

CONTENTS	PAGE
1 BACKGROUND	2
2 THE 2000 PARLIAMENTARY ELECTIONS	4
3 THE 2002 PRESIDENTIAL ELECTION	6
4 THE SADC PRINCIPLES AND GUIDELINES	8
5 THE ELECTION CLIMATE	10
6 THE 2005 PARLIAMENTARY ELECTIONS	14
6.1 THE RESULTS	15
7 THE PRE-ELECTION CLIMATE	17
7.1 PRESS REPORTS	17
7.2 THE MOVEMENT FOR DEMOCRATIC CHANGE DATA	25
7.3 ZIMBABWE ELECTION SUPPORT NETWORK	27
7.4 THE ZIMBABWE HUMAN RIGHTS NGO FORUM	28
7.5 THE ZIMBABWE PEACE PROJECT DATA	30
7.6 THE NATIONAL CONSTITUTIONAL ASSEMBLY DATA	32
7.7 OVERVIEW	35
8 ANALYSIS OF THE DATA	36
8.1 VALIDITY	36
8.2 RELIABILITY	37
8.3 RESULTS	38
9 CONCLUSIONS	43
APPENDIX 1	49
APPENDIX 2	51
ENDNOTES	52

# 1 BACKGROUND

While elections are not the only rubric for determining the legitimacy of a state, they have become increasingly important. In Zimbabwe, in the past five years, elections have been elevated to the only constitutive principle for determining legitimacy, aided considerably by the position of the African nations, and South Africa in particular. The rule of law, the independence of the judiciary, human rights and good governance, while generally accepted as additionally crucial to legitimacy and democracy, have been minimised in the Zimbabwe context by African countries, but not by the Western world in general. African countries, frequently led by South Africa, have been responsible not only for validating elections, but also for quashing motions in international meetings that would have been condemnatory of Zimbabwe's recent record in the observance of human rights and the rule of law.

Thus, apart from the adverse report by the African Commission on Human and Peoples' Rights recently accepted by the African Union (AU), Zimbabwe has escaped formal disapproval of its human rights record. The consequence of this has been a greater focus upon elections than should be necessary and an even greater emphasis on elections as the only test of Zimbabwe's legitimacy.

It was clear from the outset that the 2005 parliamentary elections would be controversial. However, in contrast to the 2000 parliamentary and 2002 presidential elections, it seemed possible that, with the promulgation of the Southern African Development Community Principles and Guidelines Governing Democratic Elections, there would at least be some form of agreed standards for assessing the acceptability of these elections. There was some hope that these standards would allow any dispute over the outcome of the elections to be resolved but, as can be seen now, this was a forlorn hope. There remains the same polarisation both within and without Zimbabwe that existed before the election. There is no consensus on the legitimacy of the government and the crisis seems not only to be persisting, but to be even worsening.

Does democracy hinge mainly upon elections and will elections provide both the necessary and sufficient conditions for the consensus that is needed for a modern democracy? Elections clearly provide both the validation for a particular regime to govern and they underpin the legal basis for the structure of the state. But, as Carothers pointed out, states and regimes can govern way short of the conditions that might describe a democracy<sup>1</sup>. In Africa the most frequent case is that countries display "feckless pluralism", with competitive elections alternating regimes, but little substantial development, either economically or socially; or "dominant power politics", with entrenched elites, weak opposition, rigged or unfair elections and little in the way of social

justice. Zimbabwe would seem to epitomise the latter characterisation, but Zimbabwe is not alone in this. As Bratton has argued, much of Africa is governed by what might be termed “liberal autocracies”:

*Covering more than half the continent's countries and over two-thirds of its population, liberalized autocracies derive their ethos from previous military and one-party arrangements, now adapted for survival in a more open environment. Leaders in these systems may pay lip service to basic political freedoms, for example by allowing token opposition. But they govern in heavy-handed fashion, typically placing strict limits on the independent press, civic organizations and political parties to the point even of imprisoning their strongest opponents or barring them from contesting elections. As evidenced by recent multiparty contests in Cameroon, Côte d'Ivoire, and Kenya (before 2002), elections are nominally competitive but are seriously flawed by ethnic conflict and the fact that the opposition can never win. At the extreme, as in Chad and Liberia, elections are the only available antidote to violence: voters calculate that the best prospects for peace lie in voting armed strongmen into office, and granting them hegemonic power, rather than allowing them to continue to prosecute a civil war. Even once-democratic regimes, like Côte d'Ivoire and Zimbabwe, may slide back into these forms of autocracy due to power grabs by military or civilian elites<sup>ii</sup>.*

Guinea-Bissau, Gabon, Kenya, Central African Republic, Gambia, Togo, Ethiopia, Cameroon and Zimbabwe fall into what Bratton terms competitive liberal autocracies, while Burkina Faso, Comoros, Congo-Brazzaville, Uganda, Mauritania, Chad, Guinea, Angola, Côte d'Ivoire, Liberia, and Equatorial Guinea are described as hegemonic liberal autocracies or, in Carothers' terms, examples of “dominant power politics”. It can be debated whether Zimbabwe represents an example of a competitive liberal autocracy, a hegemonic liberal autocracy or an example of dominant power politics. However, whatever classification is used, elections do not seem to have moved these states much along the road to “deep democracy” and this was one of the problems to be faced in the 2005 parliamentary elections in Zimbabwe.

As it turned out the road to “deep democracy” disclosed a new and startling development: Zanu-PF, which had been in power during five years of massive economic and social decline in Zimbabwe, was re-elected with a huge majority. That this was unusual in the world of politics is an understatement. But there was more to come. The Movement for Democratic Change (MDC) showed a loss of support in its usual base, the urban areas, and an increase in its share of the rural vote. This too was hard to understand: that the MDC would lose support in the towns was possible, but that they would find increased support in the rural areas seemed implausible. Although some may claim this might have been a consequence of the more “open” election

process, it does rather fly in the face of the reports in the past few years that Zanu-PF was ensuring the rural areas were “no go” areas for the MDC. Whatever the polling peculiarities of the 2005 elections, the overall result was remarkable: few countries return sitting governments to power when those governments have presided over a massive decline in the fortunes of their individual citizens, let alone return them with hugely increased majorities. The converse is more usual.

How then to understand this election? This report examines the pre-election climate in 2005 and attempts to understand the above anomalies, as well as what effect the pre-election climate might have had on the polling. It examines the results in the light of existing “hard data” on the pre-election climate, particularly information provided by the National Constitutional Assembly (NCA), which produced the most systematic reporting of the pre-election climate<sup>iii</sup>. It does not deal with the issues that have led to accusations of electoral fraud, but merely tries to assess what effect the recent and not-so-recent past might have had on the elections and the results.

## 2 THE 2000 PARLIAMENTARY ELECTIONS

The 2000 parliamentary elections were the most closely contested elections in Zimbabwe’s short history<sup>iv</sup>. In fact, not since the founding elections in 1980, had there been so much interest in elections in Zimbabwe. The rejection of the draft constitution and the emergence of the MDC brought a new energy to political life in Zimbabwe and, occurring against the background of the highly controversial land seizures, the election was scrutinised more than any other election in the country.

The 2000 elections were the most violent in Zimbabwe’s history up to that time, although they were soon superceded in this respect by the 2002 presidential election. The elections were preceded by the referendum on the draft constitution, the culmination of a highly acrimonious process in which the government’s own commission came under constant criticism from the NCA. Finally the NCA, the newly formed MDC and other civic bodies campaigned against the acceptance of the government’s draft constitution and it was rejected by a narrow majority in a low poll. For many the referendum was seen as a litmus test of Robert Mugabe and Zanu-PF’s popularity and there was considerable speculation that the 2000 election could see the eclipse of Zanu-PF.

However, against the background of the now-notorious land invasions and nationwide political violence, Zanu-PF retained power, albeit with a greatly reduced majority and the loss of its previous two-thirds majority. There was little consensus that the election had been satisfactory and the MDC immediately lodged petitions with the High Court of Zimbabwe, alleging that there

had been serious irregularities with the elections in 38 constituencies. Zanu-PF lodged one petition. Contrary to the intention of the Electoral Act, there was no speedy processing of the petitions and, furthermore, in the guise of ridding the judicial system of judges unsympathetic to the “land reform” process, the government began a process of vilifying supreme and high court judges. This resulted rapidly in the resignation of the chief justice and the resignation in quick succession of other supreme and high court judges.

Clearly the intention of the Electoral Act is that election petitions are heard speedily, because it is obvious that such petitions affect the operation of both the executive and the legislature and it follows that the ability of the state to function should not be impeded by possible defects to the state’s legitimacy. The need for speedy resolution of these disputes was made all the more imperative by the reaction of the international community to the elections. However, as the most recent and comprehensive analysis of the petition process observes, of the 39 original election petitions, only 16 were heard finally by the high court, which ruled that the results should be overturned due to electoral fraud and/or violence in seven of the cases<sup>v</sup>. Appeals against high court rulings were made to the supreme court in 13 cases, with the MDC appealing six of the rulings against it and Zanu-PF appealing all of the rulings against it. Of the 13 petitions presented to the supreme court, three have been heard to date, although no judgments have been made and ten have to be heard still.

This has meant that there has been no legal resolution in Zimbabwean law of the alleged irregularities and that those Members of Parliament (MPs) who were the subject of the petitions, apart from those who have died, have seen out the term of the 2000 parliament. This most certainly was not the intention of the process envisaged under the Electoral Act. This has meant also that the problems surrounding the 2000 parliamentary elections have persisted throughout the lifetime of the just-ended parliament and have created considerable enmity between the two parties.

The processes surrounding the petitions created other significant problems and perhaps laid part of the groundwork for the government’s hostility to non-governmental organisations (NGOs), several of which became embroiled in the petition process through their support for the victims of political violence<sup>vi</sup>.

The allegations of gross human rights violations perpetrated by the government and by government supporters were also a significant feature of the 2000 parliamentary election and resulted in numerous reports by Zimbabwean and international human rights organisations about the elections<sup>vii</sup>. The post-election climate in Zimbabwe was polarised, acrimonious and violent, especially in the many by-elections that followed the 2000 election<sup>viii</sup>.

Thus, the stage was set for the 2002 presidential election. The expectation was that this would be the acid test of Robert Mugabe’s popularity.

### 3 THE 2002 PRESIDENTIAL ELECTION

If few expected the violence that accompanied the 2000 parliamentary election, no one expected the 2002 presidential election to be less violent and few were surprised when it was more violent.

The Commonwealth had given an adverse report on the 2000 poll and had been trying hard through the Abuja Agreement to resolve the land dispute<sup>x</sup>. It made further attempts to influence the electoral process by putting pressure on Zimbabwe through the Commonwealth Minister's Action Group. Shortly before the 2002 election the Commonwealth Minister's Action Group took the unusual step of warning the Zimbabwe government that failure to adhere to the principles of the Harare Declaration could lead to Zimbabwe's suspension from the Commonwealth<sup>x</sup>.

The European Union (EU) declared targeted sanctions against a number of Zimbabwean political and other leaders, as did the United States with the Zimbabwe Economic and Democratic Recovery Act. There was considerable international concern that the election would not conform to basic democratic principles.

The 2002 election was more acrimonious and violent than the previous one and, because there was expectation of widespread irregularities, monitoring of the process was far more diligent than in 2000. Several monitoring systems had been set in place since 2000. The Zimbabwe Human Rights NGO Forum had been providing monthly reports, while the Zimbabwe Election Support Network had been developing its skills further by monitoring the by-elections in 2000 and 2001. A number of international organisations, such as Amnesty International, the International Bar Association, the International Crisis Group and Human Rights Watch had provided their own reports. It is common cause that the current Zimbabwe crisis has attracted more reports than in any other period in Zimbabwe or Rhodesia's history<sup>xi</sup>. Indeed Zimbabwe might be one of the better-documented political crises in the world today.

The 2002 election itself was mired in multiple controversies, especially relating to the many legal challenges and the changes to the laws and regulations governing the elections, which continued right up to the start of the poll. The legal and procedural basis for the 2002 election was unclear right up to the morning of the first day of the election and continued through the election, with urgent applications being made to the courts to extend polling by another day because of the slowness in processing voters and the enormous queues of people unable to vote before the polls closed.

The poll itself was different from 2000 in that the polling days saw a significant number of violent incidents. In the largely two-horse race of the 2002 presidential election Robert Mugabe was re-elected with an approximate

majority of 400 000 votes, which was roughly equal to the number of voters on the disputed supplementary voters' roll.

The consequences included division in the opinions of the international observers, rejection of the result by the MDC, the mounting of yet another petition and the suspension of Zimbabwe from the Commonwealth. In contrast to the period of quiet and the absence of violence following the 2000 poll, the months following the presidential election saw an escalation of violence in the country. Analyses of the pre-election climate during the presidential election make strong allegations about the perpetration of gross human rights violations and quite clearly implicate government agencies and Zanu-PF supporters as overwhelmingly the most frequent offenders in these allegations<sup>xii</sup>.

Once again the MDC sought remedy through the courts and, in the vein of the previous petitions, saw the pattern of prevarication and delays continue. This petition has yet to be resolved three years later. The opening rounds have seen the MDC's legal arguments for setting aside the result on purely legal grounds dismissed without judgment. The remainder of the case, which revolves around the evidence of fraud and violence, is to be heard still and the MDC has even had to resort to contempt proceedings to obtain the evidence on polling to which it is legally entitled. So, once again, petitions have not provided a remedy as the Electoral Act intended.

Thus the problem of illegitimacy was compounded, with both the executive and the legislature tainted by the accusations of electoral fraud and the use of violence. Zanu-PF and Robert Mugabe continued to govern, but the tide of critical international opinion began to mount and a greater range of punitive measures was applied against the government.

Here it is relevant to refer to the report by the African Commission on Human and Peoples' Rights, which made highly adverse comments about the government's responsibilities for ensuring the human rights of its citizens. This is the single legal, albeit quasi-legal, opinion on the current crisis in Zimbabwe, but it does not seem to have been given sufficient credence by the commission's own constituency, the AU; at least in its preconceptions about what kind of election could be expected in Zimbabwe in 2005. It seems that the AU passed on the problem to the Southern African Development Community (SADC), probably at the instigation of South Africa, which had been acting in defence of Zimbabwe since the Commonwealth Troika's meeting in March 2002.

