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Lesotho 2002: Africa's first MMP elections

By
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Introduction

A considerable part of the changes in electoral systems (or models) around the world during the past ten years or so has been two-tier systems, where some sort of overall proportionality is aimed at, while at the same time a considerable share of the parliamentary seats are (still) returned from (plurality/majority) elections in single-member constituencies. If the allocation of seats at the two levels is linked through some kind of compensatory linkage mechanism, one usually talks of mixed member proportional (MMP) electoral systems. If no such linkage exists, one usually talks of parallel systems, even though it has also been suggested that this particular electoral system category might be termed mixed member majoritarian (MMM).¹

On 25 May 2002 Lesotho became the first African country to test the MMP electoral model in a parliamentary election. The elections went well and the results produced by the new MMP system represent a significant political and democratic achievement. There can be no doubt that the experiences from this first national level application of this electoral system to African soil will be studied carefully in many quarters, including outside the mountain kingdom. This is because discussions about possible electoral system changes are now part of the political discourse in many African countries or have been so recently. Countries where the MMP model has already been discussed include South Africa (where MMP is applied in local government elections), Tanzania, Zimbabwe and Mauritius.

MMP performed well in these elections, as the level of disproportionality between vote and seat shares declined dramatically compared to previous elections. The level of disproportionality would have been even lower, however, had it not been for some of the decisions taken regarding the number of seats in two categories: the surplus seats and the electoral threshold. One may therefore expect a discussion about the electoral system to take place in Lesotho's new national assembly, in order that some changes may be implemented before the next election.

It would, however, be a good idea to keep the electoral system as it is for at least three consecutive elections, in order to allow all stakeholders – political parties, the media, the Independent Electoral Commission (IEC), and the ordinary voters – a chance to fully understand the mechanics of the system before changes are considered.

This advice also applies to the arbitration award of October 1999, which states that after the first election, i.e. the one of May 2002, there should be 65 constituency seats and 65 compensatory seats. The administrative problems involved in decreasing the number of constituencies from 80 to 65 are not really worthwhile, and the overall increase in the number of seats (from 120 to 130) is certainly not recommended at present.

1998 and all that ...

The May 1998 Lesotho national assembly election was conducted using the first-past-the-post (FPTP) system, with 80 constituencies, of which the incumbent Lesotho Congress for Democracy (LCD) was able to take as many as 79. This outcome, however, was profoundly contested by the 11 opposition parties, and the following months saw increasing tension and, ultimately, public unrest.² The political events of 1998 and their causes and potential consequences have, however, been presented and analysed in quite a number of publications, and there is no need to repeat those accounts here.³

In the aftermath of the Southern African Development Community (SADC) intervention to restore order and political stability in September 1998, an agreement was reached which included the establishment of a new political institution, the Interim Political Authority (IPA). The IPA was to have 24 members, two from each party participating in the May 1998 elections; no matter how small, and its objective was:

to facilitate and promote, in conjunction with the Legislative and Executive structures in Lesotho, the preparation for the holding of general elections to be held within a period of 18 months from the date of the commencement of this Act by (a) creating and promoting conditions conducive to the holding of free and fair elections, (b) levelling the playing field for all political parties and candidates that seek to participate in the elections ...⁴

From the beginning, a number of problems were inherent in the way the IPA was structured and conceived. This was most likely because the structure of the IPA was modelled after the experiences learned from the South African multi-party negotiations, prior to the 1994 election, without its designers realising that the problems in Lesotho were not the same as those in South Africa in the early 1990s. One such problem was that all parties were represented by two members, which meant that the government had only two representatives compared to the opposition's 22. Likewise, no system was put in place to ensure a smooth and constructive relationship between the IPA majority and the government, which commanded a strong majority in the legislature, through which all legislation, including that emanating from the IPA, had to pass. Furthermore, the agreement to have fresh elections no later than May 2001 was not one which all members of the national assembly and the IPA were eager to implement, especially – but not only – those MPs who saw nothing wrong in the conduct of the 1998 elections and who even found support for that point of view in reports from international observers and the so-called Langa Report.

The result was as one would expect. From day one there was discussion and disagreement between the majority of the IPA and the LCD government and its majority in the national assembly. This also resulted in the IPA attempting to influence how the newly installed IEC should run its affairs (based on other unfortunate formulations in the IPA act, such as subsections 6(c) and (d)). However, the IEC was able to withstand the pressure most of the time and at the end of the day delivered reasonably acceptable elections.⁵

The electoral model issue

Subsection 6(f) of the IPA act also mandated the authority "to review the Lesotho electoral system with a view to making it more democratic and representative of the people of Lesotho". This was only natural in view of the outcome of the 1998 elections, even though it is often forgotten that the FPTP electoral system has an in-built and intentional tendency to produce a result where the winner's share of the seats is higher (sometimes much higher) than its share of the votes. One can even argue that the purpose of this particular electoral system

is actually to produce clear winners, not proportional results. On 25 August 1999, however, the IPA decided to adopt the MMP model as the future electoral system in Lesotho, since it allowed adherence to the FPTP electoral system in single-member constituencies at the same time as providing for a strong proportional component in the overall seat allocation procedures. It took a further 18 months, however, to have this basic piece of legislation carried through Parliament, and it was only in March 2001 that the fourth amendment to the constitution was eventually gazetted.

One reason for this delay (which also destroyed the original election time-table) was that the political decision-making process was quite complicated because of the established system, whereby the IPA saw itself as the core decision-making agency in these matters because of the formulations in the IPA act, while the government and the Legislature were – strongly – of the opinion that their constitutionally enshrined powers and role in the legislative process had not in any way been changed by the new arrangements. The result was a lot of 'shadow-boxing', leading to a protracted and somewhat unstructured decision-making process, whereby various actors in various ways tried to contribute to the eventual compromise.

The two main elements under consideration were the electoral model as such (MMP or the parallel system) and the number of seats (and the balance between the two categories of seats). Other issues were dealt with more easily, partly because they attracted less attention.

The electoral model

The IPA advocated the MMP model from the beginning of the process, while the government/LCD apparently preferred the parallel system. Lesotho political life is notorious for being adversarial and confrontational, so it is no surprise that when one actor argued for one model, the other had to argue in favour of another model. But the fact that the MMP model will always produce more proportional results than the parallel system gave the IPA a clear propagandist advantage.

The number of seats and the balance between constituency seats and compensatory (PR) seats

Many had a strong interest (and not only the incumbents) in keeping the 80 single member constituencies, so the main question was the number of compensatory seats. The argument favoured by the IPA ran like this: the balance between the two kinds of seats should ideally be 50:50, as in Germany. One hundred and sixty seats ($80 + 80$) are probably too many, so then consider reverting to the number of constituencies Lesotho had in earlier elections (65) and make it 130 ($65 + 65$). However, as most politicians would like to keep the 80-constituencies, why not make it 80 constituency seats and then have 50 compensatory seats in the first general elections, which would also give 130 seats overall? Then we can always return to the 50:50 principle later, most obviously by reducing the number of constituencies from 80 to 65 (and forgetting about delimitation problems for the time being). So the IPA position was $80 + 50$. The government claimed that 40 compensatory seats would be enough and its internal reasoning was apparently that if they did as well in the coming elections in the constituencies as in 1998, LCD candidates might sweep the country, giving all 80 constituency seats (or at least most of them) to the government side, and with their preferred parallel system, also a 'fair' share of the PR seats. This would give the government more than two-thirds of all seats, enough to amend the constitution (if there were no problems with the senate, which is always a possibility).

The eventual compromise took some time to reach, but it was actually not too difficult.

The IPA had its MMP model accepted, while the government's position on the numbers issue prevailed, so that there were to be 80 constituencies (at least in the first elections) and 40 compensatory seats. The external pressure to reach a compromise – i.e., to allow the process to progress – was considerable, but it is the author's assessment that the eventual willingness on both sides to give concessions in order to find a solution also contributed substantially to the solution reached.

Other issues

A number of other issues were taken up by the IPA when put before it, but apparently they were not given much attention, in spite of their potential importance. The most important of these issues were:

- ♦ the overall PR-formula. *Solution:* Hare quota + largest remainders, as it provides for the highest level of proportionality;⁶
- ♦ electoral threshold. *Solution:* no formal threshold (but obviously a natural threshold around 0.83%). The decision not to have a formal threshold was strongly supported by the many smaller parties in the IPA, but it also found moral support in the fact that South Africa has no formal electoral threshold;
- ♦ surplus seats. The MMP system can lead to situations where it is not possible to fully compensate all parties, because some other parties have won more constituency seats than their overall proportional entitlement. One solution to this problem is to add the necessary number of compensatory seats for the time of the next parliament (as is done in Germany). Another solution is to make the number of compensatory seats unchangeable, but if this situation arises, to allocate the compensatory seats as proportionally and fairly as possible within the number of seats available. The latter solution was chosen in Lesotho, partly because it was seen as being connected to the general discussion about the size of the national assembly;
- ♦ death of a candidate before the election. Lesotho's electoral law has a provision that the death of a constituency candidate before election day requires that a fresh election be conducted in the constituency concerned at a later point. This happened, for example, in 1998, and it was realised that it could happen again, which could then – at least under certain circumstances – delay the government formation process. It was therefore decided to amend the electoral act by making it clear that the allocation of the 40 compensatory seats should in any case take place immediately after the general election, on the basis of all party votes (obviously), but only including those constituency returns which were immediately available; and
- ♦ crossing the floor. This is a major issue in many emerging democracies, especially when some kind of proportional electoral system is being introduced. The topic was also debated in Lesotho, which was particularly appropriate as the country has a long record of party splitting and floor crossing, the latest occurring only some months before the dissolution of Parliament, when the governing LCD split and the deputy prime minister and minister of finance, Honourable Kelebone A Maope, walked away with more than a third of the party. The interesting solution chosen was that MPs elected in constituencies can cross the floor (as before), while the 40 members on compensatory seats (i.e., those coming from the party lists) are not entitled to do so. It is an interesting variant on crossing the floor regulations and it remains to be seen how it will work.

The change of electoral system required an amendment to the constitution. Amendments of this kind either require a two-thirds majority in both houses or acceptance of the proposal

in a popular referendum. A referendum was not really an option because it would require a completed final voters' register, which was not easily achievable, and certainly not within the timeframe available. Therefore, it was a major step forward when the proposed amendments were eventually passed with the required majorities in the national assembly as well as in the senate.

The electoral process could then progress further, with preparations for voter registration, preparations for the passing of the necessary amendments to the electoral act (in operation from 7 January 2002), and planning of the voter education drive, which should educate voters on the new electoral model and explain why they would be given two ballots on election day.

The results

Election day was Saturday 25 May 2002, and according to all reports from the field – as well as observer reports – the elections went well from an administrative and staff performance point of view. The issue of what is required for declaring elections free and fair will not be taken up here,⁷ where the focal point is primarily the new electoral system and how it performed.

Seat allocation under the new Lesotho MMP system takes place in one or several rounds, depending on the actual results. In this particular election two rounds of allocation were required, as illustrated by Tables 1 and 2.⁸ Table 1 illustrates how seats were allocated in the first round, where a number of steps have to be performed, in accordance with schedule 5 of the amended electoral act.⁹

- 1) The sum of party votes for all 16 parties running for party votes (column 1) was divided by 118 to obtain the quota of votes, which is 4699 ($554\,386/118 = 4\,698.19$, which is increased to the next integer, 4699). The total number of votes is divided by 118, not 120, as there were failed elections in two constituencies because of deaths (and because no independents were elected in the constituencies);
- 2) each party's total vote was then divided by the quota to obtain the party's quota of votes (column 2);
- 3) the number of seats each party is entitled to, based on full quotas, is seen in column 3. The figure is the figure in front of the commas in column 2. The sum of these figures is only 111, which means that an additional seven seats must be allocated based on largest remainders;
- 4) column 4 gives the remainder of votes, and column 5 ranks the seven highest in declining order (seven because there are seven more seats to be filled). The parties with these seven remainders all get one more compensatory seat, to reach the total number of seats, which they are provisionally allocated, as indicated in column 6. The sum of these provisional allocations is 118, as it should be;
- 5) column 7 gives the number of constituency seats won by the parties, 77 by the LCD, 1 by the Lesotho Peoples' Congress (LPC) (Kelebone Moape);
- 6) the number of constituency seats won (column 7) is then deducted from the parties' overall provisional allocation of seats (column 6), resulting in the provisional allocation of *compensatory seats* (column 8). As it turns out, 52 compensatory seats would have been required to have a fully proportional allocation, because LCD won 12 more seats than its proportional entitlement (77 instead of 65). Consequently, a second round of allocation must be conducted between the nine parties, which have less than their proportional entitlement of seats. Details of this allocation are seen in Table 2.

Table 1. Final Seat Allocation, First Round

	Total party votes (valid votes)	Party's quota of votes	Allocation based on full quotas	Remainder of votes (equivalent to highest decimal fractions)	Rank	Party's provisional allocation of total number of seats	Constituencies won by party	Party's provisional allocation of compen- satory seats
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Basotho National Party	124 234	26.43839	26	2 060	7	27	0	27
Basutoland African Congress	16 095	3.425197	3	1 998		3	0	3
Basutoland Congress Party	14 584	3.10364	3	487		3	0	3
Christian Democratic Party	1 919	0.40838	0	1 919		0	0	0
Khoeetsa ea Scheabab/ Popular Front for Democracy	6 330	1.34710	1	1 631		1	0	1
Kopanang Basotho Party	1 155	0.24580	0	1 155		0	0	0
Lesotho Congress for Democracy	304 316	64.76186	64	3 580	3	65	77	N/a
Lesotho Peoples' Congress	32 046	6.81975	6	3 852	2	7	1	6
Lesotho Workers Party	7 788	1.65737	1	3 089	4	2	0	2
Mammatlou Freedom Party	6 890	1.46627	1	2 191	5	2	0	2
National Independent Party	30 346	6.45797	6	2 152	6	7	0	7
National Progressive Party	3 985	0.84805	0	3 985	1	1	0	1
New Lesotho's Freedom Party	1 671	0.35561	0	1 671		0	0	0
Sefate Democratic Union	1 584	0.33709	0	1 584		0	0	0
Social Democratic Union	542	0.11534	0	542		0	0	0
United Party	901	0.19174	0	901		0	0	0
Independent candidates	-	-	-	-	-	-	0	-
Totals	554 386	118	111	32 797	-	118	78	52

Quota of votes: 4 699; overall number of seats 120; 2 failed elections; 118 seats to be allocated.

Table 2 only includes the nine parties, which in the first round received less than their proportional share of the seats. The steps to be followed in this second round are exactly the same as in the first round, but obviously the number of seats available is less than in the first round (41) and the quota is therefore higher (5910 against 4699 in the first round). But the sum of compensatory seats is eventually 40, which means that this round is also the final round. It is interesting to note that one of the smaller parties, the National Progressive Party, was able to win a seat with fewer votes than the overall quota. This possibility had been discussed on various occasions, but the many smaller parties in the IPA had no objections to this consequence of having no formal threshold.

Table 3 then summarises the entire seat allocation, in order to allow a comparison of vote shares and seat shares in this first MMP election in Lesotho. The percentages in columns 5 and 6 demonstrate that a much better correspondence between vote shares and seat shares has been achieved than was the case in 1998, so the primary aim of the electoral system change has definitely been achieved and the actors in the post-1998 political process must all be congratulated.

Correspondence between vote and seat shares is often measured using an index of disproportionality, which was developed by Michael Gallagher.¹⁰ The level of this index is usually between 1 and 20 in African countries,¹¹ but the disproportionality index value for Lesotho in the 1998 election was as high as 32.5. For the May 2002 election, this value has decreased to a much more decent 8.2, i.e., it has been decreased by a factor of four, which very clearly summarises the impact of the changes from the previous FPTP electoral system to the current MMP system. The low level of disproportionality is also influenced by the six smaller parties winning representation in the new national assembly because of the proportionality measures, in spite of all having vote shares below three per cent.

It should be remembered, however, that the index value would have been even lower had it not been for the decisions taken regarding the number of seats in the two categories and the unavailability of surplus seats. Therefore, it would not be surprising if some opposition parties would like to raise a discussion about some of the features of the electoral system in the new national assembly, hoping perhaps to have them changed before the next election.

The author's advice would be to keep the electoral model as it is for at least three consecutive elections. This would allow all – political parties, the media, the IEC and the ordinary voters – a chance to understand the mechanics of the system fully before changes are considered. This advice also applies to the arbitration award of October 1999, which states that after the first election there should be 65 constituency seats and 65 compensatory seats. The political and administrative operations involved in decreasing the number of constituencies from 80 to 65 are not really worthwhile, and the overall increase in the number of seats (from 120 to 130) certainly should be reconsidered. So the author's suggestion would be – based, *inter alia*, on his experience as an electoral system advisor in Lesotho – that this particular arbitration award be filed and not retrieved for a considerable period of time and at least not before Lesotho has had another couple of general elections.

Table 2. Final Seat Allocation, Second (and Final) Round

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Total party votes (valid votes)	Party's quota of votes	Allocation based on full quotas	Remainder of votes (equivalent to highest decimal fractions)	Rank	Party's provisional allocation of total number of seats	Constituencies won by party	Party's provisional allocation of compulsory seats
Basotho National Party	124,234	21,02098	21	124		21	0	21
Basutoland African Congress	16,095	2,72335	2	4,275	1	3	0	3
Basutoland Congress Party	14,584	2,46768	2	2,764	3	3	0	3
Khoeetsa ea Scheaba/								
Popular Front for Democracy	6,330	1,07107	1	420		1	0	1
Lesotho Peoples' Congress	32,046	5,42234	5	2,496		5	1	4
Lesotho Workers Party	7,788	1,31777	1	1,878		1	0	1
Mammatlou Freedom Party	6,890	1,16582	1	980		1	0	1
National Independent Party	30,346	5,13469	5	796		5	0	5
National Progressive Party	3,985	0,67428	0	3,985	2	1	0	1
Totals	242,298	41	38	17,718	3	41	1	40

Quota of votes: 5 910; 41 seats to be allocated in this round

Table 3. Summary of Seat Allocation and Per Cent Votes and Seats

	(1) Total party votes (valid votes)	(2) Constituencies won by party	(3) Party's allocation of compensatory seats	(4) Total number of seats	(5) Percent party votes (party votes)	(6) Percent seats won (constituency seats + compensatory seats)
Basotho National Party	124 234	0	21	21	22.4	17.8
Basutoland African Congress	16 095	0	3	3	2.9	2.5
Basutoland Congress Party	14 584	0	3	3	2.6	2.5
Christian Democratic Party	1 919	0	0	0	0.3	0.0
Khoetsa ea Scheaba/ Popular Front for Democracy	6 330	0	1	1	1.1	0.8
Kopanang Basotho Party	1 155	0	0	0	0.2	0.0
Lesotho Congress for Democracy	304 316	77	0	77	54.9	65.3
Lesotho Peoples' Congress	32 046	1	4	5	5.8	4.2
Lesotho Workers Party	7 788	0	1	1	1.4	0.8
Mammatlou Freedom Party	6 890	0	1	1	1.2	0.8
National Independent Party	30 346	0	5	5	5.5	4.2
National Progressive Party	3 985	0	1	1	0.7	0.8
New Lesotho's Freedom Party	1 671	0	0	0	0.3	0.0
Sefate Democratic Union	1 584	0	0	0	0.3	0.0
Social Democratic Union	542	0	0	0	0.1	0.0
United Party	901	0	0	0	0.2	0.0
Independent candidates	-	0	-	0	-	0.0
Totals	554 386	78	40	118	100	100

Note: Three other parties participated in the constituency elections; they won no seats and they are not included here, as they did not qualify for participation in

Endnotes

- 1 Shugart and Wattenberg, 2001, p 15; Reynold and Reilly, 1997.
- 2 Engel, 1999, p 497.
- 3 Matlosa, 1999; Rule, 2000, pp.259-283; Sekatle, 1999; Southall, 1999; Southall and Fox, 1999 are some of the most relevant texts.
- 4 Interim Political Authority Act 1998, section 4.
- 5 Southall, 2002.
- 6 Lijphart, 1986, p 178.
- 7 For a general discussion of this topic, see Elklit & Svensson, 1997.
- 8 The three tables used in this paper are replicas of tables presented at the Lesotho National Elections Result Centre on 29 May 2002, when the final results were announced.
- 9 Further details can be found on the IEC website, <http://www.eisa.org.za/VEP/lesotho.htm>.
- 10 Gallagher, 1991.
- 11 Elklit and Reynolds, 2002 (forthcoming). Table 3 gives some disproportionality index values.

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Looking at the management of the 2001 Zambian tripartite elections

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Introduction

Zambia became independent in 1964. It is a republic governed by a president and a unicameral national assembly. After two decades of one-party rule, multiparty democracy was introduced with the holding of the 1991 election. The Movement for Multiparty Democracy (MMD) won the election and Frederick Chiluba, a former trade union leader, became president. The MMD, as its name suggests, campaigned vigorously for creating a more open, democratic and pluralistic society in Zambia.

In 1996, the MMD again won the election, taking 131 of 150 seats in the National Assembly. President Chiluba was re-elected for a second term in office. But this election was marred by controversy and dispute. Before the election, constitutional amendments were introduced to allow only Zambian citizens to stand for the presidency.¹ The 1996 Zambian Constitution stipulates that both parents of the candidate must be "Zambian by birth or descent", and that the candidate must have "been domiciled in Zambia for a period of at least twenty years".² These are the requirements that made it possible for Chiluba to ban former president Kenneth Kaunda from running in the 1996 election. It is assumed the introduction of the requirement was a technique to disqualify an important opponent. Kaunda's party, the United Party for National Development (UNIP), boycotted the 1996 election. The boycott impacted negatively on participation, with only 1.1 million people out of a possible four million voting. The Electoral Commission of Zambia (ECZ) declared the election 'free and fair'. However, there was widespread criticism of election conduct from local and international observers. This election marked a trend of declining quality in election procedure, evidenced by the disqualification of leading candidates, spotty coverage of voter registration, lack of internal democracy in the ruling party, abuse of government resources during the campaign and growing hostility from Chiluba's cliques towards watchdogs groups. Since Chiluba was serving his last term in office, it was projected that the 2001 elections would be wide open and competition tense.

The countdown to the 2001 tripartite elections

Two issues dominated the countdown to the 2001 elections: the campaign for a third term waged by Chiluba and the opposition parties' talks of forming a coalition.

The problems started when Chiluba failed to secure a third term bid. For the MMD this meant that a new candidate needed to be found. The choice soon became a challenge since Chiluba and his cronies had not prepared for such an eventuality. The difficulties in choosing a replacement created division within the party. Chiluba chose Levy Mwanawasa as his replacement, but managed to change the party's constitution to allow him to retain his own position as its president.

Opposition parties, together with civil society organisations and churches, opposed Chiluba's attempt to stand for a third time, and were involved in discussions to form a coalition in an effort to defeat Chiluba's MMD in the elections. The understanding was that after winning the elections, the coalition would then go ahead and form a government of national unity, which would amend the constitution and agree on an economic strategy that would inform the government's socio-economic policies.

At least seven opposition parties, including UNIP, were involved in the talks. Everyone agreed that this was the only way that the opposition could secure victory against the ruling party. If this aspiration had been concretised it would have been the first time in the political history of the country that an alliance between political parties was formed. The opposition parties agreed on an electoral pact, a minimum common programme and on a multiparty government. But they failed to agree on a presidential candidate for the coalition. Every leader of the opposition parties believed that he was the right candidate to lead the coalition. The lack of agreement on who should lead the coalition left all political parties with no option but to continue campaigning under their respective banners. This was an advantage for the MMD, which preferred to go to the voters with a divided and unprepared opposition, as it did in 1996, when UNIP boycotted the election. One thing was certain, while there was pressure on the opposition to unite, there was equally pressure on the ruling party to divide and destroy it.

All three opposition parties that emerged as prominent – the United Party for National Development (UPND), the Heritage Party (HP) and the Forum for Democracy and Development (FDD) – had serious weaknesses that made it difficult for them to win the elections individually. The UPND strength has been the academic and career background of its leader, Anderson Mazoka, but the party and its leadership have been accused of tribalism and regionalism, making it difficult for it to win votes countrywide. For the two remaining parties, their strengths were also their weaknesses. Both the HP of Godfrey Myanda and the FDD of General Tembo drew their strength from previous supporters of the MMD. What they did not realise was that this support was part of the larger Zambian population, which considered them to be no different from the MMD. Analysts argued that the fact that parties like the FDD or the HP were opposed to the third term did not make them 'clean'. Their decision to join the movement against the third term was coincidental and not a matter of principle:

in fact all of the people who left MMD did not do it voluntarily. They were pushed out. They are just as corrupt as those who have remained in the MMD.³

The division in the MMD occurred, not as a result of ideological differences, but as a result of intense power struggles between party elites, whose interest in self-enrichment is more obvious than their commitment to democracy.

Opposition parties succeeded in bringing Zambians together because of the third term debate. Beyond that, the people expected political parties to convince them on how differently they intended to do things in Zambia. A quick look into the opposition parties' manifestos reveals that they were only different in form, but were similar in substance. They did not differ much from the ruling party's manifesto either. This is why the election campaign was fought on moral grounds rather than on policies. It also explains why the opposition focused on the corruption within the MMD in order to further undermine it.

The support the MMD received in 1991, and which was renewed in 1996, was of two natures – political and economic. Politically, the people of Zambia expected some civil liberties, political rights and a sense of human dignity. While all these elements seem to be apparent in Zambia today, they were achieved through a permanent struggle by civil society against a government that has not been prepared to allow them to flourish.

On the economic front, Zambians expected the MMD to alleviate poverty and improve their living standards. But the Zambian socio-economic story under the MMD's Chiluba is a sad one. When voted into power ten years ago, under the banner of the MMD and supported by the labour movement of Zambia, Chiluba promised to do things differently from his predecessor, and put in place transparent and accountable government. He also promised to bring back the dignity of the Zambian people by ensuring a better life for all. None of this materialised. Instead, life for the majority of Zambians deteriorated considerably. With an estimated annual per capita gross national product (GNP) of US\$320 in 1999, Zambia is among the poorest countries in sub-Saharan Africa, where GNP is US\$500 on average. This means that people live in dire poverty. It was under these harsh economic conditions that the 2001 elections took place.

The 2001 election

Pre-election

Necessity for constituencies' delimitation

The electoral commission started planning for the tripartite elections in 1999. According to its chair, "the main preparatory activities were: reviewing of constituency boundaries, delimitation of polling stations, voter registration, inspection of provisional voters' roll, collection of voters' cards, certification of the voters' roll, and conducting of nominations".⁴ Article 77 of the constitution gives the ECZ the responsibility of reviewing constituencies. There were 150 constituencies and 5509 polling stations before the elections. There were calls to increase the number of seats, particularly in order to reduce the huge size of the rural constituencies, but this would have required a constitutional amendment and would also have necessitated an increase in the size of the parliamentary chamber.⁵ The argument is that the different size of constituencies, which ranged from 5028 to 61 328 voters, might have a negative impact on the way the president is elected, so that the value of individual votes varies enormously. In fact, Article 77 of the constitution also makes reference to the necessity of making constituencies "nearly equal ... as is reasonably practicable", having regard to the problems of communication and the geographical features of an area. It is suggested that the election results indicate that large disparities in the size of constituencies have an impact on the balance between parties.⁶ The failure to undertake a thorough delimitation gave rise to serious criticisms from civil society organisations and political parties.

The time factor might have prevented the ECZ from motivating government to respond to political parties' requests to increase the number of constituencies.⁷ The ECZ undertook what it called a delimitation of polling districts and a review of constituencies and wards from 13 March to 12 April 2001. This process resulted in the number of polling stations being increased (by 20%, from 4610 in 1996 to 5509 in 2001), thereby cutting down the distance that voters needed to travel in order to cast their votes in some constituencies.

The delimitation process was delayed because of the unavailability of census data. Article 77 of the constitution lays down that the quota for a constituency is determined by dividing the total number of inhabitants, ascertained by reference to the latest census. The constitution also requires that the electoral commission should, with reference to the latest census, undertake a periodic review of boundaries. The question here is: Why was the census data not ready when everybody knew which year elections were to take place?

Voter registration: controversy continues⁸

Under the Article 76 of the 1996 Constitution, the ECZ is responsible for supervising the

registration of voters. Registration is conducted under the Electoral Regulations of 1973.⁹ The ECZ was responsible for compiling the national voters' roll and undertook voter registration. The controversial voters' register, prepared by the Israeli computer company Nikuv in 1996, was discarded, and a new one was compiled for the 2001 elections, in an effort to rebuild peoples' eroded confidence in the registration exercise. However, political parties expressed concerns about the late start of the registration, and also complained that it did not continue for a sufficiently long period.¹⁰

The fact that the new voters' cards were printed in the same colour (yellow) as the old Nikuv cards further increased scepticism.¹¹ Out of 4 687 000 eligible voters, 2 604 000, or 55.5% registered. Political parties were also very critical of the ECZ charging some K55 million (US\$ 12 000) for a copy of the register. It appeared that this was meant to limit the opposition's access to the register, contradicting the growing spirit within the Southern African Development Community (SADC) that political parties' access to the voters' roll should be free of charge. The ECZ defended its position, saying that it needed to cover the cost of reproducing the voters' roll. The political parties, which have financial limitations, asked for the voters' roll to be saved on disk so that each party could print its own. This proposition was rejected by the ECZ. The parties were then bailed out by the European Union, which paid for their voters' roll copies.

Voters were required to pay a minimum of two visits to the polling station: first to register and second to verify their details, collect their voting cards or rectify any mistake. They had to visit again to collect their cards after a correction.¹² This process created tension between the electoral commission and the donors. The former thought that, given voter apathy, having people visit the EC offices twice or more would psychologically encourage them to vote. In the view of the latter, this was too much to ask of voters, and was a futile exercise that would discourage people from voting.

A week was allowed for the verification of the voters' registers, which the political parties felt was not enough.¹³ In general, voters did turn up to verify and collect their voter's cards, although many were found waiting at different polling stations, with almost every polling station in Lusaka having uncollected cards. This was due either to lack of interest or lack of information, which might mean that voter education did not reach all the electorate. However, provision existed where voters were allowed to collect their cards at the polling stations on the day of elections. The ECZ made provision for voters to cast their votes despite mistakes on their voter's cards. In this case, voters were allowed to vote with their national registration cards and 'RV1 forms'.¹⁴

The ECZ is of the view that, had it received the census data much earlier, it would have allocated enough time for the registration and verification process. Also, the fact that the president alone had the prerogative to decide when the elections should take place impacted negatively on the ECZ's preparation work. There was just too little time from when the president announced the election date for the ECZ to prepare adequately for them.

Candidate nomination

There were nominations for the presidential, parliamentary and local government elections, and this took place in December for only one week. The electoral commission was able to announce the date soon after the president announced the election date.

