

**The 2002 Zimbabwe Presidential
Election: Analysing the
Observations**

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Abbreviations

COG	Commonwealth Observer Group
ESC	Electoral Supervisory Commission
EU	European Union
GLAA	General Laws Amendment Act
IDEA	International Institute for Democracy and Electoral Assistance
MDC	Movement for Democratic Change
NEOM	Norwegian Election Observer Mission
POSA	Public Order and Security Act
PFOM	SADC Parliamentary Forum Observation Mission
SADC	Southern African Development Community
SADC PF	Southern African Development Community Parliamentary Forum
SADC PF Norms	SADC Parliamentary Forum Norms and Standards for Elections in the SADC region
SAOM	South African Observer Mission
SAPOM	South African Parliamentary Observer Mission
ZANU–PF	Zimbabwe African National Union – Patriotic Front
ZAPU	Zimbabwe African People’s Union
ZESN	Zimbabwe Election Support Network
ZBC–TV	Zimbabwe Broadcasting Corporation–Television

Glossary

Election Monitoring: Activity which involves the authority to observe an electoral process and to intervene in the process if relevant laws or standard procedures are being violated or ignored

Election Observation: The purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorised to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardise their main observation responsibilities

Election Observer: Accredited person participating in election observation. Can be domestic or international

Free And Fair Election: Free means that there is a legal framework that will ensure the regularity of the electoral process and according to which voters can express their choice freely. Fair means that the conditions exist for the respect of civil and political rights and there is absence of intimidation and political rights can be exercised.

These definitions are the ones used by IDEA.

The 2002 Zimbabwe Presidential Election: Analysing the Observations

Gillian Kettaneh¹

Executive Summary

It is important that Southern Africa and the international community identifies and learns lessons from the experience of the 2002 Zimbabwean presidential election. This is all the more so given the danger that these lessons will be diminished over time unless clearly and carefully documented, and mindful also of the importance of establishing and setting election standards in both Zimbabwe as well as the wider Southern African region. These are all critical to delivery on the New Partnership for Africa's Development (NEPAD). The concepts of multiparty democracy, rule of law and peer review are central to the NEPAD scheme. If the vision of NEPAD is to become a reality, regional leaders will need to use engaged political leadership to enforce compliance with accepted electoral norms and implement the electoral reforms proposed by election observers in Zimbabwe and other African countries.

This paper, therefore, examines the work produced by six of the many domestic, regional and international observer missions that

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observed the 2002 Zimbabwe presidential election. The paper has selected for review the work produced by one Zimbabwean civil society grouping, the Zimbabwe Election Support Network (ZESN), one international group, the Commonwealth Observer Group (COG), one regional group, the SADC PF Observer Mission (PFOM), two South African groups (one governmental and the other parliamentary), the South African Observer Mission (SAOM) and the South African Parliamentary Observer Mission (SAPOM), and one bilateral country mission, the Norwegian Election Observation Mission (NEOM).

There is still much disagreement as to what constitutes a 'free and fair' election and this was reflected in the different conclusions of the various reports. In view of this definitional problem, many international and domestic observer groups no longer use the term 'free and fair'. Four of the six missions (COG, PFOM, NEOM and ZESN) concluded that the elections were not a credible expression of the will of the people while two (SAOM and SAPOM except for the minority opinion) concluded that the outcome of the elections was a credible expression of the will of the people.

All the observer missions reviewed in this paper had concerns with the uncertainty and flawed application of the legislative framework. All the missions commented on the lack of independence of the electoral bodies. Voter registration was singled out as a particularly opaque and disenfranchising process. All six missions reported that there were widespread allegations of political violence but the missions differed in the manner in which they addressed these allegations and the conclusions they drew from their attempts at verification. All the reports reviewed in this paper commented on the extreme polarisation of the media: the independently owned media favouring the MDC and the state media favouring the ruling ZANU–PF party. For the most part, the different missions did not observe serious electoral problems on the days of voting, except that all the observer missions noted the disenfranchisement of voters in Harare and Chitungwiza because of the reduction in the number of polling stations there and the holding in some areas of elections for president, mayor and councillors.

All the observer missions reviewed in this paper commented forcefully on the lack of transparency of the electoral process, the biased legislative environment and the incidence of political violence. But given the different overall conclusions of the missions, it is clear that the weight given to these issues was different. All the observer missions noted the voter turnout and the relative orderliness of the actual polling process (save for the access problems experienced in Harare and Chitungwiza), yet only the SAOM and the SAPOM gave it such importance as to make it determinative of the legitimacy of the overall electoral process.

The SADC PF Norms set out a number of recommendations against which various elements of the observed electoral process can be measured. Given the availability of regionally agreed standards, SADC-related groups (bilateral or regional) observing elections in the SADC region should adopt the SADC PF Norms as their benchmark. The SADC PF Norms framework could be made more effective through the elaboration of minimum standards, where failure to satisfy one or more standard(s) would automatically result in a negative evaluation of the entire electoral process. Another important concept is accuracy in reporting. In the Zimbabwe 2002 elections, many observers were criticised for the accuracy of their reporting on issues of political violence. What constitutes acceptable verification of allegations of political violence? Is it enough to interview alleged victims and record their depositions first hand? The lesson for SADC to be drawn from the 2002 Zimbabwe presidential elections is the need to develop verification benchmarks.

Election observation is intended to limit electoral abuse and enhance confidence in the electoral process. But the main problem remains the effectiveness of these groups when the election is not considered legitimate. Observer groups that are affiliated to international or regional organisations can influence decision-makers in those institutions, and those institutions may have certain instruments that can be used to censure the host government. These range from sanctions to suspension from membership of the organisation, as in the case of the

Commonwealth. The existence of such instruments does not mean, however, that the organisations would be willing to use them.

As an institution, the SADC PF lacks the mechanisms to back up its recommendations. The SADC PF Norms, developed under the auspices of the SADC PF, have not been enshrined as SADC law and are not considered binding on SADC states. SADC states should be encouraged to conform their national legislation to the SADC PF Norms. The principal political organ remains SADC itself. Thus, SADC PF relies on voluntary action by member states or, in the event of non-performance by the member state, on SADC (or SADC members), to step in and back it up.

Bilateral or single country observer groups (e.g., NEOM, SAOM and SAPOM) can also influence their national governments or parliaments. Many South Africans were disappointed that the South African observer teams failed to conclude that the election was not reflective of the will of the people of Zimbabwe (in spite of their critical observations). A different conclusion may have influenced the South African government to take a more critical stance against Robert Mugabe.

Ultimately, international election observation will only be effective if bilateral and regional powers have the political will to use some of the censure mechanisms at their disposal to influence political and constitutional change in that country. This will be the real test of the NEPAD scheme.

Introduction

The term 'election observation' is used in popular speech to mean a variety of activities including monitoring, mediation, technical assistance, supervision and inspection. This can be quite confusing. For purposes of this paper, the IDEA definition of observation has been used; namely the gathering of information on an electoral process, and the making of an informed judgement on that basis. Depending on the circumstances, this judgement will either confer or deny legitimacy to the electoral process that has been observed. This definition is to be distinguished from a definition of election monitoring, which is an activity where the monitor is granted powers to intervene in the electoral process by the electoral authorities if the relevant laws or procedures are being violated or ignored.²

The underlying assumption is that the presence of observers (local, regional and international) can have positive benefits. These advantages include increasing confidence in the political process; enhancing the international standing of the country; and assisting the electorate and losing political parties to accept the election results if the election is adjudged by the observers to be legitimate. These benefits help to strengthen and institutionalise democratic processes.

This paper examines the work produced by six of the many domestic, regional and international observer missions that took part in the 2002 Zimbabwe presidential elections.³ One of the criteria for selection was that the observer mission should have produced a final report. (A number of the observer missions made statements at the end of the elections, but did not publish detailed accounts of their findings as reports. It is possible that certain

² As will be seen in the section on methodology, the different observer missions have interpreted their roles in accordance with their individual mandates, in some cases adopting a more proactive role that is closer to monitoring.

³ Basic data on all the observer missions is included in table format in Annex II to this paper.

missions produced final reports that were not readily available, and were therefore inadvertently excluded.) Other criteria for selection were that the observer mission should not be connected to a Zimbabwean political party, that it had been officially invited to observe, and that it had been duly accredited by the Zimbabwean election authorities. This paper also excludes the final reports produced by certain individual country missions (for example, Ghana or Japan) and by certain civil society groups such as the Electoral Institute of Southern Africa (EISA) and the Institute for Democracy in South Africa (IDASA).

One of the assumptions of this paper is that election observers can achieve the goal of enhancing the democratic process most effectively where they can influence the host government and electoral authorities. This influence can either be exerted domestically (as with domestic civil society groups) or externally (as with regional/international groups, individual donor countries or a regional power such as South Africa). This assumption informed the selection of the reports reviewed in this paper. The reports discussed below come from the following sources:

- a Zimbabwean civil society grouping (the Zimbabwe Election Support Network—ZESN);
- an international group (the Commonwealth Observer Group—COG);
- a regional group (the SADC Parliamentary Forum Observer Mission—PFOM);
- two South African groups, one governmental (the South African Observer Mission—SAOM) and the other parliamentary (the South African Parliamentary Observer Mission—SAPOM); and
- a bilateral country mission (the Norwegian Election Observation Mission—NEOM).

This paper is arranged in four sections. In the first, the definition of a ‘free and fair election’ is discussed and the conclusions of the six reports outlined. The second describes the composition and methodology of the different observer missions. The third

provides a comparative assessment of the six reports under the general headings of legislative and constitutional framework, political environment and election days. Not all observer missions commented on the same issues, and the paper quotes comments by different missions on similar issues where appropriate. The last section draws conclusions from the comparative assessment, specifically as to whether any lessons can be learnt for future election observation in the region. Annexed is a chronology of post-election developments in Zimbabwe, and a table that provides basic data on the majority of the international observer missions.

This paper does not present any direct observations on the 2002 presidential election and makes no attempt to analyse the election results and voter patterns. Such quantitative analysis needs to be based on raw election data, and has already been done by a number of commentators (for example, the Movement for Democratic Change (MDC) and ZESN).⁴

Since the presidential election, the situation has deteriorated. Nonetheless, it is hoped that the lessons learnt from the election may prove valuable to the improvement of election observation and the strengthening of democratic processes in subsequent elections in Zimbabwe and the SADC region. Zimbabwe could also be regarded as an important test case for NEPAD, particularly as an indicator of the political will of the leaders in the region to act against states that violate the rule of law and undermine democratic processes.

⁴ Although some commentators have suggested that the quantitative analysis exposes sufficient discrepancies to justify the call for an audit of the election results, this paper does not comment on these claims. The MDC is relying on this quantitative analysis as part of its High Court application to annul the results of the 2002 presidential election.

Summary of the Observer Mission Reports and Statements

There is still much disagreement as to what constitutes a 'free and fair' election. There are no widely accepted minimum standards and no common measures or indicators. Perhaps the most apt description is that of a continuum, in which a conclusion that an electoral process is completely free and fair is never possible, but a conclusion that an electoral process is unfree and unfair is possible. No election process, even with the greatest amount of good faith displayed by politicians, civil society and electoral authorities, can be described as truly free and fair because of the structural inequalities in knowledge and wealth that exist in any society. But some electoral processes that fail to meet certain minimum requirements can be placed on that part of the continuum where they can only be described as unfree and unfair.

Because of this definitional problem, many international and domestic observer groups no longer use the term 'free and fair'. For example, the role of the COG

is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the election reflect the wishes of the people.

The 'various factors' include the electoral legal framework, the media, the conduct of the campaign and the voting process on election day.

The SADC PF observer missions use a combination of the term 'free and fair' and a judgement as to whether the elections reflect the will of the people. Specifically, the SADC PF missions evaluate the conduct of any election against the SADC PF Norms and Standards for Elections in the SADC Region (the SADC PF Norms).

The COG report concludes that 'the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors in the 2002 presidential election', while the NEOM judges that 'the Presidential Elections failed to meet key, broadly accepted criteria for elections'. The PFOM report ends by stating that

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

The ZESN concludes that it is 'unable to endorse the 2002 Presidential Election as meeting basic democratic standards and [could not] declare this poll to have been either free or fair'.

Of the two reports that come out in support of the election outcome, the SAOM is 'of the view that the outcome of the elections represents the legitimate voice of the people of Zimbabwe', while the SAPOM,

noting that over 3.1 million people cast their vote in the Presidential elections, recognise[s] that this substantially represents the will of the Zimbabwean people...[and] pronounce[s] the 2002 Presidential elections as a credible expression of the will of the people.

Election observation is a complex and subjective process, in which similar observations and interim conclusions may result in different conclusions. This is because each observer group assigns a different weight to the various elements of the electoral process, depending on its specific mandate and the composition of the group.

