

**‘Make Sure They Count Nicely This Time’  
The Politics of Election Observing in Zimbabwe  
Sara Rich Dorman<sup>1</sup>**

*This paper examines the controversy surrounding Zimbabwe’s elections in 2000 and 2002. It situates these elections against Zimbabwe’s experiences of elections since 1980. It argues that the conditions for this controversy emerged from the institutions and practices that developed in Zimbabwe from the time of independence. At the same time, election observers – influenced both by criticism of earlier observation missions in Africa and international policy concerns – were positioned to make an example of the Zimbabwe elections. The Zimbabwe elections became an international crisis point not because of observer reports or electoral fraud, but because of the politics surrounding Zimbabwe’s relations with the outside world.*

Shut your dirty mouths. We do not want to hear that [elections would not be free and fair] from you. You are not our judges. You are not our keepers. Leave us alone.

Robert G. Mugabe<sup>2</sup>

On the basis of observations made during the voting, verification and counting process on the ground and the objective realities, the OAU Observer Team wishes to state that in general the elections were transparent, credible, free and fair.

OAU Observer Mission<sup>3</sup>

We were deeply impressed by the determination of the people of Zimbabwe to exercise their democratic rights, very often under difficult conditions...However, it was clear to us that while the actual polling and counting processes were peaceful and the secrecy of the ballot was assured, the Presidential election in Zimbabwe was marred by a high level of politically motivated violence and intimidation, which preceded the poll..... [which] brings us to the conclusion that the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors.

Commonwealth Observer Group<sup>4</sup>

---

<sup>1</sup> The paper is based on research on Zimbabwe between 1994 and 2003, and participation as a member of the Zimbabwe Council of Churches Ecumenical Peace Observer Mission during the 2000 Parliamentary elections. Previous drafts of this paper were presented at African Studies Seminars at the University of Oxford in October 2000 and the University of Edinburgh in July 2002, under the title “A Flee and Fear Affair”.

<sup>2</sup> “Leave Zimbabwe alone: West told” *Herald* 28 February 2002.

<sup>3</sup> OAU Observer Mission. OAU Endorses 'Free And Fair' Zimbabwe Presidential Poll PRESS RELEASE March 13, 2002.

<sup>4</sup> Preliminary Report of the Commonwealth Observer Group to the Presidential Election in Zimbabwe 9 – 10 March 2002 . 14 March 2002

## **I. Introduction**

Election-observing has brought a new dynamic to relations between African states and inter-governmental institutions. The recent Zimbabwean elections had implications far beyond Zimbabwe's borders, as they entangled the presidents of Nigeria and South Africa along with the prime minister of the United Kingdom in a set of negotiations in which appearances, perceptions and rhetoric were as important as actual events.

The politics of election observing in Zimbabwe reveals the existence of fundamental questions not only about autonomy and sovereignty versus international pressure, but also about the right of citizens to hold their own governments to account not just through the ballot, but *about* the ballot.<sup>5</sup> This paper examines the controversy surrounding Zimbabwe's elections in 2000 and 2002. It situates these elections against Zimbabwe's experiences of elections since 1980. It argues that the conditions for the controversy in 2000 and 2002 emerged from the institutions and practices that developed in Zimbabwe from the time of independence. At the same time, election observers – influenced both by criticism of earlier observation missions in Africa and international policy concerns – were positioned to make an example of the Zimbabwe elections. While many of the problems with election observing had been identified in previous elections, and critical studies of observers, the conflicting reports about the Zimbabwean elections threatened to turn into a major international diplomatic row.

The controversy surrounding election observing has two main poles of debate. The first is the issue of 'moving goalposts'. Election observing, as an ad-hoc innovation which has taken flight in the post Cold War period, is in a constant state of flux. Important questions need to be asked about what exactly observers observe and how. The motives of election observers, often described as 'electoral tourists' are increasingly called into question.<sup>6</sup> Some question if it is even *possible* for observers to appreciate the

---

<sup>5</sup> Interestingly, the Commonwealth delegation to Zimbabwe's 1980 elections is considered the first observer mission in Africa, giving Zimbabwe the longest history of election-observation in Africa. Eric Bjornlund, Michael Bratton and Clark Gibson, "Observing Multi-party elections in Africa: lessons from Zambia" *African Affairs* 91 (1992), 407.

<sup>6</sup> For two trenchant critiques see Gisela Geisler, "Fair? What has Fairness got to do with it? Vagaries of Election Observing and Democratic Standards. *JMAS* 31(1993),

nuances of local politics and come to any conclusions regarding the elections.<sup>7</sup> Elections in Kenya (1992), Ghana (1992) and Uganda (1996) were controversial because dubious procedures before polling days did not prevent the certification of elections as ‘free and fair’. Critics suggested that by limiting themselves to observing only the election-days, and not the campaigning, preparation of electoral rolls, and constituency delimitation, observers failed to consider the entirety of the process.<sup>8</sup> These inconsistencies appear to leave inordinate space for personal and national politics to influence decisions.

The second set of debates relates to the uncertainty about the role and identity of observers. As Ineke van Kessel has argued, observers may have roles as either peace guarantors or as critical judges, but they cannot do both.<sup>9</sup> Increasingly, observers sent by donors are perceived as judges, upon whose decisions future aid and international alignment depends. In this case, the politics of who can observe and what privileges it gives them becomes paramount. There are generally two categories of observers. Those from outside the country include northern donor countries or groups of countries, intergovernmental organizations like the Organisation of African Unity (OAU) or the Commonwealth, and international non-governmental organizations (NGOs). Local NGOs often provide much higher numbers of individuals on the ground, who in Zimbabwean legislation are referred to as ‘monitors’ and longer-term and better informed observation as has been argued in some detail by Nevitte and Canton.<sup>10</sup> Yet as in

---

613-637 and Thomas Carothers, “The Observers Observed” *Journal of Democracy* 8 (1997), 31.

<sup>7</sup> Rijk van Dijk, “Secret Worlds, Democratization and Election Observation in Malawi” in Jon Abbink and Gerti Hesseling eds. *Election Observation and Democratization in Africa* (London: Macmillan, 2000).

<sup>8</sup> On Kenya and Ghana see Geisler, “Fair?” 613-637; on Uganda see Laurie Cooper and Daniel Stroux, “International Election Observation in Uganda: Compromise at the expense of substance” *Afrika Spectrum*, 31 (1996), 201-209; for a more controversial analysis of the South African Elections of 1994 see Ineke van Kessel, “Stability or Democracy: on the role of Monitors, Media and Miracles” in Jon Abbink and Gerti Hesseling eds. *Election Observation and Democratization in Africa* (London: Macmillan, 2000).

<sup>9</sup> Ineke van Kessel, “Stability or Democracy: on the role of Monitors, Media and Miracles” in Jon Abbink and Gerti Hesseling eds. *Election Observation and Democratization in Africa* (London: Macmillan, 2000).