Presidential nomination

The law in Zambia does not allow independent presidential candidates. A candidate is

requested to stand on behalf of a political party. Presidential candidates lodge completed and attested statutory declaration and nomination papers with the High Court before the chief justice. Aspiring candidates were asked to take along with them 'two hundred supporters' who had to be registered voters in any constituency in Zambia.¹⁵ They were also required to pay a K400 000 non-refundable nomination fee. Eleven candidates were successful¹⁶ and the nomination took place from the 27 to 30 November 2001, from 9 am to 3 pm.

Parliamentary nominations

One day was allocated for parliamentary candidates to submit their applications. All candidates were required to bring along nine supporters registered in the relevant constituency. These were required to have in their possession the green national registration and voter's cards. Candidates paid a K40 000 non-refundable nomination fee. Some mistakes were made in the parliamentary nomination process, with, for example, two constituencies being allocated one nomination centre; in another instance, a constituency did not appear on the list.¹⁷

Local government nominations

Local government candidates were given only one day to lodge their nominations. They were asked to come with nine supporters registered in the relevant wards. The supporters had to bring along their green national registration and voter's cards. Local government candidates paid a K20 000 non-refundable nomination fee.

The ECZ published presidential and parliamentary centres where nominations were supposed to take place, but failed to do so for local government nominations. This put these candidates in the difficult position of trying to figure out where they should go to lodge their nomination papers. This may have been because the ECZ is not empowered by law to manage local government elections, or it may have been due to negligence on its part. This is why the ECZ must be legally empowered to manage local government elections.

Campaign process: an unlevel playing field¹⁸

The campaign for the tripartite elections saw 11 candidates vying for the post of president. For most people this was a recipe for violence.

The simplest definition of democracy states that democracy is about a variety of choices. In this respect the Zambian polls reflect how far the country has come in firmly adopting this value of pluralism. In general the campaign went well without major incidents of violence or intimidation being reported.¹⁹ However, intra-party skirmishes were reported in *Electoral Monitor*, mostly in the copper belt and Luapula province.²⁰

Despite the lack of violence and major reports of intimidation there were aspects of the campaign that seriously reduced many Zambians and international observers' trust in the electoral process. The terms of the code of conduct contained in the 1996 Electoral (Conduct) Regulations clearly oblige all candidates to commit themselves to compliance when signing their nomination papers – however, key provisions were disregarded by most political parties, although to differing degrees.

Access to the media

The media plays an important role in any election. The fairness of the media in the coverage of the Zambian election campaign was criticised by political parties, non-governmental organisations (NGOs) and international observers for giving the ruling MMD excessive coverage compared with that given to the other parties. The Electoral Code of Conduct of 1996

requires all media be fair and balanced in presenting information about parties and candidates contesting the elections. A quick look at both the print and electronic media shows that the opposition parties did not have much access to them, and when they did, it came with heavy conditions, either in terms of high financial payments or being forced to tone down their criticisms of the MMD government.²¹ Right up to election day, government persisted in its campaign to deny opposition parties airtime on public television. It ordered the Zambia National Broadcasting Corporation (ZNBC) not to air a decisive presidential debate on the eve of the elections.²² The ZNBC went even further, disobeying a High Court order instructing it to fulfil its contract to transmit the debate.²³ Preliminary media monitoring between 2 and 6 December by Coalition 2001, showed the ruling MMD as having by far the most coverage on state and private media, both television and radio.

A week before the elections NGOs and international organisations started openly criticising the electoral process, but surprisingly they had contradictory positions on the overall electoral process. The Washington based Carter Center, the locally based Panos Institute of Southern Africa (PANOS) and some indigenous monitoring groups said the misuse of government resources and slanted media coverage skewed the political playing field in favour of the MMD.²⁴ However, the Zambian Independent Monitoring Team (ZIMT), a local monitoring group, was of the view that the political climate was conducive to the holding of internationally accepted elections.²⁵ ZIMT chief, Alfred Zulu, said that it was difficult in any election to completely separate state and ruling party resources; what was happening in Zambia was not totally strange and specific to Zambia.

Nevertheless it is important to state that, despite the fact that the code of conduct was flagrantly ignored by the state-owned media, in particular the ZNBC, the fault was somewhat offset by the free time given to all the presidential candidates, arranged by the electoral commission and sponsored by the European Union. This showed how crucial foreign involvement could be in restoring some kind of equality in a very uneven electoral set up.

Use of public resource

Normally it is very difficult in Zambia to manipulate elections on polling day.²⁶ The ruling party MMD, as do other ruling parties on the African continent, used the advantage it had to access state resources for its election campaign. In the 2001 elections, the ruling party decided to ignore the code of conduct that prevents any party using government resources for party election purposes. As the Carter Center reported in its second interim statement on the 2001 Zambian elections:

District administrators continued to be prominent in the campaigning activities of the ruling party, the MMD, despite the High Court ruling of 4 December 2001 declaring that, as civil servants, they were not permitted to engage in political activities.²⁷

Not only did the MMD use civil servants in its campaign, it also used other resources, such as government vehicles and helicopters, frequently and with impunity. This reminded many people of the time of the one-party state, when no distinction was made between the party and the government.

It is also important to state that many other political parties disregarded the code of conduct in numerous instances. The UPND was accused of accommodating college students in the high cost residential area of Livingston in exchange for their votes. It also killed a cow to feed the students. One student went so far as to say that he was happy that UPND had given students a chance to exercise their right to votes, providing accommodation and food during

holidays 'as an indication that they were a caring party' – "they are feeding us and have given us a place to stay for free. This is an offer we cannot refuse and December 27 we promise to give them our vote".²⁸

The real problem with the electoral process was that there was no one to enforce the law. The ECZ was of the view that the legal framework did not empower it to do so.²⁹ Even if it wanted to enforce the law, it would not have been able to do so because it had no capacity. Many political parties that complained to the ECZ about irregularities in the campaign were sent to the police. The police in general failed to act, either for lack of proper instruction, lack of knowledge of the electoral process or simply because they were influenced by orders from the executive not to do so, thus bringing their neutrality into question.

Whilst during the campaigning period the police failed in many instances to deal with parties that did not respect the code of conduct, policemen and women present at polling stations on election day performed their duties as professionals and no serious complaint against a member of the security forces was made. This shows that the 'smart partnership', with ECZ briefings of the police, worked.

Voter education

The capacity and ability of election officers during elections is key to the success of the electoral process. Equally important is the education of voters on the electoral procedure. A good interaction between the ECZ and other stakeholders, in terms of information sharing in the pre-election period, prevailed. The ECZ put in place what it termed an 'open door policy' whereby the ECZ and other stakeholders could freely engage and consult on matters related to the elections. The holding of meetings between the ECZ and political parties in the run-up to the 2001 elections led to improved relations when compared with the 1996 elections.³⁰ This interaction has resulted in the establishment of three committees: the National Voter Education Committee (NAVEC), the Conflict Management Committee and the International Observer Committee.

*National Voter Education Committee*³¹

The ECZ set up NAVEC in October 2000. The increasing level of voter apathy influenced the creation of this committee, which aimed to encourage people to register and vote in the elections. Its mission was "to undertake a national and non-partisan voter education coordinated by the commission".³² The ECZ held workshops and training programmes for the electoral officers and other stakeholders such as political parties, security personnel and non-governmental organisations.³³

Despite the fact the training took place its effectiveness has been questioned. The police have been criticised for deliberately failing to enforce the Electoral Code of Conduct. A preliminary pre-election report by the Carter Center contends that "the government is exerting pressure on the police not to apply the Public Order Act fairly".³⁴ There is also concern that many law enforcement officials did not receive formal training on election law and the Public Order Act, as well as how the two interrelate. The act was amended in 1996 with respect to public meetings to delete the word 'permit' and replace it with 'notify'. However, the law still serves as a permit due to the many conditions it contains.

All political parties without exception expressed their dissatisfaction on the conduct of the police, who in practice have the power to determine who may conduct and organise public meetings at a certain district, contrary to the act. The Public Order Act is a good instrument, but its effectiveness can only be ensured if the police, whose role is to enforce the law,

become less politicised.

Despite its many critics, the ECZ should be commended for initiating voter education in the absence of a legal mandate for it to do so. In general, people were of the view that the existence of the committee and the work done in a short space meant that voter education was much better than in previous exercises.

*Conflict Management Committee*³⁵

The Zambian Electoral Commission established the conflict management committee in response to past election experiences, particularly with by-elections, which were affected by an increased level of conflict that could have been dealt with amicably through mediation and negotiation.

The committee included members of political parties and NGOs. The ECZ set up a conflict management committee to achieve the following objectives:³⁶

- ♦ to prevent and manage electoral conflicts with a view to achieving peaceful elections and mutually agreed on resolutions through mediation of conflicts that arise in the electoral process;
- ♦ to strengthen the capacity of the electoral commission to deliver successful, free and fair elections by providing an early warning system that can assist it in responding to potential conflicts in the pre-, election and post-election phases; and
- ♦ to nurture a democratic culture through encouraging and promoting the conduct of conflict-free elections.

The committee also established sub-committees at the provincial and local level. The formation of the conflict management committee to address the question of the enforcement of the electoral code of conduct seemed to be ineffective in these last elections. The simple reason was that it started at a period close to the elections and its implementation posed serious difficulties. It would have been effective if it had been formed much earlier. Despite this, its establishment as a permanent structure has created hope and there are strong expectations that it will function efficiently for the next elections. However, observers believe that the committee created harmony among political parties and authorities. For example, getting permits from the police was routine during the campaign period. It is important to emphasise that the committee was not at full strength when it began work because it only completed the training a few days before the election took place. This was partly due to the late securing of donor financing by the ECZ.³⁷ The peaceful elections cannot be attributed to the introduction of conflict management.

International Observer Committee

The ECZ also created an International Observer Committee. This was a forum created for information sharing on observation. A number of meetings took place between local NGOs, the commission and international observers. The committee helped iron out differences, especially between the ECZ and the European Union observer team.

Accreditation of observers

Observers – local and international – were invited to observe the elections. Despite differences on some key procedural issues between international observers and the ECZ, it, the government and the opposition accepted independent foreign observers with no difficulties.

A national committee of international observers was established. This committee was composed of representatives from the ECZ, the UN, the ECF, the OAU and the Foundation for

Democratic Process (FODEP). It helped coordinate the activities of the observers.

The electoral commission introduced fees for election monitors, both local and foreign.³⁸ There was an outcry from NGOs involved in election monitoring and political parties which feared that monitors might not be able to raise such huge sums of money in such a short time. There was also the fear that this would reduce the number of monitors necessary to cover all the 5509 polling stations countrywide. Fortunately, foreign donors came forward and paid for most of the local observers. Despite this, NGOs and the political parties believed that the ECZ's decision to charge fees was taken in bad faith to try to discourage local and international observers. The Zambia Reconstruction Organisation (ZAMRO) took the ECZ to court to dispute its decision. While the decision to charge could be justified, the fact that it was taken without consultation and at short notice hindered effective election monitoring.

Printing of ballot papers

The fact that three elections – presidential, parliamentary and local – were taking place at the same time put pressure on the government's capacity to produce all the ballot papers in time. The presidential and parliamentary ballots papers were printed at the government printers. All political parties were present during the entire printing process. When printing started at the government printers only one of the four printing machines was operational, forcing the ECZ to consider ways of speeding up the process. Accordingly, it sub-contracted another Zambian company to print the local government ballot papers. While everybody accepted the necessity of such a move, many political parties questioned the way the ECZ conducted itself in selecting the private company without consulting or informing them.³⁹

A lesson that can be learned from the printing crisis that occurred during these elections, with non-operational printing machines, is that the preparation for elections must be a continuous process and not something that is done at the last minute.

Election phase

The election date

The commission was confident that it would deliver a credible and legitimate election within 30 days from the announcement of the election date by President Chiluba. At the same time the commission did not rule out that inefficiencies could occur in some areas because of insufficient time for preparation.

When the president announced 27 December as the election date many observers raised concerns about the negative effect this would have on the electorate. There appear to have been two issues involved. First, it was argued that 27 December would disenfranchise many voters, as they would be out of their constituencies for the Christmas and New Year festivities. Second, the date fell in the rainy season and there was a high probability that the rain would disturb proceedings, especially in rural areas where many voters could find it difficult to reach the polling stations. For most Zambians this move by the president was made in bad faith.

Delivery of election material

The delivery of electoral material proceeded relatively well. The Zambian Air Force was involved in the delivery of ballot boxes. However, there was an incident where the electoral commission vehicle transporting ballot papers got involved in an accident. Fortunately, the ballot papers were not damaged.⁴⁰ In another incident it was reported that parliamentary ballot papers for Senanga constituency in Western Province were wrongly transported to Solwezi in North Western Province barely twenty-four hours before the elections.⁴¹ Measures were

taken, however, to ensure that ballot papers were flown to the correct area.

The delivery of election material to the different Lusaka constituencies created an impression that somewhere, somehow, the electoral commission had lost control of the process.⁴² Some polling stations received their ballot boxes and papers very late in the night preceding polling day, leaving little time for verification by the electoral officers. In some cases materials never reached the polling station. This was particularly so in some areas where local government ballot papers failed to arrive. In some areas the polling station opening was delayed for one or two days because of the late arrival of ballot papers or ballot boxes.⁴³ In other areas polling stations ran out of ballot papers for all three elections.⁴⁴ If the experience in Lusaka was so poor, it may well have been worse in the other provinces, and especially in rural areas. Many voters may have been disfranchised as a result of delayed poll opening and the subsequent late closures.

The deployment of observers

In general no merger problem occurred with accreditation of international observers. The ECZ was in charge of the deployment of international observers. All received their accreditation and identification tags well on time, before going into the field. However, there were some problems with the accreditation of local monitors. In one incident, Coalition 2001 affiliates were quoted as having received "the identification tags in the name of the National Organisation for Civic Education (NOCE), an organisation to which it has no link".⁴⁵

Observers were seen at most polling stations.⁴⁶ The presence of all 11 political parties' agents' in each polling station strengthened the monitoring process.⁴⁷ There was also very good communications between ECZ officials and monitors at the different polling stations.

Security

Security was well organised with each polling station covered by one or more police and security force officers. The security agents performed their duty without interfering with the proceedings. The police seemed to have received a proper and clear briefing.

Atmosphere at the polling stations

Despite pre-election fears of voter apathy, tens of thousands of voters turned up at the polling stations to exercise their democratic rights. The Zambian peoples' determination to vote was inspiring to watch. The choice of date as well as the rain seemed not to have deterred voters from electing their political representatives. Zambians were determined to make a statement.

The atmosphere generally was peaceful and reports from around the country did not contain any major incidents of violence or intimidation. Zambians turned out in large numbers to cast their votes well before polling stations opened at 6 am. They remained patient despite the slow process that saw some polling stations not closing until the following morning.

A general observation is that the ECZ underestimated the task at hand. It failed to provide capacity in terms of the staffing and logistical support necessary for efficiently conducting tripartite elections. The ECZ was unprepared for the high turnout. Polling stations opened at 6 am and were supposed to close at 5 pm. The high turnout and the delay in delivering voting materials in some polling stations saw the process taking longer than expected. Many of those polling stations that received their material in good time and which opened at 6 am had to remain open until the next day. It was clear that the ECZ failed in the preparation period to make accurate estimations of the time required for all registered people to cast their vote. It

did not make provision according to the numbers of registered voters, but worked on assumptions, one of which was that there would be a low turnout. Accordingly, it was forced to extend polling stations' closing time. It then failed to communicate this decision to all presiding officers, leaving most of them uncertain as to when exactly their polling stations were to close.⁴⁸

The high turn out should not cause us to turn a blind eye to those people, mostly the elderly and disabled, who failed to cast their votes simply because of the slow voting process. Many people were tired and returned home without voting. Also, no provision was made to help disabled people to cast their vote.

There were also some management problems that affected the smooth election proceedings:

- Most of the polling stations countrywide were understaffed. The ECZ failed to match the number of registered voters to the number of electoral officers at polling stations. The same number of electoral officers was deployed to stations that were bigger in terms of voters registered as was deployed to smaller polling stations.⁴⁹ The consequence was obvious; both electoral officers and voters were tired before they could finish with the proceedings. Enthusiastic voters became increasingly disillusioned with the slow pace as time went on. Also, the lack of concentration of election officers and party agents in the early hours of the morning left room for people to take advantage and try dirty tricks. It was in the early morning of 28 December that a presiding officer in Matero constituency was caught trying to tamper with a ballot box.
- The ECZ also failed to estimate the voting time for the tripartite elections, which was supposed to be different from previous elections. The minimum voting time for a voter to go through the three voting stages was between four to seven minutes.⁵⁰ Consequently, many voters were forced to endure long lines and an extremely long wait. This was exacerbated by the lack of sufficient lines.
- The size of some polling stations also affected the proceedings; some were just too small to accommodate electoral officials (at least seven per polling station) and political party agents (11 per polling station) and observers. The Zambian December heat meant that people worked in stuffy crowded rooms.
- There was an insufficient number of polling booths at many polling stations. At most stations no more than two booths were provided. This made the job of processing voters quickly difficult for the polling staff.

All these factors contributed to a considerable reduction in the early enthusiasm that voters showed at the opening of polling stations and the professionalism that the electoral official demonstrated.

Another important observation that needs serious rethinking is the position of polling booths. At many polling stations voting booths were positioned in a way that allowed everybody to see the voter either directly or from a window. Most of the problems experienced at polling station could have been avoided with better planning and consultation.

Monitors and political party agents reported having noticed the presence of officers from the president's office at the polling stations. If this was a correct observation it may have been a strategy to intimidate voters and any other agents involved in the election.

Counting

The counting stage started late and most officials were tired. The FODEP, Coalition 2001, the Carter Center and the European Union reported that in many circumstances agents and observers were not adequately able to inspect the ballot papers as they were classified and

counted by polling officials.

The results from some far-flung places were announced before those from certain nearby areas. This followed the same pattern as in the pre-election period, when in the 24 hours that followed the closure of many polling stations, the state-owned television station announced only the results of constituencies won by the ruling party MMD, despite the fact that the results from non-MMD constituencies were apparently also available.

The electoral commission took too long to print out the updates on presidential election results. There may have been a justification for the delay, however the ECZ failed to explain it directly to stakeholders.⁵¹ The breakdown in communications simply increased confusion and suspicion. On 28 December, people kept asking for an explanation as to why the election result was not being announced; the ECZ failed to respond. The lack of a communication strategy to respond to enquiries and concerns of the electorates and political party candidates was the ECZ's biggest weakness throughout the entire electoral process.⁵²

Equally important, the counting and tabulation process started late and was not well organised. Most of the electoral officers, party agents and observers were tired by the time counting started and were unable to adequately inspect ballot papers as they were classified and counted.⁵³ Most observers criticised the tabulation of results at constituency centres and the relaying of those results to Lusaka.⁵⁴ Mistakes might have occurred during counting and the transmission of results to the ECZ. While these errors may not have been deliberate, they raise legitimate suspicions in the minds of the political parties and the electorate.

Announcement of overall results

The chief justice, Matthew Ngulube, announced the overall result on 2 January 2002, a week after the elections. The announcement coincided with the inauguration of the president-elect, Levy Mwanawasa. All ten opposition parties rejected the result of the election, citing serious malpractice during all stages of the electoral process. They had only 14 days to petition against the results of the election, which they said, were manufactured by the ruling party. If they had succeeded, President Mwanawasa would have gone into world records as the president to serve the shortest time in office. However, things have moved beyond disputing the election result, as Mwanawasa, who won with only 29% of the total votes, has taken it upon himself to try and reconcile with other political parties.

Post-election phase

Conflict management activities

The constitution of Zambia requires anyone with complaints about the election to lodge a petition with the High Court within 14 days of the swearing-in of the new president'. During the counting of votes, political parties raised some concerns with the chief justice about alleged malpractices during the elections.⁵⁵ Opposition parties asked that the ECZ assess those grievances before the new president could be sworn in.

The chief justice turned down the request from the opposition parties for a recount of ballot papers. He said that his functions were constitutional and statutory and did not extend to requesting a recount, and that only the ECZ, which organised the election, has the power to do so. As for him, he said: "I enter the game at the stage where the Electoral Commission submits the results to me."⁵⁶

Conclusion

The Zambian elections taught us few lessons about electoral democracy in Africa in gen-

eral and Southern Africa in particular:

- the need for an independent electoral commission (IEC) that is totally independent from the control of the executive in terms of its financial and administrative decision making;
- the need for a conflict management mechanism;
- the need for a communication strategy between political parties and the IEC. Many problems were created simply because of the failure, especially the IEC's failure, to have a proper communication strategy;
- the need to decentralise the office of the IEC to the provinces and local government. This would allow the commission to control activities on the ground. As it stands now IEC activities are conducted by government officials who have other mandates and pay little attention to the work of the IEC;
- the need to have a fixed date entrenched in the constitution 'by which' elections should be held. This would contribute to proper planning and reduce the manipulation of the date of election to suit one political party; and
- the need to review periodically the electoral system to reflect the new developments in the politics of the country. The current system in Zambia has already shown some weaknesses with an unpopular candidate ruling as a majority president.

Endnotes

- 1 The Zambian constitution has undergone four changes since independence in 1964, which principally dilute the requirement to hold referenda (by Kenneth Kaunda's government in 1967), to alter any critical aspect of the constitution and in 1996 the MMD restricted potential presidential candidates to second-generation citizens.
- 2 Constitution of Zambia Article 34 (b) & (f)
- 3 Interview with a taxi driver in Lusaka, June 2001.
- 4 'Message from the Electoral Commission Chairman, Justice Bobby Bwalya', *The Choice* (Electoral Commission, 2001).
- 5 Interview with commissioner Reverend Mwape.
- 6 It has been suggested that the lack of delimitation has given the MMD four extra seats. This is calculated by taking the seats below 10 000 voters – of which MMD won a large majority – and the seats above 25 000 – of which MMD won the minority – and then reworking the figures for both in proportion to the main block of seats with between 10 000 and 25 000 voters.
- 7 The last delimitation of constituencies took place in 1991 when the number of parliamentary seats increased from 125 to 150. Any new delimitation has to be in place before the dissolution of Parliament so that it can come into effect at the forthcoming election.
- 8 The 1996 Constitution (Article 75) gives general information on who can and cannot register.
- 9 The registration of 2001 was the last one to have set a final date by which an elector has to register; as from 2002 there will be continuous registration, governed by the Electoral (Registration of Voters Amendment) Regulations 2001.
- 10 Concerns have been raised that the registration process was too rushed. Previously the ECZ planned two weeks for the registration, which was insufficient. The period of registration was then extended for two more weeks. The ECZ also increased its registration campaign as part of its voter education. Critics say the campaign was aimed more at urban than rural people.
- 11 Some people thought that there was no change and they could use their old cards.
- 12 Interview with commissioner Reverend Mwape.
- 13 Interview with Bony Goony, Social Democratic Party, Lusaka, September 2001.

- 14 RVI forms are issued to people when they register to vote.
- 15 Supporters were requested to have in their possession their green national registration and voter's cards.
- 16 Levy Mwanawasa (MMD), Anderson Mazoka (UPND), Lieutenant-General Christon Tembo (FDD), Benjamin Mwila (ZRP), Partor Nevers Mumba (NCC), Yobert Shamapande (NLD), Brigadier-General Godfrey Miyanda (HP), Inonge Mbikusita-Leewanika (Agenda for Zambia), Gwendoline Konie (SDP), and Micheal Sata (PF).
- 17 In Western Province the two constituencies, Liuwa and Kaoma, were given one nomination centre. In the same province Shangombo constituency was not on the list.
- 18 It was never easy to determine the effect of the unlevel playing field created by the MMD. But the simple fact that the MDC believes in its efficacy undermined the concept of fair election.
- 19 The National Democratic Institute (NDI) country representative Adrian Munga, who had a chance to tour Southern Province to assess the political climate ahead of the polls, said that both the electoral commission and the parties were prepared for elections. He said that election campaigns were peaceful with no hint of impending interparty violence. The team, which was based in Lusaka, monitored the last rallies of the MMD, the UPND and UNIP. All rallies were peaceful.
- 20 *The Monitor* of 25–30 December 2001, No 191, reported that ruling MMD supporters instigated most of the clashes. FODEP national secretary Alex Ng'oma said that MMD cadres in Kitwe and Ndola had been on the rampage over the previous few days, brandishing assorted weapons and stripping naked people clad in opposition attire. In Ndola, MMD cadres stormed the home of HP parliamentary aspirant Ned Nzowa and assaulted his father.
- 21 For example, the head of the HP was forced to pay K5 million to appear on national television.
- 22 The Panos Institute of Southern Africa and the Zambia Institute of Mass Communication, which organised the debate, put up a legal challenge to the ban, but it was too late for the court to rule on the matter. Zambia Independent Media Association chair, Masausto Phiri, accused the Minister of Information and Broadcasting, Vernon Mwaanga, of being behind the ban.
- 23 The debate was planned well in advanced and the ZNBC promised to televise it.
- 24 'Electoral process flawed.' In *The Monitor*, No. 190, 21–24 December 2001.
- 25 Ibid.
- 26 At the polling station observers (local and international) are allowed inside, together with political party agents. Ballot boxes are opened and the election proceedings happen in view of everyone. Observers and party agents are allowed to report immediately any irregularity. The counting of votes is also done at the polling station with all present.
- 27 European Union Election Observation Mission, Second Interim Statement on the 2001 Zambian Elections. Lusaka, Zambia, 31 December 2001.
- 28 Ibid.
- 29 The ECZ was accused of failing to punish parties involved in corruption and bribing of voters during the campaign.
- 30 Interview with Justice Bobby Bwalya, chair of the ECZ. According to the political parties they had a good relationship with the ECZ in the main. However, the fact that the Parliament which dissolved just before the elections was dominated by the MMD as well as the fact that all commissioners are nominated by the president, meant that the ECZ continued to appear to be an instrument of the ruling party, especially of the president.
- 31 Eleven NGOs were elected to NVEC from the main NGO body. They are: Foundation for Democratic Progress, Zambia National Women Lobby Group, Southern African Centre for the Reconstructive Resolution of Disputes, Voters' Association of Zambia, Anti Voter Association Programme, Forum for Human Rights, National Organisation for Civic Education, Democratic Governance Association of Zambia, Zambia Reconstruction Organisation, Zambia Independent Monitoring Team and Zambia Civic Education Association. The commission was represented on the committee.
- 32 The Electoral Commission of Zambia, '2000 Annual Report'.
- 33 'Message from the electoral commission chair', *ibid*.
- 34 *The Post*, 24 December 2001.

- 35 The committee was established after looking at the practice in the SADC region and noting that, since the judicial process took so long to solve electoral conflicts, there was a need to form the committee. Only South Africa has an established conflict management committee.
- 36 *The Choice*, ECZ special election issue, Lusaka, 2001.
- 37 The Norwegian Agency for Development Cooperation (NORAD) contributed NOK 2 100 000 to conflict management activities for the 2001 elections; the Carter Center funded the provincial conflict management training.
- 38 The ECZ imposed a K10 000 on each domestic election observer and a K150 000 on international observers. The ECZ sold copies of the voters' register at K10 000 each (these enabled monitors to check the particulars of voters being called out before they cast their votes).
- 39 Some political parties claimed that they were only informed 48 hours after the printing of the local government ballot papers had begun.
- 40 Conversation with Justice Bwalya, commissioner Sakala and commissioner Reverent Mwape.
- 41 *The Post*, 27 December 2001. Also confirmed with the commission.
- 42 One would have expected Lusaka to be problem-free as far as the delivery of election material is concerned. However, almost everybody was surprised to learn on the day of voting that some constituencies had not received their materials. For example, in most of Matero constituency, and in parts of Madevu and Munali, ballot boxes had not arrived the day before polling as promised. ECZ apparently started delivering ballot boxes at 6.30 am on polling day, initially with a single lorry, to 64 polling stations. Understandably, this contributed to the opening of some polling stations being delayed until late afternoon.
- 43 Monitors deployed by Coalition 2001 reported that at Chasefu and Lumezi voting started on 29 December.
- 44 For example at Mwinilungu, in North Western Province, polling stations which ran out of ballot papers on the first day of voting only had their supplies replenished in the afternoon of the following day.
- 45 *The Monitor*, 191, 25-30 December 2001.
- 46 European Union Election Observation mission, Second Interim Statement on the 2001 Zambian Elections, Lusaka, 31 of December 2001.
- 47 In Matero observers caught one presiding officer tampering with ballot boxes. The officer was arrested.
- 48 This confusion led to arbitrary decision-making by presiding officers, unequal treatment across different polling stations, and made it more difficult to police the voting process at night, given that many polling stations had insufficient or no light, which hindered the security of the vote and in some cases prevented voting.
- 49 For example, the University of Zambia had over 4000 registered voters at a single polling station while stations with less than 500 voters were given identical quantities of material and numbers of staff.
- 50 It seemed that the ECZ, under pressure, failed to make an accurate estimate of the time it would take for people to cast three ballots. Even where voting started on time, many polling stations had to remain open into the next morning in order for all voters to cast their votes.
- 51 The ECZ sited problems with communications and with transporting ballot boxes to the central verification point as reasons for delays in announcing the election results; this was supported by other observers. Also, many polling stations that opened late or where rain interrupted the proceedings were behind others in counting. A more convincing reason was that despite the fact that the ECZ was receiving results from polling stations by telephone from the presiding officers it could only announce results once they had been verified at the central verification point. Therefore, the political parties were receiving results from their agents at the polling stations which the ECZ was not announcing until they were verified, which caused serious confusion and suspicion.
- 52 This situation forced people to speculate on what was really happening. Many people spoke of election rigging without proof but simply because of lack of confidence in the way the ECZ was handling the counting of votes and announcement of results. The same situation caused the President of UPND, Anderson Mazoka, to act in a violent way by storming the house of the ECZ chair, Judge Bobby

- Bwalya, in the early hours of the morning to convey his concerns (*Saturday Post*, 29 December 2001).
- 53 Carter Center, 'Interim Report on the Zambian 2001 Presidential Elections'.
- 54 The Carter Center reported that the tabulation process was chaotic, often taking place in inadequate and insecure premises. Its report mentions a case where an independent observer discovered ballot boxes diverted to a private office inside the counting centre (Manali) without the presence of party agents and observers (see Carter Center, 'Zambian Election Observation Mission 2001, Interim Statement', Lusaka: 30 December 2001)
- 55 Chief Justice Matthew Ngulube asked the ECZ to assess all grievances raised by opposition UPND presidential candidate Anderson Mazoka (see *The Post*, 2 January 2002). Some of the malpractices included: faxes containing results that were not authenticated and with sources not verified; some ballot papers uncounted in some polling stations; a returning officer found with blank ballot papers in Mandevu constituency; voters being turned away by officers while still standing in queues; in some provinces, such as Northern and Luapula, polling agents and candidates denied the right to accompany ballot boxes to verification centres. FODEP president Dr Alfred Chanda said his organisation discovered one case where the results for a presidential candidate were wrongly entered as 955 instead of 3955 votes.
- 56 *The Post*, 2 January 2002.

