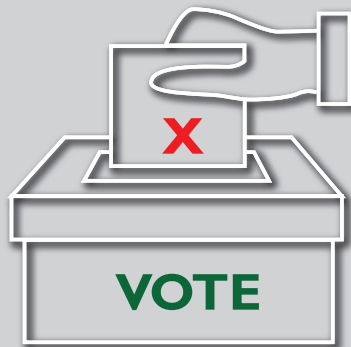


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TAMING THE BEAST IN US 2018



Context, Institutions and Pre-and Post-Electoral Peace in Zimbabwe

June 2018

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Abstract

Following a desktop research and in-depth interviews of key informants this paper provides an overview of Zimbabwe's political and electoral landscape as the country prepares for the harmonised elections. Focus is placed on discussing and assessing pivotal electoral and political processes and how these have reconfigured the political and electoral landscape. These pivotal processes range from the new constitution; the reformed electoral framework; the 'military assisted transition'; the shifts in ruling party ideology; the on-going intra-party changes and primary elections, and importantly the recalibration of Zimbabwe's foreign policy. Flowing from this discussion the paper highlights 'flashpoints' that are important to track and monitor in order to have a full grasp of the challenges, opportunities and prospects for a peaceful electoral process. Recommendations, for state and non-state actors, are then spelt out that can ensure the electoral process is credible, and importantly the electoral process meets the obligations set in the Constitution of Zimbabwe.

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Executive Summary

Following a desktop research and in-depth interviews of key informants this paper provides an overview of Zimbabwe's political and electoral landscape highlighting the significant re-configurations that have taken place. Following that critical contextual analysis there is a discussion of the pivotal political and electoral processes that have a direct bearing on the credibility and legitimacy of the electoral process. Previous elections in Zimbabwe have been dominated by violence, bitter contestation and this has often been influenced by unsettled structural political question. It is therefore necessary and imperative to have a grasp of the broad and political context in order to build strategies and mechanism to enhance the legitimacy of the election process, enhance prospects for peace, build pre-emptory interventions and most importantly avoid violence. These pivotal markers are as follows:

- A New Constitution
- New Institutional (ZEC) & Legal Framework (Amended Electoral Act)
- 'Transition' from Robert Mugabe to President E.D Mnangangwa
- Shifts in Party-State Power and Ideological Variations
- Political Party Contestations, Re-configurations and Ructions
- Civil Society Calibrated Engagement
- Geo-Political Realignment and Foreign Policy Re-orientation
- Role of Regional and International Institutions (SADC, AU and UN)

The discussion of the pivotal political and electoral processes encompasses noting areas of contest that can lead to bitter contestations and trigger violent disputes both of the process leading to and the process after the election. While government rhetoric has been very high around 'democratic reforms' and commitment to a 'free and fair election' there is notable disjuncture with action. Glaring examples of this disjuncture include, but is not limited to, the following:

- Snail pace to align laws with the Constitution of 2013;
- Failure to repeal such repressive legislation like the Public Order and Security Act (POSA), the Access to Information and Protection of Privacy Act (AIPA) and the Broadcasting Services Act (BSA);
- Ensuring the public media is impartial;
- Timely amending of the Electoral Act (to meet Constitutional Obligations);
- Ensuring the Zimbabwe Electoral Commission (ZEC) executes its mandate autonomously from the executive;
- Failure to reign in Traditional Leaders who are supposed to be non-partisan
- Consternation over the revolving door between the military, the state bureaucracy positions and party leadership positions.

The issues stated above and others like (i) the printing of ballots; (ii) the hiring of people with previous security links at ZEC; and (iii) the role of traditional leaders in the electoral process can be flashpoints that can trigger extended dispute of the election. The opposition, especially under the MDC Alliance, has continuously challenged these and other gaps between what the Constitution sets out and the actual operational framework under which the election will take place.



UNDP Elections Essentials Guide (See Rukambe, 2010)¹

Using the UNDP Elections Guide, highlighted above, this paper will trace through and highlight the pivotal political and electoral re-configurations, then distils these through a contextual analysis into flashpoints that can be tracked in order to assess the prospects for peace. Finally the paper spells out the recommendations for different stakeholders with an interest in ensuring a peaceful, credible, legitimate, free and fair election that meets the obligations of the Constitution and the attendant Electoral Act.

Pivotal Political and Electoral Processes Configuring Zimbabwe

- A New Constitution
- New Institutional (ZEC) & Legal Framework (Amended Electoral Act)
- ‘Transition’ from Robert Mugabe to President E.D Mnangangwa
- Shifts in Party-State Power and Ideological Variations
- Political Party Contestations, Re-configurations and Ructions
- Civil Society Calibrated Engagement
- Geo-Political Realignments and Foreign Policy Re-orientation

Flashpoints to Track in the 2018 Electoral Process

- Role of Media (especially impartiality of Public Media)
- State Institutions (Army, Police and Intelligence Services)
- Primary Elections Processes and Changes within Political Parties
- Contest over the Bio Metric Voter Registration Process
- Compliance with Constitution especially:
 - (a) Zimbabwe Electoral Commission
 - (b) Electoral Act (and the amendments)

Broad Recommendations

For Civil Society

- Monitoring the Fulfilment of Constitutional and Electoral Law especially by the following institutions
 - (a) Zimbabwe Electoral Commission (ZEC).
 - (b) State Security Institutions (Army, Police and Intelligence)
- Assessing Electoral Act (and amendments) Compliance with Constitution
- Long Term Monitoring of the Electoral and Political Landscape especially the role of the following institutions:
 - (a) National Peace and Reconciliation Commission (NPRC)
 - (b) Other Independent Commissions (Chapter 12 institutions)
- Research Best Practice especially over the following:
 - (a) Voter Registration and Voter Education
 - (b) Peace Building Outside the Electoral Cycle

¹ Rukambe, John Kumaipurua(2010), *Promoting Free and Fair Elections in Africa: The Role of UNDP and International Partners*,
<http://www.justice.gov.za/alraesa/conferences/les2010/PROMOTING%20FREE%20AND%20FAIR%20ELECTIONS%20IN%20AFRICA.pdf>

Government of Zimbabwe & the National Assembly

- Alignment of Laws with the new Constitution
- Ensure Timely, democratic, amendment of the Electoral Act
- Ensure Compliance of Electoral Framework with SADC and AU Conventions
- Funding and Building Capacity for Independent Commissions Supporting Democracy
- State institutions, especially Police, must play a vocal and active role in preventing electoral related violence.
- Ensure Media is impartial, especially, in covering campaigns
- Long term Research and on Concrete Peace Building outside the Electoral Cycle

International Governments and Organisations

- Support Electoral Management Institutions (ZEC)
- Direct Diplomatic Interventions to Pressure Compliance with Constitution
- Using regional and continental bodies (UN, AU and SADC)
- Support Research into Electoral Best Practices for Civil Society
- Ensuring Long Term Election Monitoring

1.0 Introduction: Zimbabwe's Broad Political and Electoral Context

Zimbabwe is scheduled to hold harmonised elections by August 2018. The election will include Presidential, Senatorial, Parliamentary and Local Government Elections. The election will be held in the aftermath of a 'military transition' that saw the resignation of long-time leader, President Robert Gabriel Mugabe, and his replacement by Emerson Dambudzo Mnangagwa. The former President, under siege from the army, was deposed as First Secretary of his party, the Zimbabwe African National Union Patriotic Front (ZANU PF) and he subsequently tendered his resignation to the Speaker of Parliament on the 21st of November 2017. A few months later former Prime Minister and leader of the MDC-T, Morgan Tsvangirai, tragically succumbed to cancer on the 14th of February 2018. For the first time after nearly two decades of a combative and polarising contest the 'big men' that dominated the political and electoral landscape of Zimbabwe will not be on the ballot paper. The exit of Robert Mugabe and Morgan Tsvangirai, in different ways, from the bruising contest for political change has changed Zimbabwe's political landscape significantly. The reverberations flowing from these variegated transitions, through the national political economy, will take time to colour Zimbabwe's post-colonial evolution.

