

The End of A Road:

The 2013 Elections in Zimbabwe

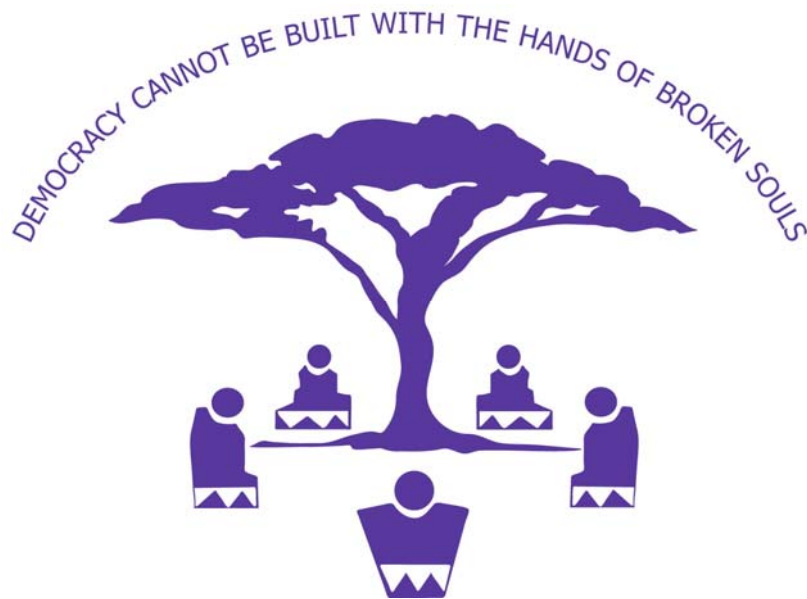


A battered campaign poster for Presidential hopeful, Morgan Tsvangirai, in an election that left the opposition bruised and disempowered

Solidarity Peace Trust

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Voices from Matabeleland –

Opinions on what contributed to the election results

ZANU PF and the campaign

Fear...

'I voted for ZANU-PF even though I do not support them. The war veterans told us that there would be war if MDC won, who ever wants a situation again like that in the 2008 elections?'

[Old man, Nkayi]

Food...

'The other thing was the rice; the rice issue was a problem. You see food was used in campaigning and people had no choice. They ended up giving that bucket of rice an exaggerated value, maybe because it could have found them without mealie meal at home.... When election time comes they have no choice but to vote for that bucket of rice....'

[Middle aged man, Insiza]

Favours...

'We also lost on strategy, as technically ZANU-PF had an upper hand, they announced a cancellation of outstanding local authority bills, giving a tangible reprieve to the electorate and it won them some degree of support.'

[MDC-T lawyer, Bulawayo]

Regalia and visibility...

'ZANU gave just anyone, if you happened to be near when they were passing by they would give you, either a cap, or a doek [scarf], to tie your head, they were not discriminating. Other parties did not have - you recognise Highlanders [soccer] fans by their regalia, but some supporters of these other parties did not have their party regalia – these other parties ended up like school children who just wear their school uniforms because they are too poor to have the right clothes so that you know who they are.'

[Old man, Umzingwane]

...Witchcraft

'Those caps and shirts from China, they were taken to a powerful N'anga in Chipinge, so that when anyone waved those ZANU-PF caps in the air over their heads, they ended up voting for ZANU PF once they were in the polling station, no matter who they really supported...'

[Young man, Bulilima]

Assisted voting...

'They would ask aged people, "Gogo can I go with you inside so that I can assist you?" That was a plot. Aged people would want to go in, vote fast and go home. They would in the end agree, though not fully. Like being honest about who would they really want to vote for.'

[Young Man, Insiza South]

MDC-T and the campaign

Imposed candidates....

'L.M. came, he first spoke about devolution. In the end he introduced the candidate he imposed, and then we asked him - we asked him what kind of devolution he was talking about. Because you spoke about devolution first, and then for you to introduce your imposed candidate...? He then went on to say because he is at national level whatever he says goes. He said that even if he got that person from the toilet, it was a must for us to vote for him. We said no! We don't know that person. Things got messed up.' [Insiza South]

Reactions to election outcome

Thinking of Joshua Nkomo....

'I just do not understand why this keeps on happening this way. I am so disappointed. I have been disappointed by every election since 1980. We met Mr Joshua Nkomo in person, at Njelele Hill, and we cleared everything with the spirits for him to win. Maybe Mugabe has got a stronger god than all of us and that is why he wins, no matter how people vote....'
[Old lady, Matobo]

'What I can say is that in terms of politics I have no alignment to any party, but whoever leads in a good way - I'm not even saying there is one who is leading in a good way - but, in the 1980s, this side in Matabeleland there was Nkomo, he was the one whom we looked up to. When things started getting tough he said, "My people, things are tough - if I continue going out to other countries, this matter will not be handled well. I better join these people, so that we unite and I fix things internally". He then left us with Mugabe. Even now we are saying it is okay where we are, whoever is in opposition is not of concern to us.... We will speak to the one who was left on the throne by Nkomo.'
[Old man, Gwanda]

Depression...

'It's a paralyzing election result to every one, the future is bleak. They will continue to fill their bellies, while we suffers.'
[Old man, Lupane]

'If he is the one who has taken over the whole country what can you do? Where can you go to? There is no way out, if these radios are telling us the truth, to say that old man has won, what can we do, nothing.'
[Old lady, Umzingwane]

Pleasure...

'I am glad that ZANU PF has won - they have promised us that we can own factories now, so I am waiting to be given part of a factory.'
[Young man, Tsholotsho South]

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ABBREVIATIONS

ANC	African National Congress
AU	African Union
CIO	Central Intelligence Organisation
COPAC	Parliamentary Select Committee
EU	European Union
GPA	Global Political Agreement
HofA	House of Assembly
IMF	International Monetary Fund
MDC	Movement for Democratic Change
MDC-T	Movement for Democratic Change – Tsvangirai
MDC (M/N)	Movement for Democratic Change (Mutambara/Ncube)
MKD	Mavambo/Kusile/Dawn
NCA	National Constitutional Assembly
PIMZ	Progressive and Innovative Movement of Zimbabwe
RAU	Research and Advocacy Unit
SADC	Southern African Development Community
SPT	Solidarity Peace Trust
UK	United Kingdom
UNESCO	United Nations Education XX
USA	United States of America
ZANU PF	Zimbabwe African National Union (Patriotic Front)
ZAPU	Zimbabwe African People’s Union
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Electoral Support Network
ZRP	Zimbabwe Republic Police

The End of a Road

Introduction¹

The Global Political Agreement (GPA), which set out to prepare the political process for a generally acceptable election after the debacle of June 2008, was marked by severe contestations all too characteristic of the battle for the state that constituted the politics of the agreement. At almost every stage of the agreement intense conflicts over the interpretation of the accord left their debris on the political terrain, at the heart of which was the meaning of 'sovereignty.' Around this notion, ZANU PF in particular wove dense layers of political discourse, combined with the coercive use of the state that it continued to control. The major aim of this strategy on the part of ZANU PF, was to manipulate and stall the reform provisions in the GPA, regroup, and reconfigure its political resources after plunging to the nadir of its legitimacy in the 2008 electoral defeat.

In 2009, Solidarity Peace Trust (SPT) published a monograph² that provided a comprehensive overview of the GPA, setting out its central dynamics and the key structures and processes involved in the politics of this period. The aim of this report is not to repeat the analysis provided in that book, but to provide succinct coverage of the election that brought that agreement to a close. Moreover the report will also provide some pointers to the future of Zimbabwean politics.

The Constitutional Process

Between 2009 and 2013 a key area of contestation between the parties to the GPA was the struggle for constitutional reform. Article VI of the agreement set out the 'fundamental right and duty of the Zimbabwean people to make a constitution for themselves', also stipulating that the process would be carried out by a Select Committee of Parliament composed of parties to the GPA. Constitutionalism and the constitutional reform is often a highly contested process with different parties bringing different political agendas and competing imaginaries to the process. Zimbabwe was no exception to this trend and since the 1990's the major political parties often fought out their rival positions on this terrain.

For the nationalists coming out of the liberation struggle, constitutionalism and the law have had a complicated history. On the one hand, these discourses were constitutive of their demands against the colonial state and helped to conceptualise their own legality and

¹ This Introduction and the section on the constitution draw from B.Raftopoulos, "Towards another stalemate in Zimbabwe?" NOREF, October 2012.

² Brian Raftopoulos (Ed), **The Hard Road to Reform: The Politics of Zimbabwe's Global Political Agreement**. Weaver Press, Harare.

legitimacy. They have also played an important role in both locating their demands and imagining the possible forms of a future state.³ On the other hand this generation of leaders also viewed the liberation struggle as an alternative to constitutionalism, with the war of liberation leading to the destruction of the colonial state and the establishment of 'people's power' however nebulously defined.⁴

The constitutional compromises agreed at Lancaster House in 1979 were the result of a convergence of national, regional and international pressures that inaugurated the politics of the post-colonial state. Once in power, ZANU PF, as in the case of other post-colonial political parties, instrumentalised the use of the constitution to concentrate power in the Presidency and to reconstruct the power relations between the state and opposition politics.

With the signing of the GPA in 2008, constitutional reform became one of the major issues of contention between the parties. After three years of delays, obstructions, logistical and financial squabbles, and a problematic outreach programme, a draft constitution was produced through the Parliamentary Select Committee process (COPAC), in July 2012. Importantly in terms of the process, all parties to the agreement were signatories to the draft, leading to the logical conclusion that at all times the principals of the parties and their respective leaderships were fully informed of the discussions of the COPAC team.

However, in a move that replicated previous interventions to block constitutional reform and eschew its commitment to the GPA, ZANU PF placed another obstacle in the progress of the reform process. In August 2012, President Mugabe presented the leaders of the MDC formations with a ZANU PF redraft of the COPAC draft, on the grounds that the latter was drafted in opposition to the 'views of the people' gathered during the outreach process. This redraft, described by ZANU PF as 'non-negotiable', attempted to undo the COPAC process, undermine the GPA and once again force the Zimbabwean citizenry into a national election without a new constitution. Moreover, the ZANU PF draft effectively dismissed the major reforms included in the COPAC draft and proposed a return to the kind of executive powers and party-state rule that ZANU PF had crafted since 1980.

Both MDC formations objected strongly to this ZANU PF position. After weeks of political haggling, the parties, under pressure from the SADC facilitation team, agreed to take the COPAC draft to an All Stakeholders Conference held in October 2012. The few disagreements on the draft that resulted from the Conference were finally resolved by the

³ Jocelyn Alexander, 'Nationalism, self-government in Rhodesian detention: Gonakudzingwa, 1964-1974,' *Journal of Southern African Studies*, vol 37, no. 2, 2011, pp.551-569.

⁴ Ibbo Mandaza, 'Movements for National Liberation and constitutionalism in Southern Africa,' in Issa Shivji (Ed) *State and Constitutionalism, An African Debate*, SAPES Books, Harare, 1991, pp. 71-90.

party Principals in January 2013, and by Presidential Proclamation, the 16th July was set aside as the day that a referendum would be held on the constitutional draft. While the draft was a compromise document which still contained a disturbing concentration of executive powers, it also put in place important changes such as presidential term limits, more accountability of the security and judicial services, a more independent national prosecuting authority, limited devolution of power, and stronger citizenship rights.

The National Constitutional Assembly (NCA), which had opposed the COPAC process, filed an application to the High Court in February 2013 seeking an order interdicting the Zimbabwe Election Commission (ZEC) from conducting the referendum. The NCA sought the court order on the grounds that the Proclamation be declared unlawful and *ultra vires* Section 3 of the Referendum Act Chapter 2:10. Predictably the High Court rejected the NCA case 'in its entirety' stating that the President's conduct was 'not subject to review by a court.'⁵

The referendum went ahead on the 16th March 2013, with the overwhelming majority of voters, 3,079,966, voting for the new constitution, while a small number, 179,489, voted against. The total number of votes cast was 3,259,454.⁶ The referendum vote recorded the largest voter turnout in the post-colonial period, with marked increases in each province in comparison with the March elections. Harare and the three Mashonaland Provinces recorded the largest turnouts, while the Southern Matabeleland regions recorded the lowest.⁷ The major reasons for the large voter turnout included the broad consensus of the GPA parties on the draft constitution, the relaxed voting requirements, the less complex voting procedure and the 'relatively prevailing peaceful political engagements.'⁸ Ominously the large voter turnout also gave an indication that ZANU PF was mobilizing its support base in preparation for the general elections, and that the party had been steadily registering voters in preparation for this forthcoming event.

The Possibility of Regional and International Consensus in the Interregnum between the Referendum and the Election

In the aftermath of the referendum there appeared to be a growing consensus between SADC, the EU and to a lesser extent the US on the way forward. SADC commended Zimbabwe for holding a credible, free and fair constitutional referendum,' and urged the GPA parties once again to 'finalise the outstanding issues in the implementation of the GPA

⁵ Constitution Watch 11/2013, Harare, 2nd March 2013.

⁶ Zimbabwe Human Rights Bulletin, "Zimbabwe resoundingly votes for a new constitution," 19 March 2013.

⁷ Electoral Resource Centre, " 'Miracle Votes'- An analysis of the March 2013 Referendum." March 2013.

⁸ Ibid.

and preparations for holding free and fair elections in Zimbabwe.⁹ Two months before this, a Friends of Zimbabwe meeting held in London attended by several EU members, the US, Canada, Japan and Australia as well as the parties to the GPA, also issued a statement of encouragement on the success of the referendum. The statement welcomed and supported SADC's lead role as guarantor of the GPA, noted the 'breakthrough of the constitutional referendum' and reemphasized Western support to SADC 'in their efforts to facilitate the GPA and the roadmap for elections.'¹⁰

In May 2013, a 'Quick Policy Insight' paper from the European Parliament reached out further to SADC and to the GPA parties, providing a critical perspective on both Zanu PF and the MDC and stressing the need for building stronger political institutions. The statement read:

Government turnover does not guarantee democratic change in Zimbabwe. Zanu PF lacks democratic roots; but the MDC has, for its part, done little to prove its trustworthiness. Rather than asking *who* is in power, international analysts might want to put a stronger focus on *how* to actually improve Zimbabwe's political culture and institutions.¹¹

In addition the document warned that:

.....foreign actors need to be aware of the high degree of suspicion prevalent in Zimbabwe. The international community should act with great care to avoid unintentionally causing a counterproductive backlash.¹²

In addition to these overtures the Danish Government had, in March 2013, stated that its position towards Zimbabwe was that 'the risks of not engaging in the current crucial transition process is greater than the risk of engaging.'¹³ The IMF for its part had in June of this year approved a Staff-Monitored Programme for Zimbabwe covering the period April-December 2013, in which it would support the Zimbabwean authorities' 'comprehensive

Dialogue, His Excellency, President of the Republic of South Africa, President Jacob Zuma, to the SADC Organ Troika on Politics, Defence and Security Cooperation. Pretoria, South Africa, 9 March 2013.

¹⁰ Friends of Zimbabwe Communiqué, London, 26 March 2013. The delegations to the meeting included: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, the EU, Finland, France, Germany, Ireland, Italy, Japan, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the UK, the US.

¹¹ European Parliament, Director- General for External Policies, "Zimbabwe's 2013 general elections: A genuine wind of change?" DG EXPO/B/Pol Dep/Note/ 2013. 28 May 2013.

¹² Ibid.