Multi-stage monitoring and declaring elections 'free and fair': The June 2002 Zimbabwe election

By
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Abstract

This paper explores practices in and approaches to observing elections and calling elections 'free and fair' in the context of the Zimbabwe parliamentary election of June 2000. The analysis incorporates considerations of the 'politics of election observation' and the 'politics of calling elections' and examines these factors in the context of the hosting country. The paper assesses prevailing theoretical approaches to the observation of elections, and notes the prevailing 'three-phase' orientation. In contrast with the literature, which generally proposes a three-phase approach, this analysis explores the usefulness of a six-phase approach to assess the depth of electoral observation in Zimbabwe. The paper then deals with the issue of extent and depth of observation in the case of Zimbabwe 2000. The questions are asked whether observer missions covered all relevant phases of the election, whether they had adequate access to relevant information and events, and what reasons prevailed for widespread practices of limited observation. This part of the analysis presents the data that supports the theoretical arguments for a six-phase approach to election observation. Next, the paper assesses the nature of the 'election calls' that the missions issued with regard to the 2000 Zimbabwe parliamentary election. It informs the theoretical part of the analysis through its highlighting of the extent to which the lack of systematic and extensive observation practices affect the 'reputation' of election observation. The paper concludes that systematic observation of pre- and post-election phases, and their incorporation into observer reports, would contribute to ensuring both the quality of subsequent elections, and the credibility of observation practice. The paper ends with a postscript, drawing tentative links between the observation trends of the June 2000 parliamentary and the March 2002 presidential elections in Zimbabwe.

Introduction

The June 2000 parliamentary elections in Zimbabwe were characterised by intense international and domestic scrutiny. National and international monitors and observers¹ entered the highly contested domestic political terrain with a range of interconnected quests, for instance, to ensure free and fair elections, to censure the lack of free and fair conduct, or with a mandate to endorse prevailing electoral practices as free and fair. Both the observers' presence in Zimbabwe and their judgments of the election were going to be contentious – and would hold consequences and potential lessons for the international practice of 'election observation'.

The paper demonstrates the extent to which the application of systematic and extended observation and monitoring practices could help ensure, on the one hand, the credibility and reliability of electoral observation practice, and, on the other hand, the integrity of subsequent elections. To this effect, the analysis explores the practices and theoretical frameworks of electoral observer and monitoring actions in the June 2000 Zimbabwe elections, with special reference to the phases of the observation process covered, the primary actors that affect the 'free and fair' aspects of the electoral terrain, and the relationship between the extent of coverage and whether or not elections are declared 'free and fair'. The case study of Zimbabwe 2000 presents analyses with both general application to election observation, and analyses specific to political systems such as the one in Zimbabwe — the latter being characterised by a particular form of authoritarianism that leaves limited opportunity for electoral contestation.²

The political context of observation is borne in mind throughout the analysis. The governing Zanu-PF and its challenger in 2000, the Movement for Democratic Change (MDC), both actively courted observer missions. Both hoped to gain legitimacy through international association: the MDC hoped to win international sanction against its opponent's 'manipulation of election outcomes' — through the use of state resources and violence, amongst other methods — and Zanu-PF hoped to gain international fraternal condemnation and de-legitimisation of the MDC for its association with, for instance, 'Western capital, racists and colonialists'. The fact that Zanu-PF's incumbent status was being challenged, following the February 2000 constitutional referendum, impelled it into extreme measures to retain power, although it did simultaneously court observer missions. In contrast, the MDC found its counter-advantage in the moral edge it had through playing by the rules of 'free and fair contestation'.

In this politically volatile and predisposing context, a range of questions about the duration and depth of observer mission action came to the fore. For instance, how much of the election process did, or could, the observers observe? Did they consider it essential to observe the whole process in order to call the elections 'free and fair' or 'not free and fair'? Were the terms 'substantially' free and fair or 'qualified' free and fair used as escape mechanisms in order not to pronounce definitively on an election that they had not observed in full? And, finally, what might the effect of these calls be on perceptions of the practice of election observation?

The first of the three objectives of this paper is to shed light on the extent to which the observer missions in the June 2000 Zimbabwe election observed, or could observe, all relevant phases of the election process. The analysis maps significant electoral developments across six phases of the election process, and simultaneously develops the theoretical dimension of approaches to electoral observation. The second objective is to analyse the missions' pronouncements on the election in relation to the scope and depth of the observation that they had done. The third objective is to assess how systematic and expanded six-phase election observation could contribute to the practice of election observation.

This paper therefore explores *empirical dimensions* of the political terrain and observation politics, and the practices of election observation and election calls, and relates these to the *theoretical dimension* of a proposed six-phase model of election observation and the 'calling' of elections in terms of degrees of free and fair. The empirical dimension is based on a combination of participant observation experience and analysis of the process of observation,³ interviews, literature surveys, monitoring of electronic and print media, and the analysis of the statements and reports of observer and monitoring missions. First-hand observation activities were conducted primarily in the province of Harare, and voting day observation also in

Mashonaland East and Mashonaland North. For coverage of the other provinces, the research draws on reports from a range of observer missions, interviews, media monitoring and documentary research. Observation and monitoring were conducted in the course of June 2000. Monitoring extended over, first, one week of the early campaign period in early June 2000, and then more than two weeks in the run-up to polling days, and observation and interviews both in the course of voting and counting, and in the post-election days. Post-election research was conducted in September 2001. The foci of this part of the project were post-election violence, processes around election petitions that were launched to challenge a range of the June results, and legal and procedural changes to the management and conduct of future elections. The post-election research was by the writer in her individual capacity, relying on archival research, media monitoring, documentary analyses and interviews.

Monitoring and observation focused on the aspects of party political campaigning, the elections regulatory framework, and how the Zanu-PF government continuously affected this framework. The research centres on the work of observer missions, how they interpreted their assignments, and their consequent assessments, as these were reflected in statements regarding the election and associated processes. The major missions that the analysis refers to are the National Democratic Institute (NDI), the European Union (EU), the Commonwealth, the Organisation of African Unity (OAU), the Parliamentary Forum of the Southern African Development Community (SADC) countries, the South African Parliamentary Mission, the Council of Churches and the Electoral Commissions Forum (ECF) mission of the SADC countries.

The literature on election observation and assessments of the 'free and fair' nature of elections only intermittently focuses on the specifics of phases of the observation process – even if the indicators of and criteria for calling elections free and fair link to specific phases. This article hopes through its combination of methods to present an in-depth analysis of the importance of systematic and extended processes of election observation. Both elections themselves and the practice of observation could benefit.

Theoretical context and a six-phase model for observation: election phases and criteria for 'free and fair'

The case of Zimbabwe 2000 is instructive in demonstrating the need for an extended, phased observation process. In order to assess the thoroughness of observer actions, this study explores the use of an extended phase-based election observation model. Such a model could be used to assess whether elections have been conducted in a manner that could be regarded as 'free and fair'. It sub-divides the usual three-phase practice of observation into six phases, and emphasises the need for equal consideration of all six phases in the practice of election observation. Election observer missions frequently use the three-phase approach, with observations offered on the *before*, *during* and *after* periods. Election observations, however, tend to cluster around the periods of during, late pre-election, and very early post-election.

This paper suggests that the application of the six-phase approach, in combination with attention to the actors that typically determine whether the six phases are free and fair, might contribute to the stature of the observer industry (besides potentially making a difference to the quality of future elections). Differentiation of observation practices in terms of the six specific and well-defined phases, could lead to greater standardisation in observation criteria. A six-phase approach, with 'forced' attention to all six phases, including the early pre-election and late post-election periods, could contribute to the development of transparency, comparability, and credibility for observer missions and their reports.

A survey of the theory of election observation reveals a predominant focus on the conceptualisation and operationalisation of the notion of free and fair. There is, furthermore, a broad acceptance that the division of the election process into the before, during and after phases, and the definition of indicators of free and fair with regard to each of these broad phases will ensure the adequacy of observation and the building of related theory. A narrow focus on election day has long been recognised as inadequate. The necessity of delimiting assessments specific to the phase of the election process is recognised. In contemporary monitoring practice, there is also frequently engagement with a range of phases. Elklit and Svensson use the most common of these, namely a three-phase approach of before, on and after polling day (Anglin applies a two-phase distinction). Totemeyer and Kadima⁴ essentially use the three-phase approach (pre-election observation, election phase and post-election phase). There is little indication in existing literature, however, of how far before and how long after the elections observation should continue in order to allow for definitive assessments of the election. This leaves much leeway for observer missions to claim comprehensive observation, despite arriving in a host country on the eve of an election – and departing within hours of the announcement of results.

The notion of 'free and fair' has been widely applied in the practice of electoral observation and monitoring. It provides a shorthand and concise assessment of a range of interrelated electoral activities that take place in the run-up to elections, the core period of voting and counting, and the aftermath of elections. Yet this convenience and simplicity, as Sartori notes,⁵ have also created the space for the misuse of the criterion. The need for standardised assessment criteria arose in the decade of the 1990s, as waves of election observers were dispatched to observe and assess the practices in the emergence of pluralist democracies. Elklit and Svensson⁶ note, however, that the translation of the theoretical concept of 'free and fair' into a comprehensive list of operational factors poses challenges. As a general criterion, 'free and fair elections' ought to reflect the meaning of 'democratically meaningful, credible elections'. Criteria should reflect the concerns of ordinary voters, rather than be a reflection of 'policing criteria' for observer missions. The notion of 'free' is usually contrasted with 'coerced', which denotes the absence of choice, either formally or in reality, or negative consequences for safety, welfare or dignity. 'Fair' is commonly associated with impartiality; the opposite being unequal treatment of equals whereby some individuals or groups receive unfair advantage. A focus on the practicalities and realities of the unfolding election is therefore more pertinent than merely noting formal rules, structures and constitutional rights and guarantees. The notion of 'levelling the playing field' epitomises important dimensions of fairness.

The indicators of free and fair are relatively commonplace and will not be repeated in full in this paper. As an illustration, Elklit and Svensson, and also Baker,⁷ regard 'free' before polling day as referring to freedom of movement, speech, assembly, association, freedom from fear or intimidation, absence of impediments to be a candidate, and access to campaigns. 'Free' on polling day refers to the opportunity to participate in the election, and after polling day to legal possibilities of complaint. 'Fair' before polling day refers to a transparent electoral process, no changes in legislation that will affect candidates, an electoral act and system that does not favour one party, absence of impediments to be included in the voters' register, an independent and impartial electoral commission, impartial voter education, campaigns conducted in terms of codes of conduct, equal access to media and information, impartial allotment of public funds to parties, and no misuse of government facilities for campaign purposes. 'Fair' on polling day refers to access to all polling stations for party representatives, observers and monitors, secrecy of the ballot, effective design of the ballot paper, and impar-

tial assistance to voters, whilst on counting day it refers to precautionary measures in transporting and safeguarding ballot boxes, proper counting procedures, with all votes being counted, and all equally reflected in tabulation, and impartial protection at polling stations. After polling day 'fair' relates to the expeditious and official announcement of results, impartial treatment of election complaints, and acceptance of results by all involved.

The literature of election observation also highlights the need to conduct observation in terms of the *relative* fulfilment of criteria. Anglin suggests a three-tier classification for the relevant fulfilment of criteria, which pertains to the 'pre-election' and 'core election' and 'post-election' phases. This permits more than yes or no answers regarding complex issues of electoral propriety. The Anglin three-level assessment facilitates potentially different judgments in terms of free and fair, depending on the phase of the unfolding election. The three-level assessment found useful application in the case of Zimbabwe. As will be noted from the observer reports, there were a number of calls of the elections as 'largely free and fair' or 'substantially free and fair'. Most reports noted differences between the levels of free and fairness of the campaign and the election periods.

Three dimensions therefore structure in-depth and systematic assessments, namely: the criteria that denote free and fair; the manifestation of free and fair in each of the three broad election phases; and the extent to which free and fair can be denoted in each of the phases, namely 'substantially free and fair', 'qualified free and fair', or 'not at all free and fair'. In conditions such as those prevailing in the Zimbabwe election, however, it would become evident that many more conditions and considerations affect the assessments of 'free and fair'. Detailed observation checklists would become guidelines rather than bottom-lines.

Not all observation actions should necessarily be regarded as innocent and with the interests of ordinary voters at heart. Election monitoring continues to be a big international industry,⁸ even if some researchers note an apparent decline in the importance accorded to the world opinion of monitoring.⁹ Most of the time it is the big international powers (often with a significant interest in maintaining the existing global world order and the financial interests of its multinational corporations) that lead and finance observer missions. They enter the observation arena to protect the international community's interest in free and fair elections. 'Democracy missionaries' sometimes act as if they are oblivious to the fact that their own countries are not subjected to reciprocal observation, despite the reality that low turnout, lack of interest, ideological consensus between competing parties, and dubious ballot construction and counting procedures might be considered as 'undermining democracy'.

In the case of the Zimbabwe 2000 election, the major delegations were thoroughly organised for the implementation of assessment criteria, both in terms of assessment criteria and assessment relative to phases of the election process. For instance, they used detailed monitoring sheets that were completed by observers wherever they were deployed. The SADC (ECF) mission, for example, used detailed recording sheets specific to the pre-election and the election periods. The EU and Commonwealth missions, as well as several of the domestic monitoring networks, followed a similar approach. The post-election period was incorporated into assessments in the broadest possible form, namely in cursory notes on apparent acceptance of results, and the mood of peace that prevailed after the election.

The potential usefulness of an extended, six-phase approach is demonstrated in Table 1, designed and compiled by the author of this paper. The analysis draws on the author's identification of the major party political, electoral-administrative, and state actors in the electoral process. The analysis in Table 1 also indicates the details of how the actions of facilitating (or manipulating) the electoral process changed throughout the phases of the Zimbabwe election.

The analysis is complicated by the concurrence of a number of the major actors in effecting and steering the election process. For instance, the governing Zanu-PF, the electoral administrative machinery, the security forces and the publicly controlled mass media in most phases of the electoral process worked in interactive unison.

After consideration of the essential political setting of the June 2000 Zimbabwe election in the next section, the paper will explore the extent to which, first, early pre-election events helped determine final election outcomes. Second, it will demonstrate how late post-election events might have provided confirmation of trends that observer reports speculated on at the time of the 2000 election, but could not build into their assessments because of the need to conclude their missions and produce their reports.

The political setting of electoral observation in Zimbabwe

It is crucial to recognise that deficiencies in the nature and extent of electoral observation are linked to two sets of factors – those over which they have the autonomy to decide, and those that are beyond their control. Both sets prevailed in Zimbabwe 2000. Missions became an integral part of the contestation landscape, and this had a profound effect on the extent of their observation acts and the emphases in their observation reports. This section, through the mapping and analysis of the observational landscape as it affected observer missions in Zimbabwe circa 2000, sketches the background against which both the international and the local observers and monitors were to conduct their observation and monitoring missions. It emphasises the politicisation of observation, and the manner in which this process contributed to the observer missions' decisions regarding the primary election phases on which they would build their calls of the level of 'free and fair'.

In the case of Zimbabwe, observer missions were incorporated into election campaigns. In the course of the truncated 2000 campaign, the major contestants continuously interpreted observer actions and statements as either vindication or condemnation, depending on the source and implicit alliances that had been struck between observers and contenders. Electoral observation thus became a politicised act,¹⁰ a fact that the literature on electoral observation might do well to recognise. Having been critical of Zanu-PF in the run-up to the final phases of the campaign, several missions became the explicit target of that party's campaign. In official broadcasts and speeches this 'enemy' was linked to opposition parties, especially the MDC, and those observer missions and domestic monitors who expressed direct or implied criticism of the governing party. Zanu-PF's 'enemy' campaign¹¹ also hoped to preemptively de-legitimise potential calls of electoral foul play by observer missions.¹² The MDC, in turn, portrayed observer calls for 'free and fair elections' as a vindication of the MDC's criticisms of Zanu-PF.

The Zimbabwe election took place in a system that blends multiparty democracy and despotic authoritarianism. Whilst Zanu-PF worked to ensure an aura of constitutionalism and legality around its electoral and governance actions, its actions systematically undermined the operational space of opposition voices. In the more violent operations, both Zanu-PF and its associate 'thug forces' were continuously implicated. Some war veterans, many so-called war veterans, street corner recruits, and unemployed youths joined forces with the Central Intelligence Organisation (CIO) to ensure a wide-ranging campaign to turn election outcomes to favour Zanu-PF. The partisan orientation of the institutions of law and law enforcement extended into the electoral arena and reinforced the virtual untouchability of a governing party that was moving to control all possible aspects of the election, *excluding* the actual voting actions on the days of the election. Zanu-PF's campaign came to revolve around the unortho-

dox operations of combining mobilised fear with a campaign message of the land.¹³ It was a strategy that helped Zanu-PF reclaim a lost revolutionary message through which it would try to explain the economic suffering of ordinary Zimbabweans.¹⁴

As the electoral authorities, especially the registrar-general, the Elections Directorate and the Electoral Supervisory Committee (ESC), were under the control of, or appointed by, the president, their actions almost inevitably favoured the ruling party. These electoral control features were effectively supplemented by partial and skewed law-enforcement by the police. In late 2000, there was a pardon for misdeeds that were committed in the election period. Media control, especially of the print and radio media (that were often the only information sources for the rural population of Zimbabwe), enhanced the Zanu-PF standing. At the time, these acts ensured that there would be differential exposure to the election campaigns, and that there could be denials of the revelations by the opposition-friendly press.

The Zanu-PF government attempted to present authoritarian control as an institutionalised and democratic form of electoral management. Part of the *quid pro quo* was that the system had to be opened for scrutiny by monitors and observers. The election campaign consequently often came to resemble a struggle for the hearts and minds of the monitors. Part of the Zanu-PF working plan was to limit scrutiny. It was achieved in a number of ways. In some cases the goodwill of observers was 'bought' through hosting missions and through re-invoking revolutionary ties.¹⁵

In other instances, delays and obstructions in the way of accreditation effectively limited observation. It restricted both the number of days and weeks available for observation, and the geographical coverage. Restricted observation was also achieved through placing a large sector of electoral processes beyond the scrutiny of observers (for instance the inner workings of the management of the election in the office of the registrar-general), by inducing observers to stay in the relatively safe urban areas (through widespread reports and realities of war veteran brutality and official refusal to guarantee the safety of observers), and generally to delegitimise the actions of several observer missions through casting suspicion on their motives and associations with Western powers.

Political polarisation characterised international observation. There was a background of Zanu-PF anti-American sentiment, largely because of a critical report on the conditions for a democratic election in Zimbabwe issued 33 days before the election.¹⁶ Anti-British sentiments were put on the agenda courtesy of the colonial dimension of the land issue, and hostile exchanges between President Robert Mugabe and British minister, Peter Hain, weeks before the election. Simultaneously, there were strong indications of some Southern African and African willingness to defend the gains of decolonisation and the role that Zanu-PF had played in the liberation struggle, despite evident excesses in the Zanu-PF electoral repertoire.

Politically, Zanu-PF used a three-way categorisation of international observers. They could be from, or include citizens from, Britain or the United States (and be highly undesirable), be from the European Union or the Commonwealth (and would be tolerated), or from fraternal organisations and African countries (and be welcome). In most instances, non-state or NGO missions, as well as domestic monitors, were also regarded as problematic. Zanu-PF actively courted observer missions from assumed brotherhood political cultures, such as the OAU and the parliamentary mission of SADC. Zanu-PF also hosted some delegations, for instance the delegation from South Africa's African National Congress (ANC). Other missions were invited by the Electoral Supervisory Commission (ESC). One of these was the Electoral Commissions Forum (ECF) of the SADC countries. NGO observer missions that were invited by their associate Zimbabwean counterparts, as well as micro-missions from, for example, the Japanese or

Table 1: Electoral phase and actor framework for assessment of Zimbabwe election 2002

POLITICAL ACTORS, AGENCIES AND INSTITUTIONS IN THE ELECTORAL FIELD								
Phase of election	Administrative, legal constitutional frameworks	Governing party, presidential action	Electoral institutions, officials	Security, including intelligence forces	Public control mass media	Courts	Opposition political parties	General rating on freedoms index
Select criteria	Constitution fair on weighting of votes, representation reflect votes	Public funding political parties, Misuse public facilities, resources	Demarcation, voters' register consistent & timely rules, powers of institutions and government clear	All voters equal treatment, freedom from fear, no harassment, torture	Fair distribution of public funds, equal access	Upholding rights of electoral institutions versus party, voter and parties versus government	Freedom to participate/campaigns, pose candidates, operate free of fear	Freedoms of movement, speech, association, assembly, information
	Efforts to change through referendum on constitution	Zanu-PF sole beneficiary public funding, conducts violence intimidation, purges, rapes, burnings, re-education; State facilities, transport, food, housing, land used in election campaign	Demarcation hasty, gerrymandering to add to rural and new farm settlement areas	Condone or ignore torture, violence, intimidation; Assist land campaign; Intelligence coordinates process from office of president	Governing party sole privileged access to ZBC; Several radio stations (Radio 2 especially); The Herald gives extensive rural control over information; Opposition parties minimal access except in print media	Court challenges in which courts uphold rights of judges, citizenship	Severe clampdowns on freedom to participate; Violence, killings, intimidation, detention of candidates, opposition party supporters; Low information dissemination	Poor; severe transgressions; Human Rights Monitor: gross human rights violations; Killings, climate of fear; no free campaigning; Governing party benefits
Early pre-election	Consistent through these phases, the constitution precludes voting being reflected in representation, virtue of appointment of 30 MPs by president and ruling party.	Zanu-PF benefits from access to public sources, mobilisation, propaganda, re-education camps	Rules change, ESC diluted of powers, registrar-general takes over; Observers, monitors marginalised; Contests over secrecy of the ballot; Threats from Zanu-PF	Superficial monitoring, official warnings and discouragement of violence; Peace-keeping at all parties' rallies; Cover and war veteran intimidation campaigns	Symbolic & minimal slots offered to opposition parties; A selection of debates; Propaganda stunts remains; Sophisticated ideological debates	Electoral courts intervene, giving pro-government judgements regarding authority of ESC	Candidates and supporters dispersed and intimidated in rural areas; tense in all communities; High levels of fear; low levels public political debate and discourse	Outwardly more free and fair; Government engineers monitoring; More opposition access to media; Violence down; Intensive ideological engineering
Final campaign		Zanu-PF's close relationship with electoral officials; Changes in regulations as election runs; Intimidation	Rules changed as process unfolds	Often little effective protection; Rural areas intimidation	Media adopt stances of pro-peace, encouragement to vote	Electoral courts intervene with pro-government judgements in rule changes and electoral conduct	Low access to proceedings from registrar-general office; Suspicions around postal votes	Quiet, peaceful turnout around 50%; Many areas suffer from fear, urban better; Disenfranchised; professionalism
Election - voting								

Election - counting	From post-analysis clear that Zanu-PF benefits from officialdom's allegiances	Controlled release of results, to maintain balance between the main contestants	Police presence, with low profile; Processes orderly; Intelligence, Zanu-PF informers keep watch over some polls	Following official line, continuous but low-key coverage	Low intervention, officialdom focus on announcement of results	Confusion around postal votes; Good scrutiny of boxes in urban areas; Counting mostly transparent	Efficient on level of counting stations; Office of registrar-general retains control
	Early post-election	Registrar-general threatens not to allow all electoral challenges; Gradualist apparent cleansing of media to present reformed image; Governing party pursuing land campaign through further methods	Registrar-general reluctant to allow all MDC challenges; Claim costly; Processes slow in unfolding	Intelligence co-ordination from Office of President; War veterans, police military in intimidation, clean-up campaigns	Media presenting somewhat less explicitly partisan face	Governing party courting core supporters of MDC, e.g. white farmers; Vacillate on Rule of Law, fate of farm workers	Peaceful formation new government; Select challenges to results being processed; Continuous contestation
	Late post-election	Presidential pardons of violent election crimes, effort to ban challenges, continuation land campaign	No action on voters' roll, controls over voter education instituted	Base camp action in by-elections, war veterans overrule and dominate police	Efforts to curtail existing media freedoms, expulsion of critical foreign correspondents	Bans on foreign funding opposition parties; Bombing & raids on MDC; Zanu-PF in alternative trade union, student, civil society action	Relentless campaign to institutionalise control, clamp down alternative voices in preparation for 2002

the Australian governments, were threatened with non-accreditation, but in the end were tolerated.

The practices of observation and the six phases – an actor-phase approach to electoral assessment

This section contextualises and substantiates the theoretical argument for a systematically extended approach to elections observation. It investigates, with regard to each of the six phases – *early pre-election, pre-election, voting days, counting days, early post-election and late post-election* – sets of factors that affected the outcome of the June 2000 election. These are pinpointed with regard to key sets of actors that affected the free and fairness of the election. These core actors are the Zanu-PF executive and judiciary, security and related forces, electoral authorities, the state with its control over series of resources, the mass media, and opposition political parties. The next section will consider the extent to which observer missions offered findings on each of the six phases. This information is then transferred on to the six-phase grid (see Table 1), cross-tabulating phases and actions of the core actors responsible for the conduct of the election.

An analysis of the extent to which observer missions in Zimbabwe in June 2000 conducted a phase-linked form of observation, has to take account of several induced limitations on the commencement of observation. These include the 'enforced' late accreditation of observer missions. Zanu-PF actions accounted for a proportion of partial and limited observation projects. It overwhelmingly curtailed observation to the last days of the election campaign and the voting and counting period.¹⁷ A series of steps led to a two-week-long accreditation crisis. First, the Zimbabwe government rejected an earlier understanding that the United Nations Development Programme (UNDP) would manage the accreditation of observers. Two weeks before the election, it was decided that the government itself would be responsible. The government started selecting the missions that would be accredited. National and international would be; NGO missions were excluded, as were British and US observers.¹⁸ This led to last-minute adjustments in the composition of several international missions.

Some of the observation groups, including the European Union, were provisionally deployed on the understanding that the team managers in Harare would handle accreditation. This was withdrawn, and all were recalled to Harare to personally apply for accreditation. This left approximately one week for election observation, and pushed the observation actions into the 'safe' final campaign phase (when Zanu-PF had largely withdrawn from the most visible of manipulation and intimidation activities). Other missions, in Zimbabwe at the invitation of, for instance, the ESC or sister NGO or religious organisations, had to temporarily suspend their monitoring programmes. Several were accredited approximately forty hours before the opening of the polls, and then only could they be deployed to allocated geographical areas. Accreditation problems consumed much of the time and energy available for observation. The result was that missions, already suffering from low numbers and the inability to cover all the constituencies, much less all of each constituency, often only conducted the bare minimum of electoral coverage. Observation was often limited to bigger urban areas, with limited capacity to move through rural and remote rural areas. Concurrent with the new regulations for the accreditation of international observers came the ruling that all domestic monitors had to be accredited. In addition, only limited numbers would be accredited, and they would be selectively allowed to enter voting stations. Furthermore, accreditation certificates and identification materials in many instances arrived late, if at all.

The following sub-sections examine the actions that affected the electoral playing field

across the six phases of the electoral period and are organised in terms of the core actors that operated in this inclusive June 2000 election period. This period is defined as ranging from February 2000 to September 2001. The *early pre-election* period in this study is identified as being the months between the February 2000 referendum and early June 2000, the *immediate pre-election period* as the two weeks of June before the June election, *voting days* as 24-25 June, *counting and announcement days* as 26-27 June, the *early post-election period* as the first two weeks of July, and the *late post-election period* as Mid-July 2000 to September 2001.

Using these phases as a guideline, the section maps the involvement of a constellation of Zanu-PF forces in affecting the playing field. Included are those actions that systematically altered the playing field and amounted to either bending or transgressing the criteria of free and fair contestation. The governing party Zanu-PF had, and used, extensive powers to affect the electoral field in the run-up to the June 2000 national election.¹⁹ The actions had dimensions of alternatively being legal and constitutional, constituting crude adaptations of legal and constitutional, covert thug force action, and open support of the counter-democratic. Many of these actions were undertaken by a shadow anti-democratic and frequently repressive layer of Zanu-PF government that co-exists with 'Zimbabwe as the electoral democracy'. This combination strategy extended into all stages and structures associated with the election, structures of the state, affected all opposition²⁰ players, and it mobilised a wide range of state resources (for instance the military, the mass media, the office of the president) in favour of Zanu-PF. Opposition political parties were mostly at the receiving end of Zanu-PF's total electoral strategy, but in some ways also managed to affect the electoral playing field – especially in their range of alliances with some of the observer mission host countries.

The early pre-election period

Through its responsibility for appointments to the range of electoral bodies and relevant government departments, Zanu-PF from the early pre-election period on had ensured command over the bulk of actors that would be responsible for setting up and conducting the elections. The effect of the electoral agency actions was manifested throughout the pre-election and core election phases. The bulk of proactive action, however, occurred in the pre-election phase.

The Delimitation Commission,²¹ the ESC and the registrar-general²² are all appointed by the president. The other electoral body, the Election Directorate, consists of a chairperson appointed by the president, the registrar-general and other members appointed by the minister of justice, legal and parliamentary affairs.²³ The omnipotent person is the registrar-general, in this case Tobaiwa Mudede, who was known to be a close associate of President Mugabe. The actions of these institutions, however, are a better indicator of whether the playing field was fairly constituted or not. Electoral rules generally were flouted. For instance, on 7 June 2000, the Electoral Act was modified to reduce the minimum period within which elections were to be held from 21 days following nominations to 20 days, in order to legalise earlier Zanu-PF actions.

The ESC, in the months running up to the election, became systematically undermined – to the point of emasculation. Powers were usurped, starting months before and ending in the week before the election, and essential and senior staff were not being replaced. The ESC's role of appointing monitors was usurped by the registrar-general.²⁴ Furthermore, virtually no funding was provided for the ESC to train domestic monitors.²⁵ On 13 June, the ESC instituted legal action against the government for undermining its powers. Its challenge was dismissed in the High Court.²⁶ A few days before the election, the president appointed a new chairper-

son. In the post-election period the new ESC became an institution that toed the Zanu-PF line.

To the extent that there might have been what the NDI pre-mission report²⁷ described as systematic rigging of the election, Zanu-PF's control over and close association with the range of security forces played a significant role in all phases of the election period, including the whole post-election period. Intimidation and violence were rife, however, in the months leading up to the election. Actions were often targeted at teachers, MDC-supporting farmers and farm workers.²⁸

By all accounts, the CIO played a crucial role in the electoral survival of Zanu-PF.²⁹ Associated with the structures within the presidency, the CIO also took a core role in the implementation of Zanu-PF's pre-election land campaign. The logistics and funding of this campaign were coordinated from within the office of the president.³⁰ This was facilitated through the fact that the office of the president and cabinet are the only components of government that are not audited and funding could therefore be channelled via these structures.

In many respects the most-feared of the security forces in the election period were the 'thug forces'. Militia forces, often associated with Zanu-PF, were active in many of the rural areas of Zimbabwe in the run-up to the elections. The war veteran forces routinely combined with bands of Zanu-PF youths to systematically invade and 'campaign' in the relevant constituencies. Base camps became a feared phenomenon, and also played a crucial post-election role.

