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**PRESENTATION BY**

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**TO THE**

**PARLIAMENTARY PORTFOLIO COMMITTEE  
ON FOREIGN AFFAIRS  
SOUTH AFRICA PARLIAMENT**

**CAPE TOWN: 17 MARCH 2008**

**A ZIMBABWE BRIEFING  
"THE 2008 HARMONISED ELECTIONS"**

## **BACKGROUND PAPER**

The Chairperson of Portfolio Committee on Foreign Affairs

Esteemed Members of the Committee

Ladies and Gentlemen

Let me start by thanking you, Chairperson, and members of your Committee for the kind invitation to this important briefing on the situation prevailing in Zimbabwe in the run up to the harmonised elections on 29 March 2008. I would wish as much as is practicable to make this an interactive session where we exchange views and ideas. There are four presidential aspirants who will do battle on 29 March 2008. Only the people of Zimbabwe can, through the ballot, tell the world who they think has their interest at heart.

A brief reference to the history of Zimbabwe particularly the struggle for independence would put the current political and economic environment in the country into context. It would help explain some of the powerful forces at play in the run-up to the elections. In other words we are experiencing a situation where events inside the country are interpreted both from within and from outside. It is in my opinion important to strike that balance when making an objective assessment of the situation in Zimbabwe. The premise of the movement for liberation which culminated into an armed struggle spearheaded by ZANLA and ZIPRA, the respective military wings of ZANU and ZAPU under the banner of the Patriotic Front co-led by the late Dr Joshua Nkomo and President Robert Mugabe was to rid the country of an evil system not a particular race or tribe. It is pertinent to note that the core of that evil system was systematic deprivation of the means of production, in this case land, to the majority of the country's inhabitants. The sad situation literally saw 70% of the most productive land within the hands of about 1% of the population mainly whites. This colonial legacy was at the centre of the Lancaster House peace talks which eventually brought about a

ceasefire and subsequent elections in Zimbabwe. The talks had to drag for three months and needed the intervention of Presidents Kaunda, Machel and Nyerere to succeed. The British government then under Prime Minister Margaret Thatcher promised to fund the land reform programme in an independent Zimbabwe. The American government also promised to help fund the programme. Strictly speaking the primary component of the programme was the transfer of land from minority to majority ownership. The Lancaster House Constitution, largely a compromise document, placed a halt to the transfer of land for a period of ten years, except on a willing-buyer-willing seller basis. At the lapse of that constitutional requirement, the Government postponed such implementation for the fear that the move could have jeopardised delicate political processes in Namibia and South Africa.

With the principle of "willing buyer-willing-seller" failing to gain a foothold mainly because of the unrealistic and exorbitant price demanded by the farmers, the process was not helped either by the decision of the Labour government of Prime Minister Tony Blair to renege on their obligations. Claire Short the then-Minister of Overseas Development in a letter to the Zimbabwean authorities in 1997 was quoted as saying, "I should make it clear that we do not accept that Britain has special responsibility to meet the costs of land purchase in Zimbabwe. We are a new government from diverse background without links to former colonial interests. My own origins are Irish and as you know we were colonised not colonisers." The 1998 Land Conference which many like to refer to, failed because the British, the main player had already bolted out.

While the foot dragging continued in the capital cities, so did the patience of the landless and their local leadership run out. Thus in 2000, one Chief Svosve of the Hwedza area moved in with his landless people to occupy, not invade, some of the nearby farms. The war veterans, landless too, then joined in the effort. The government had to move in to sanitise the occupations through a series of legal instruments including the principle of one person-one-farm and farm sizes as per climatic region. It so happened that the year 2000 was a parliamentary election year which included the entry

into the fray of the Movement for Democratic Change (MDC), a party led by former trade unionist Morgan Tsvangirai. A year earlier, the MDC had been formed with the backing of the mostly the white commercial farmers and external partners including the British and American governments.

