

**GOING IT ALONE:
OPPOSITION POLITICS IN ZIMBABWE**

BY SARA RICH

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Say "opposition party" in Zimbabwe and people either laugh or cry. There has been little opposition in Parliament since the 1987 ZANU-ZAPU Unity Accord. This alliance gave ZANU-PF virtually complete control of Zimbabwean political space. To date, few opposition parties have shown any potential for mounting a concerted challenge to ZANU(PF). They are widely perceived as weak and having little grass-roots support.

The recent phenomenon of "independent" candidates contesting power in local elections, however, suggests that the situation may be changing. As we shall see, through skilled use of the courts and Zimbabwe's electoral laws and constitution, opposition politicians - loosely organized as the Movement of Independent Candidates (MIC) - have begun to challenge the ruling party's monopoly on political access, making incremental gains in 'leveling' the political arena. At the same time, the long-term prognosis for a more democratic and pluralistic Zimbabwean polity is unclear for reasons which shall be discussed in this article.

Independents in court

Organized around Margaret Dongo, the lone independent member of the Zimbabwean parliament, MIC has successfully waged a series of municipal election campaigns, installing independent candidates in Mbare (Harare's oldest township) and Sunningdale (part of Dongo's constituency). MIC's significance, however, has come more from its high-profile court cases which consistently reveal the irregularities inherent in Zimbabwe's electoral system. Dongo's seat in Parliament, for example, was won through a High Court challenge in which she successfully showed that the voter's roll used was full of irregularities, such as the registration of voters who did not reside in the constituency. In the ensuing by-election she won by over 1000 votes.

Similarly, Fidelis Mhashu - who contested the mayoral election in Chitungwiza, the second largest city in Zimbabwe and a bedroom suburb of Harare - also challenged the accuracy of the voter's roll. The roll used in Chitungwiza had been "constructed" from a list of house or "stand" owners, which eliminated thousands of lodgers and renters who comprise a high percentage of Chitungwiza's population. Affidavits filed with the court also called into question the accuracy of the housing records. The High Court ruling stated that "... at the very least, the preparation of the voter's roll was so defective that it cannot be said that the electoral process was itself not flawed." Accordingly, the election was declared invalid and a new registration of voters was conducted in May and June, to be followed by an election in August.

Another beneficiary of Zimbabwe's judicial system is Priscilla Misihairabwi. Misihairabwi won a Supreme Court ruling in August declaring her to have been a legitimate contender in the February 1997 Harare municipal election, despite having been excluded from the election because of ZANU (PF) interference. Another court battle is looming to have the election over-turned and re-run.

Politically significant challengers?

The judicial system has been the cornerstone of the independent candidates' success, enabling them to prevent the more obnoxious abuses of power during elections. The MIC's narrow focus on running specific, local-level candidates, especially in by-elections, rather than running multiple candidates or candidates in presidential campaigns has also been remarkably effective. Still, with only a few isolated representatives and no large grass-roots movement behind them, MIC is in danger of becoming an elite organization with little political influence

Dongo, however, has skilfully used the rules of the House to expose critical issues. Most recently, she unleashed the largest scandal in Zimbabwe's post-independence history when she tabled a partial list of those who had received payments under the War Veterans Compensation Act, intended to benefit those injured during the liberation war. Cabinet Ministers and party elite, some whom had allegedly never seen combat, featured prominently on the list. This has triggered a government investigation and, ironically, has led to the suspension of payments to mainly landless and impoverished veterans, causing many people to question the commitment of the "chiefs" to the "povo."

The implications of Dongo's action have been felt far outside Parliament. Groups of embittered war veterans have been demonstrating against the withholding of payments and perceived corruption, in front of the President's mansion, at high-profile celebrations marking the achievements of the Liberation War heroes, and in the ZANU(PF) headquarters in Harare, which they ransacked in mid-August as riot police stood helplessly outside.

Retaliation and resistance

The MIC victories have not been without risks. In May, while investigating a missing voter registration record, Mhashu was set upon and badly beaten by a group of ZANU(PF) supporters who had been holding a rally attended by four MPs, including Cabinet Minister Witness Mangwende, in the Chitungwiza municipal buildings. Trapped inside the municipal enclosure, he was chased by 3040 people. Trying to escape the mob by climbing over the surrounding fence, he was pulled down and kicked until he lost consciousness and might have been killed if not for the intervention of a police officer who removed him from the scene and called an ambulance. Mhashu sustained internal injuries and cuts to his head and face, requiring treatment in hospital and leaving him with hearing problems and persistent headaches.

Adding insult to injury, the Minister of Local Government is seeking to prevent the close scrutiny used so effectively by MIC, announcing in July that the Chitungwiza election (and all other municipal elections) will not use the newly prepared municipal register of voters as planned, but will instead use the (unscrutinized) national roll. Mhashu is currently challenging this action in the High Court.