Historically, the broad political and electoral context within which the elections have been taking place has been subject to very intense contestation and the outcome has often been polarising. In addition, significant cases of the violence recorded in the previous elections have been reported to be state sanctioned. However, anecdotal evidence and reports from human rights organisations point to decline in cases of physical violence in the run up the 2018 elections so far. Competition for political office in Zimbabwe, like elsewhere in Africa has become a 'zero sum' game in which the 'loser takes all' and the 'winner takes nothing' (Rukambe, 2010)². That intense state of affairs has led to the electoral period becoming a time of nervousness, suspicion and tension to the extent that the electoral periods have resembled almost 'low intensity' civil war. The 2008 Presidential run-off was characterised by so much violence that Morgan Tsvangirai withdrew from the race, sought temporary refuge in a foreign embassy and then escaped to Botswana. On the other hand, the President of the ruling party had boasted openly that he has 'degrees in violence' (Blair, 2002) . The electoral competition characteristically became dominated by coercion, authoritarianism and in some cases abductions, unexplained disappearances, torture, rape of women, death and forced internal displacement of perceived opponents.

² Rukambe, John Kumaipuruua(2010), *Promoting Free and Fair Elections in Africa: The Role of UNDP and International Partners*,
<http://www.justice.gov.za/alraesa/conferences/les2010/PROMOTING%20FREE%20AND%20FAIR%20ELECTIONS%20IN%20AFRICA.pdf>

Tsvangirai withdrew from the race, sought temporary refuge in a foreign embassy and then escaped to Botswana. On the other hand, the President of the ruling party had boasted openly that he has ‘degrees in violence’ (Blair, 2002). The electoral competition characteristically became dominated by coercion, authoritarianism and in some cases abductions, unexplained disappearances, torture, rape of women, death and forced internal displacement of perceived opponents.

On the other hand the opposition and some civil society groups have highlighted how the ruling party, the ZANU PF, has used its control of the state apparatus to commit human rights violations and electoral malpractices with impunity. This led to the contestation over the independence, autonomy, and credibility of the institutions managing Zimbabwe’s elections. While some reforms have been instituted, especially by the introduction of the new Constitution of 2013, the electoral framework remains at the centre of a very divisive conflict with a potential of keeping the country in a perpetual explosive vortex of electoral disputes. Contestation in the electoral field has been so acrimonious to the extent that previously elected governments have been viewed as ‘illegitimate’ or faced legitimacy questions. The crisis of electoral legitimacy is aptly captured in Presidential Spokesperson, George Charamba’s observation on the 2018 elections, that they are about restoring legitimacy and re-engagement (Tshuma, 2018)⁴.

The spill over of the political crisis has been an almost collapsed national economy that has been in comatose since about the year 2000 (Kanyenze, et al, 2011)⁵. From a nearly collapsed economy after 2000, a somewhat mild revival in the period of the Global Political Agreement (GPA: 2008 – 2013) to a tapering off in the last period leading to the election in 2018. It is significant to note here that the political economy crisis generated widespread informality, the rise of illicit forms of accumulation, decline in formal employment and intense contestation over new sites of wealth accumulation like the infamous makorokoza (informal/artisanal miners)⁵. What has been called Zimbabwe’s ‘re-configured political economy’ (Raftopoulos, 2014) and has a direct influence on the competition for political office as the state has become an almost indispensable site for power and wealth⁷.

So acute has been the crisis in the economy to the extent that the new President Emerson Mnangagwa has preached that ‘Zimbabwe is open for business’, has attempted a raft of reforms to rebuild business confidence and has constantly committed the government to a ‘free, fair and credible election’. Compared against the previous elections, (2000, 2002, 2005, 2008 and 2013) the 2018 harmonised election is perceived as a watershed election. Subsequently, the election has attracted heightened attention nationally and from regional and international quarters. At stake in 2018 is whether what has been called the ‘new dispensation’ represents a break with the past pattern of electoral manipulation and violence. The new President, Emerson Mnangagwa seems to have a grasp of the complex challenges that are ahead:

³ Blair, David (2002) *Degrees in Violence: Robert Mugabe and The Struggle for Power in Zimbabwe*, Continuum Books: New York.

⁴ Tshuma, (2018). “Elections are about re-engagement, legitimacy, says Charamba”, The Herald, accessed at: <https://www.herald.co.zw/elections-about-re-engagement-legitimacy-says-charamba/>

⁵ Kanyenze, Godfrey., Kondo, Timothy., Chitambara Prosper and Materns, Josuchenhumba (2011) *Beyond the Enclave: Towards a Pro-Poor and Inclusive Development Strategy for Zimbabwe*, Weaver Press: Zimbabwe.

⁶ See Mawowa, Showers (2013) *Political Economy of Crisis, Mining and Accumulation: Evidence from Chegutu Mhondoro Area*, PhD Thesis: UKZN.

⁷ Raftopoulos, Brian (2014), Zimbabwean Politics in the Post-2013 Election Period, *Africa Spectrum*, 49, 2, 91-103.

I commit that in the new Zimbabwe, all citizens will have the right of free speech, free expression and free association. At the heart of this will be free and fair elections, to be held as scheduled in 2018, with all impartial observers who wish to witness the new Zimbabwean democracy at work welcome to attend. I extend that invitation once again (President Emerson Mnangagwa, New York Times)⁸

The statement by the new President has to be analysed and assessed with the actual process of managing the election to answer questions whether this rhetoric is followed by action. In previous elections civil society has been active in lobbying for electoral reforms, monitoring the elections and producing reports so that the integrity of the election can be assessed. This paper is part of that concerted effort by civil society to have a clear understanding of the political and electoral context within which the election will be held and importantly to develop a sort of ‘antennae’ of the critical issues and processes to watch out for. By placing the 2018 electoral process within the broader and very complex multi-dimensional changes taking place in Zimbabwe a better picture of what is happening emerges, ‘warts and all’, but acts a very solid basis for interventions to ensure the prospects for peace enhanced, the challenges are ironed out and opportunities for a peaceful process are not lost.

⁸ <https://www.nytimes.com/2018/03/11/opinion/zimbabwe-emerson-mnangagwa.html>

2.0 'Defying the Winds of Change': Elections and Violence in Historical Perspective

Looked at from a historical perspective Zimbabwe's electoral landscape has been plagued with the demon of election related violence. It is as if there is a 'beast' that is woken up every time there is an election and it goes on an unrestrained prowl. That demon seemed to intensify with the formation of the Movement for Democratic Change (MDC) in 1999 and reached its apogee with the withdrawal of Morgan Tsvangirai from the Presidential run-off in 2008. So severe was the violence in 2008 that it was called a 'military election' and several researchers pointed to the heavy participation of the military in the election and stated that the political elites were 'defying the winds of change'⁹. Professor David Moore has argued that Zimbabwe's political crisis is better understood within the lenses of a crisis of 'primitive accumulation, nation-state formation and democratization' (Moore, 2001)¹⁰. Such a broad, structural and sweeping analytic lens makes possible a deeper understanding and search for solutions to the scourge of violence that continuously inflames passions in the electoral and political process. On one level it means there are social groups competing for resources, at another level it means there are social groups bitterly contesting for citizenship and belonging and if the rules of (constitution, laws and so on) are not open, democratic, and entrenched the contestation becomes very uncivil meaning violence becomes a default position to resort to in solving disputes. The violence resulted in some arguing that Zimbabwe is best summed up as a country that has descended from 'liberation to authoritarianism'¹¹.

