



Embracing the Imperatives of Peace, Avoiding Violence

About this Briefing

In less than a week, Zimbabweans head for the polls in the first post-Mugabe election. It is a tightly contested election pitting a post-Tsvangirai opposition coalition and a post-Mugabe ruling party. Both the opposition and the ruling party are promising real change, equating the plebiscite to the 1980 elections that ushered in majority rule. As the momentum rises, the tension rises as well, creating fears of social unrest and protest in the days ahead. This situation raises transitional justice questions that we beg the nation to reflect on. In this briefing, we raise some red flags as we believe we are on the road to a disastrous election that has a high violence potential in the aftermath. These issues, we believe can only be ignored at great risk of instability.

Areas of Concern Ahead of the Elections

As we enter the 2018 harmonised elections, Zimbabwe is walking a tight rope, a space that is as fluid and fragile as it is unpredictable. Several issues are of concern in as much as they contribute to the fluidity of the situation in Zimbabwe. We here raise red flags over the following issues that, unless resolved, create a real risk of instability and bloodshed in Zimbabwe.

The Military Factor

First, the election is being held after the 17 November 2018 military coup which overthrew Robert Mugabe and ushered in a strong military element in key government positions,

a situation that a good number of Zimbabweans feel is a threat to democracy. The military element, now in government, has gone on to make pronouncements to the effect that the upcoming elections are a conclusion of the 'operation restore legacy'. Such statements when coupled with the admission by the Zimbabwe Electoral Commission that 15% of its staff are from the military,¹ are cause for concern. Human rights monitors have reported an unprecedented military presence in the communities. Despite the resemblance of calmness and peace, these factors place the upcoming election within the context of a military operation which is a serious assault on the integrity of the election. Senior

¹See report in the Newsday of 27 February 2018, available here <https://www.newsday.co.zw/2018/02/soldiers-make-15-zec-staff/>

government officials, including the Deputy Minister of Finance, Terrence Mukupe, and the Advisor to the President, Christopher Mutsvangwa, are reported to have told different meetings that the military will not agree to hand over power to the opposition if it wins. The Zimbabwe Defence Forces (ZDF) held a press conference² on 4 July 2018 where they were asked if they would handover power in the event of an opposition victory and they said they will follow the constitution. This is a position that civil society says is not an assurance of neutrality since in November 2017 the military removed Robert Mugabe in a military coup while waving the constitution. The recent Afrobarometer survey shows growing mistrust in the military and fears that the military may interfere with the electoral outcome.³ This makes the military element a faultline, creating the potential for instability.

The Collapse of Confidence in Zimbabwe Electoral Commission

The Zimbabwe Electoral Commission (ZEC), an independent commission mandated by the constitution to run the elections in Zimbabwe, has done everything in and outside its power to ensure that it loses the people's confidence in its impartiality and capacity to deliver a free, fair, credible and uncontested election.⁴ Apart from blatantly breaking the law, ZEC has managed the process in a way that is as opaque as possible, in flagrant violation of the SADC Guidelines on Elections. This has set the stage for confrontation, making the 2018 elections a rich arena for violence. Attempts by stakeholders at dispute resolution have been met with unmitigated arrogance that displays an unwillingness to ensure peaceful resolution of disputes. This has resulted in an unprecedented number of cases being brought to the courts. A good number of Zimbabweans, especially victims of past

violations, do not believe the judiciary is independent, which explains why the current ZANU PF leader Emmerson Mnangagwa did not resort to the courts when he had a dispute with Robert Mugabe. Thus, the collapse of confidence in both ZEC and the judiciary is a recipe for disaster. History teaches us that where people lose confidence in the institutions that are supposed to help them, they usually take the law into their own hands.

The Escalating Language of Violence

Wherever hate speech goes, violence follows. Leaders of the main political parties in this election have perfected the language of violence. The emergence of social media has created an army of social media activists (so called varakashi) who are determined to fan the tensions day and night. Despite the signing of the Peace Pledge, facilitated by the National Peace and Reconciliation Commission (NPRC), the language of hate has continued. Opposition leaders have mobilised their supporters, threatening to rise against an outcome that does not translate to victory for them. This comes at the back of senior government officials claiming that the military will not recognise opposition victory. Hate speech against female candidates has also been reported.

