

ZIMBABWE'S POST-2000 ELECTIONS

More Hotly Contested yet less Democratic than in the Past

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ABSTRACT

This article investigates Zimbabwe's post-2000 elections, why they have been more hotly contested than previously, and whether they have been undemocratic. The post-2000 period marked what is arguably the most turbulent phase in the electoral history of the country since independence in 1980, and Zimbabwe's elections were de facto degraded, becoming a means of sustaining incumbents in power. The paper asserts that Zimbabwe's elections are mainly a front for hoodwinking both the electorate and observers. They are not used to provide for the free expression of the will of the people, but to endorse the incumbents rather than effectively challenge them. To this extent, they are manipulated to produce a pre-determined outcome confirming the current leaders, irrespective of their performance. Supported by empirical data from interviews and primary sources together with statistical records from electoral institutions such as the Zimbabwe Electoral Commission (ZEC), the Zimbabwe National Statistics Agency (ZIMSTAT), and Afrobarometer, the article concludes that elections are mainly for show, to entrench the incumbents.

Keywords: Zimbabwe, elections, contested, degraded, democratisation, political power, incumbents, civil society engagement

INTRODUCTION

This article questions whether elections have been a democratic process in Zimbabwe after 2000, given the country's strong ruling parties and presidents, and whether Zimbabwe's elections were more hotly contested after 2000 than previously. It also debates whether elections in Zimbabwe (formerly Rhodesia) have been degraded or dignified. Focusing on the defective quality of these elections, the article concludes that they were either for show or to confirm and entrench the incumbents.

The post-2000 period arguably constitutes the most turbulent phase in the electoral history of the country since independence in 1980, a period in which Zimbabwe's elections were devalued and the electorate and observers deceived. These elections were not intended to promote democracy (the free expression of the people's will) but were manipulated to produce a pre-determined outcome affirming the current crop of leaders, irrespective of their performance.

After the end of the Cold War, electoral discourse in Africa entered a new phase (Tusalem 2007) and the notion of 'free and fair' Western-style democratic elections became ingrained. Elections were expected to offer a regeneration of political regimes, allowing the voting population a democratic say in the affairs of their country. While the ruling political classes in Zimbabwe paid lip-service to this principle, they generally used it as a strategy to stay in power. Promises of development, unfulfilled or piecemeal electoral, constitutional and institutional reforms have been used repeatedly in electioneering.

After Zimbabwe's independence in 1980 President Robert Gabriel Mugabe won the elections, even if his inefficiencies, inadequacies, ineptitude and corruption warranted his removal. However, elections in Zimbabwe were not only about Mugabe as an individual, but also about his political systems and structures. This entailed manipulating the Electoral Management Body (EMB), the Registrar, media, humanitarian aid, campaign spaces (access to voters), as well as state institutions to defend his political party against its opponents.

The article contributes to the ongoing debate and growing literature on elections as either democratic or authoritarian processes. Citing examples of major industrial capitalist countries, Ottaway (2000) concedes that democratic transformations are never simple, linear processes. The established democracies of Europe and the United States (US) have endured a tortuous process of partial transformation, conflict, slowdown, and even outright reversal. Unsurprisingly, most African countries underwent the same travails in the post-Cold War era, with the road to democracy still proving difficult as many countries have remained 'imperfect democracies' or have suffered reversals (*ibid.*). Zimbabwe follows this tendency, though in some exceptions (Botswana, Malawi and Zambia) elections have led to democratic governments and peaceful transitions with few and insignificant disputes. Thus, the case of Zimbabwe is not necessarily representative of elections in general or Africa in particular.

The Purpose of Elections in the Global and Local Contexts

Friedman (2010) claimed that the issue of constitutional representation, which is ingrained in judicial decision-making and constitutional democracy, has been the hallmark of election processes throughout the world, and that the process of

constitutional change is 'a subject that rests at the heart of the will of the people' (Friedman 2010, p. 1232). His *The will of the people* changed the conversation about judicial review from an overly simplistic premise to a more nuanced view of judicial decision-making as symbiotic with aspects of constitutional democracy. In many parts of the world, the will of the people is expressed through elections. Consequently, elections are the mainstay of democracy and constitutional representation.

However, while this theoretical premise is widely recognised, post-2000 elections in Zimbabwe have raised questions on whether elections are part of a democratic process. Are they a means of usurping political power and rights from the people by means of a corrupt, undemocratic and unaccountable process? Are elections and politics in Zimbabwe a route to amass wealth, and not to serve the electorate? The inclination towards personal gain and not broad national interests remains a common challenge. Elections in Zimbabwe are thus widely 'bad for democracy', as illustrated in this article.

The key research questions that this study thus seeks to address are: (a) are Zimbabwean elections hotly contested and degraded? and (b) how far does the scenario of 'democratisation or a sham' apply to Zimbabwe in the post-2000 period? The study finds that a tainted election record commonly indicates a lack of democracy in a country. Zimbabwe's post-2000 elections have coincided with the introduction of the radical Fast Track Land Reform Programme (FTLRP), a move to sustain the ruling party in power when political stakes and support were at their lowest.

Despite holding elections regularly as required in the *Constitution of Zimbabwe/Constitution of Zimbabwe Amendment Act* (2013) (herein referred to as the *Constitution*), the state in Zimbabwe has since independence relied on the culture of 'liberation entitlement' and was not fully accountable to the people. In an interview on 12 July 2019, an anonymous resident at Mbare *Musika* (Market) in Zimbabwe's capital city Harare claimed that elections were not democratic because 'the state told the people what to do, instead of being responsible or accountable to the electorate for its actions'. In principle, and differing from the view of some state officials, citizens as stakeholders should make the law and act as vanguards of change and reform. The people and civic organisations inform the state by acting as effective checks and balances on the regime's three influential branches, namely the executive, the legislature (parliament) and the judiciary (courts). Such checks and balances help these arms of the state to reduce errors (bungling), prevent improper behaviour or decrease the risk of centralising or over-centralising power. Checks should ensure that neither the executive nor any branch of the state is more powerful than the people who gave it the mandate to preside over state affairs following an election.

