the crisis in Zimbabwe, they will need to recognise that Secretary Powell's regime restoration theme is the only one that resonates well

[159] "Powell Calls for 'Regime Restoration' in Zimbabwe", New Zimbabwe.com, 17 August 2004.
[160] Ibid.
[161] Ibid. Specifically, Secretary Powell said, Mugabe should undertake comprehensive reforms aimed at dismantling authoritarianism and desist from using food as a political weapon by creating proper distribution mechanisms and establishing accurate estimates of requirements.

[162] "Tsvangirai Calls for a Fresh Start", ZimOnline, 15 October 2004, at www.zimonline.co.za/headdetail.asp?ID= 435.
[163] "Chiluba Backs Zim Land Policy", News24.com, 12 September 2004.
[164] "Regime Change Does Not Work," *The Herald*, 6 October 2004.
[165] "We Will Turn our People into Guerrillas Again, Mugabe Warns", New Zimbabwe.com, 3 September 2004.

in Africa and can lead to partnerships with regional players.

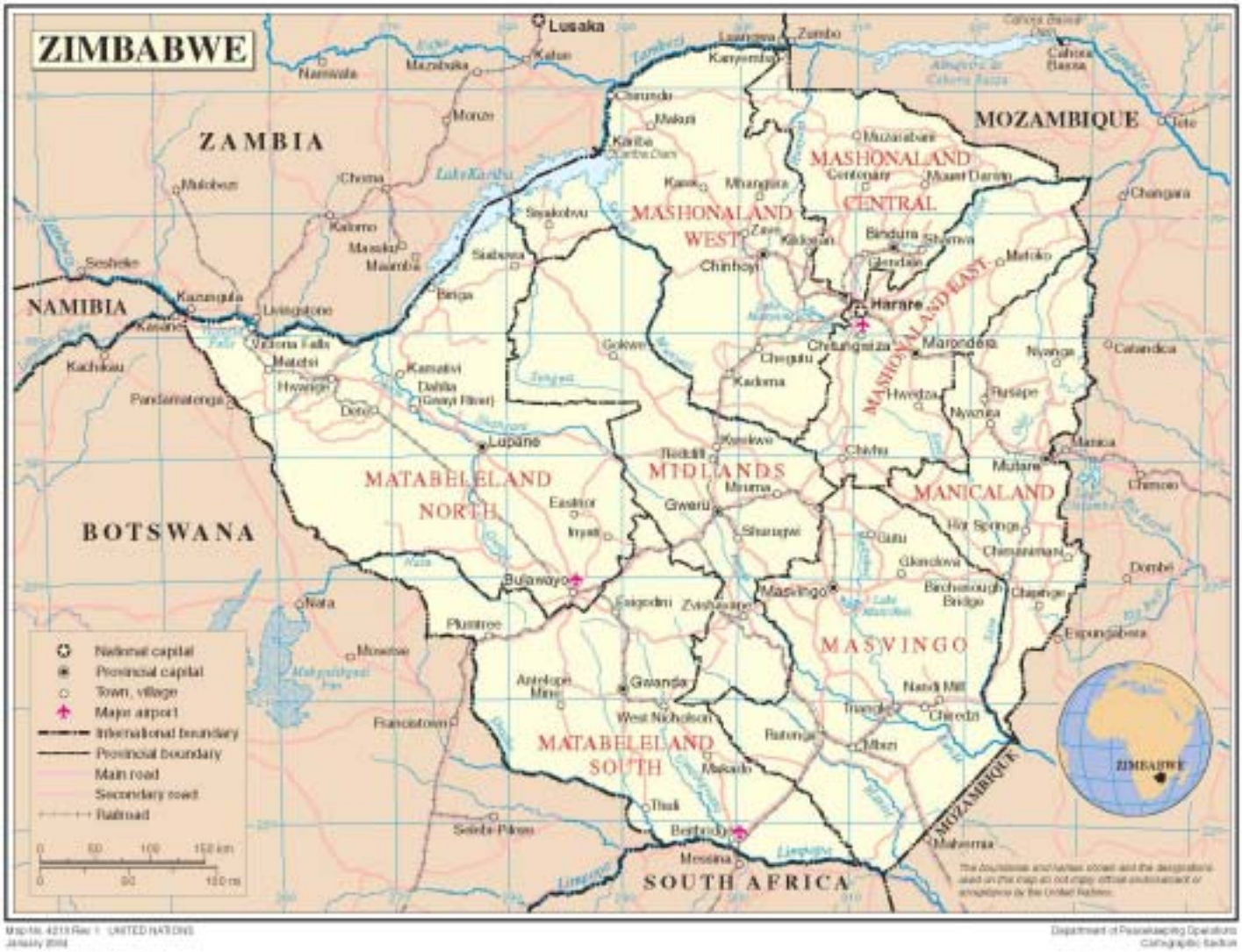
In the end, the decisive role rests with those to whom Mugabe and ZANU-PF must pay most heed because they cannot be dismissed as colonialists or imperialists, namely SADC, the AU and their member states, especially South Africa. They must press not only for technical electoral reforms but for political change as well, including the repeal or amendment of repressive legislation. Unless this happens, Zimbabwe may well stage a C-Minus election that looks free and transparent on the polling day but has already been massively rigged by what happened on the way to that day. Such an election would deliver an unfair victory to ZANU-PF that would in no way bring resolution of the country's crisis any closer.

