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Back to the Future

Legitimising Zimbabwe's 2018 elections

Derek Matyszak

Zimbabwe's next elections are due no later than August 2018 and there has been renewed interest in explaining the remarkable landslide victory of President Robert Mugabe and his ZANU-PF party in 2013. Several sources attribute the outcome to the party's 'expanded social base', citing the results of opinion polls conducted in 2013. This report analyses that claim. It suggests an alternative explanation for the extent of ZANU-PF's 2013 win, and considers the implications for the impending polls.

Key points

- Successive but flawed electoral victories by ZANU-PF have come at the cost of legitimacy.
- Confident that it can win the 2018 polls without overt fraud or violence, ZANU-PF's prime objective is now to build its legitimacy.
- To achieve legitimacy, ZANU-PF must create the impression that the party enjoys popular support.
- This objective is advanced through analyses that downplay the extent of electoral malfeasance in 2013 and suggest that ZANU-PF increased its popularity after the loss of 2008 through people-oriented policies.
- This claim is without empirical backing. ZANU-PF won in 2013 as it has always won – through control of the key institutions of state.
- The duty then, of civil society and election observers, is to expose the fact that this will also be the case in 2018.

Introduction

The first symptoms of election fever are being felt in Zimbabwe. A series of provincial 'Presidential Youth Interface Rallies', which commenced in June 2017, is seen by many as early campaigning by President Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) in anticipation of the next general election, which, the country's Constitution requires, must, in the normal course of events, be held between the last week of July and 22 August 2018.[1]

The pending elections have rekindled what was previously only a cursory interest in the 2013 election results, with the question again raised of how ZANU-PF and Mugabe recovered from their only electoral defeat, in March 2008,[2] to rebound with a landslide victory in the very next poll. The answer increasingly promoted by ZANU-PF is that its victory was simply due to augmented popularity of Mugabe and the party he leads due to its 'people friendly' policies.

Several academics have recently[3] adopted this proposition, arguing that ZANU-PF 'widened its support base' between 2008 and 2013. While acknowledging some electoral malfeasance by ZANU-PF in 2013, these writers suggest that the increased popularity of ZANU-PF and the waning appeal of the Movement for Democratic Change-Tsvangirai (MDC-T) and its leader, Morgan Tsvangirai, caused the crushing defeat of the opposition. Such a view of the 2013 poll is not only relevant for forecasts for the 2018 election, it is obviously crucial when the contending political parties consider their strategies and tactics for the forthcoming poll.

This report examines the claim that ZANU-PF's victory in 2013 was primarily the result of an enlarged support base and considers some of the conditions that informed the 2013 poll. The report is not, however, intended as a comprehensive analysis of 'why Mugabe won' in 2013.[4]

There appears to be a general view that reports of this nature, which seek to expose and analyse democratic deficits in governance, should be accompanied by recommendations of 'the way forward'. This report does not assume that there is a way out of Zimbabwe's malaise, its aim is to consider the lessons that might be learnt from the results of the 2013 election. In doing so, it advances the view that ZANU-PF's successive[5] electoral victories have been secured by the conflation of party and government and the ruling party's resultant control of all institutions of state.

At the most obvious level, this allows for the abuse of state resources (including the effective monopoly of electronic media)[6] for party political purposes. Through ZANU-PF's command of the criminal justice system – the police, prosecution service and the courts – opposition rallies and campaigning are suppressed and supporters are arrested on trumped up charges and subjected to violence and intimidation with no repercussions for the perpetrators.

Control of rural local government facilitates extensive manipulation of the vote outside opposition urban strongholds. Furthermore, the electoral

management body, the Zimbabwe Electoral Commission (ZEC) often appears to be an appendage of the ruling party in its conduct of elections and its breaches of electoral law are ignored or facilitated by the courts.[7]

The exertion of this power has come at the cost of legitimacy. However, the results of the 2013 poll have restored ZANU-PF's confidence, shaken in 2008, that its electoral dominance is unassailable. Its prime objective in the 2018 poll then, will, in all probability, be to achieve an electoral victory which even those unenthusiastic about its continued governance will be compelled to accord legitimacy. Since the notion of increased ZANU-PF popularity after 2008 also implicitly suggests that elections in Zimbabwe take place on democratic terrain and political parties will freely compete for the vote in 2018,[8] the narrative of popularity is part of ZANU-PF's quest for legitimacy.

The task facing observers and opposition parties in 2018, then, will be to track and expose the continued misuse of institutional power, particularly by the ZEC, to counter a claim of legitimacy and to exploit ZANU-PF's need for subtlety in electoral malfeasance.

Backdrop

The results of the 2013 elections left the nation stunned.[9] Many analysts and commentators had predicted a close contest,[10] yet ZANU-PF, which had been in an 'Inclusive Government'[11] with opposition parties from 2009, trounced its main rival, the MDC-T, securing more than a two-thirds majority in Parliament and returning Mugabe to the presidency with nearly 61% of the vote. Even some ZANU-PF parliamentary candidates were said to be surprised at having won their seats.[12]

While the MDC-T at once declared the elections 'a huge farce',[13] it was unable immediately to produce any cogent evidence to support this claim. Its November 2013 report[14] on alleged electoral irregularities made sweeping and sometimes improbable[15] claims of rigging, with little, if any, supporting evidence or case studies. Many of the allegations were abandoned in the party's (undated) final report on irregularities, which largely centred on the manipulation of the voters' roll.[16] However, the party did not pursue its allegations rigorously[17] and the disingenuous[18] and overdue statutory report by the ZEC, tabled in Parliament in May 2014, went undebated.

Since it was now apparent to the international community that it would be dealing with Mugabe and a ZANU-PF government for the foreseeable future, the tentative steps towards re-engagement with Zimbabwe, which had been evident before the poll, became the official policy of the European Union and the de facto policy of others. Zimbabwe was removed from the Southern African Development Community (SADC) agenda19 and pressure on Mugabe's government, exerted by South Africa prior to the poll, dissolved into expressions of solidarity and comity. The view of all was to 'look forward' rather than at the reasons behind the crushing defeat of the MDC-T. The MDC-T adopted the slogan: *Tongai tione!* ('Let's see you govern!'), aware that ZANU-PF would face a steep challenge in managing an already precarious economy that would be investor-shy under its stewardship.[20]

The legitimating narrative

Political prognosis is always fraught with difficulty. Given the manifold factors that may affect political outcomes and the intra- and interplay among them, it is usually only after an event that it becomes apparent how much weight should have been accorded to each factor.

> The pending elections have rekindled what was previously a cursory interest in the 2013 elections

Most proponents of the legitimating narrative have shifted away from treating electoral malfeasance as determinative or significant. For them, the outcome is best explained by considering that ZANU-PF had 'increased its social base' through effective campaigning, clear messaging and smart policies. The MDC-T, it is held, had done precisely the opposite, and this, combined with incompetence, corruption and uninspiring leadership, cost them heavily at the ballot.[21]

This narrative has its origins in the early acceptance of the veracity of selected aspects of ZANU-PF's explanation for its election victory. Initially, there were suggestions of some truth in ZANU-PF's claim that it had won the support of an increased number of voters, even if these assertions pointed out that the manner in which this had been done was far from democratic. Other than those from the ZANU-PF stable, these opinions, however, were always tempered by an emphasis on

the fact that there had been considerable electoral malfeasance during the poll.

In the years after the elections the proposition that ZANU-PF's victory was the result of increased support and effective campaigning gained traction and was sometimes advanced by prominent opposition figures themselves.[22] The issue of electoral fraud faded until it was largely brushed aside in the legitimating narrative. Two papers written shortly after the poll and appearing in a special issue of the *Journal of Southern African Studies* devoted to Zimbabwe, in a section entitled 'Understanding the 2013 Elections', are a useful starting point in considering the genesis of the narrative.[23]

Brian Raftopolous'[24] contribution locates ZANU-PF's victory partly in the fact that it had expanded its social base since 2000 and advances several reasons for this. He notes the radical changes in Zimbabwe's political economy since 2000, centred mainly on a redistributive policy through which large-scale farms held by a racial minority were dismantled and 70% of the land passed to the tenure of the previously landless and land-poor. Becoming small-farm producers, this group then drove a new 'entrepreneurial dynamism' and 'productive potential' with benefits felt along a new value chain. ZANU-PF drew the support from those in this economy by responding to popular demands around irrigation, farm inputs, marketing of products, education and electrification.

> Government held back on enforcing mining regulations, and so won ZANU-PF the support of many goldminers

The collapse of much of the formal economy after 1997 led many to turn to artisanal mining as a means of survival and the burgeoning informal goldmining sector is seen as having contributed to the widening ZANU-PF social base. By the time of the elections artisanal mining of gold was contributing significantly to the country's gold output.[25]

Because of the then illicit nature of the activity it is difficult to determine an accurate number of those involved in artisanal mining in 2013 but the number is certainly significant. According to one estimate, by 2008 two million people were dependent on such mining.[26] In recognition of the contribution made by artisanal mining to the fiscus, it is maintained[27] that after 2008 the government held back on the enforcement of environmental and mining regulations and this restraint won the support of many of the goldminers for the ruling party.

The issue of informal vending is also related to Zimbabwe's steep economic decline after 1997, which led to a proportional shrinkage in the country's industrial sector and thus of union membership, which had originally been the mainstay of the MDC-T. Many of those previously in formal employment left the country as economic refugees, but a large number of those who remained became cross-border traders and vendors. This latter sector, Raftopolous notes, displaced manufacturing to become the second-largest employer by 2011.[28] ZANU-PF set about 'mobilising' in this sector, whose informal structures were particularly vulnerable to the party's political influence.

