

When to call black white: Zimbabwe's electoral reports

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ABSTRACT *Although hundreds of observers witnessed the same presidential election, the diversity of their reports is quite remarkable. Whereas some spoke of them being generally free and fair, others spoke of the abandonment of all electoral standards. Examining the observer responses of Zimbabwean groups, African nations and the West, the extent to which their verdicts are political rather than objective statements becomes apparent. This article argues that the current system of election monitoring lacks adequate justification, is vulnerable to being deceived, is an inexact science, uses members of mixed ability and at times appears to follow scripts pre-written by their sponsors. These flaws in the system are not easily remedied, for all the talk of training observer teams, setting common standards and co-ordinating teams in the future. Politics will never be removed from the decision to send a mission, the choice of members, the writing of the reports and governmental responses to the reports.*

Robert Mugabe won Zimbabwe's 9–11 March 2002 presidential election. He was said to have polled 56.2% of the votes cast, while his main challenger, Morgan Tsvangirai of the Movement for Democratic Change (MDC) was credited with 42%. Turnout was given as 59.7%. But it was no purely domestic affair. This was an examination before the international community. The required pass mark for acceptability was a 'free and fair election'. The exam process is now a well understood procedure whereby hundreds of assessors representing dozens of self-appointed 'examination boards', both domestic and external, scrutinise the poll and pronounce their verdicts. Those called monitors are engaged and deployed by the nation's own electoral commission (in Zimbabwe's case not an independent body). The observers are representatives of independent domestic or international organisations who undertake election observation at the invitation (voluntary or induced) of the host country and may be granted wider access to the election processes than local monitors. These observers refer any problems detected to official monitoring structures; they are not allowed to seek to resolve disputes.¹

Zimbabwe's Electoral Supervisory Commission (ESC) appointed 22 000 monitors of its own and invited civic groups to submit names to be local observers and monitors, with the result that more than 40 000 names were supplied to cover the country. The response of the authorities, however, was to

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accredit a mere 400 and that only at the last minute and after payment of an accreditation fee. This meant that they could not monitor the elections or carry out civic education in any meaningful way. As regards international observers and monitors, there was originally a large number who planned to be present.² In the event the government erected all manner of impediments to international observer missions so as to reduce them to those it deemed more sympathetic to the ruling party. Some, therefore, such as the EU, withdrew, since the Zimbabwe government would not accredit any individual observers who came from the UK, Germany, Netherlands, or Nordic countries on account of their alleged bias towards the opposition. Even so, hundreds of other observers were scattered across the country to cover the election campaign and the polling day.

Although the observers witnessed the same events, the variety of their reports is quite remarkable and only confirms that not only was there little co-ordination, but their verdicts are as much political statements as objective reporting. This article will begin with an examination of the observer responses of Zimbabwean groups, African nations, South Africa, the Commonwealth and finally of the West. It will then consider some of the current failings of the system of election monitoring and the relevance of the system.

Zimbabwean responses

The verdict of the ruling party, ZANU-PF, on the election that gave them victory was predictable. In the words of the Information Minister, Jonathan Moyo, the election had been 'exemplary'. Others, hoping for new appointments were still more effusive. Zimbabwean High Commissioner to South Africa, Simon Khaya Moyo, said the victory was not only for Zimbabwe but also for southern Africa, Africa and 'the progressive mankind'. To Mugabe he wrote:

Your Excellency's resounding victory in this free and fair election is clear testimony of your tested leadership pre and post independence. Your uncompromising stand against imperialism and neo-colonialism is a source of enrichment to the African personality. The young, the old and indeed the unborn cannot help but cherish your principled and visionary leadership. Your victory is eloquent testimony that in the pursuance of completing the important agenda of land redistribution, Zimbabwe will never be a colony again.³

The main opposition party took a very different view of the election. Morgan Tsvangirai, the presidential candidate of the MDC protested that the result was 'illegitimate' and a case of 'highway robbery' by Mugabe, his government and ZANU-PF. He claimed that the authorities had engaged in systematic cheating, spoiling tactics, rigid new laws, sheer obstruction and political violence and intimidation in the run-up to and during the poll. As a result, the MDC held that election results did not 'reflect the true will of the people of Zimbabwe and consequently are illegitimate in the eyes of the people. We therefore do not accept them.' In their view there had been 'a calculated and insidious disenfranchisement of hundreds of thousands of voters, particularly in Harare and Chitungwiza where Zimbabweans ... were deliberately and in a calculated manner denied the basic and elementary right to vote', while ZANU-PF militias had

prevented their election agents from deploying in 52% of rural polling stations.⁴