The article, which focuses on the period from 2000 to 2018, is divided into six sections. The first section outlines the purpose of elections in the global context. The second section provides a brief history of elections in Zimbabwe from independence in 1980 up to 2000, setting the stage for an analysis of elections and their efficacy in the larger democratisation context. Section three has a detailed discussion of the post-2000 period interrogating whether democracy truly exists in the country, followed by sections four (post-2005 up to 2017) and five (the 2018 election). The claim that elections in Zimbabwe are non-democratic but only for show is authenticated or validated. The final section concludes the study, indicating that elections are mainly for confirming officeholders regardless of their performance.

LITERATURE SURVEY

Empirical evidence and the literature on Zimbabwe cast doubts on the theory of 'democratisation through elections' – a theory which Bogaards (2014) has analysed for different parts of the world. The literature shows that elections can have both positive and negative effects on a country's level of democracy (Howard & Roessler 2006; Wahman, Teorell & Hadenius 2013), leading to either democratising outcomes or the increased repression of political rights and suppression of civil liberties. These scholars claim that one mode of accessing and maintaining political power by an authoritarian regime is through popular elections. Ideally, elections should be flawless (unblemished), free and fair for positive results. Authoritarian leaders who agree to hold elections are generally able to remain in power longer than autocrats who refuse to do so (Cheeseman & Klaas, 2018). In this regard Cheeseman and Klaas expose the limitations of national elections as a means of promoting democratisation, and reveal the essential strategies (including rigging) that dictators use to undermine the electoral process in order to guarantee victory for themselves. However, Abuya (2010) has described elections as 'flawed, un-free and unfair', posing the question: Are African [including Zimbabwean] elections free and fair? In *The moral economy of elections in Africa*, Cheeseman et al. (2020) focus on the claims of both politicians and electorates, and how voters respond to electoral manipulations. Both politicians and electorates must discuss what is good and right so that they may be seen as moral actors behaving correctly. In Zimbabwe (as portrayed in the print and electronic media, social media and other platforms) electoral irregularities, election queries and legal claims of vote rigging (*The Standard* 2008a) especially by opposition political formations, confirm that the process of choosing leaders is not free and fair and lacks the virtues discussed by Cheeseman et al. (2020).

For Lindberg (2006), 'democratising nations learn to become democratic through repeated democratic behaviour, even if their elections are often

flawed'. Whilst Lindberg finds no overall negative trend in the frequency of such elections, portraying elections as 'flawed' fits nearly all pre- and post-2000 elections in Zimbabwe. Evidence from Zimbabwe casts doubt on the theory of 'democratisation through elections' as the country's elections have been disputed.

Mvingi (2008) shows that democracy was affected by a hegemonic interplay of consensual and forceful power, based on an ethos of liberation entitlement accepted by the public. Such an ethos, due in part to colonial resentment, enabled the ruling party to maintain a monopoly on political office under the guise of democratic governance after independence. This not only confirms that the ruling elite in Zimbabwe used this situation to influence the politics of the land; they also used their political influence (clout) to retain power. A multidisciplinary approach indicates how political leaders have tempered with democracy.

RESEARCH METHODOLOGY

In assessing whether elections in Zimbabwe were democratic or undemocratic, this article uses qualitative research methods drawing data from both primary and secondary sources. Primary data was derived, *inter alia*, from the documents of election organisations and institutions such as the Zimbabwe Electoral Commission (ZEC), the Zimbabwe National Statistics Agency (ZIMSTAT) and Afrobarometer. Primary document analysis is non-reactive as the information is not subject to distortion. Interviews and raw statistical data were vital for the quality of this study. Oral interviews complemented primary documents as data-gathering tools. The demographic profile of 14 interviewees from both the party-political elite and ordinary citizens consisted of male and female rural-urban dwellers, youths, employed and retired people from Harare, Bulawayo (Zimbabwe's second largest city), Gweru, Kwekwe and some rural constituencies, using purposive and snowball sampling technique. Men were more open than women to discussion, largely due to Zimbabwe's patriarchal society that allowed men to speak more freely. Politics and elections being sensitive topics in Zimbabwe, some of the interviewees preferred anonymity; snowball sampling helped me reach out to interviewees who feared reprisals.

Oral interviews were conducted between 2019 and 2022 during which freedom of movement and face-to-face interviews were restricted by COVID-19 lockdown measures. Hence, some interviews were conducted by telephone and other media platforms such as WhatsApp, Skype, Zoom and Google Meet. Statistical data and my engagement with secondary sources were important in situating the study in the context of broader Zimbabwean election literature. Methodologically, the paper outlines a research design with meaningful signposts towards data collection methods and theoretical application.

DISCUSSION

Background: the Political Environment in Zimbabwe, 1980-2000

At independence, elections were conducted by the Delimitation Commission, the Electoral Supervisory Commission (ESC), the Election Directorate and the Registrar General's (RG) Office. There was not much competition to the Zimbabwe African National Union-Patriotic Front (ZANU-PF) led by Mugabe; but the overall context of political rivalry, especially between 1982 and 1987, was one of conflict between his party and the Patriotic Front-Zimbabwe African People's Union (PF-ZAPU) of Joshua Nkomo (Sachikonye 2003). Since 1980, Zimbabwe has held general and presidential elections at regular five-year intervals. This occurred under a commendably high spirit of national reconciliation, and genuine democracy and power to the people appeared to be on the cards. The 1980 and 1985 elections were free and fair. Although the country never foreclosed multi-party electoral opportunities, the power structure did limit such opportunities by maintaining and perpetuating ZANU-PF as the dominant political party. Such hegemony, however, started to wane after the implementation of the Economic Structural Adjustment Programme (ESAP) from 1990/1991 (Sithole & Makumbe 1997).