## 4 THE SADC PRINCIPLES AND GUIDELINES

The SADC Principles and Guidelines Governing Democratic Elections were passed in Mauritius in August 2005 and were hailed immediately by all concerned as a potential solution to the illegitimacy crisis affecting Zimbabwe. If the Zimbabwe government was to adhere to these principles and guidelines then, in the eyes of many African countries, there would be no reason for any country to refuse to accept the result. The implication was that if Zimbabwe conformed in the eyes of the SADC and according to the SADC's own standards, then Zimbabwe had to be re-admitted to the international community, no matter what anyone thought of its policies.

It was also relevant to the 2005 elections that the Organisation of African Unity (OAU) had been transformed into the African Union in 2002. The Constitutive Act of the AU was the legal instrument giving effect to this transformation and it is worth noting that the act took a major step in the direction of accountability for African nations by limiting the sovereignty of its members.

There were now three situations in which the AU and its members would have the right to intervene in the domestic affairs of a member: war, coups and genocide. Unfortunately the act was silent on the issue of whether "stealing" elections amounted to some form of "velvet" coup. But there was, nonetheless, an expectation that the world now inhabited by Zimbabwe was qualitatively different in 2005 to that in 2000 and that there could be serious consequences for failure to adhere to democratic principles and processes.

This new world was reflected in the SADC's principles and guidelines, which laid out the standards expected of its members, as well as the measures to be applied by observing countries to determine whether there had been adherence to these standards. There was explicit reference also to the broader framework for democracy sought by the SADC and its members. In its introduction to the principles and guidelines, the SADC referred to its broader governance framework, set out in Article 4 of the 1992 Treaty, as well as to the Protocol on Politics, Defence and Security Cooperation:

*The Protocol on Politics, Defence and Security Cooperation provides that SADC shall "promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity [African Union] and the United Nations."*

The framework for holding elections was laid out in Section 2, as follows:

- Full participation of the citizens in the political process;



- Freedom of association;
- Political tolerance;
- Regular intervals for elections as provided for by the respective National Constitutions;
- Equal opportunity for all political parties to access the state media;
- Equal opportunity to exercise the right to vote and be voted for;
- Independence of the judiciary and impartiality of the electoral institutions;
- Voter education;
- Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land; and
- Challenge of the election results as provided for in the law of the land.

Section 4 laid out the guidelines for the observation of elections, as follows:

- Constitutional and legal guarantees of freedom and rights of the citizens;
- Conducive environment for free, fair and peaceful elections;
- Non-discrimination in the voters' registration;
- Existence of updated and accessible voters' roll;
- Timely announcement of the election date;
- Where applicable, funding of political parties must be transparent and based on agreed threshold in accordance with the laws of the land;
- Polling stations should be in neutral places;
- Counting of the votes at polling stations;
- Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and
- SADC Election Observation Missions should be deployed at least two weeks before the voting day.

On paper at least there was a framework for examining the 2005 election, although it was not clear how these principles would be tested in reality and how the guidelines would be made operational by observer missions. However, it was apparent that similar principles and guidelines had been employed previously by the SADC Parliamentary Forum and the Norwegian observer group in the 2002 election, both of which rejected the 2002 result as flawed.

The process of determining the Zimbabwe government's sincerity in implementing the principles and guidelines began immediately after the Mauritius signing and there was rapid descent into the acrimony seen in previous elections. On one side were a number of countries, which asserted that the changes being proposed and effected by the Zimbabwe government were consonant with the SADC principles and guidelines, including several countries

that went so far as to claim that the outcome could be free and fair only following the proposed changes. On the other side, and including virtually all Zimbabwean groupings, were those who saw neither substantive changes nor the possibility that any meaningful change could take place within the time scale of a few months. This group comprised a majority of Western nations, which said that legal change alone, without substantial change in the pre-election climate, could not result in an acceptable election.

So the pre-election period was polarised and acrimonious, with two “teams” opposed: one claimed, with Zanu-PF, that valid elections would take place, while the other claimed that the elections were already flawed. Meanwhile, the key political party in the clash, the MDC, decided to suspend participation in the forthcoming elections until such time as it was satisfied that the SADC principles and guidelines had been properly implemented in Zimbabwe law and electoral processes. For the critics of the Zimbabwe government it was not merely the adherence to the SADC principles and guidelines that was relevant, but also overcoming of the legacy of 2000 and 2002.

## 5 THE ELECTION CLIMATE

The legacy of 2000 and 2002 is perhaps nowhere captured more succinctly than in the Afrobarometer report on Zimbabwe issued in 2004<sup>xiii</sup>. In its study of the attitudes of Zimbabwean citizens, the Afrobarometer reported that much of the support by Zimbabweans for democracy seen in 1999 was eroding by 2004 and that Zimbabweans had become more inclined to accept the inevitability of a single-party system. In the context of violence, media restrictions and economic and social decay, the Afrobarometer unfolded the paradox of increased support for Robert Mugabe (but not for Zanu-PF), which was explained, on analysis, mostly because of propaganda rather than fear. The general conclusions of the Afrobarometer survey were startling:

- Zimbabweans are losing faith in democracy. Expressed support for this form of government is down from two-thirds of citizens in 1999 to less than one half in 2004;
- If rejection of authoritarian alternatives is included, then deep commitments to democracy are down still further. Increasing numbers acquiesce to the idea of single-party rule;
- At the same time, political parties have not fully penetrated society; one half of all Zimbabweans prefer to remain unaligned with either Zanu-PF or the MDC. Part of the reason is that three out of four think that party competition leads to social conflict;
- By a margin of more than five to one, Zimbabweans overwhelmingly reject

political violence. Whereas MDC supporters are more likely to support violence in support of a just cause, Zanu-PF partisans are more likely to have actually engaged in violent political acts;

- Fewer than half say they trust Robert Mugabe and the ruling party. While hardly a strong endorsement of presidential popularity, these figures have risen since 1999, and they far exceed the small proportions that are willing to admit trusting Morgan Tsvangirai and opposition parties.

Thus, the Afrobarometer, and other opinion surveys, found that ordinary Zimbabweans were reluctant to express their political party preferences. A high percentage of the people reported that they were “uncommitted” in their choice of party. The Afrobarometer predicted, on the basis of its findings, that the MDC would lose seats in any election controlled by Zanu-PF. Furthermore, relating to the elections, the Mass Public Opinion Institute found the following in a survey carried out in August 2004<sup>xiv</sup>:

- A significant number (37%) of potential voters are not registered as voters;
- 50% of respondents have not received any voter education at all;
- There is a worrying level of lack of awareness of the proposed electoral reforms. Only 17% of the people interviewed are aware of these reforms;
- A slight majority (54%) is not supportive of the powers the reforms give to the president to appoint the chairperson of the Independent Electoral Commission;
- Most Zimbabweans want their fellow Zimbabweans abroad to be allowed to cast their votes;
- Given the problems encountered during the presidential election in 2002, when large numbers of people were unable to cast their vote, most respondents are not supportive of the idea to limit voting to one day;
- Opinion is almost split on the intended use of transparent ballot boxes, with 53% of the respondents in support;
- An overwhelming majority (73%) is in favour of counting ballot papers at the polling stations at which they are cast;
- While a majority (51%) says the reforms proposed would level the playing field, 46% also say the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (Posa) should be repealed;
- Over half of the respondents interviewed report electoral offences, with violence and intimidation being the most prevalent;
- 64% of all the people interviewed are not in favour of the opposition boycotting the elections if their reform demands are not met. Further analysis shows that 54% of those who indicated they are MDC supporters do not favour an election boycott.

Clearly there was much to be done if these views were to be changed but, while the Zimbabwe government indicated a range of electoral reforms, there

was no suggestion that factors crucial to the creation of a “free” electoral climate would be changed. Posa and AIPPA remained on the statute books and, according to many reports, were being applied widely<sup>xv</sup>. The government even moved towards increasing the range of restrictive measures with the promulgation of the Non-Governmental Organisations Bill. This bill, which was not finally passed into law, provided for measures that would prevent local NGOs from engaging in civic education or election monitoring and observation.

However, it is wrong to assume that ordinary Zimbabweans were either ignorant of the election issues or short of solutions for ways in which the electoral process could be remedied. Work done by IDASA with various civic groups indicated that ordinary Zimbabweans were acutely aware of the problems and what needed to be done to hold free and fair elections<sup>xvi</sup>. For example, work with a number of youth groups indicated the following:

- Voting in Zimbabwe is an event not a process. The electorate is not widely involved in the process; theirs is to register and vote;
- There is no body that just does voter education and not campaigning and so people are not informed. Civic society is now very partisan and is incapable of carrying out the role of voter education, as it is now involved in campaigning;
- Different parties are not given equal opportunities as regards funding and publicity. The public media is biased;
- Electoral laws are biased and can easily be amended at the whim of the president, who may also be a candidate in the election. The law is also applied selectively, as, for example, the use of Posa illustrates this;
- No independent electoral commission;
- Manipulation through use of traditional leaders, like chiefs and headmen;
- No peaceful campaigning;
- There is no access to the electorate;
- The government does accreditation of monitors;
- There is disregard for international standards on how elections should be run;
- There is lack of transparency in the transportation of ballot boxes to the counting centres;
- Accreditation of civil servants as election monitors is intimidating, especially in rural areas where they are seen as advocates of the state;
- Voter registration is a long, tedious and difficult process;
- The presence of the police and the army at polling stations is intimidating;
- There is abuse of postal ballots;
- The voters’ roll is defective;

- There is usually displacement of people from their constituencies;
- There is confiscation of identity cards, preventing people from voting.

The young Zimbabweans were in little doubt about what needed to be reformed. However, the major concern of everyone in the pre-election period was that the poll should not be violent. It soon became apparent that concern over the breadth of conditions envisaged under the SADC principles and guidelines was supplanted by the more narrow concern about physical violence. While important, violence certainly was not the only area of concern. Draconian laws, the muzzling of the media and sustained interference with normal civil liberties were raised continually by the MDC and various civic groups. To some extent, the concern about violence was a red herring because all the evidence compiled by watch-dog groups since the presidential election in 2002 had shown a clear shift in the pattern of gross human rights violations: there was a clear move away from blunt violence and torture to more subtle forms of intimidation<sup>xvii</sup>. Of course, this was relevant to the SADC principles and guidelines, but there did not seem to be awareness among SADC countries that a pre-election climate free from physical violence meant only partial conformity to the principles and guidelines.

The conformity, or lack thereof, by the Zimbabwe government to the SADC principles and guidelines became an area of heated controversy in the pre-election climate. A number of Zimbabwean groups made it clear that they were dissatisfied with both the reforms and the lack of change in the pre-election climate. The NCA announced that it would boycott the elections, condemning the constitutional framework under which the elections were being held; while other reports indicated concerns in other areas<sup>xviii</sup>. Similar concerns were raised by international organisations<sup>ix</sup>, but the issue of whether anything approaching an election would actually take place was removed finally when the MDC announced it would participate in the elections.

The MDC's grounds for participation were clearly reflective of its concerns about both the reforms and the climate. As its press statement put it:

*More than ever the electoral playing field remains uneven and unequal. Rule of law concerns have not been addressed. The media remains muzzled. Free assembly is proscribed by the Public Order Security Act. The recently appointed Electoral Commission is yet to prove its independence. The shambolic voters' roll continues to be the principal vehicle for electoral fraud. The constituency boundaries have been subjectively gerrymandered while militia and militia bases continue to multiply. International observers continue to be unwelcome.*

The MDC stated unequivocally that it was participating "under protest" and "without prejudice" and also noted its concerns that the SADC community had apparently done little to ensure full compliance with its own principles and guidelines, especially on the issue of the observation of the elections and

the invitation of election observers.

There appeared to be a merry game over who would be invited. The Zimbabwe government took the SADC principles regarding the right to invite literally. It was made quite clear by the president that only friendly nations would be invited; it was clear that the government interpreted the SADC principles and guidelines either expansively or restrictively, according to its needs. On the one hand the presence of observers was interpreted restrictively, meaning only groups invited by the government would be allowed. Hence the SADC Parliamentary Forum and the Electoral Institute of Southern Africa were excluded. On the other hand the government interpreted the changes needed to the Zimbabwean electoral system highly expansively, arguing that it had made all the reforms necessary for full compliance, which unfortunately was supported by members of the SADC community.

In the final analysis, the MDC participated and a number of observer groups were allowed in, although no external observer group was present for more than three weeks before the election. This was apparently in contravention of the SADC principles and guidelines, which require observation to begin 90 days before an election. Here, it is significant that the AU observer group referred explicitly, in its report on the election, to being able to comment only “at the point of the ballot”.

There was little internal or external consensus on either the adequacy of the reforms or the desirability of the pre-election climate when the country went to the polls on 31 March. Indeed a number of Western countries and the EU had indicated already that they would not recognise any result as valid.

## 6 THE 2005 PARLIAMENTARY ELECTIONS

**I**t was against this background that the country went to the polls. As polling goes, the day was peaceful and not marred by the long queues and delays seen in 2002; the massive increase in the number of polling stations seemed to have obviated this problem. There was no violence of any significant nature, but the acrimony began almost the moment polling ended. This report will not deal with the many allegations of irregularities since these have been covered in a number of other reports<sup>xx</sup>. However, the MDC rejected the results and, after some prevarication, indicated that that it would both attend parliament and institute petitions for 31 constituencies. Zimbabwean civic groups largely rejected the outcome as flawed.

IDASA, monitoring the observer process, issued a statement on 3 April, indicating that no significant statement could be made about the validity of the elections, as the integrity of the process could not be confirmed in a number of areas:

- The printing, distribution and auditing of the ballot papers;
- Tabulation, verification and announcement of results following tallies at local polling stations;
- A lack of clarity on the postal votes, their numbers and their allocation through constituencies;
- As yet unexplained discrepancies between the figures announced by the Zimbabwe Electoral Commission and the official results for some constituencies; and
- Markedly high numbers of people being turned away which is significant in relation to the margin of victory in a number of constituencies.