Although not physically threatened, Misihairabwi also faced several hurdles after she mobilized over 2000 voters to register in her ward and then instigated the removal of approximately 1400 "voters" by proving that they had registered at non-existent addresses or in office-blocks. Misihairabwi's success in the election seemed even more likely when the ZANU(PF) candidate was found to be in the middle of a court case involving allegations of fraud and was withdrawn. The party, however, merely changed tactics, and sought to remove her by legal chicanery.

Misihairabwi was vulnerable because her birth certificate and ID listed her date of birth as 31 December 1967, making her only 29 years old at the time of the election, while electoral law requires municipal candidates to be at least 30 years old. In the period leading up to the election, her

parents signed an affidavit that she had actually been born one year earlier, on 31 December 1966. Her nomination was also accepted publicly by the Town Clerk, Edward Kanengoni and a police investigation established that there had been no wrong-doing. However, after consultations with ZANU(PF) the Registrar-General, Tobaiwa Mudede, nullified her new birth certificate alleging that the place of birth given on the affidavit signed by her parents - Mount Darwin Hospital - differs from the place of birth given on her birth certificate - Mutundwe School - a village school some 5 km from the hospital.

Although Misihairabwi contested Mudede's action in court by presenting a baptismal certificate (and the priest who baptized her) proving that she was born before 5 May 1967 (the date of her baptism), the High Court judge - alleged to be a ZANU(PF) appointee - refused to issue a declaration that she was 30 and therefore eligible to stand. This cleared the way for ZANU(PF) victory. Misihairabwi appealed the decision to the Supreme Court which unanimously ruled that she was clearly 30 years of age, despite any questions that might remain as to her place of birth.

During the hearing, presiding judge Justice Korsah exclaimed: "The facts are screaming out from the page; why did the judge below [in the High Court] not declare it? What is the motive for his resistance?"

The "dirty-tricks" used against Misihairabwi and the outright violence with which Mhashu was intimidated have also served to indicate to the average Zimbabwean what lengths the government is willing to go to in order to retain control of the political process.

Democrats or opportunists?

In light of the recent experiences of Zambian and Kenyan "democratization" experiences - which merely recycled old faces as new parties in government and opposition - another issue that must be raised concerns the democratic credentials of those who have been "forced out" of ZANU(PF). Dongo, a liberation war veteran and former Central Intelligence Organization (CIO) operative went into Parliament on the ZANU(PF) slate in the 1990 elections and proved to be an outspoken critic.

As a result, she was not re-selected by the party to contest the 1995 election. Deciding to run as an "independent" candidate, she was expelled from the party. Mhashu is also a former ZANU(PF) cadre, pushed aside in favour of an alternative candidate.

Dongo and Mhashu counter allegations of opportunism, claiming to have worked from within to bring about change, but finally being too frustrated with the system to stay inside. Dongo emphasizes that her experience within ZANU (PF) has made it possible for her to confront the governing party: "I knew the strengths and weaknesses of the system, that has made it possible for me to challenge it effectively." Mhashu makes a similar argument that having been a ZANU(PF) member gives him a special advantage, because "... we know all the dirty tricks they use."

In addition, MIC has made recent attempts to broaden its membership and appeal, emphasizing in the process its democratic principles through the creation of a logo which shows the famous balancing rocks of Zimbabwe and a slogan which reads: "for political balance and stability." MIC candidates have also forged close ties with NGOs and church groups. Nevertheless, its appeal remains limited, especially as few people follow the technicalities of the court challenges.

Conclusion

In a country where most media is government controlled or subject to self-censorship, large campaigns dependent on either media exposure or campaign funding are impractical for opposition groups. MIC has recognized these constraints and worked within them to contest power.

Yet, there is concern among political analysts and observers that these limits are being further tightened. In addition to the attack on Mhashu and political interference in Misihairabwi's case, there is increasing concern around the impartiality of the judicial system. Generally the judicial system has been considered relatively impartial if somewhat erratic at lower levels, but recent political appointments to the bench and the award of luxurious Mercedes-Benzes to judges have been widely perceived as rewards for "good behaviour."

Moreover, Kempton Makamure, a law lecturer at the University of Zimbabwe and founding member of MIC, emphasizes that while the Anglo-Saxon traditions of the judicial system have kept it independent from ZANU (PF), many of the black judges have political links to the party which may have undermined their independence. He says sadly, "It is ironic, that I, a black man, must seek justice from a white man."

Despite all the stumbling blocks in their way, the independent candidates have demonstrated to a jaded public that there is room for opposition even within Zimbabwean politics. With determination, strategy, and skill they have not only used the judicial and parliamentary systems to fight their cases but are, for the first time in many years, giving voters a choice at the ballot box.