<sup>10</sup> Neil Nevitte and Santiago A. Canton, “The role of domestic observers” *Journal of Democracy* 8, 3 (1997); see also Geisler, “Fair?” 634-5,

Zimbabwe, these monitors may be vulnerable to manipulation and accusations of partisanship. International observers were similarly accused of reflecting the interests of their home countries. The role of international observers became particularly salient as both the government and the opposition called upon neighbours and donors for solidarity during the elections. As the veteran human rights activist and Movement for Democratic Change (MDC) MP Paul Themba Nyathi wrote,

...conditions for a free and fair poll don't exist...it is merely academic to talk of a free and fair presidential election in Zimbabwe in 2002.....Zimbabwe's friends in Sadc, the Commonwealth and the EU should now concern themselves with two matters only: In the event of Mugabe bulldozing his way to victory should such an outcome be recognised? In the event of the MDC winning under such appallingly difficult circumstances, what package of quick-impact assistance will they be in a position to offer the people of Zimbabwe?<sup>11</sup>

Or, in the words of a Bulawayo market woman, speaking to a group of election observers: "Make sure they count nicely this time".<sup>12</sup>

## **II. Zimbabwe's elections: from jubilation to apathy**

Between 1980 and 2000, levels of contestation and of voter participation in elections changed dramatically. As the ruling party's domination of the electoral process increased, turn-out and participation decreased.<sup>13</sup>

In the 'liberation election' of 1980, to many peoples' surprise, Robert Mugabe's Zimbabwe African National Union (ZANU) won a majority of seats in the Parliament, 57 out of 80. The Zimbabwe African People's Union (ZAPU), the other liberation movement which had fought the guerilla war, won 20 seats, mainly in the region of Matabeleland. The moderate United African National Council (UANC) of Bishop Abel Muzorewa won 3. In 1985, these patterns were reinforced, with ZANU gaining 64 to ZAPU's 15, and 1 for Ndabaningi Sithole's splinter group ZANU(Ndonga). The 1987

---

<sup>11</sup> Paul Themba Nyathi, "Will Zimbabwe's friends recognise poll outcome?" *Zimbabwe Independent* 7 December 2001.

<sup>12</sup> Research notes 25 June 2000.

<sup>13</sup> For a detailed analysis of this process see: Liisa Laakso, "When Elections are just a Formality" in Michael Cowen and Liisa Laakso eds. *Multi-party Elections in Africa* (Oxford: James Currey, 2002).

Unity Accord incorporated ZAPU into ZANU “eliminat[ing] the thorniest source of opposition.”<sup>14</sup> This appeared to be a step towards ZANU’s long-term goal of adopting a one-party state. Before the 1990 election, however, the governing party was unexpectedly challenged from the Zimbabwe Unity Movement (ZUM), led by former ZANU stalwart Edgar Tekere. Tekere had been expelled from ZANU(PF) over his opposition to the one-party state. ZUM won only two seats in the parliamentary election but 20% of the overall vote. Tekere won 22% of the presidential vote, and his party averaged about 30% in the urban areas, although they won no seats. Despite the unexpectedly strong opposition from ZUM, 14 seats were not contested in this election.

After the 1990 election ZUM itself fragmented, and a splinter regrouped as the Democratic Party.<sup>15</sup> Other fragments of ZUM helped form the Forum Party in 1993, which was expected to provide a strong challenge to ZANU(PF) in the 1995 elections, but which was also weakened due to factional divisions. The 1995 election was the least contested of all Zimbabwe’s elections, 55 seats were won uncontested by ZANU (PF), adding these seats to the 30 seats directly appointed by the President, ZANU was guaranteed a parliamentary majority before polling began. The main opposition to ZANU was provided by the United Parties (UP) – combining Muzorewa’s UANC with Forum, ZUM, and ZANU-Ndonga as an electoral front – which made little impact in the 1995 parliamentary and decided at the last minute to boycott the 1996 presidential elections.<sup>16</sup>

Inside ZANU, however, the elections *were* hotly contested through primary elections. Several sitting MPs were not re-selected to represent the party, in what appeared to be local level revolts against the quality of representation. At the same time, allegations were voiced that candidates were imposed by the party leadership in other constituencies. Margaret Dongo, an ex-combatant, ex-CIO agent, and the sitting MP for Harare South, was widely thought not to have been re-selected because she had been too

---

<sup>14</sup> Tandeka Nkiwane, “Opposition Politics in Zimbabwe: the Struggle within the Struggle” in Abdebayo Olukoshi, *The Politics of Opposition in Africa* (Uppsala, Nordiska Afrikainstitutet, 1998), 92

<sup>15</sup> “Magoche factions launches democratic party, *Sunday Mail*, 29 September 1991, 1; “ZUM announces new executive” *Herald* 30 October 1991, 5; “Who is who in ZUM” *Sunday Mail*, 10 November 1991, 1.

vocally critical of government policy in Parliament. As an incumbent MP, Dongo had the highest-profile of the candidates who ran under the banner ‘ZANU (PF) Independents’. None of them won their elections.

However, this intra-party contestation *did* lead to the re-emergence of inter-party contestation. When Dongo lost the Harare South election she successfully contested the result in court and convincingly won the re-run election.<sup>17</sup> By supporting an informal grouping of candidates to challenge ZANU(PF) in the 1996 municipal elections, Dongo began a crucial process of consistently and thoroughly fighting elections — not just complaining about unfair playing fields. Dongo’s Independent Candidates — later the Zimbabwe Union of Democrats (ZUD) — rapidly became expert both at exposing fraudulent registrations and encouraging their supporters to register to vote.<sup>18</sup> ZUD was expected to be the main challenger to ZANU (PF) in the 2000 elections. However, following personality clashes, exacerbated by CIO infiltration, the party split into two camps in mid-1999.<sup>19</sup> The formation of an off-shoot called Zimbabwe Union of Democrats – Transparency Front, was claimed as a victory by CIO agents.<sup>20</sup>

The most effective opposition party since independence emerged from the parallel mobilizations of churches and NGOs and trades unions in the late 1990s. The MDC, launched in 1999, drew on the legacy of the Zimbabwe Congress Of Trades Unions and the National Constitutional Assembly, which defeated the government’s draft constitution in the February 2000 referendum. As we will see, in the 2000 and 2002 elections, the MDC provided a unprecedentedly viable alternative to ZANU(PF).

---

<sup>16</sup> Interview, Isaac Manyemba, Information Secretary, UP, 16 June 1997.

<sup>17</sup> *Dongo v. Mwashita & ORS* 13 & 27 July and 10 & 30 August 1995 Judgement No. HH-106-95, ZLR 1995 (2) 228 (H); Interview Margaret Dongo, ZUD, 17 June 1997.

<sup>18</sup> Interview, Margaret Dongo, ZUD, 17 June 1997; Interview Kempton Makamure, ZUD, 16 June 1997; “Dongo launches political party” *Sunday Mail*, 20 December 1998 provides a surprisingly detailed and sympathetic portrait of Dongo’s agenda. Kempton Makamure, “Its time we graduated from personality politics” *Independent*, 28 May 1999.

<sup>19</sup> “ZUD claims CIO infiltration” *Standard* 23 May 1999; Kempton Makamure, “Its time we graduated from personality politics” *Independent*, 28 May 1999; “Things fall apart: Margaret Dongo, Kempton Makamure part ways” *Parade* September 1999, 3, 43.

<sup>20</sup> “CIO claims victory for splitting Dongo’s party” *Independent*, 16 July 1999.