Between the year 2000 and 2008 a significant number of reports have pointed that state security institutions have been at the centre of the violence in the pre-election and even post-election period. The 2002 Presidential election, for example was subject to dispute, including a court challenge by the opposition candidate, Morgan Tsvangirai. In South Africa, the Mail and Guardian obtained the 'Kampepe Report' after 12 years fighting through the courts¹². The report produced by a Justice Observer Mission (JOM) to Zimbabwe, from South Africa, observed that due to intimidation, deaths of opposition supporters, an opaque voter registration process, manipulation of electoral laws and rules, the 2002 election could not be considered 'free and fair'¹³. Reports and research on Zimbabwe's electoral processes have noted the preponderance of the involvement of the country's security services in politics and importantly in the electoral process .

⁹ Masunungure, Eldred V (ed.) (2009), *Defying the Winds of Change: Zimbabwe's 2008 Election*, Weaver Press: Harare.

¹⁰ Moore, David (2003) Zimbabwe's triple crisis: Primitive accumulation, nation-state formation and democratization in the age of neo-liberal globalization', *African Studies Quarterly*, 7 (2); also see Hammar, Amanda., Raftopoulos, Brian., Stig, Jensen (eds) (2003) *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, Weaver Press: Harare.

¹¹ Dorman, Sarah Rich (2016) *Understanding Zimbabwe: From Liberation to Authoritarianism*, Hurst: London.

¹² Allison, Simon (2014), 'The Kampepe Report: A Crushing Blow to South Africa Diplomatic Credibility', *Daily Maverick*. <https://www.dailymaverick.co.za/article/2014-11-17-analysis-the-khampepe-report-a-crushing-blow-to-sas-diplomatic-credibility/#.WvZqZmiFOUk>

¹³ Judge Sisi Kampepe and Judge Dikgang Moseneke (2002) *Report on the 2002 Presidential Elections in Zimbabwe*, <http://serve.mg.co.za/content/documents/2014/11/14/reportonthe2002presidentialelectionsofzimbabwe.pdf> [accessed 8 May 2018]

Rupiya (2011) argues that the military plays a ‘significant role in the political and electoral affairs of the country’ and their ‘visibility and influence of the military rose gradually over the years to the current position of dominance and de facto veto power over Zimbabwe’s civilian affairs’¹⁴. Intelligence services, police, army and also ruling party affiliated powerful social groups like ‘youth militia’ or so called ‘green bombers; Zimbabwe National Liberation War Veterans Association (ZNLWVA)¹⁵ have played a significant role in fanning the flames of electoral violence and lack of peace. The country’s security services were implicated in such organised systemic electoral intimidation like Operation Mavhoterapapi (Who did you vote for?)-during the 28th of June presidential run-off- and Operation Chimumumu (Keep quiet)-during the 2013 Constitutional reform outreach. The 1990s and through the 2000s cemented a very authoritarian public policy regime infamously dubbed ‘Government by Operations’¹⁶. Interestingly the same state security structures that dutifully executed the abrasive ‘government by operations’ are the same that carted off their leader under Operation Restore Legacy. Other researchers have pointed to the role of the coercive role that the security services have played in Zimbabwe’s electoral processes and the opposition has constantly pushed for the ‘security sector reform’¹⁷.

3.0 Re-Configured Landscape: Pivotal Political and Electoral Processes

This section substantially assesses and discusses Zimbabwe’s political and electoral landscape and importantly how it has significantly shifted especially since the first harmonised election of 2013 which was won by the ruling ZANU PF. This analytic framework picks out complex structural factors that are at play and points how these are very pivotal firstly in grasping the ‘battle lines’ over the election and secondly how these can be utilised as a basis of tracking ‘flashpoints’ in the electoral process. The analysis deliberately avoids plunging into the minutiae of the electoral process because this is a limited approach as it ignores the structural architecture that informs electoral processes. In other words, it does not ‘cure’ the patient. It is important to highlight these pivotal changes because they impact the structural political architecture within which elections, electoral processes and electoral contestations take place. This is so especially considering that there has been severe criticism of the electoral framework in Zimbabwe. This paper points to six of these pivotal points and discusses each in turn: (I) A New Constitution; (II) New Institutional (ZEC) & Legal Framework (Amended Electoral Act); (III) ‘Transition’ from Robert Mugabe to President E.D Mnangagwa; (IV) Shifts in Party-State Power and Ideological Variations; (V) Party Contestations, Re-configurations and Ructions; (VI) Civil Society Calibrated Engagement; and (VII) Geo-Political Realignments and Foreign Policy Re-orientation.

¹⁴ Rupiya, Martin (2009) *The Military Factor in Zimbabwe’s Political and Electoral Affairs*, Crisis Coalition in Zimbabwe, Harare.

¹⁵ See various reports by the Solidarity Peace Trust; especially (2011) *The Hard Road to Reform*, Johannesburg: South Africa

¹⁶ See Moyo, Jonathan (2005) ‘Why Mugabe Should Go’ <http://nehandaradio.com/2014/11/12/mugabe-go-now-jonathan-moyo-2007/>; and also Chimedza, Tinashe (2008) “Bulldozers Always Come”: Maggots, Citizens and Governance in Contemporary Zimbabwe in Vambe, Maurice (Ed.) *Zimbabwe: Hidden Dimensions of Operation Murambatsvina*, Weaver Press: Harare.

¹⁷ See the following: Chitiyo, K (2009) *The Case for Security Sector Reform in Zimbabwe*. Royal United Services Institute, Occasional Paper, London, 2009; 8 Tendi, Miles Blessing (2015) ‘Ideology, the Civilian Authority and the Zimbabwe Military’, *Journal of Southern African Studies*, 39, 4, 2015, pp. 829-843.

3.1 A Democratic New Constitution: Progress or Regress?

On the 22nd of May 2012 the former President Robert Mugabe signed into law the new Constitution of Zimbabwe and it became law on the 22nd of August 2013. The preamble states that Zimbabweans want to have a Constitution that entrenches ‘democracy, good, transparent and accountable governance and the rule of law’. As part of the Global Political Agreement (GPA) of 2008, facilitated by South Africa and guaranteed by SADC, one of the key deliverables of the Government of National Unity (GNU) was the reform of the Constitution. In 2000 a previous attempt to have a new constitution ended with Zimbabweans rejecting the Draft Constitution and constitutional reform continued to be an area of great contestation. Although protracted and intensely contested the parties to the GNU agreed on a New Constitution, subjected it to a referendum which voted yes, and the 2013 election was held under that new constitution¹⁸.

The constitution established some very clear principles for the holding of an election especially the following: it must be free, fair, transparent etc:

Section 155 (1)

- be peaceful, free and fair
- be conducted by secret ballot
- be based on universal adult suffrage and equality of votes
- be free from violence and other malpractices.

Section 155 (2)

- All adult citizens must be given an opportunity to register as voters. Residential requirements for registration can be laid down, but only to “ensure that voters are registered on the most appropriate voters roll”, not to deny voters the right to vote [para 1(2) of the 4th Schedule to the Constitution].
- All eligible voters must be given an opportunity to cast their votes, and the government must facilitate voting by persons with disabilities or special needs.
- Political parties and candidates must have reasonable access to all material and information they need to participate effectively in an election and must be given fair and equal access to the media, whether public or private.
- There must be timely resolution of electoral disputes¹⁹.

¹⁸ See Brian Raftopoulos (Ed.), 2013, *The Hard Road to Reform: The Politics of Zimbabwe’s Global Political Agreement*, Weaver Press: Harare.

¹⁹ The Zimbabwean (2018). “Constitutional Principles for free and fair elections”, accessed at: <http://www.thezimbabwean.co/2017/05/constitutional-principles-elections/>, see also Section 155(2) The Constitution of Zimbabwe Amendment (No. 20), Act of 2013.