The SADC Observer Group and the South African Observer Mission pronounced the elections free and fair, while the AU, as indicated earlier, gave a somewhat more qualified approval. The South African Council of Churches (SACC), in contradistinction to the Zimbabwe Council of Churches (ZCC), did not concur with its South African and regional colleagues. The SACC said in its statement of 7 April:

*Based on the present evidence and analysis of the SADC guidelines, the coalition cannot pronounce the elections as being free and fair without qualification. We particularly regard as morally questionable the pronouncement by the South African Observer Mission that, primarily due to the peaceful climate that prevailed during the elections, the elections are necessarily free and fair. As to the credibility and legitimacy of the outcomes, the coalition believes that this judgment must and will be made by the people of Zimbabwe, their courts and their political parties.*

There remain, as in 2000 and 2002, serious divisions in international and regional communities over the validity of the elections and, hence, over the legitimacy of the Zanu-PF government.

## 6.1 THE RESULTS

The first and most glaring result was the massive increase in the number of seats won by Zanu-PF. This result led to immediate speculation by all manner of parties. That a government would be returned with a massive two-thirds majority after the near collapse of the economy, as well as the widespread diminution of most people's standards of living – whether directly responsible for this or not – was a surprise to many and not merely the political scientists of the world. As stated earlier, governments that fail their people sometimes retain power but few, in any, have been returned to power with an increased majority, let alone a majority on the scale obtained by Zanu-PF.

The results in Table 1 indicate that the MDC lost a large number of seats from 2000, when it won 58 seats. Zanu-PF increased its tally from 62 seats in 2000 to 78 in 2005 and, with the 30 seats appointed at the discretion of the president, now had a clear two-thirds majority in the House of Assembly. There was one Independent elected, Dr Jonathan Moyo, former minister of information and now expelled from Zanu-PF, who won the Tsholotsho seat in Matabeleland North.

**Table 1: Final results according to the Zimbabwe Electoral Commission**

Provinces	ZanuPF votes	ZanuPF seats	MDC votes	MDC seats	Others seats
Bulawayo	22611	0	85454	7	0
Harare	112143	1	234138	17	0
Manicaland	191577	13	146538	2	0
Mash East	243398	13	85600	0	0
Mash central	229525	10	43092	0	0
Mash West	200699	12	77942	1	0
Masvingo	211435	13	99044	1	0
Mat North	58727	1	85883	5	1
Mat South	70805	3	70033	4	0
Midlands	228887	12	139386	4	0
<b>Total</b>	<b>1569807</b>	<b>78</b>	<b>1067110</b>	<b>41</b>	<b>1</b>

There was immediate dispute over the results and a large number of anomalies were noted. Since the question of whether these anomalies constitute serious irregularities or are sufficient to vitiate the election is well covered by other reports, we shall confine ourselves to a single, but important, related question: did the pre-election climate affect the results?

There was immediate acrimony, as the MDC commented in its final report:

*More than 133 000 voters attempted to participate on election day but were turned away. Unknown thousands of voters were either added or subtracted from vote tallies in 72 of 120 constituencies where figures were made available by the Zimbabwe Electoral Commission (ZEC). We still have received no explanation from the ZEC for the serious inconsistencies in the ZEC's own figures.*

The MDC alleged serious irregularities in the poll in 30 constituencies, citing large discrepancies between the numbers announced at close-of-poll totals and the final count. In its statement on the day after the poll and also in its final report, the MDC made strong reference to the discrepancies in the 30 constituencies shown in the list on page 17. Indeed, the discrepancies were enormous and immediately created the impression of fraud, but this will be established only during the election petitions, because the Zimbabwe



Electoral Commission has not, to date, released a detailed report on the election.

#### Constituencies in which irregularities are alleged by the MDC

Province	Constituency	Province	Constituency
Mat South	Beitbridge	Mash East	Chikomba
Manicaland	Buhera North	Mash East	Goromonzi
Manicaland	Buhera South	Mash East	Hwedza
Manicaland	Chimanimani	Mash East	Marondera East
Manicaland	Chipinge North	Mash East	Murehwa North
Manicaland	Chipinge South	Mash East	Murehwa South
Manicaland	Makoni East	Mash East	Mutoko North
Manicaland	Makoni North	Mash East	Mutoko South
Manicaland	Mutare South	Mash East	Seke Rural
Manicaland	Mutare West	Mash West	Chegutu
Manicaland	Mutasa North	Mash West	Hurungwe East
Manicaland	Mutasa South	Mash West	Kariba
Manicaland	Nyanga	Mash West	Manyame
Mash Central	Mudzi East	Mat South	Gwanda
Mash Central	Mudzi West	Mat South	Insiza

## 7 THE PRE-ELECTION CLIMATE

The pre-election climate was covered by a number of different bodies, including the MDC. A brief summary of the major findings of these groups follows. The concern in this report is not about the “fair” component of this period, issues relating to electoral laws, institutions, etc, but about the “freeness” of the period, with the effects of the pre-election period on the basic freedoms of ordinary Zimbabwean citizens and their ability to freely participate in the processes leading up to polling.

### 7.1 PRESS REPORTS

Although the government is notorious for severely restricting reporting within Zimbabwe, there still was a degree of reporting on events during the pre-election period and it was evident from regular surveillance of the media, both national and international, that the election was attracting widespread interest. IDASA kept a database of the media reports, which were analysed according to the SADC principles and guidelines. These were classified according to the indicators developed by the NCA<sup>xxi</sup>.

Examples of media coverage follow.

**7.1.1 INTERFERENCE WITH FREEDOM OF ASSOCIATION (NCA DEFINED THIS AS INTERFERENCE WITH A PERSON'S RIGHT TO WEAR HIS OR HER PARTY'S INSIGNIA AND THE ABILITY TO ERECT POSTERS OF HIS OR HER CHOICE)**

In Chiredzi a senior Zimbabwe National Army officer, Col Killian Gwanetsa, is campaigning for Zanu-PF using an army vehicle. Last Friday, 4 March, Gwanetsa instructed two war veterans, Elson Muko and Flaxman Mpapa, to pull down campaign posters for the MDC candidate, Emmaculate Makondo. (*The MDC, SADC Protocol Watch: Issue 10*)

An MDC youth activist, Thembekile Moyo, 29, was reportedly badly injured on Monday night after being struck with a stone while putting up posters for the MDC Insiza candidate, Siyabonga Malandu Ncube. The MDC said Moyo, who was with Malandu and a group of MDC youths, was struck after having been waylaid in the dark by the Zanu-PF group. Moyo was struck in the leg and sustained a suspected fractured leg. The Zanu-PF group was reportedly led by Spare Sithole, who is the election agent for the Zanu-PF candidate for Insiza and the Deputy Minister for Transport and Communications, Andrew Langa. The MDC said when the police arrived at Filabusi Centre they found Langa's brothers, Ben and Sindiso, with a group of Zanu-PF supporters pulling down the MDC posters. The group ran away, but Sindiso Langa and one member of the militia were apprehended. (*Zim Online, 22 February 2005*)

At least ten candidates for Zimbabwe's opposition Movement for Democratic Change (MDC) have been arrested for putting up posters or trying to campaign ahead of this month's parliamentary election, party officials said yesterday. "MDC candidates and activists appear to be the target of increasing police harassment as polling day approaches," said Paul Themba Nyathi, an MDC spokesman. (*The Scotsman, Scotland, 7 March 2005*)

**7.1.2 INTERFERENCE WITH FREEDOM OF ASSEMBLY (NCA DEFINED THIS AS THE NUMBER OF POLITICAL MEETINGS HELD AND FORCED ATTENDANCE TO POLITICAL MEETINGS)**

Police stood by as violence flared up in Manicaland Province as ruling Zanu-PF party and President Robert Mugabe and opposi-

tion leader Morgan Tsvangirai began a blitz on the province to garner votes barely two weeks before the March 31 election. Zanu-PF activists and the controversial government-trained youth militia beat up suspected supporters of Tsvangirai's Movement for Democratic Change (MDC) party and force-marched entire villages to rallies addressed by Mugabe here. (*Zim Online, 18 March 2005*)

Harare – Zanu-PF held six rallies in Harare (Harare South, Mbare, Epworth), and Chitungwiza (Zengeza 4 Crèche and Seke Unit 'A' Crèche) over the weekend. A series of meetings were also held in Bulawayo, Midlands (Mataga, Chitombo, Gokwe), Mashonaland East (Mutoko North) and Matebeleland North over the weekend. On the other hand, the MDC addressed rallies in the Midlands (Gweru Urban and Rural, Zvishavane), Mashonaland East and West (Guruve North and South) and also in Harare (Hatfield/Epworth). (*Daily Mirror, Zimbabwe, 23 March 2005*)

### 7.1.3 INTERFERENCE WITH FREEDOM OF MOVEMENT (*NCA DEFINED THIS AS INTERFERENCE WITH MOVEMENT, WITHIN AND OUT OF THE CONSTITUENCY AND THE INTRODUCTION OF NEW RESIDENTS*)

Police have barred MDC Harare Central legislator Murisi Zwizwai from holding a road show on Saturday to boost his chances of winning the seat on an opposition ticket. Officer commanding police Harare suburban district, Chief Superintendent Kunene said he could not sanction the road show because it was not confined "to any particular constituency or police district" despite the letterhead of Zwizwai's request clearly stating the constituency in which the campaign will be held. Zwizwai's lawyers, Kantor and Immerman yesterday wrote to Kunene questioning the decision to ban the road show. Replying to the lawyers the police said they could not guarantee the safety of participants, the show could trigger violence and that its personnel had already been deployed to polling stations ready for the elections. (*Daily Mirror, Zimbabwe, 23 March 2005*)

The Zimbabwe Republic Police (ZRP) has discouraged election candidates from conducting car rallies or road shows in the run-up to the March 31 election. The Police Elections Committee says this type of electioneering could lead to public disorder. (*SABC, 25 March 2005*)

#### 7.1.4 INTERFERENCE WITH FREEDOM OF EXPRESSION (*NCA DEFINED THIS AS THE ABILITY TO EXPRESS ONESELF FREELY AND READ A NEWSPAPER OF ONE'S CHOICE*)

Police in Manicaland province have ordered opposition election candidates in the province not to denounce President Robert Mugabe during campaigning or they will be arrested. Senior assistant police commissioner Ronald Muderedzwa, in charge of the law enforcement agency in Manicaland, told seven Movement for Democratic Change (MDC) party candidates at a meeting here in Mutare, the provincial administrative centre, that they will be arrested for denouncing Mugabe. (*Zim Online, 19 March 2005*)

A satellite dish and ancillary equipment which was supposed to be delivered by Reuters to *The Zimbabwe Independent* and *Standard* newspapers, has been confiscated by government at Beitbridge border post. The equipment is for receiving data only but the authorities at the border, including police and intelligence officers, believe that the newspapers would like to use the equipment to broadcast messages to recipients abroad during the election period. (*The Zimbabwe Independent, 25 March 2005*)

#### 7.1.5 INCIDENCES OF POLITICALLY MOTIVATED VIOLENCE (*NCA DEFINED THIS AS POLITICAL VIOLENCE, GENDER-BASED VIOLENCE, HATE SPEECH AND INTIMIDATION, PRESENCE OF MILITIA BASES, INTER- AND INTRA-PARTY VIOLENCE*)

Opposition Movement for Democratic Change (MDC) leader Morgan Tsvangirai said despite relative peace in the run up to the elections in the country, constituencies being contested by cabinet ministers remained the most violent areas. Last week, Langa's two brothers were detained by police after they allegedly attacked and threw stones at an MDC campaign team. "In some areas we have Zanu PF youths moving in the dead of the night threatening villagers to vote for Zanu-PF and the result of the election would hinge on those fraudulent activities," Tsvangirai said. He said despite calls for peace by President Robert Mugabe, most cabinet ministers were still using intimidatory and underhand tactics against the electorate, especially the villagers in the rural areas. (*The Standard, 20 March 2005*)

Zanu-PF held a series of meetings in Mashonaland East. The

general theme in the addresses centred on the articulation of the party's manifesto and the exposure of the MDC as a front for imperialism. The MDC was castigated for inviting sanctions against the country, for championing imperialist interests and for harbouring intentions to return land to former white owners. (*Daily Mirror, Zimbabwe, 18 March 2005*)

Some commuter omnibus drivers plying the City-Tafara/Mabvuku route were on Wednesday reportedly assaulted by alleged Zanu-PF youths who are said to have forced the drivers to wear Zanu-PF T-shirts and paste campaign posters on their vehicles. (*Daily Mirror, Zimbabwe, 25 March 2005*)

The Mugabe Government's claims of a free electoral environment were silently mocked yesterday at an opposition rally by the presence of a government intelligence agent. Perched on the side steps of the opposition's campaign stage, taking notes, the Central Intelligence Organisation (CIO) officer was clearly an intimidating presence during three hours of political speeches just outside Bulawayo. (*The Age, Australia, 30 March 2005*)

#### 7.1.6 ELECTION PROCEDURES AND ELECTORAL IRREGULARITIES (*NCA DEFINED THIS AS DISAGREEMENTS BETWEEN POLITICAL PARTIES AND CANDIDATES OVER RIGHTS TO CAMPAIGN, ELECTORAL LAWS AND REGULATIONS, ETC*)

Zimbabwe's opposition Movement for Democratic Change (MDC) party has raised concern with Southern African Development Community (SADC) election observers that the military, known for its strong loyalty to President Robert Mugabe, will run the country's upcoming election. The opposition party, which insists the political playing field is still heavily tilted against it, also protested that it was being denied free access to the voters' roll to be used in the March 31 poll, according to Mlambo-Ngcuka. "They (MDC) also raised concern over access to the voters' roll and that most returning officers had been recruited from the army and police," Mlambo-Ngcuka told journalists in Harare yesterday (*Zim Online, 18 March 2005*)