¹³ Ministry of Foreign Affairs, Denmark, DANIDA, "Denmark-Zimbabwe Partnership Policy 2013-2015," March 2013.

adjustment and reform programme'. This would in turn be an 'important stepping stone towards helping Zimbabwe re-engage with the international community.'¹⁴

Thus, by the end of June 2013 there was a growing consensus between SADC and the EU in particular about the success of the referendum and the need for generally acceptable free and fair elections, even if this was underlined by nagging doubts about the possibility of such an outcome. The EU linked its re-engagement to the management of the forthcoming elections, and stated that it was 'ready to engage with whatever government that is formed as a result of peaceful, transparent and credible elections.'¹⁵ The US, as it did throughout the period of the GPA,¹⁶ took a harder line stating that while it applauded the holding of a successful referendum, it urged the Zimbabwe Government to welcome both domestic and international observers to monitor the elections. This position set out by US Assistant Secretary for African Affairs, Johnny Carson, earned an immediate rebuke from the Zimbabwean Presidential spokesperson for putting forward such 'obnoxious' conditions.¹⁷ Notwithstanding the US position, there appeared to be an increasing convergence between SADC and the West on the need for free and fair elections in Zimbabwe, an emerging consensus that had, by mid 2013, already pushed the EU into a substantive movement away from the 'sanctions' measures imposed by the Mugabe regime from the early 2000's. However, as will be discussed further in the paper, this seeming convergence barely concealed the tensions and contradictions in the discourses on transition at play between and sometimes within these groups.

The Election Process

As he had done prior to the 2008 election, in contravention of the GPA, Mugabe proceeded to take a unilateral position on the setting of the election date. Notwithstanding the unfinished reform agenda set out in the GPA, and against the persistent recommendations of several SADC fora on the need for a full implementation of the GPA before an election, Mugabe and his party set in train a series of processes that would once again imperil the SADC facilitation process in Zimbabwe. On the 2nd May 2013 Mr. Jealousy Mawarire, the Director of the Centre for Democracy in Southern Africa, and widely believed to be working for ZANU PF, filed an urgent application to the Supreme Court seeking an order directing

¹⁴ International Monetary Fund, 'IMF Managing Director Approves a Staff Monitored Programme for Zimbabwe.' Press Release No. 13/174, 13 June 2013.

¹⁵ Report of the Delegation of the Development Committee of the European Parliament to Zimbabwe (29 April-3 May 2013.) 3 July 2013.

¹⁶ B.Raftopoulos, 'An Overview of the Politics of the Global Political Agreement: National Conflict, Regional Agony, International Dilemma,' in B.Raftopoulos (Ed), *The Hard Road to Reform*, op cit.

¹⁷ US seek to observe Zimbabwe elections. www.thezimbabwemail.com/zimbabwe/16751-us-seek-to-observe-zimbabwe-elections.html Accessed on 08/04/13.

the President to proclaim elections to be held no later than the 30th June. Mawarire made his claim under section 18 of the old Constitution. By the time the matter came to court it was heard by the Constitutional Court which was set up under the new constitution, the composition of which was largely influenced by ZANU PF. Predictably, by a majority decision the Court was in agreement with Mawarire's claim, but stated that the election date should be set for 31st July.

This controversial legal decision¹⁸ allowed ZANU PF to push ahead with its preferred date for the election, largely bypassing the requirements for consultation with other parties to the GPA, and the SADC demands for the full implementation of the agreement before elections. The immediate response of Lindiwe Zulu from the SADC facilitation team was that:

With or without the court ruling, we are going ahead to meet the parties as the facilitation team ahead of the SADC summit which (decision) was agreed on in Addis Ababa. All parties have been invited. As the facilitator put it at the summit, we want the comfort of having a clear roadmap to the elections, with timelines agreed upon by the parties themselves. The ultimate is to have credible elections. We want to avoid the 2008 scenario.¹⁹

Zulu's statement resulted in a hail of invective from ZANU PF spokespersons that continued past attacks on her and was a prelude to a major verbal assault by Mugabe himself. Party ideologue Jonathan Moyo, drawing on the language of sovereignty and constitutionalism, called Zulu's comments an 'attack on our national sovereignty' and called on Zimbabweans to 'oppose and reject this patronizing and illegitimate posturing by our neighbours.'²⁰ Despite these attacks Zuma's report to the SADC Troika on the 15 June reiterated the concerns of Zulu's position. Noting that most of the areas agreed to by the GPA parties in July 2011 under the framework of 'Zimbabwe Elections Road Map and Timelines' had not been 'adequately implemented', Zuma reported that the proposal to hold the elections on 31st July 'is fraught with legal contestation, political dispute and heightened tensions even within the Inclusive Government.'²¹

At the SADC summit held in Maputo on 15th June 2013, the regional group endorsed the report of the facilitator but acknowledged the ruling of the Constitutional Court. It

¹⁸ For one of the many discussions of this decision by civic groups in Zimbabwe see D. Matyszak, "Before and After": Old Wine in new bottles: The Constitutional Court Ruling on the election date." 3rd June 2013.

¹⁹ Dumisani Sibanda and Everson Mushava, 'Roadmap will decide polls-Zuma.' www.zimbabwemail.com/zimbabwe/17602-roadmap-will-decide-polls-zuma.html Accessed on 06/06/13.

²⁰ 'Moyo and Mutambara blasts Zuma'. www.thezimbabwemail.com/zimbabwe/17616-moyo-and-mutambara-savages-zuma.html Accessed on 06/06/13.

²¹ Report of the SADC Facilitator, His Excellency, President of the Republic of Zimbabwe, President Jacob Zuma, at the SADC Extra-Ordinary Summit, Maputo, Mozambique, 15 June 2013.

recommended that the Government of Zimbabwe engage the Constitutional Court to seek more time 'beyond the 31 July deadline' for holding the Harmonised Elections.²² It was very clear that SADC, notwithstanding the warnings from Zuma's report, was bending to Mugabe's strategy, deferring once again to the issue of sovereignty around the Court decision. The Executive Secretary of SADC Tomaz Solomao made it clear after the Maputo summit that 'decisions of the courts are to be respected.'²³ The AU Chair Nkosozena Dlamini-Zuma took the same position, also expressing the need to respect the rule of law and the judiciary.²⁴

Following the summit, ZANU PF made a court appeal for an extension, designed to fail and submitted without the consultation of the two MDC's. Predictably the Constitutional Court denied the appeal and the election date of the 31st July was confirmed, in the face of a clear lack of preparedness for the elections. As the International Crisis Group reported, the voters roll was in a shambles, the security forces remained unreformed, the public media was grossly imbalanced, the Zimbabwe Electoral Commission (ZEC) was under-funded and lacked time for preparation, and the ZEC failed to provide an electronic voters' roll to all candidates before the election in breach of Section 21 of the Electoral Act. Moreover the voter registration process was 'hampered by resource restrictions, showed bias against the registration in the cities - especially Harare, and ended on 10 July amid protests.'²⁵ This lack of preparedness continued to be a concern to the SADC facilitation team with Lindiwe Zulu once again voicing her concerns after the chaotic process surrounding the special vote organized for police in mid July, designed to allow police who would be on duty on 31st July to vote earlier. Zulu observed that, "We are concerned because things on the ground are not looking good," stating also that Zuma had called Mugabe to tell him that he was not pleased with the run-up to the poll.²⁶

Mugabe responded angrily to Zulu's statement, hurling insults at her:

An ordinary woman says 'no you can't have elections on July 31.' Really, did such a person think we, as a country, would take heed of this street woman's utterances?²⁷

Moreover in yet another display of political brinkmanship Mugabe threatened to withdraw from SADC if the organization 'decides to do stupid things.' The South African Presidency

²² Communiqué: SADC Maputo meeting on DRC, Zimbabwe and Madagascar, Maputo, 15th June 2013.

²³ 'Elections: SADC will respect court appeal ruling.' www.newzimbabwe.com/news-11438-Elections+SADC+will+respect+appeal+ruling/news.aspx Accessed on 18 June 2013.

²⁴ 'AU chief wades into election date row.' www.newzimbabwe.com/news-11431-AU+chief+wades+into+election+date+row/news.aspx Accessed on 17 June 2013.

²⁵ International Crisis Group, *Zimbabwe's Elections: Mugabe's Last Stand*. Africa Briefing No. 95, Johannesburg/Brussels, 29 July 2013.

²⁶ "Zimbabwe Election 'not looking good', South Africa." www.safpi.org Accessed on 22 July 2013.

²⁷ Sibusiso Ngalwa, 'Zuma's envoy shrugs off Bob's street slur.' Sunday Times, 7, July 2013.

immediately issued a statement distancing itself from Zulu's comments and denying any reports that Zuma had been in touch with Mugabe about election preparations.²⁸

Thus, after a protracted process of facilitation, and the contested and frustrating experience of an Inclusive Government, the Harmonised Elections went ahead on 31st July 2013. Although there were clear indications that once again the MDCs faced major obstacles in the elections, the extent of ZANU PF's 'victory' shocked many observers. In the Presidential vote Mugabe received 61% of the vote, compared to the 44% he had won in 2008; Tsvangirai's vote plunged from 48% in 2008 to 33% in 2013. In terms of the parliamentary seats Zanu PF increased its number from 99 seats in 2008 to 159 in 2013, while the MDC-T's number dropped from 99 seats in 2008 (with the smaller MDC formation winning 10 seats) to 49 in 2013. Moreover the total number of votes counted increased by 25% between 2008 and 2013, with ZANU PF increasing its share of the vote by 83% between these dates, with the percentage of the MDC-T dropping to – 2% in this period.

The response of the regional and continental bodies to the elections was unanimously favourable, unlike their position in the discredited 2008 plebiscite. SADC declared the poll 'free, peaceful and generally credible,' notwithstanding its unwillingness to pronounce it 'fair' because of the absence of an electronic voters' role.²⁹ The AU commended Zimbabwe for 'a generally peaceful campaign,' observing that 'from an historical perspective and in comparison to the 2008 elections, Zimbabwe has made an important transition in the conduct of its elections.'³⁰ Jacob Zuma expressed his 'profound congratulations' to Mugabe and urged all parties in Zimbabwe to 'accept the outcome of the elections as election observers reported it to be an expression of the will of the people.'³¹ The only dissenting voice in SADC was Botswana, which called for an independent audit of the electoral process.³² However, as in the past Botswana's dissent was soon brought to heel within the solidarity framework of SADC, and the body went further to elect Mugabe its Deputy Chairperson at its Malawi summit in August 2013. While this position was endorsed by the Chinese and Russian Governments, the elections received endorsement neither from the

²⁸ 'South Africa regrets unauthorized statements on Zimbabwe.' www.thepresidency.gov.za 21st July 2013.

²⁹ SADC, *Summary Statement of the SADC Election Observation Mission to the Harmonised Elections in the Republic of Zimbabwe held on 31 July 2013*. 2 August 2013.

³⁰ African Union, *African Union Election Observation Mission to the Harmonised Elections of 31 July 2013, in the Republic of Zimbabwe. Preliminary Statement*. 2 August 2013. The same position was taken by the Common Market for Eastern and Southern Africa (COMESA) who congratulated Zimbabwe on 'the general atmosphere of peace and tranquility' in the elections, which would go 'a long way in contributing to the consolidation of democracy in Zimbabwe.' *COMESA Election Observer Mission to the 31 July Harmonised Elections in the Republic of Zimbabwe*, 3 August 2013.

³¹ 'Zimbabwe: Statement by Jacob Zuma.' www.safpi.org Accessed on 7 August 2013.

³² Statement by the Government of the Republic of Botswana on the 2013 Election in the Republic of Zimbabwe. Gaborone, 5 August 2013.

EU nor the US, with both expressing doubts about its free and fair status, and with the latter making it clear that US sanctions would continue. The UN commended a 'broadly peaceful election day,' but stressed that concerns about certain aspects of the election process should be pursued through established channels.³³

The MDC formations and the major civic bodies rejected the legitimacy of the elections with claims of election fraud. Mugabe's immediate response to this challenge was less than gracious:

Those who cannot accept defeat are wasting their time. They can even go hang if they want, but even dogs will not sniff at their corpses.... We voted democratically. We brought democracy. We have delivered democracy on a platter. If they do not want to take it, let it be, but the people have delivered it.³⁴

However after an initial threat to challenge the results in the Constitutional Court Tsvangirai dropped the action and both parties decided not to challenge the results any further in the courts.

Explaining the Election Results

While there were always clear indications that the MDCs would continue to face major challenges in attempting to defeat ZANU PF at the polls, the sheer scale of the latter's victory left many Zimbabweans and political observers stunned. In explaining the recent victory of Mugabe and ZANU PF three areas need to be analysed: The strategies of ZANU PF in the context of the transformed political economy of Zimbabwe; the weaknesses of the MDC formations; the politics of SADC, the EU and US.

The Strategies of ZANU PF

Much of the commentary on the elections results from the MDCs and the civic movement has concentrated on the violations of the electoral law both before and during the election process. Most of these factors have already been referred to above. Added to these, it is clear that ZANU PF systematically blocked the central reforms of the GPA throughout the period of the Inclusive Government.³⁵ Even as ZANU PF largely kept the energies of the MDCs concentrated on the single issue of constitutional reform, the former concentrated its activities on election preparations from the inception of the GPA. This strategy was combined, from late 2012, with the systematic arrest and harassment of civil society leaders monitoring and documenting human rights violations, providing psycho-social and

³³ Statement Attributable to the Spokesperson for the Secretary- General on elections in Zimbabwe. New York 2 August 2013. www.un.org/sg/statements/ Accessed on 6 August 2013.

³⁴ Everson Mushava and Obey Manayiti, 'Tsvangirai can go hang-Mugabe.' News Day 13 August 2013.

³⁵ See B.Raftopoulos 2013 op cit for details on this issue.

legal support to victims, and those working on voter registration and voter mobilization. These interventions of reform blockage and civic intimidation were combined with the 'harvest of fear' drawing on the memories of the brutalities of the 2008 election.³⁶ Thus the long history of authoritarian nationalism and state brutality has continued to play a major, if differentiated, role in the country's politics.

However it is also clear that Mugabe and his party have retained a substantial social base in the country, as was evidenced even during the generally accepted first round of the Harmonised Elections in March 2008. Moreover the maintenance of this social base has not been based solely on violence and coercion but on a combination of the ideological legacies of the liberation struggle, the persistent memories of colonial dispossession, and the land reform process. As Fontein has written while the authoritarian turn in Zimbabwean politics has excluded such groups as the urban poor, farm workers, women and white commercial farmers, 'it did simultaneously manage to appeal to some...localised aspirations which have been thwarted since 1980.'³⁷ As Fontein also observes 'the redistribution of land to the landless, however corrupt, politicised and indeed violent the process may have been, along with the increasing involvement of both war veterans and traditional leaders in local political structures.....were very astute political moves.'³⁸ This social base has been renewed and expanded within the context of the radical changes in Zimbabwe's political economy since 2000. The deconstruction of former white owned, large scale farms and their replacement by a preponderance of small farm holders has radically changed the social and political relations on the land. Following the land redistribution process, 70% of the land is now held by small farm producers, 13% by middle scale farmers, and 11% by large farms and estates. This 're-peasantisation' has resulted in changes in wealth distribution from a landed racial minority to 'mostly landless and land-poor' classes.³⁹ Moreover these changes on the land have created a new 'entrepreneurial dynamism' and 'productive potential' resulting in new areas of economic activity with novel marketing and value chains, even if it still unclear whether these restructured relations on the land will be dominated by patronage relations with the ZANU PF state or become the source of sustainable livelihoods.⁴⁰

³⁶ P.Zamchiya, *Pre-Election Detectors: Zanu PF's attempt to reclaim political hegemony*. Crisis in Zimbabwe Coalition, Harare, 2013, p.20.

³⁷ J.Fontein, " 'We Want to Belong to Our Roots and We Want to be Modern People': New Farmers, Old Claims Around Lake Mutirikwa, Southern Zimbabwe," *African Studies Quarterly*, 10,4, 2009, p 15; and J.Fontein, 'Shared Legacies of the War: Spirit Mediums and War Veterans in Southern Zimbabwe,' *Journal of Religion in Africa*, 36,2, 2006, pp. 167-199.

³⁸ Fontein op cit p. 15-16.

³⁹ S. Moyo, 'Three decades of agrarian reform in Zimbabwe,' *Journal of Peasant Studies*, 38, 3, 2011 p.499.

⁴⁰ I.Scoones, N.Marongwe, B.Mavedzenge, F.Murimbarimba, J. Mahenehene, and C.Sukume, 'Zimbabwe's land reform: Challenging the myths,' *Journal of Peasant Studies*, 38,3, 2011, p986.