Composition and Methodology of the Observer Missions

The Commonwealth Observer Group

The COG comprised 42 eminent nationals from Commonwealth member states and was supported by a 19-member team from the Commonwealth Secretariat. Arriving on different days between 5–23 February, the observers and secretariat staff deployed to four of Zimbabwe’s 10 provinces, where they observed the conduct of the election campaigns and met a wide range of people involved. These included the registrar-general, the chief elections officer, the Electoral Supervisory Commission, Commonwealth high commissioners, senior representatives of political parties contesting the elections, representatives of the ZESN, civil society, media organisations, war veterans and commercial farmers. On 27 February, after the arrival of the entire group, the COG divided into 23 two-person teams and deployed to all 10 provinces of the country. Each team submitted regular reports to the chairperson. Between 9–11 March the COG observed voting at approximately 700 polling stations and on 12 March members were present for the count at 15 constituency counting centres. The COG reassembled in Harare on 12–13 March for debriefing, having maintained a continuous presence in Zimbabwe for over a month.

The broad terms of reference for the COG were

to observe relevant aspects of the organisation and conduct of the Presidential Election in accordance with the laws of Zimbabwe. [The COG] is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the election reflect the wishes of the people of Zimbabwe.

The Norwegian Election Observation Mission

The NEOM report did not have a section outlining its purpose, terms of reference or methodology. A footnote at the end of report

explained that the NEOM consisted of 25 observers, all deployed in the country two to four weeks prior to the election. Teams of two covered every province in the country assessing the pre-election period, the electoral framework, the election days, and the period immediately after publication of the results.

The NEOM report concludes that the elections failed to ‘meet key, broadly accepted criteria for elections’, yet fails to describe these criteria. However, it would appear that the method used by NEOM was similar to that of the other missions. For instance, an advance team arrived before the elections to meet the various stakeholders and to develop an understanding of the political and legislative framework. Although the NEOM report does not list the meetings that took place, it mentions that it was unable to meet the registrar-general, despite repeated requests. The report does not describe the political and legislative environment but instead focuses on the problems it observed in these areas.

The SADC Parliamentary Forum Observer Mission

The PFOM comprised 38 members of parliament drawn from both the ruling and opposition parties of the parliaments of Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland and Tanzania. A technical team of 18 staff from 11 SADC PF member parliaments and the SADC PF Secretariat supported the observers. An advance team of long-term observers comprising five parliamentarians and the secretariat members arrived in Zimbabwe on 14 February 2002, with the task of assessing the pre-election political and security environment. The team gathered information and initiated contacts. The rest of the PFOM commenced work on 25 February 2002 and attended a briefing workshop. The mission then divided itself into 17 teams to cover the 10 administrative provinces between 28 February–12 March 2002.

The PFOM sets out the purpose of its mission and terms of reference in the first chapter of its report, also including its letter of acceptance, dated 5 February 2002, of the Zimbabwe government’s invitation to observe the elections, which sets out the same

purpose— ‘to assess whether the elections would be held in a free and fair atmosphere, reflective of the will of the people of Zimbabwe’.

The PFOM’s stated purpose was not to supervise the Zimbabwe elections, but to observe the process as a whole and to form its judgement by applying certain standards, including the constitutional and legal framework of Zimbabwe and the SADC PF Norms. In keeping with the mandate of the institution of the SADC PF, the PFOM saw its role as having a proactive element: it could make recommendations for the improvement of the electoral process and democratic culture in the country to the electoral authorities.

The South African Observer Mission

The SAOM, consisting of 50 members from various sectors of South African society (the government, organised business, trade unions, religious groups, NGOs and agriculture), was established by the president of South Africa at the invitation of Zimbabwe. The team was divided into long-term observers and short-term observers. Together they were intended to observe all aspects of the preparation for, duration of and aftermath of the election process and familiarise themselves with the electoral laws and regulations and the Zimbabwean constitution.

The SAOM describes its task as

assessing whether conditions exist for the conduct of an election that demonstrates the common will of the Zimbabwean electorate; assessing whether Zimbabwean voters have sufficient access to cast their vote in secret; and assessing whether the elections are conducted within the context of the Zimbabwean constitution and the electoral legislative framework.

It attaches its terms of reference to its report. The method adopted by the SAOM was very similar to that of the other missions, and included pre-election meetings with various stakeholders, deployment of advance teams to the 10 provinces and observation of polling and counting.

Like the PFOM, the SAOM also viewed its role as proactive, based on its brief from President Mbeki ‘...to support the people of Zimbabwe in their quest to hold free and fair elections’. The brief cautioned that the role of the SAOM should not be restricted to observation only; the mission had a responsibility to bring problems to the attention of the relevant authorities in order to ensure that the people of Zimbabwe were able to exercise their constitutional right to vote without fear or hindrance.

The South African Parliamentary Observer Mission

The SAPOM was established by the Parliament of the Republic of South Africa and included 20 members. Its mandate was derived from a resolution in the South African parliament ‘to contribute to the promotion of an atmosphere within which the people of Zimbabwe could exercise their democratic right to vote without fear or intimidation’. The team arrived in Zimbabwe on 22 February 2002. Like the other missions, the SAPOM also deployed team members to the various provinces in advance of the polling days. Areas that were closely contested by political parties and had potential for conflict were identified in advance for pre-election deployment. Teams of two or three people were allocated to these areas, and all 10 provinces were covered. During the pre-election phase, members of the SAPOM were instructed to familiarise themselves with their geographical area of responsibility and the electoral rules, to meet stakeholders and observe the final stages of campaigning (detailed in the report). Team members returned to Harare for three days prior to polling for consultations, and were then redeployed to the provinces in order to observe the polling and counting.

Unlike the other reports, the SAPOM does not state explicitly that one of its purposes is to make a judgement on whether the election result reflects the true wishes of the people. SAPOM does, however, make a judgement on the electoral process, saying it is ‘appropriate to pronounce the 2002 presidential elections as a credible expression of the will of the people.’ The SAPOM report also includes the minority view of certain members of the SAPOM (the Democratic Alliance, the Inkatha Freedom Party, the New

National Party, the African Christian Democratic Party, the United Christian Democratic Party and the Pan Africanist Congress), who decided that they could not endorse the elections as free and fair. The report provides a list of the reasons for the minority conclusion as well as an appendix that outlines the minority's perceptions of the legal impediments in Zimbabwe to a free and fair election.

The Zimbabwe Election Support Network

A different model is offered by the ZESN, the only domestic and civil society grouping to be included in this paper. It is a coalition of 38 Zimbabwean civil society organisations, formed in 1998 to co-ordinate activities pertaining to elections. Its goal is to promote and enhance a democratic, transparent, free and fair electoral process and environment. It does this by co-ordinating the activities of member organisations in election monitoring, voter education, research and advocacy, media and communication. Recognising that election observation is a process rather than a single event that takes place on polling days, the ZESN established long-term observers to audit the political environment in Zimbabwe prior to the presidential elections.⁵ About 240 of these long-term observers were drawn from across the country to observe from November 2001 to 28 February 2002. Information and data for the final report were gathered by the diverse member organisations, the ZESN task forces, the 240 long-term observers, the accredited local election observers and 12,100 ZESN observers conducting a parallel monitoring process. Other sources of information were the Zimbabwe Human Rights NGO Forum, the Zimbabwe Peace Project, media reports and political analysts. During the days of polling, the information flow was organised and channelled through provincial command centres and the national command centre in Harare. These were the central clearing points for reports on the actual voting and counting process. The ZESN adopted the SADC PF Norms for assessing the legitimacy of Zimbabwe's 2002 presidential elections. The final

⁵ Unlike most observer groups, ZESN uses the term 'monitors' to describe the role of its long-term observers.

chapter of the ZESN report compares the observations made against the SADC PF Norms.

The methodologies presented by the various reports reviewed in this paper do not explain the internal decision-making process of each team. Yet the manner in which the observers reach decisions and conclusions (whether by consensus, majority vote or hierarchical systems) is critical to the final determination of the mission's judgements and should therefore be disclosed in the report. Related to this issue is the composition of the observer team. Smaller, highly qualified teams may be more consistent, transparent and focused on technical issues. Larger, multisectoral groupings (like the COG, the SAPOM and SAOM) have the advantage of greater geographical coverage, but may have greater difficulties in maintaining consistent analysis and achieving conclusions acceptable to the entire team.⁶

⁶ The SAOM was a multisectoral and relatively inexperienced (in terms of election observation) grouping. Its report demonstrates the difficulties the group encountered in reaching overall conclusions acceptable to most of the observers. South African press reports after the return of the team to South Africa indicated the existence of an executive committee of seven individuals (out of 50 team members) entrusted with drawing up the document. The press also reported that a workshop was to be held with all 50 team members in order to finalise the report to be presented to President Mbeki. While the content of some of the chapters in the report was detailed, well documented and often critical of the electoral process, the overall conclusions seem to be dissociated from the findings in the body of the report. Chapters seem to have been written by different individuals, the language and analytical approaches are not uniform and the final judgement on the election seems to have been influenced by domestic political factors in South Africa rather than arising from the detailed observations. There was much press coverage of the views of 'dissident' members of the SAOM. The SAPOM report also shows similar problems to those evident in the SAOM document, although in this case the minority view was included in the body of the report. COG missions comprise a variety of individuals coming from various professions, though mostly in the political arena, from a broad group of Commonwealth countries. The emphasis is on countries that are themselves involved in democratic consolidation, so that lessons of consolidation can be shared, and host governments may be more receptive to observers from developing countries. The COG report shows analytical consistency and stylistic unity. Although it was a relatively large mission of 39 individuals, it is likely that the professional backgrounds of the observers were more coherent than those of teams such as the SAOM.

Comparative Assessment of the Observer Mission Reports

In this section the observations made by the six observer groups on different elements of the electoral process are examined under three general headings, starting with the constitutional and legislative framework for the elections. Much of the criticism of the electoral process focused on the uncertain legislative environment and the biased application of the law. All six observer missions reviewed in this paper made this criticism. The second heading concerns the political environment, including the role of the state, its military and police organs and the role of the media. The six observer missions recorded different views on these issues. The third heading examines the issues surrounding the election itself: polling, counting, the election results and the aftermath of the elections.

The Constitutional and Legislative Framework for the Election

General

The constitutional and legal framework for the 2002 presidential election was the Constitution of Zimbabwe (1979 as amended) and the Electoral Act (Acts 7/1990, 7/1992, 22/1992). Other legislation which affected the election included the Public Order and Security Act (POSA) of 2001 and the Citizenship of Zimbabwe Amendment Act 8/2001. Also, there were various instruments promulgated by the president and the minister of justice, legal and parliamentary affairs under Section 158 of the Electoral Act, which gives the president extraordinary powers to strike down any court ruling and make laws and regulations.⁷

⁷ Section 158 of the Electoral Act gives the president the authority to promulgate a statutory instrument relating to elections *inter alia* to provide for:

- suspending or amending any provision of this Act or any other law in so far as it applies to any election;
- altering any period specified in this Act within which anything connected with, arising out of or resulting from any election must be done;

Of particular interest to observers was the General Laws Amendment Act (GLAA) promulgated in February 2002. This legislation was intended to amend the Electoral Act in respect of the eligibility of observers and monitors, the provision of voter education and the powers of the registrar-general to modify the voters' roll. On 27 February 2002, the Supreme Court of Zimbabwe (by a four to one majority, in Judgement No. S.C. 10/02) ruled that the GLAA was unconstitutional. Some elements of the nullified GLAA were thereafter promulgated by the minister of justice, legal and parliamentary affairs in a statutory instrument on 1 March 2002 under Section 158 of the Electoral Act.

All the observer missions reviewed in this paper express general concern over the constant changes in, and flawed application of, the legislative framework. For instance, the SAOM states that the mission was

perturbed by the uncertainty of the legislative environment that preceded and even accompanied the presidential elections. Laws were promulgated, and then reversed, and then regulations were introduced to override the courts...The legislative framework was implemented in an unsatisfactory manner with little transparency, consultation or accountability. Legislative amendments that were judged to be unconstitutional were reinstated through presidential decree under Section 158 of the Electoral Act. This provision is against any acceptable norms and standards for electoral administration.

The COG report notes its concern

that the legislative framework within which the elections were conducted, particularly certain provisions of the Public Order and Security Act and the General Laws Amendment Act, was basically flawed, and prejudicially applied.

-
- validating anything done in connection with, arising out of or resulting from any election; and
 - empowering any person to make orders or give directions in relation to any matter connected with, arising out of or resulting from any election.

The PFOM also suggests that the uncertainty of the legislative electoral framework made it difficult for people to understand the electoral process.

Election Administration and the Electoral Act

Zimbabwe has a 'first-past-the-post' system, so the candidate with a majority of the total valid votes cast (50% plus one) is declared the duly elected president for a term of six years. The incumbent president is eligible for re-election. As the PFOM noted, Zimbabwe is one of the few SADC countries that does not set limits on the number of terms the president can serve.