After the amalgamation of ZANU-PF and PF-ZAPU following the signing of the Unity Accord in 1987, the new merged political party (known as ZANU-PF) still dominated the ensuing 1990 and 1995 elections (Sachikonye 2003). In the 1990 election, the party won 117 of the 120 directly-elected seats, which it retained in the 1995 election. Political and presidential patronage ensured that 30 non-constituency seats were filled by figures loyal or sympathetic to the ruling party. However, in the 1990s misgivings grew about an electoral system which effectively provided monopoly to one party. One indicator of these misgivings was the growing alienation amongst voters, some of whom demanded that the Registrar General, Tobaiwa Mudede, resign (*Daily News* 2017). The RG had been in charge of all elections held in Zimbabwe since 1981, albeit amid accusations from the ruling ZANU-PF's rivals, mainly the opposition Movement for Democratic Change (MDC), of ballot fraud favouring the governing party. Reports (*ibid.*) indicated that Mugabe used the RG's office to manipulate electoral results. Sometime in 2013 the MDC highlighted voters' roll manipulation. Party sources said Mudede had been 'mandated to make sure that few people [were] able to register in areas where the MDC [enjoyed] support' because he was 'in charge of the voters' roll' (*Mail&Guardian* 2013). Mudede, often blamed for rigging elections, sent officials from his office to conduct a mobile voter registration exercise, but the officials who carried out the process made 'it difficult for people in urban areas to register' (*ibid.*). The officials demanded proof of residence bearing the name of the person attempting to register, despite knowing that most people in high-density

townships do not own houses, but rent accommodation without formal leases (ibid.). After a flurry of complaints, Cabinet ordered that people be allowed to register after signing an affidavit confirming that they lived in the constituency; however, registry officials failed to provide the affidavits. Thus, for the MDC, it was clear that the RG's office was 'staging a go-slow in MDC strongholds so that few people register', adding that 'in areas where they think ZANU-PF is strong, they are more efficient' (ibid.). Mudede raised more eyebrows when he said 'his department did not have enough money to abide by constitutional requirements that voter registration should take place for at least 30 days in all wards' (ibid.).

Although Zimbabwe enjoyed relative political stability for most of its post-independence years, its election campaigns have not been problem-free. Every election since independence, particularly those of 1985, 1990 and 2000 were marked by varying degrees of intimidation and violence (Sachikonye 2003). 'The barometer [of bad behaviour measured through election violence and intimidation] shot up significantly during the 2000 election campaign' (Sachikonye 2003, p. 126). This was because the MDC mounted enormous pressure to have voters' roll regulations and electoral laws transformed following the movement's formation in September 1999. Claims of electoral fraud or cheating escalated during and after the 2000 elections.

THE IMMEDIATE POST-2000 PERIOD

Elections and their Impact in Zimbabwe, 2000-2005

Although Zimbabwe had been a multi-party state since before independence, it became a dominant party state after independence in 1980 when elections were generally free and fair, but the outcomes were hotly contested (Moyo 2014). Zimbabwe faced electoral and post-electoral stand-offs as a consequence of the electoral process 'not [being] free and fair'¹ and the fear that pre-election promises would not be fulfilled. The weaknesses and strengths of Zimbabwe's electoral system were revealed in the 2000 parliamentary election following the referendum held that year. Firstly, a free vote resulted in the government's defeat in the referendum (Dorman 2003, p. 845). In the poll 54% of the voters rejected the draft constitution, thus legitimating organisations and ideas outside the hegemony of the ruling party state. The voting public (albeit a largely urban

1 Due to a broad set of factors that undermined a level playing field. These included (1) A repressive governance system including a plethora of restrictive laws which undermined fundamental freedoms, muzzled the print and electronic media and emasculated the judiciary; (2) Pervasive intimidation, arbitrary arrests of opposition members and dispersal or raid on their meetings; (3) A highly partisan and inefficient election management system with overlapping and conflicting legal authorities (EISA 2005, p. 2).

selection of the potential electorate who voted against, compared to the 46% who voted for the Constitution) affirmed the claims made by the NCA to speak and act outside the remit of the state (ibid.). However, the referendum's rejection of political practice since independence set the stage for the violent and coercive politics of 2000 and beyond (Dorman 2003, p. 845). The weaknesses of the electoral system were highlighted by violence and intimidation signalling a decade-long slide into authoritarianism (Sachikonye 2013, p. 178). Overall, election observers judged the 2000 election a credible process (Sachikonye 2003). Nevertheless, the earlier parts of the election were marked by the RG's failure to conduct proper voter registration and delimitation. The RG's office seemed to favour a particular candidate, as revealed in his personal sentiments during the 2002 election that 'the sitting president would be the ultimate winner' (*Short Wave (SW) Radio Africa* 2012). Such opinions usually flew into the face of the people and civil society organisations (CSOs).

Referring to the 2005 parliamentary election, the National Constitutional Assembly (NCA), a CSO advocating for constitutional reform, described the election as 'flawed, un-free and unfair' (NCA 2005). The NCA said it was 'un-free' because electoral indiscretions/irregularities reflected the prevailing state of affairs dominated by the lack of freedom of association, assembly, movement, and expression; and the incidence of political violence, disputes over electoral procedures, lack of voter education and the use of food as a political weapon (ibid.). The latter was confirmed on 18 April 2021 in a personal interview with a ZANU-PF youth of Nemamwa village, Masvingo rural, who intimated that 'some Non-Governmental Organisations (NGOs) use the register they get from the village headmen to distribute food handouts occasionally'. Only ZANU-PF cell members were on the registers, hence the alienation of opposition supporters from community food-distribution programmes. In a Zoom interview on 28 April 2021, an MDC activist based in the United Kingdom (UK) said, 'people in rural areas are fed false narratives of propaganda and are even told that food handouts that come from NGOs are being provided by ZANU-PF'. In a WhatsApp interview on 29 April 2021 a liberation war veteran from Lower Gweru (Midlands Province) concurred with the respondent from Nemamwa, saying that ZANU-PF is 'the hand that feeds us [family and children] ... one cannot bite the hand that feeds him ... ZANU-PF has empowered me since I came back from the liberation struggle in 1979 ... I have benefited from the land reform where in 2000 I got an A1 [small-scale] plot in Somabhula'. This makes it difficult for the opposition to be accepted in most rural areas, which constitute 68% of the population living in communal and resettlement constituencies (ZIMSTAT 2017, p. 32).