The new forms in which ZANU PF and its state organs have penetrated these new social relations have affected the forms of ZANU PF dominance in these areas. Different forms of governmentality have developed in the resettled areas, characterised by what Murisa calls the 'fusion of traditional and modern institutions, which bring together customary and popular political functionaries to serve on the same platforms.' Through these structures Zanu PF has channeled various rural programmes and forms of patronage appealing to various popular demands around irrigation, farm inputs, marketing of products, education and electrification in the rural areas, even as it formally signed up to the more neo-liberal economic programmes agreed upon by the Inclusive Government.⁴¹ However Murisa also warns that the increasing move towards re-instituting traditional authorities resembles the colonial state practices of imposed traditional structures.⁴² This is a reminder, as Partha Chatterjee warns, that 'while many of the techniques of power adopted by the post-colonial state were the same techniques deployed in the colonial period, the ideological ground of justification was now anti-imperialist.'⁴³ This description clearly resonates in the Zimbabwe context.

The development of ZANU PF's social base was also visible in the rapid growth of the informal mining sector. In the 1990's this sector was in its incipient form and was not an area that Zanu PF actively cultivated. As Yeros noted, gold panners in this period lacked access to channels of political representation and were largely 'unorganised and unrepresented.'⁴⁴ However by the 2000's this sector grew rapidly within the context of the fast growing by mining sector, whose contribution to the GDP grew from 3.2% in 2008, to 9.5 % in 2010 reaching 13% by 2012, with the mineral sector accounting for 73% of the country's total exports.⁴⁵ This growth led Mawowa to conclude that the government's policy emphasis on the centrality of the peasantry and subsistence farming in the rural areas, may have masked the reality of the dominance of the mining sector, in which small scale mining, largely carried out (71%) by young men under 35, accounted for 40% of total output.⁴⁶

⁴¹ Zanu PF member Dr.Sikanyiso Ndlovu named the kind of projects that Zanu PF were engaged in during the period of the Inclusive Government in 'Ibbo Mandaza's rigging allegations insane,' The Herald, 8 August 2013.

⁴² T.Murisa, 'Social Organisation in the Aftermath of Fast Track: An Analysis of Emerging Forms of Local Authority, Platforms of Mobilisation and Local Cooperation,' in S.Moyo and W.Chambati, *Land and Agrarian Reform: Beyond White Settler Capitalism*, African Institute for Agrarian Studies, Harare and CODESRIA, Dakar, 2013, p283.

⁴³ Partha Chatterjee, 'Empire as a practice of power: empire as ideology and as technique.'

www.humanityjournal.org/blog/2012/08/empire-practice-power-ideology-an..... Accessed on 10/01/2012.

⁴⁴ P.Yeros, 'The Political Economy of Civilisation: Peasant-Workers in Zimbabwe and the Neo-colonial World.' PhD Thesis, London School of Economics, University of London, 2002.

⁴⁵ S.Mawowa, 'The Political Economy of Crisis, Mining and Accumulation in Zimbabwe.' PhD Thesis, University of Kwazulu Natal, 2013, p,76.

⁴⁶ Mawowa, p150.

As the mining sector became the most important area of accumulation and patronage in the shrinking crisis economy, the Zimbabwean state compromised with large mining companies like Zimplats and allowed it to operate in the country on very favourable terms. In the case of Zimplats the company was allowed direct access to foreign currency and an exemption from surrender requirements imposed on other exporters, and the right to conduct most of its financial transactions outside the country. This effectively 'insulated it from Zimbabwe's hyperinflation and the collapsed national payment system.'⁴⁷ This accommodation with foreign capital can also be seen in the policy on land where by 2009, 1.7 million hectares of land was being utilized by a combination of agro-industrial plantations, conservancies and mining farmlands owned by transnational corporations and focused on export production.⁴⁸

Thus, as Martens observes, under the Inclusive Government the Ministry of Mines, led by a ZANU PF minister, reversed its 2008 policy of clamping down on illegal mining, and sought to extend its support to this sector. It was little wonder then, that the Zimbabwe Artisanal and Small-Scale Mining Council (ZASMC) representing 25,000 small-scale miners, welcomed ZANU PF's victory in 2013.⁴⁹ Mawowa clearly sums up the political implications of these changes in the mining sector:

As the economic situation worsened, the party-state patronage system has become more entrenched. This has become clearer with the indigenization and empowerment policy where party affiliation is the single most important criterion for access to state mediated economic opportunities. The party manifests itself as a localized capitalist oligarchy....

The patronage accumulation attending this period have however not excluded possibilities for upward mobility among the somewhat independent miners. It is these possibilities that suggest that, in spite of Zimbabwe's serious economic crisis, some things continued to work and indeed as formality declined, new accumulation paths emerged.⁵⁰

The emergence of this 'shadow economy' has not undermined the existence of the central state authority, but instead the latter has adapted to the economic changes through a system of patronage that 'relies on several conduits of coercive power' that, though not always coordinated, subordinate themselves to the centrality of the party and the state.⁵¹

⁴⁷ Mawowa, p92.

⁴⁸ Moyo 2011, op cit, p.499. See also S.Moyo, 'Land concentration and accumulation after redistributive reform in post-settler Zimbabwe,' *Review of African Political Economy*, 38, 128, 2011, pp. 257-276.

⁴⁹ J.Martens, 'Zimbabwe Elections: What if there had been no rigging?' *International Politics*, 01/2013, Rosa Luxemburg Stiftung, Southern Africa, p5.

⁵⁰ Mawowa 2013, op cit, pp. 185-86.

⁵¹ Mawowa p.189.

This analysis of the changing forms of state authority accords with McGregor's excellent analysis of the reconfiguration of the state on the Zambezi frontier during the period of the Zimbabwe crisis. McGregor describes how the changes in livelihood on this frontier blurred the boundaries between legal and illegal activities, with unregulated activities becoming enmeshed with bureaucratic controls and the implication of state agents.⁵² The long term results of this artisanal and small scale mining is not yet clear but in the short term its developmental potential appears to be very fragile, and where mining was once a driver of urbanization in the Zimbabwean economy, in the post 2000 period, mining towns became 'havens for internally displaced persons.'⁵³

In addition to mobilizing amongst the informal sector miners and controlling the revenues from the diamond mines in Chiadzwa,⁵⁴ ZANU PF also stepped up their mobilisation efforts within the increasingly informalised urban sector. The latter displaced manufacturing to become the second largest employer in the economy by 2011, with the largest number of informal sector employees working in the wholesale and retail trade, and repair of motor vehicles and motor cycles.⁵⁵ In Zimbabwe, as in other post-colonial states, what Denning has called the 'specter of wageless life' is no longer viewed as a temporary condition, but increasingly as the 'main mode of existence in a separate, almost autonomous economy.'⁵⁶ With the shrinking of formal sector employment in the economy generally, and in manufacturing in the urban areas in particular, the rate of unionization also declined from 200,000 in 1990, to 197,000 in 1997, and 162,000 in 2013. Thus the rate of unionization to estimated total employment in the formal sector has ranged from around 13-16% between the years 1990-2013.⁵⁷ The low levels of unionisation and the growing informalisation of the economy have undermined the effectiveness of tripartite industrial relations structures and increased the avenues for dealing with labour issues through more informalised structures with greater vulnerability to the political influences of ZANU PF.

Thus, just as the forms of rule have changed in the rural governance structures, so have they been affected in the governance and administration of urban labour relations. The trade unions, which were the most effective mobilisation base for the MDC-T in the late 1990's have been severely weakened by a combination of shrinking formal employment, state coercion, weakening organizational capacity, splits in the central labour federation,

⁵² J.McGregor, *Crossing the Zambezi: The Politics of Landscape on a Central African Frontier*, James Currey, Suffolk, Weaver Press, Harare, 2009.

⁵³ A.Kamete, 'Of prosperity, ghost towns and havens: mining and urbanization in Zimbabwe.' *Journal of Contemporary African Studies*, 30, 4, 2012, pp. 589-609.

⁵⁴ Global Witness, 'Return of the Blood Diamond: The deadly race to control Zimbabwe's new-found diamond wealth.' London, 2010.

⁵⁵ Zimbabwe National Statistics Agency, *2011 Labour Force Survey, Government of Zimbabwe*, May 2012, p103.

⁵⁶ M.Denning, 'Wageless Life,' *New Left Review*, 66, Nov/Dec 2010, p.86.

⁵⁷ Zimbabwe Congress of Trade Unions data base 2013.

and loss of leadership to the party political sphere. As the strength of Tsvangirai's party weakened in this area, ZANU PF escalated their interventions with urbanites at local government level. As McGregor observes, ZANU PF has relied on 'coercive measures and irregular enticements to maintain the local state as a system of patronage when challenged under the Inclusive Government.' Moreover the privatization and deregulation of local authority controls 'provided opportunities and resources to fuel ZANU PF accumulation and patronage through party linked business.'⁵⁸ With little to offer in terms of new employment opportunities ZANU PF, building on the blockages they had built to the few attempts made by the MDC to improve the extremely poor state of municipal government inherited by the Inclusive Government, made a populist decision to cancel all outstanding rate payments a week before the 2013 elections. As one of its election posters read:

COUNCIL BILLS CANCELLED. ZANU PF says yes MDC says no. Dollarisation led to unfairly high outstanding bills, ZANU PF understands that people are struggling and that's why we have cleared your bills.⁵⁹

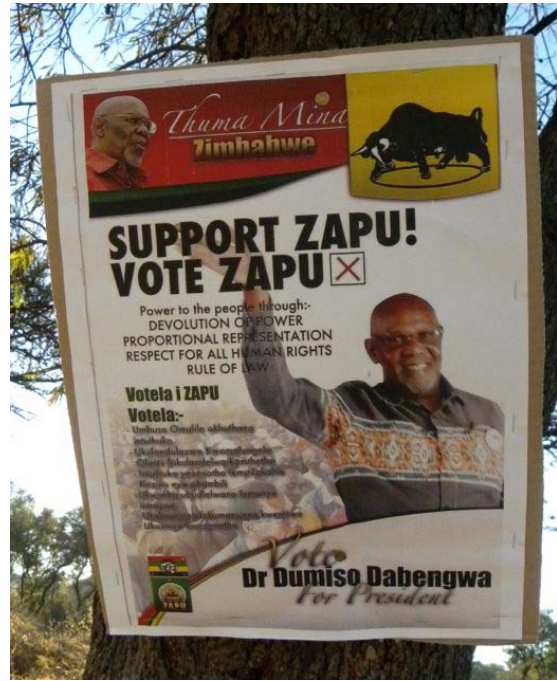
Once again, ZANU PF combined its formal affiliation to stabilisation measures under the inclusive government with populist electoral interventions, with little regard for the longer-term implications of such measures. The cumulative messaging of these Zanu PF policy interventions was brought together in the party's election manifesto which was entitled 'Indigenise, Empower, Develop and create Employment.' The key themes of this manifesto included ZANU PF's monopoly claim to have: delivered liberation from colonial rule and carried out the "Third Chimurenga" of land re-distribution; provided the guardianship of national sovereignty and identity; guaranteed freedom, democracy, non-violence and peace; embarked on a new programme of indigenisation to increase popular ownership of national resources and provide growth and employment.⁶⁰ As Mugabe looked to what he termed the 'quick yielding sector of mining and agriculture,' it was clear that ZANU PF was constructing its social base both for the elections and for its future development vision, as one built around reconstructed agricultural and mining sectors, combined with the informal sector activities of the urban areas. In addition to the party's rural supporters and those in the informal mining sector, this vision also found some resonance amongst the 47% youth unemployment in the urban areas⁶¹ particularly, as we discuss below, in light of the disappointing performance of the MDCs in the Inclusive Government.

⁵⁸ J. McGregor, 'Patronage, "power sharing" and the policies of urban control in Zimbabwe,' *Journal of Southern African Studies*, (forthcoming 2013.)

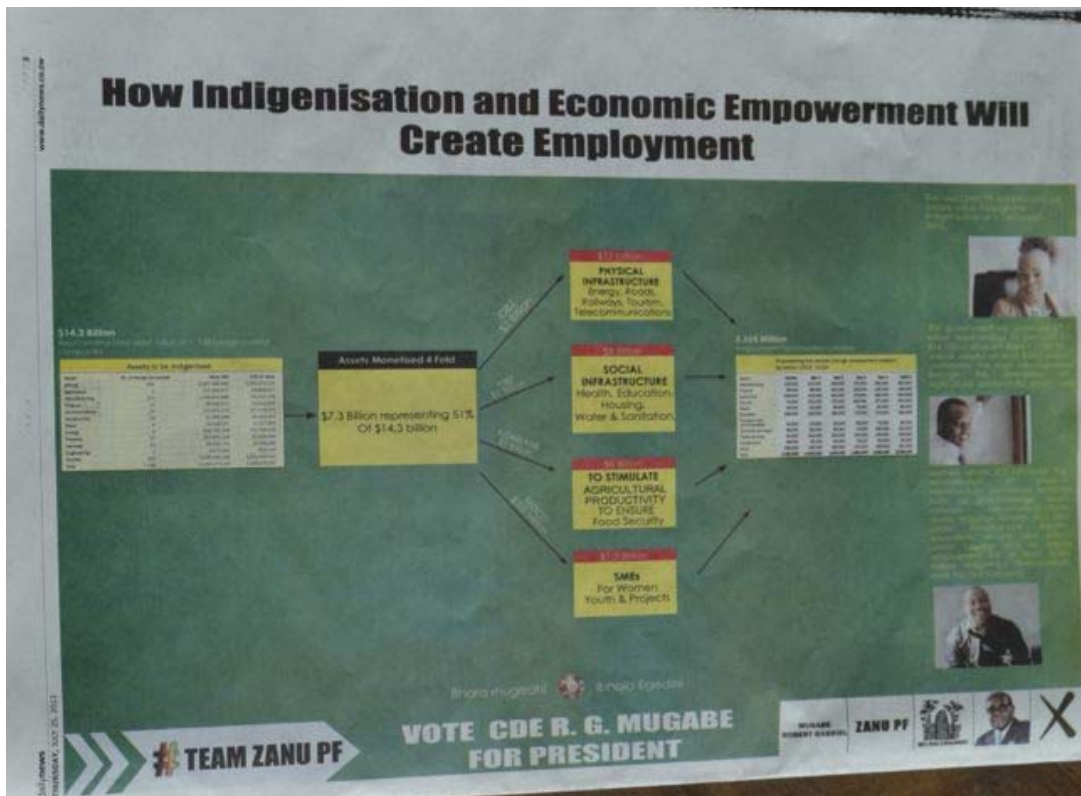
⁵⁹ Daily News 30 July 2013.

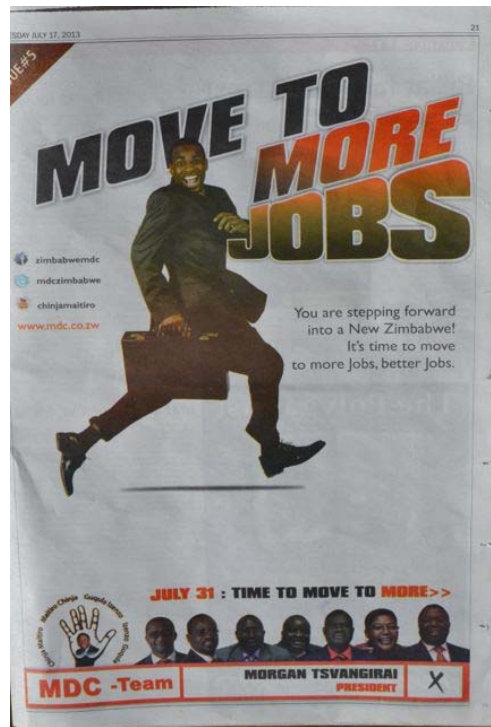
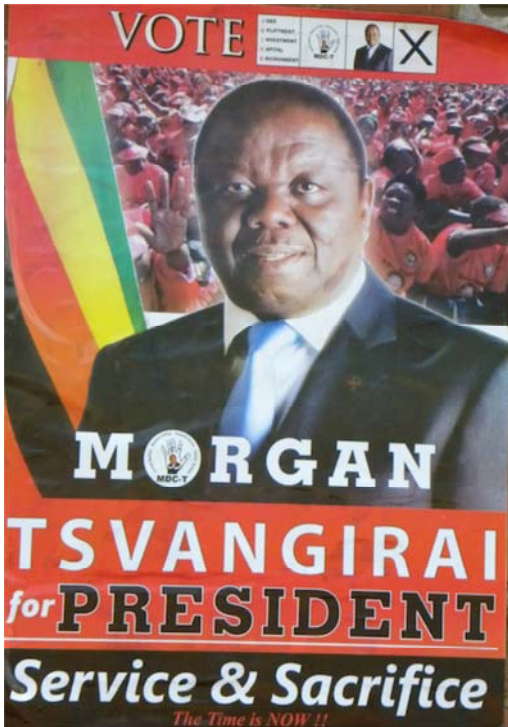
⁶⁰ Zanu PF Election Manifesto: Indigenise, Empower, Develop and Create Employment. 2013.