The main pillar of ZANU-PF's election campaign, however, was 'resource nationalism', referred to as an 'indigenisation and economic empowerment policy',[29] which promised that the redistributive land reform policy would be applied to all white- and foreign- owned businesses in the country, by requiring such businesses to cede 51% of their shares to black Zimbabweans. ZANU-PF constructed its entire election manifesto on 'indigenisation' – mentioned some 180 times in the 108 page document – claiming that the policy of indigenisation would 'unlock' more than $7 billion (51% of the estimated value of foreign business in the country) which would be used to create jobs and provide employment for 2.2 million Zimbabweans.[30]

The policy meshed well with ZANU-PF's anti-Western rhetoric, assertions of sovereignty and the supposed courage of Mugabe in standing firm against the might and machinations of neo-liberal capital – all for the benefit of his people. Raftopolous notes that this was a powerful counterfoil to the MDC-T's policies, rooted in good governance, human rights and general liberal policies.[31]

The MDC-T seemed fearful of challenging ZANU-PF on the question of indigenisation in case this was seen to corroborate perceptions of Western sympathies and an alleged desire to protect Western companies. The fact that the MDC-T, theoretically an equal partner in the inclusive government, was clearly strongly opposed to the indigenisation policy but was unable to prevent its roll-out, starkly exposed its powerlessness in the inclusive government and had electoral implications.

Oxford-based academic Blessing-Miles Tendi used the good relationships he had cultivated with senior ZANU-PF officials to 'embed' himself in Mugabe's ten provincial pre-election rallies for 2013. Using his 'unique access' to the party campaign managers he gives a close account in the *Journal of Southern African Studies* of his observations.[32]

Far from the doddery 89 year old portrayed by Mugabe's 'detractors', Tendi sees a charismatic Mugabe exercising unquestioned authority over the powerful clique around him and deftly deploying 'patriotic history' to underline his and ZANU-PF's liberation war credentials in a way that clearly resonates with the large crowds attending the rallies. The campaign was obviously lavishly funded and tightly organised. And, unlike 2008, Tendi states, the party pulled together as one, with factional differences set aside for the common purpose of defeating the MDC-T.[33]

Opinion polls

One of the central reference points for those advancing the legitimating narrative is Susan Booysen's report on an opinion poll she carried out in June-July 2012 under the auspices of Freedom House.[34] The key finding of the survey-based report was that there had been a sharp decline in the numbers of those prepared to express support for the MDC-T than had been the case in previous Freedom House surveys.

Table 1(a): Voting intentions

PARTY35	2009 %	2012 %
MDC-T	55	19
ZANU-PF	12	31
UNDECLARED	25	40
WILL NOT VOTE	6	7

Source: Booysen 2012

Two other surveys, one by Afrobarometer[36] the other by the International Republic Institute (IRI) for the MDC-T,[37] were conducted shortly after that of Freedom House.[38] Booysen regards these as corroborating her own finding of the decline in the number of those expressing support for the MDC-T, though the comparison is with Freedom House data from 2009 and 2010 and not with earlier surveys carried out by the same institutions.

Table 1(b): Voting intentions

PARTY	AFROBAROMETER %	IRI/MDC %
MDC-T	31	29
ZANU-PF	32	37
UNDECLARED	24	30
WILL NOT VOTE	9	3

Source: Booysen 2012

Contrary to the Freedom House survey, however, taking into account the 2% margin of error, the Afrobarometer survey showed ZANU-PF and MDC-T to be neck-and-neck in respondents' expressed preferences. It is clear from all surveys that the preferences of the 'Undeclared' or 'Reticent' were extremely important and the numbers large enough to sway the outcome.

The Freedom House survey showed a significantly higher number (40%) of 'Reticent' respondents than the others. Aware of this problem, Freedom House tried to disaggregate the 'Undeclared' by questioning respondents about their 'level of trust' in political parties and institutions.[39] The question, which appeared politically neutral to those questioned, was politically significant to the pollsters and could act as a proxy indicator. The results split the 'Undeclared' 52:39 in ZANU-PF's favour.[40]

Booysen reviewed the surveys in 2014, noting that the decline in support for the MDC-T reported by all three 'turned out to capture the thrust of the electoral change that would be evident in [the elections of] 2013'.[41] Her paper outlines what she considers to be the reasons for this decline. The MDC-T, she writes was 'the co-architect of its own emasculation' and:

> was co-opted into the Transitional Inclusive Government and never regained momentum. It became complacent in office and implicated in corruption. It was seen as more interested in sharing the spoils of power than subverting ZANU-PF. At the same time, ZANU-PF was implementing a strategy of retaining presidential, military and security sector power, using the constitutional reform process to re-connect on the ground, instituting policy change (around empowerment, indigenisation and patriotic nationalism) to re-instill hope, maintaining power over electoral authorities and processes, and continuously prohibiting freedom of expression and campaigning.[42]

Recriminations within the MDC-T over the devastating loss began immediately after the polls. In the absence of convincing evidence of fraud by ZANU-PF, MDC-T party members looked inwards and sought to attribute blame to party inefficiencies, policy errors, poor campaign messaging, complacency and the leadership failures of party president Tsvangirai. The subsequent (second) split in the party was more or less inevitable. After Tsvangirai rejected calls to resign secretary-general Tendai Biti led a breakaway formation which would become the People's Democratic Party.[43]

Consolidating the legitimating narrative

The electoral petitions brought to challenge the results were never likely to, and did not, overcome the hurdle of Zimbabwe's compromised judiciary. Such evidence of electoral fraud as the MDC-T was able to muster would never receive judicial confirmation.[44] The dossier of irregularities presented to SADC by the MDC-T, even if it had been persuasive, which it was not, was never going to leave any impression upon the regional body, which was anxious to show solidarity with Mugabe and to take the opportunity to remove the vexed Zimbabwe issue from its agenda. ZANU-PF functionaries thus became more and more confident in ascribing the party's large majority to party policy.[45]

> Recriminations in MDC-T over the loss began immediately after the polls; party members looked inwards rather than at ZANU-PF

Informed by the pre-election opinion polls, the failings of the MDC-T and claims that ZANU-PF had increased its social base, the legitimating narrative thus gained traction with each passing year. While electoral malfeasance by ZANU-PF was acknowledged in the non-ZANU-PF versions of these narratives, it was held to be insufficient to have affected the result significantly.

The acme of the legitimation was the publication in June 2017 of a book by Professor Stephen Chan and Julia Gallagher entitled *Why Mugabe Won: The 2013 Elections in Zimbabwe and their Aftermath.* Because it is a good example of the genre, it will be referred to frequently in what follows.

Chan and Gallagher draw heavily on the Booysen survey, which they treat as showing that the 47% of respondents who did not express a voting preference were 'floating voters' prepared to 'wait and see, and judge, on performance and persuasion factors'. Sources within ZANU-PF apparently disclosed to Chan that in the immediate aftermath of the 2008 polls the party had begun steady and persistent efforts to reconnect with voters and to mobilise supporters.[46]

Ahead of the polls ZANU-PF 'unleashed a charm offensive'. Leaders travelled throughout Zimbabwe 'reconnecting, apologizing and promising reform' to the people.[47] They handed out largesse and designed policies related to the material well-being of the populace. In contrast, the authors maintain, the MDC-T neglected its core voters and became disconnected from the concerns of ordinary Zimbabweans.

20 000 CIVILIANS WERE KILLED DURING THE 1983-1987 'GUKURAHUNDI'

By the time the opinion polls were conducted the relationships between the parties and their followers had been 'radically altered', an attitudinal shift which became more marked in the year before the elections. The polls thus took place in a context in which Zimbabwean politics had 'shifted dramatically in five short years'.[48] The ZANU-PF-controlled press used Chan and Gallagher's book to demonstrate support for the legitimating narrative. An example from *The Chronicle* reads:

> Zanu-PF continues to win national elections due to its tangible deliveries to the electorate and contributions from loyal supporters who stick to the values of the revolutionary party, prominent United Kingdom based authors have said … The authors' views dovetail with results of a recent survey by Afrobarometer that found that President Mugabe enjoys support from two-thirds of adult Zimbabweans, while the same number has lost trust in the opposition MDC-T led by Mr Morgan Tsvangirai … After suffering heavy defeat by Zanu-PF in 2013, former MDC-T secretary general Tendai Biti admitted at a public forum at Sapes Trust that Zanu-PF's formula of delivering tangibles such as land and other economic empowerment issues, paid dividends to the revolutionary party, while the opposition party depended on some abstract views that did not have relevance to Zimbabweans … the duo examined why suddenly President Mugabe became popular again with the same voters and discovered that the people of Zimbabwe felt betrayed by an opportunistic opposition whose true colours were exposed when they tasted power during the inclusive Government. [49]

Unpacking the narrative

The legitimating narrative is conceptually and methodologically flawed, overlooking the fact that Zimbabwe is a deeply divided society. The divisions are the result of episodes of extreme violence which have marked the country's history. Zimbabwe's 'liberation war', which resulted in independence, was a brutal affair. Napalm was deployed against guerillas and there were massacres of civilians and the torture of captured cadres.

A strong and often unbreakable bond developed between those involved in the nationalist war effort and ZANU and the Zimbabwe African People's Union (ZAPU), the parties that conducted it. A 'patriotic history' was constructed, which included a strong discourse about national sovereignty and a deep antipathy to anything redolent of, or linked to, Western interference in Zimbabwean affairs.[50]

But the nationalist movement was, itself, divided. The leaders of the other 'Frontline States' (Angola, Botswana, Mozambique, Tanzania and Zambia) expended considerable energy trying to bring together the Zimbabwe African National Liberation Army (ZANLA), the military wing of ZANU and ZAPU's Zimbabwe People's Revolutionary Army (ZIPRA).

> Former MDC-T secretary general Tendai Biti admitted that Zanu-PF's formula of delivering tangibles such as land, paid dividends

Confrontations with the Rhodesian army were interspersed by clashes and exchanges of fire between ZANLA and ZIPRA forces.[51] These armed clashes continued into the independence era. Mugabe refused to contest the first independence election jointly with ZAPU as the 'Patriotic Front' and the marginalisation and provocation[52] of the predominantly Ndebele PF-ZAPU by the mainly Shona ZANU-PF led to considerable antagonism between the two groups.

