

Review

The Troubled Electoral Contestation in Zimbabwe

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Political events that have prevailed in Zimbabwe since 1980 have presented challenges for democracy, giving birth to a chequered electoral history. Successive electoral contests have produced contested results and this has been attributed to the defective electoral legislation. Successive constitutional amendments and the enactment of the attendant legislation guiding civil society participation in governance processes have also contributed to the inability of the voice of the people from being heard. The inheritance of colonial legislation tended to harden the stance of the leadership. Despite the fact that the SADC, and the AU, have facilitated the enactment of guidelines to enable free and fair electoral processes, this has not been binding on member states, leaving states to conduct elections under own conditions. In some cases, violence has characterized elections in Zimbabwe. The new Constitution in Zimbabwe has not helped improve the way elections have been held, as well as the authority of the election management body, the ZEC.

Key words: Elections, contestation, Zimbabwe, Constitution, colonial, legislation, violation, violence

INTRODUCTION

Elections are a very significant tenet of democracy and the way in which electoral contestations are held as well as the environment obtaining in a country prior to, during and on the aftermath of elections help to authenticate or dispute the legitimacy of the results thereof. Across the globe, political power and the attendant political administration of a country revolve around the winners in an election. International legislative instruments bestow the onus to administer a country on those chosen by citizens residing within a geographical location. Consequently, elections play a pivotal role in determining who should preside over the affairs of a country. Zimbabwe is one of the countries that has held regular elections since attaining political independence in 1980 and it has never missed a chance to hold elections whenever these were due. Although the country had had numerous elections, but those held in 2008 and 2013 stand out as the most significant due to the fact that firstly these were closely contested. Secondly, the country was under sanctions from Western countries (notably the

European Union), ostensibly "in protest at human rights abuses and violations of democracy"¹. Thirdly the two elections were in stark contrast to each other in that while the 2008 elections were held amid pockets of violence yielding contested results, the 2013 elections were held in a peaceful environment making it difficult for the losers to lodge legal battles against the results. This article does not intend to wade into the nitty gritty of the sanctions regime nor on the impact of sanctions on the country not

¹Croft Andrian "EU eases Zimbabwe sanctions but keeps them on Mugabe" *Mail and Guardian*, 14 February 2014. Available at <http://mg.co.za/article/2014-02-17-eu-eases-zimbabwe-sanctions-but-keeps-them-on-mugabe/>

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even the economic challenges that became associated with the targeted sanctions, but deliberates on the environment that prevailed during the 2008 and 2013 elections. The paper traces the roots of Zimbabwe's troubled elections, citing the country's colonial legacy and the nationalist ideology coupled with the influence of the Marxist/Leninist ideological position that the country adopted at the attainment of political independence in 1980. It should be noted that human rights is at the epicentre of the argument in this paper where the country's leadership seek to comply with the dictates of international law of upholding the democratic virtue of citizen participation in electoral contestations. On the other hand the international superpowers in the form of industrialised countries of the western blame Zimbabwe of human rights violations.

The colonial legacy

While there is no doubt that the right to vote is the first primordial act of participation, the question that needs to be asked is to what extent these rights have translated into credible participation of citizens in matters that affect their day-to-day lives². The colonial state was characterized by the absence of citizen [black] participation in governance processes. The electoral process did not involve the black majority. Almost three decades after the attainment of political independence, Zimbabweans still experienced a semblance of colonial legislation, notably the Law and Order Maintenance Act (LOMA) during the colonial era which became the Public Order and Maintenance Act (POSA) in the post-colonial period, especially from 2002. This is echoed by Mamdani (1990:47) who argues that "...the colonial state was simply 'inherited' at independence [and] that the independent state was a simple continuation of its 'predecessor". Although Zimbabwe "...made significant progress in institutionalizing democracy, as reflected by setting up democratic institutions, holding multiparty elections as well and increasing popular participation in governance and dialogue between government and stakeholders" (Olaleye, 2006:1), but these steps still left a void. The quest for democratization of public institutions has been characterized by either militarizing these institutions or politicizing them (Mapuva, 2010). Some of the elements of political freedom (or semblance of it) which citizens had experienced during the colonial era have been compromised during the post-colonial period, especially the right to property. Mamdani (1990:47)

