

## AFRICA RISK CONSULTING

### Country briefing – Zimbabwe

May 2013

## 1 Summary

*President Robert Mugabe uses state media to insist on June elections as dissolution of parliament on 29 June approaches. The need to reform legislation to introduce proportional representation and the electoral timetable means that a date in September or October is more likely. As primaries begin, proportional representation is likely to increase intraparty disputes, but Zimbabwean African National Union- Patriotic Front and Movement for Democratic Change are likely to retain their old guard. Political violence in the run up to the election is expected to be more localised and sporadic than in 2008. The beginning of campaigning and Southern African Development Community conference in late June or early July will be bellwethers of the nature and extent of violence in build up to the elections.*

### 1.1 President Robert Mugabe remains insistent on June election, but this is becoming increasingly unlikely

President **Robert Mugabe**'s signing of Zimbabwe's new constitution has paved the way for the holding of elections later this year<sup>1</sup>. The March 2012 constitution, however, leaves a number of questions unanswered that will have consequences for both the timing and conduct of the elections. The mandate of the **Government of National Unity** ends on 29 June, when the Zimbabwean parliament will be dissolved. Elections must follow within 90 days of that date. While Zimbabwean state media continues to report that Mugabe is calling for polls before July, this is becoming increasingly unlikely<sup>2</sup>. Elections in September and October remain more likely<sup>3</sup>.

Before elections can be held, the government must pass legislation bringing Zimbabwe's electoral and provincial council laws into line with the new constitution. The new constitution codifies a mixed electoral system, combining elements of first past the post and proportional representation with provincial councils now elected directly. Under the new system, 60 of the 80 members of the Senate will be determined by the proportional success of the parties. In the House of Assembly, 60 of the 270 seats will be reserved for women, also according to the relative success of their parties. This will increase intraparty political tensions both before and in the immediate aftermath of the elections (see below). The new constitution provides that the government cannot

---

<sup>1</sup> Zimbabwe Independent. 22 May 2013

<sup>2</sup> The Herald, 22 May 2013

<sup>3</sup> Source, journalist, Harare

amend the Electoral Act once election dates have been announced. The process of reforming the Electoral Act has begun already. The government has completed drafts of the electoral legislation, and discussions are ongoing in the backrooms of parliament with a final announcement expected in the second or third week of June<sup>4</sup>. It is not certain that the parliament will pass the legislation before it is dissolved. Some provisions in the draft legislation are particularly contentious. These include ending the ability of security officials at polling stations to help illiterate voters complete their ballots, and the amount of notification required to hold public meetings. The electoral process will not be left in political limbo should parliament be dissolved before it is able to scrutinise and pass the legislation. The Presidential Powers Temporary Measures Act allows the president to rule by decree. Once the legislation is in place, the **Zimbabwe Electoral Commission (ZEC)** will announce that the nomination courts will sit for 14 days to allow political aspirants to submit their candidacies to nomination courts. The constitution states that there must be a further 30 days between the opening of the nomination courts and the polling day. This would mean that August is the earliest realistic date for elections, though this would clash with the **United Nations World Tourism Organization (UNWTO)** general assembly in **Victoria Falls**. Zimbabwe's hosting of the UNWTO general assembly lends the government an air of international legitimacy. The **Zimbabwean African National Union- Patriotic Front (Zanu- PF)** would be loath to sacrifice this by holding contested elections at the same time. The delay would be a boon to **Movement for Democratic Change** calls to repeal repressive legislation such as the Information Privacy and Protection Act and the Public Order and Security Act, while introducing security sector and media reforms before the election. With parliament definitely dissolving in June, however, such reform is highly unlikely<sup>5</sup>.

The other challenge to the holding of the elections remains financing, with the government apparently abandoning efforts to get international support. The point of contention is the insistence of donors that international election observers must be present throughout the electoral process<sup>6</sup>. The most notable consequence of not having international funding would be the reduced capacity of the ZEC to complete an accurate and transparent voter registration process. This would undermine the credibility and outreach of the ZEC and leave the election open to criticisms of being unfair, before polls even opened.