Although pre-2000 election observation was conducted by both local and international elections monitoring agencies and observers, including the

United Nations (UN), this trend changed in the post-2000 era as international monitoring was limited and increasingly proscribed. Limited international election monitoring led to flawed elections. In the opinion of the NCA (2005) electoral indiscretions or anomalies increased. The NCA's consolidated reports on elections and electoral irregularities in all provinces and constituencies entailed a broad assessment of the pre-election climate, covering interference with basic freedoms. Freedom of association, for example, was indicated by whether party supporters were able to wear party regalia or insignia, and by restrictions, or the lack thereof, on erecting party posters.

The political climate included the suppression of the independent media (dating back to the arrest in 2001 of two *Daily News* journalists, editor Geoff Nyarota and Wilf Mbanga, who were not election candidates), organised political violence, and intimidation of opposition supporters especially in rural constituencies (Voanews.com 2001). In the rural areas a common strategy by ZANU-PF was using traditional leaders to pressure local voters into supporting one particular party. There were electoral disagreements on the absence of voter education and manipulation of food as a political weapon (Human Rights Watch 2003). The use of food as a weapon was achieved primarily through the state's maize-marketing monopoly, the Grain Marketing Board (GMB), to threaten rural voters' access to food (NCA 2005). The NCA's evidence on electoral violence, even in previous years, shows that recent election-related violence in Zimbabwe and elsewhere has led to questions on whether regular elections reduce the risk of conflict and lead to stability, democracy, peace and development (Kriger 2005). In Zimbabwe, elections were hotly contested but due to their shortcomings, did not lead to democracy or the attainment of peace.

Elections, which traditionally served as a major yardstick for participation in endorsing or influencing regime change, have thus lost credibility. Limiting democratic theory and practice to electoral pluralism encouraged a culture where democracy was limited to periodic elections in which the results were sometimes rigged, and their organisation seriously flawed (Nyandoro & Ababio 2011). By 2005, such circumstances created widespread discontent, contestation and a lack of trust in the political principles on which the contemporary democratic project rested, as the Zimbabwean government under Mugabe was neither representative nor accountable to the citizenry.

Election Contestation and Fraud in Zimbabwe after 2005

From 2000 to 2018, there were numerous election contestations by the opposition MDC against the ruling party and against an electoral system presided over by ZEC – the government elections flagship under the Ministry of Justice, Legal and

Parliamentary Affairs. ZEC lacks autonomy because it is funded by a ministry and is accountable to Parliament through the Ministry of Justice. One of ZEC's integrated responsibilities includes delimitation before elections; but it has no power to proclaim the election date, which is instructed by the president in the elections. The country's constitution and electoral act give the president this power; but in the interests of electoral fairness this must be in the hands of ZEC. Weaknesses of Zimbabwe's electoral system included the delay of the voters' roll, media polarisation, claims that some ballot papers were counted twice, electoral manipulation and the existence of institutional bias, pointing to electoral mismanagement and fraud (Masunungure 2014); and ZANU-PF control of electoral machinery including ZEC, the RG and his office. Through control of these election institutions, the ruling party had the power to tamper with the voters' roll and ballot (vote) counting.

The ZEC failed to delete the names of dead people (ghost voters) from the voters' roll, especially in rural constituencies which are ZANU-PF strongholds. There is also evidence that during election time ZANU-PF clandestinely bused people to vote in certain constituencies. Some rural voters, for instance, were bused to urban areas (seen as MDC areas/strongholds) to cast their ballots in an endeavour to dilute the urban vote (*ibid.*). The post-electoral environment in Zimbabwe thus witnessed disputed claims around the legitimacy of elections, the fairness of ballot (vote) counting, legitimacy of the leader and disputations over the number of terms of office for an incumbent president. The president of the First Republic had overstayed his welcome, apparently aided by these factors. There had been no presidential term limit before the 2013 Constitution, as Mugabe had used the RG's office to manipulate electoral results. By the time he was ousted from office by the army in what has been described by the ruling party as Operation Restore Legacy, he had been in power for 37 years, from 1980 to 2017 (Tendi 2020).

In the absence of any effective presidential term limits in Zimbabwe's constitution until 2013, presidents could win elections or assume life presidency. Coupled with voter irregularities, this led to the expression of serious concern by political parties and other stakeholders in Zimbabwe, culminating in the dissolution of the Electoral Supervisory Commission (ESC) and the establishment of an independent body, ZEC, in 2004. ZEC was to control, manage and oversee all electoral processes in Zimbabwe in line with the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections which, *inter alia*, included adherence to full participation of citizens in the political process, and freedom of association. ZEC and SADC were both seen as promoting democratic principles. However, claims of electoral fraud or cheating through rigging, vote miscounting, and the ZEC's omission of urban voters in

MDC strongholds from the voters' register, continued to be a major blight on Zimbabwean elections, as the 2005 elections showed.

ZANU-PF was victorious in 2005 (Sturcke 2005), taking 51 seats to the opposition MDC's 33. The ruling party had entered the election needing only 46 seats for a simple majority in the 150-seat Parliament in which 30 members were the president's direct appointees. This 2005 election was the first in the region to be conducted within the framework of the SADC Principles and Guidelines confirmed by the Heads of State and Governments Summit in Mauritius in 2004 (*Zimbabwe Election Support Network (ZESN) 2005*). Although the 2005 elections were relatively peaceful with no major incidents of intimidation or violence reported, there were still electoral challenges. The opposition demanded the abandoning of draconian laws such as the *Public Order and Security Act (POSA)* and the *Access to Information and Protection of Privacy Act (AIPPA)* which severely constrained freedom of association and political tolerance during election campaigns. The need for a truly independent Electoral Commission to monitor state resources was also stressed, as well as for an impartial public media.

In fieldwork interviews conducted on 9 April 2022 via WhatsApp, a Bulawayo resident of Magwegwe North complained that 'the election was a sham and fraudulent'. He asserted that 'massive coercion was employed particularly in the aftermath of Operation *Murambatsvina* ['Move the rubbish', forcible slum clearance in 2005] and made voters scared to vote for any political party other than ZANU-PF'. Another interviewee in Bulawayo also described the 2005 elections as 'a sham and undemocratic'. In follow-up interviews in the city a liberation struggle veteran who sought anonymity confirmed these positions. Similarly, a Gweru resident interviewed telephonically on 12 April 2022, said that the 2005 election and others before and after were marked by 'electoral fraud, ballot-stuffing and [discrete forms of] violence'. In separate interviews in the Midlands on 17 April 2022, a resident from Kwekwe urban constituency and another from Mbizvo high-density suburb, agreed with these sentiments on electoral fraud and theft.