² "The impact of Democracy on Public Participation in the SADC Region" in Election Institute of Southern Africa [EISA], EISA Occasional Paper No.13, October 2003.

further refers to the post-independence political dispensation as "...a simple translation of the will of the colonial power into reality". The promulgation of a plethora of legislative framework has been manipulated by the post-colonial state by violating the same human rights that it fought against during the liberation struggle. This is seen by the abolition of such colonial pieces of legislation as the Law and Order Maintenance Act (LOMA), only to be replaced by the Public Order and Security Act (POSA). The legal provisions of the two pieces of legislation are comparable in every respect. This is old wine in a new bottle. Therefore the new political order in Zimbabwe has tried in every respect to maintain and retain the colonial legacy, but under cover of 'independence'. The facility for the State President to invoke arbitrary legislative powers, under the Presidential Powers [Temporary Measures] a facility which existed during the colonial era is enough testimony of the resemblance of the colonial and post-independence political dispensation. It therefore comes as no wonder that the electoral process in Zimbabwe, just like in many post-independence political dispensations in Africa, resemble the colonial state.

The nationalist movement ideology

Nationalist politics have curved the politics of Zimbabwe. Participation in the liberation struggle in Zimbabwe has equally become the most determining qualification for access to the corridors of power³. The support of the East had a long lasting ideological effect on Zimbabwe's post-independence operations. The ideology adopted during the liberation struggle in Zimbabwe has formed the basis for any future action that the state would take. The Marxist-Leninist ideology of 'empowering the masses' has been manipulated to mean enriching the elite (Jacobson, 2008). The 'Land Reform Programme' through a noble idea, did not actually benefit the landless masses, but either the ruling elite or those sympathetic to the ruling party. The Land issue has also been used as a retributive measure to punish those who did not support the ruling party. Utterances such as '*Zimbabwe will never be a colony again*⁴', are common knowledge every time

³ Manyevere, A. "Zimbabwe Political Cinderella Sequels Up Until 2013", *Zimbabwe Situation*, 16 January 2014. Available at <http://www.zimbabwesituation.com/news/zimbabwe-political-cinderella-sequels-2013-part-3/> (Accessed 19 January 2014).

⁴ This has become a trademark for the public every time the opposition is on the verge of wresting power away from the hands of the ruling party. It has become a reminder of the days

the ruling party is faced with a strong opposition or other political parties (Kagoro, 2003).

One of the main problematic elements facing the adoption of a democratic dispensation in Zimbabwe has been the failure by the Zimbabwe African National Union (Patriotic Front) (ZANU PF) to transform from a liberation movement to a political party. This has been portrayed by its behaviour in failing to embrace a democratic culture of allowing citizens to dictate the political pace in the country (Sachikonye, 2001). Constant reference to the liberation struggle has resulted in manipulating the gullible masses through instilling fear and threatening to “return to the bush” if the opposition wins any election⁵.

In socialist parlance, anyone who goes against the grain becomes the enemy of the state⁶. That the people fought for the country is common knowledge, but that anyone should preside over the populace in perpetuity is uncalled for (Kabemba, et al, 2003). Having led the liberation struggle does not entitle one (or a clique) to preside over the affairs of the state in solitude (Makumbe, 1998; 2010). It is therefore the nationalist liberation struggle ideology of giving undue liberation credentials to individuals and crowning them caricatures of the liberation struggle that creates dictators (Mandaza, 1990). It is this argument that those in power have seen prudent enough to deny prospective political competition by making constant reference to the liberation struggle and how people lost their lives. Such euphemisms as “our motherland” ‘liberation struggle’, war heroes’ are used to hoodwink people into believing that everything is well (Kagoro, 2003). Also terms such as ‘enemy of the people’ are meant to instill fear into any pro-democratic forces which might want to enter into the political fray (ibid).