'Dissident' ZIPRA guerillas began to use terrorist activities in Matabeleland to pressure the Mugabe government to share more of the spoils of independence. The response of the government was a heinous ethnic cleansing in a period known as *Gukurahundi* ('the early rain which washes away the chaff before the spring rains').

An estimated 20 000 civilians were killed between 1983 and 1987, with villagers burnt alive in their huts, fetuses ripped from the wombs of pregnant mothers and skewered on bayonets and family members made to eat the body parts of slaughtered relatives. Rape, torture and displacements were endemic in the Matabeleland and Midlands provinces during this period.[53]

A period of relative peace[54] ensued from December 1987 to February 2000, until a new constitution for the country, sponsored by government, was defeated in a referendum. With parliamentary elections due four months later, the ruling ZANU-PF party knew that drastic steps were required to reassert control over its rural base. This was accomplished under the guise of 'land reform'. Hundreds of thousands of farm labourers, seen as having been influenced in their polling choice by white farmers, were

displaced in the grab of white-held farms which followed and were subsequently stripped of their citizenship and voting rights.[55]

Militia torture bases were established on the acquired farms and used to intimidate members of the fledging MDC party in the elections of 2000 and 2002. Once again thousands of those perceived opposed to ZANU-PF's governance were subjected to murder, rape and extreme physical violence. Despite this singularly unconducive electoral environment, in 2000 the MDC, in existence for less than a year, secured 57 elected seats against the 62 for ZANU-PF.

For Mugabe to win the presidential elections of 2002[56] blatant electoral fraud was required in addition to widespread violence and intimidation. The parliamentary elections of 2005 were also won by ZANU-PF. Of significance for present purposes is that these elections were not only won, but won with a two-thirds majority for the ruling party, and with little overt violence.

> Thousands of those perceived to be opposed to ZANU-PF were subjected to murder, rape and physical violence

The victories were, however, achieved at the cost of legitimacy, with only ZANU-PF's regional and international allies prepared to treat the polls as 'credible'. Following interventions by South Africa's President Thabo Mbeki to resolve what had become known as 'the Zimbabwe crisis', presidential and parliamentary elections in 2008 were held under conditions which were free, if not entirely fair, in an attempt to gain legitimacy. Mugabe and ZANU-PF lost.

The response was again a resort to violence, as ZANU-PF sought to bludgeon its way to victory in the run-off of the presidential election necessitated by the ZANU-PF-controlled electoral management body's claim that neither presidential candidate had achieved the necessary absolute majority. In all, 500 people were murdered during this period, which was once more marked by rapes, torture and displacements in the rural provinces.[57]

It is important to note that, according to the ZANU-PF narrative, the MDC was a 'Western-sponsored' entity set up to oppose ZANU-PF's redistributive agenda. The MDC was thus portrayed as a manifestation of Western interference in a discourse designed to resonate with the emotive issues around sovereignty that were a legacy of the liberation war. From the perspective of ZANU-PF these values were to be defended by any means necessary against opposition 'sell-outs'.

IN 2005, GOVERNMENT EVICTED 700 000 PEOPLE FROM THEIR HOMES

The effects of *Operation Murambatsvina* ('remove the trash'), undertaken shortly after the 2005 election, are also important. In May of that year an estimated 700 000 people[58] were evicted from their homes in what government claimed was an urban clean-up operation, involving the demolition of thousands of shacks and brick-and-mortar dwellings which government claimed had been erected unlawfully.

Those who were victims of, or witnessed, the atrocities of the post-independence period are unlikely to have switched allegiance and voted for ZANU-PF. Because of what Chan and Gallagher describe as Tsvangirai's 'uxoriousness', complex marital affairs and people's consequent disillusionment with the opposition leader, they are more likely to have stayed at home rather

than to have voted for a party whose sins were perceived to be the greater, and in some instances, such as that of corruption, similar.

Chan and Gallagher do make a desultory attempt to explain why victims of extreme violence might vote for the perpetrators. They advance a proposition by Schatzberg[59] to the effect that in 'middle African' countries, such as Zimbabwe, presidents are viewed as authoritarian father figures whose paternalistic duty is to ensure that the population is adequately fed and provided for and who may also, in that role, dispense such discipline as they see fit.

Chan and Gallagher also maintain that Mugabe's 'manners, command of the English language, intelligence and ability to conduct himself on the world stage and his projection of power' present him as a 'thinkable' president-father figure.[60] Tsvangirai, on the other hand was 'unthinkable' as a 'good father figure or president' due to his 'love affairs, his apparent lack of concern at the growing corruption of MDC representatives in national and local government, his inability to instill discipline on his party'.[61]

The two writers suggest[62] that Zimbabwean voters accepted Mugabe as a leader notwithstanding ZANU-PF's 'violent underside', because the atrocities of the preceding decades would have been perceived as 'the disciplining role of the president-father', a feature 'that does not necessarily undermine his legitimacy, as long as he is still able to provide for his children'.[63] This strikes one as implausible, and rooted more in a Western imaginary of the African autocrat than reality.[64] A more obvious reason why rural constituents may have voted for the perpetrators of violence is fear of repetition of the violence if they did not.

> There has been no shift in Zimbabwean politics for the past two decades

Threats of violent post-election reprisals in rural areas against those voting against ZANU-PF are often carried out and MDC supporters severely beaten and evicted from their villages.[65] The assertion of Chan and Gallagher that, ahead of polling, ZANU-PF went on a charm offensive, apologising to voters for past misdeeds and that campaigning and that the rivalry between the main political protagonists was sometimes good humoured[66] creates a misleading impression.

In numerous instances before the 2013 vote rural villagers were subjected to militant, toyi-toyiing ZANU-PF youth, threatening to unleash violence exceeding that of 2008 if people did not 'vote wisely' and were similarly threatened with reprisals by traditional leaders. This behaviour is unlikely to have been received as apologetic, charming or good humoured.[67]

The second area where the legitimating narrative is awry relates to a misconception about the Zimbabwean polity. This arises from the view that the MDCs'[68] victory in March 2008 was the start of a transitional trajectory.[69] The 2013 elections were supposed to be a node in the consolidation of democracy in Zimbabwe.[70] So conceived, ZANU-PF's overwhelming victory required explanation. How had Zimbabwean politics 'shifted [so] dramatically in five short years'? Why was the 'transition interrupted'? However, if this conceptualisation is abandoned, the questions are easily answered.

There has been no shift in Zimbabwean politics for the past two decades. ZANU-PF won the elections in July 2013 in exactly the same way (with a few variations on a theme) as they won those in 2000, 2002, 2005 and June 2008.

And just as ZANU-PF won its two-thirds majority in a largely peaceful poll in 2005, after a period of extreme violence, so, too, it secured its two-thirds majority in 2013 after the violence of the second round of voting in June 2008. The MDC win in the first round, in March 2008, was merely an instance of positive aberration, not the start of a democratic trajectory. The real question, then, is not why ZANU-PF won in 2013 but why it lost in March 2008.

The extent of the positive aberration in 2008 is also relevant. In 2008 ZANU-PF secured approximately 1.13 million votes in the parliamentary poll, to the 1.05 million of the MDC-T. It was a mere 205 000 votes garnered by the smaller MDC party that cost ZANU-PF its parliamentary majority.[71] Even in the desperate economic circumstances of 2008, and without coercive strategies, ZANU-PF still won nearly 50% of the vote.

The 'increased social base' argument

Raftopolous sees the source of ZANU-PF's increased social base in four main areas: the 'indigenisation' policy, land, vendors and gold-mining. Each of these is problematic if viewed as explanatory of a supposed change in Zimbabwe's political trajectory after 2008 and, indeed, Raftopolous only refers specifically to an

expanded social base after 2000 and not between 2008 and 2013.[72]

The extent, if any, that the 'Indigenisation and Economic Empowerment' election campaign strategy increased ZANU-PF's social base and support for the party, remains speculation. To simply assume, without any quantitative or qualitative analysis, that the policy garnered more votes for ZANU-PF is to accept the ZANU-PF narrative unquestioningly. The manner in which the indigenisation programme was formulated and implemented was far from unproblematic and the effect on the electorate unclear.

The indigenisation policy was not initially conceived as an election strategy. Its origins lie in events similar to those that precipitated land redistribution, detailed briefly above. Just as the 'fast track land reform programme' was not initially a 'programme' at all[73] but a violent knee-jerk reaction to bring ZANU-PF's rural base back under control after the party's defeat in the 2000 constitutional referendum, so too, the indigenisation policy initially appears to have been part of a scheme to tame foreign companies that challenged ZANU-PF's authority. The regulations relating to indigenisation were introduced within two weeks of Nestlé Zimbabwe (Pvt) Limited defiantly refusing to accept milk from the Mugabes' dairy enterprise as 2009 ended.[74]

The regulations were without legal foundation. The law, reported as requiring all white-owned and foreign companies to cede 51% of 'their' shares to 'indigenous' Zimbabweans, immediately appeared nonsensical to the business and legal community. Companies do not own 'their' shares – shareholders do. It is well-nigh impossible to draft legislation requiring shareholders in companies to come together and decide which shareholders should surrender company equity gratis to somebody else, and how.

The statute under which the regulations were purportedly made, did no such thing. The 51% holding set by the Indigenisation and Economic Empowerment Act was only required to be the result of prescribed share transactions. The law was feasible if applied only when mergers, unbundling, the disposal of the business or initial public offerings were to be undertaken – as the Act stipulated.

The law is irrational and unfeasible where it seeks to require extant companies to do that over which they have no control, to reconfigure the ownership of the firm's share structure. Indeed, unable to conceive a mechanism by which this could be done, the drafters did not construct a law to this effect. The regulations required companies to submit 'indigenisation plans' in which the companies themselves had to state how they intended to accomplish this feat and the indigenisation plans only had to be submitted if the company was called upon to do so.