The Electoral Act establishes the powers and duties of the four bodies that share responsibility for the administration of elections in Zimbabwe. These are the registrar-general of elections, the Election Directorate, the Electoral Supervisory Commission (ESC) and the Delimitation Commission (which played no role in the 2002 presidential election).⁸ The president or the executive appoints the members of all four bodies.

The registrar-general of elections is a public servant whose office falls under the ministry of home affairs. However, he manages elections in accordance with the Electoral Act, which is administered by the minister of justice, legal and parliamentary affairs. In practice, the registrar-general is answerable to the

⁸ The Delimitation Commission has the responsibility for determining the limits of the constituencies in Zimbabwe. Currently, Zimbabwe is divided into 120 constituencies, in accordance with Section 60 (2) of the Constitution of Zimbabwe. The Delimitation Commission was not constituted for the 2002 presidential election, and the constituency boundaries delimited for the 2000 parliamentary elections were retained. In making its delimitation decisions, the Delimitation Commission is required to look at the total number of registered voters and the total number of constituencies, and attempt to create an average number of voters in every constituency. But this is not an absolute requirement. The Delimitation Commission must also take account of each constituency's physical features, the means of communication in the area, the geographical distribution of voters registered on the voters' roll, and any community of interest between the different voters registered on the voters' roll who live in that area.

Election Directorate. Zimbabwe is divided into 120 constituencies, each with its own constituency registrar responsible for the organisation, administration and conduct of elections within the constituency.

The Election Directorate is a facilitating body constituted upon the announcement of an election. It comprises a chairperson appointed by the president, the registrar-general and between two and 10 representatives appointed by the minister of justice, legal and parliamentary affairs, who are normally the permanent secretaries of the main government departments involved in the conduct of an election. The Election Directorate's duties are to mobilise the resources of the various government departments in order to register voters, to conduct elections in the constituencies and to ensure that elections are conducted efficiently, freely and fairly.

Unlike the Election Directorate, the ESC is intended to have a permanent status and supervisory responsibilities. It comprises five individuals who are appointed by the president: it is not answerable to any person or body in the exercise of its duties and is responsible for the supervision of the registration of voters and the conduct of the elections.

Due to the lack of independence of the Election Directorate, the registrar-general and the ESC, most election observers concluded that the election bodies had not discharged their functions in a transparent or impartial manner. The SAOM concludes that

[n]either the Electoral Supervisory Commission nor the Registrar-General carried out their functions in a transparent and accountable way. Essential information was either not published or published late, resulting in confusion and uncertainty on the part of the public.

This is supported by the other reports, with the COG repeating the recommendation it made at the time of the 2000 parliamentary elections that Zimbabwe should 'establish an Independent Electoral Commission adequately staffed and equipped to be fully

responsible for all aspects of electoral administration and management.’ The COG is of the view that

had a more transparent electoral process been established under a truly impartial authority, the credibility of the current presidential election could have been considerably enhanced. The lack of such an authority inevitably raises questions over the conduct of this election.

The NEOM recommends that ‘[m]ulti-party representation [in the ESC] and decisive powers would be one way of achieving transparency and increasing trust in the process.’ The SAOM suggests that

[o]ne composite body should be appointed, which is responsible for the supervision and administration of elections. This body should enjoy independence from the Executive and should be answerable to Parliament. The election body must be constitutionally protected and the members of the body should be appointed by a multi-party committee of Parliament.

While commending the ESC and registrar-general for performing a difficult task, the PFOM expresses concern at ‘the existence of three often-overlapping electoral management bodies, none of which is independent’. This was particularly troubling considering that the SADC PF had made the same remark and recommended remedial action after the 2000 Zimbabwe parliamentary elections. The SADC PF Norms set out detailed recommendations (such as selection by the judiciary and approval by the legislature, separate budget allocation from parliament and security of tenure) to ensure the independence and impartiality of electoral commissions.⁹

The ZESN also quotes the SADC PF Norms on the subject, and states that the

ESC has been rendered useless in Zimbabwe as it only supervises and does not run the elections...The election process is not managed, administered and controlled by the ESC, but by the

⁹ SADC PF Norms and Standards for Elections in the SADC Region, C (Recommendations), Part 2, Section 4.

Registrar-General. The impartiality of the [ESC] is compromised because the President, a contestant in the elections, appoints (and can remove) members of the Commission and prescribes the tenure and conditions under which they hold office...Other organs which run the elections: Delimitation Commission, Election Directorate and Registrar-General are perceived to be partial. The [ESC] does not control an independent budget as it receives funds allocated under the Ministry of Justice, Legal and Parliamentary Affairs.

Voter Education

The GLAA held that only the ESC could conduct voter education and that foreign funding could not be used for that purpose. As this provision was only declared unconstitutional close to the election, there was little time left for civil society groups or opposition political parties to undertake a voter education campaign. The SAOM report states that 'this resulted in allegations from the opposition and civil society that voter education was partisan and flawed'. Moreover, the 'fact that voter education was started only a few days before the elections leads the SAOM to the judgement that inadequate voter education was provided by the [ESC]'. The SAOM recommends that

[v]oter education should be undertaken by civil society as well as by the electoral body. Such voter education should be non-partisan. Voter education providers should be timeously accredited so as to ensure that the greatest number of people receive information and education on the electoral process.

There was some confusion surrounding the role of civil society groups in voter education. Most of the observer reports note that voter education by civil society groups had been banned under the GLAA and by the time the provision was ruled unconstitutional, it was too late for civil society groups to mobilise their voter education programmes. The ZESN report notes the restrictions its member organisations faced, but does not say that they were banned from voter education activities, which are the cornerstone of their efforts. '[T]he numerous changes to the electoral laws and subsequent court challenges made it difficult for ZESN to engage in a comprehensive voter education drive.

Nevertheless, ZESN materials were initially examined and considered good by the ESC'. The ZESN continues:

[a]lthough voter education and training of the trainers' workshops were held in several provinces, the tense political climate proved to be an impediment. In Mashonaland West, East and Central, for example, workshops to train observers and public meetings had to be cancelled, and instead moved to Harare. Due to the tense political atmosphere, the emphasis of ZESN voter and civic education had to be moved from public meetings to decentralised information dissemination of materials, documents and flyers. Different organisations with localised structures such as the churches were also used to disseminate voter education material. Another limitation to public meetings for the purpose of carrying out voter education was that the Public Order and Security Act requires that the police are notified four days in advance of any public meetings.

In its conclusions, the ZESN notes the recommendation in the SADC PF Norms that the role of civil society, mainly in election monitoring and civic education, should be recognised by the government, and urges 'the government [to] recognise the right and need for civic organisations to promote civic awareness, educate voters and monitor elections'.

The SAPOM report does not criticise the inadequacy of the ESC's voter education programme, but notes that 'during the 2000 parliamentary elections, NGOs that conducted voter education were alleged to have been partisan. In these elections, NGOs were required to apply to conduct voter education. Foreign funding was also banned.' The SAPOM minority view repeats the comments made by the majority opinion, but notes that deficiencies in voter education were one of the constraints on the conduct of a free and fair election in Zimbabwe. Reflecting the sentiment of the SAOM, the COG states

that voter education was inadequate, as the main vehicles of imparting voter education, such as newspapers and the electronic media, did not reach those in greatest need, particularly in the rural areas. This inadequacy was evident in both urban and rural polls where most voters [needed to be] instructed on how to vote and fold the ballot, thereby slowing the voting process.

Effective voter education is described by the PFOM as one of the most important aspects of free and fair elections. But while it notes the confusion caused by the GLAA and the concerns of civic organisations regarding the ESC's lack of resources to conduct effective voter education, it makes no criticism of this aspect of the elections, merely recommending an impartial, independent and well funded electoral commission. It is interesting to note that the SADC PF Norms comment that in some cases voter education is left to NGOs and political parties and that sometimes 'it is inadequately funded and poorly managed'.¹⁰ They recommend that electoral commissions 'should be required by law to provide for a satisfactory and adequately funded voter education programme'.

Voter Registration

One of the principal aims of voter education is to encourage eligible voters to register on the voters' roll and exercise their democratic right to vote in an informed manner. The SADC PF Norms state that the 'compilation of a satisfactory voters' register is [the] biggest test of the impartiality and technical competence of the electoral commission'.¹¹ Zimbabwe has a continuous and computerised voter registration system. To become registered a person must apply and satisfy citizenship, age and residency requirements. The registrar-general has primary operational responsibility for the updating and maintenance of the voters' roll. The authority of the registrar-general was enhanced by certain provisions of the GLAA, that was later declared unconstitutional. However, certain provisions of the nullified GLAA were re-enacted through statutory instruments under Section 158 of the Electoral Act. One of these instruments provided the registrar-general with additional powers to change the original name or address of voters on the roll, even without an application by the voter concerned. Nonetheless, any changes made without

¹⁰ SADC PF Norms and Standards for Elections in the SADC Region, C (Recommendations), Part 3, Section 2.

¹¹ SADC PF Norms and Standards for Elections in the SADC Region, C (Recommendations), Part 3, Section 1.

application were required by prior law to be published in the official gazette, a publication with limited circulation.

On 7 March 2002, the registrar-general announced that the number of registered voters for the presidential elections was 5,607,812.¹² However, this figure was to be contested. All the observer missions reviewed in this paper expressed concerns about the administration of the process of voter registration and, in particular, the discretion accorded the registrar-general. The COG's findings are that

thousands of Zimbabwean citizens were disenfranchised as a result of the lack of transparency in the registration process and the wide discretionary powers of the registrar-general in deciding who is included in or omitted from the electoral register.

The SAOM concludes 'the Registrar-General enjoyed the discretion to remove or add names to the Voters' Roll without informing the affected person/s', while the ZESN notes that

[a]part from lack of transparency in voter registration deadlines, and inspection, the legal wrangles which ensued during the pre-election period added to the confusion. A lot of voters were disenfranchised for lack of knowledge of updated information on the whole electoral process. Indeed, ZESN received a number of reports and complaints filed by potential voters who felt that they have been disenfranchised.

The GLAA also amended Section 20 of the Electoral Act to empower the registrar-general to demand documentary proof of residence in the form of title deeds or utility bills in the name of the applicant. The PFOM notes that these restrictive registration requirements 'had the effect of discouraging or even excluding some potential voters, especially women, the majority of whom do not own property and would have no documentary proof of ownership or residence'. The ZESN also remarks that

[s]ome young voters still dependent or living with their parents were turned away when they tried to register as voters because

¹² *The Herald*, 8 March 2002, p.2.

they did not have proof of residence...[T]he requirements for registration as voters were not applied consistently through the country, such as the production of proof of residence, which disenfranchised a whole spectrum of people. Furthermore, it provided an uneven playing field for potential voters because in some cases registration without proof of residence was subject to the leniency of the registration officers.

Cut-off date

Although voter registration is a continuous process, a cut-off date is required in order to facilitate the administration of an upcoming election. All the observer missions reviewed expressed concern over the lack of transparency surrounding the cut-off date, and both the NEOM and the SAOM comment on the confusion caused by its undisclosed extension. The voters' roll was opened for public inspection between 12 November–2 December 2001, and the time extended for a week to 9 December 2001.¹³ Yet the registration period was announced to have ended on 27 January 2002.¹⁴ However, the cut-off date was extended by the registrar-general to 3 March 2002, though no notice of such extension was published in the official gazette until 1 March 2002 (and the SAOM notes that such publication is required by law). Opposition parties and civil society groups were often unaware of the extension of the registration period, and therefore did not continue voter registration activities after 27 January 2002. The SAOM comments that 'registration of voters between 27 January and 3 March was done selectively in certain provinces only', while the NEOM states that during this extension period 'observers had reported hectic registration of voters in strongholds of the governing party'.

¹³ These dates are the ones noted by the PFOM. The ZESN reports that the voters' roll was open for inspection between 19 November 2001 and 9 December 2001, but was eventually extended for a week until 19 December 2001.

¹⁴ The ZESN states that the 'Registrar-General was held in contempt of court for disregarding a High Court order not to close the registration of voters until the constitutionality of the registration process had been challenged'.

The registrar-general also announced that a supplementary voters' roll would be produced before the elections on 9 March 2002. This was printed on 7 March 2002, but was not made available for inspection by the public, although the Electoral Act provides for the voters' roll to be kept by the constituency registrars and to be open for inspection (and for printing).¹⁵ The SAOM concludes that the

supplementary voters' roll was viewed with suspicion by the opposition and civil society, as it was not implemented transparently and consistently. This is irregular as people were prevented from examining the final voters' roll and to make objections if their names were not on the roll. This resulted in a situation where voters only knew on election day if they were on the voters' roll or not.