The Political landscape and attempts at leveling it

Makumbe (2003:5) asserts that at the attainment of political independence in 1980, “... ZANU (PF) took on a commandist and regimentalist character rather than a

of the liberation struggle when people fought against colonialism.

⁵Masanungure, E.V (ed). (2009). “A Militarized Election-The 27 June Presidential Run-off” Chapter 5 *Defying the Winds of Change: the 2008 Elections in Zimbabwe*, Harare, Weaver Press.

⁶Raftopoulos, B and Savage, T (eds).(2004) “Zimbabwe: Injustice and Political Reconciliation” Institute for Justice and Reconciliation..

democratic character in its operations”. Post-independence developments in Zimbabwe pointed to the right direction and benefitted the generality of the populace, but these developments have had an intended ulterior motive beneficial to ZANU (PF) more than the masses (Kagoro, 2003). According to Moyo, Makumbe and Raftopolous, (2000:28) “...the expansion of educational and health facilities were the most concerted attempt to establish and extend the support of the state...” which was an investment for ZANU (PF) when elections come.

These moves helped to further tilt the political landscape in favour of the ruling party, thereby breaching the doctrine of free and fair elections. Anyone who dared challenge the establishment was a traitor “bent on reversing the gains of independence” (Masunugure, 2009). In addition, the establishment promulgated numerous pieces of legislation that on the other hand contradicted democratic norms and values of freedom of expression, movement, and assembly. While most of the legislative provisions have noble intentions, but it is their manipulation by the establishment which results in the disablement of both opposition political parties and restriction of citizen participation in governance processes (Makumbe, 2010). Olaleye (2006:1) concurs with this argument by noting that “...a number of constitutional, legal, administrative and economic decisions have been taken that do not support the objective of consolidating and deepening democracy in Zimbabwe”. The skewed nature of the public media and subsequent selective application of laws, especially in the dissemination of information has been the worst stumbling block for civil society participation. Moyo, Makumbe and Raftopolous (2000:34) note that the enactment of legislation on information “...signified government’s monopoly over communication [as a] barrier to freedom of expression as enshrined in the Constitution of Zimbabwe”. While people have a right to information on the goings on in the country, but the Access to Information and Protection of Privacy Act (2002) prohibits the “publication of falsehoods⁷”, a subjective term which has seen many journalists from independent media houses and ordinary citizens alike being prosecuted. Utterances such as those regarded as “*diminishing the person of the President*” also constitute a criminal offence⁸. Such a provision violates the right to freedom of expression. The selective application of these laws has frustrated various civic groups to such an extent that they have decided not to seek police clearance

⁷ Sections of AIPPA and POSA make it an offence to be seen in groups of more than 3 people. Social gatherings such as religious or family should first be sanctioned by the police before they can be allowed to proceed.

⁸ ibid

anymore when holding consultative meetings with their constituencies (Human Rights Watch, 2003). At the same time a group of citizens exceeding 3 people needing police clearance is yet another example of a breach of the right to freedom of association and assembly⁹. Belonging to a political party other than the ruling ZANU (PF) party is again an offence [not at law though] and can earn one his job, injury or his life. This is also a breach of people's freedom of association or assembly.

Civil society and opposition politics

The political landscape in Zimbabwe has further been characterized by the enactment of a plethora of legislation that restricted political activities of opposition political parties in particular and civil society in general. The Welfare Organisations Act (1967) was superseded by the Private and Voluntary Organizations Act (1996). The PVO's mandate is "to register, monitor and deregister, civic organizations. Raftopolous (2000:36) argues that the PVO Act "...was a substantive departure from its predecessor in respect of the extensive powers given to the Minister [of Labour and Social Welfare]" because it was more prohibitive and protective. Raftopolous further maintains that the enactment of the PVO Act "...signalled the eagerness of the state to control the growing NGO sector and, in particular, the funding being channeled into these organizations at a time when its legitimacy was being increasingly undermined by a growing economic crisis" (ibid). This is based on the understanding that civil society organizations thrive on donor funding and the best way to cripple their operations would be through the enactment of such legislation. This abomination equally applied to opposition political parties that, according to the PVO Act, were required to declare the source of their funding. Despite the existence of the Political Parties (Finances) Act (No.14 of 1992), the opposition did not really benefit from this constitutional provision, not until there was a split in the main Movement For Democratic Change (MDC), where the funds were given to the smaller faction of the party to create more friction within the beleaguered MDC party.