For the 2000 election, because of opposition parties not having reached the threshold of electoral support required to gain public funding, Zanu-PF continued to have the monopoly of state funding for political parties (the legislated public funding formula for political parties is governed by the Political Parties [Finance] Act 2001).³¹ Zanu-PF had ample finance to coordinate the land project (the core Zanu-PF campaign project), to hire, manage and supply land invasion 'troops' (for instance from the Mubare market near central Harare), and to provide extensive coordination, transport, food and materials for temporary housing for land invasion forces.

Throughout the extended election period, Zanu-PF was aided by its control over an influential sector of the mass media, including print (in the form of *The Herald*), and television and radio (through its control over the Zimbabwe Broadcasting Corporation). The print, radio and television media for a long time had been unabashedly pro-governing party. A greater diversity of voices was only evident in the print media, and only as far as the urban areas are concerned. The virtual monopoly that Zanu-PF enjoyed over the political information that was available to rural voters was crucial to its electoral performance. Non-Zanu-PF newspapers had a minimal chance of reaching a cross-section of Zimbabwean voters. *The Herald*, with its strongly pro-Zanu-PF position, had a circulation of 92 000, but was overtaken by the MDC-supporting *The Daily News* (circulation 100 000). Zimbabwean newspapers, however, have an overwhelmingly urban readership. Various other newspapers represented either independent or small minority interests.³²

It was especially through its control of radio broadcasts that Zanu-PF could continue reaching and influencing the bulk of both the urban, and especially rural, population.³³ A large proportion of the rural population depended exclusively on radio for their public issue information. Radio Two (FM and short-wave, broadcasting in Shona and Ndebele) was a crucial carrier of the Zanu-PF voice.

The immediate pre-election period

Zimbabwe 2000 delivered a range of electoral authority actions that ran counter to expect-

tations of fairness and neutrality. The demarcation process was rushed and truncated, effectively only starting on 25 April 2000. These processes would normally be expected to be concluded in the early pre-election period, but in fact straddled both the pre-election phases. In the immediate pre-election period, and with regard to electoral authorities, the office of the registrar-general was highly influential in trying to tilt the electoral balance in favour of the governing party. Irregularities were first suspected³⁴ and later confirmed in issuing the postal ballots. The MDC applied to the High Court for an order to restrain the registrar-general from issuing postal ballots, but the High Court at the time dismissed the application (this was reversed in the late post-election phase).

The demarcation commission submitted a preliminary report to the president on 12 May. It was only on 24 May (five days before the prescribed nomination of candidates) that the commission submitted its final report. Opposition parties were convinced that Zanu-PF was unfairly advantaged, mostly because of overlaps between membership of the commission and senior Zanu-PF officialdom.³⁵ In terms of actions, the Harare South constituency (formerly a stronghold of opposition member Margaret Donga) was both extended southward to include a large number of newly settled occupants of farm land, and flooded with army barracks and postal votes from the Democratic Republic of the Congo (DRC). Harare and Bulawayo (both of which are opposition strongholds) each lost a constituency to rural areas (parts of the country that are more inclined to be Zanu-PF). In other instances, parts of rural constituencies were incorporated into the urban constituencies, an action that was designed to bolster Zanu-PF's urban support.

Voter registration was equally rushed. A wide range of omissions and illogical registrations were recorded (apart from a large number of deceased persons being included in the voters' roll).³⁶ The reopening of the voters' roll in the weeks just before polling day, ostensibly to accommodate these voters, was used to register substantial numbers of new farm settlers on strategically chosen occupied farms. Such settlements were positioned to be within reach of opposition areas, also with objectives of unleashing violence and intimidation in the run-up to and aftermath of the election.³⁷ The term 'systematic disenfranchisement' subsequently emerged in several observer reports.

In the immediate pre-election period, also a time of intense monitoring, there were community and NGO reports, and some media coverage and occasional observer reports, pointing to widespread electoral violence, probably with opposition supporters overwhelmingly as the target. Official police reports apportioned equal blame to opposition and government.

Of the official security forces, the military was the most explicitly pro-Zanu-PF, especially the upper echelons. In the final days before the election there were high levels of speculation that a military coup might be a possibility, should the opposition MDC emerge with a parliamentary majority.³⁸ (These reports continued surfacing in the post-election period, and were directly linked with intra-Zanu-PF battles for party survival and succession.)³⁹ At the time, these reports had the effect of 'warning' that there could be bloodshed should Zanu-PF lose.

The police, though sometimes in the run-up to the election seen as the 'most neutral' of the security forces, had a consistent role in backing up the Zanu-PF regime. The lack of response from the police force (or their late arrival after call-outs) characterised the police role in the Zanu-PF assault on opposition-supporting voters. There were frequently reported cases of torture, abduction, burnings and rape (often conducted in after-dark invasions of 'beyond-urban' communities that were siding with the MDC)⁴⁰ that were ignored by the police. Police also maintained absences in the cases of abductions into political re-education camps. A climate of fear and apprehension prevailed. It was only in some urban areas, such as St Mary's

in Chitungwiza, that young Zanu-PF supporters feared their MDC counterparts.⁴¹

State human resources and infrastructure, as well as ample public funding for the governing party, gave Zanu-PF the capability in the immediate pre-election period to provide food and other paraphernalia for thousands of rally attendees, close off and round up whole communities when Zanu-PF rallies were taking place, and produce billboards and banners. Such resources were out of reach of opposition parties. Several observer missions⁴² reported the use of state vehicles to transport people to Zanu-PF rallies. Upon opposition complaints that Zanu-PF was using state vehicles, Zanu-PF retorted that international interests, foreign business and commercial farmers funded the MDC.

Voting days

Both voting and monitoring operations on the voting and counting days of the Zimbabwe 2000 election generally ran relatively smoothly. Officials, a range of missions reported,⁴³ commonly acquitted themselves professionally and even-handedly in their tasks. Monitors observed few serious cases of intimidation or other unfair practices. Journalists venturing further away had other accounts.⁴⁴ It was widely reported, where the observers and monitors were present, that presiding officers executed the necessary controls and that monitors and party agents were allowed fair access and were commonly included in deliberations and decisions. In the urban areas presiding officers often allowed more than the prescribed one monitor a time inside the voting station.⁴⁵ Ballot boxes were reported to have been sealed in accordance with regulations, monitors were allowed to travel with the boxes⁴⁶ and fair oversight was allowed in guarding the ballot boxes overnight. In many reported instances in the rural areas in June 2000, as well as the rural by-elections after June, however, the electoral authorities on the ground did little to restrain Zanu-PF forces from intimidation within voting station perimeters.⁴⁷ Much of the intimidation would happen just beyond the area of jurisdiction of the electoral authorities.

In this core election period, the electoral authorities at voting stations deflected dissatisfaction with poor voter registration by registering voters on site for future elections. At one voting station in Harare Central, more than 50% of hopeful voters were turned away.⁴⁸ Throughout the country, presiding officers suggested that it was the voters' fault, turning out to vote in constituencies where they had not been registered.⁴⁹

Traditional leaders too came to play a significant ancillary role in intimidation and perpetration of violence on ordinary voters. Reports both in the core election and post-election periods showed how these leaders would herd community members into meetings and to voting stations, recording names of absentees, and handing these names over to Zanu-PF youths and war veterans for retribution to take place.⁵⁰

Zanu-PF had near-exclusive exposure on the Zimbabwe Broadcasting Corporation (ZBC).⁵¹ At the time of the intense public scrutiny of the last ten days of the campaign, Zanu-PF and the ZBC announced that there would be slots (free five-minute election manifesto broadcasts, free ten-minute radio interviews with the parties, and free thirty-minute television interviews on the parties' manifestos) for the opposition parties to state their policies and election messages. These inserts, however, stood isolated within the broader wholly pro-Zanu-PF ZBC content.⁵² Broadcast times were at the discretion of ZBC, and even the debate airtime was not equally distributed amongst parties.⁵³

Counting days

The analysis of the period of counting is brief, because of the general quietness of this

period, with security forces maintaining a relatively low presence, and activity largely concentrated in the hands of public officials and the electoral authorities. There were suggestions and suspicions that irregularities occurred in the office of the registrar-general, including in the processing of postal votes. Because of no access and little post-election scrutiny, however, little remains known about this period.

The early post-election period

After the June elections both police and army members were deployed in high-density suburbs like Chitungwiza and Kariba, intimidating and assaulting people. Generally, however, Zimbabwe dropped into the quiet zone of election exhaustion. There was little explicit resistance to the election result that gave a narrow majority of seats to Zanu-PF, and most Zimbabweans appeared keen to let their lives return to pre-election forms of normality.

The late post-election period

In the post-election period, a range of crucial actions played themselves out in the terrain of electoral management. The office of the registrar-general featured in several election petition cases being heard in the Zimbabwe High Court. The references mainly concerned the inadequacies regarding the voters' roll and the high numbers of voters that were turned away on polling day. It was significant that in September 2001, in the 'cross-over period' between the 2000 parliamentary and the 2002 presidential elections, continuous appeals were being made by NGOs, churches and opposition parties for the voters' roll to be ordered and updated.⁵⁴ President Mugabe in December 2000 attempted using the Electoral Act (Modification) (no 3) Notice 2000 (Regulations) to cancel the electoral challenges brought by the MDC (done in terms of section 158 of the constitution). The Supreme Court, under Justice James Devittie, however, declared this effort unconstitutional and the petition hearings proceeded. In 2001 Devittie was forced to step down in the Zanu-PF campaign to ensure the subservience of the Supreme Court to the Executive. Post-election, a court ruling also nullified postal ballots received from the DRC⁵⁵ on the grounds that the applicant had not signed the ballot.

Monitoring reports about electoral violence and intimidation were substantiated in the late post-election period in a series of High Court hearings on the electoral petitions that the MDC had lodged against the election results in 37 constituencies. Even in cases where the results were not nullified, evidence was led of atrocities that were instigated, inspired or condoned by Zanu-PF. Trends of Zanu-PF inspired violence and intimidation also persisted throughout the 2000 and 2001 by-elections, especially in the constituencies of Bikita West, Makoni West, Chikomba and Marondera West.⁵⁶ 'Clean-up' operations by war veterans became commonplace in the aftermath of the 2001 by-elections, despite the fact that Zanu-PF had won these by-elections.⁵⁷ Zanu-PF's control over and close association with the range of security forces played a significant role in all phases of the election period, including the whole post-election period.

The militia base camps mushroomed in the weeks before any of the by-elections. Reports of abductions for rape and re-education abounded.⁵⁸ War veteran leaders often led these conglomerations of constituency invasion forces. On occasion, the mere announcement of their arrival in a community would lead to villagers abandoning homesteads and fleeing into surrounding hills. The September 2001 Chikomba by-election, coordinated for Zanu-PF by political heavyweight and reported challenger to Mugabe (Sydney Sekeremayi Mujuru), was the least violent of the 2000–2001 by-elections, and the 'invasion forces' were well-controlled until the murder of a school principal. Reports of the monopolisation of state resources for Zanu-

PF use continued in the late post-election period. In the by-election in Marondera West, war veterans occupied local government offices and denied the MDC access to resources. In addition, the base camp infrastructure set up in the by-election constituencies was courtesy of the army.⁵⁹

A significant presidential action aimed at both covering up and protecting perpetrators of Zanu-PF-linked violence was the presidential pardon that was issued in October 2000. Post-election figures regarding campaign violence confirmed that it was overwhelmingly Zanu-PF and its supporters that were responsible.⁶⁰

In the post-election period there were several attempts to silence the expression of non-Zanu-PF opinion. The printing press of *The Daily News* was bombed, as were the MDC offices in September 2000. The year 2001 saw several attacks and raids on opposition party premises. Raftopoulos notes that:

the state sought to close off spaces for the privately owned media to operate. Through restrictive legislation, threats, newspaper burning, the bombing of the alternative press, and the deportation of critical foreign correspondents, the Zimbabwean state followed ... in the footsteps of its Rhodesian predecessor.⁶¹

The late post-election period also saw the introduction of limitations on voter education for the 2002 election, ensuring that the newly constituted ESC would have full control over both voter education actors and content.

Access to state resources also facilitated large-scale efforts to 'buy votes'. In the post-election period of 2001, evidence abounded that Zanu-PF was trying to buy the votes of Bulawayo voters, especially women, the elderly and the unemployed (with the only precondition being that recipients had to show Zanu-PF membership cards). The government had a Z\$1 billion fund by late 2001 for small- and medium-scale entrepreneurs. Project money was being handed out at Zanu-PF rallies; attached were voting instructions.⁶²

By September 2001 there was an incontrovertible trend of Zanu-PF tightening control over all possible channels of expression of alternative voices. Dissent from the judiciary was being silenced, the urban campaign to undermine established trade unions was underway, local government control in the rural areas was being tightened, with greater party control resulting on the district and provincial levels, the Broadcasting Services Act of 2001 was geared towards gaining more media control, foreign funding of political parties was being outlawed, controls were being imposed on voter education, alternative Zanu-PF civic bodies were being launched, and youth national service was being revived.⁶³

This section, in combination with Table 1, maps the June 2000 election, illustrating the variations in compliance with criteria of free and fair over the six phases, ranging from *early pre-election* to *late post-election*. It showed how compliance with norms and freedoms escalated in precisely the two core election phases of maximum observation. The analysis also illustrated the concurrence of a number of the major actors in affecting the election process. For instance, the governing Zanu-PF, the electoral administrative machinery, the security forces and the publicly controlled mass media, in most phases of the electoral process, worked in unison to advance the electoral strength of the governing party. Furthermore, the opposition political parties, domestic and international NGOs, and various observer missions in several respects acted in cohesion and pursued a common cause. A range of human rights monitoring organisations and NGOs formed a natural partner in the constellation of anti-Zanu-PF forces. There was sufficient differentiation amongst these forces, however, for them not to be included into the core of a phase-actor analysis (Table 1 does provide comparative data). The fact that the electoral battle was in effect being conducted between two broad sets of party

political constellations had a significant impact on the ability to judge the degree to which the election in Zimbabwe was free and fair.

Observers calling elections: Silences and consensus on the six phases

The observer and monitor statements and reports on the level of free and fairness of the June 2000 election variably referred to each of the six phases that are the focus of this study. This section investigates the silences in the Zimbabwe 2000 election calls, and especially the extent to which omitted phases comprise the early pre-election and late post-election phases of the electoral process.

The Zimbabwe 2000 observer missions commonly drew attention to the necessity of systematic attention to both the campaign period, and the voting and counting phases of the electoral process. In at least half of the statements issued just after counting, however, delegations predominantly chose the narrower options, namely to highlight the days of voting and counting. Some delegations in their immediate post-election statements stressed that they would focus on those days *exclusively*, given the primacy of these days in the election process. The primary focus on these days also became an 'escape clause' for several missions. In the fact of a satisfactory level of turnout, they could find a reason to overlook the transgressions that would have been politically sensitive. Subsequent, full reports would take account of all phases, they said.

A major challenge to the practices of electoral observation emanating from the case of Zimbabwe 2000 was that none of the missions had done complete monitoring of the full cycle of the election process, and none had full and complete access to relevant information regarding the phases that they were allowed to observe. The reasons for this were both internal and external to the missions. The realities of limited time and human resources were *internally driven*. A small number of missions can also be said not to have had the desire to do extensive monitoring. Some arrived with fraternal mandates of affirming President Robert Mugabe's Zanu-PF in its continued proclaimed revolutionary battle against colonialism and racism. There was a disempowering factor in observation mission capacities and small sizes: apart from the mission of the European Union (150 members; the second biggest was the Commonwealth mission with 44 members), missions could not possibly have authoritative and definitive verdicts on most of the phases of the electoral process. Different missions in several instances coordinated observation excursions within provinces and regions, and they shared both interim and final observations in order to achieve as comprehensive an assessment as possible. Overall, however, the reality of low numbers of observers and incomplete geographical coverage disempowered missions. Micro-missions, such as the Southern African Legal Assistance Network (linking up with their Zimbabwean counterpart) relied predominantly on media and secondary information bases to structure their findings. There were a number of mission reports, however, that predominated in the observer industry of Zimbabwe 2000. They included the Commonwealth, European Union, SADC, NDI, IRI and the OAU.

External to the missions were inhibiting factors such as the fast-track nature of the election. The major external factor, however, was the limited access in terms of time, geographical spread and depth that the observers were allowed. Several missions arrived in Zimbabwe, but could not be deployed because of accreditation politics and subsequent delays. All government and electoral authority decisions and arrangements were kept opaque. Only the most essential information was released to the missions, and this was done at the latest possible moment. Some of the missions were undermined because of Zanu-PF battles with Britain and the US. Given the general inability to cover the whole of the election process, or to have ade-

Table 2: Comparison of select observer mission statements

MISSION	Period of observation	Select verdicts	The people	Constraints on credible elections	Recommendations for future elections
Commonwealth (1)	Advance group, observer group observing from pre-election period	Positive factors, but serious shortcomings; Serious impediments; Deplore violence and collapse Rule of Law; Impaired freedom of choice	Democracy taken step forward by people; Serious impediments to freely choose representatives; Violence and threats impede freedom choice	Framework of election matter of concern; Most concerned re violence, intimidation; Climate of fear, uncertainty; Campaign in many cases not possible; Disenfranchisement; Media not balanced	Improve technical assistance, quality of elections; Code of conduct for parties and media; Accredited domestic observers in good time; Further attention delimitation; Revise postal vote system; More voter education; Better polling station management; Ensure Rule of Law
	Focus on build-up to the campaign, campaign and post-election period	High turnout but serious flaws, irregularities; monitors severely undermined	Voter determination to influence their future; high turnout; violence & intimidation marred final result	Election framework flawed; Registrar-general's office not open, transparent; fleeting regulations; Severe undermining of monitors; High violence, intimidation, coercion, sanctioned by Zanu-PF; variable ability to campaign; media unequal access	Restore Rule of Law; Establish impartial electoral body; International observers are to be deployed in good time
SADC (3)	Primary focus on two days of voting; final report inclusive of pre-election processes	Domestic monitors' contribution, commitment; Professionalism of electoral staff	Congratulate voters on turnout; 'As a region we are satisfied when the people of Zimbabwe are satisfied'	Regret that voters have been turned away	Urge all in Zimbabwe to stand together, and build peace and tranquillity
National Democratic Institute (4)	Pre-election period, early phase of the campaign (up to denial of accreditation)	'Conditions for credible elections not in existence at this time'	Violence, anxiety, fear; Torture, beatings; Courageous monitor mobilisation; Trust in ballot secrecy undermined, could affect whether to vote, who to vote for; Desire for meaningful process, acceptable all	Problems with electoral framework, concerning level playing field; Compressed electoral calendar created problems, as did changes to law, flawed delimitation	Need large-scale voter education re ballot secrecy, voter rights, importance of inspecting voters rolls; Immediate efforts required to improve political environment, ensure adequate resources for electoral authorities
International Republican Institute (5)	Pre-election period, into final campaign (up to denial of accreditation)	Process not open, transparent; Zimbabwe worst of 90 elections observed in 40 countries, judged by standards of region	Many braving the violence and intimidation to vote	Election administration so flawed that election can't adequately reflect the will of the people	(Mission ends early)
Organisation of African Unity (6)	Primary focus on voting and counting activities	'Scattered incidences of attempts to intimidate voters'	Incidents not significant enough to impact on voter turnout; People successfully exercised franchise	A number of voters prohibited from voting by flawed Voters' Register, but not possible to determine the total number	Forge an atmosphere of peace and harmony, with dialogue and consultation between people of Zimbabwe

Sources to Table: 1: Commonwealth Observer Group, Interim Statement 27 June 2000, and Commonwealth Report, 30 June 2000 2: European Union, Interim Statement, 27 June 2000, and European Union Report, 4 July 2000 3: SADC Parliamentary Forum, Preliminary press statement, 25 June 2000, and Statement, 26 June 2000 4: NDI, Report, 22 May 2000, and Statement, 20 June 2000 5: IRI, Statement, 20 June 2000 6: OAU, Preliminary Press Statement, 26 June 2000

quate access, missions were not in the position to do definitive assessments, based on first-hand observation, of the June 2000 election. Care also had to be taken to demonstrate that missions had the interests of ordinary voters at heart.

Observer reports indicated which of the phases were observed (see Table 2). The election calls ranged from fairly exhaustive and systematic observation to partial, superficial and reluctant observations and calls. The highest frequency and widest geographical spread of observation occurred on the days of *voting and counting*. The reports (see Table 2) had great praise for, and paid tribute to, ordinary Zimbabweans for having shown the courage to vote, despite serious impediments. No mission could risk withholding recognition of dedicated voter participation, taking place against such great odds. In the reports, the *early pre-election period* received some attention, especially in the pre-election report of the NDI. Observation peaked in the last week of the campaign, the voting and the counting days. The interim statements of several missions followed. Two days after the announcement of the election results the exodus of international observers peaked. By the end of June and the beginning of July, the major missions started issuing their full reports. It was predominantly local NGOs that kept on monitoring into the *post-election phases*. As the analysis of the extended post-election period shows, there has been a range of significant post-election actions that not only shed further light on the extent to which June 2000 was free and fair but actions that will also affect the 'playing field' of subsequent elections.

An emphasis on the 'general will' of the electorate proved able to, on the one hand, override many of the negatives associated with pre-election phases, or, on the other hand, to offer an 'escape mechanism' to missions, assisting them in not pronouncing on a fraternal governing party. The politics of liberation and regional Southern Africa bonds could override assessments, and direct the choice of phrases used in the assessments. In Zimbabwe, it definitively impacted on reports' emphases. It would be noted, for instance (OAU, 2000) that it was impossible to say how many people were disenfranchised because of the poor state of the Zimbabwe voters' roll. Or, as the South Africa parliamentary mission reported, the Zimbabwe election result "reflected the will of the people" of Zimbabwe.⁶⁴ In the end, however, most observer reports largely relied on the verdicts of the people — indicating that the phases of voting and counting overrode all pre- and post-election considerations in the practice of elections observation. The observers, in a sea of partial observation and incomplete access, waited for the voters to define the importance and relevance of the observers' observations. The voters gave a number of verdicts: they did vote in larger numbers than in February 2000's constitutional referendum, and they did dare to vote for opposition parties, especially for the MDC.⁶⁵

Most observer reports specifically commented on the determination of voters to turn out to vote and affect their destiny. The percentage poll (50%) was generally lauded as high. The proportions in which voters exercised their choices appeared, for the time being, to satisfy both the voters and the political parties: A rejection of the result of voting, on the basis of the preceding unfair conditions, therefore, would run counter to the apparent interests and wishes of the electorate.

Whereas most missions appeared convinced that the unfairly distributed powers and resources, hugely uneven playing field, and widespread practices of violence and intimidation 'must have affected the outcome of the election', it was *not possible to establish the extent* to which this had materialised. This zone of 'uncomfortable calls' was further extended through the political knowledge that voters appeared relatively content with the result, judging by political compliance in the *immediate post-election phase*. It appeared from newspaper coverage that vot-

ers wished for a result that would ensure peace and would be acceptable to all political parties.⁶⁶ The election result satisfied this criterion.

Several of the missions use the focus on the phases of voting and counting to condemn the observed transgressions, whilst recognising the positives. One of the trends emerging from this analysis therefore is that the core election phases (voting and counting) largely overruled the tentative and incomplete observations of the preceding phases of the parliamentary elections of June 2000. Yet, the essence of the full-cycle, six-phase observation leaves little doubt that greater depth of observation, more advanced geographical coverage, and less obstruction by government, could have brought more sanction to bear on a government that significantly obstructed larger numbers of voters from expressing their will. It would also have aided the credibility of observer missions: they could have been seen to observe the same breadth of election processes in order to arrive at verdicts of 'free and fair'.

Conclusion

The paper demonstrates the extent to which the application of systematic and six-phase, extended observation practices could help ensure, on the one hand, the credibility and reliability of electoral observation practice, and, on the other hand, the integrity of subsequent elections. Observation of these six phases, ranging from early pre-election to late post-election, is required in order to present authoritative calls of the election in question. The analysis showed, for instance, that the late post-election phase was definitive in providing both clarity on the standing of the past election in terms of free and fairness, and substantiation of many reported events that were still obscured at the time of the observer reports. Simultaneously, these late-post-election observations feed into the early pre-election phase of forthcoming elections. In Zimbabwe, this circular linking of late post-election and early pre-election was of particular relevance, given that the presidential election of March 2002 followed less than two years after the 2000 parliamentary elections.

The specifics of observer practice in Zimbabwe circa 2000, however, showed that observer missions, almost without exception, covered only the core election period and the fringes of the pre- and post-election phases. Observer missions therefore were often constrained in making strong and definitive judgment calls of the free and fairness of the election. Without having gone through the extensive observation period, and without having had the necessary time and resources to do exhaustive observation, most of the observer missions followed the safe route of predominantly pronouncing on the core election periods of voting and counting. These two periods, respectively, were characterised by relatively high and predominantly peaceful voting processes, and counting and announcement that was peaceful and apparently accepted by the people. The analysis shows the pronounced differences between these two core phases and those phases furthest away from the core periods.

Given the thin preceding observation processes, and the courage of Zimbabweans to vote, despite difficult circumstances, observer missions had left themselves little option but to pronounce favourably – despite a weight of reports of events and actions that indicated that the free and fairness of the electoral processes were being undermined, especially by a constellation of pro-Zanu-PF forces. The observer missions that followed this trajectory of safe pronouncements became grouped together with the politically mandated missions that came to Zimbabwe with the objective of providing fraternal support to Zanu-PF in its post-liberation struggle against intervention and prescription by Western and former colonial powers. In as far as observer reports on the Zimbabwe 2000 election did indicate transgressions of the standards of free and fair, these were often overridden in favour of concentration on the core elec-

tion phases. A plethora of problems therefore affected the credibility and consistency of observer reports.

This paper's emphasis on the importance of election observation that is systematically spread across the six identified phases implies a proposal for building the credibility of observer actions. It is only through the thorough and systematic conduct of observation across the six phases that authoritative and definitive pronouncements on elections are possible. Observer missions ought to present all calls of an election relative to the particular phases observed. Classifications of election calls should be done on the basis of, for instance, the extensiveness or the partial status of the observation that was conducted. Election calls therefore should not 'stand alone', but should be issued in conjunction with a specification of the phases that were observed and the actors whose operations were included in the assessments. This form of externalisation and transparency of observer practices, in the longer term, could make important contributions to the practice of election observation. Equally, in the domain of research, the application of the six-phase theoretical framework could contribute to systematic comparisons of election practice over time in changing geographical settings. The theoretical application extends the rudimentary three-phase differentiation of the election process to six phases, where each of the six has its own range of actor-actions that could change the course of the election in terms of the criteria of free and fair.

It also has to be recognised that observers could have a different role from the one of assessment and pronouncing on the free and fairness of the election. Whether observers enter the election domain of the host country with the intention of acting as mediators and peace-keeping forces or not, this is often the *de facto* role that they play. There can be little doubt that observers helped set foundations for a relative increase in the free and fair dimension of the 2000 Zimbabwe election. As the Commonwealth noted in its report (2000):

By nomination day the level of violence had reduced. The presence of international observers is believed to have played a significant role ...⁶⁷

The NDI report⁶⁸ acted as a catalyst for observation, and added to pressure on Zanu-PF. It did not, however, move the government and electoral authorities into more transparency and neutrality. In several ways, the importance of observer missions might be that they were 'there' and provided a partial protective barrier against state oppression. Their presence in the early pre-election and late-post election phases obviously could impact on the protection of citizens against repressive governments. The problem, however, is that observer missions often are of foreign origin and remain visitors who can spend only limited time in the host country. For election observation to be able to extend into the obligatory six phases, there would therefore have to be enhanced articulation between international observer missions and domestic monitoring organisations that are in the position to conduct continuous monitoring.

Equally, observer missions, in setting the scene for continuous electoral observation in countries of crisis, such as Zimbabwe, could well consider issuing 'final' observer reports, covering the post-election events and trends that fill in the gaps of uncertainty that still prevailed in the June-July 2000 observer reports.