The ZESN, after noting the recommendation in the SADC PF Norms that an updated voters' register must be made available to all stakeholders in the election, concludes that '[n]o copy of the supplementary voters' roll was given to an NGO or contesting political party'. The PFOM is relatively restrained in its criticism, noting only 'concerns raised on the apparent lack of transparency in the process of voter registration, and especially in relation to the preparation of the Supplementary Voters' Roll.'

Citizenship issues

The Electoral Act sets out the citizenship requirements for voter eligibility. The Citizenship Act of 1986 was amended in 2001 to require persons who hold dual citizenship to renounce one of them. This permitted the registrar-general to disqualify people who held dual citizenship from the voters' roll. Both the SAOM and the SAPOM report that 96,000 people were sent notices that their Zimbabwean citizenship would be revoked unless they renounced their other nationality. The SAOM further notes that in many cases the period in which they had to do this had already elapsed by the time they received their notices. The courts later

¹⁵ Part IV, sections 17 and 18 of the Electoral Act.

ruled that the period of grace must be extended by six months, although this extension was not implemented. The SAPOM states that the 'failure of the court to rule on this matter until the polling day would make this category ineligible to vote'. Further, the ZESN reports that the 'Registrar-General sent out notices of objection to all those people who had renounced their Zimbabwean citizenship, advising them that they would not be able to vote'. Certain affected persons who were nonetheless considered permanent residents successfully challenged this exclusion in the High Court so that they could vote.

The COG expresses further concerns that the

Registrar-General chose to interpret this [amendment to the Citizenship Act] to mean that even persons who are Zimbabwean citizens, but were 'entitled' to foreign citizenship by virtue of the citizenship of their forebears had to formally renounce such 'entitlement'... [The COG argued that] from a legal perspective, this is problematic for persons who are determined by the Registrar-General to be 'entitled' to foreign citizenship. For some citizens, the foreign country concerned may not have any formal mechanism for the renunciation of such an 'entitlement' to citizenship. This also affected voters who are descended from persons who originally were citizens of colonies or protectorates, and thus these 'foreign countries' no longer exist. This could result in some persons in Zimbabwe being rendered stateless.

The issue of voter disenfranchisement on grounds of dual citizenship was of greatest interest to the COG, perhaps because the second (or potential second) citizenship of many of those affected related to another Commonwealth nation. Both the SAOM and the SAPOM note that dual citizens had been allowed to vote in the 2000 parliamentary elections.

The GLAA also forbid anyone who had not been in the country for 12 months continuously to vote in presidential elections.

Displaced people

There were allegations of people having been displaced owing to intimidation and violence, especially in the farming areas. The SAPOM minority view notes that because of the requirement that

only constituency voting was permitted (a requirement unsuccessfully challenged by the MDC) 'thousands of [displaced] people, including black commercial farm workers, could not vote'. The issue of displaced persons was not noted explicitly by any of the other observer missions.

Public Order and Security Act

The Public Order and Security Act (POSA) that came into force in early 2002 contained a number of provisions limiting free speech and regular political activities. The SAOM states that '[t]his Act placed restrictions on freedom of movement, assembly and expression and could have been interpreted to be aimed at the opposition'. The ZESN reports that the

enactment of the oppressive [POSA] curtailed all civil and political rights to freedom of expression and assembly and prevented opposition parties from campaigning freely. The Act was unprecedented and curtailed the freedom of movement, speech, expression and association guaranteed under the Constitution.

In particular, the POSA made it a criminal offence to make a public statement about or concerning the president knowing that it might engender feelings of hostility, hatred, or contempt towards him; or ridicule him. The SAOM notes that

the section of the [POSA] that requires that the President's name and office should not be denigrated in effect implied that the opposition could not criticise the Government. This resulted in a situation where the ruling party denigrated the opposition, and particularly its leader, in a manner that was akin to hate speech without any fear of punitive action. Pejorative campaigning was only tolerated when it emanated from the ruling party.

The ZESN comments that the POSA created a

ban on any critical media coverage of the security forces and particularly of the incumbent president, who was, of course, a candidate in this presidential election. These vague and sweeping powers, together with the harsh penalties for violating them, added to an already hostile and intimidating media climate in the election period.

Another provision of the POSA required organisers of public meetings to give four days' written notice to the police. The police were then entitled to take certain decisions that they deemed reasonable to prevent public disorder, for instance, regulating the conduct of the meeting or denying permission to hold it. Furthermore, all unlawful gatherings could be dispersed by force. The SAOM gives the benefit of the doubt to the POSA's drafters, and concludes that the fault lay not in the text of the legislation but in the manner in which it was applied, stating that

this Act was largely incorrectly interpreted and implemented by the police. Cases were reported where the Act was used to refuse permission or to disallow meetings of the opposition. Whereas the Act stated that the police needed to be informed when a meeting is scheduled, it did not give the police discretion to prevent opposition parties from holding meetings. This interpretation and implementation of the Act by the Police could have had the effect of severely restricting the opposition party's ability to campaign effectively. Police also used the provision, which allowed them to search premises and request identity documents selectively. The provision in itself restricted freedom of movement and its application was not consistent and transparent.

The COG comes to the general conclusion that '[I]mpositions on the freedom of speech, movement and of association prevented the opposition from campaigning freely'. In stronger words, the NEOM concludes that the POSA

has been used to obstruct regular political activities involving the opposition. Meetings have been interrupted, party representatives have been taken in for questioning during deployment to their polling stations, party offices have been raided, and opposition officials and supporters have been detained on spurious charges.

The Political Environment of the Election

Since independence in 1980, Zimbabwe has been ruled by the ZANU-PF party. The party of President Mugabe dominated the political environment after its merger with ZAPU in 1988. In the February 2000 referendum, ZANU-PF experienced its first defeat at the polls, when it failed to get majority support for its constitutional proposals, which included the enlargement of presidential powers, the granting of immunity from prosecution to

government officials and the right to expropriate commercial farms without compensation. The opposition to the ZANU–PF proposals was mounted by the MDC. The June 2000 parliamentary elections were narrowly won by ZANU–PF in a process that was described by many observers as flawed. Since then, the political crisis has deepened, with the land issue continuing to fuel racial tension, amidst a worsening economic situation and widespread food shortages.

Intimidation and Violence

It is in the appraisal of the levels and nature of political violence that the observer missions differed most starkly. The COG and the NEOM devote relatively large portions of their reports (and, in the case of the COG report, three out of 10 final conclusions) to the consideration of political violence. The PFOM also accords great importance to the issue, stating that the political violence and fear it engendered ‘violate[d] the people’s freedom of expression and association, which is a basic and fundamental requirement for free and fair elections’.

All the six missions report that there were widespread allegations of political violence, but the missions differed in their manner of addressing these allegations and the conclusions they draw from their findings. The SAOM and the SAPOM provide only a brief description of the allegations, and state they were mostly unverifiable. The SAOM asks the question ‘What about the issue of violence?’, and answers by reporting that the SAOM

was zealous in responding to every allegation of violence, and mostly found these allegations at best exaggerated and at worst plain lies. Does that suggest that there was no violence? Clearly NOT. On the whole, however, verification of most of the alleged incidents of violence could not be done, as evidence was hard to come by. Thus the SAOM could not agree to the claim that the violence was widespread.

The SAPOM adopts a similar approach, reporting that ‘there were wide-spread allegations of violence’, but concluding that ‘some of [them] could not be verified’.

The COG, the NEOM, the ZESN and the PFOM refer to the general allegations and to the specific cases that were relayed to team members. More importantly, the team members of the COG, the NEOM and the PFOM report that they were able to verify some of these claims, and had also observed certain incidents directly. Although the ZESN mentions many specific incidents in its report, it does not explicitly state that these allegations had been verified by its observers. The ZESN report includes data on politically motivated murders compiled by the Human Rights NGO Forum.

In its report, the COG states that although there were widespread allegations of violence and intimidation by both major political parties (especially by supporters of the ruling party and the security services against MDC members) it could comment on only those incidents that were verifiable, or directly observed by the mission. The COG report lists the numerous incidents its observers witnessed directly or heard recounted by victims. The NEOM adopts a similar approach when it states that '[n]umerous reports of harassment and assault of MDC officials, members and supporters and their homes have been documented by observers. Some of these cases have involved extreme and indeed shocking levels of violence'. The term 'documented' is somewhat unclear, and does not indicate the extent of verification undertaken in person by NEOM observers.

The PFOM also consulted widely on the issue of violence in Harare and in the provinces where its teams were deployed. Reports were followed up, alleged victims interviewed and the police engaged in discussions. Each of its 17 teams either witnessed or verified at least one incident of violence. Furthermore, one of its teams in Chinhoyi was itself attacked after attending an MDC rally. Attached as a supplement to the PFOM document are the reports sent in by the teams deployed to the provinces, which recounted all the incidents of violence reported to the teams.

The NEOM, the PFOM, the ZESN and the COG conclude that the run-up to the election was marred by high levels of intimidation and violence in all of the country's 10 provinces. All four missions

also agree that incidents on both sides had been reported. However, the COG, the ZESN and the NEOM judge that most of these incidents were perpetrated by members or supporters of the ruling party against members or supporters of the opposition, while the PFOM does not apportion blame. The NEOM adds that

reports from observer teams deployed in all ten provinces of the country are so consistent as to suggest a deliberate campaign of violence and intimidation against the opposition and its known or suspected supporters, condoned or even sponsored by state organs.

No-go areas

The NEOM concludes that the

net result of this systematic violence and intimidation has been that certain areas of the country, in particular Mashonaland East and Mashonaland Central, as well as parts of other provinces, have effectively been no-go areas for opposition campaigning. In some rural districts of Masvingo and Manicaland, the level of intimidation has been such that MDC supporters have been forced to flee, seeking refuge in urban areas. Observers have also noted a pattern of harassment and intimidation of certain sectors of the electorate, in particular teachers and farm workers in the commercial farming areas.

The SAOM also reports the existence of such areas, 'where virtually only one party could canvass or no other party could campaign, hold meetings, display posters, or even carry the "wrong" newspaper'. It adds that 'there were "no-go" areas and strongholds for particular political parties. This was a strategy to instil fear in the electorate. It was "known" who to vote for in a particular area.' The PFOM's Mashonaland West team was told by the police that many of that province's rural areas were no-go areas for non-ZANU-PF supporters, and that no opposition party had held any campaign rallies in the rural areas of the province. Again, ZESN states that

Zimbabwe's political environment was one in which the opposition was unable to undertake any meaningful campaign in the rural areas due to massive intimidation and physical violence. There were specific areas that were off limits to the opposition. It was not possible for the opposition to campaign in Mount Darwin

North and South, Guruve and Shamva in Mashonaland Central Province, Uzumba Maramba Pfungwe in Mashonaland East Province, Mashonaland West Province and Midlands Province.

Youth groups

Particular concern is expressed by the COG regarding the activities of paramilitary youth groups organised under the National Youth Training Programme by ZANU–PF. It concludes that '[m]embers of these groups were responsible for a systematic campaign of intimidation against known or suspected supporters of MDC'. The NEOM is even more critical, reporting that

[t]here is convincing evidence that the establishment of ZANU PF youth bases in many areas has been instrumental in restricting political freedom, limiting freedom of movement, and spreading fear among the electorate. In a number of confirmed cases, ZANU PF youth bases were located at or near known polling stations, suggesting a deliberate strategy to intimidate voters. Allegations of torture against known or suspected opposition supporters at such bases have been verified by observers in Mashonaland Central, Mashonaland East and Matabeleland South.

The ZESN concurs:

the bulk of the violence was perpetrated by ZANU (PF) youth militia who maintained their terror campaign, relentlessly mounting attacks in the high density suburbs of Harare and Bulawayo and abducting people in other areas and torturing them in bases that they had established around the country.

In contrast, the SAPOM refers only to 'reports that ZANU–PF was using youth who were part of the government-sponsored youth programme to intimidate people'. To avoid any hint of bias, the SAPOM adds 'MDC youth were also reported to have been involved in acts of violence'. The SAOM merely notes that the 'youth militia and their bases have been seen and identified as such by some observers', and does not comment on the veracity of allegations of intimidation. On the issue of youth groups, the PFOM states that 'both parties were reported to have militia bases from where youths launched attacks or mobilization campaigns on supporters of opposing parties'.

The police and partisan application of the law

As mentioned above, the POSA gave the security forces extensive powers to restrict rights such as the freedoms of speech, movement, association and assembly. The NEOM states that '[b]oth in the pre-election period, on polling days, and in the immediate aftermath of the election, police used these powers to control, intimidate and harass the opposition', and recounts some of these cases. Members of the COG found that

very often the Zimbabwe Republic Police (ZRP) and other security forces did not take action to investigate reported cases of violence and intimidation, especially against known or suspected supporters of the MDC. Indeed, the ZRP appeared to be heavy-handed in dealing with the MDC and lenient towards supporters of [ZANU–PF]. This failure to impartially enforce the law seriously calls into question the application of the rule of law in Zimbabwe.

