



International liaison, dialogue and research

Reg no: 2006/020285/08

The Southern African Liaison Office (NPC)

Regus - Black River Park
1st Floor, Block B, North Park, Black River Park
2 Fir Street, Observatory, Cape Town, 7925

Email: info@salo.org.za
www.salo.org.za
[@salo_info](https://twitter.com/salo_info)

Policy Brief

April – June 2023

Southern African Liaison Office (SALO) Policy Brief on the Emerging Trends in Zimbabwe (April - June)



Introduction

The build-up to the 2023 elections in Zimbabwe has been generally characterised by the closing of the democratic space, continued political violence at a grassroots level, the utilisation of the judiciary to legitimise the closing of the democratic space, kleptocratic-induced illicit financial outflows, and the arbitrary continued persecution of opposition party leaders. These multilayered characteristics are described by Prof. Brian Raftapolous as a deepening of authoritarian politics that will underpin the country's politics for the foreseeable future¹.

The SADC region has remained silent on the developing crisis, as countries and actors that have historically played a central role in mediation efforts have taken a more inward-looking approach. These countries are facing domestic challenges and are experiencing a deficit in soft power² in part as an outcome of the poor electoral fortunes of historical liberation movements during electoral cycles in Zambia, Botswana, and Lesotho, with various changes in government.

These emerging trends have undermined the aspirations as set out in the SADC Principles and Guidelines Governing Democratic Elections (SADC Principles), as these form the minimal standards and expectations for free, fair, and peaceful elections. These developments have also placed into question the adherence to the regional commitments, as these guidelines were created to promote and enhance the SADC Treaty and the Protocol on Politics, Defence, and Security Cooperation³.

In this policy brief, we will examine the April - June 2023 pre-election period, analyzing incidents linked to SADC Principles that could lead to future electoral disputes in Zimbabwe. We will further assess whether these incidents, similar to those in the 2008 and 2018 elections, might escalate into political violence.

Judicial and Legislative Repression - The Closing of Democratic Space

In April 2023, Citizens Coalition for Change (CCC)'s National Spokesperson, Fadzai Mahere, was found guilty at the Harare Regional Magistrate on charges of publishing falsehoods, which carries a prison sentence of up to 20 years, after retweeting a tweet

¹ B. Raftapolous. 2023.

Zimbabwe at 43 Op-ED: Portents of a deepening authoritarian rule by Zanu-PF.

<https://www.newzimbabwe.com/zimbabwe-at-43-op-ed-portents-of-a-deepening-authoritarian-rule-by-zanu-pf/>

² See Nye, J. S. (1990). Soft Power. *Foreign Policy*, 80, 153–171. <https://doi.org/10.2307/1148580>

³ SADC. 2015. SADC Principles and Guidelines to Democratic Elections. <https://www.sadc.int/pt-pt/file/6076/download?token=lztE9Vx7>

alleging that a police officer had beaten a child to death with a baton in Harare. The judge fined her USD \$500 instead of incarceration. In the same month, Transform Zimbabwe's Jacob Ngarivhume was sentenced to an effective 36 months in prison for using his Twitter to mobilise for an anti-corruption protest in 2020⁴.

In May 2023, member of parliament and leader of CCC, Job Sikhala, was also convicted for obstruction of justice and was sentenced to 6 months in prison, with an option of a USD \$600 fine for alleging that Zanu PF had murdered CCC activist Moreblessings Ali⁵. These cases can be seen in the broader context of crackdowns against members and leaders of the opposition ahead of a crucial election, bringing into disrepute the legitimacy of the elections. Furthermore, these examples provide a prima facie basis to interrogate the adherence of the Zimbabwean authorities to the SADC Principles Section 4 (4.1.2); (4.1.4); (4.1.7); and (4.1.12)⁶.

The introduction of The Criminal Law (Codification and Reform) Amendment Act of 2023, commonly known as the "Patriotic Bill," has created an additional layer of the crackdown on freedom of speech and the closing of the democratic space, as it criminalizes critique of the Zimbabwean government in the name of the "national interest"⁷. The Bill was signed into law by President Emmerson Mnangagwa in July 2023. Other pieces of legislation such as the Private Voluntary Organisations Amendment Bill, which UN experts say "would severely restrict civic space and the right to freedom of association in the country"⁸ are being considered. The Bill would be in direct contradiction to the SADC Principles (4.1.1)⁹ and (4.1.2)¹⁰, and against the spirit of the SADC Treaty.