It is important to highlight the fact that the pre-2000 election environment in Zimbabwe, created from within and from outside the country repeated itself throughout other elections to come in 2002 (presidential) and 2005 (parliamentary.) That very same environment is equally evident in 2008. In 2000, "Mugabe had violated fundamental property rights by seizing white-owned farms," and the answer to that was supposed to be an emphatic loss of ZANU-PF in the legislative polls. When the MDC failed to win, there were allegations of voter intimidation and violence levelled against ZANU-PF and the government. A firm agenda of "regime change" was instituted by Prime Minister Blair and President George W. Bush. The programme was among other things, tailored to support the opposition and civil society hostile to the government to achieve that objective. When the MDC lost the presidential elections in 2002 the new accusation was that "Mugabe had stolen elections and was therefore heading an illegitimate government." That was despite the fact that reputable organisations such as the AU, NAM, SADC and ECOWAS among others, had passed the elections as free and fair. The same theme of "election theft" was played with abandon when the MDC lost the 2005 parliamentary poll. When one is looking at the situation in Zimbabwe, the given background is very important. From the West's point of view, ably supported by a massive media empire and economic might by way of the comprehensive economic sanctions on the country, the electoral process in Zimbabwe can only be free and fair if and as when President Mugabe and his ZANU PF have been removed from office for his "sins" on land reform. Any other factors are not only secondary but of no consequence. The background to the 2008 election should be viewed in the same light. The theme to 2008 is now "Mugabe is presiding over an ailing economy and trampling on human rights of his people. So he must go."

From the outside, the picture being portrayed is one of a bad situation which should not be allowed to continue. The idea is to wage a massive media campaign against Zimbabwe and with the economic hardships, the people would be expected to vote out the President and ZANU PF. President Bush during his recent visit to Africa reiterated his government's continued support for the opposition and civil society in the regime change agenda. The same applies to Britain.

There has been some deliberate if not mischievous distortion of the exercise to delimit constituencies. It is neither the government nor the ruling party which carried out the delimitation process. The Zimbabwe Electoral Commission which is constitutionally empowered to carry out the delimitation process, spent considerable time moving around all the country's provinces holding consultations with all political parties and other stake-holders such as civic groups, chiefs, headmen, councillors and ordinary people. ZANU PF, the MDC and ZANU (Ndonga) were consulted and they all gave their inputs.

As a result of the Constitutional Amendment (Number 18) Act, which was co-sponsored by both ZANU PF and the MDC, both Senatorial and House of Assembly constituencies were increased. The Senate will now comprise 93 members, six from each province directly elected by voters, 10 provincial governors, the president and deputy president of the Council of Chiefs, 16 chiefs and five Senators appointed by the President.

Members of the House of Assembly have been increased from 150 to 210, all of whom would be directly elected. Harare has 29 constituencies, Bulawayo 12, Midlands 28, Manicaland 26, Mashonaland Central 18, Mashonaland East 23, Mashonaland West 22, Masvingo 26, Matabeleland North and Matabeleland South 13 each. In the elections to be held on 29 March 2008, ward voters' rolls will be used, instead of the constituency voters' roll as in the past. The Zimbabwe Electoral Commission delimited a total of 1958 wards throughout the country.

A lot of unfounded criticism has been levelled against the ZEC, even when the facts are so clear for everyone to see. The operative Electoral Act and the Zimbabwe Electoral Commission Act became the law governing elections beginning 1 February 2005, replacing the old Electoral Act. Under section 61 of the constitution, ZEC was established as the election management body. It is mandated among other things, to delimitate wards and constituencies into which the country is divided for purposes of elections, and to run presidential, parliamentary and local government elections, as well as referendums. This function includes the preparations and conduct of elections, as well as voter education.

The principles that guide the delimitation of wards and constituencies are enshrined in sub-section (6) under section 61 of the Constitution. Sub-section (6) provides that in dividing the country into wards and House of Assembly constituencies, ZEC should give due consideration to the following: (a) the area's physical features, (b) the means of communication within the area, (c) the geographical distribution of registered voters, (d) the community of interest as between registered voters, and (e) the existing electoral boundaries.

Sub-section 7 provides that after delimiting the wards and House of Assembly constituencies, the 60 elective senatorial constituencies are delimited by assigning to each senatorial constituency a House of Assembly constituency or two or more contiguous House of Assembly constituencies as the case maybe.

In order to enhance the participation of stakeholder and the electorate at large, the exercise was decentralised to the province and district levels. Accordingly, provincial and district delimitation committees were set up throughout the country. The district delimitation committees reported to the provincial delimitation committees. The provinces reported to the National Delimitation Committee comprising the Secretariat of the Commission under the overall supervision of the Chief Elections Officer. The whole process was carried under the supervision of the Commission comprising the seven Commissioners.

The voter population as at the date of finalising the delimitation report was 5 612 464. (4 December 2007). In terms of the law, the number of voters in a given House of Assembly constituency must be as nearly as possible equal to the number of voters in each of the other House of Assembly constituencies. Following this principle, ZEC established that the average number of voters in each House of Assembly constituency is 26 726. This was done by dividing the total number of voters in the country by the 210 of House of Assembly constituencies into which the country is divided.