Central to the enactment of restrictive laws has been the existence of specific pieces of legislation that were meant to benefit the ruling party at the detriment of other contesting political parties, through giving financial assistance in accordance with the dictates of the Political Finances Act of 1992. The Political Parties (Finances) Act of 1992 facilitated the transfer of funds to a political party that gets 2/3 majority in an election. The recent victory of the opposition MDC may not have benefited the

MDC in this regard. Through the Electoral Act (No.7 of 1990), the ruling party has been able to benefit from the electoral process until the promulgation of the SADC Guidelines on the Conduct of Democratic Elections which sets conditions, procedures and guidelines under which free and fair elections could be held. The promulgation of the SADC Guidelines on the Conduct of Democratic Elections by SADC member states was an attempt to level the political and electoral landscape within the SADC region (EISA, 2003).

The Electoral Process in Zimbabwe

Elections in Zimbabwe have earned notoriety for being indecisive and yielding disputed results, especially since the dawn of the new millennium. Citizens have to participate in the process of making laws and policies and their implementation, and have a constitutional right to be involved in these processes in all spheres of government. And the *first-past-the-post* system is renowned for addressing participation (EISA, 2003)¹⁰.

In Zimbabwe, the electoral process is prescribed and held in accordance with electoral laws.

As alluded to above, the Zimbabwean electoral process has been bedeviled with many flaws. Since the 1995 Presidential elections, voices of dissent have echoed sentiments of electoral rigging and fraudulent electoral results. These allegations were confirmed during the 2002, 2008 and recently in the July 2013 Presidential elections when incidences of inconsistencies in the ballot papers and where the environment in which the elections were held was characterized by politically-motivated violence perpetrated by the ruling party.¹¹ The enactment of the Zimbabwe Electoral Act, at the behest of the SADC Guidelines on the Conduct of Democratic Election could have been the genesis of Zimbabwe's electoral problems as the country failed to comply with the dictates of the SADC provisions on elections. The international community has been watching closely the events and developments of Zimbabwe's electoral processes, especially the 2008 and the 2013 elections. The mediation efforts of the SADC which culminated in the establishment of a government of national unity (GNU) in

¹⁰ "The impact of Democracy on Public Participation in the SADC Region" in Election Institute of Southern Africa [EISA], EISA Occasional Paper No.13, October 2003.

¹¹ Cox, Jenai, "A Dictator's Guide to Rigging Elections: Lessons Learned from Zimbabwe's Puppet Master". Available at <http://www.freedomhouse.org/blog/dictator%E2%80%99s-guide-rigging-elections-lessons-learned-zimbabwe%E2%80%99s-puppet-master#.UvjefE3NvIU>.

⁹ Section 4 (1) (c) of the POSA (2002).

2009 was a conflict prevention mechanism to bring a temporary reprieve to the political violence that had engulfed the country, on the backdrop of disputed results. Although the opposition won the elections, it was by a slight margin that called for a re-run and subsequently a coalition government.

Electoral Legislation

This section deliberates on electoral legislation and institutions that administer elections in Zimbabwe under the watchful eye of the State. In many countries, the electoral management bodies are independent entities that help to provide checks and balances on the conduct of free and fair elections. However in Zimbabwe, there seems to be a strong affinity between the supposedly 'independent' Zimbabwe Electoral Commission (ZEC) and the State, with the Executive having constitutional powers to see through the appointment of election commissioners (Human Rights Watch, 2003).

The Electoral Act [Chapter 2:13] and the Zimbabwe Electoral Commission Act [Chapter 2:12].