> In sum, government pretended to indigenise companies and companies pretended to be indigenised

Many companies could, and did, simply ignore the regulations. Those that submitted plans had no intention of implementing them (there was no penalty for non-implementation) or the plans were inherently, and deliberately, unimplementable. However, it suited government to laud the success of the policy and to treat companies that had submitted plans as 'indigenised'. In sum, government pretended to indigenise companies and companies pretended to be indigenised.

The result was that despite government pronouncements on the number of companies that had been indigenized, no tangible benefits accrued to prospective voters in general. From the outset, government had been susceptible to the accusation that indigenisation would benefit the political elite alone. To counter this, the government found it expedient (four months into the new 'indigenisation' policy) to amend the indigenisation regulations by introducing Community Share Ownership Trusts (CSOTs). Many of these trusts, 'launched' with much fanfare, were never legally established. By the end of 2013 only 14 of the 58 CSOTs officially launched had been formed.

The manner of selecting trustees, set out in the regulations, was ignored, as considerations of patronage took priority. Numerous government statements reported in the public media claimed that the amended law required all mining companies to give CSOTs 10% of each company's equity. There was no such law. Companies that did issue shares to the CSOTs usually did so through vendor financing schemes, whereby the shares would be paid for by dividends. Until then, which in most cases would be many years later, the shares would be held in escrow.[75]

Over the two years before elections large cardboard dummy cheques for tens of millions drawn in favour

of (the yet to be formed) CSOTs were handed to Mugabe in hyped and extensively photographed ceremonies. Speeches were made about how the CSOT trustees would use the funds for development in the communities. In most instances the dummy cheques were precisely that, and were never honoured.

Where money was donated it had already been allocated as part of the paying company's corporate responsibility programme and the funds merely diverted to the CSOT trustees. Unseemly disputes took place between CSOTs over which trust should receive the funds, and thus which trustees would be able to allocate themselves generous sitting allowances while they debated the deployment of the remainder of the funds at expensive hotels.[76]

When the utility of indigenisation as a campaign tool had been fully grasped, the ministry implemented a youth empowerment scheme financed by exploiting the potential of the indigenisation laws for 'racketeering by regulation'. Companies were vulnerable to extortion through the threat of 'being indigenised' and paying an acceptable sum of cash against a promise to be left alone often seemed the best option.

> Companies were vulnerable to extortion through the threat of 'being indigenised'; paying a bribe to be left alone often seemed the best option

Thus, a year before the elections, property and insurance giant Old Mutual Limited, ostensibly as part of its indigenisation plan (the details of which were never made public), parted with $10 million for 'youth empowerment'. The youth were invited to access the fund by applying for small sums, usually between $1 000 and $2 000, to start income-generating projects. Although billed as a rotating fund, the money was disbursed with a nod and a wink, with no checks on the addresses of the applicants or the viability of the proposed projects. There was no real expectation of the money being repaid, and very little was.[77]

With the programme no more than the disbursement of largesse, ZANU-PF youth and relatives of ZANU-PF officials were the main beneficiaries. Two years after Old Mutual agreed to the establishment of the youth fund, just under 4 000 projects had been approved and only $5.5 million of the $10 million disbursed. There would have been only 4 000 youthful beneficiaries, most of whom would already have been ZANU-PF aligned. Coupled with the low percentage of youth registered as voters, as a vote-buying technique youth empowerment would have made little impact.[78]

Nonetheless, the indigenisation programme received blanket coverage in the state media and campaign materials in the form of posters, banners, T-shirts and caps were omnipresent throughout the year before polling. Tables were set up in most shopping centres inviting applications for youth empowerment funding. However, if the policies attracted new voters to the ZANU-PF fold it would have been due to the programme's promise rather than its actualisation. Had ZANU-PF lost the elections in 2013 the unfulfilled

AS A VOTE-BUYING TECHNIQUE, YOUTH EMPOWERMENT MADE LITTLE IMPACT

and extravagant promises of indigenisation would undoubtedly have been advanced as reasons.

Redistributive policies around land are equally problematic. Small-holder ('A1') farmers and larger scale ('A2') farmers were allocated land on the basis of 'offer letters' issued by ZANU-PF and government officials. They remain in occupation of their farms at the whim of the same officials or the ZANU-PF hierarchy.[79] Consistent messaging by ZANU-PF has been that a victory by the opposition MDC-T will result in farms being returned to dispossessed white farmers.

Given that only ZANU-PF's voice may be heard through the electronic media, the sole medium generally available to rural constituents, the MDC-T was unable to effectively gainsay this threat, either in 2008 or in 2013. Almost all the A1 farmers would have voted for ZANU-PF in both elections. Even discounting the other adult members of their families, the approximately 300 000 A1 farmers represent an assured 10% of the vote for ZANU-PF.

No dramatic alteration in land tenure took place between 2008 and the 2013 polls. There is no suggestion that the A1 farmers on the land in 2013 were not there in 2008. The provision of farming inputs and subsidies and general ZANU-PF policy and messaging is likely merely to have maintained, rather than expanded, this social base.

Artisanal goldmining is a more difficult issue to unpack as, despite its importance, very little research has been conducted into the sector.[80] For this reason any notion that ZANU-PF policies in relation to illegal gold panning and mining widened the party's social base has no empirical support.

> There's no evidence that ZANU-PF policies on illegal gold panning and mining widened its social base

As a matter of law, in Zimbabwe all gold must be sold through official government channels. However, with government offering prices lower than those on the black market and the fact that it was eventually unable to pay for the gold it received, much of the metal mined by the *makorokoza* (small-scale miners) before 2013 was smuggled out of the country for sale in South Africa. To assert control over the industry government launched Operation *Chikorokoza Chapera* ('the end of gold panning') in December 2006. By the time the operation ended in 2009 some 25 000 panners and gold-dealers had been arrested and jailed.

The effect of the under-reported *Operation Chikorokoza Chapera* has been compared to that of *Operation Murambatsvina*, as 'both operations involved languages of "modernization" to rationalize coercion, serving economic and political ends of the elite, with devastating effects on marginalized segments of society.'[81] A significant number of the *makorokoza* affected in the later stages of the operation would have been people who had also recently experienced state brutality as *gwejas* ('informal miners'), mining alluvial diamonds in the Marange region. They were violently displaced in a similar governmental operation (*Hakudzokwe* – 'you shall not return') in November 2008,[82] intended to secure the vast alluvial deposits there for formal exploitation, and had switched to gold-mining as *makorokoza*.

Operation Chikorokoza Chapera was also used as a means of 'political disciplining'. Those seen as unsympathetic to ZANU-PF were driven from the claims they worked. Their means of livelihood was extinguished and equipment stolen by police details. In the course of the operation they were beaten and some were shot and their huts destroyed. The claims were taken over by panners prepared to make a show of loyalty to ZANU-PF. In return for political protection and relief from police harassment, these panners surrendered 50% of the profits from their labour to senior ZANU-PF officials.

Even those who attempted to legitimise their activity were not spared this rent-seeking regime and were further subjected to exorbitant licensing fees and the need to bribe government officials to legalise claims. The effects of *Operation Chakorokoza Chapera* were felt well after the operation ended. About 9 000 miners remained incarcerated in 2013. Harassment of the miners continued, albeit it on a diminishing scale, right up to the elections.

Aware of the electoral implications of the situation, as late as July 2012 Mines Minister Obert Mpofu noted that although illegal panners produced one-third of the country's gold, they continued to be 'arrested and chased away'. He called for the legalisation of the *makorokoza*, but promises in this regard remained unfulfilled and the call was repeated a mere three days before polling, illustrating governmental inaction on the issue.[83]

The *makorokoza* are unlikely to have been grateful to ZANU-PF that *Operation Chikorokoza Chapera* was brought to an end – it is more likely that they were resentful that it had been implemented in the first place. Rent-seeking by ZANU-PF politicians after 2009 added to the hardships of already strenuous and dangerous work. The loss of less gruelling formal jobs due to ZANU-PF policies, which had forced many into the life of the *makorokoza*, may have further negated any leaning towards ZANU-PF.

Miners who had secured claims through ZANU-PF patronage and who retained them through continued shows of fealty, certainly had a vested interest in a ZANU-PF victory at the polls. But most would have already been ZANU-PF affiliated before accessing the claims, and thus would not have contributed to an expansion of ZANU-PF's social base. In any event, as most miners are under 35,[84] which, as noted above, is an age band with a low voter registration rate, this further reduces the number that might have affected the 2013 polls.[85]

> No dramatic alteration in land tenure took place between 2008 and the 2013 polls

Raftopolous gives little detail about how 'mobilizing among vendors' increased or maintained ZANU-PF's social base, and many of the considerations pertaining to the *makorokoza* apply to the swelling number of vendors – lost formal employment, difficulties with customs officials and the necessity for those who obtain their wares through cross-border trade to engage in bribery, general harassment by state officials, sometimes resulting in deadly clashes,[86] and the need to pay ZANU-PF youth and 'space barons' to retain vending locations are all likely to have resulted in resentment towards the ruling party.

'Mobilising' in Mbare, a constituency with a large vendor population, consisted of the establishment of a militant ZANU-PF youth group *Chipangano* ('agreement' or 'pact'), which controlled vendor trading sites, commandeered the payment of licences and rents due to the municipality and meted out violence against opposition supporters in the area. While many people may have obtained vending sites through ZANU-PF (just as the *makorokoza* accessed claims) and are dependent on ZANU-PF dominance to retain them, it is unlikely that the number of people concerned is alone responsible for tipping the constituency in favour of ZANU-PF.[87] The fact that the MDC-T lost this seat to ZANU-PF may well be a result of intimidatory tactics, most commonly seen in rural constituencies, rather than an expanded social base.