### *Violence and Intimidation of Opposition Candidates*

Until 2000, Zimbabwe's opposition parties were largely ineffective in attracting national-level support. After the merger of ZANU and ZAPU, the new parties which emerged had only limited appeal to mostly urban, upper-income voters. They were unable to counter ZANU(PF)'s domination of the ideological spectrum. Opposition parties were also vulnerable to infiltration, which led to increased distrust and fragmentation. Yet, it is important not to ignore the history of intimidation and violence directed at those who did dare to challenge ZANU's supremacy. The tactics used in 2000 and 2002 did not come out of nowhere.

The 1980s were marked by the violent civil war in Matabeleland, in which government troops appeared to be targeting ZAPU supporters, and ex-ZIPRA combatants within the population. During this period, ZAPU MPs were arrested and imprisoned, and the leader of ZAPU, Joshua Nkomo spent several years in self-imposed exile. The 1985 elections, which took place in the middle of this conflict, seem to have been relatively peaceful, but were marked by post-election violence in urban areas, as ZANU(PF) women's league members attacked the homes of opposition supporters after the election results were declared.

Bishop Muzorewa, who remained head of the UANC, was detained for 10 months in 1983-84 on charges which included conspiring with his "intimate friends in the leadership of the South African government"<sup>21</sup> to "making derogatory remarks about the government of Zimbabwe"<sup>22</sup> to funding "former ZIPRA dissidents" and conspiring with Israel, Zaire, and Uganda.<sup>23</sup> Ndabaningi Sithole, the leader of ZANU-Ndonga, which retained support in the Ndau areas of Manicaland, remained out of the country in self-imposed exile until 1992. After his return, his peri-urban farm was designated for acquisition, apparently for political reasons.<sup>24</sup> His arrest and trial in 1995 for treason was

---

<sup>21</sup> "Muzorewa arrested" *Herald* 2 November 1983, 1; "Why Muzorewa being detained - Premier" *Herald* 4 November 1983.

<sup>22</sup> "New grounds for the detention of Muzorewa" *Herald* 5 November 1983, 1.

<sup>23</sup> "Bishop's Zaire link exposed" *Herald* 19 November 1983, 1.

<sup>24</sup> See for instance, Sam Moyo, *The Land Question in Zimbabwe* (Harare: SAPES, 1995), 257; "Churu farm: the land blues continue" *SAPEM* 7, 1 (October 1993), 9-11.

also widely interpreted as politically motivated.<sup>25</sup> Convicted and sentenced to one year in jail, Sithole denied allegations that he plotted to assassinate President Mugabe and organised military training outside the country for his recruits.<sup>26</sup>

In 1990, Patrick Kombayi, another prominent ex-ZANU(PF) member, contesting the Gweru Central constituency for ZUM was shot and other supporters were beaten. ZUM was accused of accepting donations from the Conservative Alliance of Zimbabwe (CAZ).<sup>27</sup> Mugabe accused ZUM of being a puppet organization of former Rhodesian Front leader Ian Smith<sup>28</sup> and alleged that Tekere was plotting a coup that included the assassination of all the ZANU(PF) leadership.<sup>29</sup> The implication of these allegations was that ZUM supported Zimbabwe's external enemies, as it was also contended that ZUM was being backed by South African interests, and had connections with the Mozambican RENAMO.<sup>30</sup>

While the 1995 election was the least contested and probably the most peaceful, it was not completely uneventful. Margaret Dongo's court challenge over the election fought in Harare South revealed that in addition to irregularities in the voter's roll, the government also stuffed the ballot boxes, such that there were over 1 000 more ballots counted than had been issued to voters.<sup>31</sup> Fidelis Mhashu, a former ZANU(PF) member, who contested the 1996 Chitungwiza mayoral election as an independent was attacked and beaten by a crowd of ZANU(PF) supporters reported to include four MPs, including Cabinet Minister Witness Mangwende. Despite his being badly beaten, the police, who were present at the time of the attack, did not lay any charges.<sup>32</sup> From 1980 to 2000, violence and intimidation during elections was not prevented by the forces of the state.

---

<sup>25</sup> "Sithole Refused Trial Date in Plot to Kill Mugabe" *Sapa-AFP* 1 June 1996.

<sup>26</sup> "Sithole says he is innocent of treason charges." *Independent* 27 June 1997, 1.

<sup>27</sup> "Farmers, traders deny backing ZUM" *Herald* 9 March 1990, 1; "ZUM Sees nothing wrong in getting aid from anyone" *Herald* 12 March 1990, 1.

<sup>28</sup> "General Election a real test for unity – President" *Herald* 17 March 1990, 1, 5.

<sup>29</sup> "Tekere plotting coup" *Herald* 19 March 1990, 1.

<sup>30</sup> "Farmers, traders deny backing ZUM" *Herald* 9 March 1990, 1; "Farm leaders and business back president and party" *Herald* 16 March 1990, 1, 7.

<sup>31</sup> John Makumbe and Daniel Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections* (Harare: University of Zimbabwe, 2000), 220.

<sup>32</sup> Interview, Fidelis Mhashu, 17 June 1997.

Instead, it was implicitly condoned, through the issuing of blanket pardons to aggressors.<sup>33</sup>

### **III. The Elections Machinery**

Yet the legacy of violence was probably not the most salient factor in Zimbabwean elections. More significant was the politicization of the institutions responsible for conducting elections, and the incremental fusing of party and state. Throughout the 1980s the rhetoric of the ruling ZANU(PF) advocated the creation of a *de jure* one party state. Only in September 1990 did the party's Central Committee decide against legislatively enacting it.<sup>34</sup> Despite this, during the 1990 and 1995 elections the electoral system became progressively more identified with the party. The institutions responsible for administering the election include the office of the Registrar-General and the Elections Directorate, whose tasks are to supervise the delimitation committee and the voter registration process. The distinction between the two offices is not clear to most observers. The Registrar-General Tobaiwa Mudede, has come to be seen as a ZANU(PF) loyalist. In contrast, the teachers and civil servants employed to conduct the election on the ground – presiding officers and other officials – maintained their reputation for independence throughout the 1990s. Nevertheless, serious questions have been raised about the accuracy of the voter's rolls prepared by the Elections Directorate and the impartiality of the Delimitation Commission.

#### ***Voter registration***

Between 1985 and 2000, election registration became increasingly biased against the opposition.<sup>35</sup> The voter registration exercises in 1985 and 1990 were dubious procedure and, in both cases the Registrar-General announced just before the elections, that all Zimbabwean citizens would be allowed to vote upon presentation of proof of citizenship

---

<sup>33</sup> For a review of amnesties given for politically motivated violence see: Amani Trust, "IMPUNITY IN ZIMBABWE" 11 October 2000.

<sup>34</sup> "No one-party state by law – President" *Herald* 28 September 1990, 1; "No move on one-party issue" *Herald* 3 October 1990, 1.