Two electoral laws were passed during the last quarter of 2004, the Electoral Act and the Zimbabwe Electoral Commission Act. The Electoral Act is the overall law that governs the conduct of elections in Zimbabwe. The Zimbabwe Electoral Commission Act created the Zimbabwe Electoral Commission (ZEC), in charge of preparing for and conducting House of Assembly (formerly parliamentary), senatorial, presidential, council and referendums as provided for in the Electoral Act.

Zimbabwe Electoral Act (2006)

The author has incorporated the Act in this paper as it would provide a window of opportunity to establish how the electoral processes at various levels are a manifestation and reflection of the will of the electorate. All this has tended to put the Zimbabwean electoral process into the limelight. The paper is therefore intended to establish whether the electoral system can conduct a free and fair electoral process. The paper has also incorporated this Act to enable the author to establish the extent to which it abides by the dictates of the *SADC Guidelines on the Conduct of Democratic Elections*, a set of guidelines that all SADC member states should follow when conducting elections.

The inclusion of the Zimbabwe Electoral Act in this paper has also been necessitated by the controversy that Zimbabwean elections have produced over the years, with different opponents accusing each other of electoral rigging, vote buying and manipulation of the electorate through politicizing food aid to rural communities (Maseko, 2013). This paper attempts to establish how the

stipulations of the Act have affected the entire electoral process, and whether the subsequent results of the various electoral processes were a true reflection of the wishes of the generality of the electorate.

The Zimbabwe Electoral Act (2004) is a constitutional provision that provides guidelines on the conduct of elections both at national, provincial and municipal levels. The Act provides for the creation of the Zimbabwe Electoral Commission whose mandate is to conduct elections. This Act establishes an independent authority, the Zimbabwe Electoral Commission, to administer all elections and referenda in Zimbabwe. The Act empowers the State President to appoint members of the Commission. It administers Presidential, Parliamentary, Senatorial and municipal elections (Chapter 2:13, Act 25/2004).

The provisions give the Commission far-reaching powers over voter education. The Act also bars all foreign support for voter education activities except through the Electoral Commission. Under the Act, the Commission would be empowered to require anyone, other than a political party, providing voter education to furnish it with detailed information, including funding sources. Failure to comply with any one of these laws would constitute a criminal offence, liable to a fine or to up to two years of imprisonment. Much of civil society and NGOs depend on foreign funding. Civil society has therefore tended to view this Bill as government attempts to flash them out of existence and to cause cash flow problems for civic groups. A free election is one in which voters can freely vote for the candidates of their choice. The electoral laws themselves must create a set of rules that allow all contesting parties to compete fairly in the elections and all eligible voters who wish to do so to exercise their right to vote. A fair election is one in which all the processes of the election are fairly and impartially administered. These processes include the registration of voters and election candidates, the voting process and the counting of votes and the announcement of the results. Election candidates and parties contesting the election must also be given a fair and substantially equal opportunity before the election to campaign and inform the electorate of their principles, policies and promises. This includes equal opportunity for airtime on the electronic and print media

The Principles for Conducting of Democratic Elections

Contained in these laws are principles that enable the conducting of democratic elections. Section 3 of the Electoral Act stipulates the general principles of a democratic election in an attempt to regularise the general conduct of elections to meet recognised standards. These principles include the right of citizens to participate in governance issues directly or through freely

chosen representatives. This should be achieved without distinction on any grounds. A person can join a political party of one's choice and has the right to participate in peaceful activities to influence or challenge the policies of government. All political parties shall be allowed to campaign freely within the law and have reasonable access to the media during election time. The Act defines election time to be 30 days before the polling day for the elections and ends at the close of day or the last day of polling¹².

Recent Political Developments in Zimbabwe

Most SADC countries, notably Zambia, Tanzania, Botswana, Malawi, and lately Zimbabwe use the *first-past-the-post* system, which is limited in terms of representation but is potentially able to offer a greater level of participation and accountability¹³.