The Constitution must be implemented to the letter and spirit, but importantly there are other very important institutions and changes brought into life by the new constitution. These important changes include: (I) A comprehensive Bill of Rights; (II) a new electoral management, the Zimbabwe Elections Commission (ZEC); the introduction of Independent Commission Supporting Democracy (so called Chapter 12 Commissions). Other critical areas include that (a) the security services must be non-partisan and that (b) traditional leaders must be non-partisan. These changes represent a significant and important departure from an electoral process which was imperially controlled by the Presidency who was in fact part of the candidates. The important element here was to put constitutional, statutory and institutional distance between an overbearing executive and the electoral framework.

It is important to note that there has been contestations around the full implementation of the Constitution especially the alignment of laws to the new constitution particularly on the repeal of legislation like the Public Orders and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPA) and the Broadcasting Services Act (BSA) that are seen to be contrary to the letter and spirit of the constitution. The government has not moved with speed on these imperative reforms but in certain cases have shown outright disdain. In the Budget Statement of 2017, the Minister of Finance, loudly wondered whether it was necessary to have fully staffed Independent Commissions, secondly the government has ignored the 'devolution' clause of the Constitution, thirdly the NPRC that was supposed to run for 10 years was delayed by red tape and bureaucracy.

3.2 New Institutional and Legal Framework: Zimbabwe Electoral Commission

The new constitution introduced the Zimbabwe Electoral Commission (ZEC) as Zimbabwe's electoral management body and it went further to direct the re-alignment of laws including the electoral statutes to the constitution. The reforms directed at the ZEC are very significantly important because the proximity of the ZEC to the executive has already generated mistrust and simmering electoral dispute. It is important to note here that the electoral management body has often been left to people with a security background or even serving military personnel. In 2002 the Electoral Supervisory Commission (ESC) was Chaired by Colonel Sobuza Gula Ndebele and General Douglas Nyikayaramba was the Chief Executive Officer. These political practices have somehow continued into ZEC, thus casting aspersions on the neutrality of the elections management body amongst opposition political parties and civil society. Further to the new commission the statutes establishes Electoral Courts to speedily deal with electoral disputes. In previous elections, the court processes have been long and arduous making it almost impossible to get the cases to be speedily resolved, with some of the cases dating to 2002 elections having not yet been concluded up to now. The new framework has not been without dispute. Opposition political parties organised rallies under the National Electoral Reform Agenda (NERA) as a way to push forward the reform of the electoral field.

3.2.1 New Architecture: the Zimbabwe Electoral Commission (ZEC)

There has been a considerable movement away from the old structure anchored around the Registrar General, the Elections Commission and the Delimitation Commission. The processes of (i) voter registration, (ii) voter education (ii) voters roll compilation and (iii) the actual management of the election was moved specifically into the hands of a single entity, the ZEC.

3.2.2 Laws in Dispute: Electoral Act, POSA and AIPPA

The alignment of the Electoral Act with the Constitution has remained a thorny issue and yet below the Constitution, the Electoral Act is the most important subsidiary statute to establish the electoral framework. The main political parties have been sparring over the amendments of the Electoral Act. Civil society has also repeatedly urged government to expeditiously align the Electoral Act with the constitution²⁰. ZESN, which has monitored elections, as of March 2018 has stated that

ZESN reiterates its position that the country's electoral laws are significantly inadequate thus the need for urgent reform to an enabling framework for the holding of free, fair, peaceful and credible elections....the Network calls upon legislators to put aside differences and finalise the reform process especially given the imminence of the 2018 elections (ZESN, 2018)²¹.

Veritas, a legal civil society organisation, has stated that the proposed 'amendments are a jumble'. The MDC-T had some of their proposed amendments rejected and as of 15 May 2018 the amendments were still in the form of a Bill transmitted to the Senate. On one hand the President, at his inauguration, was clear that Zimbabwe must prepare for an election but the rhetoric was not translated into tangible legal reforms until the last minute and this can generate conflict lines²². The legitimacy of an electoral framework being hammered into place a few weeks before the election is a possible flashpoint that must be watched closely.

This section has highlighted the Constitutional obligations that the electoral management process must meet and the electoral statute currently obtaining. What is important to note here is that the sparring over the electoral act reforms are a red light that must be tracked closely. The role of the electoral management body has been at the centre of bitter contestations and electoral disputes ever since the independence elections of 1980. It is important to note that the new constitution has significantly changed the way elections are managed in Zimbabwe and the 2018 harmonised election stands as a litmus test to the empirical fulfilment and sufficiency of the constitutional and legal obligations put in place. Any questions of integrity, credibility and opaque dealings by the ZEC will create new conditions of bitter if not violent confrontation over the electoral outcome.

²⁰ ZESN and ERC - <http://www.zesn.org.zw/wp-content/uploads/2017/08/Policy-Brief-A-Call-for-Alignment-of-Laws-with-the-Constitution.pdf>

²¹ Staff Writer (2018), 'Reforms Delay Jeopardises Polls', 19 April.

²² Veritas

3.3 ‘Military Assisted Transition’: Political and Electoral Import

On the 18th of November 2018 President Robert Gabriel Mugabe, send a letter to the Speaker of Parliament, effectively resigning as the President of Zimbabwe. In the letter the former President stated that he was resigning voluntarily as a result of ‘concern for the welfare of the people of Zimbabwe and his desire to ensure a smooth, peaceful and non-violent transfer of power that underpins national security, peace and stability’²³. That letter marked the end of nearly four decades of the Mugabe era. The resignation marked the denouement of political uncertainty that had seen a Vice President fired, escape into South Africa and possibility of more purges of his associates. Yet prior to this, the Commander of the Zimbabwe Defence Forces (ZDF) had issued a statement warning that the army would intervene and subsequently the armed forces were on the streets of Harare and strategic locations. The process of getting the President to resign has been subject of much debate. Professor Brian Raftopoulos argued that the transition was effectively a ‘military control of government’ and was in fact a ‘political fraud’²⁴. Others have called it a ‘military assisted transition’²⁵. The important fact to note here is that the military played a significant role without which the resignation of the President might have been impossible.

The consequence of the resignation was that the previously fired Vice President Emerson Dambudzo Mnangagwa, became President of Zimbabwe and First Secretary of ZANU PF. Secondly, the Zimbabwe Defence Forces (ZDF) Commander, General Constantino Chiwenga, who was behind Operation Restore Legacy, became Vice President. Thirdly, it is important to note that Air Marshall Perence Shiri became Minister of Agriculture and General S. B. Moyo became Minister of Foreign Affairs and International Trade. Fourthly, it is important to note that Major General Engelbert Rugeje became the new Political Commissar of the ruling party. The movement of military men from high ranking army positions to civilian government and ruling party offices caused some consternation and also raised questions of the legitimacy of what has been called ‘the new dispensation’.

The President’s Spokesperson said it very clearly:

This election is about restoring international re-engagement and legitimacy; that is where we are. It must be flawless, it must be transparent, it must be free, it must be fair, it must meet international standards, it must be violence free and therefore it must be universally endorsed because it is an instrument of foreign policy.... It’s about re-engagement and legitimacy; we are playing politics at a higher level (Charamba, 2018)²⁶.

It is important to note that the contestation over the constitutionality of the ‘military assisted transition’ has meant that only a free, fair and credible election will put to rest the questions of legitimacy that hangs on the neck of the current President. The President, in his speeches, has indicated that he is well aware of this legitimacy question and has emphasised a new tack towards democracy and openness.

²³ <https://www.aljazeera.com/news/2017/11/robert-mugabe-resignation-letter-full-171121195448333.html>

²⁴ Interview with Professor Brian Raftopoulos, <https://www.boell.de/en/2017/12/15/what-has-happened-zimbabwe-political-fraud>

²⁵ International Crisis Group (ICG), *Zimbabwe’s “Military-assisted Transition” and Prospects for Recovery*, 20 December 2017, Crisis Group Africa Briefing N°134, available at: <http://www.refworld.org/docid/5a3cf2c94.html> [accessed 7 May 2018]

²⁶ Tshuma, Nunduzo(2018) ‘Elections about re-engagement legitimacy says Charamba’. *The Herald*, 12 May <https://www.herald.co.zw/elections-about-re-engagement-legitimacy-says-charamba/>

Zimbabwe is going for elections in four to five months' time, we have to preach peace, peace, and peace because we know it is good for us and we have no doubt that we will have peaceful elections... I assure the regional leadership that the forthcoming harmonised polls will embrace the tenets of democracy, fair play and standards set by us in the SADC... We will ensure that Zimbabwe delivers **free, credible, fair and indisputable elections** (own emphasis) to ensure Zimbabwe engages the world as a qualified democratic state (President E.D. Mnangagwa)²⁷.