## 2 Political Dynamics

### 2.1 New constitution encourages divisions within parties

Zimbabwe's political divisions remain despite president Mugabe and prime minister **Morgan Tsvangirai** being united in support of the new constitution. The new constitution is, however, as likely to encourage quarrels within Zanu- PF and the MDC as it is between them. **Derek Matyszak** of the **Research and Advocacy Unit** in **Harare** describes the impact of proportional representation as Zimbabwe's "unknown unknown"<sup>7</sup>. The

---

<sup>4</sup> Source, businessman, Harare

<sup>5</sup> Source, journalist, Harare

<sup>6</sup> Source, businessman, Harare

<sup>7</sup> NewZimbabwe.com

likelihood is that the primary period will be particularly fiercely contested, as candidates uncertain of winning their constituencies decide that being on the proportional representation list is a more certain guarantor of a political future. Candidates will not only compete to be included as proportional representational candidates, but will also dispute their placement on the list. MDC began its primary process in the final week of May, with Zanu- PF expected to begin in June. Zanu- PF is likely to use the primaries to move junior party officials to the centre of the party to make it appear as if it is encouraging the emergence of a new generation of leaders<sup>8</sup>. There will, however, be no serious bloodletting during the primaries, and the party will enter the elections with the same senior party officials in place. The grassroots of Zanu-PF at District Coordinating Committee level are currently in disarray, and the challengers to succeed Mugabe, **Emmerson Mnangagwa** and **Joyce Mujuru** are both using the primary process to build support in their own constituencies for a future bid for the presidency<sup>9</sup>. Neither, however, is likely to rock the boat too significantly for fear of encouraging factionalism and jeopardising the party's electoral fortunes. The new constitution states that in the case of the death or retirement of the president, the incumbent party gets to select the successor. The best bets for Mnangagwa and Mujuru is to ride Mugabe's electoral wave, before resuming more overt attempts to position themselves to seize the presidency should he not complete his term.

## 2.2 Events in next month will indicate level of violence during election

The indications are that political violence during the election period will be sporadic and localised, and not of the systemic and systematic nature of 2008. Zanu- PF has learnt the value of democratic legitimacy. Intimidation in opposition areas over the next couple of months is more likely to be subtler, similar to that seen in the run up to the 2005 parliamentary elections when food aid was manipulated.

*"Once you have burned someone's house down once, all you need to do is rattle the matchbox the second time"<sup>10</sup>.*

Events during the next month will, however, offer further evidence of whether the security situation in Zimbabwe will deteriorate in the run up to the election. Once MDC and Zanu- PF complete their primaries, campaigning will begin in earnest. Businesses should monitor the shape and conduct of this campaigning. Should parties hold rallies, congregating together large numbers of supporters, the risk of political violence will increase. There are, however, suggestions that in line with political trends across the Sub- Saharan region, parties might mobilise more technical methods of canvassing including by SMS message. Much will depend on whether the MDC is able to pass legislation enacting the media bill of rights in the constitution before the elections. The second bellwether of violence will be the likely holding of a **Southern African Development Community** conference in late June or

<sup>8</sup> Source, businessman, Harare

<sup>9</sup> Source, businessman, Harare

<sup>10</sup> Source, businessman, Harare

early July<sup>11</sup>. This will determine what sort of benchmarks the regional body expects Zimbabwe to meet during the election, and what sort of pressure they can bring to bear should they fail to meet these standards.

### 3 Implications

Businesses should prepare for elections in September or October. Even with this additional delay, the dissolution of parliament in June will mean that the MDC will not have the time to pass security sector and media reforms. This will decrease the chances of the election being free and fair, but violence in the run up will not be as widespread or intense as in 2008. Companies should closely monitor the nature of campaigning, and amend security protocols as appropriate. Proportional representation will reduce the idea of zero sum competition in Zimbabwe, but its impact will be limited by only covering a fraction of the seats available in the enlarged legislature. Whether the security situation deteriorates will depend on the results of the election, with security officials willing to intervene should the MDC win. In such a scenario, the international community would restore sanctions and the SADC would be likely to encourage the formation of a second Global Political Agreement. Companies should therefore prepare for an inchoate political and security situation following the elections. The business environment will not improve, as political uncertainty constrains the growth and lending capacity of the finance sector.

---

<sup>11</sup> Source, journalist, Harare