Recent political developments have further put Zimbabwe on the world map and have even compromised Zimbabwe's democratic standing "where political leaders defy the very laws that they put in place" (Ndlovu-Gatsheni, 2008)¹⁴. The new 2013 Constitution did not help either. Legislation alone cannot ensure people's participation in governance. It has been noted that referenda can be used to force fearful people to legitimize government policy proposals, for example the 2000 referendum in which citizens in different parts of the country were coerced into voting for a 'YES' to a doctored constitution (Makumbe, 2010). Legislation has merely instituted the participative mechanism already at work. A general observation is that notwithstanding achievements in multiparty democracy, many elections have not translated into citizen participation in state affairs¹⁵. The Zimbabwe Electoral Act was put to the test both prior to the March 29 2008 Harmonised Elections as well as the June 27 2008 run-off elections at which politically-motivated violence compromised the conduct of free and fair election contestation. The run-off was necessitated by the Electoral Act which prescribes that in the event of

there no clear winner in an election, a run-off election should be held between the first two opponents.

The prescriptions and provisions of the Zimbabwe Electoral Act were breached unabated. Run-off elections were not held in line with the requirements of both the Zimbabwe Electoral Act and the *SADC Guidelines on the Conduct of Democratic Elections* both of which require freedom of expression, access to media for competing political parties, the availability of political party agents for contesting parties as well as election observers (both national, regional and international). Politically-motivated violent acts eroded peoples' rights to participate in governance processes, resulting in voter apathy. Victimization of the electorate who had voted for the opposition in the first round of the electoral process in 2008 created an environment that was contrary to the Electoral act and the SADC Guidelines on the Conduct of Democratic Elections. The maxim that *your vote is your secret* ceased to apply as people were threatened with dire consequences if they voted the opposition into power¹⁶. The opposition was denied access to use media (both print and electronic, as prescribed by electoral laws. Post-election violence targeted at those perceived to have voted for the opposition became commonplace.

The aftermath of the 2008 elections was the establishment of a GNU which was criticized by much of the civil society movement in the country as defying the tenet of democracy, but hailed by others as providing a temporary reprieve from political violence. Firstly the GNU was not a manifestation of democracy since power should be transferred to the winning political party. Once the GNU is established, all political parties should enjoy the same power, However unfortunately in the Zimbabwean case, the tenure of the GNU was characterised by the dominance of ZANU (PF), paving the way for its electoral 'victory' in the July 2013 elections, a manifestation of the theory of the preponderance of the incumbency.¹⁷ While the electoral process was held in line with the prescriptions of the SADC Guidelines on the Conduct of Democratic elections, but the electoral environment was characterised by arguments from different contesting parties, especially on the need to avail the voter's roll to all parties as well as the public for scrutiny, which demand was never complied with. The

¹² Legal Resources Foundation, *Paralegal Bulletin*, No.20, February 2008

¹³ "The impact of Democracy on Public Participation in the SADC Region" in Election Institute of Southern Africa [EISA], EISA Occasional Paper No.13, October 2003.

¹⁴ Ndlovu-Gatsheni, S (2008). "Who Ruled by the Spear? Rethinking the Form of Governance in the Ndebele State" Vol. 10, (Issues 2 & 3) 635-656, Fall 2008.

¹⁵ "The impact of Democracy on Public Participation in the SADC Region" in Election Institute of Southern Africa [EISA], EISA Occasional Paper No.13, October 2003.

¹⁶ Voters were required to bring serial numbers of ballot papers that they will have used during the election to the ZANU (PF) party structures in their locality for a possible follow-up to determine who they will have voted for.