The voter rolls are crucial – and contentious. A computerized study in January of 100 000 registered voters by the FreeZim Support Group, a pro-democracy organization, concluded that as many as two million of Zimbabwe's 5.6 million registered voters are suspect. The group estimates that 800 000 voters are dead, 300 000 are listed more than once and more than 900 000

do not live at their recorded addresses. Opposition efforts to challenge the lists have proved futile. David Coltart, an MDC legislator from Bulawayo, dispatched supporters house to house last month to verify his region's rolls. The police arrested them within hours, saying they needed permission for political gatherings. Armed with a court order, he re-deployed the team – and they were arrested again. (*New York Times*, 18 March 2005)

The government of President Robert Mugabe has hand-picked observers for Zimbabwe's upcoming parliamentary vote in what critics call a shallow and transparent attempt to restore legitimacy to the country's discredited democracy. It has systematically barred observer missions from countries and groups that said elections in 2000 and 2002 were flawed and probably stolen by Mugabe and his Zanu-PF party amid massive vote-rigging and state-sponsored violence and intimidation. Observers for the March 31 elections have been invited from generally pro-Mugabe African states, such as South Africa, friendly countries such as China, Iran and Venezuela, and from the Southern African Development Community, a generally supportive regional body. Those excluded include the European Union, the United States and the Electoral Institute of Southern Africa, the South African Council of Churches and the SADC Parliamentary Forum – the only African mission to condemn the 2002 presidential elections. (*Las Vegas Sun*, also reported in *The AFP*, 30 March 2005: *Australia complains its broadcaster barred from Zimbabwe polls*, in *News24*, 4 March 2005: *DA observer to Zim excluded*, in *Mail & Guardian*, 15 March 2005: *Zim govt shuts out trade unions from poll*, and again in *Business Day*, 17 March 2005: *Unions barred from elections*)

A climate of fear and intimidation means next week's parliamentary elections in Zimbabwe will not be free and fair, Human Rights Watch says. Its new report finds there is less violence than in previous elections but threats and fear remain widespread. The 35-page report lists numerous incidents where opposition supporters have been arrested or beaten by ruling Zanu-PF activists with impunity. Traditional chiefs have been asked to compile lists of potential opposition supporters, and voters in desperately hungry rural areas have been told they might not get food aid if they don't vote for the ruling party. The report reaches similar findings to one published last week by another human rights group, Amnesty International. (*BBC*, 22 March 2005)

### 7.1.7 VOTER EDUCATION (NCA DEFINED THIS AS "FORMAL", CARRIED OUT BY ZEC OR ITS APPOINTEES, OR "INFORMAL", CARRIED OUT BY POLITICAL PARTIES OR NGOS)

Zimbabwean civic groups on Wednesday said a drive to educate voters ahead of crunch polls later this month has come too late as the southern African country's newly appointed electoral commission began training its own educators. "It's too late for this year's elections," said Reginald Matchaba-Hove, chairperson of Zimbabwe's Election Support Network, a non-governmental organisation dedicated to voter education.

"We however commend the Zimbabwe Electoral Commission's efforts to conduct voter education to fulfil a part of its mandate," he told AFP, but added that it was too late to teach people to inspect the voters' register since it had closed last month. "We can only conclude that the government is not serious about electoral reforms. The so-called electoral reforms are there in theory, but they are useless," he said. "The voter education will be useful perhaps for future elections," Matchaba-Hove said.

This view was echoed by a member of a lobby group advocating constitutional reform in the country. "Our view is, 'It's too little, too late'," said Jessie Majome of the National Constitutional Assembly (NCA), a coalition of Zimbabwe's civic society and rights groups. The electoral commission appointed by Mugabe in January conducted one-day seminars for senior voter educators in Harare and Bulawayo on Wednesday. The voter educators are expected to train facilitators across the country. (*Sapa, 10 March 2005*)

The Zimbabwe Electoral Commission (ZEC) has done little to educate voters on their rights ahead the country's month-end parliamentary election. Under new electoral laws, only the government-appointed ZEC is permitted to carry out voter education. But the commission hastily appointed at the beginning of the year lacks resources or enough staff to carry out a nationwide campaign to educate voters. Before the new regulations, non-governmental organisations had carried out most voter education work. (*Zim Online, 18 March 2005*)

"One gets the impression that there is extensive discontent on the ground but whether this will translate to votes for the opposition is questionable. There is a very low level of voter education, estimated to be happening in only 11% of Zimbabwe." A

statement made by Charles Villa-Vicencio after a mission to Zimbabwe as part of a nine-member team of the Zimbabwe Solidarity Network. (*Sunday Argus, South Africa, 6 March 2005*)

#### 7.1.8 POLITICAL USE OF FOOD (NCA DEFINED THIS AS BEING REFUSED FOOD DUE TO POLITICAL AFFILIATION, AS WELL AS THREATS TO DEPRIVE CITIZENS OF FOOD FOR FAILURE TO VOTE FOR A POLITICAL PARTY)

A leader of Zimbabwe's opposition Movement for Democratic Change (MDC) met hundreds of supporters in one of Zimbabwe's oldest slums on Saturday and slammed President Mugabe's government for ignoring the plight of the poor community. Mashakada, the Member of Parliament for the area, repeated charges that the ruling Zimbabwe African National Union-Patriotic Front (Zanu-PF) is using food to lure voters and urged his supporters to "take their food and vote for your party". Opposition and civic organisations have claimed Mugabe's government is using food to try to win support in the country that is facing severe shortages of the staple maize. MDC shadow minister for agriculture Renson Gasela said on Friday Zanu-PF officials were "punishing" opposition supporters by denying them food. (*News24, 19 March 2005*)

Villagers are forced to attend Zanu-PF rallies and warned that food aid will be withheld if they vote for the opposition. People in Zimbabwe's rural constituencies are living in fear despite President Robert Mugabe's public assurances – particularly to his most important ally, South Africa's president Thabo Mbeki – that there will be no violence or intimidation at the March 31 parliamentary election. Villagers are being frog-marched to rallies of the ruling Zanu-PF party and, as famine intensifies, peasants are being warned they will be denied government-controlled food aid unless they support Mugabe's candidates. "We are being warned at Zanu-PF rallies that there will be no food aid for us if the MDC wins the election," Norman Mudekunye, who lives about 20km outside Marondera, told IWPR. (*Institute for War and Peace Reporting, 18 March 2005*)

Some rural supporters of Zimbabwe's main opposition, the Movement for Democratic Change, MDC, say they are not allowed to buy grain from the only legal grain trader, because they are not members of President Robert Mugabe's ruling Zanu-PF party. Jeslia Sibanda, who is 69 and disabled, says she was



turned away from buying food last Sunday by ruling Zanu-PF officials. "Food is there, but it is the hands of Zanu-PF," she said. "I, for one, I am a known MDC supporter, and I have tried to force myself under difficult circumstances to get to the venue or the selling point, but once there, you are told point blank that the food is not meant for MDC supporters, but for Zanu-PF." (VOA, 22 March 2005)

This brief selection shows that there were many reports indicating non-observance of the SADC principles and guidelines and these were corroborated by the reports of independent monitoring groups. The assertion by the ruling party and the police, as well as by various observer missions, that the pre-election climate was free is not strongly supported by the press reports, which show that the period preceding election day was fraught with election irregularities, marred by intimidation and in some areas physical violence. Here we must comment that the state-controlled media did not portray this picture, but the discrepancies in press reporting have been well covered elsewhere<sup>xxii</sup>.

## 7.2 THE MOVEMENT FOR DEMOCRATIC CHANGE DATA

The MDC provided a detailed report on the elections, which included a lengthy section on the violations alleged during the campaign period<sup>xxiii</sup>. The MDC also issued monthly reports following the promulgation of the SADC principles and guidelines that outlined its views on the government's progress in adhering to these principles, which included instances of infringements of basic freedoms and political violence.

In its election report the MDC provided narrative examples by province of electoral irregularities. It is not evident from the report if the examples cited are inclusive of all irregularities reported to the MDC or are merely case examples to illustrate the party's point that irregularities were taking place. Thus, it is not possible to draw any conclusions from the report of the overall incidence of such irregularities. It is, however, possible to use the MDC data to draw inferences about trends, which can be compared with other data sources.

Accordingly, the MDC data were entered on a spreadsheet as digital entries (present or absent), using the same categories used by the NCA. The data are described and reflect the data from 118 individual cases reported in the MDC report.

According to the MDC data, infringements of the basic freedoms of association (19.5%), assembly (25.4%), and expression (1%) were reported. In the case of the freedom of association these related mostly to incidents where supporters were forced to remove T-shirts or, most commonly, to remove posters, or where there was interference with erecting posters. Disruption of meetings

or the prevention of holding meetings were the most common infringements in the freedom of assembly category. Interference in the freedom of expression category was not reported as frequently in the NCA reports.

The breakdown for the provinces is described in Table 2. The MDC data indicated that the greatest number of irregularities was reported in Manicaland and, in general, the pattern is not dissimilar to that observed in previous elections. Nearly 40% of the irregularities were reported in Zanu-PF's stronghold, the three Mashonaland provinces, where the MDC did not do well in 2000 or in 2005. Five provinces account for more than 80% of the irregularities reported and these are largely the same provinces cited in previous elections.

In contrast to the assertion that the pre-election climate was peaceful, the MDC data indicate that violence and intimidation were found in 64% of the cases reported, while political use of food was found in 20% of the cases. The MDC data also indicate that 23% of the reports dealt with disruptions of meetings while, in 3% of cases, supporters were harassed or assaulted for wearing party insignia and, in 18% of reports, erecting posters was prevented or posters were torn down.

**Table 2: Number and percentages of reports per province.**

Province	Number of reports	Percentage of total
Bulawayo	2	1.7%
Harare	12	10.2%
Manicaland	20	16.9%
Mash Central	15	12.7%
Mash East	15	12.7%
Mash West	16	13.6%
Masvingo	4	3.4%
Mat North	3	2.5%
Mat South	11	9.3%
Midlands	20	16.9%

In terms of human rights violations reported, as Table 3 shows, a variety of serious offences allegedly took place.

Table 4 indicates the identities of the alleged perpetrators of the violations. It is notable that the trend observed is similar to that seen in previous elections<sup>xxiv</sup>. Zanu-PF supporters and the Zimbabwe Republic Police (ZRP) are the major offenders, the same as previous elections although, according to the MDC data, the percentage of cases in which the ZRP were perpetrators rose dramatically in 2005. This would appear to be related mainly to the involvement of the ZRP in the application of Posa, but not exclusively so, as the MDC reports also indicate that the ZRP were alleged to have committed serious offences involving violence as well.

**Table 3: Percentage of human rights violations indicated in MDC reports**

	Percentage
Abduction/kidnapping	3%
Assault	18%
Attempted murder	3%
Death threats	3%
Murder	1%
Property-related offences	6%
Torture	2%
Unlawful arrest	16%
Illegal detention	15%

**Table 4: Perpetrators of human rights violations against the MDC**

	Percentage
Zanu-PF supporter	72%
Zimbabwe Republic Police	25%
Zimbabwe National Army	7%
Central Intelligence Organisation	1%
Zanu-PF youth	5%

### 7.3 ZIMBABWE ELECTION SUPPORT NETWORK

The Zimbabwe Election Support Network (ZESN), the major Zimbabwean grouping involved explicitly in monitoring elections, provided a number of reports in the pre-election period, as well as a close-of-poll statement and a final report<sup>xxv</sup>. The major content of these reports dealt with the electoral framework. ZESN did not conclude that the pre-election climate – apart from the imbalance in access to the media, the existence of draconian laws and the inadequacy of the electoral reforms – was unsatisfactory. ZESN said in its final report:

*The 2005 election campaign was different in atmosphere and tones from previous elections especially those of 2000 and 2002. There was significant change from the intimidation, coercion and political violence that characterised those elections. By and large, it was peaceful with a surprising level of political tolerance. A major contributing factor to the atmosphere of peace and tolerance was the early and consistent calls for “zero tolerance” on violence from the president, political party leaders, police and security chiefs, as well as from the contesting candidates themselves. The call for peaceful campaigning was also picked up and disseminated by the media.*

Thus, it appears that ZESN too endorsed the notion that a satisfactory climate was defined by the presence or absence of overt political violence and provided no evidence of monitoring of the climate. ZESN could thus conclude as follows:

*While a few incidents of inter-party and intra-party clashes occurred, these were on a limited and sporadic scale. No politically motivated killing was reported during the campaign. This may be compared with about 30 in 2000 and 54 in 2002 (ZESN, 2002). The calm atmosphere*

*has encouraged the official media to extol what it termed “political maturity” among Zimbabweans.*

However, ZESN did not highlight, except in reference to the use of traditional authorities, the political use of food, the lack of access to the media and the levels of intimidation and interference with basic freedoms that had provoked widespread comment from other groups and agencies. ZESN’s final report reached a conclusion, therefore, that is not shared by any of the other Zimbabwe monitoring groups and hence arrives at an unsubstantiated conclusion, except that generally it can be agreed that 2005 was less violent in overt respects than 2002 or 2000<sup>xxvi</sup>.

## 7.4 THE ZIMBABWE HUMAN RIGHTS NGO FORUM

The Zimbabwe Human Rights NGO Forum has provided monthly reports on human rights violations in Zimbabwe since July 2001, as well as a number of analytical and special reports. The forum produced a pre-election report in March 2005<sup>xxvii</sup>. It concluded:

*It has not been possible in the limited space available to highlight the many other aspects of the impending election that fly in the face of accepted democratic norms – such as the fact that the government has arrogated to itself the sole power to conduct voter education programmes and that legislation recently passed by parliament has severely curtailed the operations of civil society organisations. The intention here is simply to outline some key aspects. Much of the damage to the democratic process has already been done. The chief culprit, this time around, ahead of violence and the closure of democratic space, is the politicisation of food handouts. If this is not effective, there is a danger that the defective voters’ roll, the voting process and vote counting will be manipulated to secure a Zanu-PF victory.*

The forum’s view that the pre-election climate was unsatisfactory is bolstered by analysis of the statistics provided by its monthly political violence reports. From August 2004 to December 2004 there was a steady decline in the number of violations reported. Clearly this is what led many to conclude that the 2005 election was different. However, from January 2005 onwards, there was a steady increase in the number of cases reported until the total reached in March 2005, which exceeded that of August 2004. In fact, as the Redress Trust’s analysis of the pattern of human rights violations in Zimbabwe noted<sup>xxviii</sup>, election months generate nearly twice as many reports of violations than are reported in months when there are no elections. The number of reported violations in the first three months of 2005 was equal to the total number reported in the last five months of 2004.