PFOM observers also judge that the police had been biased in the way they responded to reports of political violence. The team received reports of victims being arrested while perpetrators went free, and of the police failing to take action after receiving reports from alleged victims. The PFOM also notes a trend in the police to blame opposition party members for the violence.

NEOM observers report

numerous incidents in which members of the security forces, in particular the police, have acted in a partisan manner. A pattern was observed where the police regularly failed to respond to or investigate reported violence against opposition supporters, while reacting swiftly and with disproportionate force against real or alleged opposition offences. In some cases, relations between violent supporters of the ruling party and police and CIO (Central Intelligence Organisation) operatives appeared so close as to suggest collaboration toward a common goal.

The ZESN, after stating the recommendation in the SADC PF Norms that government security forces should act impartially and professionally, lists the numerous instances where Zimbabwe's police and armed forces had failed to satisfy this recommendation. These include: the partisan and selective application of the law and court orders; the failure to bring to justice perpetrators of crimes against MDC activists; the partisan role of the war veterans;

the political violence perpetrated by the ZANU–PF youth militia; the explicit declarations of support for ZANU–PF by senior military and police officials; and the politically-biased distribution of food aid by security officials.

Political Party Campaigns

During the pre-election campaign, ZANU–PF organised more than 50 rallies addressed by the presidential candidate, Robert Mugabe, while the MDC organised fewer than 10. PFOM observers to most rural constituencies, especially in the three Mashonaland provinces, note an almost total absence of MDC campaign activity.

The PFOM reports the MDC's claim that 77 of their campaign meetings had been either denied permission by the police or disrupted by unruly ZANU–PF youths. The COG received

numerous and widespread complaints from officials of the opposition MDC party about being refused permission by the police to hold rallies or other public meetings or having their rallies/public meetings broken up by the police on the basis of powers conferred by the POSA.

However, the SAOM believes that the failure of the MDC to hold more rallies cannot be attributed only to violence and intimidation by elements of the ruling ZANU–PF party, and that some of the blame should be attributed to the MDC's lack of organisation.

Both the PFOM and the COG comment on the widespread use of public resources for organising the campaign rallies of the ruling party. Government vehicles were used to transport persons to ZANU–PF rallies, where the police and military provided security. The ZESN reports that the ruling party 'used government resources including vehicles, air force helicopters, civil servants, public media, government offices and funds for campaign purposes'. The PFOM notes that MDC rallies, on the contrary, 'had little police presence and were often either disrupted by unruly elements or denied permission by the police on the pretext that they were likely to cause public insecurity and disorder'. The COG came across 'a number of cases in which ZANU–PF

campaign materials and rally signs were stored in government departments and police stations'. The ZESN notes further that the

2002 political party finance act amendment made it illegal for political parties to receive foreign donations. As such, ZANU–PF had an unfair advantage over other contesting parties. In some cases, it was difficult to differentiate between party and government functions.

The SADC PF Norms recommend that 'in the interest of creating a level playing field for all political parties and promoting the integrity of the electoral process, parties should not use public funds in the electoral process'. In view of this recommendation, the PFOM comment on the evident use of public resources by ZANU–PF was mild, merely stating that these abuses 'support claims by opposition parties that "the playing field is not level"'. Similarly, the SAOM concluded only that

the ruling party could have had an advantage over the opposition parties as government had resources at their disposal. Further, they were not restricted from campaigning freely, whereas the other parties operated under restrictive conditions including no-go areas.

The Media

The Zimbabwe Electoral Act provides that political parties should benefit from impartial and equitable access to public media and advertising institutions during campaigning. However, the electronic media in Zimbabwe is controlled by the state through the Zimbabwe Broadcasting Corporation, which owns ZTV and four national radio channels. There are no independent broadcasters, so the state has a monopoly over radio and television broadcasting. Although the state-owned media is required by the Broadcasting Services Act to provide reasonable and equal opportunities to all political parties, the six reports reviewed in this paper are in agreement that this was far from the case, and that the state-controlled electronic media showed a strong bias in favour of ZANU–PF.

In particular, the ZESN devotes a fairly substantial chapter of its report to a review of the role of the media in the electoral process,

using data collected by the Media Monitoring Project Zimbabwe (MMPZ). Relative to the other reports reviewed, the ZESN coverage of the media is the most detailed and comprehensive, reflecting the ongoing work of the constituent groups of the ZESN and the importance the ZESN accords to the development of a vibrant independent media.

The PFOM expresses particular concern over the role of the publicly funded state media, that should have conformed to an 'internationally recognised role to report or cater for the interests of all sections of society'.

The SAOM report notes that 'the state owned and controlled electronic media, especially television, offered coverage that in other societies would only pass for a paid, or at least clearly designated, political party broadcast'. The NEOM states that '[r]eporting in the state media, which should have a particular duty to be politically unbiased, has shown a blatant bias for the ruling party, with little or no coverage of the opposition except to portray it negatively', while the ZESN commented that the 'public media was turned into an instrument of political propaganda in a campaign characterised by reports vilifying the opposition and glorifying the ruling party'.

The print media is also polarised, with one daily newspaper (*The Herald*) supporting ZANU–PF, while the independent newspaper (*The Daily News*) supports the MDC. The NEOM notes that 'the distribution of the main independent newspaper, *The Daily News*, is non-existent in much of Mashonaland, and ... newspaper vendors attempting to sell the daily in these areas have been threatened'. The ZESN reports that '[t]he independent print media was subjected to public accusations and labelling as opposition supporters [and] faced threats including, arrests, harassment, intimidation and bombings of printing press premises and offices of *The Daily News*'.

The SAOM notes that the application of the Access to Information and Protection of Privacy Act

ensured that the opposition was given little access to the electronic media and most of the coverage that they received was negative.

The absence of a media regulatory framework that would have ensured equal opportunities for all candidates to campaign seriously eroded the right to freedom of expression.

This report advises that an 'independent media regulatory body should be provided for in legislation. This body should ensure that each candidate or political party contesting elections be allowed equal access to the state media, both print and electronic', a recommendation also made by the COG. The ZESN comments that no code of conduct had been established for the media.

The international media also played a role in the Zimbabwean elections. The SAPOM comments that 'the "partisan" nature of the international print and electronic media further contributed to the tension surrounding the elections'. The SAOM also noted that the international media

became increasingly hostile and critical of the ZANU-PF leader [and the] 'wide media coverage of the expulsion of the leader of the EU delegation...bedevilled the media atmosphere in Zimbabwe.

Monitors and Observers

Monitors

Part III (14 B) of the Electoral Act provides for the use of monitors at the polling and counting stations to detect any irregularity in the conduct of the poll or the counting of the votes. The GLAA restricted this provision by requiring all monitors to be appointed by the ESC, and by specifying that monitors could be recruited only from the civil service. (The military was included in the definition of civil service.) The SAOM remarks that '[a]lthough the Electoral Act of 1992 has a similar provision on the use of public servants it also made provision for civil society organisations to submit members to be accredited as monitors'. The SAOM continues

[o]pposition parties and NGOs considered the requirement that only public service officials be accredited as monitors as a way of ensuring that the only people who were allowed to correct irregularities...in polling stations would be people who are perceived to be partisan or in favour of the ruling party.

The SAOM took up this matter with the authorities, who argued that the decision had been based on the foreign funding of NGOs and the perceived partisanship of these in favour of the MDC. However, the SAOM decided that the decision of the authorities was contrary to common practice in democratic elections, and that the process of accreditation should be open and transparent.

With respect to the issue of election monitors drawn from civil society, the ZESN report expresses its dismay at the changes effected by the GLAA, stating that

[i]t is inappropriate for civil servants to monitor elections. This task should have remained with civil society. The [Act] restricted election monitoring to civil servants contrary to the election norms and standards adopted by SADC countries (including Zimbabwe), which recommend that independent monitors from civil society monitor the conduct of the polling and counting processes. As a result, the Act prevented civic organisations from playing their traditional role of providing election monitors under the supervision of the ESC. Instead, their personnel were reduced to the function of independent local observers subject to the invitation of the Minister of Justice, Legal and Parliamentary Affairs.

The SAPOM reports that 20,000 monitors, the majority of whom were teachers, were trained. Four monitors were deployed per constituency, and four per polling station to monitor the pre-election period and polling respectively. The SAPOM received confirmation from electoral authorities that the monitors had been vested with executive powers to undertake corrective measures at any stage of the electoral process.

The COG notes that on polling days,

in most cases ESC monitors took a passive role in proceedings and were not seen to be closely involved in monitoring the process of voting. Very rarely did [the COG] witness ESC monitors challenging or intervening in any part of the voting process, especially in cases when people were turned away for not being on the electoral register.

Local observers

Part III (14 C) of the Electoral Act provides for the participation of election observers from inside and outside Zimbabwe. The ESC is authorised to establish an Observers' Accreditation Committee, whose membership consists of the chairman of the ESC and four persons nominated by government ministers, to accredit both international and domestic observers. However, all observers must first receive an invitation from the minister of justice, legal and parliamentary affairs.

SAPOM reports that by 8 March 2002, 566 international observers and only 23 local observers had been accredited. (The number of local observers did increase to above 400 in subsequent days.) On the same issue, the NEOM states

it is to be regretted that the Zimbabwe Election Support Network, the main umbrella organisation for NGOs observing elections, did not receive such invitation for more than 470 out of their 12,500 nominated observers. The observers from NGOs would have added a very important element of transparency to the process, and would have offered an independent view on the polls in addition to the civil servants and the party agents. For future elections a simpler form of accreditation not involving any kind of political screening of the organisations should be implemented.

The ZESN itself reported that only 420 out of the 12,500 names submitted received accreditation, and that they were only informed some two days before the start of polling. The ZESN therefore resolved to conduct a parallel observation process, by placing its non-accredited observers 100 metres from the polling stations. Several of the ZESN's observers were beaten up, harassed, tortured or arrested.¹⁶

The SAOM agrees that due to late changes in electoral legislation

there was little time to accredit local observers and monitors other than Public Servants resulting in a situation where domestic civil society was, in large, denied the opportunity to observe or monitor

¹⁶ The ZESN report referred to an annex that details the incidents in which ZESN observers were attacked. This annex was not available for review at the time of writing.

the elections. Civil society attempted to have 15 000 people accredited as observers. No more than 600 were finally accredited.

International observers

The number of international observers was lower than for the 2000 parliamentary elections. The largest number were from the African continent. These belonged to missions which included the OAU, the SADC Ministerial Task Force, the SADC PF mission, the Common Market for East and Southern Africa (COMESA), the Economic Community of West African States (ECOWAS) and the bilateral missions representing Botswana, Ghana, Libya, Namibia, Nigeria and Tanzania. Three missions came from South Africa: the SAOM, the SAPOM and the ANC.

There was much international media coverage of the fate of the EU observer mission which decided to withdraw the entire team after its leader had been denied accreditation and asked to leave Zimbabwe. On 18 February 2002, EU officials announced 'smart' sanctions and the withdrawal of all their observers, including those from countries such as France, Spain and Italy who had already been registered. The sanctions were targeted against the leadership of ZANU–PF and include a travel ban, an assets freeze and a ban on arms sales. Other international observer teams that were not present included the Carter Institute and the National Democratic Institute.

The ZESN comments on the selection of international observers:

[The] government invited election observers from the countries it deemed 'friendly' as these were expected to endorse the electoral process and the election results and most of the countries that were invited do not have a history of democratic and transparent electoral process.

Gender Issues

Of the six reports reviewed in this paper, only the final reports of the PFOM and the ZESN explicitly address issues related to

women. The PFOM analyses these issues under three headings:¹⁷ the inclusion of gender issues in the manifestos and campaigns of the political parties; electoral requirements perceived to inhibit the participation of women in the elections; and the effect of political violence on women. With respect to the first category, both the PFOM and the ZESN note that gender was not an election issue for the main political parties, and that there were no females nominated. (The number of women in the Zimbabwean parliament had decreased from 22 seats to 15 at the time of the 2000 parliamentary elections.) Both observer teams agree that some of the electoral changes have had a particularly adverse effect on the participation of women. For instance, the proof of residency requirement was especially difficult for women to satisfy, as acceptable proof was often in the name of husbands or partners. The amendments to the Citizenship Act of Zimbabwe also affected women disproportionately, as they were less likely to undertake the laborious and costly process of renunciation of citizenship. In respect of the voters' roll, the ZESN notes that the registrar-general used his discretionary powers to alter the names of married women to their husbands' names without notifying them, thus disenfranchising those women whose identity documents still showed their maiden names.