⁶¹ Labour Force Survey op cit, p 70.

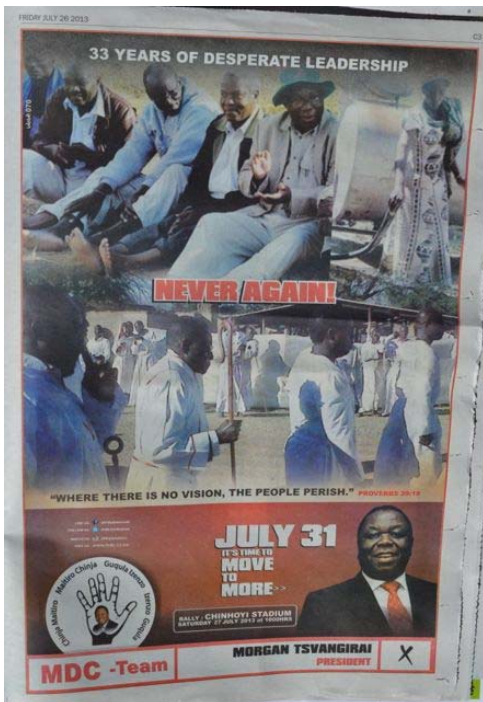


Above: campaign posters for Mavambo/Kusile/Dawn, led by Simba Makoni, and ZAPU led by Dumiso Dabengwa: neither party drew more than a handful of votes.
 Below: ZANU PF promoted indigenization at the centre of their campaign





Images from the MDC-T campaign, which targeted the urban classes and focused on the shortcomings of ZANU PF's years in office. The poster below left shows ZANU PF cabinet ministers paying barefoot homage to a local woman who claimed to have found refined diesel coming from a rock, and Mugabe with a staff campaigning with the Vapostori church. Below right, an advert reminds voters of empty shelves, hyperinflation and police violence.



To sum up this section, the ZANU PF electoral strategy in 2013 clearly moved away from its dominant reliance on violence in the June 2008 runoff, although selective coercion, intimidation and the memory of the 2008 events, were not absent in this round. A combination of coercion, consent and political blockages in the context of a reconstituted social base served to provide the MDCs with a formidable political challenge.⁶² Moreover the divisions and party disorganisation of ZANU PF's 2008 campaign were dealt with through a much tighter party organization and election campaign, run as Tendi observes, by a 'network of party officials, youth and retired military officers who fought in Zimbabwe's liberation war.'⁶³ The shock of the 2008 defeat in conditions of severe economic crisis and the lifeline thrown to the party by the GPA, provided a decisive jolt to Mugabe and his party, along with the realisation that they could not get away with another violent March-June 2008 election campaign, whatever their continued reliance on the long memories of fear and violence in the Zimbabwean electorate.

The Limitations of the MDCs

When the MDC was formed in 1999 it grew from a broad-based social movement that had emerged from a combination of trade union, constitutional reform and human rights based activism. It developed a language of democratization that combined the discourses of these different but connected threads of protest and struck at one of the weakest points of the politics of the party of liberation, ZANU PF. From the late 1990s into the 2000s this political formation brought together an alliance of movements and social forces and led the debate for political reform in the country. Thus, this party grew organically from emergent social forces that also provided strong intellectual arguments for developing a force capable of confronting and defeating the hegemony of the ruling party. As the novelist No Violet Bulawayo describes it, the word *change* was in the air and it felt like something you could 'grab and put in your mouth and sink your teeth into.'⁶⁴ However the united MDC also had its weaknesses, which included underdeveloped organizational structures, lack of leadership accountability, and a growing culture of intra-party violence deployed within the context of a growing factionalism within the party. These issues and others led to a split

⁶² As David Moore describes it, "The Zanu PF applied, Machiavelli style, a classic Gramscian combination of forceful power and sly persuasions-the dialectic of coercion and consent- to confound the fourteen- year-old MDC." D. Moore, 'In Zimbabwe, A Luta Continua.' www.africanarguments.org/2013/08/12/in-zimbabwe-a-luta-continua-... Accessed on 13/08/13.

⁶³ M.B.Tendi, 'Why Robert Mugabe scored a landslide victory in the Zimbabwean elections.' www.theguardian.com/world/2013/aug/05/robert-mugabe-zimbabwe-election-zanu-pf Accessed on 19/08/2013.

⁶⁴ No Violet Bulawayo, *We need new names*, Chatto and Windus, London, p.29.

in the party in 2005.⁶⁵ The party also faced a constant barrage of political and legal attacks, as well as repeated bouts of electoral violence from the ZANU PF state.

Importantly, the MDC's discourse on democratisation and broadly neo-liberal economic programmes, backed by Western countries, was always found wanting, against the redistributive logic of ZANU PF's land reform process, the ideological legacies of the liberation movement, and the discourse of state sovereignty. Notwithstanding these obstacles the two MDC formations continued to fight elections and in 2008, against great odds, they defeated ZANU PF at the polls, with Mugabe also losing the first round of the Presidential election to Tsvangirai. As a result of horrendous state-led violence the MDCs were prevented from translating this electoral victory into state power, and the ruling party retained its incumbency at this point through the sheer force of the state.

Under the GPA, the MDC formations were always at a disadvantage against a party that continued to control the coercive arms of the state and persistently blocked key reforms in the agreement, despite repeated demands to implement these reforms. Their lack of experience against ZANU PF's abuse of statecraft quickly exposed the MDCs weaknesses as did other factors, such as the inability of the two formations to work together under the Inclusive Government, leadership indiscretions, growing corruption particularly at local government level, and a failure to claim its successes in the face of ZANU PF's monopoly control of the electronic media.⁶⁶ The radical changes in Zimbabwe's political economy in the 2000s as discussed above, and particularly the reconfiguration of the MDCs' urban social base, drastically weakened the support base of the MDC-T in particular, and the combination of trade union activists and the urban middle class that in the 1990s could bring the country to a standstill, was no longer available in such numbers for such mobilization. The effects of economic demobilization and massive diasporisation whittled away the strength of these social forces.⁶⁷

Both MDCs have begun the process of assessing the implications of the recent defeat and the prospects of another long-term struggle. In addition to claims of fraud in the recent election, the MDC-T pointed to a number of internal problems that weakened their challenge. These included: Elite capture of the party by the Standing Committee; absence of intelligence; failure to implement agreed positions; failure to follow up on issues; absence of respect, trust, communication, proper plans, clear fundraising plan, clear campaign

⁶⁵ B.Raftopoulos and K.Alexander (Eds), *Reflections on Democratic Politics in Zimbabwe*, Institute for Justice and Reconciliation, Cape Town, 2006.

⁶⁶ J.Muzondidya, 'The Opposition Dilemma in Zimbabwe: A Critical Review of the Politics of the Movement for Democratic Change (MDC) Parties under the GPA Transitional Framework 2009-2012,' in B.Raftopoulos (Ed) *The Hard Road to Reform*, op cit 2009.

⁶⁷ J.Crush and D.Tavera (Eds), *Zimbabwe's Exodus: Crisis, Migration, Survival*, SAMP, Cape Town, IDRC, Ottawa, 2010.

strategy; the need to reconnect with civil society; dysfunctional provincial structures; the need for a new paradigm; lack of party discipline; the need to discard idioms and mannerisms that alienated the support base; transform from a movement to a political party; need to deliver and show difference of performance in local governance.⁶⁸ All these issues point to a party that has not been able to strengthen its organizational and strategic framework against a repressive regime that has constantly harassed its leadership and structures. However, since 2009 these weaknesses have eroded the support of both MDCs, as was evident from opinion polls carried out in 2012, which showed a drop in support for the MDCs and Tsvangirai and an upsurge in popularity for Mugabe and his party.⁶⁹ These weaknesses and, of particular importance to the election campaign, the failure of the two MDC formations to develop an electoral pact in 2013, resulted in the loss of several seats to ZANU PF due to a split vote. For example in Matabeleland South, 8 of the 13 seats were lost to ZANU PF because of the this factor, while in Matabeleland North a united opposition would have won 11 of the 13 seats instead of which ZANU PF won 7 out of the 13. Together these factors meant that the MDCs were a much weaker force in 2013 than they were in 2008.

Regional and International Factors

For SADC, and South Africa in particular, the major priority in settling the Zimbabwean crisis was to ensure stabilization, not democratization.⁷⁰ In practice this meant that despite the persistent calls from the regional body and the SA facilitation team for the full implementation of the GPA prior to elections, there was little evidence, beyond diplomatic exhortations, that the organization was willing or able to take further actions. Thus, in the face of ZANU PF's unwillingness to fully implement the GPA reforms, SADC eventually settled for minimal electoral reforms, a new constitution, and the absence of the levels of violence that marred the 2008 elections. Guided by liberation solidarity with ZANU PF and the need to stabilise the political situation with the support of political-military establishment in Zimbabwe, Zuma blinked in the face of Mugabe's humiliating affront to South Africa, and SADC took what can only be described as a supine position on the electoral outcome. The MDC-T's comment on the SADC election report clearly expressed its dissatisfaction with the regional position:

⁶⁸ MDC: NSC Strategic Planning Retreat, Harare, 12 September 2013.

⁶⁹ See Freedom House, 'Change and "New" Politics in Zimbabwe,' Harare, 18 August 2012.

⁷⁰ For a fuller discussion of this see B.Raftopoulos, 'An Overview of the GPA,' op cit 2009.

The report sets a very petrifying precedent for SADC if this is the quality of observation that is satisfactory for the region.⁷¹

With regard to international forces, the SADC facilitation effectively kept them at bay with their response to the Inclusive Government, moving between a range of positions including, nominal support for the process, humanitarian assistance for the Inclusive Government, and a continuation of a sanctions regime, though with a gradual move away from this policy by the EU. In the aftermath of the election, though not lifting the sanctions completely, the EU took another step in this direction by lifting the strictures against the Government of Zimbabwe's Mining Development Corporation, with Belgium, the centre of global diamond trading, welcoming the move.⁷² The US on the other hand, who noted the 'deep flaws' in the election process, stated its commitment to maintain the targeted sanctions.⁷³ For the present, the strategy of the Western countries appears to be a wait-and-see approach in the hope that the Mugabe government will tone down its indigenization policy and anti-Western rhetoric, gradually move towards a greater rapprochement with the International Financial Institutions, and in so doing provide a face-saving opportunity to engage more fully with the regime.

Conclusion

It is fair to conclude that the politics of the opposition, both party and civic, that emerged in the late 1990s and continued through the first 13 years of the 2000s has come to an end in its current form. The political and economic conditions that gave rise to its emergence have changed substantially, even if the challenges facing the country remain Herculean. For ZANU PF the major task ahead is to deliver on its election manifesto in the face of enormous odds. This will most likely give rise to new battles within the ruling party and provide new opportunities for the emergence of critical voices. The battle for a broader democratization continues.

⁷¹ MDC Statement on SADC election observer mission summary report. www.safpi.org Accessed on 09/09/13.

⁷² 'ZMDC taken off blacklist'. www.thezimbabwemail.com/zimbabwe.com/zimbabwe/18316-zmdc-taken-off-blacklist.html Accessed on 27/09/2013.

⁷³ 'The troubling path ahead for US-Zimbabwe relations testimony.' www.safpi.org Accessed 16/09/13.



Campaign posters for the MDC led by Welshman Ncube. The party gained a few percent of the vote and four positions in parliament via proportional representation.

PART TWO

UNDERSTANDING THE RESULTS: AN EVALUATION OF THE VOTING PATTERNS



ZANU PF campaign posters, with a strangely young-looking Robert Mugabe.

A. BACKGROUND TO THE ELECTION

The first section of this report has dealt in detail with the longer-term context of the 2013 election, detailing the shifts in Zimbabwe's economic and therefore political base during the lifespan of the GPA, as well as referring to the months and weeks running up to the vote. This section will focus primarily on the voting figures and their immediate context.

i. Fear and coercion

While the 2013 election was not marred by widespread violence, the Zimbabwean population has fresh memories of the violence of the 2008 Presidential run-off, in which thousands of people lost property, were beaten, or were displaced, and in which more than 300 people died. In 2013, while actual physical violence was seldom reported, there were many reports of **threats of violence**.⁷⁴ Bearing in mind ZANU PF's propensity to act on threats, the election outcome needs to be understood first and foremost in the context of three decades of violence against the opposition. In the wake of the 2013 election, there has in fact been retribution against known MDC-T supporters in some parts of the country with loss of property and displacement, meaning that those who are too afraid to stand up against threats have good reasons for not doing so.⁷⁵

The impact of political violence is not limited to rural areas. As noted in Part One of this report, the shift in the economic power base over the last decade has entrenched a coercive system of ZANU PF patronage in some urban and peri-urban areas. The coercive nature of living in certain Harare suburbs or small towns such as Norton, in which ZANU PF has come to predominate in what were formally MDC-T strongholds, has been previously described.⁷⁶ ZANU PF has established a stronghold over Mbare in Harare in the last decade, where living in the area and maintaining ownership of a council house or a market stand has come to depend entirely on ZANU PF patronage.⁷⁷ The large votes for ZANU PF and their wins in some peri-urban and small town constituencies are a product of this.

ii. The unlikelihood of Justice

Martin Luther King stated that, "Peace is not the absence of violence, it is the presence of justice", and the latter remains elusive in Zimbabwe today. The vast majority of victims of government-instigated violence have never received justice, which feeds their reluctance to expose themselves to further losses. Furthermore, in every election since 2000, the MDCs have appealed aspects of the electoral outcome through the courts. However, these

⁷⁴ Chitemba, B, "Mugabe relative wreaking havoc, Zimbabwe independent, Harare, 2013. MDC-T Information Department, press statement, 3 August 2013 cites "massive intimidation". Sokwanele website lists 222 self reported incidents of intimidation.

⁷⁵ Moyo, N, "MDC-T condemns endless attacks on its supporters", SWRadio Africa, 8 August 2013. In northern Lupane, two MDC-T members had their homes burnt down on the night of 31 July. (Personal interviews.)

⁷⁶ Alexander, J and Chitofori, K, "The consequences of Violent Politics in Norton, Zimbabwe, *The Round Table*, 99: 411, 673-686. 2010.

⁷⁷ Chikwanha, T, "Chipangano: An organised criminal network", Daily News, Harare 20 July 2013 refers to Zanu PF control of Mbare via terror and coercion.

petitions and their appeals have been dragged out through the entire five-year term of parliament and have been left unresolved by the next election, or have been dismissed.⁷⁸

iii. Election violations 2013

The immediate response of the MDC-T to the 2013 election results was that there was widespread fraud and that the results were not believable.⁷⁹ Violations of the Constitution and the Electoral Act, both legal and bureaucratic, have been detailed by the MDC-T, ZESN and the media, and are summarized at the end of this report.⁸⁰ The MDC-T has lodged petitions in 39 constituencies and in due course they will present their evidence to the courts.⁸¹ However, bearing in mind the history of Zimbabwean electoral petitions since 2000, the petitions are very unlikely to be successful, and will simply play the role of placing a record of the irregularities in the public domain.