Table 5 shows the comparison between the last five months of 2004 and the first three months of 2005, the campaign period of 90 days under the SADC principles and guidelines.

**Table 5: Comparison of human rights violations before and during the campaign period (August to December 2004 and January to March 2005)**

	2004 (August to December)	2005 (January to March)
Unlawful arrest and detention	308	285
Torture	21	7
Property-related violations	65	0
Political discrimination and intimidation	208	132
Murder	0	1
Freedom of expression, association and movement	356	316
Displacement	21	137
Death threats	2	7
Assault	260	157
Abduction/kidnapping	19	11
<b>Total</b>	<b>1260</b>	<b>1053</b>

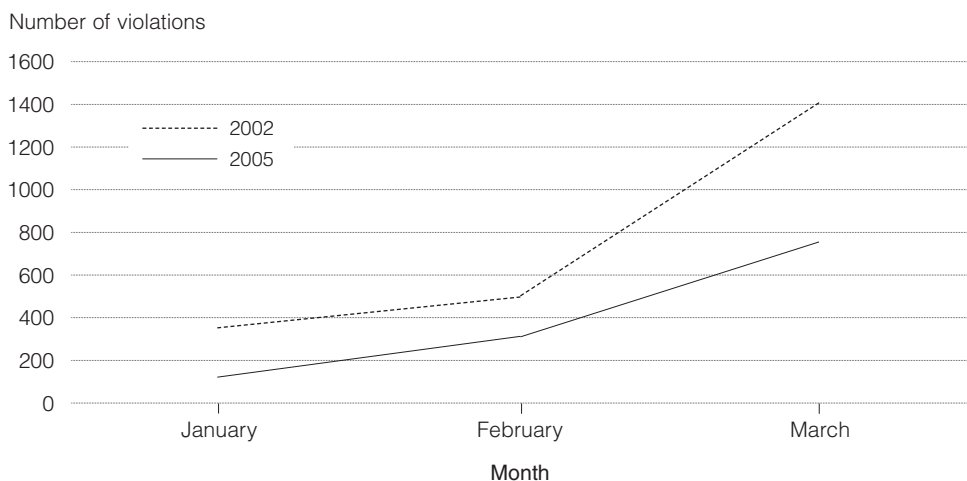
There are some interesting changes in the patterns: there is a massive increase proportionately in violations involving unlawful arrest and detention, political discrimination and intimidation, assaults and interference with the freedoms of expression, association and movement. This is in accordance with the findings of the MDC and the NCA and, as regards violence and intimidation, with the findings of the Zimbabwe Peace Project.

It is interesting to compare 2005 with 2002 and to see, in Figure 1 on page 30, that the same trend is seen in 2005: there is a steady rise in violations as the election approaches.

Thus, in general terms, the data from the Zimbabwe Human Rights NGO Forum show similar trends to those reported by the MDC. There is indeed a decrease in overt violence compared with 2000 and 2002, but there is a trend to more subtle forms of violation replacing overt violence, and particularly interference with basic freedoms, political discrimination and what certainly is unlawful arrest and detention under Posa. The forum's data do not accord with a pre-election climate that conforms to the SADC principles and guidelines, as the SADC itself states in its pre-election report.

**Figure 1**

Comparison between Presidential Election (2002) and Parliamentary Elections (2005): Human rights violations per month in the campaign period



## 7.5 THE ZIMBABWE PEACE PROJECT DATA

The Zimbabwe Peace Project (ZPP) issued a number of reports during the pre-election period, as well as a final report on the elections. The ZPP reports were given mainly as narrative descriptions of incidents, with quantitative expressions of the total number of violations alleged.

The final ZPP report was based on the reports submitted by 240 community monitors from November 2004 to January 2005. This meant two monitors for every constituency in the ten provinces and thus can be regarded as a comprehensive overview of the political violence seen across the country in the pre-election period. Unfortunately, the ZPP reports focus exclusively on political violence and it is difficult to gauge the extent of the more subtle forms of electoral irregularity.

The ZPP comment that the number of cases reported showed a steady increase towards the time of the election echoes the findings of the Human Rights NGO Forum. Figure 2 shows there is strong correspondence with the forum's findings shown in Figure 1. Interestingly, the ZPP data suggest a greater number of violations than in 2002. This does not, of course, mean that the 2005 election was more violent. It might be the result of better data capture. It might reflect also a greater number of violations other than physical violence. This apparent discrepancy deserves more attention.

The trend of human rights violations increasing towards polling has been observed in most elections in the past five years and hence the ZPP's data do not reflect the views of some observers that the pre-election climate was satis-

factory. It is, however, in the detail of the ZPP reports that the views of the government and some regional observers are refuted.

## Figure 2

Comparison of pre-election trends: 2002 and 2005

Number of violations reported

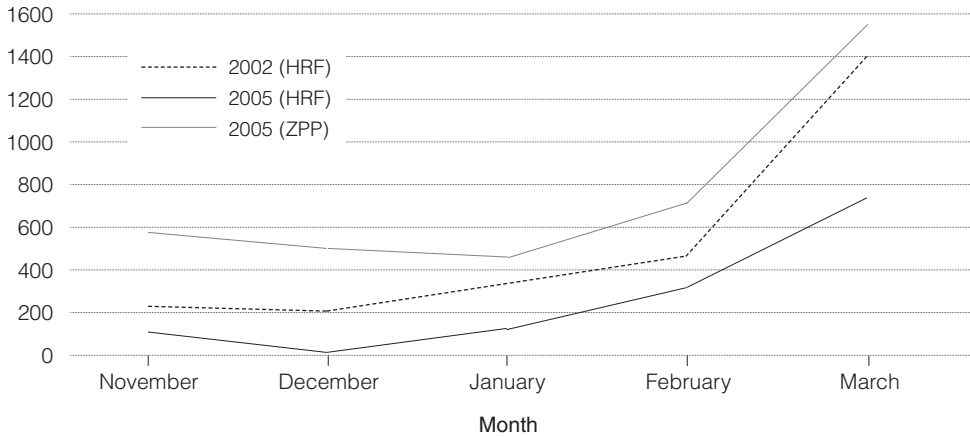


Table 6 shows there was a large number of alleged violations in the five months before the elections. Assaults and harassment or intimidation comprise nearly 90% of the violations reported. Reports of serious violations, such as murder or torture, are much reduced on 2000 and 2002, but there still is an appreciable number of other serious violations.

**Table 6: Violations reported (November 2004 to March 2005)**  
(taken from ZPP, May 2005)

	Number	Percentage
Murder	8	0.21%
Rape	4	0.11%
Abduction/kidnapping	52	1.4%
Assault	1309	34.6%
Theft/looting	75	1.9%
Arson	18	0.5%
Malicious injury to property	91	2.4%
Torture	21	0.6%
Unlawful detention	31	0.82%
Harassment/intimidation	2011	53.2%
Displacement	163	4.3%
<b>Total</b>	<b>3783</b>	

As in the past, and shown in Table 7, members of the MDC comprise the largest category of victims and, with “others”, comprise more than 80% of all victims. The category “others” appears from the ZPP report to include ordinary citizens and members of civic organisations, people not necessarily affiliated to political parties.

Table 8 indicates that supporters of Zanu-PF were overwhelmingly the perpetrators of the violations. When Table 8 is read with Table 7, the tentative conclusion is that Zanu-PF supporters were sometimes victims of their own supporters. Certainly, in the run-up to the Zanu-PF congress and the party’s primary elections, there were many reports in the public domain of intra-party violence among Zanu-PF supporters.

**Table 7: Victims identified  
(November 2004 to March 2005)**  
(taken from ZPP, May 2005)

Victim	Number	Percentage
MDC	1724	51.2%
Zanu-PF	602	17.9%
State	2	0.1%
Others	1042	30.9%
<b>Total</b>	<b>3370</b>	

**Table 8: Perpetrators identified  
(November 2004 to March 2005)**  
(Taken from ZPP, May 2005)

Perpetrator	Number	Percentage
MDC	290	2.7%
Zanu-PF	10155	95.9%
State	123	1.2%
Others	22	0.21%
<b>Total</b>	<b>10590</b>	

Although the ZPP did not appear to monitor the political use of food explicitly, it did comment that political use of food “complemented” harassment and intimidation and it estimated that there was “an average count of around 402 acts of harassment and intimidation involving food every month”.

Overall, the ZPP concluded that, while the 2005 election was “relatively more peaceful in terms of the breakout of cases of direct physical violence as compared to similar periods in the 2000 general election”, “the different forms of psychological violence, voter intimidation, skewed food distribution and the role of traditional healers, youth militia and state agencies tended to have equal effect in making the electoral environment unfair”.

## 7.6 THE NATIONAL CONSTITUTIONAL ASSEMBLY DATA

The most useful data for examining the pre-election climate came from the NCA, which had specifically undertaken nationwide monitoring of the pre-election climate. Using its national network of members and a pre-tested recording form, the NCA obtained 383 individual reports from 105 constituencies. There was no data for Manicaland for some reason, but the data gave an overview of most constituencies, with an average of three reports per



constituency between the months of February and March 2005.

The NCA issued a number of reports in the two months. The findings were summarised in two consolidated reports<sup>xxix</sup> and overall in a final report<sup>xxx</sup>. The findings of the NCA were more comprehensive than other monitoring bodies since they were based on a wide assessment of the whole pre-election climate, covering interference with basic freedoms, political violence, electoral disagreements, the presence or absence of voter education and the political use of food. The intention behind the monitoring was to provide explicit testing of the SADC principles and guidelines, operationally defined around indicators that had been identified in past elections as indicating electoral irregularities. For example, freedom of association was indicated by whether party supporters were able to wear party regalia or insignia and by restrictions, or the lack thereof, on erecting party posters. The indicators could be summed to give an “election irregularity” rating and these were reported for provinces and constituencies.

The NCA reported that there were high rates of election irregularities in all provinces, and that there was considerable variation between constituencies in the two months. Harare province consistently reported the highest rates of irregularity, as can be seen in Table 9.

**Table 9. Average electoral irregularity ratings per province for February and March 2005**

(constructed from NCA. Flawed, Unfree, and Unfair. April 2005) n=362

Province	Electoral irregularity rating
Bulawayo	9.6
Harare	14.7
Mash Central	12.1
Mash East	10.2
Mash West	6.8
Masvingo	6.8
Mat North	7.3
Mat South	7.5
Midlands	8.1

The NCA reports described a pattern of subtle intimidation and election irregularities, more through intimidation than overt violence, although the reports identified a significant degree of overt violence. Certainly there were more reports of overt violence than should be acceptable for elections adhering to the SADC principles and guidelines. Table 10 shows that NCA monitors reported irregularities at high frequencies across all the constituencies in Zimbabwe.

**Table 10: Summary of irregularities across all provinces in 2005**

(From NCA. Flawed, Unfree, and Unfair. April 2005) n=362

Electoral irregularity	Percentage of reports
Interference with freedom of association	85%
Interference with freedom of assembly	68%
Interference with freedom of movement	77%
Interference with freedom of expression	89%
Political violence	90%
Electoral disagreements	79%
Absence of voter education	58%
Political use of food	74%

The alleged perpetrators were similar to those indicated by the MDC and, to some extent, by the ZPP: Zanu-PF supporters and youth accounted for nearly 70% of all identified perpetrators (see Table 11). The NCA reports also made specific mention of the presence of militia and militia bases relating to the irregularities and the political use of food was mentioned in 74% of reports.

**Table 11: Affiliation of perpetrators of political violence**

(From NCA. Flawed, Unfree, and Unfair. April 2005) n=362

Perpetrator	Percentage of reports
Zanu-PF	48%
MDC	2%
Civic	1%
ZRP	17%
ZNA	8%
CIO	13%
Youth	19%
Other	8%

The NCA, having previously rejected the possibility of a valid election due to the flawed constitutional framework, concluded, on the basis of its monitoring, that the election was neither free nor fair:

*There can be little doubt that there was sustained and illegal pressure applied to political parties and the citizens of Zimbabwe in an effort, overwhelmingly by Zanu-PF and its supporters, to influence the vote. As we have demonstrated above, this pressure can even be understood to have produced the changes in voting patterns observed. While the analysis of the elections will undoubtedly continue in the coming months, both in the courts and elsewhere, the overall conclusion is unlikely to change: the elections were flawed, unfree, and unfair! No other conclusion is possible.*

## 7.7 OVERVIEW

In general the reporting summarised above reached the same conclusions, but it is difficult to compare the findings due to their different methodologies and different focuses. The MDC and the Zimbabwe Human Rights NGO Forum relied on the “passive” capture of information, where reports are received and collated and there is no attempt to put in place a system in which every place is monitored equally. The ZPP and the NCA reports relied upon the “active” capture of data by having monitors in communities reporting events. However, the ZPP approach focused on a narrower range of issues than the NCA. The NCA system identified a range of issues to be monitored and asked observers to complete forms indicating whether these issues, or indicators, were present or absent. The ZPP focused more narrowly on violence. For this reason, the NCA data probably represent the most complete data set for analysing the pre-election climate.

However, this does not mean the other reports and approaches are not valuable for understanding the pre-election climate. When a number of different systems use different approaches and produce similar findings, they give more credence to the findings they have in common. Some of these were:

- Rates of irregularity were higher in Harare and in the Mashonaland provinces than in others, but irregularities were seen in all provinces;
- Overt physical violence was reduced compared with previous elections, but was not entirely absent;
- There were high rates of irregularity involving interference with basic freedoms and various forms of intimidation were reportedly very high;
- The major perpetrators were identified as Zanu-PF supporters and youth, but the Zimbabwe Republic Police, the Zimbabwe National Army and the CIO were mentioned in significant numbers;
- MDC members were rarely mentioned as committing electoral irregularities;
- The political use of food was mentioned by most reporting groups, but with different frequencies.

Thus, against these common conclusions, it is interesting to examine the most complete data set – that from the NCA – to see if some of these conclusions can be more rigorously tested and if the data can help explain some of the peculiarities seen in the poll results.