The Zimbabwe Constitution allows for twenty per cent above and below the average number of registered voters per House of Assembly constituency. Twenty per cent of 26 726 is 5 345,2 rounded off to 5 345. Using this formula, ZEC ascertained that the maximum number of voters in any constituency would be 26 726 plus 5 345 which equals 32 071 and the minimum number would be 26 726 minus 5 345 which equals 21 381. Accordingly, the number of voters in the House of Assembly constituencies will range between 21 381 and 32 071.

We present these facts and figures to both challenge and debunk unfounded and totally baseless allegations that the delimitation exercise was partisan and done to give unfair advantage to the ruling ZANU PF party. In fact the Harare province has the largest number of constituencies, and all parties enjoy equal and fair opportunities to garner any seats in any constituency across the country.

In the area of voter education, the Zimbabwe Electoral Commission produces its own voter education material. In the past we had a problem of NGO's producing their own materials some of which were seen to be undesirable. The ZEC is free to appoint any person or institution to assist it in providing voter education using approved materials. No person other than the Commission or a person or institutions appointed in terms of the law or a political party shall provide voter education unless such person is a citizen of Zimbabwe or permanent resident of Zimbabwe or an association of persons consisting exclusively of citizens or permanent residents of Zimbabwe. The voter education activities shall be funded solely by

local contributions or donations. Foreign contributions or donations are prohibited except where the donations are made to the Zimbabwe Electoral Commission. Political parties which have a demonstrable level of voter support beyond a certain threshold receive a certain amount of support from the national treasury. These laws and regulations have been passed because we do not believe in open-ended funding for political parties and processes from external sources. The verdict of our people expressed through elections should manifest freely, uncontaminated by outside money.

Yet another unfounded concern relates to the composition of the Zimbabwe Electoral Commission. Regarding the appointment of the members of the Commission, the Act is clear that the President will appoint the chairperson of the Commission after consultations with the Judicial Services Commission and four other commissioners from a list of seven nominees submitted by the Parliamentary Committee on Standing Rules and Orders. The chairperson of the Commission is supposed to be a person qualified to be a judge of the High Court or Supreme Court.

In line with the provisions of the Act establishing ZEC, His Excellency President Mugabe appointed members of the Commission after bi-partisan consultations in our Parliament. High court Judge George Chiweshe is the chairperson of the Commission. The members of the Commission were appointed from a list of names submitted by the Parliamentary Committee on Standing Rules and Orders which is chaired by the Speaker of Parliament, and is made up of Members of Parliament from all parties. It is therefore disingenuous for some political formations to now turn around and question the legitimacy and integrity of this constitutional body and its composition.

According to the Electoral Act Chapter 2:13, Section 110, sub-section 3, where two or more candidates for President are nominated, and after the first round of elections with no candidate receiving a majority of 51 per cent of the total number of valid votes cast, a second election shall be held within twenty-one days after the previous election. In a run-off election, only the two candidates who would have received the highest and next highest numbers of valid



votes cast in the first round are eligible to contest the run-off election. If, after a run-off election, the two candidates receive an equal number of votes, parliament reconfigures itself into an electoral college and elects one of the two candidates as President by secret ballot.

The Voters Roll is still open and inspections are continuing. The nomination courts sat on 15 February 2008 and registered four presidential candidates and 976 candidates for the two houses of parliament. ZEC officials as well as others from the civil society such as the Zimbabwe Election Support Network (ZESN) have embarked on a country wide voter education campaign. Our law enforcement agencies have tightened security with a country wide ban on the carrying of "dangerous weapons" such as knives, guns, machetes etc. The parties have started campaigning in earnest. The atmosphere is overallly peaceful with the exception of a few minor skirmishes usually involving youths from either side of the political divide who engage in acts of provocation. The police have been able to arrest the perpetrators of such violence. I may wish to add that some youths engage in acts of provocation in order to attract publicity.

Invitations to observe elections are already being rolled out. Interested media houses and organisations are free to apply for accreditation to observe the elections. Applications may be made directly to Zimbabwe or through the diplomatic missions where they are available.

For the purpose of internal arrangements, I am satisfied with the work of ZEC to date, in particular its decision to extend the inspection of the voters roll. ZEC is headed by a High Court judge and operates within the framework of the constitution. That there is no provision for external or on-line ballot is something passed in parliament. That is why I sometimes find it rather misinformed or simply mischievous that there are groups, usually comprising youths picketing the Embassy "demanding external ballot." These groups masquerade as "exiles or refugees." I have always stressed the point that those people if genuine, should go back home and participate in the electoral processes.