The six interviews conducted in Harare provided empirical material to show that most urban voters wanted fair elections and a change of government, but believed that the rural electorate was letting them down in realising this goal because most rural-dwellers voted for the ruling party (Muzorewa & Nyandoro 2021, p. 150).

A previously unresolved concern from 2005 was the claim by opposition MDC and western powers that the election was fraudulent. Contrary to the perception of a tranquil political environment, Zimbabwe's elections after 2005 were even more hotly contested, as President Mugabe frequently showed signs of dictatorial or authoritarian rule. He and ZANU-PF were empowered by the Constitution to do so; but the appointed commissioners, ZEC and the RG's office,

failed to intervene as they lacked autonomy. This lack of autonomy often produced electoral outcomes that favoured Mugabe ensuring that he perpetuated his reign, demonstrating how patronage and authoritarianism can function under ostensibly democratic institutions. This validates Seeberg's (2018) argument that 'while electoral revolutions in the Philippines and the post-Communist world [for example] have ousted dictators, autocrats from Mexico to Zimbabwe have cemented their rule through regular multi-party elections'. Institutions like ZEC, the Delimitation Commission and the judiciary often lacked integrity and impartiality because of their loyalty to Mugabe (Birch 2016), making them complicit in electoral fraud such as manipulation and tampering with the voters' registration evident after 2005.

After 2005 the country prepared for the first harmonised presidential, parliamentary and local-government elections in 2008, negating the idea of regular elections in Zimbabwe. Elections had become degraded, and in the absence of free and fair elections Zimbabweans did not regard their political system as an electoral democracy. Interviewed in Harare on 30 April 2022, an anonymous resident opined that 'Zimbabwe lacks democracy in elections', a view confirmed in group interviews by Muzorewa and Nyandoro (2021, pp. 150-151). In a survey conducted by the Mass Public Opinion Institute (MPOI) in 2005, more than 90% of the sampled population in Harare expressed concern about the lack of electoral democracy, and also blamed the government for an electoral environment characterised by frequent political violence. In this sense, the country was a pseudo-democracy – a political system which called itself democratic, but though several political parties contested the elections in a secret ballot, offered no real alternative for its citizens. This was in contrast to the spirit of the February 2008 *Electoral Amendment Act* which articulates the general principles undergirding democratic elections in the country. These principles are based on free elections where individuals and political parties participate peacefully. Section 3 of the amended Act states:

Subject to this Act and the Zimbabwe *Constitution* of 2013, every election shall be conducted in a way that is consistent with the following principles:

- (a) the authority to govern derives from the will of the people demonstrated through elections that are conducted efficiently, freely, fairly, transparently and properly on the basis of universal and equal suffrage exercised through a secret ballot;
- (b) every citizen has the right:
 - (i) to participate in government directly or through freely chosen representatives, and is entitled, without distinction on the ground of race, ethnicity, gender, language, political or religious belief,

- education, physical appearance or disability or economic or social condition, to stand for office and cast a vote freely;
- (ii) to join or participate in the activities of and to recruit members of a political party of his or her choice;
 - (iii) to participate in peaceful political activity intended to influence the composition and policies of Government;
 - (iv) to participate, through civic organisations, in peaceful activities to influence and challenge the policies of Government; and
- (c) every political party has the right:
- (i) to operate freely within the law;
 - (ii) to put up or sponsor one or more candidates in every election;
 - (iii) to campaign freely within the law; and
 - (iv) to have reasonable access to the media.

When these provisions are read in conjunction with the fundamental civil and political freedoms, rights and liberties guaranteed in the Declaration of Rights (Chapter 3 of the *Constitution*) – freedom of assembly, freedom of expression, freedom of movement, protection from torture, inhuman or degrading treatment, the protection of the law, freedom of conscience et cetera (*ibid.*) – it is clear that the juridical framework supports the general principles of democratic elections. However, at the empirical level serious deficits arise and elections in Zimbabwe vitiate the fundamental concept of representative democracy, that voters and civil society ‘choose the guardians [rulers]’.

The 2008 Elections: ‘Who Will Guard the Guardians?’ and Whose Victory was It?

Was the people’s vote respected or was the process rigged in Zimbabwe’s 2008 elections? This year marked the first synchronisation of both presidential and parliamentary elections. Election rigging (conducted via assisting voters before and after 2008) remained a grey area in Zimbabwe’s electoral process. According to the UN (quoted in a BBC report in 2013), Zimbabwe is the most literate country in Africa with a literacy rate of more than 90%, but African Union (AU) election observers noted a worryingly ‘high number of assisted voters in many polling stations nationwide’ (*ibid.*). Assisted voting was more noticeable in rural areas: in 49% of polling stations more than 25 people were assisted to vote as opposed to 5% of urban polling stations. The AU mission gave the example of Muzarabani district in Mashonaland Central, where it observed that 97 of 370 voters were assisted at one station, 77 of 374 at a second station, and 85 of 374 at a third station (*ibid.*). The MDC argued that in Muzarabani North, more than half of the 17 400 voters were

assisted. Party secretary-general, Tendai Biti, said literate people were told to claim they were illiterate so that they could be 'assisted by ZANU-PF people to vote'. However, ZANU-PF denied the allegations of assisted voting, saying 'the MDC was a bad loser' (ibid.). Nevertheless, several sources provided evidence of electoral fraud in 2008 and 2013. Reliefweb (2008), for example, indicated that in 2008, 8.7 million ballot papers were printed in Zimbabwe, 35% more than the 6.4 million registered voters. The AU said this was 'significantly higher than international best practices' which are between 5% and 10% and 'raises concerns of accountability of unused ballots' (ibid.). In Manicaland, Zimelections (2013) received a verified report from Chipinge South that 'voters [were) arranged in groups by headmen'. Another verified report to the site said 'Headman Chinyamukwakwa ... [issued] threatening [orders to] villagers that they will be evicted from the area if they vote[d] MDC [and not ZANU-PF]' (Zimelections 2013). 'Hundreds of thousands of people were [also] resettled in "strategic [rural and urban] areas" in preparation for the poll' (Reliefweb 2008); hence the people's will and free choice during polls remain contested.