Implications of the surveys

The Freedom House survey conducted by Professor Susan Booysen was met with glee by the ZANU-PF camp and annoyance by that of the MDC-T. The survey undermined the MDC-T's efforts to present Tsvangirai as a possible victor and thus a 'thinkable' president, while it supported ZANU-PF's post-election claims of legitimacy.[88] Proponents of the legitimating narrative, including Chan and Gallagher, have revisited the survey to support their views.

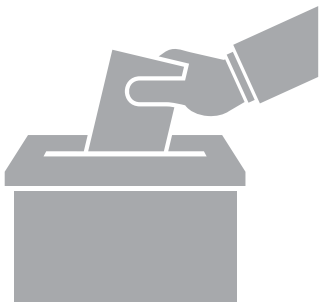
25 000 PANNERS AND GOLD-DEALERS WERE JAILED UNDER OPERATION CHIKOROKOZA CHAPERA

Central Chan and Gallagher's argument are the 40% of respondents in the Booysen survey who declined to state a preference for any political party and the 7% who stated they would not vote. The 40% are referred to by Booysen as the 'undeclared'. Chan and Gallagher oddly choose to treat the 'undeclared' as 'undecided'. The 7% who stated that they would not vote undergo a similar transmogrification. As a result, Chan and Gallagher claim that 47% of the electorate, one year before the poll, were undecided as to whom they would choose in the 2013 ballot, giving the two parties 'everything to play for'.

To advance the argument that the 'MDC-T lost the elections as much as ZANU-PF won them',[89] Chan and Gallagher assert, on the basis of information from a senior ZANU-PF politician, that ZANU-PF took careful note of this statistic and immediately started to court the 'undecided voters' with skilful campaign messaging and largesse. On the other hand, the MDC-T was publically dismissive of the survey, claiming that the large number of people who declined to state a preference merely indicated the climate of fear among voters. Unwisely, the party did nothing to attempt to attract the votes of this group. ZANU-PF thus captured the majority of swing votes and swept to victory as a result. In the words of Chan and Gallagher: 'The party had clearly believed the Booysen figures and worked hard on the 47 per cent of floating voters.'[90]

It is a matter of some curiosity that Chan and Gallagher rely on the Freedom House survey, undertaken a year before the 2013 poll, and not that of Afrobarometer, conducted in a two-week period commencing only five weeks before the poll. The Afrobarometer survey is not only more contemporaneous, it was carried out by a much more experienced team of pollsters, using a larger survey sample.[91] The polling is considerably more nuanced and constructed specifically to deal with some of the difficulties which arose out of the Booysen survey. The results of the poll are carefully considered by Michael Bratton, Boniface Dulani and Eldred Masunungure.[92]

In order to examine the election results more closely, Bratton et al disaggregate respondents so that the predictive value of actual voting preference on polling day is improved. This is done by limiting the sample number to those who are registered as voters and who are likely to vote, rather than considering a more general set of respondents. On this basis, voter preference at the time of the survey puts ZANU-PF 11 percentage points ahead of its MDC-T challengers.



IN 2013 MUGABE OBTAINED 1.03 MILLION MORE VOTES THAN IN 2008

However, they note the perennial difficulty, when conducting surveys in authoritarian regimes, of the large number of respondents who refuse to state a political preference. The Afrobarometer survey, however, manages to greatly reduce the 40% who fall into this category in the Booysen report to only 16.1% of respondents. Using proxy questions, the undeclared are disaggregated to split the preference of the group 2:1 in favour of the MDC-T, reducing ZANU-PF's lead to six percentage points.

Elsewhere, considering the results of an earlier Afrobarometer survey, carried out in July 2012, Bratton and Masunungure report 22% of respondents as undeclared. They note several factors which may be responsible for a lower figure than that in the Booysen report, including:

a) FH over-sampled Harare and Manicaland and under-sampled Bulawayo and Matabeleland. Given that the northeast of the country has been the epicentre of recent political violence, this bias likely contributes to an increase in fear-induced refusals b) The FH sample (N=1198) is half the size of the AB sample (N=2400). Providing it is a random sample, however, this fact alone should not impugn its accuracy. But the FH sample is clustered more tightly (12 interviews in each of 100 sampling areas) than the AB sample (8 interviews in each of 300 sampling areas). Thus, if only a few of the areas sampled by FH happened to fall in a given party's stronghold, results could be distorted c) An experienced field team from the Mass Public Opinion Institute (MPOI) was available to the Afrobarometer but not to Freedom House. Instead, a novice team was mounted for the FH survey who had never previously worked for MPOI or never before done a survey interview. MPOI supervisors suspected that fear was prevalent among the interviewers. To protect themselves, interviewers may have lacked confidence in correctly asking sensitive questions or provided respondents with safe passage to neutral responses.[93]

Bratton et al addressed another difficulty. The Booysen report was criticised as distorted by the 'fear factor' which causes those polled in contexts which have previously been marked by electoral violence to dissemble when asked about their voting preference.

The Afrobarometer survey included a sophisticated mechanism to attend to this problem. This revealed that a remarkable 35% of respondents appeared to be 'pretenders', that is, had dissembled when expressing support for ZANU-PF. Only 28% of registered likely voters who had pretended, would have had to switch their votes to the opposition for the MDC-T to secure 50% + 1 of the votes, taking into account the disaggregation of the undeclared. Structural considerations, however, suggest that few would have done so. These factors, discussed briefly below, make it entirely rational for rural voters to vote for the person or party they believe will win (the 'thinkable' president) rather than the one they want to win. The repercussions of being a known opposition party supporter in Zimbabwe's rural constituencies are severe.[94] In other words, the dissembling of support carries though to the polling.

Leaving the 'pretenders' aside, the survey suggests a six percentage point lead for ZANU-PF a few weeks before the election, indicating that the presidential ballot would divide 47% to 53% to the advantage of the incumbent. Contrary to the legitimating narrative that the surveys were an accurate portent of what was to come, Mugabe won with a massive 27 percentage point lead, by 60.6% to 33.7%.[95]

The discrepancy is even more marked when considered at a provincial level. The survey data, gathered only a month before the election, put the MDC-T ahead in five provinces: Masvingo, Manicaland, Matabeleland North, Harare and Bulawayo. It was unusual reverses in the first two which had determined ZANU-PF's defeat in 2008. Yet, although the MDC-T was 5 percentage points ahead of ZANU-PF at the time of the survey in Masvingo, the election tally gave ZANU-PF a massive 43 percentage point lead, making the discrepancy between the predicted and the actual results 48 percentage points.

> The divergence between prediction and election in the survey indicates substantial electoral fraud

In Manicaland the discrepancy was 28 percentage points. In Matabeleland North, most brutalised during the Gukurahundi period, the 8.5 percentage point lead of the survey was reduced to a tie in the election results. With the survey maintaining a margin of error of 2% overall and 7.5% with the smaller provincial samples, the divergence between prediction and election indicates substantial electoral fraud, to which I now turn.

Electoral fraud

The legitimating narratives minimise the extent of electoral fraud. Mugabe won the poll with 2 110 434 votes to the 1 172 349 votes of Tsvangirai. Hence, Chan and Gallagher point out, even if the 207 000 assisted voters and 305 000 people turned away from polling stations had been able to vote for Tsvangirai, Mugabe would still have won.[96]

The psephology of the legitimating narratives is invariably glib and superficial and ignores the most glaringly anomalous statistic from the 2013 polls – the approximately 1.03 million additional votes obtained by Mugabe when compared with the March 2008 poll. Tsvangirai's vote in 2013, conveniently for analytical

purposes, remained virtually unchanged, decreasing by only 23 213 votes. A limited number of possibilities are involved in determining the provenance of Mugabe's additional votes:

- Large numbers of people who did not vote in March 2008 turned up to vote in 2013;
- There was a large increase in the number of registered voters;
- Numerous people fraudulently cast more than one vote in each election, ballots from 'ghost' polling stations were included or unregistered persons voted; and
- A combination of any or all of the above.

The first explanation seems so improbable it can be discounted. The March 2008 elections were probably the most free in Zimbabwe's electoral history. Many of the usual disincentives to vote had been removed. There was considerable excitement about the poll, which was highly competitive, and each party's supporters seemed engaged in the process. There is no reason why a large number of people would have been disinclined to vote in 2008, only to turn out in force in 2013.

The second, non-fraudulent means by which the vote tally could have increased is if there was a large increase in the registration of voters who would vote for ZANU-PF. An estimated 779 279 new voters were added to the roll before the 2013 polls.[97] With Mugabe claiming 1 030 704 extra votes, even if every one of the new voters added to the roll had voted for Mugabe the provenance of some 251 425 votes still requires explanation.

> The March 2008 elections were probably the most free in Zimbabwe's electoral history

A study of registration patterns in 2013 suggests that four ZANU-PF voters were added to the roll for every MDC-T voter.[98] If these ratios are extended to the total of 779 279 new voters,[99] 623 423 would have been ZANU-PF supporters.[100] This would leave the source of 407 281 votes (19% of Mugabe's total) unexplained. If discounted, this would change the election result to roughly 59% to 41%.

779 279 NEW VOTERS WERE ADDED TO THE ROLL BEFORE THE 2013 POLLS

These percentages do not take into account other salient factors. A 100% voter turnout among new and old voters cannot be assumed.[101] Every registered voter who did not vote (for example, on account of disaffection with the MDC-T) leaves the provenance of a vote among the extra 1.03 million for Mugabe unexplained.

Similar considerations apply to the 305 000 prospective voters turned away from polling stations and the 207 000 assisted voters. In the case of the former, each of the 305 000 who was registered, but did not vote increases the tally of the unexplained votes in Mugabe's total. The case of the assisted voters is less obvious, but the outcome may be the same. If a person voted for Tsvangirai in 2008 but Mugabe when assisted in 2013, then, because

Tsvangirai's vote remained largely unchanged, it must have stayed constant because of a vote from a newly registered voter. This makes one less newly registered voter available to explain Mugabe's 1.03 million increase.

