

Report by Social Movement observer delegation to Zimbabwe (2005)

Zimbabweans greeted Mbeki's announcement that the 31 March parliamentary elections in their country would be 'free and fair', with much consternation. How could the South African president pre-emptively assess Zimbabwe's compliance with the SADC Principles and Guidelines Governing Democratic Elections when the same guidelines require that election observer missions be deployed 90 days before the day of the elections? The South African observers arrived in Zimbabwe just 16 days before the election.

What this observation team should be registering is just to what extent Mugabe's regime has foreclosed the free and fair conduct of the election. A battery of legislation restricts free political organising and the freedom of expression while the electoral machinery has been constituted as an extension of the state. Urban wards have been gerrymandered and constituencies that in the 2000 referendum demonstrated their support for the opposition MDC have been denied basic services. People displaced by the violence marring the last two polls have been disenfranchised. Given that the 150-seat Parliament is already weighted by 30 presidential appointed members, the ways in which the election has been rigged are signs that Mugabe knows how deeply unpopular he has become.

1. Background to Social Movement delegation

The Crisis in Zimbabwe Coalition invited members of South African social movements to visit Zimbabwe to assess the possibilities for a democratic poll as well as to meet with a wide range of Zimbabwean civil society organisations/activists. The six activists that constituted the delegation were drawn from the Anti Privatisation Forum, the Landless Peoples Movement (Gauteng) and Jubilee South Africa. From the 2nd to the 10th of March, Laurence Ntuli (APF) and Ndade Mxunya (Jubilee) met with civil society and local government representatives in Bulawayo, and Tumi Cayicayi (APF), Nicolas Dieltiens (APF), Paul Pie (Jubilee) and Bongani Xezwi (LPM- Gauteng) were sent to Harare. The civil society organisations that were visited included as wide a scope of constituencies as could be accommodated within the limited schedule: youth, student, church, civic, labour union, legal, environmental, and women's groups. From our interactions with over 20 organisational representatives, we were able to gauge the general temperament of Zimbabwean civil society and gleaned information specific to their experience. Our attendance of public meetings and an election rally was an opportunity to better appreciate the variety of political debate and concerns of the electorate.

2. General impressions

The mood in the two main urban centres of Zimbabwe can best be described as disquiet. In the week prior to our arrival, restrictions on media access by the opposition MDC had been eased and government appeals for a peaceful election had disarmed some expectation of violence. Zanu PF, MDC and independent candidates' election posters were frequently seen posted side-by-side, and some measured

coverage of MDC rallies was broadcast on national television. The most common response to this show of political tolerance was cynicism. No one we spoke to voiced any confidence in the display of free election campaigning, citing either past experience of repression or the government's control over the election process. Many have been too scarred by their brushes with the security apparatuses of the state, to give any credence to Mugabe's change of heart. Recounting abduction, imprisonment, torture and systematic rape, they are reluctant to hazard repeating that experience.

These popular reservations amongst the electorate are so widespread that voter apathy is anticipated more than repression. The MDC resolved to participate in the elections at a late stage after a protracted debate within the party but have not been able to convince all their previous supporters of their wisdom. The Crisis in Zimbabwe Coalition is mobilising its 250 affiliated organisations to encourage voters, while the National Constitutional Assembly – a social movement premised on the need for a new constitution – is calling for a boycott. This split between pro-democracy groupings will work in the ruling party's favour.

The high level of unemployment (75%) is not immediately apparent with fewer people working informally or begging than is the reality in South Africa. These perceptions of a peaceable political climate were contradicted by complaints from passers-by about daily hardship and unemployment that they clearly laid at the door of government. We soon learnt that the signs of glaring poverty are guarded with informal traders requiring licenses to hawk their goods in the cities. The divide between rich and poor is strictly patrolled, but it is in crossing this boundary that the tensions in Zimbabwean society are at their starkest. On the suburban skirts of Harare people are living the most opulent lifestyles seen anywhere in the world. A walled enclave of mansions clustered around a Nick Price golf course, Borrowdale Brook has ballooned since the collapse of the Zimbabwean dollar. A shopping centre and church on the sprawling estate means that its fantastically wealthy residents can both buy groceries and worship without the inconvenience of the real world outside. The source of this wealth would appear to be foreign currency, a suggestion corroborated by the most frequently run (commercial) advertisement on the national broadcaster, advertising a financial service facilitating the repatriation of foreign currency earned by Zimbabweans abroad.

3. Legal Instruments of Control

3.1 Repressive laws in Zimbabwe

The most despised piece of legislation is the Public Order and Security Act (POSA). Under the Act, any meeting of three or more individuals that could feature discussion of a political nature cannot take place without the prior approval of the police within four days of the meeting. A public meeting in Harare organised by the Crisis in Zimbabwe Coalition on the 3rd of March came to an abrupt end before debate had been exhausted because the time permitted for the meeting had been exceeded. Though POSA applies to all political gatherings, including those organised by the ruling party, the police apply the law selectively. Reports in the newspapers that police had disrupted an MDC meeting despite protestations that official approval had been granted also seems to confirm that the most lawful and conscientious intentions run up against police force. According to the account of students, whose approved

march in 2003 had been dispersed by beatings, it is common for the police to act unlawfully.