Endnotes

- 1 The term 'observer' will be used in this paper to refer to both 'observers' and 'monitors'. Some of the literature distinguishes between 'observers', who tend to arrive shortly before the election, and 'monitors', who follow the unfolding elections in a more systematic way. The two terms, however, have

- largely been used interchangeably (see Robert Pastor, 'Mediating Elections', *Journal of Democracy*, 9, 1997, pp 156-57. The 'observer' missions to Zimbabwe 2000 recognised that their missions were modest in nature, although they did practise some broader monitoring activities as well. However, for political reasons they focused their reports on the core election days only. Other missions, for instance those of the European Union and the National Democratic Institute, were in essence monitoring missions. Their operations, however, were curtailed by ruling party and electoral authority interventions. See also Thomas Carothers, 'The Observers Observed' *Journal of Democracy*, 8, 1997, pp 17-61 and Neil Nevitte and Santiago Canton, 'The Role of Domestic Observers' *Journal of Democracy*, 8(3), 1997, pp 47-61.
- 2 Masipula Sithole, 'Zimbabwe's eroding authoritarianism' *Journal of Democracy*, 8(1), 1997, pp 127-41, notes a measure of eroding authoritarianism. The current Zimbabwean system combines pervasive authoritarianism with a veneer of electoral politics and continuously threatened enclaves of freedom of expression and association. Section 38 (2) of the constitution leaves the issue of how elections are to be run to Parliament. Few conditions apply to what types of laws Parliament should adopt in this regard. This has led to attempted restrictions, such as the president trying to invalidate challenges to election results.
 - 3 The author was a member of both the pre-mission (early June 2000) and actual election mission (from the second to the fourth weeks of June) of the Electoral Commissions Forum (ECF) of the SADC countries. The mission was coordinated by the Electoral Institute of Southern Africa (EISA).
 - 4 Gerhard Totemeyer and Denis Kadima, *Handbook for Election Observer Missions*, Johannesburg: Electoral Institute of Southern Africa, 2000, pp 7-40.
 - 5 See also Giovanni Sartori, 'Concept misformation in comparative politics', *American Political Science Review*, 64, 1970, p 1034.
 - 6 See Jorgen Elklit and Palle Svensson, 'What makes elections free and fair?' *Journal of Democracy*, 8(3), 1997, pp 32-46. Also see Bruce Baker, 'The quality of African democracy: Why and how should it be measured?' *Journal of Contemporary African Studies*, 17(2), pp 273-86.
 - 7 Bruce Baker, 'The quality of African democracy: Why and how should it be measured?' *Journal of Contemporary African Studies*, 17(2), pp 273-86.
 - 8 Douglas Anglin, 'International election monitoring: The African experience' *African Affairs*, 97, 1998, pp 471-75; see also Nevitte and Canton, op. cit., pp 47-51; and Pastor, op. cit.
 - 9 Anglin, op. cit., p 472. Clark asks the question whether international observers and monitors have to be there at all (see E. Spiro Clark, 'A tune-up, not an overhaul: Debating democracy assistance' *Journal of Democracy*, 10(4), 1999, pp 114-18).
 - 10 See *Sunday World*, 8 July 2000.
 - 11 See *The Herald*, 21 June 2000; *The Daily News*, 23 June 2000.
 - 12 Zimbabwe Broadcasting Corporation morning news, 20 June 2000.
 - 13 It was in December 1999, at the Zanu-PF conference, that the party realised that it would not be able to survive politically without action such as the land campaign (E. Noko, interview, Permanent Secretary Foreign Affairs, Zanu-PF, June 2000). The reality of Zanu-PF's sliding fortunes became reinforced in the constitutional referendum of February 2000. Zanu-PF's draft constitution was defeated by 697 754 to 578 210 votes (54.7% versus 45.3% of the votes).
 - 14 David Moore, 'Is the land the economy and the economy the land? Primitive accumulation in Zimbabwe' *Journal of Contemporary African Studies*, 19(2), 2001, pp 253-66.
 - 15 Interview, member ANC women's league, MP, Harare, 27 June 2000 (interview on condition of confidentiality).
 - 16 National Democratic Institute (NDI), 'Report of the NDI Pre-election Delegation,' 22 May 2000.
 - 17 See Election Directorate, 'Accreditation of Observers', 20 June 2000.
 - 18 See National Democratic Institute (NDI), 'Statement on Refusal by the Government of Zimbabwe to Accredite NDI and Others to Observe the June 24-25 Elections', 20 June 2000; International Republican Institute (IRI), 'IRI Cancels Observation Delegation to Zimbabwe', 20 June 2000. On the UNDP withdrawal, see *The Sunday Mail*, 11 June 2000.
 - 19 For more information on Zanu-PF in power and being challenged for power, see Patrick Bond,

- 'Zimbabwe: Another liberation?' *Indicator SA*, 16(1), 1999, pp 95-103; I Hatchard, *Individual Freedoms and State Security in the African Context: The Case of Zimbabwe*, Harare: Baobab Books, 1993; John Makumbe and Daniel Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*, Harare: University of Zimbabwe Press, 1999; David Moore, 'Don't forget Mugabe's history' *Mail and Guardian*, 7 April 2000; Sam Moyo, John Makumbe and Brian Raftopoulos, *NGOs, the State and Politics in Zimbabwe*, Harare: SAPES Books, 2000.
- 20 Fifteen political parties contested the 2000 election. Zanu-PF election communications presented this statistic as evidence of the existence of a vibrant multiparty democracy. There were also 90 independent candidates (these persons were often Zanu-PF members who had not made it as candidates, but who had retained loyalty to the party). The major opposition parties were the Movement for Democratic Change (led by Morgan Tsvangirai), Zimbabwe African National Union – Ndonga (Ndabaningi Sithole); the United Parties (UP; Abel Muzorewa), Zimbabwe African Peoples' Union (ZAPU; Joshua Mhambi), Zimbabwe Union of Democrats (Margaret Ndongo) and Liberty Party (Canaan Moyo). ZUD, UP, Liberty Party and Zanu-Ndonga formed the so-called Voting Pact before the election, agreeing not to oppose one another. The MDC decided not to be part of the pact.
 - 21 Delimitation Commission, *The 2000 Delimitation Commission Report*, Harare, 2000.
 - 22 The registrar-general is the anchorperson in the conduct of all aspects of electoral management. In practice, regarding electoral matters, the registrar-general falls under the Ministry of Home Affairs (despite Article 15 (2) of the Electoral Act proclaiming that this office is not subject to any person's control).
 - 23 Tom Lodge, 'A handbook of Zimbabwe electoral laws and regulations', Johannesburg: Electoral Institute of Southern Africa, 2000, pp 5-7.
 - 24 Electoral Amendment (Regulations) 7 of 2000; Regulations 8 of 20 June 2000.
 - 25 Interview, Elaine Raftopoulos, ESC, June 2000. The following organisations conducted voter education: National Constitutional Assembly (NCA), Election Support Network, Civic Education Network Trust, Zim Rights, Legal Resources Foundation, Foundation for Democracy in Zimbabwe and the Zimbabwe Council of Churches. The ESC conducted voter education with the assistance of predominantly the US Government, through the National Democratic Institute.
 - 26 Observation, High Court ruling, 22 June 2000.
 - 27 NDI, May 2000.
 - 28 See European Union report, 2000. Also see Richard Saunders, *Never the Same Again: Zimbabwe's Growth Towards Democracy, 1980-2000*, Harare: Edwina Spicer Productions, 2000, pp 106-13. At one stage, more than 250 rural schools were closed as a result of intimidation. In court evidence it was stated that more than 30 000 Zimbabweans were estimated to have fled their homes and villages because of electoral violence and intimidation. At least 34 people died in pre-election violence.
 - 29 Interview Tony Weeler, Amani Trust, June 2000 provided some of the references.
 - 30 Interview, Harare, land adviser to small-scale farmers, 9 June 2000, granted on condition of anonymity.
 - 31 The Political Parties (Finance) Act 2001 provides for public funding of political parties that in the previous election obtained at least 5% of the votes cast.
 - 32 These include *Financial Gazette*, *The Standard and Zimbabwe Independent*; and *The People's Voice*, and *The Worker*.
 - 33 Four days before the election, Zanu-PF still estimated that the opposition MDC would get Harare and Bulawayo seats only, and not all of these. They estimated that around 25-30 seats would be the MDC ceiling (interview, E. Noko, 2000).
 - 34 *The Daily News*, 23 June 2000.
 - 35 Delimitation Commission, 2000.
 - 36 There were a reported 5.1 million voters in the electoral register, which was a fully computerised system, constructed with the assistance of Denmark. The national identity card served as a voter registration card. The roll went on display from 1-13 June. A supplementary register was introduced.
 - 37 Interviews Elaine Raftopoulos, ESC; Margaret Donga, MP Harare South (1995-2000), June 2000.
 - 38 Interviews, Harare, 22 June 2000.

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- 39 See 'The wheel's still in spin' *Africa Today*, 7(9), September 2001, pp 20-23.
- 40 These were the so-called 'pungwe' sessions, aimed at violent or forceful political re-education; also see Mercedes Sayagues, 'Dr "Hitler" Hunzvi's torture room' *Mail and Guardian*, 19 May 2000.
- 41 Observer interviews, 19 June 2000; also see Masipula Sithole, 'Where do we go from here? Election 2000 in perspective' *Agenda*, 4(4), p 4 regarding the MDC youths' approach of 'tsvara akadana tibu' (a tooth for a tooth).
- 42 See European Union Report, 2000; Commonwealth Report, 2000.
- 43 See for example European Union, 'Report of the EU Election Observation Mission on the Parliamentary Elections which took place in Zimbabwe on 24th and 25th June 2000', 4 July 2000; Commonwealth Observer Group, 'The Report of the Commonwealth Observer Group', 30 June 2000.
- 44 See Mercedes Sayagues in *Mail and Guardian*, 1 July 2000.
- 45 Observation, 24-25 June 2000.
- 46 Election Directorate chairman statement, 23 June 2000.
- 47 This type of intimidation was rife in, for instance, the Bikita West by-election; see *The Financial Gazette*, 11 January 2001.
- 48 ECF observer, verbal field report, 24 June 2000.
- 49 Interviews with presiding officers, 24-25 June 2000.
- 50 In Bikita West traditional leaders literally headed people in their villages to the polling stations taking and recording their names while threatening that should Zanu-PF lose, it would be known that these people had voted for the MDC; see *The Financial Gazette*, 18 January 2001.
- 51 The Zimbabwe Broadcasting Corporation (ZBC) by law is the only radio and television broadcaster in the country. The Broadcasting Act of 1996 stipulates that the ZBC is controlled by a Board appointed by the Minister of Information, Posts and Telecommunications.
- 52 Media Monitoring Project Zimbabwe (MMPZ), *Bulletin*, 19-23 June 2002.
- 53 See the weekly (and later daily) media monitoring reports by the MMPZ.
- 54 These calls have been issued by, for instance, the Zimbabwe Council of Churches and the National Constitutional Assembly (NCA).
- 55 See *Eastern Province Herald* (South Africa), 24 August 2000.
- 56 Several by-elections resulted from the deaths of incumbents: Bikita West, Bindura, Chikomba, Makoni West, Marondera West. A number of June 2000 results were nullified by the High Court, but all of these cases went on appeal to the Supreme Court. The nullified elections by September 2001 were those in Buhera North (constituency of MDC leader Morgan Tsvangirai), Chiredzi North, Hurungwe East and Mutoko South. Several petitions were withdrawn, a number were denied, and several still had to be heard. In each of the by-elections lost by the MDC, notice was given that the results would be appealed.
- 57 See Zimbabwe Human Rights NGO Forum, 'Organised violence and torture in Zimbabwe 2000', Harare, 2000. Bikita West and Makoni West were two of the constituencies where war veterans moved in on 'clean-up' operations in the wake of the by-elections.
- 58 Makoni West and Bikita West were by-election examples of extensive youth plus war veterans plus CIO plus military intervention to conduct 'door-to-door' campaigns.
- 59 In Marondera West MDC organisers and supporters were prevented from using local government facilities; see *The Financial Gazette*, 30 November 2000. 'Base camps' that housed Zanu-PF youth activists, war veterans, CIO agents and other associates routinely started going up in the by-election constituencies. Two examples were Makoni West and Chikomba; see *The Herald*, 12 September 2001.
- 60 Clemency Order No 1 of 2000. The Human Rights Forum estimated that 90% of human rights violations that occurred during the election were pardoned. By November 2000 a total of 111 individuals had been released. Media Monitoring Project Zimbabwe (MMPZ), 'A question of balance: The Zimbabwean media and the constitutional referendum', 2000; 'Election 2000: The media war', Harare, 2001, 42 reports that 90% of the more than 1000 violent incidents were attributable to Zanu-PF supporters.
- 61 Brian Raftopoulos, 'The new constitution: What next?' *Agenda*, 4(4), p 1.
- 62 See *Africa Today*, September 2001, p 21.
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- 63 For a detailed exposition of these trends, see Brian Raftopoulos, 'The state in crisis: Authoritarian nationalism, selective citizenship and distortions of democracy in Zimbabwe', 2001.
- 64 *Business Day*, 14 September 2000.
- 65 One way of establishing whether voters felt 'sufficiently unintimidated' on the day of voting is through the use of exit polls. Only one of these was conducted in the case of Zimbabwe 2000, namely a poll by the Helen Suzman Foundation (Helen Suzman Foundation, with RW Johnson, 'Fear and intimidation in Zimbabwe's election: Exit poll', 27 June 2000). This poll, however, was characterised by high denial rates. The analysis relied on a comparison between voter preferences in the February 2000 referendum and in the June 2000 election. This is problematic, both because voter turnout patterns were different, and because the issues and circumstances diverged. The only non-Helen Suzman Foundation poll conducted was one by the Public Opinion Institute in Harare. This poll expected higher figures for the MDC than the ones that were realised in the election. Because of low transparency on research methodology, and because of the MDC political affiliations of the researchers, subsequent researchers would need more information before that poll can be relied on to help define the true mind of the Zimbabwe voter in the weeks before the election.
- 66 See *The Standard, Zimbabwe Independent*, June / July 2000.
- 67 Commonwealth Observer Group, *The Report of the Commonwealth Observer Group*, 30 June 2000.
- 68 NDI, May 2000.

Postscript

On the basis of observing the 2000 Zimbabwe parliamentary election, the preceding paper argues that, for observer missions truly to contribute to the strengthening of democratic election practice, attention needs to be paid to systematic observation of all six of the identified phases of the electoral cycle. The experience of the 2002 Zimbabwe presidential election observation demonstrates the predicaments that befall election observer missions that could not undertake, or were prevented from undertaking, systematic observation that is driven by agreed and acceptable norms and standards.

After briefly reviewing important aspects of the 'politics of observation' and how this context of observation changed from 2000 to 2002, this postscript focuses on the phases of the election cycle that dominated in the 2002 observer actions, the nature of the 2002 'election calls', and suggestions towards the further development of election assessment criteria. The focus will be on guidelines to suggest both the weighting of factors in the election observation process, and the categorisation of election 'calls' in order to advance the credibility of election verdicts.

Zimbabwe in 2002 saw an intensification of the politics of electoral observation. In both 2000 and 2002, election observation was affected by the politics of who would be allowed to observe the election. In a multiparty authoritarian system, such as Zimbabwe, the authorities allow election observation and hope to benefit from controlled observation. The 2000 processes of accreditation were characterised by delays, frustration and, eventually, accreditation. The 2002 election saw a repeat of these steps, in addition to the pre-accreditation screening and specific invitation. President Robert Mugabe limited invitation and accreditation to missions that would not be associated with 'Western', 'colonial', 'neo-colonial' and other epithets. He used a deeply ingrained and widely shared African sentiment against the neo-colonial extension of Africa's harsh colonial experience to aid his and Zanu-PF's campaign to retain political power, part of which was a process of preemptive de-legitimisation of criticism.

The major international 2002 missions included the Commonwealth Observer Group, the South African Observer Mission, the SADC Ministerial Task Team, the SADC Parliamentary Forum, the Electoral Commissions Forum of SADC, and the South African Parliamentary Observer Mission.

The six-phase electoral cycle, which this paper argues should be covered in full in order to reliably pronounce on an election, stretches from early-pre-election, to the early and final campaign phases, polling days, counting days, the early-post-election and, finally, the late post-election phases of elections. The phases furthest from the generally accessible and 'showcase' phases of late campaign, polling and counting are the ones that are most susceptible to intervention by the governing party. Zimbabwe 2000–2002 provided evidence of concerted late-post-election (2000) and early-pre-election (2002) reorganisation of the electoral playing field. This multifaced reorganisation effectively constructed many of the building blocks to success for Zanu-PF in the presidential election.

Most of the missions in 2002 (as in 2000) operated strictly on the principle of reporting only what had been directly observed (and for some, what could be specifically verified). Given the limited number of days from accreditation to polling, combined with low numbers of international observers, the limitation of numbers of domestic observers, and the assignment of civil servants only in the role of election monitors, there were obvious limitations to what could be observed. The international observer reports were indicative of the fact that most of the missions had their observations telescoped into a condensed period. Besides the time-factor,

security concerns and no-go areas that applied both to citizens and observers limited observer exposure. The short period between the announcement of the election and polling, combining with delays in accreditation, also affected the scope and depth of observation.

As in 2000, the nature of international missions as temporary, 'visiting' organisations prevented systematic observation beyond one to two days after the commencement of counting. Lack of attention, however, to the early-pre-election period was the most problematic aspect of the assessment of the integrity of the 2002 election.

Several missions reported on their presence in the 'pre-election period', or that they had been present in Zimbabwe to cover 'all of the phases' of the election process. This was manifested in some members of missions having been in Zimbabwe for a period of approximately three weeks before the election. Domestic organisations, such as the Amani Trust and the Media Monitoring Project of Zimbabwe, are the only agencies that provided ongoing monitoring of pre-election practices.

Missions, however, were uncertain as to how to incorporate these monitoring results, given that they did not directly observe the bulk of the reported transgressions. Most of the 2002 reports recognise the array of transgressions in the early pre-election and the early campaign periods. Few, however, find a way of letting these transgressions weigh in against the positives of apparent good voter turnout and admiration for the determination of people to vote. Should a method have been found to give more consideration and weight to those two phases furthest away from balloting and counting, the missions would have been on firmer ground in reaching their verdicts.

In contrast to 2000, election-affecting practices of the governing party in 2002 penetrated the immediate pre-election campaign period on a large scale. In 2000, uncertainties about the voters' roll persisted right up to and into polling. This process deteriorated in 2002. The 'legislative framework' of the election continuously underwent changes that affected aspects of the 2002 election, ranging from freedom to campaign and to express political opinion, to who would be able to observe the election, to who would be allowed to vote. Few observer missions could ignore the weight of evidence of the immediate pre-election transgressions that overwhelmingly were attributed to, or directly associated with, the governing party. Most of the observer missions found it difficult to verify and assign these factors a relative weight or importance in the overall election rating.

The 2002 bottom-line verdicts of the election can be categorised as emphasising one of three sets of criteria: 'free and fair', 'legitimate' on the basis of high turnout, or 'not sufficiently conforming to norms and standards' (despite apparently high turnout). The verdicts show the extent to which a relatively high turnout in 2002, as in 2000, aided the missions in activating the 'turnout escape clause' through which they could proclaim the elections to have been acceptable (or legitimate). This time around, there was a greater tendency to steer clear of the controversial calls of 'free and fair'. The activation of the escape clause minimised the need to pronounce on the effect of the preceding, recognised transgressions. In 2002, however, this mechanism had a reduced level of credibility. This was because of the escalation of measures and practices that indicated systematic disenfranchisement. These included voter congestion in Harare and Chitungwiza, a series of legislative changes adding to categories of disenfranchised voters, the mass displacement of rural voters from their constituencies (where, by High Court ruling, voters were required to vote), possible widespread abstention because of fear of being seen to be voting for the wrong party and thereby becoming the victim of further violence and intimidation, the disappearance of names from the voters' roll, and widespread uncertainty as to where to vote and where the constituency boundaries fell. Voter registration

beyond closing dates in areas where the governing party has dominance, no-go areas that meant that observers had no access to determine the existence and extent of possible voter intimidation or other irregularities in vast parts of Zimbabwe, the uncertainty on the exact size of the voters' roll, lack of explanation of the growth of the electorate by approximately 500 000 since the 2000 election, and inability to verify actual turnout, added to suspicions both about the proclaimed percentage poll of 55%, and the winning edge of Zanu-PF over the MDC.

It was, however, the turnout figures, built on these insecure foundations, that provided several missions with their turnout-related reasoning for acceptance of the poll as an 'adequate expression of the will of the people', or 'legitimate'. Overall, on the basis of recognition of the same observations and impeding factors (albeit differently emphasised and accentuated, and differently interpreted) the missions arrived at their distinctive verdicts: 'Free and fair', 'legitimate', or 'not sufficiently complying with recognised norms and standards of electoral practice'.

The 2002 Zimbabwe election observation experience showed the need to refine and externalise the criteria for election observation practice. For example, guidelines might be developed on how to assess and weight early pre-election actions that occur before it would be reasonably possible for international observers to be operative in the country, and how to weight the bulk of pre-polling day factors *vis-à-vis* the manifestation of a reasonable turnout. In addition, there is a need for the externalisation and systematisation of the use of election calls such as 'free and fair', or 'legitimate'. The positive or negative assessments of a range of electoral factors, in each of the phases of the election cycle, need to be associated verdicts that are logically and causally linked to the preceding observations. Finally, the term of 'election observers' might be reserved for the professional missions that systematically consider externalised norms and standards of election practice in their culturally anchored contexts.

Reflection on the activities and contributions of the Coalition of Domestic Election Observers (CODEO) to the success of Ghana's 2000 elections: lessons for other African countries

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Abstract

Ghana's 2000 elections marked an important milestone in the country's political history. It is a monumental step in the consolidation and deepening of Ghana's democracy. Ghana's electoral success and the peaceful alternation of political power from one democratically elected government to another led by an opposition party have received praise from home and abroad. And this achievement is seen as a model and source of hope for other countries in sub-Saharan Africa. Many explanations have been given for this electoral achievement, but most of them despondently downplayed the crucial role of domestic election observers. This paper emphasises the contribution of domestic election observers and argues that the December 2000 elections would certainly not have been easily accepted by the people as free and fair without the lively contributions of the Coalition of Domestic Election Observers (CODEO). The paper strongly recommends that African countries should emulate the good works of CODEO and make domestic election observation one of the central pillars of the democratisation process.

Introduction

The right of citizens to participate in the governance of their country, directly or through freely elected representatives is an essential part of democracy. Holding of periodic elections where all adults have an equal right to vote is therefore an important means by which citizens demonstrate they have the confidence and ability to govern themselves and shape their futures (Nohlen 1996). Indeed, elections are one of the pillars upon which democratic governance rests, and the engine that powers the processes of political participation and makes government responsible and accountable to the electorate.

Election monitoring is as important as the election itself. It encourages electoral participation and contributes to the evolution of more active civil society involvement in the democratic process. The importance of election monitoring in Africa (and other developing countries) has expanded dramatically since the mid-1980s and 1990s. Indeed, inviting international observers to monitor elections is now routine in Africa (Anglin 1998 and Carothers 1999). However, the presence of international observers is not intended only to ensure fairness, transparency and enhance the integrity of elections. More importantly, international observers have become

major partners of election monitoring in Africa because they have provided various forms of assistance for organising elections in almost all countries. The donor community, therefore, sees the success and credibility of elections in Africa as a return on its investment; an important foundation upon which to build democracy, promote popular participation and good governance (Boafo-Arthur 1997).

The increasing role of international observers in Africa's electoral politics, however, seems to have obscured the significant role played by domestic, non-partisan civil society observer groups in ensuring electoral legitimacy, fairness and popular acceptance of election results. Election monitoring by domestic groups is not a new phenomenon; election officials and political contestants and party activists have long been in the forefront of ensuring fair elections in their countries. But following the political reforms and relative changes in state-society relations in Ghana (and other African countries) in the late 1980s, the politics of domestic election observation and monitoring has assumed a new dimension. Unlike the past, observing domestic elections has now become an art and a practice that burgeoning civil society organisations have embraced as a means of ensuring the relevance of each voter's participation in the decision-making process.

During the period of constitutional rule during the fourth republic in Ghana, the business of domestic election monitoring has grown more sophisticated and now involves new social, economic and political groups as well as electoral commission officials and political party contestants. There is an emerging consensus among both the public, non-government organisations (NGOs) and the private institutions participating in the exercise, that domestic election observation is part of Ghana's political development and is crucial in enhancing the integrity of the electoral process and election outcomes. The assumption is that the involvement of independent domestic election observers in the process helps to authenticate election outcomes. It is the submission of some observers that since elections are the pivot around which democracy and democratisation revolves, it is necessary for their conduct to ultimately help, not only to nurture strong and resilient democratic institutions, but also to enhance democratic consolidation (Elkit 1999; Ellis 2000 and Boafo-Arthur 2001). Apart from this, domestic election observation provides another window of opportunity for individuals and civil society organisations to participate directly in the democratisation exercise, and thereby increase public ownership and acceptability of the election results. In fact, domestic election observation is perceived as an important phase of the civil society capacity building campaign.

This paper seeks to revisit the merits of domestic election observation and the role of civil society organisations in the observation and monitoring process. The experience of the Coalition of Domestic Election Observers (CODEO) that observed the 2000 elections in Ghana is used as a case study to corroborate the importance of domestic election observation in the democratisation process. First, we review the merits of election observation and observation of domestic elections in particular. Second, the background and formation of CODEO is discussed. Third, we examine the activities, experiences and observation strategies of CODEO during the 2000 elections in Ghana. The critical issues that CODEO observers concerned themselves with are also discussed in this section – that is, whether the balloting was free and fair overall, and whether the process worked satisfactorily. We highlight the problems and shortcomings of CODEO operations and domestic election observation in Ghana, not ignoring the implications for strengthening the capacity of indigenous democratic institutions. We conclude on the note that domestic election observation has countless advantages and that all African countries and regional groupings should accept it as a crucial component of the continent's democratisation process.

Some merits of domestic election observation

Domestic election observation offers a perspective on individual and group participation in politics and government. It concerns civil society's ability to influence how things happen in a polity, through the activities of independent voluntary organisations, and exchanges among various social and political groups and interests. The facilitation of domestic observer activities in one way or another opens up political space for individuals to participate in politics (by choosing their leaders and representatives) through voting. This indirectly protects the right of citizens whose will is sovereign and is supposed to be the basis of the authority of government.

Particularly important in the context of Ghana's elections, is the role civil society organisations (observers) play in reassuring a sceptical public about the importance of the electoral process and the relevance of voter participation. In the case of Ghana, where military adventurers had dominated the political process for over two decades, public experience of politics is limited to military rule, human rights abuses, fraudulent and rigged elections, and state-controlled civil and political organisations. In these situations, basic notions of responsibility and rights need to be restored, and fears of intimidation and the effect of rumours forecasting post-election civil unrest must be overcome.

Stephen Mair observes that, "domestic election monitoring is also an important opportunity for civil society organisations to reorganise themselves into a formidable proactive political force" (Mair 1997). This reorganisation can help them develop and strengthen institutional capacities that add to the sustainability of the democratic experiment under way in Ghana. Election observation programmes help citizens learn the new organisational skills necessary to participate actively and more effectively in the country's political life between elections. Civil society observer groups that have formed election observer networks and coalitions during the election period, may turn into broad-based organisations that can contribute to the development of civil society. This development may have a spillover effect on the country's overall political discourse, the level of citizens' involvement in governance and the extent of public confidence in government.

But, in addition to the grooming of robust and proactive civil society organisations, public awareness of the formation of a domestic observer group, coupled with the mobilising, recruitment, training and deployment activities on election day, improves public confidence and involvement in the process. In addition, public pronouncements, research and reports issued by the monitoring group may help initiate changes that promote fairer, transparent and freer elections.

Generally, domestic election observers may help solve election disputes that emerge at polling sites; their presence at polling stations helps deter rigging, fraud, irregularities, and innocent electoral administrative errors. They serve to discourage intimidation during voting and ensure that vote counting, results tabulations, and other activities, are conducted through an independent body in an orderly manner, so that the results form an unbiased source cross-checking the official results from the electoral commission.

However, non-partisan domestic election observation should not be substituted for election monitoring and poll watching by political parties and candidates vying for political office. Experience from other countries has shown that elections are perceived to be more legitimate when many civic and political organisations participate (Dundas 1994). On the basis of these merits we turn to the experiences and role of civil society organisations as election observers in Ghana's December 2000 elections.

The discussion focuses specifically on the activities and experiences of CODEO, one of the civil society organisations that played a significant role in observing the 2000 elections.

Background to the 2000 election in Ghana

In January 1993 Ghana joined the ranks of Africa's new democracies when an elected and constitutional government was installed. President Jerry John Rawlings and his National Democratic Congress (NDC) party replaced the eleven-year-old quasi-military Provisional National Defence Council (PNDC), which was also led by Rawlings. The second elections of December 1996, also won by the NDC, marked the process of consolidating Ghana's democracy.

Indeed, the two multiparty elections helped to sustain political liberalisation in Ghana. The record of human rights has been reasonably good. There is a burgeoning independent media and an increasingly vibrant civil society. Gyimah-Boadi notes that "the 1996 elections, especially, resulted in a stronger opposition presence in Parliament and paved the way for relatively transparent and accountable governance" (Gyimah-Boadi 1994).

Notwithstanding the modest democratic gains recorded since 1993, the prospects for an early consolidation of democracy, both in electoral and functional aspects, remained uncertain. It is against this background that the December 2000 elections assumed a special significance. The presidential election marked the exit of Rawlings from the political scene after serving two terms as specified by the constitution. Moreover, like many other African countries, Ghana had yet to face the challenge of power alternation within a democratic and constitutional framework. In spite of nagging fears, crossing that threshold of peaceful and democratic alternation of power was an important step on the road to consolidating democracy (Gyimah-Boadi 2001).

Building confidence in the electoral process in 2000 was therefore of prime importance in ensuring successful, free, fair and peaceful elections. The capacity of the electoral commission continued to improve and it continued to gain credibility in the eyes of the public. However, other issues still dogged the credibility of the electoral process, and general public mistrust of the process persisted. The issue of the bloated voters' register remained a concern and the demand for photo ID cards for all voters was controversial.

Confidence in the electoral process had to be built and a credible electoral process, one whose outcomes would win broad acceptance and legitimacy, was needed to foster a smooth transition. The involvement of international election observers was not enough to generate confidence in the electoral process. For this reason the role of domestic election observers was crucial. As a third election under the constitution, its success was important for the consolidation of democracy and sustaining the country's economic and social development into the new millennium.

History of CODEO

The need for additional confidence-building measures for the success of the elections motivated several civic organisations and religious bodies to volunteer to observe the elections. They offered to assist in observing the elections, and to help ensure that the process was truly free, fair and transparent.

In this context, the Ghana Centre for Democratic Development (CDD-Ghana), in collaboration with the Friedrich Naumann Foundation (FNF), initiated the formation of a coalition of civil society and religious bodies with the sole purpose of observing the December 2000 general election.

Representatives of the groups met several times under the auspices of CDD and FNF in order to set up a broad-based coalition for the sharing of ideas, experience and resources. It should be noted that most of these groups had come together under the name of the Network

of Domestic Election Observers (NEDEO) for the same purpose in the 1996 elections. The group adopted the name Coalition of Domestic Election Observers (CODEO) at its second meeting on 29 May 2000.¹

Its primary objective was to assist Ghana's electoral commission in ensuring free, fair and transparent elections by training and deploying observers at as many polling stations as possible throughout the country for the forthcoming elections.

The organisational structure of CODEO

Structurally, CODEO was a simple three-hierarchy organisation – the advisory board, the sub-committees and the secretariat.

The advisory board comprised nine members. All executive functions and responsibilities were assigned to it. Its duties included reviewing the activities of three standing committees and acting as liaison between CODEO and the electoral commission, political parties and the general public.

Sub-committees

Three CODEO sub-committees assisted the board, including:

- a recruitment, training and deployment committee that created an inventory of the number of potential observers from member organisations at the national, regional, and district levels, that compiled a data base with names and contact information for all potential observers, identified training needs, helped to develop training materials and assisted with the deployment planning;
- a logistics and resource committee that identified the material needs of CODEO, helped in the provision of logistics for observers and assisted in the payment of *per diems* to observers on election day; and
- a drafting and reporting committee disseminated information from the secretariat and the advisory board to the media and the general public.

The secretariat

Supporting the work of CODEO was the secretariat managed by CDD. This coordinated the local observer groups.

CODEO relations with the electoral commission

CODEO enjoyed the full cooperation and support of Ghana's electoral commission (EC).² EC officials participated in all training sessions. The organisation provided samples of election materials for demonstration and simulation exercises. It also provided official accreditation and photo identification cards to trained and certified observers, thus making it possible for CODEO observers to have access to the polling stations on election day.

Membership of CODEO

Membership of CODEO was open to all credible civil and religious organisations. Participating organisations included:

- Federation of Muslim Councils (FMC);
- Council of Independent Churches (CIC);
- Ahmadiyya Muslim Mission (AMM);
- Ghana Committee on Human and People's Rights (GCHPR);
- Ghana Bar Association (GBA);

- Civil Servants Association (CSA);
- Trades Union Congress, Ghana (TUC, GH);
- Ghana National Association of Teachers (GNAT);
- Ghana Journalists Association (GJA);
- Ghana Registered Midwives Association (GRMA);
- Ghana Registered Nurses Association (GRNA);
- International Federation of Women Lawyers (FIDA-Ghana);
- National Union of Ghana Students (NUGS);
- Ghana Legal Literacy and Resource Foundation (GLLRF);
- Non-Violence International;
- International P.E.N.;
- Ghana National Chamber of Commerce and Industry;
- Mankind's Advancement Upliftment and Development (MAUD);
- Center for the Development of People (CEDEP);
- International Prisons Watch (IPW);
- Health Watch International; and
- Institute of Democratic Studies (IDS).