<sup>35</sup> Laakso, "When elections are just a formality" 333.

and residence.<sup>36</sup> Although a new, accurate registration was supposed to take place before the 1995 election, in practice, the electoral roll appears to have been equally defective. In urban areas, prospective voters queued for several days in attempts to register, and many reports emerged of deceased voters being registered, names misspelled, and other inaccuracies. There was also deliberate tampering with the roll. Margaret Dongo's court case challenging the results in Harare South revealed serious defects in the electoral roll, including the registration of many non-resident voters. Makumbe and Compagnon suggest that at least 41% of the names on the roll were inaccurate.<sup>37</sup> Irregularities led to the entire election being condemned as 'free but unfair' by internal monitors.<sup>38</sup>

Electoral rolls were particularly flawed in the contested municipal elections of 1996. Priscilla Misihairabwi, an NGO activist who sought to contest the urban council elections as an Independent Candidate, compiled such a convincing dossier of fraudulent voter registrations in Harare's Avenues district (including vacant lots with hundreds of registered voters) that ZANU(PF) sought to force her out — with the Registrar-General, Tobaiwa Mudede, declaring her candidacy invalid.<sup>39</sup> Similarly, Fidelis Mhashu, the former ZANU(PF) municipal councilor who contested the Chitungwiza mayoral election as an independent candidate after failing to get selected as the official ZANU(PF) candidate, convinced the High Court that the Chitungwiza electoral roll — comprised only of home-owners, although most residents were renting accommodation — “was so defective that it cannot be said that the electoral process was itself not flawed.”<sup>40</sup>

---

<sup>36</sup> Laakso, “When elections are just a formality” 333, 334; Jonathan Moyo, *Voting for Democracy: Electoral Politics in Zimbabwe* (Harare: University of Zimbabwe, 1992), 77-78, 149.

<sup>37</sup> Makumbe and Compagnon, “Behind the smokescreen” 69-70.

<sup>38</sup> Maxie Matavaire, “Elections free, not fair” *Sunday Gazette*, 23 April 1995, Ramson Muzondo, “1995 elections unfair” *Sunday Gazette*, 13 August 1995, “Election was unfair: ZCC” *Herald*, 21 August 1995, and “State Press snaps at watchdog's ‘unfair poll’ verdict.” *Horizon*, July 1995, 9.

<sup>39</sup> Research notes, Supreme Court of Zimbabwe 21 July 1997; Interview, Priscilla Misihairabwi, 18 June 1997; “Court rules Misihairabwi had right to contest poll” *Herald* 8 August 1997, 1, 17.

<sup>40</sup> Fidelis George Mhashu v. Tichakunda Chiroodza & Chitungwiza Town Council & Andrew Jiri & ZANU (PF) & Minister of Local Government, Rural and Urban Development. High Court Judgement HH 43- 97; Interview Fidelis Mhashu, 17 June 1997.

### ***Constituency delimitation***

In general, constituency delimitation appears to have tended to remove constituencies from ‘opposition’ regions and add them to what were then ‘government’ strongholds. For instance, in the 1995 delimitation exercise, constituencies were removed from Manicaland, Masvingo, Matabeleland South, and the Midlands while new ones were created in Harare, Mashonaland South and Mashonaland Centre. Particularly controversial were last minute ‘corrections’ to the delimitation report were issued which moved the high density area of Mkoba from Gweru Central to the predominantly rural Gweru South. As Patrick Kombayi, the ZUM candidate had most of his support in Mkoba, this gave Vice-President Simon Muzenda, the ZANU (PF) candidate, a distinct advantage. As Jonathan Moyo pointed out “the general public was left with the impression that President Mugabe had used the commission to protect his Vice-President, Simon Muzenda, who appeared to be heading for certain defeat.”<sup>41</sup> Other constituencies expected to support opposition candidates had perceived ZANU(PF) strongholds added to them: Harare North, mainly a low-density suburb included Hatcliffe number 1, a high density area, and Hatcliffe extension, a holding camp for squatters; Bulawayo South, a mainly low-density constituency had the high density suburb of Nketa added to it in 1995.

### ***The Electoral Supervisory Commission: an ineffective watchdog***

According to the Zimbabwean constitution, the Electoral Supervisory Commission (ESC) is supposed to monitor and oversee the administration of the elections. In practice, the ESC has proved an ineffective and non-impartial watchdog. It is directly appointed by the President, and has little autonomous power or resources.<sup>42</sup> In 1995 the process of election monitoring by local organizations was initiated, because the ESC had no

---

<sup>41</sup> Moyo, *Voting for Democracy*, 147

<sup>42</sup> “ESC Sworn in” *Herald*, 7 July 1994; “Political parties lambast poll team” *Daily Gazette*, 8 July 1994; “Commission now better equipped to supervise poll” *Herald* 27 March 1995; “Matchaba Hove blasts poll commission” *Daily News* 24 October 2001.

capacity to do so itself.<sup>43</sup> The feedback from these monitors, however, has been consistently critical of the election process. In order to avoid the embarrassment of acknowledging internal criticism, reports from the ESC on the conduct of elections have been softly-phrased, delayed and ignored by the government.

#### **IV. The 2000 and 2002 elections: intensification**

The 2000 and 2002 elections took place in the context of political and economic crisis. The regime was being challenged by widespread public protests, and it had lost the first national referendum since independence in February 2000. The emergence of a broad-based opposition from the labour movement and NGO sector also attracted support from the business community and previously apolitical white voters. Prominent ZUD candidates, Misihairabwi and Mhashu, also joined the MDC.<sup>44</sup> The stage was thus set for a bitter struggle.

As in the past, the elections were run by the Director-General and the Elections Directorate, and ‘overseen’ by the Electoral Supervisory Commission (ESC). The ESC, however, was a less willing accomplice than in the past. Frustration with the conduct of the local council elections in 1998 and 1999, led to much more open criticism.<sup>45</sup> The long-time chair, former Anglican Bishop Peter Hatendi, resigned in protest at government obstruction in January 2000.<sup>46</sup> The remaining three members were also much more public about their predicament, and called for an independent body to be set up to oversee the elections.<sup>47</sup> When, a week before the nomination court was to sit, the ESC had not received details of constituency boundaries or polling stations, they complained that the

---

<sup>43</sup> ZCC, Annual report 1994-1995. 5 July 1995, 56; Research notes, ZCC Election briefing, 20 June 2000.

<sup>44</sup> “Misihairabwi joins MDC” *Standard*, 5 March 2000; “ZUD official defects to MDC” *Mirror* 24 March 2000; “Mhashu to contest in Chitungwiza East” *Standard*, 20 February 2000.

<sup>45</sup> “Recommendations on electoral conduct made” *Herald* 18 February 1999, 11; “ESC concerned with by-election delays” *Herald* 22 February 1999, 6.

<sup>46</sup> “Case for an independent electoral body” *Mirror* 17 September 1999, 6; “Polls conduct taxes man of the cloth’s patience” *Financial Gazette*, 30 September 1999, 3; “ESC members protest” *Financial Gazette* 30 March 2000.

<sup>47</sup> “ESC members protest” *Financial Gazette* 30 March 2000.