Hurwitz (2008) claims that 'those who choose the guardians' (the people) 'will guard the guardians'. Yet, in the case of the 2008 harmonised elections in Zimbabwe, the choice of 'those who chose the guardians' was only partly fulfilled and respected in the first round of voting in March when the ruling party seemingly accepted defeat. Analysts, opinion leaders, independent observers and opposition political parties, especially the MDC-T², openly claimed victory over ZANU-PF. The election demonstrated that had Zimbabweans been allowed to make a free choice, Mugabe would have lost decisively to Morgan Tsvangirai, the MDC candidate (Tran 2008). However, no official results were announced for more than a month after the first round. After the recount and verification of results, ZEC announced on 2 May 2008 that Tsvangirai won 47.9% of the vote and Mugabe 43.2%, necessitating a run-off to be held on 27 June 2008. Denouncing these elections, Mugabe said, 'We will never allow an event like an election to reverse our independence, our sovereignty' (ibid.).

Despite electoral defeat staring ZANU-PF in the face, a stalemate was declared with an election run-off — but only after a month had elapsed before the results of the March election were released, unprecedented in Zimbabwe's post-1980 elections. ZANU-PF faced the possibility of electoral defeat and resorted to 'absurd retribution' and 'a trail of violence after the [March] ballot' and before June 2008 to intimidate voters (Amnesty International 2008). In an interview on 8 May 2021 a war veteran of Mountview rural resettlement in Marondera

2 MDC-T was the main faction headed by Morgan Tsvangirai and Arthur Mutambara after the MDC split in 2005.

(Mashonaland East Province) justified violence by saying ‘it is our [veterans of the struggle] duty as the elderly to protect the gains of the liberation struggle even if it means employing violence against those who want to corrupt the youth’. Highlighting the prevalence of violence in Zimbabwe during election time, an MDC activist observed that ‘it is difficult for the MDC to penetrate the rural areas because of the violent nature of the rural environment. My home at Juru growth point in Mashonaland East province was torched to the ground in 2008 because they [ZANU-PF] knew we were MDC activists. No one was arrested although we reported the case to the police, no docket was opened yet we lost all our property’. Known by his pseudonym Nyamasvisva, a security guard at Chitandara Secondary School in Chihota communal area (Mashonaland East), interviewed on 21 October 2021 at Makoni shopping centre in Chitungwiza, did not hide his violent side. He stated that ‘I was one of the base commanders during the 2008 election. I was responsible for disciplining people brought to the camp who had defected to the MDC’. He added: ‘I was young and naïve during the election campaign and I admit that I was a little overzealous; however, I felt that it was my chance to exhibit “leadership qualities” and avenge my uncles who had their headmanship stolen by outsiders’. Thus, violence was not only political but an opportunity to settle old scores.

The opposition claimed that ZANU-PF authorities were ‘using the extra time’ after the March election to prepare for a run-off (second round election). But they were preparing to unleash a campaign of ‘massive state-sponsored violence and repression’ as support for Mugabe appeared to waver. It was a reign of terror entailing violence, the intimidation of rural voters (ZANU-PF’s traditional support base), harassment, victimisation, the persecution of civil society, torture and body mutilations, or maiming supporters or purported supporters of the MDC (Human Rights Watch 2008). Civil society’s voice was silenced because civic organisations were viewed (sometimes erroneously) as agents of opposition political parties. This terror left children and women reportedly bearing the burden of political violence, which was largely absent from the first round of elections (ibid.). ZANU-PF refuted the claim of violence and accused the MDC in the public media (*The Chronicle* 2011), leading to a lack of trust in elections and governing principles. The Zimbabwe Human Rights NGO Forum, composed of 21 NGOs, worked to prevent organised violence and torture in Zimbabwe (Peace Direct, 2017). These institutions agree that political violence by state agents and their ancillaries during elections was commonplace (ibid.). Details of violence and distrust for the elections were illustrated in civil society, with ‘public opinions and [lack of] trust in political institutions’ (Alemika 2007). Afrobarometer provided details of this violence and distrust in Zimbabwe’s elections, in comparison to South Africa (ibid.).

Alemika (2007) claimed that by 2007 the percentage of respondents in Zimbabwe that trusted political institutions like the president, Parliament, the Electoral Agency, ruling party, courts and police, was at a low between 29% and 53%. In South Africa, the percentages for the same categories were much higher at between 48% and 69%. Those who considered the 2005 election free and fair was higher in South Africa at 75% than Zimbabwe with 36%. Those very satisfied or (just) satisfied with democracy was 63% for South Africa and much lower for Zimbabwe at 14% (ibid.). This mistrust was confirmed for Zimbabwe in June 2008 when, as the politically-motivated election violence and intimidation escalated, Mugabe implied that he would not cede power to the opposition (which had no liberation credentials) if he lost the run-off election (Britannica.com 2008). MDC leader Morgan Tsvangirai responded on 22 June by announcing his withdrawal from the presidential run-off to be held on 27 June 2008. Tsvangirai's intention to boycott the elections came barely four days before the scheduled election in the midst of a rapidly deteriorating security situation (Reliefweb 2008).

The electoral crisis in the country came amid a burgeoning economic crisis and downward spiral dating back to the late 1990s,³ making the 2008 election a sham. The crisis constituted a major challenge not only to Zimbabwe's democracy, but also to regional stability in southern Africa. Tsvangirai had repeatedly warned of the impossibility of the election being free and fair given the country's tempestuous political and economic climate.