The election result numbers simply do not add up, supporting the indications in the Afrobarometer report of substantial malfeasance. Both point to the option that numerous people fraudulently cast more than one vote or that ballots from 'ghost' polling stations were included or that the unregistered voted, or all three. There was some evidence of fraudulent voting slips being used, which would have allowed voting by unregistered voters or multiple voting.[102] Furthermore, in almost all constituencies there was an unexplained discrepancy between the numbers of ballots cast in the three elections.

> The election results simply don't add up, supporting the indications of substantial malfeasance

Voters are given one ballot paper for each of the three 'harmonised elections' – local government, parliament and the presidency. Voters are not permitted to select the elections in which they wish to vote[103] and it is an offence to remove a ballot paper from a polling station. This suggests the possibility that some voters may have been given more than one ballot paper for each of the parliamentary and presidential polls. In Mount Pleasant constituency, for example, there were 10 000 more votes in the parliamentary and presidential polls than in the local government poll.[104]

If a polling officer had given a voter more than one ballot for an election, this would have been readily detected by examining the election residue. When the losing MDC-T candidate, Jameson Timba, brought an application to the electoral court to do precisely this, it was, significantly, opposed by the ZEC, which should have welcomed the opportunity to dispel allegations of fraud and to comply with the requirement of transparency in the electoral process demanded by the Constitution. The court application was declined by the judge, whose reasoning was patently flawed, if not absurd.[105]

Hence, evidence of generalised electoral malfeasance is readily available. Specific instances of fraud targeting particular constituencies was also exposed. Analysis of the 2013 roll for Mount Pleasant[106] reveals that 9 419 people with security sector addresses were added to the constituency just ahead of the election, even though they clearly did not live there, as required by law. Of these security sector personnel, 8 232 were registered in ward 7 within the constituency. The ZANU-PF parliamentary candidate thereby secured a majority, with 8 595 more votes than the 1 738 garnered by his 2008 predecessor. Of these votes 7 797 came from ward 7.

It is not the intention here to set out all the evidence of fraud[107] but simply to demonstrate that clear evidence of substantial fraud exists. Contrary to the claim that there was no cogent evidence of fraud, it would be more accurate to state that such evidence was never cogently articulated.[108] Furthermore, it seems that where elections are concerned an unusual approach is adopted with regard to proven instances of cheating. In an exam, for example, if a

IN 2013, 4 ZANU-PF VOTERS WERE ADDED TO THE ROLL FOR EVERY MDC-T VOTER

candidate is found to have cheated in answering one question, the possibility of having cheated in other answers, even if not proven, cannot be discounted and the whole paper is treated as tainted and vitiated. The candidate does not pass, even if the unsullied answers are sufficient to secure the pass mark.

Yet in an election, those alleging fraud are called upon to demonstrate conclusively that enough votes are invalid to have changed the outcome of the poll.[109] When 20 people found with fraudulent voter registration slips were exposed in the course of the 2013 polling, ZEC's response was that 20 people could not affect the election[110] – the equivalent of claiming that the discovery of a leaked question paper in the hands of a few candidates could not invalidate an entire examination.

> There was sufficient evidence of electoral malfeasance for SADC not to include the word 'fair' in its assessment

SADC's Observer Mission adopted an equally egregious approach. There was sufficient evidence of electoral malfeasance[111] for SADC to eschew the usual inclusion of the word 'fair' in its assessment of polling and merely to declaqre in its 'initial report'[112] that the election was 'free and credible'. Without any assessment of the degree of unfairness, it is clearly not possible to pronounce upon credibility.

Assessing the victory

As noted, the legitimating narratives emphasise effective ZANU-PF policies and campaigning, and the ineffectiveness of the opposition in the same areas, as the primary reasons for ZANU-PF's victory. ZANU-PF had successfully wooed the 47% of undecided voters, Chan and Gallagher claim – as though Zimbabwe were a functioning democracy.

Most political scientists, however, categorise Zimbabwe as an electoral authoritarian regime. Schedler, writing on the 'politics of uncertainty',[113] notes that in an established democracy electoral rules are fixed and certain and electoral outcomes uncertain. Under an electoral authoritarian regime, electoral rules are fluid and uncertain and electoral outcomes fixed and certain.

Electoral outcomes are predetermined because of the adulteration and capture of the institutions of state by the incumbent party. An electoral authoritarian regime has all the institutions and structures of state found in a consolidated democracy but each has been captured to serve the ruling party's interests.

Zimbabwe undoubtedly has all these elements of an electoral authoritarian regime.[114] Structural issues are essential in explaining ZANU-PF's victory in 2013, just as they explain the victories in all previous elections, bar that of March 2008. ZANU-PF's electoral dominance needs, therefore, to be viewed through the lens of its control over the judiciary, successive electoral management bodies and the police and army, its monopoly of the electronic media and control over the institutions of local government in rural areas, where some 68% of the electorate live.[115]

The legitimating narrative mostly ignores these structural aspects. Chan and Gallagher, for example, specifically state that their assessment is based on 'more culturalist understandings', which turn out to be interviews by Chan with the political elite and interviews and focus group discussions by Gallagher at a grassroots level. The authors maintain that '2013 can only be fully understood through the stories'.[116]

By ignoring structural aspects Gallagher misses the astute observation that where the ruling party has a monopoly of the media in rural areas the vote is often merely 'the echo of structurally induced ignorance'.[117] Gallagher's contribution is largely to document that echo, which returns as the legitimating narrative. Chan listens to the political elite, with ZANU-PF officials clearly having an interest in advancing this view and many opposition members consulted being the disaffected, whose advice about campaigning had been snubbed by the MDC-T's elections directorate.[118]

In the absence of any quantitative and qualitative research into whether ZANU-PF's policies on land and indigenisation, and towards artisanal goldmining and vendors, actually increased ZANU-PF's social base between 2008 and 2013, claims in this regard amount to circular reasoning: that is, ZANU-PF won more votes in 2013 than in 2008 because it had increased its social base, and the evidence that it had increased its social base is the increased number of votes.

Looking to 2018

The opposition victory in March 2008 needs to be understood in the context of the weaker deployment of

the power vested in the institutions of state by ZANU-PF against its opponents. The MDC-T was able to campaign in 'no-go' zones of rural areas, its voice was heard more extensively on public electronic media and it was therefore able to demonstrate a presence.[119] It is this presence, more than the messaging of its campaigns, that probably accounts for its success in that poll.

The presence itself conveyed a message of crucial importance – that ZANU-PF was no longer 'the only game in town', that an opposition victory was possible and that Tsvangirai was a 'thinkable' president. These factors co-existed with the dire economic circumstances that had resulted in extreme socio-economic hardships and suggested that the state, under ZANU-PF rule, was no longer capable of performing the basic function of government and was not the 'father figure' that would sustain and protect the populace.

By 2013 ZANU-PF had redeployed the power of state structures to assert its electoral dominance: the inclusive government of the five preceding years and new constitution did nothing to diminish its control over key institutions.[120]

> Barring a dramatic implosion of party or economy, the electoral terrain will be little different from that in 2013

Barring a dramatic implosion of either party or economy, the electoral terrain going into 2018 will be little different from that of 2013. There is a slight possibility that, in order to secure the holy grail of legitimacy ZANU-PF may not deploy the full 'menu of manipulation' necessitated in 2013 by paranoia over the March 2008 defeat, in order to engineer more credible results. The logjam of Zimbabwean politics will thus continue. A democratic election is impossible without institutional reform and institutional reform is impossible without a democratic election. Breaking this vicious cycle demands a more careful consideration of the concatenation of factors which led to the positive aberration of 2008.

Notes

1 An extraordinary dissolution of Parliament, which requires the vote of two-thirds of both houses and which ZANU-PF can command, may result in the election being held much earlier and there are signs that the ruling party sees an advantage in a March 2018 poll.

2 This was not the first defeat at the polls, however. The 'no' vote in the constitutional referendum of 2000 was regarded as a defeat for ZANU-PF.

3 The time of writing is September 2017.

4 S Chan and J Gallagher's book *Why Mugabe Won: The 2013 Elections in Zimbabwe and Their Aftermath*, Cambridge University Press, 2017, effectively addresses only two or three issues in answer to the question.

5 With one exception, considered in the text.

6 This does not, of course, include social media, which have been used as an effective and galvanising political platform in Zimbabwe. The extent of their reach is debatable.

7 Numerous examples are available as, since the court was reconstituted in 2001 not a single case in an electoral matter has been adjudicated to the disadvantage of ZANU-PF. In *Tsvangirai v Mugabe and Ors* CCZ 71/2013 the Constitutional Court found that the 2013 elections had been conducted freely and fairly and in accordance with electoral law, despite, having itself granted the electoral management body permission to act outside the Electoral Act – see *Zimbabwe Electoral Commission & Anor Commission v The Commissioner-General Zimbabwe Republic Police & 19 Ors* CCZ 3/2014.

8 The editor of *The Zimbabwe Independent*, D Muleya, referred to this as a 'new narrative'. See 'New Election Narratives Useful, but …', *The Zimbabwe Independent*, 12 May 2017. The phrase has been avoided here as the narrative has gained a new lease on life rather than being 'new'. The term 'legitimating narrative' is used instead.

9 'Stunned' was the word used by several academics and journalists. See, eg, B Raftopolous. 'The 2013 Elections in Zimbabwe: The End of an Era', *Journal of Southern African Studies*, 2013, 39:4, 971-988.

10 See, eg, T Munyaka. 'Mugabe Says Generals Won't Interfere if he Loses Zim Election', *Mail & Guardian*, 30 July 2013.

11 The 'Inclusive Government' (the term used in the Constitution) became known as the 'Government of National Unity'. The 'Inter-party Political Agreement', the accord which led to its formation, was known as the 'Global Political Agreement (GPA)'.