The restrictions on press freedom introduced by the former Information Minister, Jonathan Moyo, have been well reported in South Africa. The Access to Information and Protection of Privacy Act (AIPPA) remains on the statutes despite Moyo's sacking. This Act, that requires the registration of all publishers and journalists with the government's Media and Information Commission, has led to the silencing of critical voices in the Zimbabwean press. The only daily papers available in the country are, as a result of AIPPA, government mouthpieces, and one independent weekly newspaper remains.

The NGO Bill is a piece of legislation that has had a dramatic impact on the ability of NGOs to raise funds to conduct their projects and campaigns. If the immediate effects of the pending law are any indication of the viability of NGOs after its enactment, the prospect is bleak. The proposed restriction on foreign funding of NGOs has already stalled funding for NGO with donors reportedly too wary of investing their budgets in projects that cannot be sustained after the Bill is enacted.

3.2 Electoral laws

The Zimbabwe Electoral Commission Act (ZEC) was the February concession by the Zimbabwean regime to comply with the SADC protocols. But rather than replacing the old Electoral Supervisory Commission (ESC), the ZEC has inherited the old election machinery and its own responsibility could not clearly be defined. The government declared that this is a transitional election after which a single election body is promised. Amidst this confusion, there is little confidence in the new electoral bodies. The electorate cannot expect clarification from voter education provided by independent election organisations because this has been banned. The only authority permitted to provide voter education is the electoral commission itself. The increased centralisation under the new laws is most clearly expressed in the stipulation that election monitors are now to be recruited from civil servants – including military and intelligence officials – where before these personnel would be drawn from amongst teachers. It is speculated that teachers were replaced with government bureaucrats because their loyalty to the government had come into question during the unrest after 2000 and their resistance to the rationalisation of education.

This leaves Zimbabweans from civil society with the possibility of only registering as observers of the election. And even in this application process, little room is allowed to appeal against the decision of the ESC. The Zimbabwean Election Support Network (ZESN) – an NGO set up to educate voters and monitor the electoral authorities – has submitted 7,500 applications for observers, the results of which will be released just two days before the poll. The added requirements of a Z\$100,000 (R100) accreditation fee for each observer and for these observers to report to Bulawayo for deployment are significant limitations. International observers too cannot be trusted to deliver impartial judgements of the free participation of voters. The numbers of international observers has already been limited to those countries that declared the 2002 election 'free and fair'. They have been drawn from SADC

countries that have already declared their satisfaction with arrangements for the election.

The voter's roll for the election will not be a credible document to verify the results. It was compiled before the voter registration process and there has been poor public inspection of the roll. The inevitable problems of duplicated names and deceased persons allow greater scope for the manipulation of the election results. Lacking a transparent voters roll for the 2002 elections, there is reason to believe that the results were inflated. (The MDC's appeals of a number of 2002 electoral tallies in Zimbabwe's Supreme Court are still awaiting judgement).

The possibility of manipulating the results is also presented by postal votes. These have been allowed to military and diplomatic personnel only. The millions of Zimbabweans who fled the violence and socio-economic conditions in the country – estimated to be about a quarter of the population – have in this way been disenfranchised. The postal vote is expected to show strong Zanu PF support, leading to the fear that they could be used to shore-up results where the party's showing is low, as occurred during the 2002 elections according to the ZESN.

A number of issues with respect to the set-up of the elections have to be interrogated. Charged with demarcating new boundaries for electoral constituencies, the work of the Delimitation Commission appears to be shrouded by doubt. The number of urban seats seen as MDC strongholds was reduced and supplemented to rural areas. The justification for this was based on census figures that suggested 'reverse urbanisation', which neither the MDC nor any independent authority has verified. Further questions were asked about the restriction to just one day of voting since previous elections had two days. Without sufficient time for all voters to cast their ballots it is feared that a true democratic outcome will not be possible. Then there's the sheer scale of the election: counting will take place at the 27,000 polling stations, the number and remoteness of many meaning that the process will be very difficult to monitor. It will, therefore, be impossible for the few accredited observers to qualify all the election results.

4. Targeting the opposition

4.1 Media

Media in Zimbabwe is a swelter of government propaganda. The current affairs programming by Newsnet, the government mouthpiece, features respective election campaigning by the president, his deputy and his ministers. Punctuating the news items were Zanu PF and independence anniversary advertisements. While brief coverage was given to MDC rallies and opportunities given to independent candidates to present their election manifestoes, these instalments did not nearly match the airtime devoted to the ruling party. In the government owned newspapers as well, the opposition MDC particularly came under regular fire for conniving with British imperialism. The Zimbabwean Congress of Trade Unions, which gave birth to the MDC, was also maligned for losing sight of its core business – the protection of workers' interests.