The last heading was that of political violence. Here, the ZESN notes that 'the publicised reports [of violence] concentrated on the men as perpetrators and women as victims', but states that a gender-specific analysis of political violence has yet to be undertaken. The PFOM report relates the claims by the Women's Coalition (an umbrella body representing 18 women's organisations) that 'women were the silent victims of an orchestrated campaign of terror and political violence', stating that

[t]he perpetrators of the violence were mainly young men and male war veterans who raped and forced women and girls into sexual activities that many women will never talk about for fear of being ostracised by their families and communities. At some militia camps, young men and women were reported to be sleeping in the same rooms. This would obviously be a formula for sexual abuse.

¹⁷ In the section on Methodology of its report, the PFOM also analysed the gender composition of its own observer team.

Although the gender specificity of political violence is not conclusively demonstrated, it is clear that, as the poorest of the poor, women were particularly vulnerable. Women's diminished status also made them susceptible to manipulation and vote buying.

The Election

Polling

Given the number of observers in each observer mission, that few polling irregularities were witnessed is not conclusive. For the most part, the different missions did not observe serious electoral problems on the days of voting, except for the allegations of disenfranchisement arising from the insufficient number of polling stations in Harare and Chitungwiza. The ZESN, with 420 accredited observers, and many more parallel unaccredited observers provides the most thorough appraisal of conditions observed on polling days.

The absence of a conflict resolution mechanism aggravated the impact of the technical and logistical problems. The SAOM makes a general observation that there was

no formalised structure to deal with electoral problems that occurred on Election Day. There was no indication as to how and when the ESC and/or Registrar-General would respond to logistical and technical issues as they arise. There is no provision for a conflict resolution mechanism or a complaints division.

Polling stations

There were 4,548 polling stations spread out across the country's 10 provinces. The SAPOM notes that after the 2000 general elections, the number of polling stations had been increased by 644. There were two types of station: static and mobile. Mobile stations covered up to two different locations each day. In all polling stations there was a police presence of four officers per station, with two inside and two outside. The COG reports that

[v]oters did not appear threatened by the police presence. Most of the locations used as polling stations were schools, business

centres, mines and farms. These locations were generally accessible to voters. Information on the schedule and the locations of both static and mobile stations was not released until a few days before the election.

Both the SAOM and the PFOM comment that the lack of information on the location of polling stations before election day was of concern. However, it was the number and distribution of polling stations across the constituencies that aroused the greater concern.

The registrar-general had the discretion to increase or decrease the number of polling stations, and used it to increase the number of polling stations in the rural areas, so that rural voters would not have to travel more than 10 kilometres to vote. On the other hand, the registrar-general decreased by around 30% the number of polling stations in Harare and Chitungwiza, where there was the highest concentration of voters. As a result of the changes in the numbers of polling stations, the NEOM reports that there were '5,300 voters per polling station on average in Harare and Chitungwiza. In all other provinces, excepting Bulawayo, the number was around 1,000 per polling station', noting that this action raised the 'suspicion that this was intended to disadvantage the urban electorate'. The SAOM recommends that

the number of polling stations should be determined using the number of registered voters in a constituency. The number of polling stations and the route of mobile polling stations should not be used as a tool to disenfranchise voters. The location of polling stations must be gazetted and made public before the date of elections.

The ZESN report states that 'the deliberate reduction in the number of polling stations by the government was deemed to be a ploy calculated to disenfranchise urban voters, who are generally believed to be sympathetic to the opposition political parties'. Although it does not go so far as to attribute the registrar-general's changes in the number of polling stations to the intention of disenfranchising the urban, pro-MDC members of the electorate, the COG notes that 'the rural area of Seke where there is strong ZANU-PF support and with a population similar to one Harare

ward[,] had sixty polling stations. The equivalent in Harare, an area more aligned to MDC, had just eight polling stations’.

In the areas outside Harare and Chitungwiza, there were few reports of problems on polling days, and the voting was mostly conducted in an efficient manner. All the observer missions commented on the professionalism and efficiency of staff at the polling stations. The NEOM states, however, that ‘a number of incidents of intimidation were reported, including harassment of polling agents and domestic observers, resulting in an atmosphere of fear surrounding the electoral process’.

Harare and Chitungwiza

In Harare, there were three separate elections: for president, mayor and councillors. In Chitungwiza, elections were held for president and mayor. The added complexity of the voting process (and the small number of polling stations) affected the speed at which the long queues of voters could be processed. The COG observed that ‘[m]any of the polling stations were unable to process more than 40 or 50 voters per hour’.

On the first election day, voter turnout in Harare and Chitungwiza was very high. The NEOM reports that on ‘the morning of the first day of polls up to 4,000 voters had queued up to vote. After three days of voting only 2,000 to 3,500 voters per polling station had been able to cast their votes’. The COG observes

voters lined up as early as 2 a.m. on 9 March. Before the opening of the polling stations, queues of up to 5,000 voters at a single polling station were already in place in some of the high-density suburbs... Some voters reported waiting for up to fifteen hours on each day and were still unable to cast their ballot. Factory and domestic workers who comprise a large percentage of urban voters who were expected to report for work at a certain time had to leave queues without having voted. Some voters slept at the polling stations in order not to lose their places in the queue. While voters appeared determined to vote, after two days some gave up and returned home.

At the end of the first day of voting, the electoral authorities undertook to increase capacity and staff numbers. The SAPOM observes that this undertaking was not fully implemented, especially in Harare and Chitungwiza. Further, SAPOM reports that the

ESC announced that 120 computers had been allocated to areas which had tripartite elections. These were to be used to assist in the verification of names. However, [SAPOM's] observation was that there were no computers at most of the polling stations in Harare and Chitungwiza.

The NEOM comments on the registrar-general's decision to close all polling stations at around 10 p.m. on day two and at 7 p.m. on the extended third day of voting. This decision was taken, notes the NEOM,

despite a clear requirement in the Electoral Act to allow all voters in line at the close of the polls to vote. The thousands of voters still in line both days were sent away by the police. Many of the voters who were turned away had been waiting for ten to twenty hours in vain.

Similar situations were also witnessed by members of the PFOM.

The COG concludes that the 'inadequate number of polling stations in Harare and Chitungwiza disenfranchised prospective voters'. While it was impossible to determine the exact number of voters affected, the COG notes that it may have been reflected in the lower than expected number of ballots cast in Harare. The COG actually 'witnessed ...some 500 voters [being] disenfranchised when a Harare polling station closed fifteen minutes before the scheduled 7 p.m. closing time and riot police forcibly removed those waiting in the queue'. In the same vein, the SAOM notes that

a structural infringement to the process goes squarely to the Electoral Supervisory Commission for their failure to make contingency plans to deal with huge voter turn out, and for their refusal to attend to numerous warnings about their decision to reduce polling stations in urban areas. The second impediment was their decision to combine presidential elections with Local Government elections in Harare and Chitungwiza. The result is that the overload and stress experienced by election officials on the

ground may have led to many voters failing to exercise their right to vote.

The PFOM describes the polling conditions in Harare and Chitungwiza as 'an absolute nightmare', and states that its observers were 'of the considered opinion that the rights of many voters in this province had been violated'.

Extension of polling

On Sunday, 10 March the MDC applied to the High Court to extend the polling for an additional two days to accommodate the long queues of voters. The High Court ordered the extension of polling throughout the country for one day, Monday, 11 March. The registrar-general responded first that this decision would be appealed to the Supreme Court, and then announced that the High Court order would be applied only to Harare and Chitungwiza. The SAPOM observes that the High Court ruling was implemented only in Harare, while the COG comments that the registrar-general had not extended the extra day of voting beyond Harare and Chitungwiza, in contravention of the High Court ruling.

The continuation of polling in Harare and Chitungwiza was suspended as presiding officers awaited instructions from the registrar-general. In some instances, presiding officers were not informed of what procedures they should follow. The COG notes that

[w]hile some stations had reopened, others, promptly closed, and only re-opened again at 10:30 a.m. or later. The MDC again applied for an extension of voting as polling had started late at many polling stations. The application was denied. Voters not in the queue at 7 p.m. were physically turned away by the police.

Polling agents

The electoral legislation gives candidates the right to appoint their representatives (polling agents and election agents) in every polling station and counting centre. The NEOM comments that as this 'is the only involvement of the contestants in the electoral administration, [it] is therefore crucial to the checks and balances

of the process'. The NEOM report criticises the requirement that parties must publish the names and assigned polling stations of their polling agents before these can be accredited by the registrar-general. Apart from the confusion this requirement caused (since the final list of polling stations was not received from the registrar-general until the eve of the election) the NEOM finds that 'in light of the reprisals against MDC supporters after the election, it is clear that the lists were used to find and harass people working for the opposition'.

The NEOM observes that polling agents were to be found in most polling stations visited, but states that 'it is clear that in some areas voting has taken place without representation of both the major candidates'. The NEOM also notes that '[c]andidates other than the two from ZANU-PF and MDC did not seem to have polling agents in the polling stations visited by our teams'. The SAPOM reports that in some cases polling agents were alleged to have campaigned for their political parties close to the voting stations and, in some cases, inside the voting stations. Although it did not observe irregularities at the polling stations it attended, the PFOM relays complaints made by opposition parties that in some rural areas that were ZANU-PF strongholds, MDC polling agents had been abducted and prevented from attending the polling. PFOM observers intervened when police arrested MDC polling agents on their way to vote in Harare.

The ZESN also notes the absence of opposition polling agents from many polling stations, and comments on the many disturbing episodes of violence involving opposition polling agents being harassed and prevented from carrying out their work.

Postal voting

Due to changes made under the GLAA and subsequent statutory instruments, the postal voting regime was changed so that postal voting was available only to officials organising the elections, the armed forces, and diplomats and their spouses who were absent from their constituency on the election days. Citizens temporarily living outside their constituency or outside the country were not included, although they had been in previous elections. The ZESN

concludes that the 'postal voting was not done in a transparent way as it excluded many Zimbabweans, thus depriving them of a chance to exercise their right to vote'. The GLAA prescribed 10 days prior to the first election day as the deadline for applications, whereas the subsequent executive decree left it to the registrar-general to set a deadline. Both the NEOM and the SAOM also note that normal safeguards against double voting were not applied and the number and names of voters who had been issued with a postal ballot were not published before the election. The SAOM concludes that the 'process of postal voting was not carried out in a transparent way and there were no checks and balances provided for in the system'.¹⁸ Further, the NEOM received reports 'to the effect that the secrecy of the vote was not maintained during the postal voting of the security forces'.

Counting

There were 120 counting centres, one for each constituency. All ballot boxes were transported to the relevant constituency centre for verification and counting. An amendment to the Electoral Act prevented polling agents from accompanying the ballot boxes. Opposition parties raised this issue with the various observer missions before the elections. The PFOM reports that after discussions with the electoral authorities, 'this anomaly had been rectified'. None of the other missions observed anything to the contrary.

The counting process was originally scheduled to start on Monday 11 March, but was delayed by the High Court ruling on the evening of Sunday, 10 March that voting should be extended for an extra day across the country. Due to confusion related to the court's ruling some counting did begin on Monday, 11 March, but in most cases counting began on Tuesday, 12 March. The constituency registrars directed the process, with presiding officers and assistant presiding officers involved in verification and counting. Security personnel, party polling agents and observers were also expected to be in attendance.

¹⁸ The COG noted that '[t]he returned postal ballot numbers were estimated at about 7,000'.

The SAPOM notes that '[n]o disturbances were reported when the counting started. An increased visible presence of riot police and the army was noticed at this stage. A considerable degree of tension among the population of Zimbabwe was evident'.

Most of the observer missions do not identify any substantial problems related to the counting process, either as legislated or as executed. The ZESN reports a number of irregularities observed at individual polling stations that related to the counting process (such as delays in announcing results, broken seals on ballot boxes or missing ballot books) and recommends that in order to allay any suspicion of vote tampering, the election results should be audited.

Election Results

Voter turnout

All the observer missions commented on the enormous efforts made by citizens to vote, sometimes under very difficult conditions. The SAOM states that 'voter turnout was far higher than in previous elections, with the exception of the first liberation election of 1980'. The SAOM further stresses

that taken on its own, the fact that millions of Zimbabwean voters chose to exercise their constitutional right and privilege as Zimbabwean citizens, to express their will on who should become the leader of their nation, should be regarded as a major element in the determination of whether the 2002 Presidential elections represented their legitimate voice.

The COG reports that the registrar-general announced that the turnout of eligible voters who actually cast their ballots was 55%. The COG also notes that '[v]oter turnout on the second day was noticeably less in most locations outside of Harare and Chitungwiza and by Sunday afternoon there was only a trickle of voters in the other cities and rural areas'. Repeating a comment it made when parliamentary elections took place in June 2000, the COG advises that 'more work remains to be undertaken in the area of voter education to ensure that all voters fully understand the mechanics and the implications of the voting process'.

Election results

The SAOM and the ZESN did not report any election results, while the other reports reflect different results, summarised below.