Writing soon after the transition Dr Showers Mawowa pointed out that since about 2000 Zimbabwe has been saddled by a 'crisis of government legitimacy' because 'violence has been constant feature' in the electoral process²⁸. The complex relationship of the military and Zimbabwe's political economy has also been recently analysed by Dr Jabusile Shumba (2017) where he exposes this close relationship of the security apparatus, the party and business networks²⁹.

3.4 Radical Nationalism and 'Rule by Law': Party-State Power and Ideology

It is important to have a brief understanding of the political ideology and political power that formed the backdrop to the increased shift by the ruling party towards more coercive-authoritarian rule. When the ruling party introduced the fast track land reform program, it was generally associated with violence, a weakening of the judiciary and a breakdown in the rule of law. It was the genesis of what has come to be called the 'jambanja political economy' characterised by a rabidly interventionist state³⁰. Authoritarian rule was carried out with a veneer of Pan-Africanist rhetoric and a resurgent liberation triumphalism that was summed up as 'patriotic history'³¹. The radical rhetoric permeated into the party and state bureaucracy to the extent that those within the ruling party and state elite networks became almost a law unto themselves. The target of this radical nationalist rhetoric was the opposition MDC, civil society and western governments. Instead of the 'rule of law', Zimbabwe's political landscape became subject to the rule by law. Looked at historically it is crucial to note that the post-colonial state replicated, with more vigour, the bureaucratic centralisation and fangs of brutality designed and bequeathed by the colonial-settler state. Broadly, democracy and nationalist liberation theorists have argued and observed about the failure of post-colonial governments to transform the state apparatus into a more democratic and open system of government (Fanon, 1963 and Ake, 2000)³². In the case of Zimbabwe, political biographies have revealed this tendency of the state towards centralisation and authoritarianism rule (Nkomo, 1984; Todd, 2007 and Tsvangirai, 2011)³³.

²⁷ <https://www.herald.co.zw/elections-in-five-months-president> [Accessed 08.05.201].

²⁸ Mawowa, Showers (2017) *Zimbabwe Quest for Legitimacy*, DailyMaverick <http://firstthing.dailymaverick.co.za/article?id=98535#.WvEmwqSFPbg>

²⁹ See Shumba, Jabusile (2017) *Zimbabwe's Predatory State: Party, State and Business*, UKZN Press: South Africa. Also see Saunders, Richard and Nyamunda, Tinashe (2016) *Facets of Power: Politics, Profits and People in the Making Zimbabwe's Blood Diamonds*, Weaver Press: Harare.

³⁰ James Muzondidya (2007) *Jambanja: Ideological Ambiguities in the Politics of Land and Resource Ownership in Zimbabwe*, Journal of Southern African Studies, 33:2, 325-341; Chirimambowa, Tamuka (2012) Rankwarlords and the Jamabanja (Disorder) Political Economy', Crisis Briefing Issue 93, Crisis in Zimbabwe Coalition, Harare: Zimbabwe; and also Chaumba, J., Scoones, I., & Wolmer, W. (2003). From jambanja to planning: The reassertion of technocracy in land reform in south-eastern Zimbabwe? *The Journal of Modern African Studies*, 41(4), 533-554.

³¹ See especially Terence Ranger (2013) Nationalist Historiography, Patriotic History and the History of the Nation: the Struggle over the Past in Zimbabwe, Journal of Southern African Studies, 30:2, 215-234

³² Fanon, Frantz (1963) *The Wretched of the Earth*, Grove Press: New York and Ake, Claude (2000) *The Feasibility of Democracy in Africa*, CODESRIA, Dakar: Senegal.

³³ Nkomo, Joshua (1984) *Nkomo: The Story of My Life*, London: Methuen (Reprint by SAPES: 2001) and Tsvangirai, Morgan Richardson and Bango T William (2011) *Morgan Tsvangirai: At the Deep End*, Random House: South Africa; Todd, Judith (2007) *Through the Darkness: A Life in Zimbabwe*, Random House: South Africa. Other notable political biographies that share the same narrative of state excesses have been written by Professor Arthur Mutambara, Edgar Tekere, Fay Chung, Cephas Msipa and Wilfred Mhanda.

The ‘new dispensation’, having noted this, has been quick to point towards a paradigmatic shift. The extent to which this will go is still playing out as there have been cursory reforms to inspire confidence that there is political will to reconfigure the party-state apparatus away from violent forms of rule towards more consent from the governed. President Mnangagwa has become popular for the cliché, ‘the voice of the people is the voice of God’, but repressive legislation such as POSSA and AIPPA are still in place, the free and fairness of the electoral environment remains questionable, and the elections date still remain a matter of mystery and speculation. However, it is important to note that the shift in the rhetoric of government and ruling party: from radical nationalist authoritarianism to ‘open for business’ and ‘re-engagement’ has significantly shifted the contours of electoral contestations towards a less violent environment in comparison to previous electoral periods. In particular, the U-turn on Fast Track Land Reform and Indigenisation policies, which were marred by violence in the name of revolution has de-escalated the stakes between ZANU PF and the MDC. This may offer opportunities to further push for the total de-escalation or cessation of inter-party violence as ‘patriotic history’ is put to rest.

3.5 Political Party Contestations and Intra-Party Ructions

Political parties play a critical role in the development of democracy and importantly entrenching a culture of peaceful contestation for political office. Professor Lloyd Sachikonye makes this point very clearly by pointing out that ‘...political parties play a critical role in the democratisation process. It is also incontrovertible that political parties are key to the institutionalisation and consolidation of democracy. Thus, sustainable democracy is dependent upon well-functioning and effective political parties’ (Sachikonye, 2005: vii)³⁴. It is therefore important to keep in purview the political party configurations and intra-party competitions for political power because these have a direct impact on the political landscape and importantly on electoral processes (ICG, 2013)³⁵. There have been very complex changes within political parties and these have generated tensions that in certain cases have turned out to be very acrimonious and deteriorated into intra-party violence. When the complexity of the electoral landscape is interrogated, it is very important to understand how political parties can act either as peace enablers or as sources of undemocratic practices that actually ferment intra-party violence and potentially inter-party violence.

Firstly, within the ruling ZANU PF, going back to 2008, former Minister of Finance Dr Simba Makoni resigned and formed his own party called Mavambo or Kusile. Dr Simba Makoni’s departure was followed by the resignation of veteran liberation leader Dumiso Dabengwa who announced the ‘reformation’ of ZAPU. Secondly, after 2013 Vice President Joyce Mujuru was expelled from ZANU PF and formed the National People’s Party (NPP). The Vice President’s exit from the ruling party was followed by the flushing out of other prominent leaders like Didymus Mutasa, Rugare Gumbo and Dzikamai Mavhaire. There was a purging of leaders aligned to the Vice President who were accused to be part of the ‘Gamatox’ faction. The intra-party ructions continued to cause friction within ZANU PF as evidenced by the tension between two factions: first is what was called the ‘Lacasote’ faction, that supported the Vice President Emerson Dambudzo Mnangagwa and then the ‘G40’ faction that allied itself with the former First Lady, Grace Mugabe. The clash of the two factions eventually led to the firing of the Vice President, the ‘military transition’ of November of 2018 and the resignation of President Robert Gabriel Mugabe³⁶.