¹⁷ Mapuva, J (2013). "Governments of National Unity (GNUs) and the Preponderance of the Incumbency: Case of Kenya and Zimbabwe" *International Journal of Political Science and Development* Vol.1 (3) 105-116, November 2013.

electoral process was held in a tense situation where different political parties accused each other of vote-buying, mud-slinging as well as intimidation and threats. In addition the administration of the whole electoral process provided room for the conduct of a flawed election taking cognizance of the fact that the staff of the Zimbabwe Electoral Commission had been approved by ZANU (PF) one of the contesting parties. The neutrality of the ZEC became questionable. One would be given the benefit of the doubt to assume that the institution is a *de facto* extension of ZANU (PF). Additionally, the refusal of the ZEC to release the Presidential results within a reasonable time frame in 2008 and its subsequent refusal to avail the voters' roll to the public (let alone to the contesting political parties) raised questions about the authenticity of the results thereof. Constant persuasion by civil society to release the results (2008) and avail the voters roll (Mapuva, 2013) was not heeded. This resulted in tension among the electorate reaching fever pitch. Even regional groupings like the SADC have failed to ensure that the will of the people of Zimbabwe be respected through the timely release of election results or the creation of an enabling political environment.

While in 2008 the post-election period was characterized by violence which the opposition has blamed on ZANU (PF), in 2013 different political parties avoided violence which would taint the results of the elections, hence the SADC and AU election observers described the 2003 elections as "peaceful". Together with its dominance of the GNU, ZANU (PF) was (in some way) able to 'reclaim' some of the constituencies that it had lost to the MDC in previous elections. Much of the electorate as well as civil society organizations have also accused the MDC of being too complacent and lacking in ideology, resulting in their losing the vote to ZANU (PF).

Is democracy that elusive?

The assertion that "Mugabe will not transfer power to the winner" and "President Robert Mugabe will step down if he loses" (Mail and Guardian, 3 June 2008), contradicts the concept of democracy. The results of the 27 June 2008 in which ZANU (PF) "romped to a resounding victory" raises questions a few weeks after the MDC had won, though with a slight margin to enable a re-run. What raises questions about the June 2008 electoral results is the fact that the same electorate which had voted for the MDC suddenly changed their minds and developed confidence in ZANU (PF), thereby voting for it. According to the Oxford English Dictionary, *democracy* is that form of government in which the sovereign resides in the people as a whole, and is exercised directly by them or by officers elected by them". If that happens, then the holding elections become an exercise that does not benefit the majority of people. While the international

community has attempted to exert coercive measures through sanctions and other embargos, but in all intents and purposes, democracy has remained compromised by the continued bickering by different political parties which have not concurred on the way forward in putting the interests of the population ahead of political interests.

Fathers of democracy, notably Solon¹⁸, Pericles, Machiavelli and Karl Marx, Frederick Engels, as well as Jefferson, should be turning in their graves to see their coinages of the concept of democracy being abused through the formation of GNUs. Questions have been risen as to whether the term 'State President' in Zimbabwe is cast in stone and solely belongs to one party (has the state turned into a hereditary fiefdom?) or is it open to alternative contests from different parties, even those that did not participate in the liberation struggle? Consequently, the term 'State President' in Zimbabwe has become synonymous with individuals and any mention to the contrary is viewed as subversive and treacherous. Such actions do not conform to the dictates of either the radical or the liberal definitions of democracy. It is only democracy when specific political parties win and not so when dominant political parties lose, with that if such parties lose, there will be war in the country.¹⁹

Are sanctions the answer?

Zimbabwe has been riling under sanctions since 2002. Sanctions have been imposed and these have not been effective insofar as the establishment in Harare is concerned. The only effect of the sanctions has been decreased popularity for ZANU (PF) by the general masses, which could most likely have been the intention of those who imposed the sanctions in the first place. But in all fairness it is the ordinary people who have borne the brunt of the sanctions more than the intended "recipients". Decisive action against the perpetrators of violent acts and electoral fraud is the best option and not

¹⁸ Solon was a pivotal figure in Western history who managed to strike a compromise between the corrupt ruling elite and the restive ordinary people in Ancient Greece, resulting in the institution of the first substantially democratic government in human history.