Inadequate Processes and Reforms

During this lead-up period, issues around the voter's roll have been central in ensuring sufficient transparency to allow provisions for accountability. Due to the restructuring of voting boundaries through the delimitations process, voter rolls, their transparency, and

⁴ Chikwanda, V. 2023. Amnesty International Statement: Zimbabwe: Quash the conviction and sentencing of opposition leader for exercising his freedom of expression and peaceful assembly <https://www.amnesty.org/en/latest/news/2023/04/zimbabwe-quash-the-conviction-and-sentencing-of-opposition-leader-for-exercising-his-freedom-of-expression-and-peaceful-assembly/>

⁵ Mwangovya, F. 2023.

⁶ See SADC Principles and Guidelines to Democratic Elections

⁷ SALC, 2023. "Patriotic Bill" is a threat to democracy and the future of Zimbabwe. <https://www.southernafricalitigationcentre.org/2023/06/08/patriotic-bill-is-a-threat-to-democracy-and-the-future-of-zimbabwe/>

⁸ UN. 2023. UN experts urge President of Zimbabwe to reject bill restricting civic space <https://www.ohchr.org/en/press-releases/2023/02/un-experts-urge-president-zimbabwe-reject-bill-restricting-civic-space>

⁹ SADC Principles and Guidelines to Democratic Elections

¹⁰ Ibid

provision for amendment once there are errors, become important in ensuring voter participation. Since the Zimbabwean Electoral Commission (ZEC) has commodified and withheld the voter's roll, it necessitates that we explore whether or not Zimbabwe has fulfilled its duties as described under Section 5 of the SADC Principles, especially (5.1.4)¹¹, when read along with (5.1.8-10)¹².

Following the 2018 elections in Zimbabwe, following peaceful protests from civilians, the military responded with violence and 6 people were killed. The [Motlanthe Commission Report](#)¹³ made a number of recommendations that have extended from security sector reforms to electoral reforms. These recommendations have not been implemented in a meaningful or substantive manner in Zimbabwe. By not implementing the recommendations from the report, the Zimbabwean government has allowed the pre-conditions that led to the massacre of peaceful protestors following the 2018 elections to continue to fester. SADC Principle (4.1.4) read with (4.1.12)¹⁴; (5.1.6)¹⁵; and (5.1.9)¹⁶ are in jeopardy as a result of the lack of implementation of these recommendations.

The use of illicit financial flows as a means of political party financing has held centre stage in mainstream political discourse throughout the campaigning period, as seen through the investigative journalism done in Al Jazeera's documentary series [Gold Mafia](#), and linkages to the political elite of Zanu PF. They make a prima facie case for the violation of principles (4.1.4) and (4.1.5).

Conclusion

The 2023 Elections in Zimbabwe could have presented a window of opportunity for Zanu PF to reform and legitimise their rule following the coup d'état against Robert Mugabe under the guise of "Operation Restore Legacy". However, the underlying post-colonial kleptocratic inclinations have embedded themselves in the political lingua franca of the Zanu PF elite.

The continued closing of the civic and democratic space using the judiciary and unconstitutional legislation to repress the opposition and the lack of electoral, security

¹¹ Ibid

¹² Ibid

¹³ Zimbabwe Human Rights Association. 2020. Motlanthe Report
https://www.veritaszim.net/sites/veritas_d/files/The%20Motlanthe%20Report.pdf

¹⁴ SADC Ibid

¹⁵ Ibid

¹⁶ Ibid

sector, and other overhanging structural issues recommended by the Motlanthe Commission create the grounds for a disputed election.

Prof. Brian Raftopolous describes the situation as:

“Zimbabwe is witnessing the deepening of authoritarian politics that is likely to mark the country’s political character for the foreseeable future. The combination of a new chapter in a long history of gold and other mineral exploitation and plunder, and a suffocating closure of democratic spaces by the latest constellation of elite brigands, provides a dire setting for the 2023 elections”¹⁷.

It is incumbent upon regional leaders to understand these shortfalls to prevent further blood spill in the lead-up to the coming Harmonised Elections in Zimbabwe.

This includes, but is not limited to, early observer missions, SAEC capacity building, constructive engagement with Zimbabwean opposition and civil society, comparative reporting stemming from previous elections on the state of reforms, and a regional push for the comprehensive implementation of the principles and guidelines to democratic elections.

The analysis and recommendations included in this brief do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.

About the Southern African Liaison Office:

The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

¹⁷ Raftopolous, B. 2023. Zimbabwe at 43: Portents of a deepening authoritarian rule by Zanu-PF <https://www.dailymaverick.co.za/article/2023-04-17-zimbabwe-at-43-portents-of-a-deepening-authoritarian-rule-by-zanu-pf/>

SALO would like to thank The Rosa Luxemburg Foundation for their direct support



**ROSA
LUXEMBURG
FOUNDATION**