Nevertheless, the election was still held, and Mugabe was declared the winner despite assertions from independent observers that the election was neither free nor fair. The opposition MDC complained of the 'stealing' of elections in March and June 2008, in the same way as the ensuing July 2013 elections were 'stolen' (Africa 2013). The fact that the June 2008 election was never held, but had a manipulated outcome, prompted widespread international condemnation, most notably from African countries such as Botswana and South Africa that had previously supported Mugabe. This condemnation culminated in calls for the MDC and ZANU-PF to form a power-sharing government as a compromise. The country was saved from the prospect of more political turbulence by the establishment of the Government of National Unity (GNU) in 2008. GNUs – an interim and transitional process – emerged through the manipulation of electoral results and the failure to produce a clear-cut winner, compelling former political antagonists ZANU-PF and MDC into a marriage of convenience (ibid.). Although GNUs were presided over by the African Union (AU), they were undemocratic, anti-people and heralded the demise of democracy not only in Zimbabwe but

3 The economic crisis deepened from 1997/1998 onwards, with massive poverty culminating in food shortages, hyperinflation, the demonetisation/devaluation of the Zimbabwean currency (unstable exchange rate) with adverse consequences, particularly for the poor.

on the African continent, because they ignored the will of the people expressed in an election.

In short, the conduct of the March and June 2008 elections not only negated the people's voice but also the influential civil society constituency which plays an important role in any democracy. This unanticipated outcome in the 2008 elections made ZANU-PF panic, and resulted in the unleashing of violence on MDC-T members and supporters, supposedly by President Mugabe and the ruling party. At local and national levels, election and post-election violence caused a humanitarian crisis as the nation faced death from politically-motivated violence, hunger and economic crisis. To protect their followers and the citizenry in general, the MDC refused to participate in the run-off election earmarked for 27 June 2008. Opposition parties, independent observers and the international community considered Zimbabwe's democracy record tainted by the 'stolen' March 2008 election and ensuing violence – a position endorsed by the private media (*The Standard* 2008b) but refuted by the public or state media (*The Herald* 2008). The Zimbabwe Human Rights NGO Forum (2008) and COG (2018) social surveys reported significant human rights abuses during this time, but the election went ahead despite the people's views (as reflected in the first round of the election) being crushed.

An anonymous Harare liberation war veteran, interviewed on 12 July 2019, and a member of the Combined Harare Residents Association (CHRA) in the capital's Central Business District (CBD) (interviewed on 1 August 2019) both claimed that elections were for show and for affirming officeholders as their outcomes were not respected. Democracy in Zimbabwe was, it seems, deployed merely as the means to an end by the ruling elite, i.e. to usurp and retain political power. This argument dovetails with Mkandawire's observation that 'around election time, one of the problems we are faced with in parts of Africa is that many leaders seem to think the issue is not voters choosing leaders, but rather leaders choosing voters' (Mkandawire 2008).

Zimbabwe's GNU was mediated by former South African President Thabo Mbeki, to address political and electoral issues after the March 2008 harmonised elections, and avoid chaos through his controversial 'quiet diplomacy'. There is a telling analogy with Kenya's similar experiment in denigrating citizens' rights to a free election.

Kenya was faced with a humanitarian crisis and growing international condemnation in the wake of the post-election violence after the December 2007 presidential election; consequently, the two protagonists attempted a settlement. President Mwai Kibaki of the ruling Party of National Unity (PNU) and the main opposition leader, Raila Odinga, of the Orange Democratic Movement (ODM), reluctantly entered into a transitional power-sharing arrangement as

a compromise deal with a debatable legal basis. In Zimbabwe (as in Kenya), coalition agreements were reached in an attempt to appease a potentially explosive electorate feeling short-changed after voting. This agreement was merely a conflict prevention strategy (Mapuva 2010). Chigora and Guzura (2011) claim that since a government of national unity elevates the state above the will of the people, it is antithetical to democracy. GNU arrangements certainly indicated voter manipulation, and elections were therefore ‘without democracy’ (Schedler 2002), resulting in the opposition boycotting them in protest. For Seeberg (2013), Zimbabwe was in fact a hegemonic autocracy between 1980 and 2008, that is, a non-democratic regime ruling with the aid of a dominant political party, but holding multi-party elections. The country entered the 2013 election in that state.

The 2013 Harmonised Elections in Zimbabwe

The July 2013 election following the controversial June 2008 elections marked the first harmonised elections held under the new constitutional framework (*Constitution* 2013). Voter education campaigns were conducted on state media; people were encouraged to vote through different forms of media, though the public/state media had a bias towards the ruling party; and biometric voting made voter registration easier than the system used in previous elections. The voting process was thus faster resulting in the swift collation of results. The 2013 election, which ZANU-PF – with years of experience in running and skewing elections (Southall & Slabbert 2013, p. 137) – saw as a ‘moment of truth’ in anticipation of victory (*The Chronicle* 2013), was relatively peaceful compared to June 2008. The ruling party scored a landslide victory, attributed to the revolutionary party’s programmes which appealed more to the rural than urban populace (Muzorewa & Nyandoro 2021, p. 145). The programme’s focus on land redistribution became ZANU-PF’s main rallying cry after the implementation of the FTLRP in 2000 which Muzorewa & Nyandoro (ibid.) view as voter coercion rather than voter preference. Regardless, these programmes (coupled with ZANU-PF’s organisation) helped the party to win the elections.

Raftopoulos (2013, p. 15) contrasts ZANU-PF’s well-planned, organised and developed political party structures with the relatively undeveloped organisational structures of opposition MDC in mobilising the rural vote in particular. Notwithstanding the MDC’s organisational flaws, internal political bickering, and the fact that ZANU-PF could have won without coercion, Masunungure (2014) claims that the ruling party manipulated the 2013 elections in its favour through the partisan application of the law, election bribery and unfair media coverage (ibid.). For example, ZANU-PF gave itself unlimited and ‘reasonable access’ to local radio and television (TV) during election campaigning.

The term 'reasonable access', though not defined in the *Electoral Act*, is covered in the *Zimbabwe Electoral Commission (ZEC) Act*, Part 1VA, especially Section 16C(1): 'Public broadcasters shall afford all political parties and independent candidates contesting an election such free access to their broadcasting services as may be prescribed in regulations made by the Commission, with the approval of the Minister ...' (*The Electoral Act* 2004). In reality, opposition political formations were not accorded free access to broadcasting services by the Zimbabwe Broadcasting Corporation (ZBC). According to activist Mundawarara 'radio is the most used form of media and most of the radio channels are controlled by the state. Hence there is high probability of people in rural areas feeding on state propaganda'. The MDC-T entered the election at a disadvantage, lacking access to ZBC services; their resounding electoral defeat on 31 July 2013 signified an important watershed. This spelt the end of the GNU, and ZANU-PF's return to full political control and dominance. Although the AU and SADC applauded Zimbabwe for peaceful elections, the irregularities they noted included the bias and polarisation of public media.