Elections Directorate was ‘not co-operative’.<sup>48</sup> An ex-combatant and retired army colonel, Sobuza Gula-Ndebele, was appointed as head of the ESC in June 2000 just days before the election.<sup>49</sup> In 2002, Douglas Nyikayaramba, variously reported to be a serving or retired brigadier in the Zimbabwe National Army was appointed as the Electoral Supervisory Commission’s chief executive officer.<sup>50</sup>

### ***The Electoral Roll and Voting***

A UN Electoral Assistance Mission assessed the electoral roll in December 1999 and calculated that between 10 and 20 percent of the names on the voter’s roll were deceased and that as many as two million voters — 40 percent of the electorate — had moved constituency since 1995 without being re-registered.<sup>51</sup> A study carried out by a local NGO on the municipal elections in July 1999 gave similar results.<sup>52</sup> Ministry officials said that 5.1 million out of a potential 5.5 million voters had been registered between January and March 2000. The voters roll opened for inspection in June, but many mistakes were found: voters who claimed to have registered were not there, others found discrepancies in their ID numbers and name-spelling, while others noted that the names of many deceased voters were still present on the list. A supplementary roll was created for those who were registered between April and June, although it was in fact mainly a list of those who found themselves not on the roll and re-registered.<sup>53</sup>

In 2002 the process of creating the voters’ roll was decidedly untransparent. The voters’ roll inspection, which started on 19 November and was expected to end on 9

---

<sup>48</sup> “ESC hamstrung: parties” *Daily News* 29 May 2000.

<sup>49</sup> “Gula-Ndebele tipped to head ESC” *Independent* 9 June 2000.

<sup>50</sup> “Army deployed to supervise poll process” *Independent* 8 February 2002

<sup>51</sup> EU Election Observation Mission, Report of the EU Election Observation Mission on the Parliamentary Elections which took place in Zimbabwe on 24<sup>th</sup> and 25<sup>th</sup> June 2000, chapter 3, 10.

<sup>52</sup> FODEZI, The state of the voter’s roll: preliminary findings local authority elections (1999). Interviews, Rashida Fazilahmed, FODEZI, 8 October 1999; Dr Christopher Mushonga, FODEZI, 8 October 1999.

<sup>53</sup> See for instance, EU Election Observation Mission, Report of the EU Election Observation Mission on the Parliamentary Elections which took place in Zimbabwe on 24<sup>th</sup> and 25<sup>th</sup> June 2000, chapter 3, 10-11.

December was extended until 19 December.<sup>54</sup> The roll was then supposed to close on 27 January, but was then – without advertisement or legal sanction extended until 3 March.<sup>55</sup> Media reports suggest that registration continued only in rural ZANU(PF) heartlands. This situation was legalised after the fact, through a presidential order.<sup>56</sup>

A further problem was that, unlike in previous elections, no receipts or voters cards were issued to prove that one had indeed registered. Ironically, in the 1995 election the issuing of such cards had led to many complaints.<sup>57</sup> However, the lack of proof of registration was now an issue, because many people claimed to have registered, but their names did not appear on the roll. In these elections one needed a National ID (or temporary ID) or passport to register and to vote. During both the 2000 and 2002 elections, there were reports that ZANU (PF) activists, youth militias and war veterans were forcing people to hand over their identification documents if they could not produce up-to-date ZANU party cards or chant ZANU slogans.<sup>58</sup> The Registrar-General's office, which is also responsible for issuing IDs was reported to be refusing to issue new or replacement IDs until after the election.<sup>59</sup>

In the presidential elections of 2002, controversy also followed the Registrar-General's requirement for voters to prove that they lived in the constituency.<sup>60</sup> This requirement disqualified many 'lodgers' – people informally sharing houses or backyard shacks in the high density areas of Harare and Chitungwiza, who were unable to produce water or electricity bills in their names. In rural areas, residence was said to be validated

---

<sup>54</sup> "Inspection of voters roll extended" *Herald* 11 December 2001.

<sup>55</sup> "Vote scam exposed" *Financial Gazette* 7 March 2002; "Election rigged on a massive scale – ZESN" *Independent* 14 March 2002; "Further allegations of Zanu PF rigging" *Daily News* 7 March 2002

<sup>56</sup> GOZ. Electoral (Presidential Election) (No. 2) Notice, 2002SI 14B/2002; GOZ. Electoral (Presidential Election) (No. 3) Notice, 2002 SI 41A/2002; "Mugabe in last-ditch poll fraud" *Independent* 8 March 2002

<sup>57</sup> See for instance, "Israeli-made voters cards cost a fortune" *Sunday Gazette* 26 March 1995 1, 3

<sup>58</sup> "Villagers adopt new survival strategies to avoid beatings" *Standard* 18 June 2000; "War vets impound farm employees' identity cards" *Daily News* 20 June 2000; "Militia seize hundreds of ID cards" *Independent* 8 February 2002.

<sup>59</sup> "No new IDs until presidential poll" *Financial Gazette* 22 November 2001; "New ID law targets opposition" *Financial Gazette* 24 January 2002

by headmen, who would accompany voters to polls, raising the issue of ruling party influence, as most headmen were believed to be ZANU(PF). The MDC contested the principle that voters vote in their constituency, when all of Zimbabwe was considered to form a single constituency for the presidential election. Judge Rita Makarau agreed with the MDC's interpretation and struck down the requirement, but the government appealed her ruling.<sup>61</sup>

The other significant issue in the 2002 elections was the eligibility to vote of former dual citizens. In 2001, the citizenship act was amended to require further proof of renunciation of citizenship. Previously Zimbabweans had been required to renounce their citizenship to Zimbabwean authorities, but the new act required that they renounce it to the authorities of the second citizenship, and provide documentary evidence that they had done so.<sup>62</sup> This regulation affected many descendants of Malawian, Zambian and Mozambican immigrants, but was widely thought to be targeting whites. The Registrar-General was empowered to unilaterally make changes to electoral roll.<sup>63</sup> A court ruling in January stated that that the registrar-general could not remove voters from the voter's roll without giving them notice and the right to appeal.<sup>64</sup> The law was then changed by gazette (*ie* not through Parliament), such that the Registrar-General was directed to create a list of citizens who had either renounced their Zimbabwean citizenship, or, who was deemed to have lost their citizenship with the entry of the new law.<sup>65</sup> This list was to be kept at each polling station, and "any person whose name appears on the list ... shall not be entitled to vote at the election, notwithstanding that his name appears on the roll for any constituency" unless the voter could prove that he had successfully appealed or had an appeal pending.<sup>66</sup>

---

<sup>60</sup> "Mudede fails to clarify voter registration requirement" *Daily News* 3 December 2001.

<sup>61</sup> "Government to contest High Court ruling" *Herald* 29 January 2002.

<sup>62</sup> GOZ. Citizenship of Zimbabwe Amendment Act, 2001 (No. 12 of 2001); "Last minute rush" *Herald* 5 January 2002.

<sup>63</sup> "Gula-Ndebele opposes plans to amend electoral laws" *Daily News* 3 January 2002.

<sup>64</sup> "Mudede ordered not to tamper with voters' roll" *Daily News* 4 January 2002.

<sup>65</sup> GOZ. Electoral Act (Modification) (No. 2) Notice, 2002; Statutory Instrument 42B of 2002.

<sup>66</sup> GOZ. Electoral Act (Modification) Notice, 2002 Statutory Instrument 41D of 2002.