³⁴ Sachikonye, Lloyd (2005) *Political Parties and Democratization Process in Zimbabwe*, EISA Research Report Number 16, Johannesburg.

³⁵ International Crisis Group (2013) *Zimbabwe Election Scenario Report*, Africa Report 202: South Africa. <https://d2071andvip0wj.cloudfront.net/202-zimbabwe-election-scenarios.pdf>

³⁶ For a fascinating report on the ‘transition’ see the following article: Dzirutwe, Macdonald., Brock Joe and Cropley, Ed (2017) *Treacherous Shenanigans: The Inside Story of Mugabe’s Downfall*. Reuters. <https://www.reuters.com/article/us-zimbabwe-politics-mugabe-specialreport/special-report-treacherous-shenanigans-the-inside-story-of-mugabes-downfall-idUSKBN1DQOAG> [accessed 09.05.2018]

It is important to note that the resort violence and undemocratic practices threads through the resolution of all these intra-party disputes noted above. The tensions, suspicion and factional battles within the party seem to continue festering and these have serious implications for Zimbabwe's political and electoral landscape. As ZANU PF prepared for the 2018 elections, the primary elections were bitterly contested, some candidates withdrew from the process, some elections had to be re-run, some were violent and one aspiring MP was arrested for 'discharging a firearm'³⁷. ZANU PF's primaries were heavily criticised by the powerful War Vets who have been a linchpin of ZANU PF's electoral machinery³⁸. The President had to issue a statement about the involvement of police in ZANU PF primary elections in which he stated that 'Let it be known that any conflation of Party and State institutions as might have happened in the past will not be allowed under the new dispensation where the electoral playing field must be seen to be fair and even'³⁹. This raises questions on party-state conflation, neutrality of law enforcement agencies and finally and puts a significant dent on the extent to which the 'new dispensation' signify a break with past practices of 'capturing' state institutions for party business including elections.

Secondly, the MDC has gone through various phases and has splintered into various formations beginning with a split in 2005 that resulted in the formation of MDC T (led by Morgan Tsvangirai) and MDC N (first led by Professor Arthur Mutambara then subsequently led by Professor Welshman Ncube). After the 2013 election defeat the MDC T further split when the Secretary General, Tendai Biti, formed the MDC –Renewals that was subsequently renamed the Progressive Democratic Party (PDP). In early 2018 after the death of Morgan Tsvangirai, the leader of the MDC-T, there were intra-party ructions over who was to take over the leadership of the party. Key to note is that the Three Vice Presidents of the MDC, Nelson Chamisa, Elias Mudzuri and Thokozani Khupe, openly competed for the leadership of the party. In the melee, that ensued Thokozani Khupe was assaulted and some of her perceived supporters had to be protected by police at the funeral of the former Prime Minister⁴⁰.

The ructions did not end there. A few days later, there were running battles at the Bulawayo office of the MDC T, Dr Khupe's vehicle was damaged, and her aide, was assaulted⁴¹. Vice President Thokozani Khupe subsequently held a separate congress where she was elected as the President of the MDC T. Various reports have pointed to the existence of a youth like militia group within the MDC T called the 'Order of the Vanguard' that appeared to be internally funded to deal with party members and leaders opposed to the ascendancy of Nelson Chamisa as the MDC T President⁴². The fate of the MDC T logo now rests with the courts as the different 'factions' continue to tussle over the future trademarks of the MDC T. As the MDC prepares its primary election the process has had some bitter contestation with one seating Member of Parliament withdrawing decrying that 'the rules are changing every time'⁴³. Interesting to note is that the resort to violence and undemocratic practices also threads through the resolution intra-party disputes within the opposition albeit, it having been at the receiving end of ruling party and state sanctioned violence. Commenting on the opposition in Zimbabwe, Alexander and McGregor (2013) observe that "Internal party democracy had been undermined by the growing dependence on 'parallel' informal networks, youth and 'security' wings. These shifts and the resort to intra-party violence by party youth contributed significantly to the MDC's devastating split in 2005"⁴⁴.

³⁷ <https://www.herald.co.zw/zanu-pf-primaries-reruns-on-today/>

³⁸ <https://harareblitz.com/2018/05/11/war-vets-bay-for-rugejes-head/>

³⁹ <http://www.chronicle.co.zw/ed-slams-use-of-police-in-zanu-pf-polls/>

⁴⁰ <https://www.voazimbabwe.com/a/morgan-tsvangirai-thokozani-khupe-mdc-t-beaten-up/4262709.html>

⁴¹ <https://www.timeslive.co.za/news/africa/2018-03-04-mdc-t-factions-clash-in-zimbabwean-city-of-bulawayo/>

⁴² Manayiti, Obey (2018) 'MDC T Vanguard: Rpgue Militia or Guardians of the Party', The Standard, <https://www.thestandard.co.zw/2018/03/18/mdc-t-vanguard-rogue-militia-party-guardians> [accessed 08.05.2018]

⁴³ <https://www.newzimbabwe.com/tearful-harare-west-mp-jessie-majome-pulls-out-of-mdc-t-primary-elections/>

⁴⁴ Alexander, Jocelyn, and JoAnn McGregor. "Introduction: Politics, patronage and violence in Zimbabwe." (2013): 749-763.

In addition, within the opposition and civil society, activists have developed lingo such as ‘physical counselling’, a euphemism and somehow tacit approval of using violence to discipline dissent or resolve disputes. In other words, there are instances where violence is sometimes seen as legit means to resolve differences. Nevertheless, it should be borne in mind that whilst, the opposition has been found culpable in perpetrating violence, the degree and intensity is not comparable to the ruling party or the state. The point that we may need to ponder on here, rather than engaging in a game of finger pointing, is the general tendency of our society to the default setting of violence whenever faced with a dispute. One may conclude that, the discourse of violence and lack of peace is much more complex than it simplistically appears and hence the need for cautious and sober approaches to understand society.

Thirdly, it is important to note that Zimbabwe’s opposition parties have made various initiatives to build a ‘broad alliance’ or a ‘grand alliance’ to challenge the ruling party ZANU PF. Initially the different political parties came together under the NERA banner in which they organised joint marches and protests to push for levelling of the electoral landscape. The MDC-T led by Nelson Chamisa has a coalition called the ‘MDC Alliance’; Joyce Mujuru has another coalition called the People’s Rainbow Coalition (PRC) and Elton Mangoma leading Coalition of Democrats (CODE). These coalitions have been very fluid and they are often revolving doors of political parties with some parties coming in, others exiting and even more parties splitting and then allying with different coalitions. It is almost impossible to keep track of the changes of the deck of chairs. It is critical to note that the attempt to build political coalitions in Zimbabwe changes the electoral landscape in significant ways and serve to heighten the intense competition for political office. In Kenya the political conflagration that followed the 2007 election was characterised by a pre-election building of very antagonistic political coalitions that intensified political competition and paused a serious challenge to the then President Mwai Kibaki⁴⁵.

3.6 Civil Society: Calibrated Engagement or Retreat?

Coming to the end of the 1990s and threading through the 2000s the relationship between organised civil society, especially women, student, resident and labour movement, was characterised with confrontation and acrimony. The penultimate showdown was over constitutional reform after the formation of the National Constitutional Assembly (NCA), the formation of the MDC and finally the rejection of the Draft Constitutional Commission of 2000. On one hand civil society mobilised and organised, with the public space, to push for the re-structuring of the state towards a more liberal constitutional architecture. From boycotts, public protests, court challenges, public meetings, civic education and human rights monitoring civil society pitted itself against a party-state resistant to reform. On the other hand the ruling elites, getting nervous over slipping hegemony, treated civil society as a ‘trojan horse’ for ‘regime change. Dorman (2003), Magure (2009) and Ncube (2013) have tracked and analysed the variations in civil society relationships with the state and how this went through a complex process of re-configuration of ‘inclusion’, ‘exclusion’ and outright ‘confrontation’⁴⁶. The state of confrontation is slowly changing especially after the advent of a new constitution and the ‘defeat’ of the MDC. Civil society groups are now less powerful politically, especially after decades of authoritarianism and crackdown. Some like Zimbabwe Election Support Network (ZESN), Elections Resource Centre (ERC), Zimbabwe Human Rights Association (ZimRights) have actively engaged the government structure especially through the National Assembly, directly engaging the Zimbabwe Electoral Commission and other Independent Commissions.