No electronic voters' roll:

To date there is no electronic roll, which is in direct violation of the Electoral Act. All candidates in terms of the law are entitled to have the electronic roll 'in good time' before the election date. No electronic roll means it has also not been possible to establish the demographics of the final roll, including whether:

- there was a rush of young voters registered in the final weeks before the election, as they were dramatically under represented on the May 2013 roll.
- whether the possibly 100,000 dead (aged over 100 years) on the previous roll had been purged.
- how many slight variations of the same voter name and ID remained on the roll, possibly allowing the same person to vote multiple times.

Issues of deep concern around all of these factors had been raised by ZESN and the Research and Advocacy Unit's (RAU) analysis based on the May 2013 voters' roll.⁸²

iv. Assessing the voting figures

As other reports and accounts of the elections have already detailed the bureaucratic and legal breaches of the election, this report focuses on **an assessment of the votes**

⁷⁸ SPT, *Subverting Justice: the role of the judiciary in denying the will of the Zimbabwean electorate since 2000*. Johannesburg, 2005. Southern Eye: "Litigious Zimbabwe timeline", Bulawayo, 20 June 2013.

⁷⁹ Morgan Tsvangirai initially contested the outcome of the Presidential poll: See the case of Morgan R Tsvangirai v Robert Mugabe and 7 Others CC72/13. The petition was withdrawn on 17 August on the grounds that he did not believe it would get a fair hearing. A ten-page document listing the reasons he and the MDC-T did not believe the poll was fair was released: Daily News, "Tsvangirai demands fresh elections in 60 days", Harare, 10 August 2013. Also, Southern Eye, "Tsvangirai hits out at Concourt", Bulawayo 20 August 2013.

⁸⁰ See Appendix 6.

⁸¹ It seems the MDC-T could be running into problems in finding strong evidence for these petitions, as one has already been withdrawn. Felix Share, "MDC-T withdrawing election petitions", on website Free and Fair Zimbabwe Election, 27 September 2013.

⁸² ZESN press release, "Voters' roll undermined poll". 1 August 2013. For summary of the main RAU findings: <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=389385&sn=Detail&pid=71619>

themselves. It could be argued that it is of limited use to look simply at figures on their own, without the context of knowing what has actually happened on the ground in any constituency to explain the figures. For example:

- Are massive increases in ZANU PF voters in some constituencies an anomaly, or simply a reflection of ZANU PF's claim to have registered hundreds of thousands of their voters over the last five years?⁸³
- In constituencies where the figures appear 'ordinary' or within the bounds of the highly possible - such as where the total number of votes cast has barely changed since the previous election and the winning candidate wins by a margin of a few percent - were there nonetheless events on the ground that interfered with a free and fair voting process?

Specific Outcomes that remain unknown

More than 20,000 independent observers were deployed countrywide, more than 9,000 of which were from Zimbabwean civic organisations. Furthermore, every political candidate was legally entitled to two polling agents in every polling station in their constituency: in 96% of polling stations, there were in fact opposition polling agents⁸⁴. Their main responsibility is to be present not only during the vote, but also during the counting of the vote. Every polling agent is supposed to complete a V11 form, recording all aspects of the vote count, and return this to their party in due course.

Considering the large numbers of independent observers and polling agents, it is hard to explain why to date there are no **systematic independent sources** of voting statistics in the public domain down to the constituency and ward level countrywide, in particular with regard to assisted votes and voters turned away.⁸⁵ This is an inexplicable failing. The government-run ZEC has provided global, provincial figures rather than constituency-based figures for many aspects of the vote, and this is all that is available to date. It is not possible to accurately assess numbers of voters turned away countrywide on a polling-station-by-polling-station basis for example, nor is there a record of assisted votes by polling station or by constituency. Having access to these numbers would give a more accurate picture of how many turned out to vote in given constituencies or wards, how many succeeded in doing so, and under what conditions.⁸⁶

⁸³ These media articles dating back to October 2012, show a concerted effort by ZANU PF to register a million new voters among their supporters. Sunday Mail, "Zanu-PF strongholds record highest number of new voters", Harare, 9-15 June 2013. Sunday Mail, "Million new voters for Zanu-PF", Harare, 2-8 December 2012. Daily News, "Mugabe shakes up to youth vote", Harare, 16 October 2012. The Standard, "Zanu PF embarks on door-to-door campaign", Harare, 28 October 28-3 November 2012. Daily News, "Zanu PF targets rural vote", Harare, 30 October 2012. Daily News, "Mugabe targets women vote", Harare, 27 November 2012.

⁸⁴ ZESN, *ZESN report on the 31 July Harmonised Elections*, Harare, September 2013.

http://www.zesn.org.zw/images/statements/ZESN_2013_Harmonised_Election_Preliminary_Statement_01_August_13-1026hrs.pdf

⁸⁵ In a few constituencies this information may be available, but is not in the public domain, save for Bulawayo East. David Coltart of the MDC circulated his polling agents' records of what happened on a polling-station-by-polling-station basis and his rigorous report stands alone in this election in terms of helping us understand what might have happened on the day.

⁸⁶ The main NGO report in Zimbabwe released to date is that of ZESN, released during September. This report provides a very good general background to the election and some of its anomalies. However, it does not shed

In spite of the above reservations, it is nonetheless possible to track some general trends that show shifts in election results since 2000 up to the present elections, as well as other trends.

B. ARE THERE PATTERNS TO BE SEEN?

1. OVERALL VOTE COMPARISONS

i. General observations

Bearing in mind the background of breaches of the law underlying all elections since 2000, the results as formally recorded may not be a true reflection of the will of the people in any election. That being said, a review of the figures since the 2000 election shows certain and differing trends in the votes for the MDCs and for ZANU PF. The election outcome for 2013 should be seen as one in a series of **five key elections** since the rise of MDC as a significant opposition party in the late 1990s.⁸⁷ These elections are:

- Parliamentary elections in 2000 and 2005 (House of Assembly)
- Presidential election in 2002
- Harmonised elections in 2008 and 2013 (House of Assembly shown in graph)
- In the first 3 elections, there was one united MDC, after which the votes for MDC-T and that for the MDC (M/N) are shown separately. All non-MDC-T opposition votes are totaled, under 'other parties' - MDC (M/N), ZAPU, MKD etc.

ii. The MDCs and the vote

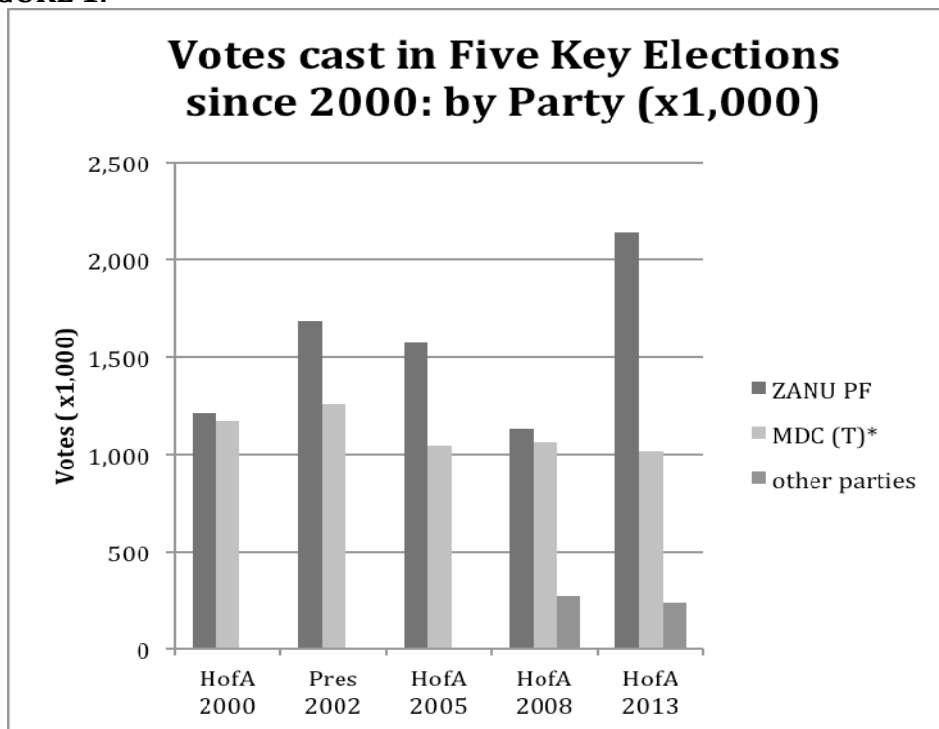
1. The **highest opposition vote** for a **single party/candidate** was in the Presidential election of 2002, with **1,258,401** for Morgan Tsvangirai.
2. In 2000 and 2005, the united MDC vote, and in 2008 and 2013 the MDC-T vote in the **House of Assembly (HoA)** – commonly known as the parliamentary election – has remained in the region of **slightly more than 1,1 million votes**, with very little deviation from this. The variation across the three most recent elections has been within a range of 43,000 votes.
3. However the *combined* opposition vote was over 1,4 million votes in 2008 and around 1,3 million votes in 2013.

any more light on the intricacies of the vote by constituency or ward than their initial summary report released early in August. Most of the figures quoted in the ZESN report are based on those released by ZEC, without any commentary on whether ZESN found any numerical differences based on their own observers' reports.

⁸⁷ Figures are those cited in SPT, *Punishing citizens, Silencing Dissent: the Zimbabwe Elections 2008*. Source: africanelection.tripod.com/zw.html#2005_House_of_Assembly_Election. Figures for the 2008 Election were taken from www.zimbabwesituation.com/apr3b.html and supplemented with figures from Veritas.

- Over the last decade there have been on average no more than **1,3 million voters brave enough to consistently vote for opposition parties**, regardless of the risks – which is different from concluding that this represents the full extent of their support base. It is unclear what the opposition support base would be in the context of a truly free and fair election.

FIGURE 1:



**united MDC in first 3, then MDC-T in next 2.*

- In 2008, Tsvangirai received fewer votes overall in the Presidential poll than in 2002, with 1,195,562 votes. A divided opposition meant Simba Makoni of the MKD party won a crucial 8.3 % (207,470 votes) in the Presidential vote that year.
- In 2013, Tsvangirai received 1,172,349 votes in the Presidential contest, or slightly less than the 2008 vote. He has **won fewer votes** in each consecutive Presidential election.
- The MDC-T has **never won the popular vote**⁸⁸ at the House of Assembly level, including in the 2008 election, even though they **won one constituency more** than ZANU PF. The balance of power for the opposition in the 2008 election lay with the MDC (M/N), with their ten seats. MDC-T received 1,061,000 in the 2008 House of Assembly election – fewer than for Tsvangirai running for President in the same election.

⁸⁸ The total vote count for each party across all constituencies at House of Assembly level.

8. Tsvangirai as a presidential candidate has consistently **drawn more votes than his political party** in all elections. This means that some voters are voting for other parties in the opposition, or for ZANU PF at House of Assembly level, and then voting for Tsvangirai as their presidential option.⁸⁹
9. **The split in the opposition vote cost the two MDCs 17 seats in the House of Assembly in 2013** (See below for more details of constituencies). This almost tripled the 6 seats lost in the House of Assembly in 2008, owing to split votes.
- In 2013, these additional 17 seats would have ensured that the balance of power was less in favour of ZANU PF and **would have reduced the significance of their 2/3 majority to one seat only**, as follows:
 - Taking the proportional representation seats into account, and reallocating the 17 seats lost to a split vote to the opposition, the balance of power in the House of Assembly would have been:

▪ Out of 270 seats		
ZANU PF:	180	66.6%
OPPOSITION:	89	33.0%
INDEP (ZPF):	1	0.4%
 - This would have meant that ZANU PF would have needed a totally full House to pass any changes to the constitution, for example. As it now stands, they have a comfortable 34 seats over the 2/3 majority, holding 79% of all seats.
10. A united opposition would have had control of 4 provinces out of ten, instead of only two. The impact of a divided opposition has taken a heavy toll on MDC-aligned representation in government and this has become more marked with each election. **The rise in the ZANU PF vote** added to the number of seats lost to a divided vote in 2013, rather than a loss in the combined opposition vote.

ZANU PF and the Vote

11. The ZANU PF vote has **shown much greater variation** over the five elections than the MDC vote has.
12. The two largest votes for ZANU PF have been in 2002 and 2013.
- In 2002, Robert Mugabe received 1,685,212 presidential votes.
 - In 2005, ZANU PF received 1,569,867 votes in the Parliamentary vote.

⁸⁹ Generally in Zimbabwe, voters seem to vote across the board for their one chosen party, rather than voting depending on caliber of candidates at ward, constituency and presidential level, but clearly there is some discrimination taking place. In particular, the desire among opposition voters to get rid of Mugabe has led to voters voting for Tsvangirai as president, while they may support their own small opposition party at other levels of the vote.

- **In 2008, ZANU PF received 1,112,773 votes at House of Assembly level – by far its lowest vote in the last decade.**
- In 2008, Robert Mugabe received 1,079,730 in the Presidential vote.
- In 2013 in the House of Assembly vote, ZANU PF received 2,142,000
- In 2013 Robert Mugabe received 2,110, 434 in the Presidential vote.

13. Comparing the 2013 House of Assembly vote with various previous ZANU PF totals:

- **The 2013 vote shows:**
 - **27%** increase over their 2002 vote
 - **36%** increase over their 2005 vote
 - **83%** increase over their 2008 vote
- It could be perceived that the ZANU PF vote was on a downward trajectory prior to this election, with its dramatic gain of 1 million votes.
- It could be concluded that the ZANU PF vote in 2008 was anomalously LOW when taken in the context of their other results since 2002.
- The 2013 election vote for ZANU PF could be seen as anomalously HIGH (83% jump) when compared only with the 2008 result - but this is less the case when compared to the ZANU PF vote generally over the last decade.

14. In the two Harmonised elections of 2008 and 2013, Mugabe has won **fewer votes** than ZANU PF has at the House of Assembly level, indicating that some voters who vote for ZANU PF in relation to parliamentary seats, do not vote for Mugabe as their presidential choice. Mugabe is less popular than his party.

2. THE PRESIDENTIAL VOTE 2013

Robert Mugabe won the vote in seven out of ten provinces, with Tsvangirai winning in Harare, Bulawayo and Matabeleland North. ZEC only released global provincial figures.⁹⁰

i. Matabeleland: numerically, a shrinking stronghold

The largest win for Tsvangirai in terms of percentage of overall provincial vote was in Bulawayo, with Tsvangirai capturing 68%, Welshman Ncube 7.2% and Mugabe 24% of the vote. However, there were almost three times as many votes for Tsvangirai in Harare as in Bulawayo – which serves to highlight one of the notable features of this election, namely **the proportionally dwindling number of votes in the three western provinces of Zimbabwe.**

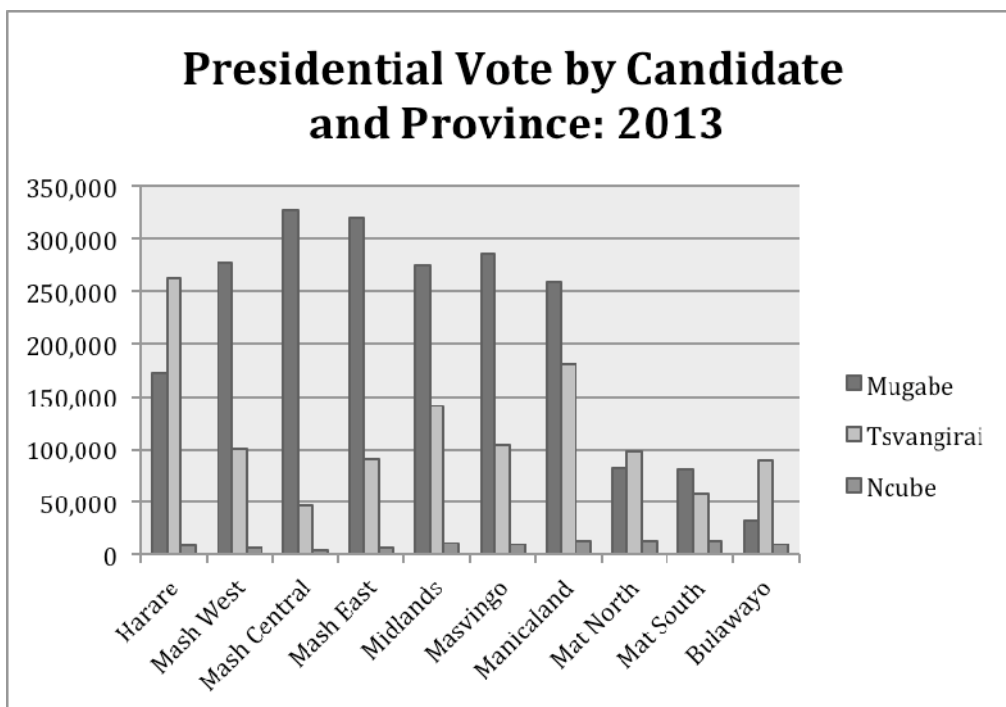
Matabeleland North, Matabeleland South and Bulawayo showed the lowest provincial voter turnouts countrywide. In many Matabeleland constituencies, voter turnout was between 33 and 41% and the **ten lowest constituency voter turnouts were all in Matabeleland.**

⁹⁰ See Appendix 1 for Presidential votes per province.