Election observation activities

Selection and training of election observers

The main challenge of CODEO's work involved the training of election observers at national, regional and district levels. Member organisations helped in the selection of trainees, who were required to meet the following criteria:

- be a Ghanaian citizen of 18 years and above;
- have the ability to read and write the English language;
- not be an activist of any political party;
- not be a office bearer for any political party;
- have her or his credibility and neutrality vouched for by the selecting organisation; and
- be prepared to sign an undertaking to abide by the electoral rules.

The training programmes began with a three-day 'training-of-trainers' national workshop for 50 participants in Kumasi, on 29 September 2000. Member organisations of CODEO nominated five participants from each of the ten regions in the country. At the end of the training workshop, the trainers were tasked with organising regional training workshops in all the regions.

Following the national workshop, ten training workshops were conducted in the regions. Forty-five participants were drawn from five selected districts in each region to attend these workshops. These two-day regional workshops were organised simultaneously between 20 and 31 October 2000. In all, 450 observers were trained at the regional levels.

The last phase of the recruitment and training occurred at the district level. Fifty districts were selected. The district workshops were held simultaneously between 12 and 27 November 2000. In each district, 100 observers were trained, so that at the end of the process a total of 5000 observers had been prepared. In addition, CODEO, in collaboration with Radio Unvers (of the University of Ghana) trained 50 university students from the University of Ghana as CODEO observers. The curriculum covered the following:

- the legal framework for elections;
- qualification of an observer;
- rights, duties and obligations of an observer;

- what and how to observe on election day;
- code of conduct for observers; and
- completion of observers' checklist.

Questions, discussions and simulation exercises constituted a major component of the training programme. Officials of the electoral commission, the National Commission on Civic Education, the Ghana Bar Association and the CODEO secretariat assisted in the training at all levels. At the end of each training session observers were asked to sign an 'Oath of Objectivity and Neutrality' to indicate their willingness to be impartial and neutral in the observation process. Two basic materials were published and provided to observers at each workshop. These were an election observation manual and a handbook on information for observers.

Publicity

All activities carried out by CODEO in pursuit of its tasks were highly publicised. A press statement was issued to inform the public immediately after the coalition was formed in May 2000. Two further press conferences held, one on the eve of the 7 December general election and the other on the eve of the 28 December presidential election, announced to the public CODEO's programmes and readiness for election observation and sought public support for its activities. Two press statements were released, as CODEO preliminary statements on the conduct of the elections, a day after each of the elections.

Deployment of observers

All 5500 trained CODEO observers were deployed in 137 constituencies, representing about 25% of the polling stations, in all the ten regions for the 7 December 2000 general election. For the presidential election on 28 December, in addition to the 137 constituencies observed, two observers were deployed at each of the 200 constituency collating centres to observe the collating process. On election day, each observer wore a distinct CODEO-embossed white T-shirt and was given a checklist and an incident report form on which to record polling day activities.

Checklist, observation kits and observer findings

Reports on the elections included analysis of checklists and reports received by means of telephone calls, fax messages and written statements from observers.

Preliminary statements

Preliminary reports on the 7 and 28 December elections were issued by CODEO on 8 and 29 December 2000, respectively. The statements noted the very calm and peaceful manner in which the elections were conducted on the polling day, the preparedness of the electoral commission, the non-partisan and professional conduct of the electoral officials, the diligence and vigilance of party agents, and the transparent and free nature of the process. The Commonwealth Observer Group made a similar observation on the elections (Commonwealth Secretariat 2001). The statements endorsed the outcome of the elections, as did the other observer groups and the general public. The preliminary reports also expressed concern over reports of electoral malpractices, especially in the presidential elections, and incidents of intimidation, harassment and violence in certain parts of the country.

Observers' views on the elections

This section presents observers' views on each question (i.e. variables in the

checklist/reports) in percentages. Of the 5500 checklists distributed for the 7 December election, 5155 (93.7%) were returned and these form the basis for this analysis.

CODEO observers were interested in two critical issues: Was the balloting free and fair overall and did the process work satisfactorily? Nearly all the observers reported affirmatively – 99.6% reported the balloting was free and fair while 99.8% found the process to be satisfactory. The tools used for observation and/or the foci of observation were as follows:

Start time

CODEO observers noted that the average start time of polling was close to the scheduled start time of 7am (7:7 am). Less than two per cent of observers reported that voting began after 8 am.

Electoral officers and party agents

Observers also noted that on average, four electoral officers (instead of the stipulated five) and six party agents were present at the start of voting.

Voting materials

All election materials (voters' register, ballot boxes, ballot papers, ink, pad, string and seal) were almost always present. The material missing at polling stations was quite often string: 16.6% of the observers reported not seeing it. Insufficient supply of voting materials, notably ballot papers and indelible ink, was also recorded by five per cent of the observers.

Voting lines

The observers noted the general non-violent and peaceful atmosphere on election day. Of the 5155 observers, 98.3% reported that voting lines were orderly, even though nearly 8.4% of observers reported the absence of security officials at polling stations. Most of the security personnel present were seen to be neutral, helpful and non-partisan.

Secrecy of voting

Secrecy of voting was ensured; as 99.6% of observers recorded that the polling booths were carefully screened off.

Voter identification

Only about two per cent of observers noted that eligible voters were improperly identified. Seemingly, therefore, 98.5% believed that all eligible voters were able to exercise their franchise through proper identification at the polling station.

Voting irregularities

Voting irregularities were minimal. Less than five per cent of observers reported voting irregularities at the polling stations. Upper East region recorded the highest (8.8%) incidence of voting irregularities, followed by Central region (8.2%).

End of voting

Observers noted that voting ended at most polling stations at the appropriate time, with the overwhelming majority (98%) reporting that voting ended at 5 pm. Interestingly, 96.8% reported that there were no voters in the queue when polls closed. Just less than one per cent reported that voting went on after the close of polls at 5 pm.

Complaints and challenges

An overwhelming majority of observers (99.7%) reported that ballot boxes were completely emptied before counting started. Observers also reported virtually no complaints and challenges at polling stations. Less than four per cent reported complaints and challenges at the counting of votes. Observers from Central (8%) and Volta (4.3%) regions respectively reported most complaints.

Signing of electoral forms

An overwhelming percentage of observers (99.5%) reported that election officials and party agents signed the electoral forms and that results were openly announced immediately after the count.

28 December 2000: Observing the presidential election

As already indicated, in the presidential election, in addition to deploying 5500 observers in 137 constituencies in all the regions, CODEO introduced some modifications to its operations. Observers were deployed in all the 200 constituency collating centres to observe the process of tallying the results from the polling stations. Hence, the analysis of the 28 December election is in two phases: the polling stations and the constituency centre observations.

A total number of 5062 observers' checklists were analysed. Observers responded affirmatively to the two critical issues: Was the balloting free and fair and did the process work satisfactorily? Almost all observers (99%) saw the elections as free and fair and also thought that the process worked satisfactorily. This response is supported by the observations that follow.

Start time

A clear majority of observers (90.2%) reported that voting started on time at 7 am. Just less than one per cent reported that voting started after 8 am.

Electoral officers and party agents

Observers (75.2%) reported that four electoral officers were present when voting started. Eighty-five per cent (85%) reported the presence of four party agents.

Voting materials

Observers (100%) also noted the availability of all voting materials (ballot boxes, voters register, ballot papers, ink, pad, and seal) at the start of voting, except for string that was only seen by 17% of observers.

Voting lines

As with the 7 December election, observers noted the general non-violent and peaceful atmosphere on election day. Virtually all (99.7%) observers reported that voting lines were orderly. The absence of security personnel at polling stations was reported by 10% of observers. In Upper West region, 29.6% of polling stations were without security personnel, and in Northern and Ashanti regions the figures were 22.9% and 17.8% respectively.

Secrecy of voting

Observers recorded secrecy of voting with all of them (100%) noting that polling booths were carefully screened off to guarantee privacy.

Voter identification

Unlike the 7 December election, a smaller percentage of observers (0.4%) reported that eligible voters were not properly identified. This is an indication that 99.6% believed that all eligible voters were able to cast their vote through proper identification at the polling station.

Voting irregularities

Less than three per cent of observers reported incidences of voting irregularities at polling stations, with Volta (5.7%) and Greater Accra (5.7%) regions emerging as the areas with high numbers of cases of irregularities. Upper East region, on the other hand, recorded the least number of cases (0.3%) of irregularities.

End of voting

A majority of observers (99.8%) reported that voting ended at 5 pm exactly. Less than one per cent reported voting went on after 5 pm.

Complaints and Challenges

Just one per cent of observers reported incidences of complaints and challenges at polling stations during the counting of votes. Greater Accra region recorded the highest (3.7%) number of cases of complaints and challenges. This was followed by Volta region (1.7%) and Central region (1.6%).

Signing of Electoral Forms

Most observers (99.4%) reported that the election officers and party agents signed all the electoral forms. However, there were reported cases (1%) of unsigned electoral forms. Again, Volta region emerged as the highest with 4.4% of cases.

Constituency centre

Of the 200 constituency collating centres observed by CODEO, 91 form the basis of this analysis. The overwhelming majority of observers (97.4%) thought the process worked satisfactorily. Of the less than three per cent who thought otherwise, Volta region recorded the highest level of dissatisfaction (5.9%), followed by Northern (4.8%) and Greater Accra regions (4.5%). This overwhelming affirmation by the observers is based on observations in the following areas:

- *Sealed ballot boxes:* Observers noted that almost all the ballot boxes brought to the centres were sealed. Only 2.6% reported that ballot boxes were brought in unsealed. The regions with the highest incidence of unsealed ballot boxes were Upper East (9.1%) and Central (6.3%).
- *Electoral officers and party agents:* In all the collating centres electoral officers and party agents were said to be present. CODEO observers (35.4%) reported that an average of four electoral officers and four party agents were present during the tallying of results.
- *Security presence:* The majority of observers (94.3%) reported the presence of security personnel at the collating centres. Of the 5.2% reported cases of absence of security personnel, Volta region had the highest incidence (17.6%) followed by the Upper West (12.5%) and Upper East (9.1%) regions.
- *Recount of ballots:* An overwhelming percentage of observers (95.8%) reported no recount of ballots at the collating centres. Incidences of recounting were reported from the collating centres in Greater Accra and Ashanti regions (9.1% apiece), and from Volta region (5.9%).

- *Signing of tabulated sheets by party agents and election officers:* Observers (10.9%) reported non-signing of tabulated sheets. A sizable percentage of observers (37.5%) in Upper West reported the non-signing of tabulated sheets there, followed by Volta (29.4%) and Northern regions (23.8%). Observers reported that in most cases, it was New Patriotic Party agents who refused to sign the tabulated sheets, citing alleged irregularities and rigging at certain polling stations.

Notable incidents of concern

In spite of the fact that the elections were conducted in a free, fair and peaceful environment there were some isolated incidents which should be of concern to all those interested in a stable democratic development in Ghana. These included:

- Observers reported seeing several voters who clearly appeared to be under-age. Almost all parts of the country experienced this. CODEO views with grave concern the incidence of under-age voters in the country's electoral process.
- The inability of the EC to supply adequate voting materials on time to all polling stations was also a source of worry. In some parts of the country, CODEO observers reported late start of voting and a shortage of ballot papers that took some time for the EC to replenish.
- The transfer of vote (i.e. the decision to change ones venue of voting) seems to have posed some problems. CODEO observers reported several incidences of transfer voters who could not find their names and were unable to vote.
- Observers also reported some cases of impersonation, which may have prevented eligible voters from exercising their franchise. An example is the incident in the Nanton constituency in the Northern region. A voter discovered that someone had voted earlier in her name. The voter was not allowed to vote, and, but for the timely intervention by the chief, a scuffle would have occurred among party agents who disagreed on whether or not she be allowed to vote.
- There were also cases where proper identification was not provided. Apart from the required standard identification prescribed by the EC, CODEO observers recorded several uses of 'irregular' means of identification, such as chits (i.e. a piece of note given by an electoral officer granting the bearer permission to vote) used by voters to exercise their franchise. In some cases such voters were allowed to vote and in others they were not.
- Our observers also recorded multiple voting at some polling stations.
- Uncertainty about the accuracy of Ghana's population figures, as supplied by the Statistical Service Department and which should have matched and confirmed the EC's voter registrations figures, was also a problem (Smith 2001).

Inherent weaknesses and constraints of domestic election observation

- *Quality of polling officials:* Even though CODEO recognised the immense role played by polling officials, there were serious concerns over the conduct of some of them, with some reports of non-performance. This led to some observers assisting them and in some instances acting as presiding officers and polling assistants. CODEO recommends that uniform and adequate training be given to the officials of the EC.
- *Electoral and voter education:* CODEO also recommends that the EC educate the electoral officers and party agents thoroughly on the standards for rejecting ballot papers. This issue became a source of contention during the vote count at several polling stations. The EC must also step up its voter education on election procedure and regulations. CODEO believes this will help reduce incidence of spoilt and rejected ballots.

- *NCCE and voter education:* CODEO recommends to the NCCE, which is the main agency for educating citizens, that it intensifies its voter education programmes.
- *Voters' register:* CODEO recommends that the EC take steps to 'clean' the voters' register.
- *Citizen identity cards:* CODEO believes that the problems of voter registration and voting by unqualified persons, namely non-citizens and the under-aged, would be alleviated if citizens' identity cards were introduced. The holding of these by those aged six years and older, with a picture, date and place of birth, would facilitate easy identification for election purposes.
- *Transfer of vote:* There is also the need for the EC to streamline the voter transfer facility so as not to disenfranchise prospective voters.
- *Logistics and supply:* CODEO recommends that the EC find a lasting solution to the problem of supply of election materials on election day. Timely provision of adequate materials is important to ensure electoral integrity. Moreover, the EC must ensure that adequate arrangements are put in place for the counting of votes in areas where the lighting is poor. The conveyance of ballot boxes from the polling stations to the constituency collating centres must be improved.
- *End of voting:* Consideration should be given to ending polling at 4 pm instead of 5 pm in order to leave more time for vote counting before nightfall.

Some operational constraints and observations

CODEO operations were constrained by a number of factors. The late signing of the project contract agreement affected the planned implementation of programmes. More effective cooperation with other monitoring teams would have enhanced the effectiveness of the monitoring process. It is also observed that dependency on external funding is a matter that requires serious examination; local funding of the domestic election observer groups would enhance local ownership. It is believed that given adequate lead-time and resources, many more election observers could have been trained and deployed at more polling stations. An increase in the number of polling stations covered by civil society monitors would certainly enhance electoral integrity and confidence in the collated observers' report.

Conclusion: lessons for other African countries

CODEO, being an independent and non-partisan civic body, contributed substantially to the success of the 7 and 28 December 2000 national elections. The cooperation of 22 civic organisations and religious bodies for the common purpose of ensuring successful elections was an important outcome of the project. The training and experience of 5500 non-partisan domestic observers contributed to public confidence and involvement in the electoral process. The presence of CODEO observers at polling stations helped to instil confidence in the process. Furthermore, the participation of local observers enhanced transparency of the process and helped increase the acceptability of the outcome of the elections. In short, CODEO offered the opportunity for civil society organisations to organise themselves into a formidable proactive political force in support of democracy in Ghana (Smith 2001).

The experiences of CODEO have testified to the fact that successful election management should not be left to public institutions like the electoral commission and the National Commission for Civic Education alone. Modern election management requires a strong collaborative partnership of governmental institutions, the private sector, civil society organisations, local NGOs and not-for-profit organisations. Contesting political parties must mobilise their supporters and resources to enhance the integrity of the election results. Also, more non-

partisan civil society organisations should be encouraged to join CODEO in observing future elections.

Like most contemporary scholars (Ayee 2001 and Boafo-Arthur 2001, and Debrah 2001), we opine that the sustenance of democracy everywhere, like national development, has been and will continue to be the tireless efforts of indigenous people themselves. Donor agencies and foreigners cannot build our democracy and its concomitant democratic structures for us. It is up to us Africans to pull ourselves up by our bootstraps and strengthen democracy, and the first step in that direction is ensuring free, fair and transparent elections, through effective domestic observation of the polls.

Finally, continental and regional organisations like the African Union, the Economic Community of West Africa States, the East African Economic Community, the Southern African Development Community and other such groupings, should consider putting together a team of experts from the relevant member countries. These would always be on standby to provide support to countries that may lack the internal capacity for domestic election observation projects. Africanising election observation could help minimise election fraud and maybe avert the political peril that has engulfed Sierra Leone, Madagascar and Zimbabwe, among other countries, in recent times.

For the democratic process to succeed, participation of citizens must be encouraged, and domestic election observation and monitoring is one way of achieving this goal. More importantly, election conflicts are likely to be minimised or prevented where civil society organisations and the mass of the people have the opportunity to participate in the electoral process through voting and election observation. There is no doubt in our minds that an increased public participation in observing the polls could provide a window of opportunity for firstly, the prevention of electoral frauds and secondly, the amicable resolution of any post-election conflict that could dislodge the democratic process and possibly throw countries into a state of anarchy.

Endnotes

- 1 CODEO was formerly known as NEDEO, Network of Domestic Election Observers, which was reformed and given a new name. CODEO had the highest membership and covered more constituencies and polling stations across the country than any other observer groups during the December 2000 elections. The European Union provided financial support for all CODEO activities.
- 2 CODEO received enormous technical support from the National Electoral Commission. The relationship that existed between the two organisations during the election period could at best be described as a successful case of collaborative partnership.

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Constitutional Constraints on South Africa's electoral system

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Abstract

This paper surveys the constitutional provisions pertinent to a future electoral system applicable to the election of South Africa's National Assembly and provincial legislatures. It also addresses court decisions relevant to these provisions. The Constitution of the Republic of South Africa Act 108 of 1996 (the constitution) requires that this electoral system "results, in general, in proportional representation". What exactly this provision means is unclear. It may be interpreted to allow a future electoral system to give effect to a degree of accountability while reducing the degree of proportionality. There is a range of electoral options available, resulting in higher and lower degrees of proportionality. The national legislation that will prescribe the electoral system for the 2004 elections should, taking all the constitutional requirements and the functional demands of the system into account, seek to achieve optimal proportionality.

Introduction

The election of South Africa's national and provincial legislatures in 1994 and 1999¹ took place under a system of closed list proportional representation. Constitutionally, these legislative bodies are to be elected for a term of five years.² The next election of these legislatures is due to take place in 2004. However, as will be explained below, there is currently no electoral system according to which the 2004 elections (or any election of the National Assembly or provincial legislature called before then) will take place. This situation requires the design of an electoral system applicable to the election of South Africa's national and provincial legislatures.³

This paper surveys the constitutional constraints faced by the designers of South Africa's post-1999 electoral system. It also discusses certain court decisions pertinent to these provisions. The most important constraint is found in sections 46(1)(d) and 105(1)(d) of the constitution, which require that an electoral system, applicable to the election of the National Assembly and the provincial legislatures, "results, in general, in proportional representation". The paper recognises that what is meant by "in general, in proportional representation" is not immediately clear, but certainly rules out any system that is majoritarian.

Describing what electoral systems are, Reynolds and Reilly state that they "translate the votes cast in a general election into seats won by parties and candidates".⁴ These authors identify nine main types of electoral system that can be reduced to three groups: majoritarian, semi-proportional and proportional.⁵ Assessing how closely an electoral system converts votes into seats won in a legislative body gives an idea of how proportional it is.

Recognising the functional demands of electoral systems, Krennerich lists the following five basic requirements:

- *Representation*: Which requires the electoral system to ensure adequate representation of minorities, women and special interest groups in Parliament and also a fair representation of parties according to the votes they have received.
- *Concentration*: Which relates to the aggregation of social interests and political opinions in such a way that the political institutions are able to act decisively.
- *Participation*: Which determines the extent of voter participation, that is, whether the voter can choose only between political parties or also between individual candidates.
- *Simplicity*: Which requires that an electoral system should not be too difficult for the electorate and the election administration both to understand and to operate.
- *Legitimacy*: The members of the community should accept the electoral system, the election results and the elected institutions as legitimate.⁶

System for the election of the National Assembly and the provincial legislatures applicable to the 1999 election

Schedule 6 to the constitution states:

Despite the repeal of the previous Constitution, Schedule 2 to that Constitution, as amended by Annexure A to this Schedule, applies –

(a) to the first election of the National Assembly under the new Constitution.⁷

A similar provision⁸ extends the application of schedule 2 (as amended)⁹ to the first election of the provincial legislatures under the 1996 constitution.

Schedule 2 to the Constitution of the Republic of South Africa, Act 200 of 1993 (the interim constitution) (as amended) sets out the details of the electoral system that applied to the 1999 election of South Africa's provincial and national legislative bodies. There is no constitutional or legislative provision that extends the closed list proportional representation system beyond 1999 when the first elections under the 1996 constitution took place.

Notably, since the 1999 elections a vacuum has existed in this country's constitutional and electoral law. This vacuum needs to be filled before the 2004 election or before any election of the National Assembly and/or provincial legislatures called prior to that.¹⁰ Sections 46(1)(a) and 105(1)(a) require that this vacuum be filled by national legislation. Although national legislation in the form of the Electoral Act 73 of 1998 was passed to regulate elections of the National Assembly and the provincial legislatures in 1999, the act does not make provision for a post-1999 electoral system. Instead, it contains provisions that complement the closed list system of proportional representation contained in schedule 2 to the interim constitution (as amended).¹¹

The introduction of a new electoral system does not have to take place by constitutional amendment. Furthermore, it is worth noting that it is perfectly possible for Parliament, by national legislation, to reintroduce the closed list proportional representation system as the electoral system applicable to the future election of national and provincial legislatures in South Africa.

Other constitutional provisions relevant to the electoral system

The founding provisions

Several provisions of the constitution provide the framework for South African elections. Its founding provisions are important in this regard. In the first place, against a background of constitutional supremacy (provided for in sections 1(c) and 2 of the constitution), section 1(a)

stipulates that the state is founded on the values of human dignity, the achievement of equality and the advancement of human rights and freedoms. Secondly, section 1(b) provides that South Africa is founded on non-racialism and non-sexism. Thirdly, without expressly referring to the electoral system, section 1(d) recognises universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness. Multi-partyism, accountability, responsiveness and openness (in the sense of accessibility, participation,¹² and diversity) are all values that must be taken into account when designing the electoral system envisaged by the constitution.

These values apply to every aspect of the state and government.¹³ All organs of state¹⁴ including the National Assembly and provincial legislatures are required to operate according to and to give effect to the section 1 values. When choosing the electoral system according to which the National Assembly and provincial legislatures are to be elected, the section 1 values must be taken into account. When Parliament passes the legislation prescribing the electoral system for the election of the National Assembly and provincial legislatures,¹⁵ the act must give effect to the section 1 values including human dignity, the achievement of equality (including gender equality) and non-sexism and must not violate the rights to equality (s9) and human dignity (s 10) (and other rights) contained in the Bill of Rights in the constitution.

The values of non-sexism and the concomitant of gender equality are relevant to women's representation in South Africa's legislative bodies. Considering the connection between women's representation and electoral systems, Reynolds writes "[c]hief among institutional variables, electoral systems have most often been cited as the key determining factor in the number of women elected to legislative office".¹⁶ He cites Rule who states:

Favourable societal conditions will not substitute for unfavourable electoral systems for women to reach their optimal representation in parliament and local legislatures. But unfavourable contextual conditions – including cultural biases and discriminatory practices – can be overcome to a great extent by alternate electoral systems.¹⁷

The text of sections 46(1) and 105 (1) of the constitution expressly require the National Assembly to consist of between 350 and 400 women and men and the provincial legislatures to each consist of between 30 and 80 women and men. This choice of words gives effect to the section 1 values of non-sexism and achieving (gender) equality. The text of these sections needs to be contrasted with the text of the corresponding sections in the interim constitution. The latter (in sections 40(1) and 127(1)) referred to "members" and not "women and men". The electoral system envisaged by the constitution has to facilitate the electoral success of women and men in order to meet the requirement of sections 46(1) and 105(1).

The Bill of Rights

The legislation prescribing the electoral system must not violate any of the rights in the Bill of Rights. Section 36 of the constitution permits limitations of the rights in the bill in certain circumstances. These must be prescribed by law and must be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking account of all relevant factors including those set out in section 36(a)-(e). The rights most pertinent to the electoral system are mentioned below.

Section 19 of the constitution guarantees political rights to South African citizens. In order to ensure universal adult suffrage and regular elections, the constitution states that every citizen has the right to free, fair and regular elections for any legislative body established in terms

of the constitution.¹⁸ It also states that every adult citizen has the right to vote in elections for such legislative body and to do so in secret.¹⁹ The latter section also guarantees the right to stand for public office and, if elected, to hold office. The political right set out in section 19(3) of the constitution applies to voting for elections of legislative bodies. The right does not apply to voting in referenda.

Political rights guaranteed under section 19 of the constitution include the making of free political choices pertaining to the formation of a political party, the participation and recruitment of members for a political party and campaigning for a political cause.²⁰

Other rights in the Bill of Rights, which pertain directly and indirectly to the electoral system, include the rights to equality (section 9), human dignity (section 10) and freedom of association (section 18). The rights to equality and dignity resonate with the values in section 1. Addressing equality, section 9(2) stipulates that:

To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

According to section 9(3) the state is prevented from unfairly discriminating directly or indirectly against anyone on grounds that include race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Section 9(2) permits Parliament to include measures (such as quotas) in the legislation prescribing the electoral system. A quota of this kind would be aimed at addressing the effects of unfair discrimination based on gender, sex, ethnic or social origin or any of the other section 9(3) grounds.

Apart from meeting the substantive requirements set out by the section 1 values and the Bill of Rights, the legislation prescribing the electoral system would also have to meet certain procedural requirements. These require that the legislation be passed according to the correct constitutional procedure. The legislation prescribing the electoral system would probably be passed in terms of section 76 of the constitution. This section details the procedure for passing bills affecting the provinces.

Composition of Parliament

The National Assembly

Parliament is composed of the National Assembly and the National Council of Provinces (NCOP).²¹ According to the constitution the NCOP represents the provinces to ensure that provincial interests are taken into account in the national sphere of government. The NCOP is composed of a single delegation from each province consisting of ten delegates.²² Unlike members of the National Assembly, these delegates are indirectly elected to Parliament from the provincial legislatures. Details of the designation and appointment of members to the NCOP fall outside of the scope of this paper.

The National Assembly "is elected to represent the people and to ensure government by the people under the Constitution".²³ Section 46(1) states that the National Assembly is to consist of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that:

- (a) is prescribed by national legislation;
- (b) is based on the national common voters' roll;
- (c) provides for a minimum voting age of 18 years; and
- (d) results, in general, in proportional representation.

With regard to section 46(1)(d) Elklit has written,

[i]t is a little unclear what the 'in general' is supposed to mean; but the Constitution makes it very clear that the electoral system cannot be a majoritarian one of any kind. Minor deviations from full proportionality can, of course be accepted, for example because of electoral thresholds or the use of mixed systems (as long as they aim primarily at proportional representation).²⁴

According to Reynolds and Reilly, "the rationale behind all proportional representation systems is to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats".²⁵ Such systems create a perception of fairness because, unlike majoritarian (or first-past-the post [FPTP]) systems, they result in very few wasted votes and a greater number of parties have access to representation.²⁶ Dahl notes that a system of FPTP is often defended because it works against certain parties contesting an election, and aids the production of a two-party system.²⁷ This needs to be contrasted with a system of proportional representation, the outcome of which is likely to be a multi-party system.

As stated above, South Africa's constitution includes multiparty-ism as one of the values upon which the state is founded and requires an electoral system that results, in general, in proportional representation.

Composition of provincial legislatures

Under section 105(1) of the constitution a provincial legislature is to consist of women and men elected in terms of an electoral system based on the same requirements as section 46(1) above, and which is determined by national legislation.

The Constitutional Court has had an opportunity to decide on the requirements of section 105(1) of the constitution. Shortly after the 1996 constitution took effect, the Western Cape legislature tried to change the provincial electoral system in the course of adopting a constitution for the province. The Western Cape constitution (WCC) departed from the national constitution in two ways. First, the WCC provided that provincial legislation (and not national legislation) should prescribe the provincial electoral system. Second, it provided that the electoral system should be "based predominantly on the representation of geographical multi-member constituencies; and results, in general, in proportional representation".

In its judgment²⁸ the Constitutional Court refused to certify the WCC to allow it to become law. Section 143 of the constitution provides that a provincial constitution must not be inconsistent with the national constitution, but may provide for provincial legislative or executive structures that differ from those in chapter 6 of the constitution.

According to the Constitutional Court an electoral system is not a "legislative structure or procedure", but "simply a way to convert large numbers of votes won by parties or candidates into much smaller numbers of seats in an elected body". The court stated that although the electoral system has a direct bearing on the selection and identification of legislators, it has no effect on the constituent elements of the legislative structure. The nature and number of the constituent elements of a legislative structure are not affected by the electoral system. In its opinion while the electoral system has some bearing on the representation in a legislative structure, it does not bear on the structure itself.

The court held that the constitution allowed for a list system of proportional representation for both national and provincial elections and seat allocation mechanisms designed to promote optimal proportionality. At provincial level this system regarded each province as a single multi-member constituency. The Western Cape constitution sought to establish a different form of proportional representation for its legislature based on a division of the province into geographic multi-member constituencies. It decided that the province was not

allowed to introduce an electoral system inconsistent with that stipulated in the national constitution.

The outcome of this decision is that a province cannot introduce an electoral system in a provincial constitution passed under section 142 of the constitution or through provincial legislation. A province's electoral system must be prescribed by national legislation (section 105(1)). However, as explained above, the constitution no longer prescribes the electoral system, and therefore, consistency with its provisions in this regard falls away.

It is now possible to have two different electoral systems applicable to the election of the National Assembly and the provincial legislatures. If so, both systems must be prescribed by national legislation as required by the constitution (sections 46(1) and 105(1)) and must result, in general, in proportional representation. The desirability of this course of action needs to be considered thoroughly.

Membership and loss of membership of the National Assembly and provincial legislatures

The grounds of eligibility for membership of the National Assembly and provincial legislatures, set out in sections 47 and 106 of the constitution respectively, have no direct bearing on the electoral system according to which legislators are elected to these bodies. Candidates on party lists must comply with the eligibility requirements of sections 47(1) and 106(1) of the constitution. These will not be discussed here.

However, under the constitution, the list system is directly related to the loss of membership and the creation of vacancies in either legislature. The constitutional provisions canvassed below illustrate this point.

Item 6(3) of schedule 6 to the constitution provides that despite the repeal of the previous constitution, schedule 2 (as amended) applies to:

- (a) the first election of the National Assembly under the new constitution;
- (b) the loss of membership of the assembly in circumstances other than those provided for in section 47(3) of the new constitution;²⁹ and
- (c) the filling of vacancies in the assembly and the supplementation, review and use of party lists for the filling of vacancies, until the second election of the assembly under the new constitution.

Item 11(1) contains similar provisions applicable to any provincial legislature.