<i>Candidate</i>	<i>Party</i>	<i>COG</i>	<i>NEOM</i>	<i>SAPOM</i>	<i>PFOM</i>
Robert Gabriel	ZANU–PF	1,685,212	1,695,549	1,634,382	1,685,212
Morgan	MDC	1,258,401	1,283,911	1,170,590	1,258,401
Wilson	ZANU	31,358			31,368
Shakespeare	NAGG	11,906			11,906
Paul Siwela	Independent	11,871			11,871
All others				295,028	
Total		2,998,758		3,100,000	2,998,758

Although it does not report the election results, the ZESN presents the two sets of results released by the registrar-general and the ESC in order to note the discrepancies between them. The table below is reproduced from the ZESN report.

Zimbabwe election results, 2002				
<i>Province</i>	<i>ESC figures</i>	<i>Election Directorate and Registrar-General</i>	<i>Variance ESC–ED/RG</i>	<i>Comment</i>
Bulawayo	169,501	162,616	6,885	MDC stronghold
Harare	439,656	412,935	26,721	MDC stronghold
Chitungwiza				
Mashonaland Central	304,677	300,613	4,064	ZANU–PF stronghold
Mashonaland East	361,357	349,565	11,792	ZANU–PF stronghold
Mashonaland West	316,140	322,641	601	ZANU–PF stronghold
Masvingo	400,525	372,095	28,430	Variable
Midlands	342,772	418,024	75,252	ZANU –PF stronghold
Matabeleland South	167,849	162,179	5,670	MDC stronghold
Matabeleland North	192,268	175,935	16,333	MDC stronghold
Manicaland	330,960	353,954	22,994	Variable

Source: *MDC Election Report and The Daily News.*

The ZESN reports that some of the research undertaken by market research groups and the MDC indicates that the voters' roll was inflated in some constituencies and deflated in others. Another issue reported by ZESN is the discrepancy between the election results announced by the registrar-general and those announced by the ESC. Overall, the ZESN states, there were sufficient anomalies to be a 'cause for concern about the accuracy and authenticity of the final results released by the Election Directorate'. The ZESN mission calls 'for an audit of the election results as these disparities affect the legitimacy of the election outcome'.

While the SAPOM and the COG merely set out the results, the NEOM and the PFOM attempt to analyse the voting patterns and results by comparing rural-urban voting patterns. The NEOM report provides two tables that compare the number of votes obtained by ZANU-PF and the MDC at the provincial level in 2002 and 2000. The NEOM concludes that 'the turnout increased in the ZANU-PF strongholds whereas there was little change in areas where MDC has its main support'. The NEOM has no doubt that the will to cast a vote was very strong in Harare and Chitungwiza, and that voters there were effectively prevented from doing so due to the reduction in the number of polling stations in those two provinces. In the other provinces, the NEOM assesses that it was 'clear that fear and intimidation had raised the [ZANU-PF] turnout', while 'the number of registered voters also increased drastically in areas with ZANU-PF support'. The NEOM concludes that 'the political intimidation before election days and the limitation of polling capacity in Harare and Chitungwiza affected the figures, and that the outcome of the elections thus could have been different'.

The PFOM report also includes tables to show the rural-urban divide in the voting pattern, though it does not compare the 2002 results with those of 2000. The analysis of voting patterns at the provincial level showed that rural voters overwhelmingly voted for ZANU-PF, while most urban voters supported the opposition MDC. In the three Mashonaland provinces (East, West and Central), Robert Mugabe polled over 70% of the vote. However, in Bulawayo and Harare, the two predominantly urban provinces,

Morgan Tsvangirai polled over 75% of the vote. Further analysis at the constituency level of the three Mashonaland provinces where ZANU–PF was dominant showed a similar rural-urban divide in the voting pattern. Although the ruling party had a majority in selected urban and peri-urban constituencies of the three Mashonaland provinces, there was a significant opposition vote. In the poll results of selected rural constituencies from the same three Mashonaland provinces there was no significant MDC opposition.

The PFOM concludes that ‘the dominance of the ruling party in rural areas indicates the extent to which the party has responded to the need of the population in these areas, especially on the issue of the land’, but reports opposition party claims that many rural areas were ‘no go’ areas for campaign purposes. Though it does not support the accusation of bias made by the opposition, the PFOM notes that this rural-urban voting pattern explains the ‘outcry by the opposition party when it was observed that polling stations in urban areas had been reduced and this disadvantaged the urban voters where the opposition enjoys most of its support’.

Post-Election Developments

Some observer missions comment on post-election developments. The NEOM reports ¹⁹

that ZANU–PF supporters around the country had embarked on systematic reprisals against opposition members or supporters...Given the time constraints, only a few of the reported incidents could be independently verified before the observers' departure, but both the consistency of the reports and the threatening rhetoric used by ZANU–PF officials during the party's pre-election house-to-house campaign lend credibility to the

¹⁹ The NEOM further reports that ‘opposition polling and election agents were targeted by violent youths and war veterans reportedly using the list of polling agents published in national newspapers before the election. Numerous cases of assault, beating, torture, looting, arson, and at least one killing of a suspected MDC supporter were reported to observers in the first few days after the poll. There were also reports of violent attacks on commercial farmers and farm workers’.

claims by the opposition, the independent media and civil society groups of systematic reprisals.

The PFOM comments on the visible deployment of military personnel at the time the results were being announced, and on the continuing polarisation of the media, whereas the ZESN report analyses the domestic, regional and international responses to the election results. It also reports on a number of incidents to show that the post-election period continued to be characterised by political violence and repressive legislation, for example in the use of the POSA to restrict public meetings and inhibit calls for mass action by the opposition parties.

Implications for Election Observation in the SADC Region

This section takes the SADC PF framework as the natural base for the development of further SADC-specific standards for election observation. The first part describes the SADC PF framework and proposes the elaboration of additional standards to enhance its effectiveness. The second part looks at the utility of election observation and concludes that its effectiveness is dependent on the political will of the actors. Ultimately, the development of a democratic process that is truly reflective of the will of the people can be achieved domestically through the influence of civil society and internationally through the influence of regional and international groupings. This includes bilateral pressure from a regional power such as South Africa.

A Regional Framework: SADC PF Norms and Standards for Elections in the SADC Region

The SADC PF engages in election observation as part of its commitment to the emergence and strengthening of multiparty democracy in SADC. SADC PF election observers have witnessed elections in Namibia and Mozambique in 1999, Zimbabwe, Mauritius and Tanzania in 2000 and in Zambia in 2001. Based on the lessons learnt from these experiences, the SADC PF Norms were developed and adopted by a plenary assembly of the Parliamentary Forum on 25 March 2001 in Windhoek, Namibia. These norms and standards are for the use of SADC governments and SADC parliaments, and aim to help them strengthen their electoral institutions and reform outdated electoral practices, all with the ultimate goal of entrenching multiparty democracies.

For the SADC PF observer missions, the immediate objective of election observation is to determine the openness, freeness and fairness of elections. However, the long-term goal is to use lessons learned and experiences gained in election observation to help to strengthen democratic processes and transparency in the conduct of elections in the SADC countries.

The SADC PF Norms provide an outline of certain ingredients of 'free and fair' elections. These include:

- acceptance by all political parties that all eligible citizens have had a fair opportunity to register as voters and to cast their votes;
- the granting of equitable opportunities to all political parties contesting the election to campaign, including equitable access to the state-owned media;
- the creation by the government of a 'level playing field', in which all political parties are granted the opportunity to put their policies and programmes to the electorate;
- the removal of any existing state of emergency before an election campaign begins;
- the certification by all polling agents that the voting has been free and fair at their respective polling stations; and
- the acceptance by the host government of election observers as a factor in fostering transparency, integrity and institutionalising the democratic process in the conduct of elections.

The SADC PF Norms set out a number of recommendations against which various elements of the observed electoral process can be measured. The PFOM and especially the ZESN used these recommendations to highlight deficiencies in the Zimbabwean electoral process. Although the SAOM report refers to the SADC PF Norms in the section describing its methodology, it does not appeal to any specific SADC PF recommendations in the body of its report.

Given the availability of regionally agreed standards, SADC-related groups (i.e., both regional and bilateral missions from SADC countries) observing elections in the SADC region should adopt the SADC PF Norms as their benchmark. Although the SADC PF Norms contain certain sections dealing with observers and the conduct of observers, the area of observer conduct and methodology is one that needs to be developed further. This could occur within the SADC PF framework, through another regional body (SADC Council) or through civil society groups for acceptance by national governments. The SADC PF framework

could be enhanced through the elaboration of a code of conduct for election observation, that would specifically address certain methodological issues such as a minimum standards approach, verification benchmarks, and guidelines for methodology and presentation of results.

Minimum Standards

While the SADC PF Norms outline the ingredients of ‘free and fair’ elections, they do not attribute weightings to the different elements. None of the observer missions reviewed in this paper explicitly address the relative importance of the factors that make up a ‘free and fair’ electoral process. This is clearly one of the areas where observers make subjective (and different) evaluations. For instance, all the observer missions reviewed in this paper comment forcefully on the lack of transparency of the electoral process and the biased legislative environment in Zimbabwe. But given the different overall conclusions of these missions, it is clear that the weight given to this issue differs. Similarly, the greater importance given to the issue of political violence and intimidation by the COG and the NEOM reflects the experience of Western elections, which for the last 50 years have been relatively non-violent. All the observer missions note the voter turnout and the relative orderliness of the actual polling process (save for the access problems experienced in Harare and Chitungwiza), yet only the SAOM²⁰ and the SAPOM make it the determinant of the legitimacy of the overall electoral process. One solution would be to elaborate a minimum standards approach within the framework of the SADC PF Norms, where failure to satisfy one or more standard(s) would automatically result in a negative evaluation of the entire electoral process.

²⁰ The SAOM states the view that ‘while every phase of the process constitutes an integral element of the credibility of the outcome, in the final analysis, it is the act of voting that is supreme. Ultimately, after rallies and speeches, the voters must come out and freely express their will’.

Verification Benchmarks

In the Zimbabwe 2002 elections, some observers (and the Western media) were criticised for their reporting on issues of political violence on the grounds of accuracy. What constitutes acceptable verification of allegations of political violence? Is it enough to interview alleged victims, and record their depositions first hand? Do their stories need to be checked with the police and with the alleged perpetrators? The lesson for SADC PF to be drawn from the 2002 Zimbabwe presidential elections is the need to develop verification standards for reporting on allegations of political intimidation and violence.

Methodology and Presentation of Results

Many of the short-term observer missions to the 2002 Zimbabwe presidential elections did not publish detailed reports of their findings, and issued only brief statements at the end of the electoral process indicating whether they judged the electoral process to have been legitimate (see Annex II). Such unsubstantiated pronouncements on the legitimacy of the election helped undermine the credibility of other election observers.

As electoral abuse becomes more complex, the need for longer-term and more detailed observation increases. A long-term presence adds credibility to the findings of an observer team and ensures that at least some individuals have had the opportunity to develop a deeper understanding of the political realities and to engage in discussion with a wide cross-section of stakeholders. All the observer groups reviewed in this report included long-term monitors, though the missions differed in the number of long-term observers and the length of time these long-term observers spent in Zimbabwe. For instance, part of the COG team was in Zimbabwe for six weeks. Yet even well staffed, long-term missions cannot observe every aspect of an electoral process. In some cases, the observer reports reviewed in this paper failed to state relevant qualifications to their conclusions and opinions. The lesson for SADC PF is to develop clear guidelines on methodology. These would encourage observers to include a long-term presence and to be comprehensive in their review of the electoral process by highlighting all the elements that need to be addressed. To the

extent that all the elements are not addressed comprehensively, observers would need to disclose any gaps in their observations and qualify their comments and reports accordingly.

Assessment of the Effectiveness of Election Observation

The presence of observer groups is intended to limit electoral abuse and enhance confidence in the electoral process. In the case of the Zimbabwe 2002 presidential election, the expectation that international observers would ensure the integrity of the electoral process proved unrealistic. Some commentators suggested that since the political environment had been so polarised, the two main parties should have delayed the elections and concentrated more on creating the right environment for free and fair elections, for instance by focusing on mechanisms to reduce the level of political violence.²¹ Yet both parties decided to go ahead with the presidential elections as scheduled.

If the neutrality and non-partisan nature of a particular observer mission is called into question, the ability of that mission to confer or deny legitimacy to a particular electoral process will be compromised. Commentators have noted the divide between Western and many African and regional observer missions. The former were accused of ignoring the legacies of colonialism (land issues and racial justice), favouring the opposition party and being overly protective of the interests of white commercial farmers. Some African and regional groups were accused of placing racial allegiance and a common culture of liberation politics ahead of concepts such as universal human rights and democracy. In light of this debate, the conclusions of the PFOM, representing as they do those of a regional grouping of states to which Zimbabwe belongs, should carry the greatest authority.