Many of those who complied by renouncing their other citizenships nevertheless received letters from the Registrar-General stating:

You are hereby notified that I have reason to believe - (a) that you are not entitled to be registered as a voter in . . . (b) that you are not qualified for registration as a voter in . . . on the grounds that you have in terms of Schedule 3 section 3 (3) of the Constitution of Zimbabwe ceased to be a citizen of Zimbabwe and that, unless you give notice of appeal . . . before the expiration of seven days from the date of this notice.<sup>67</sup>

Many of those receiving such a letter, including Garfield Todd, the former PM, found that it had been delivered on, or after, the last date for appeal.<sup>68</sup> The names of many other voters such as opposition MPs, in addition to the alleged dual citizens, registered on a list made available in January, were not on the roll issued shortly before the election.<sup>69</sup> The very basis of the electoral roll also came into question when it was discovered that registration had continued in some rural areas, after the official closing date, without any public announcement.<sup>70</sup>

Postal ballots were equally problematic. Whereas the Electoral Act had previously provided for Zimbabweans away from their constituencies — whether abroad or elsewhere in the country — to vote by postal ballot, on 7 June 2000 the President amended the Act so that only military serving outside Zimbabwe, diplomatic staff posted overseas, constituency registrars, presiding officers and polling officers could take advantage of postal ballots.<sup>71</sup> This disenfranchised Zimbabweans overseas and people serving as monitors during elections in constituencies other than their own.<sup>72</sup> Both of these groups, especially Zimbabweans in the UK and South Africa, had been highly critical of the regime during the Constitutional Commission hearings, and were thought to support the MDC. This restriction was re-enforced in the 2002 elections.<sup>73</sup>

---

<sup>67</sup> “Thousands won't vote despite renouncing British citizenship” *Daily News* 4 February 2002.

<sup>68</sup> “Sir Garfield Todd loses right to vote” *Daily News* 13 February 2002.

<sup>69</sup> “Hundreds missing from voters’ roll” *Financial Gazette* 28 February 2002.

<sup>70</sup> “Election rigged on a massive scale – ZESN” *Independent* 14 March 2002

<sup>71</sup> GOZ. *Government Gazette* 7 June 2000

<sup>72</sup> “Lawyers attack electoral act amendment on postal votes” *Daily News*, 20 June 2000.

<sup>73</sup> GOZ. Electoral Act (Modification) Notice, 2002 Statutory Instrument 41D of 2002.

In 2000, postal ballots issued to nearly 6 000 military personnel serving in the DRC were later ruled invalid by the Supreme Court, on the grounds that the Registrar-General had not complied with the regulations.<sup>74</sup> The intended recipients had not signed the ballot application forms or the signatures had not been witnessed.<sup>75</sup> In some constituencies in Mutare there were also questions about people voting more than once, either through multiple postal ballots or once with a postal ballot and once in person.<sup>76</sup>

### ***Observers and Monitors***

International observers and local monitors, most of whom represented NGOs and/or were funded by NGOs, were obstructed from observing both elections. The presence of foreign observers had not been an issue in previous elections, because there had been little interest in observing the elections. So there was no precedent, and no agreed upon procedure for vetting or approving foreign observers. In 2000 it was widely rumoured that no British observers would be permitted, although no formal legislation was ever issued to that effect. A group of observers from Kenya funded by Britain were not permitted entry into the country. On June 7 the government gazetted new regulations specifying that, while the ESC could appoint Zimbabweans as monitors, the Election Directorate would “on the recommendation of the Ministry of Foreign Affairs” accredit foreign observers after the payment of USD 100.<sup>77</sup>

The ESC, headed by former ZANU (PF) politician Elaine Raftopoulos as acting chair, took the Registrar-General to court, alleging that, by claiming the power to accredit foreign observers, he had usurped the ESC’s role.<sup>78</sup> As this case went to court, the government quickly appointed Gula-Ndebele head of the ESC. On 20 June the High Court ruled against the ESC, saying that there was no constitutional reason that the

---

<sup>74</sup> “MDC wins case” *Daily News*, 16 August 2000.

<sup>75</sup> “Opposition cried foul over postal ballots” *Daily News* 22 June 2000.

<sup>76</sup> “Massive vote fraud alleged in Mutare central” *Daily News*, 27 June 2000; “Irregularities discovered on postal ballots from DRC” *Herald* 27 June 2000.

<sup>77</sup> GOZ. Election (Amendment) Regulations, 2000 (number 7) Statutory Instrument 161A of 2000; see also, “Amendments to electoral act gazetted” *Herald* 21 June 2000, 10.

<sup>78</sup> Research notes, 20 June 2000.

Registrar-General's office ought not to have responsibility for accrediting observers.<sup>79</sup> On the same day, a press statement was released stating that no further foreign observers would be accredited, meaning that only a few hundred already accredited EU and Commonwealth observers would be in the field.<sup>80</sup> However, after much conflicting information, the ZCC/AACC/WCC and Congress of South Africa Trades Unions (COSATU) delegations were accredited with one day to spare before the election, but other groups including the National Democratic Institute (NDI), International Republican Institute (IRI), and Oxfam Canada were black-listed.<sup>81</sup>

In 2002, the rejection of some international observers generated the most media interest, although it probably had relatively less impact on the freedom and fairness of the elections than any of the above-mentioned issues. The General Laws Amendment bill obstructed both local and foreign organisations from monitoring/observing elections in Zimbabwe: “no individual may monitor any elections unless they are accredited by the Registrar-General's Office which would provide training and accreditation of the monitors”.<sup>82</sup> In a parliamentary debate, Justice Minister Chinamasa justified this move by stating that:

We cannot allow people who are our enemies to come to our soil. Those organisations and countries who come with the prejudicial view that Zanu PF will not win the election will not get the privilege to tread on our soil.<sup>83</sup>

In January, President Mugabe announced that the following organizations were welcome to send observers:

The Organisation of African Unity/Africa Union (OAU/AU); the Southern Africa Development Community (Sadc); the Common Market for East

---

<sup>79</sup> “ESC loses case over polls” *Herald* 22 June 2000.

<sup>80</sup> GOZ, “Zimbabwe Parliamentary Elections 2000: Accreditation of elections” Press Release, Department of Information, 20 June 2000.

<sup>81</sup> Research Notes, 20-22 June 2000; ZCC, Report of Ecumenical Peace Observer Mission, n.d. 9; “UK-sponsored observers barred” *Herald* 19 June 2000; “216 more election observers barred” *Herald* 21 June 2000; “Government bars 40 US observers” *Daily News*, 21 June 2000.

<sup>82</sup> “Gula-Ndebele opposes plans to amend electoral laws” *Daily News* 3 January 2002.