## 8 ANALYSIS OF THE DATA

At the outset it is important to determine if the NCA data were valid and reliable.

### 8.1 VALIDITY

Table 12 shows there is little agreement among the three sets of data on the frequency of reports from provinces, although there is more agreement between the NCA and the MDC and less between the ZPP and either the ZPP and the NCA or the MDC<sup>xxxi</sup>.

**Table 12: Rankings frequency of reports from provinces: ZPP, MDC and NCA**

Province	ZPP	MDC	NCA
Bulawayo	7	9	2
Harare	3	5	1
Mash Central	6	3	9
Mash East	4	3	3
Mash West	5	2	7
Masvingo	1	7	7
Mat North	9	8	5
Mat South	8	6	6
Midlands	2	1	4

This lack of agreement among the three sets of data is probably due to the differences in methodologies and hence is not a good measurement of validity overall. We thus examined a different subset of the data to determine reliability of the NCA data.

We examined the types of violations reported and the rankings of these indicated in the data provided by the NCA, the ZPP and the Human Rights NGO Forum. Table 13 shows there was relatively good agreement among the three data sets examined. The data from all three groups placed intimidation as the largest single category of violation, while there was agreement among at least two of the groups in six other categories, which suggests that all three groups were seeing the same trends in the violations reported. There was better agreement between the ZPP and the Human Rights NGO Forum, which is perhaps not surprising because both organisations used the same approach, passive capture of incident recording. The NCA data tended to agree better with the Human Rights NGO Forum than it did with the ZPP data, but there is very good agreement among the three groups on the frequency of property violations, murder, assaults and even sexual assaults. It does, therefore, appear

that the NCA was seeing the same national picture as the ZPP and the Human Rights NGO Forum<sup>xxxii</sup>.

**Table 13: Comparisons of violations reported by NCA, ZPP and HRF**

	NCA	ZPP	HRF	No of agreements
Abduction	8	5	6	0
Assault	2	2	3	2
Displacement	5	3	4	0
Murder	9	8	8	2
Property	5	4	5	2
Sexual assault	7	9	9	2
Torture	4	7	7	2
Unlawful detention	2	6	2	2
Intimidation	1	1	1	3

Additionally, comparison of the various sets of data shows that there was high agreement among them over who the major perpetrators were, with Zanu-PF supporters, Zanu-PF youth (and youth militia) and the ZRP being the top three ranked violators in all the reports. The MDC was shown by all three reports to be very infrequent offenders.

Hence, on face value, the NCA reporting seemed to reflect a general consensus about what was happening during the pre-election period.

## 8.2 RELIABILITY

Reliability deals with the consistency or accuracy of measurement. Essentially, to what extent do the individual reports agree with one another and, operationally, do observers in the same constituency at the same time produce similar reports? Thus, an analysis was carried out of inter-observer reliability.

**Table 14: The proportion of consistent reports received in February/March**  
n=301

	February		March	
	<i>Number of constituencies</i>	<i>Proportion</i>	<i>Number of constituencies</i>	<i>Proportion</i>
Reports are not consistent	11	9.2%	17	14.2%
Reports consistent	28	23.3%	34	28.3%
Insufficient reports to calculate	51	42.5%	39	32.5%
No reports	30	25.0%	30	25.0%

Consistency was measured by means of chi-square tests for independence, where multiple reports were received within a one-week period for a constituency (see Appendix 1). In February 72% of reports that could be analysed in this manner were consistent, while in March the total dropped to 67%. Inconsistency of reports does not necessarily reflect bias or error in the reporting process, since the conditions were observed to change over time. However, where reports are consistent, it is clear that similar conditions were observed by multiple independent sources over the period in question. In February 51% of reports were not repeated within the one-week period stipulated, making statistical analysis of consistency impossible. This dropped to 39% in March, as the reporting rate increased. The number of constituencies for which no reports were available in February and March was constant and small.

The percentage of “consistent” reports was at least double the number of inconsistent ones in March and nearly three times more in February. Of course reliability would have been greatly increased with a greater number of reports in the largest number of constituencies, as the trend above suggests, but one can appreciate the difficulty of mounting such a task in Zimbabwe. Additionally, as shown by the response of the ZRP to the NCA reports, monitoring in many constituencies was risky. Methodologically, we can thus accept moderate validity and reliability for the NCA and this gives some confidence for the results reported below.

### 8.3 RESULTS

The NCA data were compiled on a spreadsheet by constituency and the results of the 2000 and 2005 elections were entered on the same spreadsheet. All constituencies that could not be compared directly because of delimitation changes were removed, as were all the results relating to Manicaland province. This was done because the NCA had no data from Manicaland. Seventy-six constituencies were available finally for comparative analysis and gave a total of 298 reports to compute<sup>xxxiii</sup>.

To create a data table suitable for comparisons and analysis, the changes in the MDC’s proportion of the vote between 2000 and 2005 was calculated and converted to simple binary measures (improved=1; worsened=0). This was done because the NCA data came in the form of simple binary measures and thus we were able to compute frequencies for events only by converting the actual vote tally to binary scores. Additionally, we included binary indicators for whether the constituency was rural or urban (urban=1; rural=0) and whether the constituency had been the subject of a previous election petition (petition=1; no petition=0). These were included to test the general observa-

tion that the MDC derives its support from the urban areas and to provide a measure of whether a constituency had been strongly subjected to political violence in the past.

### 8.3.1 CORRELATIONS

The first step in this part of the analysis was to examine the relationships between the NCA indicators and, accordingly, correlations between the indicators were calculated. The full data are given in Appendix 2, but, in short, there was a large number of statistically significant relations between the various measures. The results were derived from 301 individual reports from 76 constituencies in nine provinces.

As indicated in Appendix 2, interference with the freedoms of association, assembly, movement and expression; political violence; political use of food; presence of militia and a militia base; and action by state agencies were all positively correlated, meaning they occurred at the same time and in the same place in the constituencies sampled.

To explain this more clearly: the results show that where movement in and out of a constituency was controlled, this was done by the various state agencies (police, army or CIO). Where such control was present, it was also the case that Zanu-PF or militia were able to operate with relative impunity. The actions by these non-state agents were not generally violent in the sense of physical violence, although there was more physical violence reported than was widely accepted. The violence during 2005, compared with previous elections, was mostly in the form of intimidation or threats, with threats suggesting that citizens would be deprived of food for not supporting Zanu-PF being extremely common. Additionally, citizens experienced marked interference with their basic freedoms, such as the wearing of party insignia, erecting posters or being forced to attend party meetings or chant party slogans and feeling unsafe to read newspapers of their choice, or expressing opinions publicly.

It was interesting also that voter education was negatively related to all the other measures, meaning that where the other indicators were present in a constituency, voter education was not taking place. This is interesting since the NCA reporting form focused on formal voter education; that is, voter education delivered either by the Zimbabwe Electoral Commission (ZEC), or a body sanctioned by the ZEC, such as the Electoral Supervisory Commission (ESC), or an NGO, such as ZESN, accredited by ZEC.

The NCA reports during the pre-election period made consistent reference to the absence of formal voter education and it was evident that any voter education that took place came in the final weeks before the election. Interpreting this finding, therefore, it seems that there was careful organising

to ensure that no electoral irregularities occurred in constituencies at times when ZEC or election observers were present.

Taken together these findings suggest a high degree of organisation behind the election irregularities. However, correlation is not cause, and this kind of analysis cannot show the direction of influence. Thus, a logistic regression was carried out to examine possible causality.

### 8.3.2 LOGISTIC REGRESSION

Logistic regression was carried out to determine which of the indicators contributed most of the variance for each variable. The results are shown in Table 15.

**Table 15: Variables and indicators**

Variable	Indicator	Regression coefficient	Significance
Freedom of association	State agencies action	1.95	0.003
	Political use of food	0.93	0.006
Freedom of assembly	Militia presence	1.03	0.018
Freedom of movement	Political violence	1.33	0.004
Political violence	No voter education	-1.08	0.011
	Forced attendance at meetings	0.91	0.03
Political use of food	Militia base	1.22	0.005

The regression amplified the finding of the correlations. Where state agencies, militia bases and militia were present, you were likely to find political violence, forced attendance at meetings and the political use of food. When voter education was present, none of these indicators was present. This allows us to construct a theory about the pre-election climate.

### 8.3.4 MDC – WINS VERSUS LOSSES

The first and most obvious analysis was to examine if the electoral irregularities observed in the pre-election period had any effect on the vote. Here we sorted the indicators according to whether the MDC had won or lost the seat in 2005. This initial analysis gave some highly perplexing results.

Table 16 shows there were higher irregularities reported in the seats that the MDC won, with the smallest percentage difference being seven percentage points and the largest 38 percentage points. The most noteworthy difference is that the electoral irregularities were higher for every indicator in respect of the seats won by the MDC, apart from the absence of voter education: this



meant that voter education was more common in seats that the MDC won than in the seats that they lost. This must be understood in terms of the results above: that voter education took place at times when the other irregularities were not manifest.

**Table 16: Electoral irregularities compared against seats won or lost by MDC in 2005**

	Seats won <i>n</i> =179	Seats lost <i>n</i> =113	Difference
Unable to wear insignia	85%	75%	10%
Unable to put up posters	85%	62%	23%
Forced to attend political meetings	70%	63%	7%
Interference with travel (in)	79%	51%	28%
Interference with travel (out)	70%	34%	36%
Presence of 'new residents'	44%	14%	30%
Afraid to express views openly	92%	79%	13%
Afraid to read newspaper openly	74%	36%	38%
Forced to chant slogans	69%	50%	19%
Political violence	72%	42%	30%
Gender-based violence	62%	24%	38%
Intimidation	78%	71%	7%
Presence of militia	64%	32%	32%
Inter-party violence	58%	28%	30%
Intra-party violence	64%	45%	19%
Electoral disagreements	59%	37%	22%
No voter education	19%	30%	-11%
Political use of food	84%	67%	17%

Even more paradoxical was the finding that the electoral irregularity ratings were, on average, higher in the seats won by the MDC than in the seats lost, and this difference was statistically significant<sup>xxxiv</sup>.

In an attempt to further analyse this finding, we examined whether this might have been due to the differences between urban and rural constituencies. In the NCA's reports in the pre-election period there was constant reference to the finding from its data that electoral irregularities were more frequent in the urban setting. Hence the finding above, that the electoral irregularities scores and the indicators, might have obscured a simpler finding: that the seats won were mainly urban and seats won or lost had to do with the setting rather than the irregularities.

Table 17 shows there were significant differences between the indicators in the two settings, with the urban setting reporting markedly higher percentages of electoral irregularities than the rural setting, which was again significant on statistical testing<sup>xxxv</sup>. This would suggest that electoral irregularities did not explain the loss of a number of rural seats by the MDC in 2005 as

these seats were lost in constituencies experiencing much lower rates of irregularity than the urban seats.

**Table 17: Electoral irregularities compared between rural and urban constituencies**

	Urban seats <i>n</i> =139	Rural seats <i>n</i> =159	Difference
Unable to wear insignia	92%	68%	24%
Unable to put up posters	89%	61%	28%
Forced to attend political meetings	76%	58%	18%
Interference with travel (in)	87%	47%	40%
Interference with travel (out)	77%	32%	45%
Presence of 'new residents'	46%	16%	30%
Afraid to express views openly	92%	81%	11%
Afraid to read newspaper openly	79%	38%	41%
Forced to chant slogans	72%	48%	24%
Political violence	79%	39%	40%
Gender-based violence	69%	23%	46%
Intimidation	80%	70%	10%
Presence of militia	68%	34%	34%
Inter-party violence	63%	27%	36%
Intra-party violence	68%	44%	24%
Electoral disagreements	66%	33%	33%
No voter education	16%	32%	-16%
Political use of food	85%	68%	17%

Thus, there was one other possible explanation to examine and this was that the campaign of electoral irregularities was targeted specifically at the seats that were held by the MDC and won in the 2000 parliamentary election. The rationale here was not purely notional. There had been frequent references in the media to statements by senior Zanu-PF leaders that they intended to win back the seats lost in 2000. The whole campaign by Zanu-PF to "bury Blair" was aimed at burying Blair's protégés, the MDC. Thus the next analysis focused on the differences in 2005 in the seats won or lost by MDC in 2000 and, as can be seen in Table 18, there were very large differences between the seats won or lost in 2000 in terms of the electoral irregularities seen in 2005.

There was a large difference in the mean electoral irregularities between the two groups, with 2000 seats won having again a higher mean than 2000 seats lost, which was highly significant statistically<sup>xxxvi</sup>. This allows us to conclude finally, and hence explain the anomalous results in Table 16, that the campaign of subtle repression was focused most intensely on the seats that were held by the MDC and suggests a deliberate campaign to unseat the MDC in these constituencies.

**Table 18: Electoral irregularities compared against seats won or lost by MDC in 2000**

	2000 seats won <i>n=212</i>	2000 seats lost <i>n=86</i>	Difference
Unable to wear insignia	82%	55%	27%
Unable to put up posters	82%	49%	33%
Forced to attend political meetings	68%	55%	13%
Interference with travel (in)	77%	30%	47%
Interference with travel (out)	67%	27%	40%
Presence of 'new residents'	43%	15%	28%
Afraid to express views openly	89%	76%	13%
Afraid to read newspaper openly	72%	27%	45%
Forced to chant slogans	67%	46%	21%
Political violence	70%	24%	46%
Gender-based violence	60%	12%	48%
Intimidation	75%	67%	8%
Presence of militia	63%	39%	24%
Inter-party violence	55%	27%	28%
Intra-party violence	62%	52%	10%
Electoral disagreements	57%	24%	33%
No voter education	19%	27%	-8%
Political use of food	81%	67%	14%

## 9 CONCLUSIONS

So what can we say about the pre-election climate in 2005 and its effects on the elections?

First, the NCA data show sufficient validity and reliability for us to have confidence in using these data to analyse the pre-election climate. The NCA data show good similarity with other data from other reporting agencies. The consistency of reporting was high, although it is a shame that there were no data from Manicaland, since a high number of violations were reported in this province by the MDC and the ZPP.