Addressing the filling of vacancies in the National Assembly and provincial legislatures, item 23(1) of schedule 2 (as amended) states that the party which nominated the vacating member shall fill the vacancy by nominating a person:

- (a) whose name appears on the list of candidates from which the vacating member was originally nominated; and
- (b) who is the next qualified and available person on the list.

The issue of the loss of a seat in the National Assembly when the person concerned ceased to be a member of a political party arose in 2000.³⁰ The Cape High Court expressed the principle that, under South Africa's system of proportional representation, "the amount of seats allocated to each party was dependent on the votes cast in favour of such party at the general election".³¹ Once a member of the National Assembly lost his or her membership of the party under whose ticket he or she was elected to the assembly, the party was entitled to fill the vacancy by nominating the person whose name appeared next on the party's list of candidates and who was the next qualified and available person on the list.

When Makwetu ceased to be a member of his political party, under the electoral system the seat in the National Assembly vested in the political party. The party's seat became vacant

and the party was required to fill it with another candidate so that the party had its full quota of seats in the National Assembly.

Items 6(3) and 23(1) will apply to the filling of vacancies in the National Assembly and provincial legislatures until the 2004 elections. Thereafter, according to sections 47(4) and 106(4) of the constitution, these vacancies are to be filled in terms of national legislation. The effect of such legislation is suspended until the second election under the 1996 Constitution.³²

It would be appropriate for the national legislation prescribing the electoral system for the next election of the National Assembly and the provincial legislatures to make provision for the filling of vacancies in these legislative bodies after that election.

The anti-defection clause

Item 23(A)(1) of schedule 2 contains an anti-defection clause applicable under South Africa's closed list system of proportional representation.³³ It stipulates that a person loses membership of the legislature to which this schedule applies if she or he ceases to be a member of the party that nominated that person as a member of the legislature.

The anti-defection clause was considered by the Constitutional Court in the *First Certification* judgment.³⁴ In the court's opinion:

In a democracy the electoral system and the elections in accordance with that system provide the most important check on the legislature and its members. An anti-defection clause can act as an additional check on the legislators who become accountable, not only to the electorate and the legislature, but also to their party. It is the party that faces the voters during the succeeding election and has to justify its acts in the previous legislative period. If members wish to be re-elected they need to bear in mind party discipline. This does not amount to a reduction in the accountability to the electorate.³⁵

The court added:

Under a list system of proportional representation, it is the parties that the electorate votes for, and parties which must be accountable to the electorate. A party which abandons its manifesto in a way not accepted by the electorate would probably lose at the next election. In such a system an anti-defection clause is not inappropriate to ensure that the will of the electorate is honoured. An individual member remains free to follow the dictates of personal conscience. This is not inconsistent with democracy.³⁶

An anti-defection clause enables a political party to prevent defections of its elected members, thus ensuring that they continue to support the party under whose aegis they were elected. It also prevents parties in power from enticing members of small parties to defect from the party upon whose list they were elected to join the governing party. If this were permitted it could enable the governing party to obtain a special majority which it might not otherwise be able to muster and which is not a reflection of the views of the electorate.³⁷

Item 23(3) of schedule 2 (as amended) states:

An Act of Parliament may, within a reasonable period after the new Constitution took effect, be passed in accordance with s 76(1) of the 1996 Constitution to amend item 23(3) and item 23 to provide for the manner in which it will be possible for a member of a legislature who ceases to be a member of the party which nominated that member, to retain membership of such legislature.

This item creates the scope for legislation that permits members of legislative bodies to

cross the floor. Legislation that permits floor crossing was recently passed by Parliament, and at the time of writing is subject to constitutional challenge.

The South African courts have confirmed that under a list system of proportional representation a seat in a legislative body belongs to the political party voted for by the electorate rather than to an individual candidate. It is therefore unusual to have individual members cross the floor to another party and retain their seats in the National Assembly or in a provincial legislature. However, the constitution expressly permits the promulgation of legislation that will have the effect of countering the anti-defection clause. The Constitutional Court's ruling on whether the legislation is constitutional or not will have a bearing on how floor crossing will be accommodated under a future electoral system.

Conclusion

The electoral system that applied to the election of South Africa's National Assembly and provincial legislatures in 1994 and 1999 resulted in a guaranteed high degree of proportionality and multiparty-ism.

Elklit observes that in these elections the system allowed parties to know that they would gain representation in exact proportion to their share of the vote.³⁸ Beyond the 1999 elections, proportionality remains a central feature of political representation in South Africa. This is because of the constitutional requirement that the electoral system results in "in general, proportional representation". This provision may be interpreted as allowing a future electoral system to give effect to "personal accountability of parliamentary representatives"³⁹ while reducing the high degree of proportionality that exists under the system applicable to the 1994 and 1999 elections. There is a range of electoral options available, resulting in higher and lower degrees of proportionality. The national legislation that will prescribe the electoral system for the 2004 elections should, taking all the constitutional requirements and the functional demands on electoral systems into account, seek to achieve optimal proportionality.

Endnotes

- 1 Details of the electoral system applicable to the 1999 election are set out in schedule 2 to the Constitution of the Republic of South Africa, Act 200 of 1993 (the interim constitution) amended by annexure A to schedule 6 to the Constitution of the Republic of South Africa Act 108 of 1996 (the constitution).
- 2 Sections 49(1) and 108(1) of the 1996 constitution. These sections address the election of the National Assembly and the provincial legislatures respectively.
- 3 The Local Government: Municipal Structures Act 117 of 1998 addresses the electoral system applicable to the election of legislative bodies at local government level. This paper does not discuss the electoral system applicable to these bodies.
- 4 Andrew Reynolds and Ben Reilly, *The International IDEA Handbook of Electoral System Design*, Stockholm: International Institute for Democracy and Electoral Assistance, 1997, p 7.
- 5 Ibid., p 18.
- 6 Michael Krennerich, 'Electoral Systems: A Global Overview' in Jacques de Ville and Nico Steytler (eds) *Voting in 1999: Choosing an Electoral System*, Durban: Butterworths, 1996, p 16.
- 7 Item 6(3).
- 8 Item 11(1).
- 9 Schedule 6 to the constitution sets out the transitional arrangements following the repeal of the interim constitution and the coming into effect of the 1996 constitution. Annexure A to schedule 6

- amends schedule 2 to the interim constitution.
- 10 Section 49(2) of the constitution allows the president to call elections when the National Assembly is dissolved under section 50(1). Section 108(2) allows the premier of a province to call elections when a provincial legislature is dissolved under section 109(1). The acting president must also dissolve the assembly if there is a vacancy in the office of the president and the assembly fails to elect a new president under section 50(2). An acting premier has the power to dissolve a provincial legislature, which fails to elect a new premier under section 109(2).
 - 11 Particularly sections 26-31 of the Electoral Act 73 of 1998.
 - 12 Christina Murray and Lia Nijzink, *Building Representative Democracy: South Africa's Legislatures and the Constitution*, Cape Town: Parliamentary Support Programme, 2002, p 4.
 - 13 For the distinction between 'state' and 'government' see *Independent Electoral Commission v Langeberg Municipality* 2001(3) SA 925 (CC) paragraph 27.
 - 14 See the definition of 'organ of state' in section 239 of the constitution.
 - 15 Ibid., sections 46(1) and 105(1).
 - 16 Andrew Reynolds, *Women in African Legislatures and Executives: The Slow Climb to Power*, Johannesburg: EISA, 1999, p 8.
 - 17 Wilma Rule, 'Women's Underrepresentation and Electoral Systems' 1994 XXVII (4) *Political Science and Politics*, p 689.
 - 18 Section 19(2).
 - 19 Ibid., section 19(3).
 - 20 Ibid., section 19(1).
 - 21 Ibid., section 42(2).
 - 22 Ibid., section 60(1).
 - 23 Ibid., section 42(3).
 - 24 Jørgen Elklit, 'What Could a New South African Electoral System Look Like?' *Electoral Systems Roundtable Report*, Cape Town 14-15 August 1998, Johannesburg: EISA, 1998, p 27.
 - 25 Reynolds and Reilly, p 19.
 - 26 Andrew Reynolds, 'Electoral Systems Choices for South Africa Beyond 1999', *Electoral Systems*, p 9.
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Roles and performances of regional election observation delegations in the SADC region

By
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The context of election observation in the SADC region

The reintroduction of political pluralism in Africa in the early 1990s was mostly the result of internal and external pressures upon Africa's single party regimes, following the disintegration of the former Soviet bloc and the collapse of communism in the late 1980s. Over 30 African countries partook in the 'third wave' of global democratisation.¹ Many African governments, which owed their survival and longevity to the existence of the schism between the capitalist and communist blocs, had to adjust and adapt to the new dynamics in the international political environment in order to survive. Realising that foreign investment and aid were no longer based on political alignments, but conditional on political and economic transformations, many African autocrats took steps, though often reluctantly, toward the democratisation of their regimes.

African opposition and pro-democracy groups were accusing incumbents of using democratic processes as a survival strategy rather than as a tool for the genuine political, economic and social development of their countries. The presence of international observers was thus seen as one of the ways of exposing any attempts by incumbents to rig elections. The pronouncements of those foreign observers, mostly westerners, on the lack of freeness and fairness in politically manipulated electoral processes would result in the donor community freezing the much-needed financial aid and loans.

Thus, over the past decade, international non-governmental organisations (NGOs) played a key role in the monitoring of transitional elections in Africa. These organisations contributed substantially to encouraging the sceptical electorates and opposition political organisations to participate in electoral processes and to make their voices heard at times when national and regional organisations had limited, if not non-existent, capacity to conduct efficient and competent election observer missions. The involvement of the international observer missions in the first multiparty elections in Zimbabwe in 1980, Namibia in 1989, Zambia in 1991, and Malawi, Mozambique and South Africa in 1994 was of paramount importance in ensuring the transparency, fairness and legitimacy of the electoral processes in those countries, which were, at that time, led by racial minorities or single-party state regimes.

Recently there have, however, been growing tensions between African governments and the Organisation of African Unity (OAU) – now known as the African Union (AU) – on the one hand, and some international observer groups, on the other. In June 2000, the government of Zimbabwe refused to accredit several prominent international groups, including leading US NGOs that promote democracy worldwide. In order to restrict the number of foreign observers, Zimbabwe became virtually the first country in the world to make the granting of accreditation to international observers and foreign journalists conditional on a payment of

US\$100 per international observer. The government of Zimbabwe explained that the fee was introduced to meet administrative costs related to the presence of observers. Zambia later followed the Zimbabwean example and its electoral commission applied fees for the accreditation of foreign observers in December 2001. Even domestic observers in the two Southern African countries had to meet this requirement, and though the amount imposed on them was much smaller compared to that paid by foreigners, it still constituted a burden for those organisations deploying a large number of observers, as this cost was not initially budgeted for.

In 2002, the Zimbabwean authorities granted selective accreditation to the European Union (EU) members, with close to half of the member countries accused of interfering with the country's internal affairs and declared ineligible. This culminated in the EU election observation mission pulling out of Zimbabwe. Equally, some African governments questioned the motives of Western observers in the Zimbabwe elections. The South African election report on the 2002 Zimbabwe presidential elections reads:

The question, therefore, is why is the international community so focused on Zimbabwe's internal problems when similar situations exist in other countries in the world? It appears that the role played by the UK government in general, and the plight of white Zimbabweans in particular, many of whom are British citizens, who are perceived to be the prime victims of the current land distribution campaign, should provide part of the answer.²

Echoing the sentiments expressed by a number of African governments, Amara Essy, the secretary-general of the OAU, declared on 15 February 2002 in Lusaka, Zambia, that the EU should leave Africa to monitor its own elections: "We have to find an internal organ within Africa to monitor elections and to help strengthen democracy in Africa. We do not need foreigners." Essy also expressed the wish that "there would be no foreign observers or monitors of elections in Africa after the next decade".

This paper examines the process of election observation in the Southern African Development Community (SADC) region, and assesses the roles and performances of regional election observation organisations. It also explores the way forward for the professionalisation of those emerging regional election observation missions.

Nature of regional election observation organisations

Little attention has been paid to the roles and performances of regional election observation missions. Yet, there has been a myriad of such missions over the past two years.

Two regional observer missions have been prominent owing to their high level visibility in nearly all the elections that have taken place in the region over the past four years: the SADC Parliamentary Forum (SADC PF) and the Electoral Commissions' Forum of SADC countries (ECF).

The SADC PF was established in 1996 in accordance with Article 9 (2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary body composed of 12 parliaments representing over 1800 parliamentarians in the SADC region. Member parliaments are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The Democratic Republic of the Congo (DRC) and the Seychelles are the only two SADC countries that have not officially joined the regional parliamentary body.

The objectives of the Parliamentary Forum include the promotion of multiparty democracy, good governance and political stability in the region, as well as respect for the rule of law, human rights and fundamental freedoms. In line with the above objectives, SADC PF has taken

a keen interest in election observation in its member states. In this regard, the regional parliamentary body observed elections in Namibia and Mozambique in 1999, and Zimbabwe, Mauritius and Tanzania in 2000. Based on these observations, the forum developed and adopted electoral norms and standards for the SADC region in March 2001, which serve as benchmarks against which to assess the management and conduct of elections in the region. Thus, the forum's assessments of the Zambia tripartite elections of December 2001, the Zimbabwe presidential election of March 2002 and the Lesotho legislative election of May 2002 were based on its own election norms and standards. By setting up electoral standards, the SADC PF observers have been able to reach consensus on the conduct of electoral processes relatively easily, based on consistent, objective and impartial criteria. A number of local and international observer groups have used SADC PF's standards to assess the Zimbabwe 2002 presidential elections.³

The combination of Members of Parliament from both ruling and opposition parties in its election observation missions has been one of the main factors that has ensured a fair balance in the SADC PF's assessment of electoral processes. Observers from the ruling and opposition parties have learnt to make decisions based on consensus and to accommodate minority views.

Since 1999, the forum has benefited from working closely with the US-based National Democratic Institute for International Affairs (NDI), whose technical assistance has allowed the parliamentarians to acquire skills in election observation, among other things. The forum is now equipped to organise and competently conduct election observer missions and to report on its observations, findings, conclusions and recommendations independently, impartially and objectively.

Formed in Cape Town, South Africa, in July 1998, the ECF is made up of 14 electoral commissions from the SADC region, including the Zanzibar Electoral Commission but excluding the DRC, which does not have an electoral management body yet. The purpose of the ECF is, among other things, the exchange of information and experiences between member electoral commissions, the harmonisation of the management and the conduct of elections and the development of electoral best practices for the region.

The ECF has drawn extensively on the support and research carried out by its temporary secretariat, the Electoral Institute of Southern Africa (EISA) as well as on the experiences of member commissions and the know-how of individual commissioners and senior electoral staff in the field of election management. The ECF has observed nearly all the elections that have taken place in the region from 1998 to 2002.

In addition to these two forums, the Election Support Network of SADC countries (ESN) – a group of over 50 leading civil society organisations working in the field of election monitoring in their respective countries – has observed most elections that have taken place in the region from 1999 to 2002. The ESN delegates usually monitor elections jointly with their local monitor counterparts. They tend to keep a low profile and have until now received little media coverage. Their election monitoring reports have had only a limited distribution.

Many ad hoc regional election observer teams have been constituted over the past two years to observe elections. Zimbabwe was the focus of most regional election observer missions in 2000 and 2002. The executive branch of SADC sent a small delegation to observe the poll and the count there in March 2002, as did the governments of South Africa, Namibia, Tanzania, Malawi and Botswana. Official presidential observer missions to Zimbabwe also came from as far as Nigeria and Ghana.

Denis Kadima argues that, though the 25 May 2002 parliamentary election in Lesotho did

not attract as much attention internationally as the 2002 Zimbabwe presidential election, these elections were seen as an important milestone in the region.⁴ Regional delegations, like the SADC PF and the ECF, and several official presidential missions were sent to observe the kingdom's legislative election. SADC itself sent the 'Extended SADC Troika Mission', which was formally entrusted with the responsibility of ensuring that the political situation in Lesotho evolved smoothly. Composed of South Africa, Botswana and Zimbabwe, the troika was reinforced by Mozambique and Namibia; hence the 'extended' SADC troika.

Regional observer groups have a number of undeniable comparative advantages over international observers. These include a better knowledge of the region, their proximity to the host country and the resulting potential for involvement in the host country over a longer period of time before and after the election, and their commitment to political stability in their region. In addition, it is believed that election observation by international groups often suffers from their inadequate knowledge of the host country's cultures, languages and physical terrain and of the geo-political context of the continent.

The emergence of regional election observer missions raises, however, a number of questions, including:

- Do regional missions have the capacity to observe elections independently, objectively, impartially and competently?
- What have been their performances over the past few years?
- How can such performances be enhanced?
- What lessons can be learnt from international observers?
- Do international observer missions still have space in the region?
- Would the host country's membership of a particular regional body not limit the ability of regional observers to come out strongly against wrongdoings by the host country's government, in an effort to preserve the unity of the regional body?

Answering these questions will allow us to understand the many challenges facing regional election observation bodies and to offer ways of enhancing their performances.

Challenges to regional election observers

In 'The Observers Observed', Thomas Carothers caustically comments on international observer missions as follows:

It is difficult to get close to a major international election-observation effort without feeling that something is amiss in the zoo-like atmosphere on election day, and that many of the observers are motivated as much by vanity and a tourist's taste for the exotic as by a serious commitment to supporting democracy abroad.⁵

Carothers' description of international groups applies also to the emerging election observer missions from the African continent, in general, and the SADC region, in particular. More importantly, the mushrooming of regional observer delegations is accompanied by serious challenges. The development of regional observation missions will depend on their ability to surmount a number of those challenges, as analysed below.

Inadequate training and amateurism

The lack of adequate training of many of the emerging regional observer groups has resulted in some of them making superficial assessments of electoral processes. On a number of occasions, it has been clear that many hastily assembled election observer missions from the SADC region have shown serious limitations in their assessing of electoral processes. Many of these missions often overlooked the need for carrying out proper training for their delegates

or they assumed that observing elections was a relatively easy task that did not require much preparedness. Some official presidential missions therefore displayed considerable amateurism. Unfortunately, some of those missions received a lot of media coverage, thus reflecting poorly on regional election observer missions in general.

Constituted hurriedly, many regional delegations have often failed to see the big picture, and have tended to evaluate elections on the basis of political considerations, often motivated by peer solidarity. The emerging regional election observer missions need to take the time to learn about the requirements of competent and non-partisan conduct of election observation.

Focus on the polling and counting activities

Another challenge facing emerging regional election bodies has been their near-exclusive focus on short-term observations. It is understandable that financial constraints often do not allow regional organisations to deploy long-term observers. There is, however, a need to come up with creative ways of circumventing such limitations. EISA, for example, used to hire a team of local researchers to monitor and report on relevant political and electoral developments in the host countries, from the early stages of the electoral process to the post-election phase. Their findings were published in an informative *Election Update* series. This publication allowed regional election observer missions, and particularly the ECF, to have a good understanding of the 1999 and 2000 electoral processes in South Africa, Malawi, Botswana, Mozambique, Namibia and Zimbabwe.

Concurrent with the adoption of its norms and standards for elections in the SADC region, the forum also decided to abandon its earlier focus on just the observation of polling and counting activities, and extended its missions to the other phases of the electoral process. Accordingly, it sent missions to observe voter registration in Zambia and Lesotho, in July and August 2001 respectively. It also deployed a post-election good-will mission to Tanzania/Zanzibar in October 2001 to support efforts by the ruling Chama Cha Mapinduzi (CCM) and the opposition Civic United Front (CUF) to iron out their differences after the failed general election in Zanzibar in October 2000.

The above cases are, however, isolated efforts to spread regional election observation activities throughout the entire electoral process and, where necessary, beyond. Some regional groups have based their assessment of the entire electoral process on the voting and counting activities.

In Zimbabwe in 2002, for example, many of those groups declared the entire electoral process 'free and fair' only because of the peacefulness and transparency of the voting and counting activities, the dedication and commitment of electoral staff, the high voter turnout and the apparent absence of political violence during the poll and the count. They ignored all the serious problems that occurred during the pre-electoral phase and which had a direct impact on the electoral outcome, such as the pre-election politically motivated violence and intimidation, the non-transparent, and at times selective, registration of voters, the lack of an independent and impartial electoral management body and the inability of many urban voters to cast their ballots.

Generally, the emerging regional missions arrive in the host country when political parties and candidates are holding their final campaign rallies, observe the poll and the count, give their stamp of approval to the process and depart from the host country while the election results are still being announced. As a result, their observations and reports end up being, at best, inconsequential to post-election political developments in the host country.

Lack of objective and consistent criteria for assessing elections

There have been a number of publications on the criteria for assessing the freeness and fairness of elections, such as Jørgen Elklit and Palle Svensson's 'What Makes Elections Free and Fair?'⁶ Most regional election observation bodies have found it difficult to assess electoral processes on the basis of consistent and objective criteria. Apart from the SADC PF, which has been able to develop its own norms and standards and to use them in Zambia (2001), Zimbabwe and Lesotho (2002), most regional groups do not have such criteria. As a result, they therefore fail to assess whether a country is moving towards or away from the ideal of free and fair elections. Is the lack of objective criteria an explanation for why the ECF, for example, has never declared that any of the 10 or so elections observed by its teams in the region over the four past years were not free and/or fair? Regional bodies like the ECF need to rethink their role; the ECF might be more relevant if it could focus systematically on election assistance rather than election observation and assessment of a member electoral commission's performance.

The lack of a set of objective criteria by which to assess elections has also led some regional observers to succumb to the temptation of assessing elections in an inconsistent manner and often on the basis of political considerations rather than objective best electoral practices. As a result, many regional election observation missions appear increasingly to be mere solidarity missions. During the parliamentary elections of June 2000 in Zimbabwe, for example, some regional groups emphasised the peacefulness of the poll and the count and downplayed the impact of the pre-election campaign of political intimidation and violence. Conversely, some international observers failed to appreciate the professionalism of the electoral staff and the transparency of the poll and the count in Zimbabwe, and focused their conclusions nearly exclusively on the pre-election violence. Some foreign observers had passed judgment on the conduct of the 2000 and 2002 Zimbabwe elections based on media reports and before even arriving in the Southern African country.

A positive initiative in this area has been the development of regional election norms and standards led by EISA, the University of Namibia and the ECF, which started in June 2000 in Windhoek, Namibia, with the participation of political parties, civil society organisations, electoral commissions and research institutions from all 14 SADC countries. It is expected that the proposed norms and standards will be discussed and adopted by the participating institutions before the end of 2002. Ideally, the norms and standards being developed by SADC PF and the civil society initiative led by the three organisations mentioned above, should be consolidated into one document and adopted by various regional segments as the basis for assessing elections impartially and objectively in the region.

Late release of final reports

Most regional observers tend to release their final reports many months after the election. Unfortunately, by that time, the attention of interested parties in the host country and in the region has become focused on other matters. For example, though the Zambia tripartite elections took place in December 2001, none of the main regional observer groups published and distributed their final reports before the end of August 2002. As a result, when such reports become available, they fail to have a positive influence on any political developments in the host country. Regional bodies should emulate the example of the Commonwealth, whose final report is often available only weeks after the holding of an election.

Little emphasis on local government elections

Regional bodies have been exclusively focused on the observation of presidential and par-

liamentary elections, and have completely disregarded local government elections. These regional bodies need to appreciate that local government constitutes the training ground for democracy.⁷ The presence of serious regional election observer missions monitoring local government elections would put local government high on the regional agenda and contribute to democratic development at grassroots level.

The little emphasis on the monitoring of local government elections may be a consequence of the highly centralised nature of many national governments in the region, which has resulted in making local government matters irrelevant. This has been conspicuous in countries holding concurrent national and local government elections, as a way of, among other things, saving on costs. Botswana, Tanzania and Zambia all fall under this category of countries. It has been observed that electoral politics in those countries tend to focus strongly on national issues to the detriment of local government matters. The decentralisation of government would go a long way in giving local government matters the place they deserve. It could be expected that, with meaningful decentralisation, donors would see the need and relevance for supporting this tier of government.

The way forward

As explained by Gerhard Tötemeyer and Denis Kadima, many regional election observation delegations have the following objectives:⁸

- ♦ To signal, by their presence, the significance attached to the election by the people of the region;
- ♦ to assist in ensuring the integrity and credibility of the electoral process;
- ♦ to encourage high levels of participation in the electoral process by voters, political parties and candidates; and
- ♦ to report independently and objectively any serious manipulation of the electoral process.

The performances of these emerging regional actors have, however, been uneven owing to, among other things, inadequate training and methodological deficiencies. Nonetheless, a handful of regional institutions have distinguished themselves through their good work, which has been the result of several years of tireless work in the field of election observation. It is obvious that credible and competent international NGOs have proved to be effective in financial assistance and skills development and transfer to regional and domestic observers. Such organisations have worked with civil society organisations throughout the world, helping them develop the capacity to monitor electoral processes effectively. This has contributed to some degree to the professionalisation of election observation.

A major constraint for most regional bodies has been their inability to openly criticise wrongdoings of the electoral and political authorities of the host country. While this attitude allows the maintenance of some degree of regional political unity, it has failed to meet the legitimate democratic aspirations of the people and the opposition parties of that particular country. Competent international observer organisations without a political agenda may help voice what regional bodies are unable to articulate in public comfortably.

The region needs relevant capacity-building initiatives in order to have a small but sufficient number of regional organisations capable of observing electoral processes independently, impartially, objectively and competently. Regional organisations also need to develop a set of objective criteria, or norms and standards, to be used to assess elections in the region consistently. Collaboration with foreign organisations would help the region to relate international experience to its own realities. This comparative perspective would help to enhance the conduct and management of future electoral processes and to inform and inspire electoral

reforms in the region. It is hoped that the professional monitoring of elections will contribute to enhanced levels of political participation, more open political competition and improved political representation and stability. All of the above variables are necessary requisites for sustainable democratic development.

It is also crucial that the region design strategies to ensure the sustainability of regional election observation. Experience has shown that donor interest tends to decrease from the founding to the next generation of elections. As watchdog institutions, civil society organisations need to find ways of continuing to play their role, given that the costs of failed elections in the region and the continent have proven to be unaffordable.

Endnotes

- 1 Samuel P. Huntington, *The Third Wave: Democratisation in the Late Twentieth Century*, Norman: University of Oklahoma Press, 1991.
- 2 Report of the South African Observer Mission to the Presidential Elections in Zimbabwe, 9-11 March 2002, Pretoria, 2002, p 7.
- 3 The Zimbabwe Electoral Support Network (ZESN), an umbrella body consisting of tens NGOs, has consistently used the SADC Parliamentary Forum's electoral norms and standards as the basis for its evaluation of the conduct of the 9-11 March 2002 presidential elections in that country.
- 4 In an article published in the June 2002 issue of *Election Update*, Denis Kadima explains that although the 25 May 2002 legislative elections in Lesotho did not draw much attention in the international community, these elections attracted a great deal of interest in the SADC region for at least two reasons. First, SADC troops intervened in Lesotho after the collapse of law and order following the dispute over the electoral outcome in 1998. SADC member countries encouraged Lesotho to design inclusive political and electoral processes and frameworks. The region therefore monitored closely political developments in the mountain kingdom in order to avoid a recurrence of the 1998 situation. The second reason for interest in the Lesotho elections is that the region could not afford to have three consecutive controversial national elections after the fiascos in Zambia in December 2001 and Zimbabwe in March 2002, as this would have tarnished the image of the SADC region and weakened the central argument advanced by African leaders, that through the New Partnership for Africa's Development (NEPAD), the continent commits itself to democracy and good governance, and that peer review will be the basis of assessment of countries' performance.
- 5 Thomas Carothers, 'The Observers Observed', *Journal of Democracy*, July 1997, p19.
- 6 Jørgen Elklit and Pelle Svensson, 'What Makes Elections Free and Fair?', *Journal of Democracy*, July 1997.
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From African Renaissance to NEPAD . . . and back to the Renaissance

By
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Introduction

The New Partnership for Africa's Development (NEPAD) has been described by its architects as an attempt to address Africa's vast development challenges, through inculcating into African politics a culture of democracy, accountability, and accountable governance and put this forward as a bargaining marker in order to extract commitments from the industrialised powers by forging a new partnership with them. This partnership would involve the countries of the north underwriting new African initiatives through debt relief, increases in levels of official development assistance, infrastructural development and foreign direct investment. Since its inauguration in October 2001, and even from 1999 and the draft plans that preceded it, NEPAD has been widely debated both inside and outside Africa. Because it is a development plan that explicitly tries to make the link between development, peace, security, governance and democracy, it has been taken seriously by supporters and critics alike.

So, what prompted NEPAD? NEPAD was triggered by the post-cold war reality of power imbalances between Africa and the northern industrialised countries, coupled with Western military and political disengagement from the continent; negative perceptions of Africa; growing poverty and inequality on the continent; and the need to transform the political, economic and social landscapes in Africa.

When Thabo Mbeki assumed the mantle of president of South Africa just over three years ago in June 1999, Afro-pessimism was rife, particularly in the developed world. The view about Africa prevailing amongst Western observers, governments and even investors was that of a continent inhabited mainly by a bunch of kleptocratic regimes, typically dictatorial, and with a strong penchant for violating human rights and democracy.

The view about the West in Africa in turn was that of a club of powerful white governments which are racist towards Africa, and which viewed Africa as having lost its strategic significance after the cold war. Such governments gradually shirked in their economic and political obligations towards Africa as they saw little point in sending their troops to far-off countries in the 'Dark Continent' of which they knew little and for which they cared even less.

There was a dialogue of the deaf between these two blocs. Leaders and pundits on both sides criticised one another and talked past each other. It was as if no one really listened.

Just as Mbeki set out to become the president of redress at home by seeking to close the vast gap between 'two nations' inside South Africa – one largely white and highly developed and the other largely black and chronically underdeveloped, and a growing grey area of an emerging capitalist black middle class – so he initiated the politics of restoration globally. This he did especially with regard to African-Western relations, and North-South ties. To this end, he initiated 'a new agenda for Africa'. Such an agenda could only come about through the building of new bridges between Africa and the outside world. For Mbeki, Africa and the indus-

trialised countries had to be locked into a new and genuine partnership. Africa's states had to become more democratically accountable while northern states had to recommit themselves to participating in Africa's vast development challenges. The best way to extract commitments from both sides was to lock these opposing sides into a new pact; a new deal of sorts. Such a deal had to be based on a 'genuine' partnership that would stress mutual responsibilities and mutual commitments regarding politics, democracy and socio-economic issues that would map out Africa's future. Of course, the question arises whether in fact the politics of accountability could be introduced throughout Africa on the one hand, and whether there could be 'genuine' partnership between unequals through which Western and other industrialised powers would really be willing to take Africa seriously and view it as a strategic partner that matters, on the other.

The African renaissance

NEPAD, as the policy framework for continental renewal, was preceded by the articulation of the vision of an 'African renaissance'.¹ In fact, NEPAD came to be viewed as the vehicle through which the African renaissance would be delivered; it is a concretisation of the ideas embodied in it. NEPAD, just like the African renaissance, is based on the philosophy that Africa's social, economic and political challenges can be addressed by continental initiatives, backed up by external assistance.