<sup>83</sup> “Government to bar poll observers from 'hostile states', says Chinamasa” *Daily News* 26 November 2001.

and Southern Africa (Comesa); the Economic Community of West African States (Ecowas); the Non-Aligned Movement (NAM); the Commonwealth, excluding the United Kingdom; the joint ACP-EU delegation (excluding the United Kingdom) and led by the ACP; the National Association for the Advancement of Coloured People (NAACP) from the United States of America; individuals and countries to be invited in their own capacities include the Federal Republic of Nigeria.<sup>84</sup>

The World Council Of Churches/All Africa Council Of Churches/Zimbabwe Council Of Churches were also allowed to observe, on the condition that they did not include delegates from certain countries including Canada, US, England, Germany, Holland, Australia, and Denmark.<sup>85</sup>

Although domestic electoral law did not provide for either monitors or observers, in the 1995 election the ESC had asked local civil society groups to assist them in monitoring the election.<sup>86</sup> It was anticipated that the same procedure would again be followed in the 2000 election and NGOs had been training monitors in preparation.<sup>87</sup> It was expected that there would be over 20 000 trained monitors, mostly representing local churches and NGOs. The ESC's inclusion of NCA members as monitors came under attack from the Attorney-General, who accused the ESC of contravening the Electoral Act.<sup>88</sup> Presumably for this reason, on 20 June 2000, a further amendment was gazetted, which specified that only one monitor could be deployed in each polling station.<sup>89</sup> As the ESC had envisaged six monitors at each station, this meant that only one fifth of the 20 000 or more trained monitors would be deployed. The Elections Directorate was convinced to relax this somewhat by the new Chair of the ESC. It agreed that four monitors would be accredited to each polling station, two during the day and two during the night; only one monitor would be allowed inside the polling station at a time.<sup>90</sup>

---

<sup>84</sup> "Poll observers invited" *Herald* 29 January 2002.

<sup>85</sup> Personal communication, 26 April 2002.

<sup>86</sup> Some groups refused in 1995, because there was no guarantee of independence. See Makumbe and Compagnon, *Behind the Smokescreen*, 230-232.

<sup>87</sup> "ZCC starts training election monitors" *Mirror* 6 December 1999.

<sup>88</sup> "AG deplores recruitment of monitors" *Sunday Mail*, 18 June 2000, 4.

<sup>89</sup> GOZ, Election (Amendment) Regulations, 2000 (number 8)) Statutory Instrument 180A of 2000.

<sup>90</sup> ZCC. 2000 Parliamentary Elections Report. n.d. n.p. Section 2.3.

Like the accreditation of observers, the accreditation of monitors was confused by misinformation and administrative delays. The EU Observer mission commented “the confusion over the role of domestic monitors was not due to administrative incompetence but to a deliberate attempt to reduce the effectiveness of independent monitoring of the election.”<sup>91</sup> Three modes of identification of monitors had been arranged by the ESC: cardboard badges, T-shirts and pinneys. However, the Registrar-General’s claim to accredit monitors included the right to issue their own plastic badges incorporating monitor’s ID numbers, so that when matched with a monitor’s National ID card, which incorporates a photo, it would be impossible for monitors to trade badges. These badges were not distributed to the NGOs until Friday 23<sup>rd</sup> June which made it almost impossible to get the badges to the monitors. Only 8000 badges were ever printed, and the badges then had to be dispatched to the correct constituencies. Mistakes in this frantic process meant that Matabeleland supervisors were being sent badges for monitors based in Manicaland and *vice versa*.<sup>92</sup> Despite all this, in many areas presiding officers paid little attention to these regulations and allowed in four to five monitors in the polling station, regardless of whether they had IDs or not.<sup>93</sup>

In 2000, local church and election monitoring groups unanimously condemned the election as neither free nor fair. Their position, as sub-contractors to the ESC, further meant that the data on which it was supposed to base its report to Government, was highly critical.<sup>94</sup> This led to an announced ban on churches and NGOs conducting civic education in the lead-up to the 2002 elections.<sup>95</sup> The Chair of the ESC later modified this decision saying that churches and NGOs could provide voter education, if their materials were first approved by the ESC.<sup>96</sup> And, in late February, the MDC won a victory in which the court ruled: “It is ordered that the General Laws Amendment Act number two

---

<sup>91</sup> EU, Final report, chapter 2, 9

<sup>92</sup> ZCC, 2000 Parliamentary Elections Report. n.d. n.p. Section 5.4.

<sup>93</sup> Research Notes, 23-25 June 2000; Patrick Bond, Notes from Manicaland. Unpublished MS, June 2000.

<sup>94</sup> “CCJPZ blames Zanu PF for pre-election violence” *Standard* 1 October 2000; “ESC divided over election report” *Independent* 13 October 2000.

<sup>95</sup> “Govt to ban churches, NGOs from educating voters” *Africa Church Information Service*, 13 July 2001; “Statutory body to educate voters” *Sunday Mail* 1 July 2001.

<sup>96</sup> “NGOs free to educate voters – ESC” *Financial Gazette* 31 January 2002.

of 2002 was not lawfully enacted by Parliament and is, therefore, invalid and of no effect.”<sup>97</sup> The government’s response was to reintroduce essentially the same requirements as regulations, that is, through Presidential gazetting.<sup>98</sup>

In the end, 400 out of 12 000 monitors trained by the Zimbabwe Election Support Network were accredited by the ESC.<sup>99</sup> In practice most of the 2200 monitors trained and accredited by the ESC were civil servants drawn from the police, army, and teachers.<sup>100</sup> Army personnel were also responsible for transport of ballot papers and boxes to and from polling stations.<sup>101</sup>

## **V. What the observers said**

The observers reports of the 2002 elections have been widely interpreted as reflecting a north-south divide, but this is too simplistic an analysis; several southern observer teams sharply criticised the elections. Why are observer’s reports so inconsistent and mutually conflicting? Because, like journalists, observers became part of the story. They could not be neutral. Not simply, as Mugabe suggested, because they marched only to the tune of Tony Blair or felt an innate sympathy for white Zimbabweans, but because they were attacked, they were drawn into the conflict, not pushed out.

The most significant difference in observer’s reports reflects whether or not they emphasized on the polling days, which all agree were relatively quiescent, or the lead-up to the election, which was extremely violent. Similarly, some teams analysed the shortcomings of the institutions which administered the elections, while others commented descriptively on the course of voting.

The SADC parliamentary forum assessed the elections against the norms and standards established by SADC in March 2001. After considering a series of concerns including the political and security climate, police conduct, voters roll, freedom to

---

<sup>97</sup> “MDC wins poll case” *Daily News* 28 February 2002.

<sup>98</sup> GOZ. Electoral (Amendment) Regulations, 2002 (No. 13), Statutory Instrument 41B of 2002.

<sup>99</sup> Brian Raftopoulos, “Briefing: Zimbabwe’s 2002 Presidential Election” *African Affairs* 101 (2002), 420.

<sup>100</sup> “ESC warns monitors not to talk” *Independent* 15 February 2002.