Second, to repeat an oft-quoted remark, elections are processes and not events, and here it is important to acknowledge the legacy of the previous five years and the two major elections, as well as the by-elections. The data reported here deals only with the last two months before the election in 2005, but, as was seen from the other data, there was a trend to increased violations in the last five months. Both the Human Rights NGO Forum and the ZPP data show this trend and this is a trend observed in previous elections. The legacy of the recent past clearly exerted an influence on this election, albeit a legacy that is difficult to measure, and here the consequences of the elections in

2000 and 2002 should not be forgotten, nor should the pervasive climate of human rights violations reported in the past five years.

This is relevant to the conclusions of the observer groups and to the near-obsession with the presence or absence of overt physical violence. Fear in a population is difficult to measure, as is the effect of the more subtle forms of political violence; intimidation, the political use of food, etc are not easily observed, except by those who live in communities across Zimbabwe.

Third, and related to the point above, all Zimbabwean monitoring groups made the observation that there had been a shift from overt physical violence to less overt forms. Here the widespread application of draconian legislation, the presence of militia and the political use of food were all mentioned frequently. These forms of coercion had an effect, but it was apparently difficult to measure the effect. However, it is here that the NCA data are exceedingly useful.

Analysis of the NCA data indicated an organised campaign, with the police and army controlling the space, while the militia and Zanu-PF supporters did the intimidation and violence, all of which was underpinned by the political use of food. Voter education and "observation" were directed to areas at times where this pattern would not be seen. State agencies' action, militia bases and militia presence, political violence (mostly, but not exclusively, as intimidation), the political use of food and forced attendance at political meetings were all significantly correlated and occurred at the same time and in the same place. The presence of voter education was negatively correlated with all these indicators and did not occur in the same place and at the same times as they did.

When we further examined the NCA data in relation to the independent variable of the actual poll results, we found that the irregularities were focused primarily on the seats won by the MDC in 2000. The associations with the urban areas or the actual wins by the MDC in 2005 were explained finally by this relationship. Zanu-PF had made no bones about its intentions to "bury Blair", regain the seats lost in 2000 and return to the situation of a two-thirds majority. This was achieved in the 2005 poll and it seems that this was the reason for the focus on the MDC seats won in 2000 and not the other seats.

This allows us to elaborate a tentative theory. The MDC won or lost seats that they previously held because of the high levels of electoral irregularities in these constituencies. The evidence suggests an organised campaign behind these irregularities. Constituencies were "controlled" by *state agencies* that determined movement in and out of constituencies and the frequency of meetings and campaigning, and that provided the support for the actual operatives of the *political violence* and the *political use of food*, the militia. This must be so on the evidence reported above, since a non-partisan group of *state agencies* would not have allowed food distribution to be party-political, or allowed candidates to make threats about the use of such food or potential violence,

and would have allowed equal access to political parties to constituencies and the holding of meetings.

Here it is worth pointing out that the NCA data indicate that Zanu-PF were reported to have held twice as many meetings as the MDC (1 131 compared to 563) and Zanu-PF were reported to have been much more likely to have forced people to attend meetings (235 compared to eight) or to have forced people to chant slogans (176 compared to 36) as the MDC. This is not to suggest that the MDC wished to force people to attend meetings or chant slogans, but that Zanu-PF was allowed to get away with these irregularities, unhindered by the state agencies at the very least.

While overt political violence was undoubtedly less than in previous elections, its replacement by the reminders or “reinforcers” of overt violence – intimidation, threats, the political use of food, etc – is not insignificant in the political climate of Zimbabwe. As the NCA and other sets of data indicate, this was predominantly done by Zanu-PF supporters and Zanu-PF youth, including the militia. As the analysis suggests, within the space controlled by the *state agencies, militia bases and the presence of militia* ensured that intimidation was carried out. But this never happened in the same place or the same time as voter education was carried out. This ensured that the various outside observer groups would produce the kinds of reports that suggested that this was an orderly, peaceful and open election. Thus, the data suggest a nationwide, systematic, highly organised campaign of intimidation ahead of the voting and a campaign that did not reach the threshold of awareness and was even organised so that it was subliminal to the uneducated eye.

This is clearly a very sinister interpretation of the findings and of the election, but it is nonetheless supported by the evidence and, more importantly, can be corroborated. It is evident that there is urgent need for a number of detailed case studies of constituencies to be carried out, where attention is given to the timing of events – presence of voter education as opposed to the other indicators – as well as content of events, and the presence or absence of the indicators themselves. This can be done by obtaining affidavits from citizens, as well as information from the various organisations conducting voter education, and through access to the detailed reports of the observer groups. This would be only confirmatory, because the current evidence, as well as the balance of the evidence for other data sources, makes a strongly compelling case for our interpretation of the processes operating in the pre-election period.

It is necessary to comment on the MDC’s view of these elections and the petitions mounted in protest. The MDC expresses concerns about the pre-election climate in its report on the elections, but the major thrust of its concerns is over the electoral fraud that it alleges took place. It might be so that rigging took place, but the evidence to our mind is not compelling and hinges much too strongly on the discrepancies between the end-of-poll figures

announced by the ZEC and the final poll results. While these discrepancies are alarming and deserve full explanation through publication by ZEC of all information related to the election, it is possible that the announced close-of-poll results are a simple error due to incompetence. Of course, the converse is equally true, as the MDC alleges, that these announcements are indicators of fraud.

It does seem possible, however, that the MDC might have overestimated the degree to which the apparent popularity of the party – at meetings and rallies – translated into votes for the party. On our analysis, it does seem that the massively orchestrated campaign of intimidation might have had exactly the effect intended and that the voters returned Zanu-PF rather than face the consequences threatened by Zanu-PF. Presumably our views will be tested when the ballot boxes are examined in court cases to come, but for the time being it is our view that it was no trick that produced the Zanu-PF victory, but a case of treat, or treating by threat, on a massive and systematic scale.

This becomes then the final component of our tentative theory. Here we must return to the fundamental problem elaborated in our introduction to the just-completed election: this concerns the problem of “illegitimacy” and how to overcome this. As we pointed out, the promise for this election, operating under the framework of the SADC principles and guidelines, was that this could be achieved. In the run-up to the election it was clear that the greatest threat to the election was the possibility that the MDC would refuse to compete and, for taking the decision to suspend participation because of the impoverished attempt by the Zanu-PF government to implement meaningful reforms, the MDC was ironically regarded as the spoiler and subjected to enormous regional pressure. The threat was partially removed when the MDC decided to participate, but the threat nonetheless remained that the MDC still would repudiate the process and the outcome. After all, the SADC principles and guidelines enjoin political parties to accept the results, but quite clearly only if the principles and guidelines have been adhered to in a substantial fashion. The MDC indicated on several occasions, apart from in its statement announcing participation, that it would not be bound by an illegitimate election.

Thus, it was evident that the political problem, “illegitimacy”, would remain active to the gates of the poll and beyond. It is possible that the Zanu-PF government found a way to forestall rejection of the results, a trick perhaps. This involved the leaking of results that indicated obvious rigging and hooked the MDC, line and sinker. It would appear from the MDC’s confused response in the immediate aftermath of the election that there was much agonising over whether to reject the election *in toto* or to test the results in the courts. In the final analysis, the MDC went to parliament and entered 31 petitions and the election received sufficient validation for regional countries to accept it with whatever private reservations they might have had. The political

crisis that would have inevitably followed rejection of the poll by the MDC was averted. It is common cause that the announcement of the close-of-poll totals produced immediate speculation about rigging, which might be what was intended to “persuade” the MDC to stay with the legal approach rather than take the political option.

Thus, our theory remains the same, with a twist in the tale. A massive campaign around treating was implemented: not as violent a campaign as in the past, but nonetheless one in which some violence was supplemented with coercion and threat, revolving strongly around the political use of food and co-ordinated by state agencies through Zanu-PF supporters and the militia. The “subliminal” nature of this campaign was ensured through the control of state agencies and here it is well to remember the progressive placement of military personnel in many civilian organisations over the past two years. This control ensured that “voter education” or “observation” was not compromised by any visible evidence of electoral irregularities, so that there could be only favourable reports about the electoral process. This was undoubtedly assisted by the late arrival of observer groups and the rather limited investigations that they were able to undertake.

This process ensured that the vote would be skewed in favour of Zanu-PF and few ordinary Zimbabweans doubted that Zanu-PF would make good on its threats or that the party was wholly determined to maintain its control of political power<sup>xxxvii</sup>. This massive effort in “treating” was complemented by the ruse that removed the political threat of rejection – the inducement to the MDC that the results were easily challenged in the courts. Whether the ballot boxes confirm the MDC view is still to be seen but, on the theory developed here, it might not be surprising if the ballots confirm that people voted for Zanu-PF, not out of desire, but out of avoidance for retribution and other unwholesome consequences.

However, theories that suggest conspiracy are likely to meet robust criticism, not least from those who are claimed to be responsible. We can anticipate a number of immediate criticisms and offer a response. The first of these is trivial and easily disposed of. It might be argued that this is *ex post facto* hypothesising, using the data to confirm a theory. We would argue that the NCA data were not *ex post facto* and, in fact, that we have merely confirmed the conclusions drawn by the NCA at the time: that the irregularities were worse in the urban settings, that state agents and militia were strongly involved and that very little voter education was taking place. We have merely provided a deeper analysis than the NCA and a direction to their findings. We might add further that we have strengthened these conclusions by demonstrating their relationship to the actual results of the election.

Another likely response will be that the NCA monitors displayed bias and, after all, they had rejected the election already and had a good deal to gain from portraying the election as flawed. Here we would respond that the NCA

data showed good correspondence with the reports of other organisations: as we stated above, the data showed good validity. To assert that all the reports we analysed showed bias might lead to equal accusations of seeing conspiracies everywhere.

However, the most plausible response will be to uphold the conclusions of the various observer groups: that these were not violent elections and that they did not see any evidence of the political use of food. This is a more serious objection and requires a little more consideration. We argued earlier, and on the basis of evidence showing a sustained history of human rights violations associated with elections, that the absence of overt physical violence is not the *sine qua non* of the SADC principles and guidelines. Indeed the SADC principles and guidelines expect considerably more. Hence a climate that indicates significant interference with basic freedoms in the form of enforced draconian legislation, a wholly controlled and biased media, partisan policing, the presence of militia groups and a campaign based on war-like rhetoric and threats can hardly conform to these standards. The point here is whether the observer groups, in the brief time allowed them in the country, could see anything more than the absence of overt physical violence. The jump from the absence of overt physical violence to a peaceful climate is highly questionable according to the reports and our analysis. We assert on our evidence that it was the intention of this campaign to avoid the use of overt violence. In our theory the irregularities were intended to be subliminal and to take advantage of the effects of previous election campaigns. By way of analogy, the frequently battered wife learns very quickly to adopt the right posture when her drunk husband comes home and starts shouting and waving his arms around.

Finally, we would invite all potential critics to solve the problem we raised at the beginning: when has a sitting government been re-elected with a massive majority after having presided, consciously or unconsciously, over the total collapse of its citizens' livelihoods and welfare? And, if such a case exists, outside of times of war or international economic collapse, how did this happen? We will bet it was trick or treat, or both.



## APPENDIX 1

**Consistency in reporting**

(significant relationships in bold)

Constituency	February	March
Beitbridge	ns	<b>0.249959796</b>
Bikita East	Insufficient Reports	Insufficient Reports
Bikita West	Insufficient Reports	Insufficient Reports
Bindura	<b>0.136641043</b>	ns
Binga	ns	ns
Bubi Umguza	ns	Insufficient Reports
Budiriro	Insufficient Reports	ns
Bulawayo North	ns	Insufficient Reports
Bulawayo South	ns	<b>0.179712587</b>
Bulilimangwe North	No Data	No Data
Bulilimangwe South	No Data	No Data
Chegutu	Insufficient Reports	Insufficient Reports
Chikomba	Insufficient Reports	Insufficient Reports
Chinhoyi	Insufficient Reports	Insufficient Reports
Chiredzi North	Insufficient Reports	Insufficient Reports
Chiredzi South	Insufficient Reports	Insufficient Reports
Chirumanzu	ns	Insufficient Reports
Chitungwiza	Insufficient Reports	ns
Chivi North	Insufficient Reports	Insufficient Reports
Chivi South	No Data	No Data
Dzivarasekwa	ns	ns
Glen Norah	<b>0.179712587</b>	ns
Glen View	Insufficient Reports	ns
Gokwe Central	<b>0.595883092</b>	<b>0.114403905</b>
Gokwe East	No Data	No Data
Gokwe North	<b>0.422678075</b>	ns
Gokwe South	<b>0.179712587</b>	ns
Gokwe West	No Data	No Data
Goromonzi	Insufficient Reports	ns
Guruve North	Insufficient Reports	<b>0.159599006</b>
Guruve South	Insufficient Reports	<b>0.179712587</b>
Gutu North	Insufficient Reports	Insufficient Reports
Gutu South	No Data	No Data
Gwanda North	<b>0.422678075</b>	Insufficient Reports
Gwanda South	ns	ns
Gweru Rural	No Data	No Data
Gweru Urban	<b>0.136641043</b>	<b>0.303483916</b>
Harare Central	Insufficient Reports	<b>0.39614391</b>
Harare East	Insufficient Reports	ns