⁴⁵ On the post-election violence in Kenya see especially Murunga, Godfrey (2011) *Spontaneous or Pre-meditated: Post-Election Violence in Kenya Discussion 57*, Nordic Africa Institute: Uppsala

⁴⁶ Dorman, Sarah Rich () ‘NGOs and the Constitutional Debate in Zimbabwe: From Inclusion to Exclusion’ *Journal of Southern African Studies*, Vol. 29, No. 4, (Dec., 2003), pp. 845-863 and Magure, Booker (2009) *Civil Society Quest for Democracy: Origins Barriers and Prospects (1900 – 2008)*, PhD Thesis: Rhodes University, and Ncube, Cornelias (2010) *Contesting hegemony : civil society and the struggle for social change in Zimbabwe, 2000-2008*, PhD Thesis: University of Birmingham and also Chirimambowa, Tamuka and Chimedza, Tinashe (2014) Civil society’s contested role in the 2013 elections in Zimbabwe: A historical perspective, *Journal African Elections*, [Volume 13, Issue 2](#), Oct 2014, p. 71 – 9.

The result has been a mixed bag but provides opportunities for interventions. One of the areas that have continued to cause distrust is media reform especially in the light of the new constitution. Civil society has placed at the centre of their critique the failure to reform AIPA and align it with the constitution arguing that this places freedom of speech in peril at delicate times of elections. As recent as of March 2013, the Media Institute of Southern Africa-Zimbabwe, wrote to SADC, stating that five years after the 2013 Constitution, the government of Zimbabwe is still yet to reform media laws especially (a) the alignment of media laws with the constitution; (b) partisan reporting by the public broadcaster; (c) liberalisation of radio and television ownership; (d) safety and security of journalists; (e) dual regulation and accreditation of registration of journalists⁴⁷. Previously before, the ‘new dispensation’, other media professionals, had observed that the case of media reform in Zimbabwe is a ‘tragedy’ because there was no political will⁴⁸. That situation will muddy the media landscape in 2018. The continued contestation for media reform is amongst a raft of issues that Zimbabwe’s civil society continues to grapple with.

Some important things to note; firstly, the new constitution, that is more liberal than the severely amended Lancaster House Constitution, has opened opportunities, for civil society to use the legal framework to try and advocate change which. Secondly, the transition from the Mugabe leadership, and the increased rhetoric by the government towards ‘democracy’ has meant that civil society groups can carry out more national mobilisation without acrimonious opposition from the party-state. Thirdly, the re-calibration of relations has also meant a relaxation of the crackdown on civil society and somewhat a more liberal regulation regime compared to the previous period. Effectively these changes are important for Zimbabwe’s broad state-society relations as civil society is able to build and roll out mechanisms for monitoring human rights, pointing to potential sources of conflict and influencing the electoral process towards more peaceful processes.

3.7 Geo-Political Realignments: Regional and Global Dimensions

In the aftermath of the ‘military assisted transition’, there have been notable geo-political reconfigurations especially as the relations between Zimbabwe and ‘western governments’ especially the United Kingdom have thawed. The UK Ambassador, Catriona Laing, was present at the inauguration of the new President and the UK government immediately dispatched the Minister of Africa, Harriet Baldwin, to meet the new president after the inauguration and she stated that the upcoming election will be a ‘major milestone for the people of Zimbabwe’ and the UK committed \$5million to support civil society in Zimbabwe⁴⁹. The new President, E.D Mnangagwa, has repeatedly made statements that Zimbabwe is ready for re-engagement and this has been followed by a flurry of diplomatic charm offensive. The Minister of Finance and Minister of Foreign Affairs and International Trade, S B Moyo, visited the UK and met Foreign Minister Boris Johnson who invited Zimbabwe to re-join the Commonwealth⁵⁰. Furthermore, Boris Johnson, said the 2018 election will be ‘bellwether for the direction of a new Zimbabwe’ and that the ‘Zimbabwe Government must deliver the free and fair elections the people of Zimbabwe deserve and which it has promised’ and that the ‘UK stands ready in friendship to support a Zimbabwe that fully embraces the rule of law, human rights and economic reform’⁵¹.

⁴⁷ MISA- Zimbabwe (2018) Update on Zimbabwe Media Reforms as Set Out in the 2013 African Union Elections Observer Mission Recommendations, MISA-Zimbabwe Statement, March 12.

⁴⁸ Mukundu, Rashweat and Ngwenya, Nhlahla (2011) “So near yet so far”: The tragedy of media reforms Since GPA, OSISA

⁴⁹ <https://www.gov.uk/government/news/minister-for-africa-announces-new-support-for-zimbabwes-democratic-processes>

⁵⁰ <https://www.telegraph.co.uk/news/2018/04/20/boris-johnson-says-britain-will-support-zimbabwe-return-commonwealth/>

⁵¹ <https://www.gov.uk/government/news/boris-johnson-hosts-foreign-minister-moyo-for-roundtable-talks>

This recalibration is important in several ways. Firstly, at the national level the government and ruling party rhetoric against ‘western imperialism’ was often targeted against the opposition and civil society that were seen as allies of a ‘western conspiracy for regime change’, wherein the anti-imperialist discourse was used to justify violence meted on the opposition and civil society. Secondly, access by the governments to the western capitals has resulted in the government publishing a list of electoral observers to be invited and this includes previously ‘banned’ countries. Thirdly, the prospect of a stable government in Harare seemed to have ‘loosened’ the purses of the western governments especially the European Union (EU) and sending a message of cautious reengagement. Fourthly, Harare’s diplomats have been on a world offensive seeking to rebuild business and investment confidence aimed precisely at ending the isolation of Zimbabwe and being treated like a ‘pariah state’. Fifthly, the political leaders in Harare have indicated that they will extend invitation to monitor elections to countries and international institutions that have previously been banned. The list of the electoral observers to be invited included over 46 countries, 15 organisations and ‘two eminent persons’⁵². Significantly the opening of diplomatic channels and the thawing of relations mean international institutions and governments have a unique opportunity to communicate and pile pressure on the government to ‘walk the talk’ on holding ‘free and fair elections’.

The diplomatic charm offensive has been treated more with caution by the United States of America (USA) that has kept the ‘restrictive measures’ in place. US diplomats, while welcoming the commitment to democracy and respect for human rights, have urged more action and they seem to want to use the election as a measure of progress. A five member Congressional delegation to Zimbabwe, led by Senator Cons met the president but indicated that ‘important actions required for progress towards the conditions for free and fair and credible elections have not yet happened’⁵³. In a statement after the extension of the ‘restrictive measures’ the US Embassy (Harare) said that US engagement with Zimbabwe will be dependent on the ‘demonstration’ of the ‘reforms’ promised by the new President⁵⁴. On the other hand, the traditional relationship with China and other countries like Russia have continued apace especially through major investment deals in natural resources. President Mnangagwa made a five day state visit to China and the Foreign Minister of Russia visited Zimbabwe. It is significant here to note that the thawing of relations with the western powers has been associated with a toning down of radical anti-imperialism rhetoric, a de-escalation of the state apparatus being used against opposition activists and even the rabid anti-civil society.