The SADC Extraordinary Summit held in Dar-es Salaam in March 2007 mandated H.E. President Thabo Mbeki to mediate between Zimbabwe's main political parties ZANU PF and MDC with a view to bringing about "conditions for the holding of free and fair elections in the country." A free and fair election would, according to the terms of reference, help unlock the political and economic differences and put the country on a recovery programme. What that essentially entailed was a convergence of minds of the parties concerned. While cognisant of the need for a new constitution, the parties agreed that given the limited time at hand, provisions for the elections would be done via the Constitutional Amendment No. 18 which provided for the holding of harmonised elections on a single day. This bill was jointly-sponsored in parliament by ZANU PF and MDC. The reasoning was that a new constitution which would necessarily have to be "sent to the people" through a referendum would be a priority after the elections. The same spirit saw the two parties co-sponsoring bills to amend the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act, all of which had been identified by the MDC as obstacles to the holding of free and fair elections. It however should be noted that the British and American governments poured scorn on the SADC mediation process always accusing President Mbeki of failing to take a "hard stance on President Mugabe." Sentiments could be heard suggesting that the dialogue was not all inclusive as it excluded the civil society.

On the margins of the 10<sup>th</sup> Ordinary Session of the Assembly of the African Union, His Excellency President Thabo Mbeki briefed an Extraordinary Summit of the SADC Organ on Politics, Defence and Security on the progress of his mediation efforts between the ruling ZANU PF and the MDC factions. President Mbeki informed the SADC leadership that the ruling party ZANU PF and the opposition MDC had reached agreement on all substantive matters relating to the political situation in the country, as reflected on the agenda before the negotiations. Following the passage of constitutional and statutory changes in the Parliament of Zimbabwe, which changes have already

been assented to by His Excellency President R.G. Mugabe, the only outstanding matter relates to the procedure to be followed in enacting the agreed draft constitution. The Executive Secretary of SADC subsequently issued a media statement to this effect.

In my opinion President Mbeki undertook the task to the best of his ability. The people of Zimbabwe owe it to President Mbeki, the government and people of South Africa for such a courageous and fruitful effort. It now comes as more of a shocker than anything else, in fact amounting to arrogance and disrespect, for the MDC to make the trip to South Africa to announce that President Mbeki has not been an honest broker. This coming four weeks before the elections and at a time when the MDC has completed all the necessary registration processes for the harmonised elections. The accusation dismissed by the South African government, smells of some mischief intended to derail the elections. The reason given that the government unilaterally announced the election dates – is flimsy. I am yet to come across a situation where the opposition organises elections. In this case, in terms of the constitution, elections are due in March. Zimbabwe has since independence never failed to honour the election calendar as stipulated in the constitution. When there were proposals to harmonise the elections in 2010 the opposition cried foul suggesting that President Mugabe wanted to as they say “hang on to power.” They demanded elections in 2008 as per Constitutional requirement. For our purposes, the SADC initiative was a great success, and we go along with the words of advice of the South African government that the Zimbabwean sides need to talk more now than before. The question remaining on many people’s minds would be the extent to which an external hand is influencing some unexplained wayward behaviour by the opposition. That is primarily the reason why the Zimbabwean people have for long been decrying the death of patriotic opposition with the capacity to come up with a national agenda and home-grown solutions to our problems. While the international community can assist the country here and there, the onus is on the people of Zimbabwe to resolve their problems.

The country has been going through some economic difficulties over the past seven years and the situation has not improved to satisfactory levels. Seven years of drought coupled with a severe shortage of foreign currency and a hyper-inflationary environment have created a very hostile environment to business operations with a resultant reduced export capacity. A burdensome sanctions regime from the EU, the US, Australia, New Zealand among other countries has denied the country access to the much needed lines of credit. A lot of companies with operations in Zimbabwe have been coerced to either cease or downgrade operations. Never be tempted to buy the argument that only "smart travel sanctions" have been imposed on the Zimbabwean leadership.

It is a fallacy that economic sanctions are only targeted at a select few as the British government and its allies have sought to woodwink the rest of the world. It is critical for the world, in particular the media to know the pertinent facts regarding these illegal sanctions. The United Kingdom, at the start of Zimbabwe's land reform programme, prevailed on the International Monetary Fund (IMF) to rescind balance of payments support that the international financial institution had already approved. The United States followed with the passage of the so-called Zimbabwe Democracy and Economic Recovery Act of 2001 that compels its executive to oppose lending to Zimbabwe from any institution of which the United States is a member. The World Bank was not spared either. The European Union joined the circus and suspended support for Zimbabwe and E108 million promised under the 9<sup>th</sup> EDF was withdrawn and was subsequently reallocated elsewhere. The overt financial sanctions have been augmented by an all-pervasive and wicked Western propaganda machinery which has been deployed to demonise and vilify Zimbabwe and its leadership so as to undermine the country as a favourable destination of both investment and tourists.