<sup>101</sup> “Army deployed to supervise poll process” *Independent* 8 February 2002.

campaign, voting and counting, lack of independence of the electoral commission and access to public media, they concluded:

The climate of insecurity obtaining in Zimbabwe since the 2000 parliamentary elections was such that the electoral process could not be said to adequately comply with the Norms and Standards for Elections in the SADC region.<sup>102</sup>

In particular, they emphasised the ways in which Zimbabwe had neither met regional standards, nor responded to previous recommendations:

Despite various recommendations and practices in the SADC region, Zimbabwe is one of the countries without an Independent Electoral Commission. The assignment of roles to three different electoral bodies, the Electoral Supervisory Commission (ESC), the Election Directorate and the Registrar-General's Office affects efficiency and causes duplication. The government should seriously consider establishing an Independent Electoral Commission as recommended by the Forum after the 2000 legislative elections and as held by the Norms and Standards of Elections in SADC.<sup>103</sup>

In contrast, the brief OAU statement issued shortly after the conclusion of the elections, mentions only the issue of voting:

Before deployment, the OAU Observer Team was briefed by the Registrar-General, officials of the ESC, Ministers of Government, the representatives of political parties and other political stakeholders. During the three days members of the Team observed the voting process, verification and counting of votes. The OAU Observer Team wishes to commend the electoral and polling officers for the able manner in which they conducted the elections. The Team also wishes to commend the people of Zimbabwe for conducting calm and peaceful elections. On the basis of observations made during the voting, verification and counting process on the ground and the objective realities, the OAU Observer Team wishes to state that in general the elections were transparent, credible, free and fair.<sup>104</sup>

---

<sup>102</sup> Statement By The Sadc Parliamentary Forum Election Observation Mission Zimbabwe Presidential Elections 9-10 March 2002 13, March 2002.

<sup>103</sup> Statement By The Sadc Parliamentary Forum Election Observation Mission Zimbabwe Presidential Elections 9-10 March 2002 13, March 2002.

<sup>104</sup> OAU Endorses 'Free And Fair' Zimbabwe Presidential Poll OAU Observer Mission (Harare) PRESS RELEASE March 13, 2002

The official delegation from South Africa did consider the pre and post election periods, as well as such issues as freedom of the press. They mentioned in some detail the particular legal obstructionism that characterised the process:

The promulgation of laws, right up to and during the elections, that were aimed specifically to cover the administration, regulation and management of the said elections; the reversal of some of these by the courts; the gazetting of regulations to over ride the courts - all created an environment that not only caused legislative uncertainty but also threatened the integrity of the electoral process.

Their conclusion, however, was that in view of the large voter turn-out the election “should be considered legitimate.... We are hopeful that now that the people of Zimbabwe have spoken, the world will respect their verdict.”<sup>105</sup>

South Africa’s Congress of Trades Unions (COSATU) issued its own statement, based on the experience of its leadership, which formed part of the official South African delegation (COSATU had been denied the right to send their own delegation in 2002). COSATU explicitly challenged all the observer missions to explain the basis of their judgments: “ Was it the SADC electoral code? Did it consider the Commonwealth Harare Declaration or is the verdict based narrowly on Zimbabwe's controversial legislative framework?.”<sup>106</sup>

## **VI. The politics of election observing in Africa**

The scandal of election-monitoring in Africa is not the inconsistency between competing reports on the Zimbabwe elections, which as we have seen resulted from competing understandings of the role of election observers, coupled with the intense politicisation surrounding the election. The scandal is the inconsistency between the attention paid to observers reports in Zimbabwe, when compared with other countries. Jonathan Steele’s scathing analysis from the *Guardian* is worth quoting at length:

It was a disgraceful election which European Union observers and local monitors severely censured. The media were controlled. Criticising the president risked criminal charges. The police regularly moved in to

---

<sup>105</sup> Interim Statement by the SA Observer Mission on the Zimbabwean Presidential Elections of 9 and 10 March 2002 March 13, 2002

<sup>106</sup> Cosatu Statement On the Presidential Election Congress of South African Trade Unions (Johannesburg) Press Release March 21, 2002.

prevent opposition candidates campaigning and the vote-count was marked by irregularities. This sorry spectacle happened three weeks ago in a former British colony in southern Africa. Statements of indignation from Jack Straw? Not a murmur. Furious coverage in Fleet Street? A few column inches on inside pages. Talk of "smart" sanctions to punish the men who stole the election? You must be joking.<sup>107</sup>

Steele is of course not talking about Zimbabwe, but about Zambia. Sir David Steel made much the same point in the *Scotsman*:

The flaw in the international community's approach to Zimbabwe is that we have failed to take the whole process of election monitoring with consistent seriousness.... The failure ... to insist on genuinely free and fair elections [in Tanzania and Zambia] or even to find them reported in the world's press is a major reason why all the fulminating against Robert Mugabe's tyranny carried so little conviction.<sup>108</sup>

These double standards may have resulted from the incremental development of election-observing: "the standards and rules applied by the international community have been haphazard".<sup>109</sup> After the criticisms of election-observing in the early 1990s, which particularly targeted the Commonwealth observers, certain observer teams appear to have made much greater efforts to consider the preparations made for elections, as much as the process of voting and counting on election day.

In the past commentators have suggested that: "local political realities can also inhibit observers from expressing critical views....Observers inevitably seek to avoid [precipitating violence or political instability], even if it means soft-pedaling their findings."<sup>110</sup> Political dynamics meant that in Zimbabwe some observers were not constrained from such condemnations (and may have been encouraged to make them), while others were. Observer decisions seem to have reflected not so much 'local' realities as the realities of their own experiences [opposition or government] and the policy of their 'sending' organization or state. If the critical accounts of the Zimbabwe

---

<sup>107</sup> Jonathan Steele, "Zimbabwe moves us mainly because whites are suffering" *Guardian* (UK) January 18, 2002.

<sup>108</sup> David Steel "Why do we let the tyrants win time after time?" *The Scotsman* (UK) 23 March 2002, 11.

<sup>109</sup> Geisler, "Fair?" 630.

<sup>110</sup> Carothers, "The Observers Observed" 25.

election simply reflected the increasing sophistication of election observing, then we might have expected similar reactions to observer reports from Tanzania and Zambia. The reaction to Zimbabwe had less to do with the levels of violence or of electoral fraud and much more to do with the international perception of the Mugabe government's attacks on white farmers and European donors.

It has long been recognised that the west's attitude towards democracy in Africa has been contingent on their own foreign policy agendas. But in the years after the Cold War, we were led to believe that a new approach would dominate, and that democracy would be supported for its own sake. Even if we didn't quite believe in the promised 'ethical foreign policy' the funds allocated to democracy support, and the proliferation of observer missions, suggested that some change might occur. But in reality, the very process of observing the election became as political as the election itself. It was impossible, politically, for the OAU to line up against Mugabe, and with the Commonwealth. But at the same time, this created allegations of hypocrisy, when the same leaders urged support for democratic governance under the framework of a 'New Partnership for Africa'.<sup>111</sup> And the double-standards of both organisations may have lingering and negative repercussions. Increasing popular skepticism about their ability to defend the interests of the voters – as compared to donor governments, incumbent regimes, or opposition parties – may reduce their own legitimacy:

'It is like when the Organisation of African Unity monitors bad elections' said Placido Miko of the [Equatorial Guinea] Opposition Convergencia para la Democracia Social (CPDS) referring to the cessation of human rights monitoring in Equatorial Guinea, 'They always support each other and say everything is fine. Things are not fine'.<sup>112</sup>

---

<sup>111</sup> See for instance, Ian Taylor, "Commentary: the New Partnership for Africa's Development and the Zimbabwe Elections" *African Affairs* 101 (2002), 403-412.

<sup>112</sup> Nicholas Shaxson, "Equatorial Guinea: Oil Interests blamed for decision to stop monitoring; UN Accused over human rights" *Financial Times* (UK) 20/21 April 2002