This is probably indicative of the fact that these three western provinces are the **most highly affected by diasporisation**: those registered to vote are no longer resident.

With the opposition’s support base increasingly centered in these three western provinces, low voter turnouts here pose a particular challenge in relation to ever winning the presidential vote in the future. While the opposition might gain among the greatest proportion of votes here, gauged as a percentage of total vote in each province, **in national terms the Matabeleland vote is increasingly insignificant at presidential level**. There are **almost three times as many voters in the three rural Mashonaland provinces**, which are ZANU PF strongholds, as in the three Matabeleland provinces.

FIGURE 2:



3. THE DIVIDED OPPOSITION VOTE MATABELELAND - AND BEYOND

Contrary to some reports in the media, Matabeleland North and South **did not show a convincing swing to ZANU PF in the recent elections**.⁹¹ An examination of the figures shows that in Matabeleland South, out of 13 seats, 8 were lost to ZANU PF as a result of a divided opposition vote. Ultimately, ZANU PF won all 13 seats in this province. The **united opposition vote** in the constituencies that the opposition ‘lost’ in Matabeleland **averaged**

⁹¹ The Chronicle, “Mat South in change of heart towards Zanu- PF”, Bulawayo, 3 August 2013. Southern Eye, “Has Matabeleland fallen in love with Zanu PF?” Bulawayo, 4 August 2013.

55.2% of the total vote, with one constituency having 59% of the total vote split among various opposition players.

A united opposition would have won 8 out of 13 seats, and therefore the provincial control of Matabeleland South, instead of which ZANU PF won a clean sweep.

A united opposition would have won 11 out of 13 seats in Matabeleland North, instead of which ZANU PF won 7 out of 13 seats and control of the province.

TABLE 1: Record of votes in Matabeleland constituencies won by ZANU PF on a divided opposition vote.

[Green for 55% or more of total vote]

	ZANU-PF	MDC-T	MDC	ZAPU	Indep (MDC-T)	TOTAL OPP VOTE	
<i>MAT NORTH</i>							
Hwange West	6,864	5,441	1,401	251	915	8,008	54%
Tsholotsho South	4,736	3,976	1,549	863		6,388	57%
Lupane East	5,537	5,305	1,683	208	180	7,376	57%
Lupane West	4,827	4,163	1,285	242	222	5,912	55%
Nkayi North	5,184	5,102	1,039	307		6,448	55%
<i>MAT SOUTH</i>							
Gwanda North	4,246	3733	1,977	300		6,010	59%
Insiza South	4,660	2,007	2,384	320	455	5,166	53%
Matobo North	5,300	5,219	852	417		6,488	55%
Matobo South	4,692	4,596	764	478		5,838	55%
Bulilima East	5,828	3,793	1,004	0	1,443	6,240	52%
Bulilima West	4,722	3,784	1,645	293		5,722	55%
Mangwe	4,988	4,434	1,995	431		6,860	58%
Umzingwane	7,689	6,169	1,833	395		8,397	52%

A further observation to be made is that in five of the lost constituencies, there was an MDC-T independent running in addition to MDC-T, MDC and ZAPU, splitting the opposition vote four ways.

In addition to the 13 seats lost in Matabeleland on a divided vote, four more seats were also lost in **Kwekwe, Zvishavane, Masvingo, and Kadoma** as a result of the two MDCs plus others splitting the vote. However, the margin of the combined opposition win was here smaller than in Matabeleland.⁹²

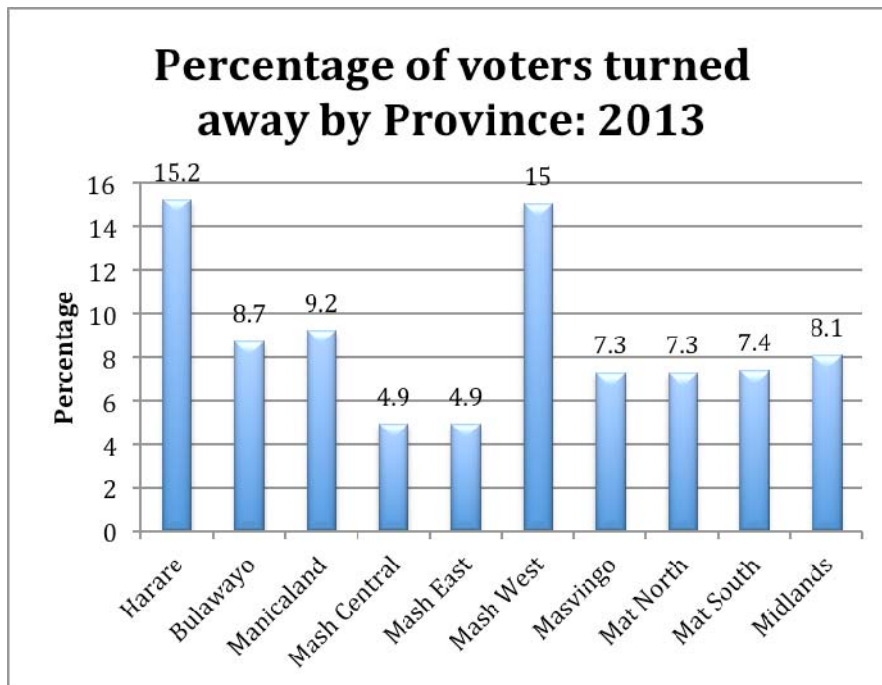
⁹² See Appendix 2 for Table of Votes in these four constituencies.

4. VOTERS TURNED AWAY

There have been widespread allegations that the Registrar General's office, working with Israeli company NIKUV, deliberately manipulated the voters' roll to exclude/ remove/re-allocate voters from MDC-T strongholds in order to undermine their total vote.⁹³

Numbers turned away were given by ZEC as a global figure per province.⁹⁴ These figures have been converted to percentage of votes cast per province. It is not possible to say much about how these figures compare statistically to previous elections, as **reports for elections back to 2000 simply do not report the percentage of voters turned away.**

FIGURE 3:



- 1. Harare had more than double the number of voters turned away (15%) compared to the average across all provinces (7.4%). Harare had more than treble the number of voters turned away, compared to ZANU PF strongholds of Mashonaland East and Central (4.9%).**

⁹³ Kwaramba, F, "Election rigging underway: PM. 'Hired Israeli firm tampering with voters' roll", Daily News, Harare, 2 July 2013. Ndebele, H, "Israeli elections rigging machine exposed", Zimbabwe Independent, Harare, 19-25 July 2013. Mambo, E, "Israeli agents rig results", Zimbabwe Independent, Harare, 2-8 August 2013. Daily News, "Nikuv paid \$10m to rig polls: MDC", 10 August 2013.

⁹⁴ See Appendix 4 for exact figures per province.

2. Mashonaland Central and Mashonaland East, both ZANU PF strongholds, had the lowest turn-away figure, at 4.9% of voters. This was 56% of the average turn away rate, or slightly more than half the rate experienced in other constituencies.

Harare is an MDC-T stronghold. There were a large number of complaints in Harare about voters being turned away from polling stations that they had voted at in the past, for being in the wrong ward or constituency, or no longer on the roll.⁹⁵

It must be noted that in **Mashonaland West**, a ZANU PF stronghold, there were also unusually high numbers of voters turned away – 15%, the same rate as in Harare. As we do not have the constituency or ward figures for turn-aways, it is not clear if this predominated in parts of the province that had swung to MDC-T in 2008, for example.

Bulawayo, another major MDC-T stronghold, had slightly above average numbers of people turned away, but in certain Bulawayo constituencies the turn away rate was higher than the overall city average of 8.7%. Bulawayo East is such a constituency, where the turn-away rate was 11%.⁹⁶

Turning away 8.7% of voters in any election seems a very high turn away rate, and this was certainly partly the result of the failure of ZEC to produce the voters' roll in good time, which would have allowed voters to clarify their wards and polling stations ahead of voting day, as well as to challenge their absence from the roll where appropriate.

5. ASSISTED VOTES

ZEC reports that there were 206,901 assisted voters countrywide. On the face of it, this figure is **not** statistically high, given that there is an assumption of **86% literacy** in Zimbabwe.⁹⁷ ZEC's figure is only 5.9% of voters – i.e. considerably fewer than the 14% of voters who might be assumed to be illiterate.⁹⁸ The ward-by-ward breakdown for assisted votes is not available, nor are figures by constituency. It is the prerogative of any voter to request assistance or not, and in terms of the revised Electoral Act, s/he also has the right to bring her/his own assistant along. If such a voter does not have his/her own assistant, then the presiding officer together with three others will provide the assistance. Assisted voters are recorded on specific forms, and it is the responsibility of observers and polling agents to also record them.

It is acknowledged that individuals who cannot read and write can nonetheless often recognize the symbol of their political party on a ballot paper and place an X beside it, and that the illiteracy rate is NOT equivalent to the number of people needing assistance in an

⁹⁵Daily News, "Massive vote fraud unearthed", Harare, 1 August 2013. ZESN election report 2013, page 88.

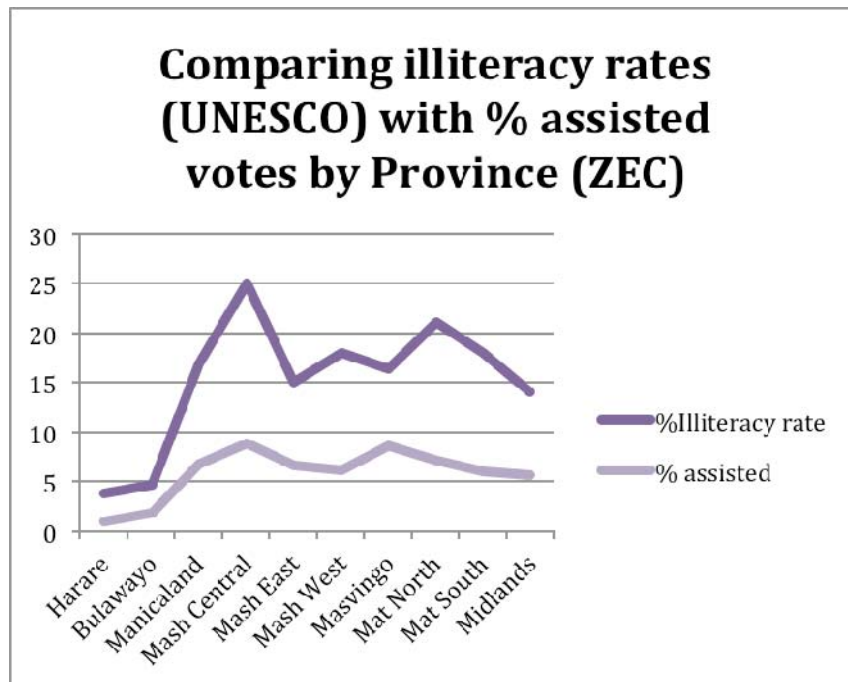
⁹⁶ Information from David Coltart's website and in his interview with SWRadioAfrica on 23 August 2013.

⁹⁷ UNESCO placed Zimbabwe's literacy rate among over 15 year olds at 85.97% in their 1999 statistics, their most recent figure. If anything, following more than a decade of disastrous education policies, literacy rates will have fallen in all provinces.

⁹⁸ See Appendix 4 for percentage rates linked to Figure 4.

election. It is possibly more commonly the elderly and the visually or physically challenged who need assistance.

FIGURE 4:



It is not possible to compare assisted voting numbers with those of previous elections, as these have not been recorded in the past either by civics or by ZEC in their formal reporting. When statements are made that this election saw high numbers of assisted votes compared to previous elections, it is unclear on what basis such assumptions are being made, as there simply are no baseline figures in the public domain.

There have been repeated references in the media that in a certain constituency, or constituencies, there were 10,000 or more assisted votes, but the place/s where this allegedly happened have not been named.⁹⁹

While 2013 figures for assisted votes are generally considerably below the illiteracy rates, **the devil is in the detail here, as there are convincing reports of fully literate individuals being forced to declare themselves illiterate and to vote with the**

⁹⁹ Brian Chitemba, “ ‘I’m ready to engage with Mugabe’: MDC-T leader opens up on recent polls, future”, Zimbabwe Independent, September 20-26, 2013. Tsvangirai is quoted as referring to 17,000 assisted votes in one constituency, which he does not name. The British Ambassador was quoted, and criticized, in the media for claiming a constituency where 10,000 or more assisted votes were made, but could not name it.

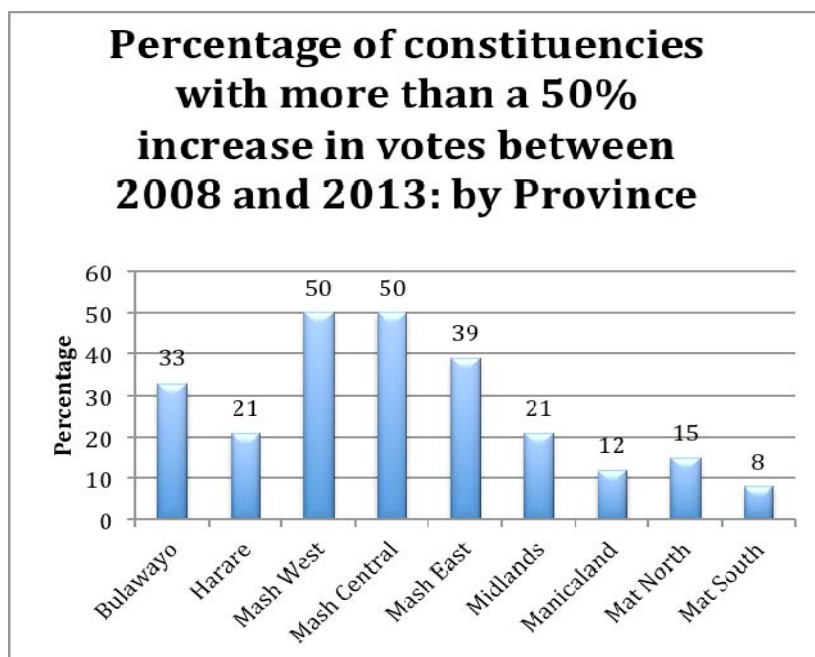
assistance of known ZANU PF supporters. This includes individuals cited in Tsvangirai’s original election petition and individuals interviewed by the authors themselves.¹⁰⁰

To conclude: there are convincing accounts that in some rural constituencies, there was systematic, coerced assisted voting. However, the provincial figures are not unusually high compared to the illiteracy rates – and we have only ZEC’s figures to go on. The assisted vote figures for 2013 will now provide a baseline for future elections.

6. CONSTITUENCIES WITH MORE THAN 50% INCREASE IN VOTERS FROM 2008 TO 2013¹⁰¹

Commentators have pointed to the massive increases in some constituency turnouts as indicative of some kind of irregularity, such as alleged busing in of voters from outside constituencies, use of false registration slips, or double voting by some voters.¹⁰² The fact that so many of the high turnout constituencies were in ZANU PF strongholds has been seen as indicative of an attempt to bolster the presidential vote for Mugabe.