4.2 Displacing the opposition

After the defeat of Mugabe in the 2000 constitutional referendum, and the use of violence to contain the growing pro-democracy movement, as much as a quarter of Zimbabwe's population fled the economic fallout in the country. Among these refugees are the most vocal proponents for change in the country – all of whom have been disenfranchised by the refusal to allow postal votes. The previously vocal student movement has also been silenced as an electoral constituency. Voter registration was opened during the summer break such that the March poll will find many students unable to return home to vote.

The land reform programme negatively affected most farm workers, who either live now on the margins of the farms they once worked on or pay rent to the new occupants. Many of these have been disenfranchised by the government's insistence that they are migrant workers from neighbouring states despite being up to fifth generation residents in Zimbabwe. Without citizenship, they are also refused resettlement under the government's land reform programme.

4.3 Local government

The MDC having won 45 of the 46 seats on the Harare city council, Zimbabwe's central government actively undermined local governance. A presidential directive dismissed the elected MDC mayor of the capital city and control of Harare was returned to a government-appointed commission. Municipal contracts made by the MDC administration were cancelled and known Zanu PF supporters were contracted instead. The MDC mayors of Bulawayo and Gwanda, also complained of the central government's suppression of the municipalities' ability to meet its obligations. In the run-up to the elections, the national government has proffered a Z\$286-billion (R2.86-million) cash injection to 36 local authorities as a remedy to the neglect that municipal services had been subject to. Without a distinction between the state and the ruling party, such disbursements are clearly electioneering ploys used at the discretion of the state to manipulate the electorate. Zanu PF is the gatekeeper of public resources, then, giving rise to fears that a vote for the opposition could only invite denial of basic services. In the present drought, the threat that the government could withhold food supplies to areas not supporting the ruling party is a real inducement to reaffirm Zanu PF's rule.

5. Surveillance and intimidation

Daily surveillance by government intelligence officers was clearly discernible outside Crisis Coalition offices. It is a presence that staff of the Coalition have become accustomed to, saying that it is common practice applying to all organisations seen to be against the government. Surveillance of email was reported by three different sources. It is presumed that the technology has been imported from China, with which the Zimbabwean state has maintained friendly relations.

Surveillance of Archbishop Pius Ncube resulted in the Bulawayo facilitator of the observer mission being detained for questioning by intelligence operatives the day after the departure of the delegation. Otherwise, the delegation was able to operate

unhindered – no doubt due to the fact that the delegation was not publicly announced beforehand and went into Zimbabwe as ‘ordinary’ visitors. What intimidation is exercised by the state has been internalised by Zimbabweans. The mere mention of police intervention is sufficient for most groups to retreat – with the exception of the Zimbabwean National Students Union who insist on their right to protest despite the requirements of POSA.

6. Unresolved human rights violations

Without undertaking a process of reconciliation, Zimbabwean history is taut with fear that still affects the present. The Gukuruhundi massacre in the early 1980s still weighs heavily on Ndebele people. The government admitted to killing 20,000 people in conditions it described as ‘warfare’. Other sources describe an incursion into Matabeleland by five brigades that fought a war verging on genocide in which 250,000 lives were claimed. Orphans of the conflict are still internally displaced people who have been denied citizenship. The need for protection of minority rights is felt by the Ndebele minority to be imperative for their security.

An estimated 200 people have been killed since 2000 in the struggle for democracy and many more thousands have been affected by violence perpetrated by the police, the intelligence agency and the government-sponsored militia. The (partial) demobilisation of the notorious ‘green bombers’ does not repair the damage done to the lives of untold thousands and while the government will not admit its responsibility and some justice served, there can be no reversing popular distrust of the elections. 52 students that were expelled from institutions of higher learning in Zimbabwe following the popular uprisings on campuses in the post-2000 period, have not had their expulsions lifted. These 52 students were deliberately targeted by the tottering regime to demobilise the movement against the spiralling costs of education and externalisation of privileged students.

Enhanced Structural Adjustment Programme – imposed in the early 90s.

7. The Land Reform Programme and the elections

The need to submit business plans in application for resettlement on appropriated land has reverted the promises of the land reform programme to commercial agricultural production. Food security has been harmed by the imperative to produce for export to earn much-needed foreign currency. Tobacco especially is still a favoured crop. The ‘new farmers’ have only reproduced the same power structures and hierarchies instituted by the white commercial farmers they replaced.

Earn to learn programme only amplified by the land reform programme as child labour becomes accepted practice on ‘new farms’ and by the prevalence of AIDS orphans.

Zimcord and the siphoning off of funds allocated for land redistribution

8. Conclusion

ZSF significant in calling Mugabe’s anti-imperialist bluff.... Expressed wish to see more solidarity like Cosatu’s recent actions.

Zanu PF's strategy is not so much consolidation in the legislature but the overcoming of the opposition ("burying the MDC"). Legislature doesn't wield much power anyway since the executive issues decrees and determines law anyway.