12 T Sibanda. 'Shock and Despair As Zanu (PF) Headed For Victory', *The Zimbabwean*, 1 August 2013.

13 W Muperi. 'Elections Null, Void: Tsvangirai', *Daily News*, 2 August 2013.

14 '2013 Election Rigging Report Movement for Democratic Change (MDC)', 6 November 2013, http://archive.kubatana.net/docs/polpar/mdct_2013_elec_rigging_report_131106.pdf

15 This included a claim (paragraph 9) that 500 000 presidential ballot papers produced in China 'had a special feature to activate the X on ZANU-PF candidates upon any application of ink'. What then happened to the X placed by the voter on the ballot, which would presumably have to disappear in some way, is not stated.

16 'Zimbabwe 31 July Harmonised Election Irregularities MDC-T (undated)'. The other allegation of cogency and significance is the widespread intimidation of rural voters by traditional leaders (paragraph 10).

17 Symptomatic of this is the fact that the reports of irregularities are unavailable on the MDC-T website and are generally difficult to locate.

18 D Matyszak. *The Zimbabwe Electoral Commission and The 2013. Poll: An Appraisal.* Harare: Research and Advocacy Unit (RAU), December 2014.

19 'Zimbabwe off SADC Agenda', *The Herald*, 9 August 2013.

20 ZANU-PF's victory resulted in immediate and substantial capital flight, with $1 billion reportedly wiped off the bourse in the first week after the election. See 'ZSE Loses 1 Billion', *Daily News*,11 August 2013.

21 See generally, Chan and Gallagher.

22 'Lloyd Mbiba Biti Praises ZANU-PF', *Daily News*, 9 March 2014.

23 'Politics, Patronage and Violence in Zimbabwe', *Journal of Southern African Studies Special Issue* 39:4, December 2013.

24 Raftopolous 2013.

25 On artisanal goldmining see S Mawowa. 'The Political Economy of Artisanal and Small-Scale Gold Mining in Central Zimbabwe'. *Journal of Southern African Studies* 39:4, 2013, 921–936, on which reliance has been placed for the views expressed here.

26 *UNIDO, Empowering Small-Scale Miners in Zimbabwe: An Overview of Recommendations from the Global Mercury Project*, United Nations Industrial Development Organization, 2007, cited in Mawowa, 926. A *Sunday Mail* article in March 2014 cites the Zimbabwe Miners Federation as putting the number of artisanal miners at 200 000 ('Boost for Small-Scale Miners'); the same newspaper, two months later, gives an unsourced figure of 1.5 million ('Makorokoza Earning Top Dollar'). A *Daily News* article in August 2015 puts the figure at 300 000 to 400 000. The wide variation may partly be the result of a failure to distinguish clearly between the *makorokoza*, those dependent on mining activities, and those formally registered.

27 Raftopolous 2013, 981, citing J Martens, 'Zimbabwe Elections: What if there had been no rigging?'. *International Politics*, January 2013, Rosa Luxemburg Stiftung, Southern Africa, 5.

28 Ibid 982.

29 The ZANU-PF manifesto was entitled 'Taking Back the Economy. Indigenise, Empower, Develop & Create Employment'.

30 ZANU-PF Election Manifesto 2013, 13, https://africacheck.org/wp-content/uploads/2013/07/zanupf_electionmanifesto130705.pdf

31 B Raftopolous. 'An Overview of the Politics of the Global Political Agreement: National Conflict, Regional Agony, and International Dilemma', in B Raftopolous (ed). *The Hard Road to Reform: The Politics of Zimbabwe's Global Political Agreement.* Harare: Weaver Press, 2013, 7.

32 B Tendi. 'Robert Mugabe's 2013 Presidential Election Campaign', *Journal of Southern African Studies* 39:4, 963-970.

33 ZANU-PF has always sought to counter the perception that the MDC-T won in 2008 due to its greater popularity. It is thus part of the ZANU-PF narrative that the defeat of President Mugabe was the result of factionalism within the party. One faction, it

is claimed, urged its supporters to remove Mugabe from the field of play through a *bhora musango* ('ball in the bush') policy by voting for ZANU-PF MPs, but not Mugabe as presidential candidate. This narrative is often uncritically accepted, as it is, apparently, by Tendi. There has been no real analysis of the narrative, which does not appear to be borne out by the voting numbers. Mugabe's tally was only about 50 000 less than the parliamentary total and with these votes added (about 2.5% of the vote), his total would still have been much less than that of Tsvangirai, even without the *bhora musango* campaign.

34 S Booysen. *Change and 'New' Politics in Zimbabwe,* Interim Report of a Nationwide Survey of Public Opinion in Zimbabwe: June-July 2012. Johannesburg: Freedom House, 18 August 2012.

35 'Other', ie, smaller parties, have been omitted.

36 M Bratton and E Masunungure. 'Voting Intentions in Zimbabwe: A Margin of Terror?' Afrobarometer Briefing Paper 103, August 2012.

37 'Zimbabwe Pre-Election Survey August 30 to September 16, 2012', Presentation, Harare, MDC-T and International Republican Institute, 2012.

38 The Freedom House and Afrobarometer surveys were undertaken jointly with the Mass Public Opinion Institute (MPOI), Harare, Zimbabwe.

39 Booysen, 62.

40 Ibid, 68. The result seems counter-intuitive. With surveys more often than not seen as government (and thus ruling party) sponsored, the respondents would have been more inclined to be reticent about MDC-T support than that of ZANU-PF. Bratton and Masunungure 2012 consider the Freedom House figures, suggest the bases on which some distortions may have crept in and use what appears to be a more cogent methodology to disaggregate the undeclared in their own survey. Using these means, the split of the undeclared is 58:34 in favour of the MDC-T (from the numbers on p10).

41 Booysen, 20-32.

42 S Booysen. 'The Decline Of Zimbabwe's Movement For Democratic Change-Tsvangirai: Public Opinion Polls Posting The Writing On The Wall', *Transformation: Critical Perspectives on Southern Africa* 84, 2014*,* 54.

43 In 2005 the MDC split into the MDC-T and MDC, ostensibly because of differences over whether to contest elections for the reintroduced and controversial Senate, the second tier of Parliament.

44 As noted above, since the reconstitution of Zimbabwe's bench in 2001 there has not been a single decision in an electoral matter which has redounded to the disadvantage of ZANU-PF.

45 The sentiment in an editorial in *The Herald* in February 2017 had been repeated frequently in the preceding years: 'Zanu-PF has always been known to be a party of the people. A party that represents the broad interests of the majority of Zimbabweans. This is why it continues to win general elections. Stop Factional Fights, Serve the People', 27 February 2017.

46 Chan & Gallagher, 83.

47 Ibid, 15.

48 Ibid, 6.

49 'Why President Always Wins Polls', *The Chronicle*, 15 May 2017.

50 T Ranger.'Nationalist Historiography, Patriotic History and the History of the Nation: The Struggle over the Past in Zimbabwe, *Journal of Southern African Studies* 30:2, June 2004, 215-234.

51 W Mhanda. *Dzino – Memories of a Freedom Fighter.* Harare: Weaver Press, 2011,108.

52 S Doran. *Kingdom, Power, Glory: Mugabe, Zanu and the Quest for Supremacy, 1960-1987.* Amazon ebook Sithatha Media, July 2017. The text presents that view that Mugabe deliberately sought to provoke civil war as a means to crush his ZAPU rivals, creating a de facto one-party state. See, 'Gukurahundi Origins: Myth and Reality, Part 1 – 'war' in Bulawayo, 1980-1987', *Daily Maverick*, July 2017.

53 'Breaking The Silence, Building True Peace: A Report On The Disturbances In Matabeleland And The Midlands, 1980 - 1988'. Harare: Catholic Commission for Justice and Peace and the Legal Resources Foundation, 1997.

54 The elections of 1990 and 1995 were not without instances of extreme violence – for example, in 1990 Patrick Kombayi, a prominent member of the Zimbabwe Unity Movement was shot six times ahead of the poll, gravely wounded and disabled as a result. He never fully recovered.

55 R Pilossof. *The Unbearable Whiteness of Being: Farmer Voices From Zimbabwe*. Harare: Weaver Press, 2012, 65 and *Human Rights and Zimbabwe's Presidential Election: March 2002 Special Report 4*, compiled by the Research Unit of the Zimbabwe Human Rights NGO Forum, May 2002.

56 'Zimbabwe: A Culture of Electoral Fraud: Paper Presented by ZESN at the Zambia SADC Summit 13-14 August 2007', Zimbabwe Election Support Network.

57 https://www.voazimbabwe.com/a/zimbabwes-mdc-releases-report-naming-perpetrators-of-violence-97876909/145 6570. html

58 ATibaijuka. 'Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe'. United Nations, July 2005, 33,www.un.org/News/dh/infocus/zimbabwe/zimbabwe_rpt.pdf

59 M. Schatzberg, *Political Legitimacy in Middle Africa: Father, Family, Food.* Bloomington: Indiana University Press, 2001, 14.

60 Ibid, 17.

61 Ibid, 16.

62 The writers do distance themselves slightly from the explanation by stating that this would be Schatzberg's view, but presumably, by including it, they accept the premise (15).

63 Ibid, 15.

64 This is not to deny entirely the view of Mugabe as 'father figure' (which is evident in many accounts – see L. Sinclair Bright's excellent exposition of the dynamics and relationship among the state, ZANU-PF and Mugabe by 'land beneficiaries' in 'This Land: Land Reform, Authority, Morality and Politics in Zimbabwe', PhD thesis, University of Edinburgh, 2016, Chapter 5), but rather that violence would be discounted on this account.

65 For an account of post-election reprisals see ' "Bullets for Each of You": State Sponsored Violence Since Zimbabwe's March 29 Elections', New York: Human Rights Watch, June 2008.

66 Ibid, 2.

67 'Quarterly Political Violence Report April – June 2013', A Report by the Zimbabwe Human Rights NGO Forum, July 2013.