FIGURE 5:



¹⁰⁰ ZESN Election 2013 report, page 61, 84-87 for detailed incidents noted by their observers of assisted voting irregularities in 17 named constituencies. Daily News, “‘I can’t read and write’: Learned voters coerced into claiming illiteracy”, Harare, 4 August 2013.

¹⁰¹ See Appendix 5 for actual % increases per constituency in all 51, plus who won each one: also for comparative increases/decreases in MDC-T vs ZANU PF votes in 15 key constituencies in Harare, Byo and rural Mashonaland.

¹⁰² Daily News, “Massive vote fraud unearthed”, Harare, 1 August 2013. Southern Eye, “Poll results cause outrage as Tsvangirai rejects outcome”, Harare, 2 August 2013.

- In 45 out of 210 constituencies, the votes cast were between 150% and 190% of the 2008 vote.
- In another six constituencies, the votes cast were more than 200% of the 2008 figures: ie the vote more than doubled. Five of these were rural Mashonaland constituencies and the other was Harare South. All were won by ZANU PF.
- This means that in **24.3% of constituencies, there were notable increases in votes cast.**
- In four Bulawayo constituencies, the votes cast were 150%+ of the 2008 vote. All constituencies were won comfortably by MDC-T, and in all constituencies MDC-T showed vote growth as well as ZANU PF, although the latter showed more of a surge (from a very low base).

In several of the constituencies where ZANU PF had a very large increase in the vote, MDC-T also showed increases in their voting figures for 2008. MDC-T won around one in five of the constituencies where there was a dramatic increase of the voter turn-out compared to 2008. **ZANU PF won the balance – over 80%.**

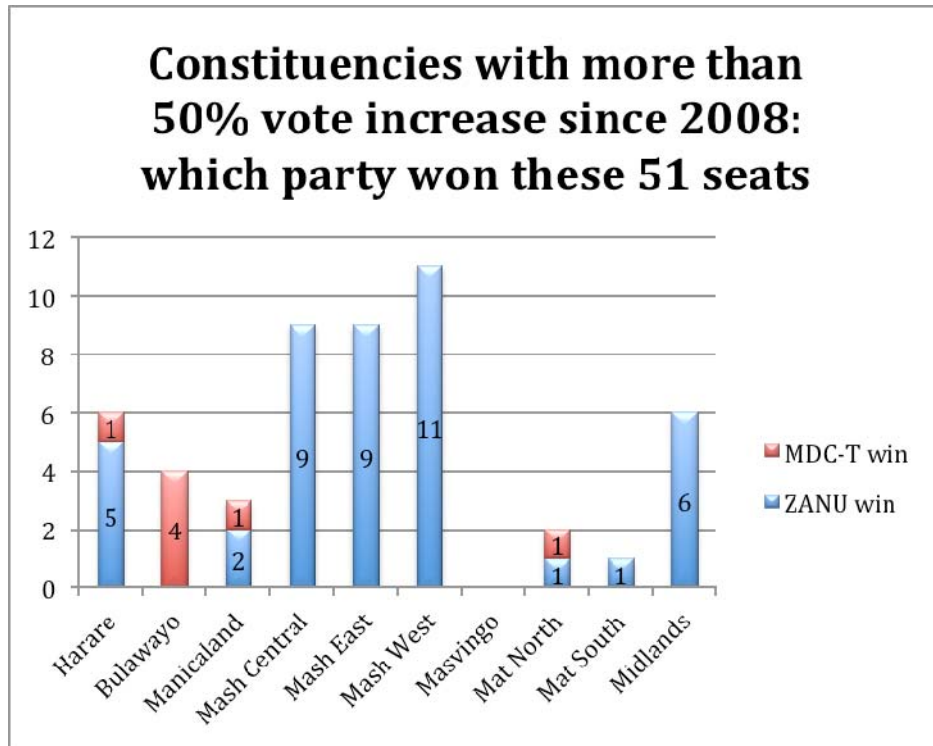
In Harare South, where there was a more than doubling of the voter turn-out and a ZANU PF win, there has been over the last five years the growth of a large and very politically-controlled population in the peri-urban areas of the constituency. The new arrivals have been settled on seized peri-urban farms and are under strict ZANU PF control.¹⁰³ The large increase in the vote here, and the fact that this increase was predominantly for ZANU PF, could be understood in this light. The **MDC-T vote in Harare South** also increased substantially, to 170% of their last election vote, but the ZANU PF vote increased by 282%, i.e. it nearly trebled. It would be necessary to take the voting pattern at ward level into account, to establish in which part of the constituency each party gained votes, as the more established parts of Harare South are most likely to vote MDC-T, the newly settled areas for ZANU PF.

The three ZANU PF strongholds of Mashonaland West, Central and East, which were a clean sweep for them apart from one MDC-T win in Chinoyi, showed the greatest increases in votes cast.

Also worth noting is the fact that among Masvingo constituencies, there were NONE that showed a massive increase in voters, and in Manicaland, there were only 3 such constituencies, one of which was won by MDC-T. These two provinces voted convincingly for ZANU PF, who won almost clean sweeps here. Other explanations than massive growth in apparent voting numbers have to therefore be found for the large ZANU PF vote in these constituencies, including the possible impact of previous election violence, and loss of support for MDC-T. Land beneficiaries and support from small-scale miners is likely to be part of the voting picture in these provinces. In other constituencies with large increases in votes

¹⁰³ Interview with academic researcher confirms the area is a no-go zone for non-ZANU PF members in ways that are similar to parts of Norton and Mbare.

FIGURE 6:



- Busing was noted in Mt Pleasant in Harare, where hundreds of youths who are not known to normally reside there disembarked from buses and voted.¹⁰⁴
- In Harare East, the MDC-T vote was 122% of the 2008 figure, and ZANU PF's increased to 320% of their 2008 figure – more than treble. However, MDC-T narrowly retained the seat.
- In Bulawayo East, Coltart's polling agents noticed a dramatic increase in 'shaven headed youth' all voting within the proximity of the army barracks, and massively bolstering the ZANU PF vote in this constituency compared to 2008.¹⁰⁵
- There have been allegations of people from Mozambique having pink fingers in the days after the Zimbabwe election, ostensibly because they crossed the border and voted in border constituencies at the request of ZANU PF functionaries.¹⁰⁶
- In Mazowe West and Shamva South, there was a dramatic loss in MDC-T votes (-42%) combined with an even more dramatic shift in ZANU PF vote (280% and 256% respectively). This meant that the MDC-T win of 2008 was overturned in Mazowe West, with ZANU PF reclaiming this seat. Shamva South was once more returned to ZANU PF.

¹⁰⁴ Tendai Biti of MDC-T was captured on video exposing the busing of youths into this constituency.

¹⁰⁵ Southern Eye, "Soldiers fingered in vote-rigging", Bulawayo, 11 August 2013.

¹⁰⁶ Chiripasi, T, "Tsvangirai MDC says Mozambicans voted in Zimbabwe polls", Voice of America, 15 August 2013.

- In Mazowe West and Shamva South, the voting pattern could be linked to the history of brutal and wide-spread violence in 2008, suggesting that fear and coercion could have been particular factors in these constituencies. ZESN and the media have also reported coerced assisted votes in these constituencies.¹⁰⁷

The absence of an electronic copy of the voters' roll that can be analysed, and compared to the roll used in 2008, makes it difficult to assess exactly what happened in this election. However, it seems a reasonable assertion that the mass movement of non-urban voters into traditionally middle class urban suburbs swayed the vote in favour of ZANU PF in several Harare constituencies. This mass movement was combined with 15% of voters being turned away in Harare constituencies, many of whom reported having voted in that constituency in the past. In other words, a sizeable number of the regular voters of Harare were effectively disenfranchised and replaced with voters from outside the city.

C. CONCLUSION

Election results since 2000 show some recognizable, if depressing, trends. The MDC-T vote has remained remarkably consistent over the last decade in terms of numbers, while the ZANU PF vote has generally, with the exception of 2008, been several hundred thousand votes more than the opposition vote. The leap in one million votes for ZANU PF is hard to explain between 2008 and 2013 - but is more believable when seen as (only) 27% higher than their 2002 vote. However, as all elections have been mired in controversy since 2000, analyzing the figures may reveal more about how ZANU PF manipulates its apparent support than anything else.

In this election, there were widespread, convincing reports of coerced assisted voting, which the gross provincial figures shed little light on. The assisted voting figures in all provinces remain well below the illiteracy rates, and there are no figures from previous elections with which to compare this year's assisted vote.

The fact that 15% of voters were turned away in Harare, and only 4.9% in ZANU PF rural strongholds, combined with the busing in to Harare of apparently rural voters in large numbers, is indicative of a strategy of targeting certain Harare constituencies with the aim of claiming them for ZANU PF. However, it remains to be seen if the MDC-T election petitions will be able to prove this in any convincing way.

The large increases in votes cast in the 51 most-affected constituencies certainly played a key role in ZANU PF's election landslide. While some of these seats were won by MDC-T, more than 80% were won by ZANU PF. Whether the massive increases in votes were in fact owing to irregularities as MDC-T claims, or whether as ZANU PF claims, to their efforts to

¹⁰⁷ ZESN 2013 Election report, page 85 refers to coerced voting reported by their observers in Shamva South and Mazowe West. This is reported in 17 constituencies in the ZESN report.

build a large support base and to register their voters over the last five years, remains unresolved.

The split in the opposition vote cost them dearly, and effectively handed an unassailable two-thirds majority to ZANU PF in this election. If the opposition had retained the 17 seats they lost to split voting, they would have kept ZANU PF's House of Assembly majority to 67%, instead of its current 79%.

The figures from the last five elections all point to the unlikelihood of any opposition party unseating ZANU PF in 2018, unless ZANU PF itself faces dramatic internal challenges which shift the political landscape. This conclusion is in line with the arguments made in Part One of this report. The socio-economic power base of Zimbabwe has been significantly shifted to entrench a ZANU PF elite and to ensure their support in rural and some urban areas via patronage and coercion, and the opposition needs to engage with this reality. Having a support base in Harare, other small urban centres and in three increasingly depopulating western provinces will not be sufficient to dislodge ZANU PF.

While acknowledging the uneven electoral context, the inability of the **combined opposition** to break the ceiling of 1.4 million votes since 2002 should be seen as a challenge to them going forward. In particular, the inability in 2005 of the **united MDC**, and in 2008 and 2013 of **MDC-T contesting alone** to break the 1.2 million-vote barrier, does not bode well. In three out of the last four elections, ZANU PF has scored comfortably over 1.5 million votes – and over 2 million in 2013.

It is unclear how many people would vote for the opposition if the voting environment was genuinely fair and free from intimidation, or if hundreds of thousands of voters currently in the diaspora were enfranchised. But the likelihood of either of these events occurring before 2018 is remote. The democratic movement needs to rebuild and re-strategise, bearing in mind the need to engage in new ways with a dynamic and changing electorate, particularly in rural areas, resettled areas and in the informal mining sectors. These are all parts of the electorate where ZANU PF, by whatever means, has convincingly captured the vote in this election.

APPENDICES

APPENDIX 1.

TABLE 2: Presidential votes per province: 3 main candidates (ZEC)

	Mugabe	Tsvangirai	Ncube
Harare	172,163	261,925	7,846
Mash West	277,312	100,616	5,603
Mash Central	327,455	46,533	3,525
Mash East	320,719	90,165	6,231
Midlands	274,793	141,210	11,036
Masvingo	285,806	104,912	9,878
Manicaland	258,026	180,552	13,433
Mat North	81,207	98,596	13,003
Mat South	81,180	58,633	12,726
Bulawayo	31,773	89,207	9,356

APPENDIX 2.

TABLE 3: Record of votes in four constituencies won by ZANU PF on a divided opposition vote.

	ZANU PF	MDC-T	MDC	ZAPU	OTHER	TOTAL OPP
<i>MASVINGO</i>						
Masvingo Urban	10,988	10,424	672	149		11,245 51%
<i>MASH WEST</i>					PIMZ	
Kadoma Central	9,571	9,005	959		221	10,185 52%
<i>MIDLANDS</i>					MKD	
Kwekwe Central	6,051	5,760	508			6,268 51%
Zvishavane Ngezi	9,015	8,720	595		97	9,412 51%

APPENDIX 3.

TABLE 4: Voters turned away by province (ZEC), as % of total vote*

[*two highest and two lowest rates emphasized]

PROVINCE	TOTAL VOTES	Turned away	% Turned away (1dp)
Harare	423,003	64,483	15.2
Bulawayo	130,505	11,388	8.7%
Manicaland	459,036	42,525	9.2%
Mashonaland Central	380,880	18,517	4.9%
Mashonaland East	419,148	20,464	4.9%
Mashonaland West	376,326	56,733	15%
Masvingo	402,622	29,292	7.3%
Matabeleland North	196,348	14,424	7.3%
Matabeleland South	156,104	11,521	7.4%
Midlands	440,982	35,543	8.1%
Zimbabwe	3,480,047	304,890	8.7%

APPENDIX 4.

**TABLE 5: Assisted votes by province (ZEC)*
Compared to Literacy rates (UNESCO)¹⁰⁸**

[* two highest and two lowest rates emphasized]

PROVINCE	Total votes	Total Assisted votes	% Assisted votes (1dp)	Literacy in province
Harare	423,003	4,089	1%	96.02%
Bulawayo	130,505	2,313	1.8%	95.36%
Manicaland	459,036	31,277	6.8%	85.13%
Mashonaland Central	380,880	34,044	8.9%	74.98%
Mashonaland East	419,148	27,974	6.7%	85.41%
Mashonaland West	376,326	23,166	6.2%	81.7%
Masvingo	402,622	34,950	8.7%	83.70%
Matabeleland North	196,348	14,314	7.2%	78.64%
Matabeleland South	156,104	9,462	6.1%	81.77%
Midlands	440,982	25,312	5.7%	85.56%
Zimbabwe	3,480,047¹⁰⁹	206,901	5.9%	85.97%

¹⁰⁸ Figures are from UNESCO, 1999.

http://www.unesco.org/education/wef/countryreports/zimbabwe/rapport_2_1.html

¹⁰⁹ Includes spoilt ballots.