If the opportunity is not to be lost in this manner, fellow Africans must be pro-active, beginning with dispatch of SADC teams to investigate the playing field months before election day. Western friends of Zimbabwe can help best by supporting and complementing the African efforts vigorously but without the flights of rhetoric that Mugabe knows so well how to turn to his advantage. Zimbabwe's political freedom and its economic prospects depend importantly on this, as does the stability of southern Africa.

Pretoria/Brussels, 29 November 2004

APPENDIX A

MAP OF ZIMBABWE



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.icg.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by Leslie H. Gelb, former President of the Council on Foreign Relations, and Christopher Patten, former European Commissioner for External Relations. President and Chief Executive since January 2000 is former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates nineteen field offices (in Amman, Belgrade, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Port-au-Prince, Pretoria, Pristina, Quito, Sarajevo, Seoul, Skopje and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Kashmir, Kazakhstan, North Korea, Kyrgyzstan, Indonesia, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

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Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, United States Institute of Peace and Fundação Oriente.

November 2004

APPENDIX C

CRISIS GROUP REPORTS AND BRIEFINGS ON AFRICA SINCE 2001

ALGERIA*

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N°36, 26 October 2001

CENTRAL AFRICA

From Kabila to Kabila: Prospects for Peace in the Congo, Africa Report N°27, 16 March 2001

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

Disarmament in the Congo: Investing in Conflict Prevention, Africa Briefing, 12 June 2001

Burundi: 100 Days to Put the Peace Process Back on Track, Africa Report N°33, 14 August 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

The Inter-Congolese Dialogue: Political Negotiation or Game of Bluff? Africa Report N°37, 16 November 2001 (also available in French)

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Burundi: After Six Months of Transition: Continuing the War or Winning the Peace, Africa Report N°46, 24 May 2002 (also available in French)

The International Criminal Tribunal for Rwanda: The Countdown, Africa Report N°50, 1 August 2002 (only available in French)

The Burundi Rebellion and the Ceasefire Negotiations, Africa Briefing, 6 August 2002

Rwanda at the End of the Transition: A Necessary Political Liberalisation, Africa Report N°53, 13 November 2002 (also available in French)

The Kivus: The Forgotten Crucible of the Congo Conflict, Africa Report N°56, 24 January 2003

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Rwandan Hutu Rebels in the Congo: a New Approach to Disarmament and Reintegration, Africa Report N°63, 23 May 2003 (also available in French)

Congo Crisis: Military Intervention in Ituri, Africa Report N°64, 13 June 2003

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Refugees and Internally Displaced in Burundi: The Urgent Need for a Consensus on Their Repatriation and Reintegration, Africa Briefing, 2 December 2003 (only available in French)

Northern Uganda: Understanding and Solving the Conflict, Africa Report N°77, 14 April 2004

HIV/AIDS as a Security Issue in Africa: Lessons from Uganda, Issues Report N°3, 16 April 2004

End of Transition in Burundi: The Home Stretch, Africa Report Nº81, 5 July 2004 (also available in French)

Pulling Back from the Brink in the Congo, Africa Briefing, 7 July 2004 (also available in French)

Maintaining Momentum in the Congo: The Ituri Problem, Africa Report N°84, 26 August 2004

HORN OF AFRICA

God, Oil & Country: Changing the Logic of War in Sudan, Africa Report N°39, 28 January 2002

Capturing the Moment: Sudan's Peace Process in the Balance, Africa Report N°42, 3 April 2002

Somalia: Countering Terrorism in a Failed State, Africa Report N°45, 23 May 2002

Dialogue or Destruction? Organising for Peace as the War in Sudan Escalates, Africa Report N°48, 27 June 2002

Sudan's Best Chance for Peace: How Not to Lose It, Africa Report N°51, 17 September 2002

Ending Starvation as a Weapon of War in Sudan, Africa Report N°54, 14 November 2002

Salvaging Somalia's Chance for Peace, Africa Briefing, 9 December 2002

Power and Wealth Sharing: Make or Break Time in Sudan's Peace Process, Africa Report N°55, 18 December 2002

Sudan's Oilfields Burn Again: Brinkmanship Endangers The Peace Process, Africa Briefing, 10 February 2003

Negotiating a Blueprint for Peace in Somalia, Africa Report N°59, 6 March 2003

Sudan's Other Wars, Africa Briefing, 25 June 2003

Sudan Endgame Africa Report N°65, 7 July 2003

Somaliland: Democratisation and Its Discontents, Africa Report N°66, 28 July 2003

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