Even the most comprehensive review of an electoral process by observers may fail to uncover certain types of electoral fraud, such as well-planned and concealed ballot stuffing or ballot box

²¹ See for example, Molutsi P, 'Beyond the Zimbabwean mist' in Melber H (ed.), *Zimbabwe's Presidential Elections 2002: Evidence, Lessons and Implications*: Uppsala, 2002.

replacement.²² Counting fraud can rarely be observed, though it may be uncovered through the verification of results by means of straw polls. In the months since the Zimbabwe 2002 presidential elections, there have been allegations, primarily by the MDC and civil society groups, of extensive ballot stuffing and pre-election padding of the voters' roll by the ruling party. Discrepancies between the voter tables prepared by the ESC and those announced by the registrar-general are used to back up these claims. Continuous, post-election observation, to be undertaken by civil society groups, can help mitigate election fraud. This type of perpetual election observation is rarely carried out by observer groups because of their temporary nature. Civil society groups, domestic (like ZESN) and international (such as NDI, Carter Institute) are better equipped to undertake such a task.

One of the principal flaws in relying on election observation as a corrective for electoral process deficiencies is the lack of enforcement mechanisms. The remedial recommendations made by the COG and the PFOM after the 2000 Zimbabwe general elections (e.g., with respect to the independence of the electoral commission) had not been followed by the government. The same problems observed were critical factors in the 2002 elections.²³

Election observation can only be consent-based. Observer groups must be invited, accredited and helped by the host government

²² To minimise these risks, the SADC PF Norms recommend that all counting should be undertaken at the polling centre, as the practice of transporting ballot boxes to a central counting centre offers opportunities for ballot boxes to be stolen or switched.

²³ Some observer groups have suggested holding review meetings with governments in order to discuss specific recommendations. A recommendation made to the High Level Review Group of the Commonwealth suggested that in order to enhance the effectiveness of Commonwealth observer missions, the observer mission should follow up with a meeting with the host government and all political parties six months after the election to discuss implementation of the recommendations made by the COG in its report. An invitation by the host government to attend these review meetings would not be needed, as this would be considered an integral part of the observation mission. See 'Adding Value to the Commonwealth Democracy Programme', Commonwealth Policy Studies Unit Submission to the High Level Review Group, p.8.

electoral authorities, for instance by being given permission to enter polling and counting stations. This means that observer groups perceived to be hostile or merely critical might be denied such permission by the authorities. But the real problem arises when the observer group concludes that the election denied the will of the people. What then? Some observer groups affiliated to international or regional organisations may have influence over decision-makers in those institutions, and those institutions may have certain instruments that can be used to censure the host government. These range from sanctions to suspension from the organisation. In the case of the Commonwealth, the principles of good governance and democratic development were enshrined in the Harare Commonwealth Declaration of 1991. These principles were reconfirmed in 1995 and given more substance in the Milbrook Action Programme. Following the determination of the COG regarding the 2002 Zimbabwean electoral process, the Commonwealth suspended Zimbabwe from the organisation for a period of one year starting on 19 March 2002. In September 2002 in Abuja the Commonwealth troika reviewed developments in Zimbabwe and postponed a decision on full suspension until March 2003.²⁴

As an institution, the SADC PF lacks the mechanisms to back up its recommendations. The SADC Parliamentary Forum was established in accordance with Article 9(2) and Article 10(6) of the SADC Treaty, but is not an entity based on a SADC protocol. The SADC PF Norms, developed under the auspices of the SADC PF, have not been enshrined as SADC law, but were agreed to by member states. In early 2002, the SADC Council ruled that the SADC PF Norms were not binding on SADC member states. Thus one of the main challenges is to encourage SADC countries to align national legislation (e.g., electoral laws, citizenship laws,

²⁴ 'Whilst all members of the "Troika" strongly believe that efforts to engage the Government of Zimbabwe should continue, one member, Australia, supported the full suspension of Zimbabwe with immediate effect whilst the other members wished to see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered.' See Commonwealth Secretariat press release (23 September 2002) online at <http://www.thecommonwealth.org>

media and broadcasting laws) with the SADC PF Norms. The next step would then be to hold SADC governments accountable to their own national legislation.

The principal political organ remains SADC itself and the SADC Treaty provides for the imposition of sanctions against a member state on a case-by-case basis. Thus, the SADC PF relies on voluntary action by member states or, in the event of non-performance by the member state, on SADC to step in and back it up.²⁵ The SADC Council has also decided to develop an instrument to govern the relationship between the SADC PF and SADC.

Bilateral or single country observer groups (such as NEOM, SAOM and SAPOM) can influence their national governments or parliaments. Many South Africans were disappointed by the final conclusions of the SAOM and the SAPOM reports, as these did not evolve naturally from the detailed observations of the SAOM and SAPOM missions. A critical conclusion could have influenced the South African government to take a stand against Robert Mugabe, but it seems that domestic South African political imperatives were influential in the wording of the final conclusion of these two reports. Ultimately, international election observation in Zimbabwe will be effective only if the bilateral and regional powers take the political decision to use some of the censure mechanisms at their disposal to bring about political and constitutional change in that country.

²⁵ Another SADC-related mission was also present in the 2002 Zimbabwe presidential election. This was the SADC Ministerial Task Force, consisting of six governmental representatives from six SADC countries. The SADC Ministerial Task Force issued a statement on 13 March 2002 that concludes '[d]espite reported incidents of pre-election violence and some logistical shortcomings during voting—the elections were substantially free and fair, and were a true reflection of the will of the people of Zimbabwe'. After receiving this statement and others, the chairperson of SADC issued a statement on 16 March 2002 that 'SADC endorses the position taken by the Ministerial Task Force on Zimbabwe that the elections were substantially free and fair. However, SADC has taken note of the concerns of other observer missions in the elections'. Any support SADC PF may have hoped for from SADC was not forthcoming.

In some parts of the developing world, the function of international election observation has evolved from assisting countries to make the transition to democracy to helping them consolidate democratic institutions and build capacity. Although international support is still necessary to support democracy in certain developing countries, many commentators believe that the future of election observation lies in domestic observer groups. 'The sustainability of democracy is dependent on the presence of a strong civil society and an engaged active citizenry.'²⁶ Domestic observer groups have the advantage of being larger, cheaper, in possession of local knowledge, able to observe the electoral process on an ongoing basis and capable of contributing directly to the strengthening of civil society. International observer groups can support these groups by offering protection, support and an international voice. Yet genuine multiparty democracy will only emerge through action by civil society.

Presidents Mbeki and Obasanjo presented the New Partnership for Africa's Development (NEPAD) ideas to the G8 Summit in Canada on 27–28 June 2002, when they solicited Western financial backing for the initiative. It is estimated that \$64 billion in investment and aid will be needed to drive NEPAD. The concepts of multiparty democracy, respect for the rule of law and peer review are central tenets of the NEPAD scheme. In particular, the peer review system means that NEPAD signatories will check on each other's compliance with the key demands for good political and economic governance.

Prior to the G-8 Summit, the African continent's treatment of Zimbabwe was viewed as a test case for NEPAD. Perhaps the failure of African countries and regional leaders to resolve the Zimbabwean post-election crisis in a manner satisfactory to Western interests explains the lack of enthusiasm with which the NEPAD initiative was received by the G-8 Summit.

If the vision of NEPAD is to become a reality, regional leaders will need to use engaged political leadership to implement the

²⁶ 'Adding Value to the Commonwealth Democracy Programme', Commonwealth Policy Studies Unit Submission to the High Level Review Group, p.5.

recommendations for electoral reform proposed by domestic and international election observers in Zimbabwe and other African countries. Sadly, for the people of Zimbabwe, a resolution to the immediate crisis facing their nation will require more than electoral reform.

Annex I: Chronology of Post-Election Events

13 March 2002	US Assistant Secretary of State for African Affairs, Walter Kansteiner, states that 'the electoral process from start to finish ignored the norms and standards which govern elections throughout SADC and to which Zimbabwe had committed.'
14 March 2002	UK Foreign Secretary Jack Straw called the failure of Zimbabwe's electoral process 'a tragedy for the people of southern Africa as a whole.'
18 March 2002	Nigeria and South Africa proposed an initiative for a government of national unity.
19 March 2002	Zimbabwe was suspended from the Commonwealth for a period of one year.
12 April 2002	The MDC made a court application to nullify the results of the election.
19 April 2002	Following the release of a videotape allegedly showing Morgan Tsvangirai and other party officials plotting against President Mugabe, Tsvangirai was charged with high treason. The court case continues.
May 2002	Multiparty talks between ZANU–PF and the MDC aimed at forming a government of national unity broke down in South Africa.
27-28 June 2002	NEPAD discussed at G-8 Summit in Canada.
July 2002	Extension of EU 'smart' sanctions to cover 70 ZANU–PF officials and their families. Sanctions were first introduced in February 2002 after the expulsion of Pierre Schori, leader of the EU observer delegation.
July-September 2002	Worsening famine and security situation across Zimbabwe.
23 September 2002	Commonwealth troika, comprising Presidents Mbeki, Obasanjo and Prime Minister Howard decided to postpone a decision on Zimbabwe's membership of the organisation until March 2003.

Annex II: Table of Basic Data on Teams that Observed the Zimbabwe 2002 Presidential Election

<i>Observation Team</i>	<i>Preliminary Report</i>	<i>Final Report</i>	<i>No. of observers and duration of stay</i>	<i>Conclusion</i>
African, Caribbean and Pacific Nations Group (ACP group)	INA	INA	INA	INA
ANC Observer Mission in Zimbabwe	Yes 13/03/2002	No	8 19/02/2002-13/03/2002	'The people of Zimbabwe have spoken and let their will be respected by all'.
Botswana Observation Mission	INA	INA	INA	INA
Common Market for East and Southern Africa (COMESA)	Yes 13/03/2002	INA	INA	'The election was conducted credibly, freely and fairly'. (<i>The Herald</i>)
Commonwealth Secretariat	Yes 13/02/2002	Yes	42+19 (Secretariat) long-term observers arrived 5/02/2002 main team: 22/02 - 13/03/2002	'The conditions in Zimbabwe did not adequately allow for a free expression of will by the electors in the 2002 Presidential elections'.
Economic Commission of West African States (ECOWAS)	INA	INA	INA	INA
Ghana Delegation	Yes	Yes	3 29/02 -13/03/2002	'The election was not transparent'.

<i>Observation Team</i>	<i>Preliminary Report</i>	<i>Final Report</i>	<i>No. of observers and duration of stay</i>	<i>Conclusion</i>
Japanese Observer Mission	Yes 13/03/2002	Yes (Japanese)	5 5/03/2002 -12/03/2002	'There was a deviation from fairness in the Zimbabwe 2002 Presidential Election'.
Namibian Government Observer Team	Yes	INA	INA	The Namibian Government Observer Team declared the election free and fair saying it reflected the wishes of the people of Zimbabwe. (<i>The Herald</i>)
Nigerian Observer Team	Yes	INA	INA	The leader of the Nigerian Observer Team commended Zimbabwe for a peaceful poll. The Nigerian team said it noticed nothing that tarnished the integrity and the outcome of the election. (<i>The Herald</i>)
Non-Aligned Movement Observer Team	INA	INA	INA	INA
Norwegian Observer Mission	Yes	Yes 20/03/2002	25 2-4 weeks prior to the election	'The Presidential Elections failed to meet key, broadly accepted criteria' for a free and fair election.
Organisation of African Unity	Yes 13/03/2002	No	24 28/02/2002 – 13/03/2002	'On the basis of observations made during the voting, verification and counting process on the ground and the realities, the OAU Observer team wishes to state that in general the elections were transparent, credible, free and fair'.

<i>Observation Team</i>	<i>Preliminary Report</i>	<i>Final Report</i>	<i>No. of observers and duration of stay</i>	<i>Conclusion</i>
SADC Parliamentary Forum	Yes	Yes	38 MPs +18 technical staff Advance team: 14/02 – 13/03/2002 Rest of the team: 25/02 - 13/03/2002	'The climate of insecurity and fear obtaining in Zimbabwe since the 2000 parliamentary elections was such that the electoral process could not be said to adequately comply with the Norms and Standards for Elections in the SADC region'.
Senegal Observation mission	INA	INA	INA	INA
South African Observer Mission	Yes	Yes	50 Long-term observers 13/02/2002 – 13/03/2002	'The mission is of the view that the outcome of the elections represents the legitimate voice of the people of Zimbabwe'.
South African Parliamentary Observer Mission	Yes	Yes	20 22/02/2002 – 13/03/2002	Majority conclusion: 'It will, therefore, be appropriate to pronounce the 2002 Presidential elections as a credible expression of the will of the people.' Minority parties concluded they could not endorse the election as being free and fair.
Zimbabwe Election Support Network (ZESN)	Yes	Yes	240 Ongoing	'The 2002 elections violated the SADC Norms and standards and as a result the will of the Zimbabwean electorate was not expressed in a transparent, free and fair environment'.
INA = Information not available				