¹⁹ Aislinn Laing and Peta Thornycroft, "Britain expresses 'grave concerns' over Zimbabwe election as Morgan Tsvangirai insists MDC won" *The Telegraph*. Available at <http://www.telegraph.co.uk/news/worldnews/africaandindianocan/zimbabwe/10220930/Britain-expresses-grave-concerns-over-Zimbabwe-election-as-Morgan-Tsvangirai-insists-MDC-won.html>.

sanctions. The most effective way of announcing the will of the people can be through the ballot. The electoral results since 2000 have not been about occupying State House, but to put food on the table of the electorate. Sanctions will and has always hurt the ordinary people, and not the intended leaders

Conclusion

The different electoral elections, while answering to the dictates of democracy, have failed to live up to the entitlement of democracy by virtue of the uneven political playing field in the country, coupled with the lack of transparency due to the failure by ZEC to avail the voters' role to the public. Secondly, having learnt from the errors of the 2008 elections, ZANU (PF) was able to overcome these by ensuring the prevalence of a peaceful political environment prior to, during and after elections. ZANU (PF) also learnt that perpetrating violence on opposition political parties and their supporters contributed to the discrediting to electoral results.

REFERENCES

- Croft A (2014). "EU eases Zimbabwe sanctions but keeps them on Mugabe" Mail and Guardian, 14 February 2014. Available at <http://mg.co.za/article/2014-02-17-eu-eases-zimbabwe-sanctions-but-keeps-them-on-mugabe/>
- EISA "The impact of Democracy on Public Participation in the SADC Region" in Election Institute of Southern Africa EISA (2003). EISA Occasional Paper No.13, October 2003
- Human Rights Watch (2003). Under the Shadow: Civil and political rights in Zimbabwe, 6 June 2003
- Jacobson C (2008). 'Mugabe will not transfer power to the winner' in Mail and Guardian, 3 June, 2008.
- Kabemba C et al (2003). The role of civil society in the organization of elections in Zimbabwe, (Unpublished).
- Kagoro B (2003). The opposition and civil society. Zimbabwe's turmoil: Problems and prospects, Institute for Security Studies, Pretoria.
- Makumbe J (2003). ZANU PF: A party in transition, Zimbabwe's turmoil: Problems and prospects, Institute for Security Studies (ISS), Pretoria, South Africa, 2003, www.iss.co.za.
- Makumbe J (1998). 'Is there a civil society in Africa?' International Affairs 74 (2) 305-317
- Makumbe J (2010). "Chapter 7-Theft by Numbers: ZEC's Role in the 2008 Elections", in Masunungure, E.V (2010) (ed) Defying the Winds of Change: Zimbabwe's 2008 Election, Harare, (Zimbabwe); Konrad-Adenauer-Stiftung (KAS)
- Mamdani M (1990); 'State and Civil Society in Contemporary Africa: Conceptualizing the Birth of State Nationalism and the Defeat of Popular Movements' in Africa Development; CODESRIA, Dakar.
- Mapuva J (2010). "Militarisation of Public Institutions, Flawed Electoral Processes and Citizen Participation" in Journal of Legislative Studies, 16 (4) 460-475, (December 2010).
- Mapuva J (2013). "Governments of National Unity (GNUs) and the Preponderance of the Incumbency: Case of Kenya and Zimbabwe" Inter. J. Polit. Sci. Develop. 1(3):105-116, November 2013.
- Maseko N (2013). "Zimbabwe Election: A Guide to Rigging Allegations" BBC News Africa, 7 August 2013. Available at <http://www.bbc.co.uk/news/world-africa-23591941> (Accessed 12 November, 2013).
- Moyo S, Makumbe J, Raftopoulos B (2000). NGOs, the State and Politics in Zimbabwe, Harare: SAPES Books.
- Ndlovu-Gatsheni S (2008). "Who Ruled by the Spear? Rethinking the Form of Governance in the Ndebele State" 10(2&3): 635-656, Fall 2008.
- Olaleye O (ed) (2005). Negotiating the Impasse: Challenges and prospects for democratization in Zimbabwe. EISA Research Report No.9.
- Raftopoulos B (2000). NGOs, the State and Politics in Zimbabwe: Harare; Baobab Books
- Sachikonye LM (2001). "The electoral system and democratization in Zimbabwe since 1980" .Paper presented at a conference on Electoral Perspective in the DRC, Kinshasa, 2001