## TRICK OR TREAT?

Constituency	February	March
Harare North	Insufficient Reports	ns
Harare South	ns	ns
Hatfield	Insufficient Reports	ns
Highfield	Insufficient Reports	Insufficient Reports
Hurungwe East	Insufficient Reports	<b>0.527089257</b>
Hurungwe West	Insufficient Reports	Insufficient Reports
Hwange East	ns	<b>0.163165379</b>
Hwange West	ns	ns
Hwedza	Insufficient Reports	ns
Insiza	ns	ns
Kadoma Central	Insufficient Reports	Insufficient Reports
Kadoma East	Insufficient Reports	ns
Kadoma West	Insufficient Reports	Insufficient Reports
Kambuzuma	No Data	No Data
Kariba	Insufficient Reports	Insufficient Reports
Kuwadzana	ns	ns
Kwekwe Central	Insufficient Reports	Insufficient Reports
Lobengula Magwegwe	Insufficient Reports	ns
Lupane	ns	Insufficient Reports
Mabvuku	Insufficient Reports	ns
Makokoba	Insufficient Reports	Insufficient Reports
Makonde	Insufficient Reports	Insufficient Reports
Marondera East	ns	<b>0.410116992</b>
Marondera West	Insufficient Reports	Insufficient Reports
Masvingo Central	Insufficient Reports	Insufficient Reports
Masvingo North	Insufficient Reports	<b>0.171460272</b>
Masvingo South	No Data	No Data
Matobo	ns	ns
Mazowe East	<b>0.145610152</b>	Insufficient Reports
Mazowe West	ns	Insufficient Reports
Mbare East	ns	ns
Mbare West	Insufficient Reports	ns
Mberengwa East	Insufficient Reports	Insufficient Reports
Mberengwa West	ns	Insufficient Reports
Mhondoro	Insufficient Reports	Insufficient Reports
Mkoba	No Data	No Data
Mpopoma	ns	Insufficient Reports
Mt Darwin North	No Data	No Data
Mt Darwin South	Insufficient Reports	ns
Mudzi	<b>0.179712587</b>	ns
Mufakose	Insufficient Reports	ns
Murehwa North	ns	ns
Murehwa South	Insufficient Reports	ns

Constituency	February	March
Mutoko North	ns	Insufficient Reports
Mutoko South	Insufficient Reports	Insufficient Reports
Muzarabani	No Data	No Data
Mwenezi	Insufficient Reports	ns
Nkayi	<b>0.95217951</b>	Insufficient Reports
Nkulumane	<b>0.422678075</b>	ns
Pelandaba	ns	Insufficient Reports
Pumula Luveve	ns	ns
Rushinga	No Data	No Data
Seke Rural	Insufficient Reports	<b>0.828812374</b>
Shamva	No Data	No Data
Shurugwi	Insufficient Reports	ns
Silobela	Insufficient Reports	<b>0.179712587</b>
St Marys	Insufficient Reports	<b>0.260531025</b>
Tsholotsho	ns	Insufficient Reports
UMP	Insufficient Reports	Insufficient Reports
Umzingwane	ns	ns
Zaka East	Insufficient Reports	<b>0.130133728</b>
Zaka West	No Data	No Data
Zengeza	ns	Insufficient Reports
Zhombe	Insufficient Reports	<b>0.802922145</b>
Zvimba North	No Data	No Data
Zvimba South	Insufficient Reports	Insufficient Reports
Zvishavane	ns	Insufficient Reports

## APPENDIX 2

### Correlations between measures

	Freedom of association	Political violence	Urban	No voter education	Political use of food	Militia presence	State agencies action	Militia base present
Freedom of association		0.18*	0.23*	-0.23*	0.20*	0.15*	0.25*	0.12**
Political violence	0.18*		0.062	-0.16*	0.38*	0.34*	0.16*	0.33*
Urban	0.23*	0.06		-0.14*	0.13*	0.31*	0.49*	0.38*
No voter education	-0.23*	-0.16*	-0.14*		-0.05	-0.15*	-0.09	-0.15*
Political use of food	0.20*	0.38*	0.13*	-0.05		0.29*	0.14*	0.31*
Militia presence	0.15*	0.34*	0.31*	-0.15*	0.29*		0.31*	0.82*
State agencies action	0.25*	0.16*	0.49*	-0.09	0.14*	0.31*		0.29*
Militia base present	0.12**	0.33*	0.38*	-0.16*	0.31*	0.82*	0.29*	
Freedom of assembly		0.25*	0.18*	-0.03	0.31*	0.33*	0.21*	0.29*
Freedom of movement		0.31*	0.36*	-0.06	0.27*			0.33*
Freedom of expression		0.43*	0.14*	-0.07	0.28*	0.19*	0.19*	0.20*

\* Correlation is significant at the 0.01 level (2-tailed).

\*\* Correlation is significant at the 0.05 level (2-tailed).

## ENDNOTES

- i Carothers, T., 2002. *The end of the transition paradigm*, *Journal of Democracy*, 13:1, 5-21.
- ii Bratton, M., 2004. *State building and democratization in Sub-Saharan Africa: Forwards, backwards, or together?* Working Paper No. 43, Afrobarometer.
- iii National Constitutional Assembly, 2005. *The 2005 Parliamentary Election: Flawed, Unfree, and Unfair!*. April 2005. Harare: National Constitutional Assembly.
- iv We have focused on the two major elections and not the many by-elections held since 2000. This is in the interests of economy only and it is clear that the trends seen in the major elections were seen in all the by-elections.
- v Solidarity Peace Trust, 2005. *Subverting Justice. The role of the judiciary in denying the will of the Zimbabwean Electorate since 2000*. March 2005, Solidarity Peace Trust.
- vi Amani, 2002. *Neither Free nor Fair: High Court decisions on the petitions on the June 2000 General Election*. Harare: Amani Trust; Amani, 2002. *Organised Violence and Torture in the By-Elections held in Zimbabwe during 2000 and 2001*. Harare: Amani Trust; Amani, 2002. *Heroism in the Dock: Does testifying help victims of organised violence and torture? A pilot study from Zimbabwe*. Harare: Amani Trust; Amani, 2002. *"At the boiling point of the pain". Report of a pilot study examining the efficacy of psychotherapy for torture survivors*. Harare: Amani.
- vii Amnesty International, 2000. *Zimbabwe: Terror tactics in the run-up to the parliamentary elections*. June 2000, London: Amnesty International; IRCT, 2000. *Organised Violence and Torture in Zimbabwe*. 6th June 2000, Copenhagen and Harare, Copenhagen & Harare: IRCT & Amani Trust; Zimbabwe Human Rights NGO Forum, 2000. *Who is Responsible? A preliminary analysis of pre-election violence in Zimbabwe*. Harare: Zimbabwe Human Rights NGO Forum; Zimbabwe Human Rights NGO Forum, 2001. *Human Rights and Zimbabwe's June 2000 Election*. Harare: Zimbabwe Human Rights NGO Forum.
- viii Zimbabwe Human Rights NGO Forum, 2001. *Report on Election-related Political Violence in Chikomba*. Harare: Zimbabwe Human Rights NGO Forum.
- ix Zimbabwe Human Rights NGO Forum, 2001. *Evaluating the Abuja Agreement*. Harare: Zimbabwe Human Rights NGO Forum; Zimbabwe Human Rights NGO Forum, 2001. *Evaluating the Abuja Agreement: Two months report*. Harare: Zimbabwe Human Rights NGO Forum.

- x At the 18th Meeting of CMAG, the following was agreed:  
The group expressed support for the initiative by the Southern African Development Community (SADC) in encouraging a peaceful outcome to the situation in Zimbabwe in accordance with the rule of law and respect for human rights.  
CMAG further called on the government of Zimbabwe to ensure that: there is an immediate end to violence and intimidation and that the police and army refrain from party-political statements and activities; all parties in the election be allowed to campaign freely without intimidation or fear of recrimination; the people of Zimbabwe are able to make an unfettered and informed choice in the elections, *inter alia* through full access to information from the media.  
The group decided that Zimbabwe would remain on its formal agenda and agreed to draw up its recommendations to CHOGM at its next meeting, taking into account the government of Zimbabwe's response to these concerns, in the light of information received from the secretary-general. The group noted that the Millbrook Commonwealth Action Programme provides for a range of measures from Commonwealth disapproval to suspension.
- xi Redress Trust, 2005. *Zimbabwe: The Face of Torture and Organised Violence in the Run-up to the 31 March 2005 General Parliamentary Election*. London: Redress Trust.
- xii Zimbabwe Human Rights NGO Forum, 2002. *Are They Accountable? Examining alleged violators and their violations pre and post the Presidential Election March 2002*. Harare: Zimbabwe Human Rights NGO Forum.
- xiii Afrobarometer, 1999. *Public Opinion and the Consolidation of Democracy in Southern Africa: An initial review of key findings from the Southern African Democracy Barometer*. Afrobarometer Paper No. 12.
- xiv Mass Public Opinion Institute, 2004. *The Electoral Playing Field in Zimbabwe*. August 2004, Harare: Mass Public Opinion Institute.
- xv Solidarity Peace Trust, 2004. *Disturbing the Peace. An overview of civilian arrests in Zimbabwe: February 2002 – January 2004*. South Africa & Zimbabwe: Solidarity Peace Trust.
- xvi Reeler, A.P., & Chitsike, K.C., 2004. *Zimbabwe at the Cross-Roads: Views of Zimbabwean citizens on democracy and transitional justice*. Dialogue Unit, IDASA. (Unpublished report.)
- xvii Redress Trust, 2004. *Zimbabwe. Tortuous Patterns Destined to Repeat Themselves in Upcoming Election Campaign. Preliminary study of trends and associations in the pattern of torture and organised violence in Zimbabwe, July 2001 – December 2003*. London: Redress Trust. This report showed the shift in the patterns of human rights violations.

- Another report, focusing on the use by the government of the Public Order and Security Act (Posa), showed the extent to which the act was being applied in a selective fashion. See Solidarity Peace Trust, 2004. *Disturbing the Peace. An overview of civilian arrests in Zimbabwe: February 2002 – January 2004*. South Africa & Zimbabwe: Solidarity Peace Trust.
- xviii Zimbabwe Lawyers for Human Rights, 2005. *The Pre-Election Climate in Zimbabwe*. March 2005, Harare: Zimbabwe Lawyers for Human Rights; See also Zimbabwe Human Rights NGO Forum, 2005. *It's the Count that Counts: Food for Thought. Reviewing the pre-election period in Zimbabwe*. Harare: Zimbabwe Human Rights NGO Forum.
- xix Human Rights Watch, 2005. *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*. A Human Rights Watch Briefing Paper, March 21, 2005, New York: Human Rights Watch.
- xx Zimbabwe Election Support Network, 2005. *Report on Zimbabwe's 2005 General Election*. Final Copy, April 2005. Harare: Zimbabwe Election Support Network; See also Zimbabwe Lawyers for Human Rights, 2005. *Report on the March 2005 Parliamentary Elections (Zimbabwe)*. Harare: Zimbabwe Lawyers for Human Rights.
- xxi These indicators were explicitly chosen to reflect the SADC principles and guidelines and were operationalised using "hard" indicators found in previous Zimbabwean elections.
- xxii See the weekly reports of the Media Monitoring Project (MMPZ) and the various statements and reports from MISA.
- xxiii MDC, 2005. *Stolen. The Will of the Zimbabwean People Denied...Again: How the elections were rigged*. MDC report on the March 2005 Parliamentary Elections, 12 April 2005.
- xxiv Zimbabwe Human Rights NGO Forum, 2001. *Who was Responsible? A consolidated analysis of pre-election violence in Zimbabwe*. Harare: Zimbabwe Human Rights NGO Forum; Zimbabwe Human Rights NGO Forum, 2002. *Are They Accountable? Examining alleged violators and their violations pre and post the Presidential Election March 2002*. Harare: Zimbabwe Human Rights NGO Forum. See also Reeler, A.P., 2003. *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*. Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.
- xxv Zimbabwe Election Support Network, 2005. *Report on Zimbabwe's 2005 General Election*. Final Copy. April 2005. Harare: Zimbabwe Election Support Network.
- xxvi By overt violence, we mean cases of physical violence, murder, etc.

However, in terms of the SADC principles and guidelines, cases of interference with basic freedoms, intimidation and the like are clearly important in assessing the “free” component of elections and ZESN makes no real comments here except in respect of access to the media and the use of traditional authorities. It must be presumed that the more subtle forms of electoral irregularity were not being monitored by ZESN and this severely limits the use of the ZESN reports in assessing the pre-election climate.

- xxvii Zimbabwe Human Rights NGO Forum, 2005. *It's the Count that Counts: Food for Thought. Reviewing the pre-election period in Zimbabwe*. Harare: Zimbabwe Human Rights NGO Forum.
- xxviii Redress Trust, 2004. *Zimbabwe. Tortuous Patterns Destined to Repeat Themselves in Upcoming Election Campaign. Preliminary study of trends and associations in the pattern of torture and organised violence in Zimbabwe, July 2001 – December 2003*. London: Redress Trust.
- xxix National Constitutional Assembly, 2005. *Consolidated Election Climate Report No1 February 2005*. Harare: National Constitutional Assembly; National Constitutional Assembly, 2005. *Consolidated Election Climate Report No 2 March 2005*. Harare: National Constitutional Assembly.
- xxx National Constitutional Assembly, 2005. *The 2005 Parliamentary Election: Flawed, Unfree, and Unfair!* April 2005. Harare: National Constitutional Assembly.
- xxxi For all the comparisons here and elsewhere in this paper, the Manicaland data had to be excluded as the NCA did not manage to collect data on this province. This is clearly a limitation in analysing the whole national picture, but it is submitted that there was such good agreement on all the other provinces that the limitation is merely on completeness rather than any accuracy in analysing trends and relationships.
- xxxii There is also ample corroboration of all the reports in the public record provided by the media and these provide strong additional support for the reliability of the NCA data.
- xxxiii Although there was a pool of 298 reports generally available, this number varied in some of the analyses for various reasons.
- xxxiv The mean EI score for 2005 seats lost was 8.29 (sd. 4.44), while the mean EI scores for 2005 seats won was 11.89 (sd. 5.03). This difference was significant on statistical test ( $t=3.92$ ;  $p=0.001$ ; two-tailed).
- xxxv The mean EI ratings for the urban seats was 12.62 (sd. 5.03), while the mean EI rating for the rural seats was 8.12 (sd. 4.38). This difference was significant on statistical testing ( $t=5.42$ ;  $p=0.001$ ; two-tailed).
- xxxvi The mean EI ratings for seats won in 2000 was 11.85 (sd. 5.03), while

the mean EI ratings for the seats lost in 2000 was 7.15 (sd. 3.42). This was significant on statistical testing ( $t=7.772$ ;  $p=0.001$ ; two-tailed).

xxxvii Here it is worthwhile remembering the extraordinary statement of the security forces heads in 2002 that they would not accept a leader without liberation war credentials, effectively making it clear that they would not accept Morgan Tsvangirai as president.