The West has not only imposed a full range of sanctions on Zimbabwe, but Britain and its allies have given sanctuary to high profile individuals on the police wanted list. It is a matter of concern but not surprising that South African and Western media are conspicuously silent when the majority of this growing number of

high profile economic saboteurs take refuge in London, even if such individuals are on travel bans that are part of the illegal sanctions imposed by the European Union on Zimbabwe's leaders. The United Kingdom is now the safest haven for fugitives wanted by police for , among other crimes, externalising foreign currency and subverting the economy. At a time when our government is doing its best to turn around the economy, the United Kingdom and its allies are working tirelessly to undermine those efforts. If the media, and researchers alike, deliberately chose to look the other way, and not interrogate such "interesting" facts, but trumpet British falsehoods, their news bulletins, analyses and biased research will be judged accordingly by the discerning public.

Our farming community including the newly resettled ones have been finding it difficult to access farming equipment and inputs to produce in abundance. A number of programmes have been put in place to accelerate economic growth with emphasis on a coordinated approach involving all stakeholders. It is rather unfortunate that at a time when the nation needs to pull together there are elements within the business community who are thinking through chicanery and manipulation of the existing arrangements to create an environment of super-profiting, artificial shortages and the parallel market. Seen within the context of the 2008 elections, the electorate will be voting against the backdrop of unfavourable economic conditions especially the high cost of goods and services. It is given that the powers that be with the muscle to do so, would have wanted economics to be a factor in the elections, influencing people to vote against the ruling party and H.E. the President. Perhaps what I can observe is that we owe it to the resilience of the people of Zimbabwe and their maturity to appreciate the work of the underworld in trying to finish a bungled post-colonial experiment of regime change. I remain hopeful that despite all the negative media onslaught against the government and the person of H.E. the President, the people will not be hoodwinked to turn against each other in a lethal manner. Outside interference must be rebuked and resisted at all cost.

This interference is evidenced by a letter from the British Prime Minister, Mr Gordon Brown, dated 5 February 2008 to the

president of the British Law Society Mr Andrew Holroyd and I quote in reference to Zimbabwe :

"Thank you for your letter of 10 December about the situation in Zimbabwe and for your petition about Pakistan.

Against the background of Zimbabwe's deepening economic and humanitarian crisis, I am becoming increasingly concerned at the capacity of the Zimbabwean judiciary to maintain its quality of service and to resist the increasing and overt political pressure.

The UK has recently increased its funding toward civil society organisations (doctors, lawyers, NGOs) that are working for democratic change from 2.5 million pounds to 3.3 million pounds. We will continue to support them just as we will continue to make representations to the Government of Zimbabwe when those who advocate reform are beaten and arrested by the state police.

During the EU-Africa Summit there were robust exchanges on Zimbabwe and its appalling human rights situation, on which Chancellor Merkel led for the EU. Baroness Amos raised Zimbabwe and the human rights situation caused by President Mugabe during her intervention. African leaders too spoke up on the need to tackle poor governance and safeguard human rights and the links to growth promotion and development.

Zimbabwe remains a priority for this Government. We will continue to do everything we can to ensure a better future for Zimbabweans: a democratic and accountable government, respect for human rights and the rule of law, and policies which ensure economic stability and development, not humanitarian misery." Sour grapes indeed as the British Prime Minister was the lone figure not to attend the EU-Africa Summit held in Lisbon!

Clearly such effort is meant to fuel tensions toward the 29 March plebiscite in Zimbabwe. The Chairman of SADC and President of Zambia, Mr Levy Mwanawasa had to issue last Friday a strong warning to the West against interfering in Zimbabwe's 29 March elections.

President Mwanawasa told a Press Conference in Lusaka that it was wrong for western governments to mislead the world into believing that the only election that could be deemed "free and fair" is one in which President Mugabe is defeated.

President Mwanawasa continued and I quote; "I want to urge countries in Europe, the United States, Canada and Australia to leave the Zimbabwe Government alone. They are creating a problem by thinking that an election must be free and fair if a ruling party loses"

The SADC chairman said the regional grouping was looking forward to sending representatives to monitor Zimbabwe's synchronised polls. They are most welcome.

It is indeed time for contestants to start campaigning and stop complaining.

I equally hope that time has now come for those with other views to realise that a free and fair election in Africa is not only that where the opposition party wins. The people of Zimbabwe shall freely speak through the ballot on 29 March 2008 as they have done in the past. Let us all listen, respect and accept their voices.

**I THANK YOU.**