The Increase in Cases of Violence and Intimidation

Since the announcement of the election date on 30 May 2018, the Zimbabwe Human Rights NGO Forum has recorded an increase in cases of violence related to elections, the most serious of which was the explosion at White City Stadium on 23 June 2018, which left over 40 people injured and 2 people dead. Traditional leaders who are required by the constitution to be impartial have willy nilly violated the Constitution with Chief

² See report in the Newsday of 5 July 2018 available here <https://www.newsday.co.zw/2018/07/army-dodges-questions-on-power-transfer/>

³ See full survey here

http://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r7_dispatchno223_zimbabwe_presidential_race_tightens.pdf

⁴ See summary report here June/July 2018 Afrobarometer survey here

<http://afrobarometer.org/press/zimbabweans-satisfied-voter-registration-doubtful-about-electoral-commission>

Charumbira ignoring a court order to withdraw his pro-ZANU PF statements.⁵ This week, there is an increase of partisan behaviour by traditional leaders in rural areas like Buhera, where traditional leaders are holding clandestine meetings asking people to rehearse voting for ZANU PF in groups. When we consider that Zimbabwe has suffered deeply from election related violence, and that the trauma is still to heal, we see here a return to a past that we are trying to deal with. The history of elections in Zimbabwe is marred by violence with thousands of victims and traumatised communities. In 2008, over 200 people were killed in the run up to the election run-off,⁶ as was the case in 2000 and 2002. The Constitution of Zimbabwe established a National Peace and Reconciliation Commission (NPRC) for purposes of ensuring post-conflict justice, healing and reconciliation. The cases of violence and intimidation being reported across the country fly in the face of a constitutional commitment to heal the nation. How do we begin the process of healing when the violence has not stopped and perpetrators are not brought to justice?

The Risk of Continuing the Legacy of Contested Elections

The 2018 elections are set to be another addition on Zimbabwe's long litany of contested elections which are the major source of the many problems that have bedevilled Zimbabwe for the past two decades. There is no doubt that contested elections have led to a myriad of problems for Zimbabwe in the previous administration. We are concerned that there has been no

investment in a comprehensive dispute resolution mechanism to ensure that the concerns of the stakeholders are not just 'swept under the bridge' for the future to deal with. Responsible leaders have an obligation to resolve disputes peacefully today and not tomorrow. With sufficient maturity, we can avoid another disputed election and ensure that we break the legacy of contested elections. Contested elections are a recipe for instability in the not so distant future.

Urgent Call for Action

Having identified these among many other issues, we see a very dangerous situation developing in Zimbabwe. We thus here call upon the leadership of political parties, ZEC, SADC, AU and the international community not to wait until it is late to take steps to avoid unrest. We recommend the setting up of a high level inclusive multi-sectoral mediation initiative to assist ZEC in arresting the current situation and ensure all contested issues are ironed out in a way that restores the peoples confidence in the process. The initiative must then shepherd Zimbabwe through the election into post-election reconciliation. The Zimbabwe Republic Police must take swift action against all people responsible for the ongoing violence and intimidation in the communities. Political leaders from across the political divide must make a commitment, after all the issues are resolved, that they will accept the outcome of the elections. If they dispute the outcome, they must commit to resorting to peaceful means of resolving disputes and avoid any methods that may lead to violence.

⁵ See report in the Daily News here <https://www.dailynews.co.zw/articles/2018/06/16/charumbira-faces-arrest-for-contempt-of-court>

⁶ Zimbabwe: No justice for rampant Killings, torture, March 2018, <https://www.hrw.org/news/2011/03/08/zimbabwe-no-justice-rampant-killings-torture>

Conclusion

We believe Zimbabwe is in a transition, and transitions are very fragile processes. They must be handled with care. The major political parties have both made commitment to real change, a transition from the old ways of doing things. It is at times like this that true leadership must be demonstrated. We therefore implore our leaders to look at these suggestions in a very progressive way. Zimbabwe cannot go back to a past of violence. If the issues identified here are not addressed, we are surely headed back to that place where we are running away from. We remain committed to working tirelessly to ensure that Zimbabwe achieves sustainable peace. We can only hope that our leadership shares the same values with us.