There is a marked distinction between the Chinese/Russian relationship with the new leadership on one hand and that of the US, UK and European Union on the other hand⁵⁵. While the former have cultivated strong political and economic ties with no political rhetoric the latter have emphasised that Harare must ensure there is a ‘free and fair election’. This has flowed onto the political and electoral landscape where the MDC Alliance and other opposition parties are no longer routinely blocked from organising rallies which used to cause tension and in some cases trigger running battles with police. However, it is important here to note that the reconfiguration in foreign relations has not been without some criticism. For instance, the MDC Alliance has argued that the re-engagement process must not overlook questions of democratisation in Zimbabwe. In his address at Chatham House, MDC Alliance leader, Nelson Chamisa stated that ‘political stability and trade and commerce’ must not come at the ‘at the expense of democracy’ because ‘that is a false narrative, you can never have stability without democracy’⁵⁶.

⁵² <https://www.voazimbabwe.com/a/zimbabwe-invitations-woman-election-observers/4339372.html>

⁵³ <https://www.cnbc.com/2018/04/09/zimbabwe-us-could-lift-sanctions-if-mnangagwa-holds-fair-elections.html>

⁵⁴ Zulu, Blessing (2012) ‘United States Renews Restrictive Measures Imposed on Mugabe, Mnangagwa And Others’, Voice of America, <https://www.voazimbabwe.com/a/united-states-restrictive-measures-mugabe-mnangagwa/4252020.html>

⁵⁵ There have been reports that the Chinese are directly supporting the re-election of ZANU PF. See

⁵⁶ <https://www.dailynews.co.zw/articles/2018/05/09/chamisa-warns-britain-against-sacrificing-democracy-for-stability>

3. 8 Role of Regional and International Institutions (SADC, AU and UN)

Regional and international institutions like Southern Africa Development Corporation (SADC) Africa Union (AU) and United Nations (UN) have contributed to and continue to play a critical role assisting the electoral processes in general and in Zimbabwe particularly. Going back to the 1980 elections and subsequent political and electoral contests these regional, continental and global institutions have played a pivotal role. This has sending election observer missions, and in some cases involved capacity building for Zimbabwe's electoral management bodies, the Constitutional Reform Process and support to civil society and other political institutions. In 2008, for example, the SADC Observer Mission issued a statement concerning the level of violence in run up to the June Presidential run off⁵⁷. SADC and AU were intensely involved in the process that led to the formation of the Government of National Unity and the negotiation of the Global Political Agreement (GPA). It is important to note here that the observer missions have issued statements and reports about Zimbabwe's electoral process and in certain cases challenged government to out in specific reforms to improve the electoral framework in Zimbabwe. The United Nations, through UNDP Zimbabwe office, signed a technical agreement to support capacity building for the Zimbabwe Electoral Commission (ZEC) and this is an example of how regional and international institutions can make structural impact⁵⁸. The support was followed up by high level diplomatic visit to Zimbabwe to emphasise the need for 'free, fair and credible elections'⁵⁹.

The engagement of regional and global institutions enhances the credibility of the electoral process and they can play a more dispassionate role in electoral processes that are full of polarisation and emotional attachments by the local civic and political actors. Importantly there are now very stable and agreed frameworks that guide these roles by regional and international institutions:

- (I) Universal Declaration of Human Rights (and other conventions)
- (II) Africa Union Charter on Democracy, Elections and Governance
- (III) SADC Principles and Guidelines Governing Democratic Elections.

The frameworks above must be read with the other conventions that Zimbabwe is a part to especially the African Charter on Human and People's Rights (ACPHR) and the International Convention on Civil and Political Rights (ICCPR). The frameworks provided and created by these international conventions mean Zimbabwe's political leaders, political parties and civil society can use these standards to asses the local electoral process if it complies not only to the Constitution of Zimbabwe but importantly to internationally accepted standards.

⁵⁷ https://www.sadc.int/files/7214/0593/9224/SEAC-Zimbabwe_Press_Brief_SADC_EOM_2008.pdf

⁵⁸ <http://www.zw.undp.org/content/zimbabwe/en/home/presscenter/pressreleases/2017/04/03/un-electoral-support-to-the-zimbabwe-electoral-commission.html>.

⁵⁹ <http://www.zw.undp.org/content/zimbabwe/en/home/presscenter/pressreleases/2017/04/03/un-electoral-support-to-the-zimbabwe-electoral-commission.html>

President E.D. Mnangagwa signed the Africa Union (AU) Charter on Democracy, Elections and Governance on the 21st of March 2018. However, a local civic organisation Veritas, noted that this has not been translated into a national law and noted that this might just be a ‘public relation exercise’⁶⁰. It is important to note that the UN, AU and SADC have sent observer missions to Zimbabwe previously and these have made several recommendations after each election. The question that arises is to what extent the local electoral management process has taken these into consideration and whether recommendations from previous elections have been taken seriously. As highlighted in this paper local media civic organizations have said the media landscape in Zimbabwe is still very uneven and Zimbabwe has not factored in reports from AU observer missions. In the case of the 2018 election it is important then to assess the areas that need engagement especially the following:

- (i) Support of civil society in electoral field and citizen engagement
- (ii) Engaging Government institutions in the electoral process (beyond the EMB)
- (iii) Long term monitoring including of the pre-electoral

Regional institutions serve as very important arbiters both in the pre and post-electoral process and their role is indispensable in ensuring a peaceful, credible, free, fair and legitimate election in Zimbabwe.

4.0 Towards Credible, Free and Fair Election and Zimbabwe’s Peace Prospects

Broadly, experts on elections have argued that the legitimacy of an election is influenced by the credibility of the electoral management body, the electoral process itself and importantly the integrity of the dispute resolution after the election. Firstly, this paper has surveyed the political and electoral landscape pointing out the critical players in the election. Secondly, there is a historical analysis of the patterns, sources, the effect and pointed to the complex and variegated sources of electoral violence in the country. Thirdly, the paper pointed to the constitutional, legislative and institutional reforms that have affected the electoral landscape. Fourthly, we have highlighted some recommendations that can be pursued to prevent and mitigate electoral violence.

4.1 Flashpoints to Track in the 2018 Electoral Process

- Actions of State Institutions (Army, Police and Intelligence Services)
- Primary Elections Processes and Intra-Party Ructions
- Role of Traditional Leaders
- Role of Media (especially impartiality of the public media)
- Ballot Printing and Election Management by ZEC
- Compliance with Constitution especially:
 - (a) Zimbabwe Electoral Commission
 - (b) Electoral Act (and the amendments)

4.2 Recommendations for Different Actors

For Civil Society

- Tracking Political Party Changes, Intra-party Ructions and Primary Elections
- Monitoring the Fulfilment of Constitutional and Electoral Law especially by the following institutions
 - (a) Zimbabwe Electoral Commission (ZEC).
 - (b) State Security Institutions (Army, Police and Intelligence)
- Assessing Electoral Act (and amendments) Compliance with Constitution
- Long Term Monitoring of the Electoral and Political Landscape especially the role of the following institutions:
 - (a) National Peace and Reconciliation Commission (NPRC)
 - (b) Other Independent Commissions (Chapter 12 institutions)
- Research Best Practice especially over the following:
 - (a) Voter Registration and Voter Education
 - (b) Voters Roll Inspection

4.3 For Government of Zimbabwe

- Alignment of Laws with the new Constitution
- Ensure Timely, democratic, amendment of the Electoral Act
- Ensure Compliance of Electoral Framework with SADC and AU Conventions
- Funding and Building Capacity for Independent Commissions Supporting Democracy
- State institutions, especially Police, must play a vocal and active role in preventing electoral related violence.
- Ensure Media, especially media, is impartial in covering campaigns
- Long term Research and Concrete Peace Building outside the Electoral Cycle

4.4 For International Governments and Organisations (SADC, AU, UN etc)

- Support Electoral Management Institutions (ZEC)
- Direct Diplomatic Interventions to Pressure Compliance with the Constitution
- Using regional and continental bodies (UN, AU and SADC)
- Long Term Support to Civic Society Beyond the Electoral Cycle
- SADC and AU continued engagement on areas previously noted for reform.