ZESN (2005) and other civil society organisations complained about the lack of voter education, a 'characteristically' flawed voter registration process, and failure to make the voters' roll available timeously to political parties and stakeholders. Similarly, the opposition MDC – its political naivety and loss of political providence in 2013 aside – raised genuine concerns around the same issues, in addition to declaring the elections 'not free and fair', 'stolen' from the people, and fraudulent (*The Independent* 2013). Addressing supporters in Mutare in the eastern highlands province of Manicaland, MDC founding president Morgan Tsvangirai reported that his party had compiled a dossier detailing information on how the elections on 31 July 2013 were 'stolen' by the military on behalf of incumbent President Robert Mugabe and his party 'after defeat' (*Africa* 2013; Thompson & Kuntz 2006). In spite of the public media arguing that 'still [there was] no proof Mugabe rigged elections' (Thornycroft 2013), Tsvangirai claimed that resources to fund the 'highly militarised' election and the 'greatest electoral theft of our time' were siphoned from diamond revenues, adding he had evidence (not divulged) of other countries 'helping Harare rig the elections'.

Tsvangirai added that problems contributing to the election 'farce' were the voters' roll, voter registration and displacement, ballot printing, fake voter registration slips, and abuse of traditional leaders in what he termed 'the harvest of fear' (*Africa* 2013). Addressing supporters in Mutare he said 'we must celebrate and [re]claim our victory... Today I want to make it clear to those who have always doubted us and our resolve for real change that we had budgeted for a marathon and not a sprint. So, we remain on course', adding 'We have always known that the change and the transformation that we seek are not instant coffee' (ibid.).

Despite calls to reclaim the stolen election and demands for regime change, ZANU-PF rule persisted beyond the watershed election of 31 July 2013. Chan and Gallagher (2017) debunk the claim that ZANU-PF 'stole' a rigged election, and instead demonstrate five years of political mobilisation by the party following its drastic loss in the 2008 elections. In comparison, the MDC had been unable to develop policies and practical solutions with deep national foundations (ibid.). The ruling party reassumed its dominance following not only the electoral disputes in 2008 but also an outbreak of cholera, which led to the death of approximately 4 000 people while the main political parties were bickering. Apart from Tsvangirai calling the election a fraud, 2008 is also remembered for his signing of the Global Political Agreement (GPA) on 15 September 2008. This ushered in the GNU that did not survive beyond 2013. But, if the opposition leader's allegations of fraud and the governing party's 'stolen' elections are valid, then the election was merely a contest to usurp power from the people. The elections in 2018 – the first in the Second Republic – were to be a test for this.

Zimbabwe entered the 2018 elections under the banner of the 'new dispensation' following the expulsion, under duress, of the former ruling party leader, replacing him with a new president. Mugabe's life was characterised by triumph and crisis, power and violence (Chan 2011); after his resignation on 21 November 2017 Emmerson Mnangagwa was sworn in as president on 24 November 2017. This paved the way for elections on 30 July 2018 with as many as 23 presidential candidates, the largest number in the history of elections in the country.

For the first time in post-2000 Zimbabwe a significant number of international observers and media were invited and accredited to witness these elections, reflecting the administration's commitment to the re-engagement policy and efforts towards normalising international relations. Peace prevailed on voting day, with the election generally well organised. However, serious and unanticipated disturbances occurred when approximately six unarmed civilians were shot dead, arguably by the army, on 1 August 2018. Amid the confusion, the incumbent president was declared the winner by ZEC with 50.8% (2 456 010) of the vote compared to MDC Chamisa's 44.3% (2 151 927) (COG 2018). This result was contested in the Constitutional Court (Concourt) in open judiciary proceedings aired by the ZBC. Again, as in preceding elections, allegations of violence, voter intimidation, electoral fraud, electoral theft and cheating were levelled against ZANU-PF. Despite the Concourt upholding the verdict that the incumbent president had won, questions remained about the impartiality, neutrality or independence of the judiciary in electoral matters. There were also questions as to whether the election was held in a democratic environment or was yet another case of pilfering from under the noses of the electorate, as the MDC argued. Such

post-election contestations had a negative impact on the democratisation process in Zimbabwe, let alone Africa. It remains to be seen what electoral transformations will be achieved in the forthcoming elections in 2023, and whether they will be democratisers or a sham.

CONCLUSION

This study has demonstrated that in the post-2000 period, elections in Zimbabwe were not fully democratic as they failed to be free and fair. The study emphasises process issues and demonstrates the degraded quality of elections in Zimbabwe, and how disputed elections manipulated and annulled the will of the people, usurping power and political rights. Elections were not a mechanism for the free expression of the people's will but were used to affirm rather than challenge the incumbents and were primarily for show, manipulated to produce a pre-determined outcome affirming the current leaders irrespective of their performance.

The study finds that the elite manipulated the system to retain power by intimidation, electoral deceit, corruption, state capture, and political dominance. Many Zimbabweans became increasingly sceptical about the value of elections given the rampant vote manipulation, the lack of transparency in election monitoring bodies and charges of corruption. An aversion to international election observers reduced the credibility and transparency of elections.

Electoral processes that lack transparency breed public mistrust, protest, and violence. A common indictment of Zimbabwe's elections and resultant post-electoral conflicts are the perennial concerns over election legitimacy, given that the national electoral commission (ZEC) and the judiciary lack independence. Zimbabwe's past elections failed to promote democracy in a peaceful transfer and were a means of usurping power from the people. Different pathways have to be found to inject new levels of trust in the people, the electorate, civil society and opposition political formations before the 2023 elections. Electoral reforms should be upheld in Zimbabwe because elections in general and multiparty elections in particular make a fundamental contribution to democratic governance.

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