APPENDIX 5.

a.) TABLE 6: Bulawayo and Harare constituencies with more than 50% increase in total voters since 2008

[less than last vote, more than 100%; more than 200%; more than 300%]

CONSTIT	2008 MDC-T	2013 MDC-T	% shift MDC-T	2008 ZANU PF	2013 ZANU PF	% shift ZANU PF	WON BY
Bulawayo South	2,764	6,364	230%	483	1,787	370%	MDC-T
Bulawayo East	3,587	4,550	126%	1,031	2,842	280%	MDC-T
Bulawayo Makokoba	4,123	7,099	172%	1,407	3,539	250%	MDC-T
Bulawayo Pelandaba	3,795	6,024	160%	1,565	2,122	135%	MDC-T
Harare Epworth	6,220	7,951	128%	4,758	15,468	325%	ZANU PF
Harare East	8,377	761 9,538	122%	2,587	8,190	320%	MDC-T
Harare North	6,710	6,555	-2%	3,135	7,917	252%	ZANU PF
Harare South	4,389	7,472	170%	7,111	20,069	282%	ZANU PF
Harare Mbare	7520	10,932	145%	6,121	14,764	240%	ZANU PF
Harare Mt Pleasant	3,875	3,817	-1.5%	1,738	7,945	357%	ZANU PF

b.) TABLE 7: Rural Constituencies where voter turnout increased by more than 100% since 2008

[less than last vote, more than 100%; more than 200%; more than 300%]

CONSTIT	2008 MDC-T	2013 MDC-T	% shift MDC-T	2008 ZANU PF	2013 ZANU PF	% shift ZANU PF	WON BY
<i>Mash. Cen</i> Mazowe West	2,410	1,411	-42%	5,148	14,383	280%	ZANU PF
<i>Mash. Cen</i> Shamva South	2,669	1,514	-43%	8,956	22,332	265%	ZANU PF
<i>Mash East</i> Goromonzi	6,456	11,112	172%	5,305	17,234	325%	ZANU PF

South							
<i>Mash West</i> Hurungwe Central	1,399	4,267	305%	4,997	12,708	254%	ZANU PF
<i>Mash West</i> Zvimba East	3,554	4,008	113%	5,197	13,113	252%	ZANU PF

c.) GENERAL OBSERVATIONS

1. In **16%** of constituencies (n = 7/45) with a **50% to 90%** increase in voters, **MDC-T won the seat.**
 - o Four of these wins were in Bulawayo, and one was in Harare.
 - o The other two were Dangamvurwa in Manicaland, which was won by an MDC-T Independent, and Hwange Central in Matabeleland North.
2. In **84%** of constituencies (n = 38/45) with a **50% to 90%** increase in voters, **ZANU PF won the seat.** Four of these wins were in Harare, in constituencies where ZANU PF had previously lost every election since 2000.
3. In **3%** of all 210 constituencies, (n = 6), there was **more than a 100%** increase in voters, compared to 2008.
 - **Harare South** was the only urban constituency with 100%+ increase.
 - the other 5 were all *rural Mashonaland* constituencies.
 - In **all** of the constituencies (n=6) with a 100%+ increase in voter turnout, **ZANU PF won the seat.**

*Analysed in more detail below are the **four Bulawayo constituencies and the six Harare constituencies with 50%+ increases in turnout since 2008, plus the 5 constituencies in rural Mashonaland with 100%+ voter increases.***

Observations of these 15 constituencies¹¹⁰

1. In the majority of constituencies (11 out of 15) where ZANU PF had a large increase in the vote, **MDC-T also had an increase in voters.** However, the increase in ZANU PF votes tended to be far greater.
2. In all four Bulawayo constituencies with 50%+ increases:
 - a. ZANU PF's vote in 2013 ranged between 135% and 370% of the 2008 vote, with an average vote, compared to 2008, of **260% of their previous vote.** ie the **ZANU PF vote in these constituencies almost trebled.**
 - b. The MDC-T vote in the same four constituencies ranged between 126% and 230% of the 2008 figure, and averaged **172%** of the 2008 vote – **almost double.**

¹¹⁰ As only MDC-T and ZANU PF won any of these constituencies, their respective votes are compared, without examining the total opposition vote: none of these constituencies was lost to a divided vote. See Appendix 6 for Tables and figures.

- c. The dramatic increase in ZANU PF's % vote in some Bulawayo constituencies nonetheless did not seriously challenge the MDC-T win in any of these. All seats were comfortably won by MDC-T.

d.) VOTER TURNOUT INCREASES BETWEEN 2008 AND 2013 – ALL 51 CONSTITUENCIES

Rural Constituencies with 100%+ increase in voter turnout

<i>CONSTITUENCY</i>		<i>% INC</i>	<i>WON BY</i>
Hurungwe C	MW	151.2%	ZANU PF
Goromonzi S	ME	117.8%	ZANU PF
Zvimba E	MW	104.2%	ZANU PF
Mazowe West	MC	103.5%	ZANU PF
Shamva South	MC	101.9%	ZANU PF

Bulawayo and Harare constituencies with 50%+ increase in voter turnout

Bulawayo South		90.8%	MDC-T
Pelandaba Byo		59.8%	MDC-T
Makokoba Byo		53.3%	MDC-T
Bulawayo East		52.6%	MDC-T
Harare South		136%	ZANU PF
Mbare Harare		77.4%	ZANU PF
Mt Pleasant Hre		69.2%	ZANU PF
Epworth Harare		69.1%	ZANU PF
Harare East		69.1%	MDC-T
Harare North		50.2%	ZANU PF

Other constituencies with 50%+ increase in voters since 2008

<i>PROVINCE</i>		<i>% INC</i>	<i>WON BY</i>
<i>Manicaland</i>			
Dangamvura		71.1%	MDC-T
Mutare West		50.0%	ZANU PF
Mutasa South		60.4%	ZANU PF
<i>Mashonaland Central</i>			
Bindura North		85.8%	ZANU PF
Mt Darwin South		74%	ZANU PF
Mazowe South		69.2%	ZANU PF
Mazowe North		67.2%	ZANU PF
Bindura South		64.6%	ZANU PF
Shamva North		55.8%	ZANU PF
Mt Darwin West		50.6%	ZANU PF
<i>Mashonaland East</i>			
Marondera East		81.7%	ZANU PF

Goromonzi West	68.4%	ZANU PF
Wedza North	67.9%	ZANU PF
Goromonzi North	61.3%	ZANU PF
Mutoko South	57.4%	ZANU PF
Seke	57.2%	ZANU PF
Chikomba West	56.5%	ZANU PF
Murewa South	54.3%	ZANU PF
<i>Mashonaland West</i>		
Chakari	90.2%	ZANU PF
Chegutu West	73.2%	ZANU PF
Chinhoyi	61.7%	ZANU PF
Kadoma Central	81.0%	ZANU PF
Kariba	57.9%	ZANU PF
Makonde	54.8%	ZANU PF
Norton	80.8%	ZANU PF
Zvimba South	74.3%	ZANU PF
Chiredzi West	82.8%	ZANU PF
<i>Midlands</i>		
Chirumanzu	90.4%	ZANU PF
Chirumanzu Z	73.8%	ZANU PF
Chiwundura	51.5%	ZANU PF
Gweru Urban	52.9%	ZANU PF
Shurugwi North	58.7%	ZANU PF
Zvishavane Ngezi	60.8%	ZANU PF ** split vote win
<i>Matabeleland North</i>		
Hwange Central	69.3%	MDC-T
Umguza	83.3%	ZANU PF
<i>Matabeleland South</i>		
Beitbridge East	87.9%	ZANU PF

APPENDIX 6

VIOLATIONS OF THE 2013 ELECTION

PRIOR TO THE ELECTION: BREACHES OF THE LAW.¹¹¹

1. **The initial proclamation** itself was in breach of section 31 H of the Lancaster House Constitution, which was still in force at this time. Cabinet should be consulted before announcing an election date, and yet Mugabe announced it unilaterally. Furthermore, in terms of the GPA, all political parties had to be consulted and a date agreed on prior to proclamation.
2. On 13 June, Section 157 (1) of the Constitution and Section 4(2)(c) of the Presidential Powers (Temporary Measures) Act were breached, when **President Mugabe amended the Electoral Act by proclamation**. Both the Constitution and the Act specifically exclude the use of Presidential proclamation to amend Electoral law, which can only be amended by a specific Act of Parliament.
3. **The voter registration exercise was not done in compliance with the constitution.** Section 6(3) of the 6th Schedule of the Constitution states that the Registrar General under ZEC supervision, must conduct a special and intensive voter registration for at least 30 days after the publication of the date of the election. The voter registration exercise did not last 30 days, and the manner in which it was run was bureaucratically obstructive in Harare and elsewhere (see more on this under bureaucratic breaches).
4. **The state controlled media flagrantly promoted ZANU PF and excluded the opposition parties from coverage in newspapers, on television and on the radio, apart from negative coverage.** This is a violation of Section 61(4)(b) and (c) of the Constitution, and of Section 160(G) of the Electoral Act. The latter states clearly that public broadcasting media must ensure “a fair and balanced allocation of time between each political party and independent candidate”, and that “each political party and independent candidate is allowed a reasonable opportunity to present a case through the broadcasting service concerned.”
5. **Section 152 of the Electoral Act was applied in a partisan manner: this states that it is illegal to damage campaign material** during the campaign, yet ZANU PF systematically pulled down posters of the opposition with impunity, while members of the MDC were arrested for pulling down a single ZANU PF poster.¹¹²
6. **Special vote:** The Electoral Act allows civil servants on duty over elections to vote in advance.¹¹³

¹¹¹ Information from David Coltart’s website and in his interview with SWRadioAfrica on 23 August 2013. Also from ‘Court Watch’, and media reports.

¹¹² Coltart notes a person was arrested in his constituency for removing a few ZANU PF posters, yet a white truck with a team was deployed to systematically remove every single MDC and MDC T poster over a stretch of 20 km of road from the airport into town, in full view of at least one police-manned road block, and the police did nothing, even when informed by Coltart that this was happening.

¹¹³ Information on Special vote events, from Court Watch 15/2013, 5 September 2013.

- The MDC T filed a court application challenging the numbers of police given special voting rights, as according to pay roll records, there are 44,113 police employed and not the 69,222 who were granted special votes. Their application was dismissed.
 - The special vote was chaotic, with the legally allocated two days being hastily extended, but with more than 40% of special voters nonetheless failing to cast their votes because of ZEC's logistical failures.
 - ZEC was granted an application by the Constitutional Court that those 40% who had not voted should be allowed to vote on 31 July, although this is in express contravention of the Electoral Act as it opens the possibility of double voting.
 - It remains unclear to date what measures ZEC undertook to ensure that those 60% who had voted during the special vote did not cast a second vote on 31 July, which places the reliability of the entire poll in question.
7. **MOST EGRESIOUSLY: Failure to provide an electronic copy of the voters' roll to all candidates.** This breached Section 21(6 and 7) of the Electoral Act, which states that every registered candidate must be provided with an *electronic copy* of the roll in good time before the election. Such copy should be in a format that "*allows its contents to be searched and analysed.*" MDC T was forced to apply to the High Court on 30 July (the eve of the election) with an urgent demand that ZEC give candidates and parties the electoral roll, which it had not yet done! Only a paper roll was provided, after the court ruled ZEC must produce the roll, with ZEC stating that a 'technical fault' precluded handing over the electronic roll. To date, the electronic roll has not been handed over which is a hindrance in the multiple constituency appeals that have been placed before the courts.
8. **Campaigning –Intimidation:** The Electoral Act Section 134 forbids intimidation in all forms, both verbal threats and physical violence. There were multiple and in some constituencies widespread reports of threats of death, violence and destruction of property in the event of ZANU PF not winning in certain constituencies.¹¹⁴ There were isolated reports of election related violence, both preceding and following the poll. In the wake of the violence of 2008, the impact of threats cannot be under estimated in assessing voting patterns.
9. **Campaigning - Bribery:** The Act Section 136 states that it is specifically forbidden to offer material rewards to voters in return for their votes, yet ZANU PF consistently and country wide 'treated' voters in the form of tonnes of food handouts, with the promise of more after the elections in the event of the Mugabe family still being in power. People were allegedly promised land in some instances. Any person who: "makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of a candidate at an election or the vote of a voter at an election" has committed the offence of bribery, according to the Electoral Act 136 (1)(c).¹¹⁵

¹¹⁴ Sokwanele website lists 222 self reported incidents of intimidation.

¹¹⁵ Specific material promises differ from policy promises during a campaign. Effectively, to offer material goods in exchange for a vote, is a bribe. This is different to handing out campaign material, including t-shirts, caps etc, which is a form of advertising used world-wide during campaigns. Tonnes of maize meal, cooking oil, rice and other food commodities were distributed at ZANU PF rallies, with specific promise of more in the future if ZANU PF won the election. This was above and beyond the provision of food for immediate consumption that routinely accompanies rallies in Zimbabwe. Conversations with voters in rural Matabeleland show that this 'treating' in a region where people are starving was influential in voting patterns.

ON ELECTION DAY – BREACHES AND ANOMALIES

10. **Presence of Police inside polling stations all day including during the vote count.** This violates Sections 55(6) and 62 of the Electoral Act. Police were noted countrywide as being present inside polling stations, and of regularly getting information about votes cast, assisted votes and people turned away from the Presiding Officer and relaying this on via cell phone, phone and radio. This is entirely illegal, as police are specifically precluded from any voting activities in a polling station. Police also noted names and details of visitors to stations, and most problematically, were present inside polling stations during the count. Section 62 is very specific as to who may be present during a count, and it excludes police. As Coltart comments:

“This is no mere technical breach of the Electoral Act – it goes to the very heart of a free and fair election. As stated above.... the ZRP generally acts in a partisan manner. Law in Zimbabwe is often used selectively as a weapon, not as a fine instrument of justice. Accordingly the presence of police officers in polling stations during the vote and their actions in recording votes cast would in itself have been highly intimidatory, especially to many rural voters. Their presence and the recording of votes cast by police officers in both the voting process and the count may well have facilitated a much wider fraud.”

11. **Busing of voters not resident in area, and turning away of residents** In several urban and rural constituencies, it was observed that busloads of people not usually resident in that area were voting en masse, while at the same time, hundreds of voters who did reside in the area and had registered there, were turned away. Bulawayo East candidate David Coltart made this observation:

I saw hoards of shaven-headed young men in my constituency, and we did not understand the full impact of what they were doing until the evening. There were seven polling stations that were located within a 2 kilometer radius of Brady [army] Barracks, and when the results came out, they bore no relation to historical trends in that area. ZANU PF in those particular polling stations got ten times more votes than I did, which was completely disproportionate to what happened in other areas. The next thing is that hundreds of people were turned away in my constituency for allegedly not being on the voters’ roll. These were people that have voted before.¹¹⁶

Tendai Biti made a similar observation in Mount Pleasant, where hundreds of youths who appeared unable to speak English (unusual in an urban constituency) were voting under close supervision, after being bussed apparently from a distant rural area. These voters were all carrying registration slips, indicating that they were newly registered voters. There have been allegations that cannot be independently verified, that in some instances the registration slips were fake.¹¹⁷

¹¹⁶ Interview with SWRadioAfrica, 23 August 2013.

¹¹⁷ See SPT video of Biti confronting these youth in Mount Pleasant. Similar busing of voters was reported by individuals to Sokwanele. This included the alleged busing of voters from Mozambique to vote in Zimbabwean constituencies bordering this country.

12. **Assisted voting:** Final numbers of assisted voters have not been ascertained on a constituency-by-constituency basis, with ZEC providing a global figure of 207,000 assisted voters. This is not on the face of it an unjustifiably large number, being less than 10% of all votes cast in a country with 90% literacy. However, the number of 207,000 has not been confirmed by polling agents and observers, and as ZEC has not provided the number by constituency, we simply have to take their figure at face value. The inability of polling agents and observers to verify this - or any figure relating to the election for that matter - is a severe failing on their part.

- **Forced to make assisted votes:** there have been general and specific reports of literate voters forced to ask for 'help' from known ZANU PF functionaries, to ensure they voted 'the right way'.¹¹⁸
- **Observers report correct use of this vote:** while many assisted votes may have been coerced, others were genuinely needed and were made in accordance with the statute, meaning that individuals were free to choose who they wanted to assist them with the vote, and were able to vote confidentially. Others observed assisted votes being made for the opposition.
- While in any country, information on assisted voting should be available on a completely transparent basis from government for the benefit of all citizens and political parties, it is also a fact that the opposition had polling agents in every polling station in the country, and that this information should have been collated by every party. There were 20,000 independent monitors deployed across the country, and while they were not in every polling station, they covered a sufficient proportion to have given another view on what happened with regard to how many voters were turned away, and how many people made assisted votes. The fact they have not been able to provide this information is, again, a serious failure on their part.

POST ELECTION EVENTS

- The High Court of Zimbabwe ruled in ZEC's favour that they were not obligated to provide the MDC-T with the final voting patterns by constituency and polling station. The failure to receive this information from ZEC was a major factor in MDC T withdrawing their electoral challenge to the Presidential result - but if their own polling agents had done their job properly, they would not have had to rely on ZEC for this information but would have had their own record of what happened by polling station.
- The presidential voting pattern per constituency has never been released, only a global percentage stating that Robert Mugabe received 61% of the vote to Morgan Tsvangirayi's 36% and Welshman Ncube's 2.7%.
Again - MDC-T cannot challenge these global results as their polling agents did not systematically return their V11 forms with details of the vote per station and constituency to independently verify what was happening.

¹¹⁸ Sokwanele lists 53 such instances, some specific, some general.



'Team ZANU PF' score 'victory', with election messaging focused on indigenization and invoking memories of colonialism and the war of liberation. Coercion and memories of 2008 violence intimidated many voters into voting for them, but changing economic forces in Zimbabwe have also rebuilt the ZANU PF support base in the last five years.