As early as 1995, Mbeki forcefully put on to the continental agenda the notion of an African renaissance. In fact, while critics perceived the African renaissance as little more than an empty policy vessel articulated by an ambitious dreamer, evidence suggested that at that early stage, this call for a continental revival was indeed becoming South Africa's own foreign policy doctrine. In a speech in the US in 1995 Mbeki set out the doctrine of the African renaissance. As a doctrine, the African renaissance sought the "establishment of genuine and stable democracies in Africa, in which the system of governance will flourish because they derive their authority and legitimacy from the will of the people".² The doctrine declared that "the one-party states and the military governments will not work"; it ambitiously attempted to "resist all tyranny, oppose all attempts to deny liberty by resort to demagoguery, repulse the temptation to describe African life as the ability to live on charity, engage in the fight to secure the emancipation of the African woman".³ Just as grandly, the renaissance hoped to confront "the enormous challenge of uprooting corruption in African life".⁴ The African renaissance discourse insists on such notions as 'transparency and accountability'. It was deeply free-market oriented, committing itself to "establish the conditions" that would enable the foreign capitalist community "to take rational business decisions to make long-term investment in Africa".⁵ It encouraged the continent to continue to embark "on a process of economic reform". On this score, it supported issues such as "liberalisation of trade, the reform of financial, commodity and other markets, the functioning of multilateral institutions, development assistance and resource, transfers from the developed to the developing world".⁶

Renaissance Africa was also an attempt to promote South Africa's own selfish interests. This was clear from Mbeki's statement that "the exploitation of the continent's huge mineral resources ... can no longer be the preserve of companies from outside the continent".⁷

South Africa's diplomatic elite also has a grand sense of its leadership. For example, Vusi Mavimbela, one of Mbeki's chief advisors between 1994-99, argued that "the continent needs capable political leadership and stable societies".⁸ Such leadership, said Mavimbela, must "provide effective, national, continental and global leadership". African states must "seek to realise their African potential domestically, and ultimately project it upon the world stage".⁹

Mbeki followed suit and enjoined that "the time has come that we say enough and no more, and by acting to banish the shame, remake ourselves as the midwife of the African Renaissance".¹⁰

The consideration of the following statement should resolve any doubts about Pretoria's revisionist instincts: in 1998, Mbeki dropped a bombshell when he avowed that "[t]he call for Africa's renewal, for an African renaissance is a call to rebellion".¹¹ Mbeki said that in "the mass crusade for Africa's renewal we must rebel against the tyrants and the dictators, those who seek to corrupt our societies and steal the wealth that belongs to the people".¹²

Closing the gap between shadow and substance

Even before becoming president, Mbeki sought to go beyond mere prose and ideas in articulating the vision of an African renaissance. He attempted to give practical effect when, in May 1998, the deputy president's office directed all relevant government departments to provide detailed reports on the roles they were playing in the revival of the African continent. This exercise was seen to be laying the platform upon which South Africa would systematise its interaction – particularly its economic relations – with the rest of the continent, as well as laying the foundation for what was later to become the Millennium Africa Recovery Plan (MAP). The objective at that early stage already was to ensure the involvement of all departments in the development of Africa policy in accordance with their respective sector responsibilities. Heads of departments had to account for their realisation of this objective. Thus, for example, the department of finance made its commitment to Africa's revival in the form of setting out to design a systematised, well-articulated framework for the regulation of future inter-African economic relations. The department also set out to place the vision of an African renaissance firmly on the Lomé agenda where the republic also serves in the African Caribbean Pacific (ACP) Development Finance Sub-Committee.

Mbeki's office was convinced that the "real possibility exists for the emergence of a continent deserving of attention and respect accorded to the other regions of the world".¹³ The idea was to promote the notion that "the African continent has been, and still remains, the most underdeveloped continent where the worst manifestations of socio-economic dislocation and general want are played out in greater measure".¹⁴ To that extent "the people of Africa should make bold to state that the African poses the biggest, most urgent and a special development challenge to the world".¹⁵

The deputy president's office linked the future of South Africa to the region when it said that "... the success of the people of South Africa to meet their basic needs depends to a large measure on the rebirth of the Southern African region in particular and the continent in general".¹⁶ This idea served to illustrate that Pretoria's "quest for the strengthening of the Southern African socio-economic bloc as well as, the renewal of the continent is not simply born out of altruism but it is in South Africa's own national interest as well as in every interest of every people in the continent".¹⁷

According to Mbeki's office "the real *raison d'être* for the African renaissance agenda and programmes is the need to empower African people to deliver themselves from the legacy of colonialism and neo-colonialism and to situate themselves on the global stage as equal and respected contributors to, as well as beneficiaries of all the achievements of human civilization".¹⁸

Accordingly, Mbeki established an interministerial committee to embark on 'cabinet actions'. The cabinet adopted a 'programme of action', which included briefings with the ambassadors of other African countries. Also, its intent was to spread the African renaissance

gospel through SABC television and radio programmes, interviews with recognised African magazines and journals, and other radio and television stations. Moreover, the South African Government Communications and Information Services (GCIS) developed a 'Renaissance Africa' communications strategy.

Mbeki sought to mobilise the concept and sell it to pertinent leaders and institutions on the African continent. Both the ministry and the department of foreign affairs would, for example, identify appropriate occasions or forums for SADC leaders to be consulted on the vision and a possible SADC programme for its implementation. This would include SADC ministerial and heads of state meetings.

To illustrate the point, on 16 and 17 July 1998, Mbeki convened a meeting with his counterparts where the vision of the African renaissance was raised and discussed.¹⁹ The department of foreign affairs also consulted with the Organisation of African Unity (OAU) – now the African Union (AU) – on modifying the agendas of summit meetings so as to provide an opportunity for African leaders to discuss the goals of the African Renaissance.

South Africa planned to facilitate a process that would culminate in the staging of an African forum under the auspices of the OAU. The World Bank consultative process with African leaders was identified as another opportunity for advancing the idea of an African renaissance and the first meeting of this nature was held in January 1998 in Kampala, Uganda.²⁰ At the second meeting, held five months later in Senegal, an African renaissance co-ordination committee was constituted composed of Senegal, Gabon, Uganda and South Africa.

Mbeki also embarked on sports diplomacy and committed his government to making the All Africa Games scheduled for September 1999, and the Commonwealth Summit of November 1999, special events at which the African renaissance came under consideration.

Since assuming presidential office, Mbeki has stressed that domestic practices and policies should reflect a new paradigm: the incorporation of the continent's affairs into the national agenda.

Because South Africa and Botswana are the only African members of the International Development Association (IDA), South Africa sought to play a major leadership role by representing Africa's interests in IDA replenishment negotiations. In its interactions with the International Monetary Fund (IMF), the World Bank group and the Commonwealth, the South African Department of Finance not only catered for the interests of the republic, but also set out to ensure that policies and practices implemented were not detrimental to growth and development on the continent in general; hence, Pretoria's support for the Heavily Indebted Poor Country (HIPC) initiative.

With regard to HIPC, Pretoria recommended a reduction of the three-year period between the decision point and completion point, during which a country is expected to demonstrate economic and political adjustment. It also pushed for greater flexibility in the implementation of the HIPC initiative with the aim of significantly reducing the external debt overhang of the large number of eligible countries. For example, South Africa supported Mozambique's request for its end-1998 completion point to be brought forward to mid-1999. South Africa, as one of Mozambique's bilateral creditors, also agreed, in principle, to grant Mozambique debt relief at a level not less than that granted by the Paris Club creditors.

One of the problems for South Africa's trade policies is that the region's economies are highly incompatible. Also, South Africa is industrialised while most of the other countries are not. If these circumstances persist, then trade will continue to flow in one direction, development will become more polarised, and investment will continue to go to a few 'safe havens'.

From the African renaissance to MAP to NEPAD

By the time he became president in June 1999, Mbeki expressed the strategic need to turn the vision of the African renaissance into concrete policies and plans of action. Mbeki explicitly expressed the need to turn the 'new Agenda for African Recovery' on the basis of 'genuine partnership' into concrete plans of action. Such an agenda, policies and plans of action had to generate new forms of cooperation and articulate mutual interests between Africa and the developed world. NEPAD is a concrete manifestation of this 'new agenda'. NEPAD has its origin in this 'new Agenda for African Recovery'.

Mbeki deliberately went out to court Africa's multilateral regional and sub-regional organisations to back such a new agenda. He also recognised the need for partnerships with some key African states. For example, in July 1999, the OAU summit in Algeria, as well as the OAU extraordinary summit held in Sirte, Libya during September 1999, mandated three countries – Algeria in its capacity as chair of the OAU, South Africa in its capacity as chair of the non-aligned movement (NAM), and Nigeria in its capacity as chair of the Group-of-77 within the UN – to engage the developed countries on the 'total cancellation of Africa's external debt' and to promote efforts to close the digital divide between the continent and those industrialised countries.²⁰ One year later, during the 2000 OAU summit in Togo, these three countries received a broader mandate to engage the developed north with a view to building a constructive partnership for the regeneration of the continent. Following from this, the three presidents raised the issue of a partnership with the leaders of the G8 at its summit in Japan during July 2000. The work of developing MAP then began in earnest when an extensive programme on bilateral and multilateral engagement started. A presentation on MAP was made to the World Economic Forum in Davos, Switzerland in January 2001.

While these countries worked on MAP, Senegalese president Abdoulaye Wade and other francophone African countries worked on the OMEGA plan, essentially an infrastructural development plan.²¹ The OMEGA plan was first presented at the Franco-Africa summit in Yaounde, Cameroon in January 2001. It was also presented at the OAU extraordinary summit in Sirte.

However, concerned that a possible clash between francophone and anglophone states would reinforce a false political divide, the MAP leaders mandated South African president Thabo Mbeki to interact with his Senegalese counterpart in order to bring about a merger between MAP and OMEGA. Just before the 2001 OAU summit in Lusaka, Zambia, Wade visited South Africa, and the two leaders and their respective teams finalised plans and successfully merged MAP and OMEGA and named the integrated plan the New African Initiative (NAI).²² The Lusaka summit endorsed NAI and mandated the leaders to fine tune the new plan into a partnership between Africa and the industrialised powers of the world.

In October 2001, African leaders met in Abuja, Nigeria and launched NEPAD.²³ NEPAD represents a vision by those African states, which signed on, together with the OAU, of repositioning Africa globally, eradicating poverty and placing the continent on the road to sustainable development. It is premised on the attainment of peace and stability through sound governance based on democratic values and principles.

As stated above the overall purpose of NEPAD is to give practical effect to the African renaissance vision. NEPAD is a comprehensive plan to foster 'genuine partnership' between Africa and the industrialised powers, based on mutual interest and benefit, shared commitment and binding agreement, under African leadership. It is premised on the idea of a pact, a trade-off: in exchange for Africa's governing elites holding each other politically and economically accountable, the industrialised powers of the world will supplement Africa's peacemak-

ing and peacekeeping efforts, and their attempts to eradicate poverty, by renewing their commitments to greater flows in official development assistance (ODA), debt relief, enhanced flows in private capital (foreign direct investment), and investing in infrastructure, information technology, human resource development – notably in education and health – and providing greater market access in the north for Africa's trading goods. In short, NEPAD is premised on the attaining of peace and stability in Africa through sound governance, based on democratic principles and values. This is to be reinforced by new commitments by northern powers in the form of financial assistance and enhancing the continent's capacities to consolidate peace and democracy. But, in proposing the new partnership, NEPAD recognises that Africa holds the key to its own development.

The logic of NEPAD is thus to make a clear link between development and stability. NEPAD singles out three prerequisites for social and economic regeneration, poverty alleviation and empowerment. These are peace and security, democracy and political governance, and economic and corporate governance. This resonates with the dictum 'no peace without development; no development without peace'.

NEPAD goes further and asserts that, of crucial importance to Africa and the rest of the world, is the establishment and protection of a political order and system of governance that is:

- legitimate and enjoys the support and loyalty of the African people;
- strong enough to advance the interests of African people;
- able to address the fundamental development interests of African people; and
- able to engage effectively with various global processes that characterise the world economy.

NEPAD acknowledges that in those regions and countries marred by armed conflict, the overwhelming priorities are to achieve peace, to disarm and demobilise combatants, and to resettle refugees. Africa's capacity to prevent, mediate and resolve conflicts on the continent must be strengthened, including its ability to deploy African peacekeeping forces when necessary.

NEPAD recognises that if peace and security is to lead to sustained growth and development, it is of the utmost urgency that the capacity of the state in Africa to fulfil its responsibilities be strengthened. These responsibilities include poverty eradication and development, entrenching democracy, human rights and respect for the rule of law, creating an environment conducive to private sector mobilisation, and responding appropriately to the process of globalisation.

Only if the state is equipped with the capacity to deliver can it provide an unambiguous and tangible indication that good governance offers a better alternative to the practices of the past. It is therefore vital for the industrialised powers to realise that a new partnership between themselves and African multilateral institutions on the one hand, and African states on the other, are vital to bring about peace, democracy and development in Africa.

The governing structure of NEPAD is composed of an implementation committee of heads of state and government, a steering committee and a secretariat. President Obasanjo has been elected chair of the implementation committee, and Presidents Bouteflika and Wade as his deputy chairs. The Midrand headquarters of the Development Bank of Southern Africa (DBSA) was chosen as the location of the NEPAD secretariat.

NEPAD members have worked on developing action plans for five sectors:

- the peace, security, democracy and political governance initiatives;
- the economic and corporate governance initiative;
- bridging the infrastructure gap;

- ♦ the human resource development initiative, especially education and health; and
- ♦ the market access initiative.

These efforts include the establishment of political and economic good governance peer review mechanisms, those sets of norms, values and criteria by which African elites commit themselves to holding each other accountable.²⁴ Both peer review mechanisms stress the need to generate the necessary political will to keep the core values, commitments and obligations of NEPAD and other legal instruments. These mechanisms 'pledge' to empower people and institutions in order to ensure an active and independent civil society that can hold government accountable; to adhere to the principles of constitutional democracy, the rule of law and the strict separation of powers; to promote political representation; ensuring the periodic democratic renewal of leadership; to ensure impartial, transparent and credible electoral administration and oversight systems; to ensure the effective participation of women, minorities and disadvantaged groups in political and economic processes; and to combat and eradicate corruption.

For example, the draft of the political and good governance peer review mechanism²⁵ stress the importance of 'political will' to keep to core values, commitments and obligations on democracy, human rights and good governance. These initiatives also recognise the need to "empower people and institutions of civil society" so as to ensure "an active and independent civil society that can hold government accountable to the people". It stresses the need to "adhere to principles of a constitutional democracy, the rule of law and the strict separation of powers, including the protection of the independence of the judiciary". It hopes to ensure "the periodic democratic renewal of leadership, in line with the principle that leaders should be subjected to fixed terms in office". It is committed to the "freedom of expression, inclusive of a guaranteed free media".

Importantly for those who work in electoral administration, the peer review process commits those signed-up members to ensuring "impartial, transparent and credible electoral administration and oversight systems". It promotes a "dedicated, honest and efficient civil service", and wishes to "establish oversight institutions providing necessary surveillance, and to ensure transparency and accountability by all layers of government". It is also strongly in favour of the creation and strengthening of "institutional capacity to ensure the proper functioning of democratic institutions and instruments".

The economic and corporate governance peer review mechanism²⁶ for its part goes beyond just neo-liberal economic and fiscal dictates. It recognises that good political governance is a prerequisite for good economic and good corporate governance. It says the ability of the state to deliver on its promises is key. The peer review singles out a number of areas in need of institutional reform. These include: strengthening the administrative and civil service; strengthening parliamentary oversight; promoting participatory decision-making; adopting effective measures to combat corruption and embezzlement; and undertaking judicial reforms. It states that the key factors that enhance good governance of economies are transparency, accountability, an enabling environment for private sector development and growth, and institutional capacity and effectiveness.

NEPAD's proponents are pushing for SADC and ECOWAS restructuring processes to converge with NEPAD action plans. This is an attempt to influence regional integration processes such as the SADC review framework in the direction of NEPAD priorities. Such convergences will also place South Africa, Nigeria, Senegal, Algeria, Egypt and other NEPAD countries in an advantageous strategic position from which to manage the development of synergies between these different initiatives.

From planning to implementation

Between December 2001 and June 2002, African leaders and their delegations rushed frantically to put together action plans so as to engage with the leaders of the G8 industrialised powers. African leaders put together actions plans on infrastructural development, debt relief, market access, and capacity development. African leaders also finalised their political good governance and economic and finance good governance peer review mechanisms. The hope was that, to demonstrate seriousness on their part, the G8 would respond by showing commitment to the principles and practice of mutual responsibility and mutual accountability. In other words the G8 would make commitments in favour of debt relief, Official Development Assistance (ODA) reform, market access, and resources for capacity building and consolidation.

However, if the outcome of the June 2002 G8 Summit in Kananaskis is anything to go by, then two problems are clearly exposed: first, there is a typical gap between promise and delivery on the part of Western powers. While they make promises in terms of ODA, debt relief and market access, there is no real commitment to do so, nor is there a commitment to turn pledges into commitments. Second, there is unwillingness on the part of Western powers to subject themselves to mutual accountability. In other words, there is no support on the part of such powers to support a process through which both Africans and industrialised powers alike will have to live up to commitments made, and therefore subjected to performance reviews.

In its Africa action plan that was adopted at the Kananaskis Summit,²⁷ the G8 merely stated that it would be "looking for ways" to help Africa resolve conflicts; "offer technical and financial assistance" to sub-regional organisations for capacity development; "assist in" combating illicit weapons; assist to help combat corruption and embezzlement; "help to bridge" the digital divide and the use of technology for socio-economic and political development; "support access" for African agricultural products. Thus, G8 countries were deliberately vague on the commitments they made.²⁸ They were particularly non-committal on issues pertaining to debt cancellation, market access and infrastructural development. Indeed, the lack of concrete commitments on the part of the G8 was pronounced. There was not even talk of the important idea of a G8 peer review mechanism to ensure that it is held accountable for delivery on the promises made.

Apart from the weaknesses in the G8 Africa action plan, NEPAD faced a more serious challenge in Africa itself. Criticisms against NEPAD came in two forms. Non-governmental organisations (NGOs) and other civil society organisations (CSOs) complained about the lack of consultation with that sector and that NEPAD was a 'top-down' process. This sector was also highly critical of what it saw as the 'neo-liberal' economic prescriptions embedded in NEPAD which, according to it, smacked of a self-imposed structural adjustment programme. On a more positive note, many CSO organisations came out in support of the political aspects of NEPAD, in particular the insistence on democracy, accountability, and good and democratic governance.²⁹

The second challenge came from other African governments. Just like CSOs, many such governments also complained about the lack of consultation by the NEPAD architects. Concern was also expressed that some supporters of NEPAD wished to see it as some super programme outside the confines of the AU. To be sure, many autocratic African governments were critical of NEPAD because they were visibly threatened by its strong emphasis on democratic and accountable governance.

In the end, a revised NEPAD was adopted by the AU as the 'economic programme' of the

union, and the steering committee was increased from 15 to 20 African states during the official launch of the AU in Durban, South Africa in July 2002. It was also decided that the African Peer Review Mechanism (APRM) will be integrated into AU structures but it remains unclear how this is to be achieved.

Challenges facing the African Peer Review Mechanism (APRM)

While the G8 have clearly stated that their compliance will depend on the ability of the African states to keep their commitments to economic and political reform, African members committed to NEPAD have stressed the need for incentives to do so. In turn, such states have also announced that they will police themselves through the establishment of a peer review mechanism, rewarding states that uphold the norms of market or democratic policies – positive sanctions.³⁰ (African states have yet to resolve whether they should impose negative sanctions on recalcitrant states).

Proponents of the APRM suggest that the mechanism's operations be directed by a panel of between five and seven Eminent Persons. The members of the panel must be Africans who have distinguished themselves in careers that are considered relevant to the work of the APRM. In addition, members must be persons of high moral stature, with a demonstrated commitment to Pan-Africanism; that is to say a commitment to African unity, prosperity and security. In short, they must put Africa first in everything they do.

However, while the APRM holds the promise to become the most important breakthrough in African governance in history, it faces an uncertain future. First, the independence of the APRM will not automatically be guaranteed. Indeed, five to seven Eminent Persons might be too small a grouping as it would be important for NGOs and other civil society organisations to be included.

On another front, the track record for both the African countries and the G8 in fulfilling promises is poor, and this could prove to be NEPAD's greatest problem. The enforcement and compliance capacity of the mechanism is thin.³¹ Africa remains a polarised continent and is increasingly becoming divided between those in favour of good governance, and those against it. NEPAD membership remains voluntary, even though NEPAD is a programme of the AU. There is a risk that even those signed up members will resort to opting out if the governance criteria are applied too stringently. And, even in situations where members will not disengage, they could evoke the idea that there are no uniform standards of democratisation and democracy in Africa – the 'one-size-fits-all' argument. In short there are no guarantees that countries would live up to the APRM's criteria and requirements.

There are two important instruments that both the AU and NEPAD have at their disposal to incentivise and kick-start the peer review process: first, economic, social and political incentives that should be carefully crafted to ensure that each side complies with commitments;³² and second, engaging NGOs and organs of civil society. On the score of incentives, there is a crucial onus on both African states and industrialised powers to make available such incentives on the basis of rewarding good behaviour and conduct, and threatening bad behaviour with disincentives. Without incentives and inducements, governments that will come under review for the APRM will not take the process seriously, and will even disengage from the process unless they believe there is something in it for them. This is simply a reality about the power political dynamics in Africa that needs to be factored into our analyses about the peer review process.

On the front of NGOs and African civil society actors, we have already stated above that Mbeki and other NEPAD partners have committed themselves to constructive relations with

such non-state actors. There is an important window of opportunity with the nascent AU Economic and Social Council (ECOSOC).³³ This is the organ entrusted with forging relationships with NGOs and civil society actors. Within the context of ECOSOC, non-state actors can play both advisory roles in terms of peer review criteria, as well as watchdog roles in terms of whether governments take the peer review processes seriously. Apart from ECOSOC's role, there are a number of key regional and continental organs that should be empowered to play a role in the peer review process. These include the Pan-African Parliament, the Peace and Security Council and the AU Commission.³⁴ This naturally presupposes that these organs should be properly set up; it is therefore in South Africa's interest as first chair of the AU to invest both resources and political energy in setting up these instruments.

The APRM also faces major funding constraints. While the architects of NEPAD and APRM state that "funding for the mechanism will come from assessed contributions from participating member states", South Africa should lead by example and make the first major contribution to this important initiative. Indeed, a lack of funding for the APRM could become another alibi that those states which are against the APRM will use to try and exterminate the initiative.

Conclusion

The paper has argued that NEPAD has its origins in the African renaissance discourse, which was in vogue between 1994 and 1999. The paper further argued that, while critics saw this call for an African renaissance as a shallow vision devoid of content, in reality it was a simple call for action. It was an appeal for African leaders to commit themselves to clean and accountable governance, democracy and to respect the basic tenets of human rights. It was a quest to reintegrate Africa back into the free market global economy.

The paper further argued that NEPAD became the plan of action of the African renaissance. NEPAD rightly accepted that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. Therefore, with NEPAD, those members who have signed up and are committed undertake to respect the 'new' African standards of democracy, including political pluralism, allowing for the existence of several political parties, workers' unions, and fair, open and democratic elections that are periodically organised.

The paper posits that it is not only Africans that would have to show seriousness in committing themselves to new commitments and obligations. The countries of the industrialised north would also need to respond to Africa's willingness and efforts to put in place these aspects of responsible government by opening their markets to Africa's basic trading commodities and helping to end the continent's vast debt burden of some US\$300 billion. However, it came as little surprise when many such powerful states failed to respond in a really serious way to the call for 'genuine' partnership. The problem is that, without such seriousness on the part of the industrialised powers, the chances of coming up with incentives that will form the hallmark of the APRM remains shaky. This in turn threatens the very viability of the APRM.

Just as we should appreciate that NEPAD is an extension of the African renaissance – a concretisation of it, in essence the vehicle through which the renaissance would be delivered – so the challenge of implementing NEPAD will be a long and sustained one. While NEPAD is based on a straightforward deal, a trade-off that wishes to end the dialogue of the deaf by locking both African leaders and the G8 and other industrialised powers into a partnership, realising this partnership is by no means guaranteed. There clearly is a need for a pact: that in exchange for Africa holding itself politically and economically accountable, and thereby creat-

ing conditions for the attraction of foreign capital to the continent, the industrialised powers will give Africa greater access to its markets, reduce and ideally end the massive debt burden, and guarantee greater aid flows to Africa. Such resources would help to build infrastructure and to revamp the health and education systems that the continent so badly needs. Indeed, African leaders have determined that it will require an astronomical seven percent economic growth rate per annum across the board on top of a massive US\$64 billion to help turn the continent around.

But there is a crucial point that many analysts in this country and abroad tend to conveniently miss. It is not only African states that will hold one another accountable. The northern (white) states will also make new commitments to help end deadly poverty in Africa. They too need to be held accountable. It is not only Africa that will put in place peer review criteria in which the peers (leaders) will constantly review (accountability) each other. These are just some of the questions we have to answer and come to terms with if we are to grasp NEPAD's chances of success or failure.

Let us now conclude with some questions. How will Africans hold each other accountable? Can governments really be trusted to hold each other accountable? Who will hold the north accountable? What about power politics in Africa? Will this not again bedevil this project? Can Mbeki and his NEPAD partners take most African states along with them? Will we not see that some states will inevitably form counter-NEPAD alliances, particularly those that are threatened by the governance and democracy contours of NEPAD? How do we ensure that the northern powers go beyond rhetoric and bolster commitments with real plans?

These questions should not be avoided. They suggest that the real work is only now beginning. Instead of raising unrealistic expectations, such that the industrialised powers will undergo a Damascus road experience as far as Africa is concerned, we should realise that turning the African tanker will depend largely on African commitments and partnerships amongst Africans. Maybe we should recognise that NEPAD was a bold initiative but will fail to take off for as long as the West is not committed to the African renewal. Turning the juggernaut may mean that Mbeki and his partners should rather return to promoting the political, economic and social values and norms embedded in the African renaissance, rather than punting a partnership with the outside world. Instead, the focus should be on credible partnerships with and amongst African actors, including NGOs and other civil society actors within the context of organs such as ECOSOC.

Endnotes

- 1 The African renaissance can simply be defined as a call and a push for Africa's political, economic and social renewal through the dictates of democratisation, the continent's integration into the global economy and restoring the dignity of Africans as human beings.
- 2 Thabo Mbeki, 'Africa's time has come', address to the Corporate Council on Africa's Attracting Capital to Africa Summit, Chantilly, Virginia, United States of America, 19-22 April 1995.
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.
- 8 Vusi Mavimbela, 'The African renaissance: a workable dream,' in *Occasional Paper No 17*, Foundation for Global Dialogue, Braamfontein, October 1998.

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- 10 Statement by deputy president Thabo Mbeki, 'The African Renaissance', SABC Event, Gallagher Estate, 13 August 1998.
- 11 Ibid.
- 12 Ibid.
- 13 Office of the Executive Deputy President, 'Programme of Action — African Renaissance, proposed government programme for the cultural, socio-economic and political renewal of the African continent', 21 August 1998. Unpublished paper.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 Ibid.
- 19 Ibid.
- 20 Ibid.
- 21 See *The OMEGA Plan*, Dakar, Senegal, February 2001.
- 22 See *The New African Initiative* (NAI), a Merger of the Millennium African Recovery Program (MAP) and the OMEGA Plan, Pretoria, South Africa, July 2001.
- 23 See Organisation of African Unity (OAU), *The New Partnership for Africa's Development* (NEPAD), Addis Ababa.
- 24 See the communiqué issued at the end of the second meeting of the Heads of State and Government Implementation Committee of the NEPAD, Abuja, 26 March 2002.
- 25 See NEPAD Secretariat, Draft document, 'NEPAD: Democracy and political governance initiative', Midrand, South Africa, February 2002.
- 26 See Economic Commission for Africa, 'Draft Codes and Standards for Economic and Corporate Governance in Africa: Summary of Key Issues and Declaration of Principles', Addis Ababa, Ethiopia, March 2002.
- 27 See G8-Africa Action Plan, G8 Kananaskis Summit, Canada 2002.
- 28 For a critique of the G8 Africa Action Plan, see the comments by some OECD countries even before the summit, contained in the 17 May 2002 reports of the NEPAD Steering Committee and Personal Representatives meeting, held in Maputo, Mozambique.
- 29 For the elements making up the democracy and governance dimensions of NEPAD see New Partnership for Africa's Development (NEPAD), 'Declaration on Democracy, Political, Economic and Corporate Governance', June 18, 2002, cited online at www.nepad.org/Doc004.pdf, paragraphs 7-15.
- 30 For a critical perspective of the APRM, see Alex de Waal, 'African Governance', in *The Conflict, Security and Development Group Bulletin*, May-June 2002.
- 31 For a critical analysis of the APRM see Dorina Bekoe and Chris Landsberg, NEPAD: African Initiative, New Partnership?, Report of the International Peace Academy workshop on NEPAD, in partnership with the Missions of Algeria, Egypt, Nigeria, Senegal and South Africa and Netherlands to the United Nations, 16 July 2002.
- 32 Ibid.
- 33 Discussion with Dr Musifiky Mwanasali from the Interim AU Secretariat, Johannesburg, 26 August 2002.
- 34 Also see NEPAD Secretariat, NEPAD at Work, Summary of NEPAD Action Plans, Midrand, South Africa, July 2002.

Notes for Contributors

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John W Makumbe and Daniel Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*, Harare: University of Zimbabwe Press, 2000, pp12-14.

Articles: author's name, title of article within single inverted commas with principal words capitalized, title of journal in italics, volume number, issue number, place of publication if in a book, page reference:

Dickson Eyoh, 'Conflicting Narratives of Anglophone Protest and the Politics of Identity in Cameroon', *Journal of Contemporary African Studies*, vol 16, no 2, July 1998, pp249-276.

Hage G Geingob, 'South Africa in Africa: a Namibian Perspective', in Adebayo Adedeji (ed.), *South Africa and Africa: Within or Apart?*, London and Cape Town: Zed Books and SADRI Books, 1996, pp39-43.

Subsequent references: a reference to a single source in the previous note may be replaced by 'ibid.'; in later notes by author's surname and page number(s); several titles by one author may be replaced by shortened forms:

First reference: Bill Freund, *The Making of Contemporary Africa: the Development of African Society Since 1800*, Bloomington: Indiana University Press, 1984, p9.

Next note: Ibid.

Subsequent notes: Freund, p*.

OR if also other works by Freund are cited: Freund, *The Making*, p*.

Quotation marks: single in text throughout; double within single; single within indented quotations.

Dates and numbers: 12 July 1973; July 1973; 12 July (no punctuation). Abbreviate years to two digits: 1983-84; 1909-99; 1920-21; the 1930s (not 'the thirties'). Separate thousands by a space: 21 967; 121 369; 7 430 788.

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