68 In 2005 the MDC split into the MDC-T and a smaller MDC, formation.

69 Eldred Masunungure and Jabulsile Shumba assert that the GPA of 2008 'formally launched Zimbabwe's political transition' – 'formally' because they hold the transition had begun a decade earlier. See, 'Exorcising the Spectre of Electoral Authoritarianism in Zimbabwe's Political Transition', in E Masunungure and J Shumba (eds), *Zimbabwe: Mired in Transition.* Harare: Weaver Press, 2012, 131.

70 N Musekwa, 'The Role of Local Authorities in Democratic Transtition', in Masunungure and Shumba, 230.

71 It was the presence of Simba Makoni as a presidential candidate, securing 8.3% of the vote, which necessitated the run-off. A fourth candidate, Langton Towungana, garnered a mere 0.6%.

72 Raftopolous, 980.

73 This is precisely the basis upon which Zimbabwe's Supreme Court initially held the 'land invasions' unlawful. See *Commercial Farmers Union v Minister of Lands, Agriculture and Resettlement v Others* SC/132/2000 at p940 et seq.

74 See Masunungure and Shumba (eds) for a collection of articles about transition and T Murithi, T Mawadza (eds). *Zimbabwe in Transition: A View from Within.* Johannesburg: Jacana Media, 2011.

75 D Matyszak. 'Digging up the Truth: The Legal and Political Realities of The Zimplats Saga'. Harare: RAU, April 2012.

76 G Dube. 'Chief Castigates Leaders Looting Indigenization Funds', www.voazimbabwe.com, 8 October2012.

77 'Committee To Summon Minister Over Youth Funds', *Sunday News*, 14 May 2017.

78 The detail in this section is provided by D Matyszak. 'Madness and Indigenisation: A History of Insanity in the Age of Lawlessness'. Harare: RAU, June 2014.

79 L Sinclair-Bright, Chapter 5. See also V Musewe. 'What Will it take to Revive Agriculture', *The Financial Gazette*, 11 May 2017. Government 'offer letters' for land routinely contain the following: 'The minister reserves the right to withdraw or change this offer letter if he deems it necessary, or if you are found in breach of any of the set conditions.' Legally, however, the power to withdraw an offer letter vests in the president alone.

80 Notable research papers in this regard are those by S Mawowa. 'The Political Economy of Artisanal and Small-Scale Gold Mining in Central Zimbabwe', *Journal of Southern African Studies* 39:4, 2013, 921–936; C Mabena. 'Mining with a "Vuvuzela": Reconfiguring Artisanal Mining in Southern Zimbabwe and its Implications to Rural Livelihoods', *Journal of Contemporary African Studies* 30:2, April 2012, 219–33; R Saunders and T Nyamunda (eds), *Facets of Power: Politics, Profits and People in the making of Zimbabwe's Blood Diamonds.* Harare: Weaver Press, 2016 and S Spiegel. 'Legacies of A Nationwide Crackdown In Zimbabwe: Operation Chikorokoza Chapera in Gold Mining Communities', *Journal of Modern African Studies* 52:4, 541-570, Cambridge University Press 2014, the last of which is the source of most of what follows immediately in the text.

81 Spiegel.

82 R Saunders. 'The Many Facets of Zimbabwe Diamonds', in Saunders and Nyamunda.

83 The legislation was only changed in 2015.

84 Marowa, 928.

85 Many of the farm workers who became *makorokoza* would have been of Mozambican or Malawian origin and disenfranchised as a result of changes to Zimbabwe's laws of citizenship in 2002, which had this specific intention.

86 'Vendors Accused of Killing Cop', *Newsday*, 11 July 2017.

87 J McGregor. 'Surveillance and the City: Patronage, Power – Sharing and the Politics of Urban Control in Zimbabwe', *Journal of Southern African Studies* 39:4, 2013, 795-800.

88 A recent Afrobarometer report is being similarly deployed. See 'Why President Always Wins Polls', *The Chronicle*, 15 May 2017.

89 Chan & Gallagher, 145.

90 Chan & Gallagher, 40.

91 See footnote 81.

92 M Bratton, B Dulani and E Masunungure. 'Detecting Manipulation in Authoritarian Elections: Survey-Based Methods', *Zimbabwe Electoral Studies* 42, 2016, 10-21.

93 Bratton and Masunungure Voting Intentions in Zimbabwe: A Margin of Terror? *Afrobarometer Briefing Paper* No. 103 4-5.

94 For a useful cameo, see A Magaisa. 'Big Saturday Read: Battle For Hearts And Minds Of Rural Zimbabwe, 10 June 2017, www.bigsr.co.uk/single-post/2017/06/10/Big-Saturday-Read-Battle-for-hearts-and-minds-in-rural-Zimbabwe.

95 It is unclear why Gallagher and Chan put these percentages at 61.09% to 34.9%. There are several ways of calculating the percentages, which may include or discount spoiled votes and votes for outside candidates in the denominator. In the section on electoral fraud, below, figures have been calculated by using the valid votes for Mugabe and Tsvangirai only. The relative percentages of valid votes cast for the two candidates is 64.28% to 35.71% making the lead greater, at just under 28.5 points.

96 Chan & Gallagher, 35. The authors go on to provide refined figures, which put Tsvangirai ahead by 30 604 votes. The arithmetic is also wrong. In adding the 207 000 assisted voters to Tsvangirai's tally, they neglect to subtract these switched votes from Mugabe. Using the authors' logic (on 40), they should thus have put Tsvangirai ahead, in a best case scenario, by 337 604 votes, a significant number.

97 For the calculation of this figure, see D Matyszak. 'Syncopated Numbers: Arithmetic Discord and Zimbabwe's 2013 "Harmonised" Election. Harare: RAU, March 2014.

98 The greater registration rate of a party's supporters, does not, of course, in itself point to electoral malfeasance. However, the manner in which this was accomplished was not the result of ZANU-PF's superior organisational competence but rather the partisan manner in which voter registration was conducted.

99 ZEC's figure is 747 865 new voters, but this does not take into account the net increase in the roll between elections, only those who registered in two pre-polling intensive registration periods. 'ZEC Report on the Harmonised Elections 2013'. Harare: ZEC, 2013, 28.

100 The numbers can be used to guesstimate the decline in support for Tsvangirai. A total of 179 069 Tsvangirai voters could be said to have stayed at home – the 155 865 who may have been disaffected (replaced by new voters) and the further decline in the tally of 23 213.

101 One can assume, though, that the percentage of new voters casting a ballot would be higher than the national average, on the basis that a person who has recently taken the trouble to register as a voter intends to vote.

102 H Kadirire, B Mananavire, G Matarutse and X Ncube. 'Massive Vote Fraud Unearthed', *Daily News*, 1 August 2013.

103 Though there is no legal reason for this.

104 There was also a discrepancy of 44 voters between the presidential and parliamentary polls. Although this is small, the numbers should match exactly.

105 D Matyszak. *The Zimbabwe Electoral Commission and The 2013. Poll: An Appraisal.* Harare: Research and Advocacy Unit (RAU), December 2014 p31.

106 This had to be accomplished by using optical character recognition to convert the hard copy of the roll to a searchable soft copy due to the ongoing refusal of electoral authorities to release the electronic copy.

107 The manifestly heavily manipulated and deeply flawed voters' roll and the subterfuge engaged in by the ZEC to ensure that the electronic copy has never been released for examination would be part of this evidence.

108 For example, for reasons never explained, the MDC-T missed the opportunity to debate the disingenuous statutory reports on the elections compiled by the ZEC and tabled in Parliament.

109 Section 67A of the Electoral Act 2:13.

110 Kadirire, Mananavire, Matarutse and Ncube, 1 August 2013.

111 The SADC Observer Mission appears to have been particularly concerned about the unavailability of the voters' roll, noting that the hard copy was supplied only 48 hours before the election. Oddly, the mission avoids addressing in any detail the more important fact that the electronic copy of the roll was never made available. Even its observation about the hard copy is incorrect. It was the court order to supply the roll which was obtained by the opposition 48 hours before polling. The actual role was supplied at 16.30 on the day of the election.

112 There has never been a final report.

113 A Schedler, 'The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism', Oxford Scholarship Online, September 2013, 8.

114 E Masunungure, 'The "Menu Of Manipulation" and The 2013 Zimbabwe Elections: Towards Explaining The "Technical Knockout", *Journal of African Elections* 13:2, 94-121.

115 The figure is calculated using the 2008 roll. It is likely to have increased for 2013 due to voter registration bias in favour of rural areas, but that cannot be easily ascertained because of the unavailability of the electronic version of the 2013 roll.

116 Chan and Gallagher, 19.

117 T Mentan. *Democratising of Re-configuring Predatory Autocracy? Myths and Realities in Africa Today.* Bamenda, Cameroon: Langaa Research and Publishing Common Initiative Group, 2009, 56.

118 P Zamchiya. The MDC-T's (Un)Seeing Eye in Zimbabwe's 2013 Harmonised Elections: A Technical Knockout, *Journal of Southern African Studies*, 39:4, 2013, 955–962.

119 Zimbabwe Elections Support Network. 'Report on the Zimbabwe 29 March Harmonised Election and 27 June 2008 Presidential Run-Off', August 2008, 34.

120 The Global Political Agreement was a singularly blunt instrument with which to attempt this and it was readily apparent from the outset that little reform was likely under the inclusive government. See D Matyszak. *Law, Politics and Zimbabwe's 'Unity' Government.* Harare: Konrad Ardenauer Foundation, 2010; B Raftopolous (ed). *The Hard Road to Reform.*

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About the author

Derek Matyszak is a senior research consultant with the ISS. He researches and writes about political and security dynamics in Zimbabwe, drawing on his background in law. Once a practicing lawyer and lecturer at the University of Zimbabwe, Derek has extensive knowledge of technical aspects of governance and electoral issues.

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