Beyond the partisan interpretations, there were several major monitoring groups within Zimbabwe who observed and reported on the election. The largest was the Zimbabwe Election Support Network (ZESN), a network of 38 civic organisations. The ESC eventually accredited only 400 of their observers. Reginald Matchaba-Hove, the Chairperson, said thousands were deliberately and systematically disenfranchised:

These elections violate almost all of the SADC [Southern African Development Community] Parliamentary Forum Norms and Standards. Voter registration was discriminatory and not transparent. Voter education was disrupted and there was insufficient time for the ESC to conduct voter education after the legislation was drafted. The fast tracking of legislation meant that there was insufficient time for the ESC to train its 22 000 monitors all of whom were civil servants in particular the army and police ... There were disturbing episodes of violence even during the polling days—opposition polling agents and our own monitors harassed and prevented from carrying out their work ... In summary, there is no way these elections could be described as substantially free and fair.⁵

The Women's Coalition reached similar negative conclusions. This umbrella body of individual Zimbabwean women and women's non-governmental organisations looked at the election from a broader standpoint. In their view, the elections were conducted in an unsafe, unfair and unacceptable environment for the women of this country and they rejected its outcome.

Thousands of women have been the silent and invisible victims of an orchestrated campaign of terror and political violence that has swept the country over the last two years. Women have been battered, have watched as their husbands, partners and children have been beaten and tortured, their property destroyed or been displaced from their homes. The perpetrators of these crimes have been the youth militia and so called war veterans who forced young girls and women into sexual slavery ... Many of the new laws governing the election ... were extremely opaque and had the overall effect of violating women's right to vote. In particular the requirements for registration, for instance proof of residence was made a requirement for registration even though it is well known that documents such as utility bills are registered under the names of spouses ... We deplore the authorities' deliberate attempt to discourage and frustrate voters in urban areas by reducing the number of polling stations. Their decision demonstrated the indifference and contempt towards women who shoulder the burden of domestic, family and other responsibilities. Many women were forced to leave the queue to perform these duties.⁶

The Crisis in Zimbabwe Coalition was a coalition of some 500 church and civic groups. In its statement on the election it concluded that the election had failed to meet most of the basic requirements for being free and fair. It held that both the pre-poll and polling periods were characterised by gross irregularities. It therefore found that the election had not enabled the will of the people to be expressed freely and fairly and viewed the government as 'illegitimately elected' and unfit to be recognised either by the people of Zimbabwe or the international community. As the Women's Coalition had noted the gender inequality, so the Crisis in Zimbabwe Coalition noted another inequality:

President Mugabe's strategy, in particular over the last two years has been to center the political debate in Zimbabwe around the land question, and in so doing completely marginalise and trivialise the broader rights questions in the political sphere. The result has been to privilege certain strands of the liberation legacy at the expense of others. It is therefore not surprising that the election process has undermined one of the central rallying calls of the nationalist legacy, namely the demand for 'one man one vote'. For essentially this had been the result of the selective voter registration process, and the disenfranchisement of many urban voters.⁷

The National Constitutional Assembly and the Zimbabwe National Students Union also added their voices of condemnation, making the whole of civil society united in its rejection of the elections as undemocratic.

African responses

Although Mugabe has shown only contempt in recent years concerning what internal opposition groups and the West think about his policies, he has always shown a much greater sensitivity to maintaining credibility within Africa and in particular within the southern African region. In his own region he was, until Mandela, perhaps the leading political figure, based on his liberation credentials and length of office. One can therefore assume that it mattered to him what they said and that African and regional leaders in turn would be more guarded in how they responded to a still respected figure. Presidents Chissano, Muluzi and Nujoma of Mozambique, Malawi and Namibia, all indicated by their presence at the inauguration of Mugabe as president that they believed he was the legitimate leader of the country. Likewise President Benjamin Mkapa of Tanzania spoke of Mugabe's 'richly deserved' triumph, while President Daniel arap Moi of Kenya put his endorsement in writing: 'Your victory and that of ZANU-PF is a testimony of the confidence and high esteem the people of Zimbabwe have for you'.⁸

The Organisation of African Unity (OAU) has always been reserved in criticising member states, so it was no surprise that its brief summary was that, 'in general the elections were transparent, credible, free and fair'.⁹ Likewise regional friends rallied behind Mugabe and the election. The observer mission from Namibia insisted that the election system was 'water tight, without room for rigging'. Head of the Namibian mission, Dr Kaire Mbuende, said his team was largely satisfied with the administrative arrangements of the electoral process, despite some difficulties experienced during the process. 'We would like to congratulate the people of Zimbabwe for conducting a successful election ... Voting was peaceful despite the long queues.' Tuliameni Kalomoh, Namibia's Deputy Foreign Minister and election observer defended the election against critics:

No one has come out with specific instances where voters were deliberately denied the right to express their democratic wishes. I have heard a number of things from the BBC—that the elections were chaotic. I asked people where that chaos was. No one has ever told me where that chaos was. Let me say this, the opposition party here—the main opposition won in the constituencies and the areas they were expected to win. The governing party also won in areas that it was expected to win ... I have not seen any objective individual who was ever to say with a straight face

that 'I have observed irregularities. I have observed rigging of the election, I have observed intimidation of the voters—that they've been prevented to go and cast their votes'. I have not seen that.¹⁰

The 16-member Nigerian observer mission group was also supportive. It said it had, 'recorded no incidence that was sufficient to threaten the integrity and outcome of the election, in areas monitored by the team'. Its spokesmen said that, as far as they were concerned, the election was free, fair and peaceful.¹¹

The SADC Council of Ministers also declared the election 'substantially free and fair' and considered that the vote was a 'true reflection' of the people's will. It prompted President Bakili Muluzi of Malawi, which currently holds SADC's rotating presidency, to announce: 'SADC endorses the position taken by the SADC ministerial task force on Zimbabwe that the elections were substantially free and fair'.¹² What was remarkable about this endorsement was that it was made in the light of a very different conclusion by another SADC observer mission, namely the SADC Parliamentary Forum observer team. Their observer mission had 70 members, including 39 Members of Parliament from 11 parliaments of the region. Its report was unequivocal: SADC's own Norms and Standards for Election Observation in the SADC Region, which Zimbabwe was signatory to, had not been met. At every level the mission found inadequacies. As regards political violence they found that it was primarily directed against supporters of the MDC:

Violence was manifest in a number of hospitalized victims, numerous cases of alleged torture, arson, assault and incidences of false imprisonment ... Acts of violence appeared to be systematically employed by the youth and war veterans ...

There are significant claims that the police have been partisan in handling of the political situation when called upon to intervene.

Concerning the voters' roll, they noted that it was only made available three days before the polls, leaving no time for the electorate to verify its accuracy. 'As a result ... a large number of people were unable to vote.' Nor were they happy with some of the campaign arrangements:

Whereas the ruling party's campaign was relatively uninterrupted, some of the opposition party meetings were cancelled or interrupted by opponents ... the reduction of the number of polling stations in urban areas ... resulted in congestion with some people spending more than 48 hours in queues ... Well over 50 per cent of the registered voters were able to cast their vote. The major exception was the Harare Province where the voting process was excruciatingly slow ... Further, although a large number of people voted, a significant number of the electorate was unable to vote as a result of logistical, administrative and other impediments. The counting proceeded very well ... However, free movement of party agents was compromised by acts of intimidation and reported abductions in some provinces ... [Finally] the slanted coverage the state-owned Zimbabwe Broadcasting Corporation and the Zimbabwe Newspapers deprived the electorate an opportunity to make an informed choice.¹³

With such evidence before them, their conclusion, unlike those of the other African missions, was that the election had failed 'to adequately comply with the Norms and Standards for Elections in the SADC region'. It was a brave departure from African solidarity.

South African response

The disputed result of the Zimbabwe presidential election was the worse possible outcome for South Africa. The last thing it wanted was international sanctions exacerbating the economic problems of a major trading neighbour. It would rather take the lead in helping to end its neighbour's political and economic crises. Yet, although it wanted to accept the reality of Mugabe's fifth term and move on, it had conflicting international pressures. On the one hand, it did not want to be seen to be acting contrary to other regional governments, on the other, it did not want to aggravate the West at a time when it was trying to launch The New Partnership for African Development (NEPAD). The latter, of course, commits African states to good governance in return for better trade and aid deals. Zimbabwe had become a test case of how serious African states were about fulfilling their own pledges. However much South African officials insisted that the support of the developed countries for NEPAD could not depend on the behaviour of any one state, the situation was not readily passed over.

The initial attempt to take an ambiguous position on the election, while offering to help Zimbabwe sort out its problems, proved impossible. The head of the 50-strong South African Observer Mission (SAOM), Samuel Motsuenyane, tried his best to help out Mbeki. In his interim report he claimed that, although the election was not adequately free and fair and that the campaign was characterised by 'tension and incidents of violence and intimidation', nevertheless 'the outcome should be considered legitimate'. As for the long lines of voters unable to vote despite waiting many hours, these he put down to 'administrative oversights'.¹⁴ It was on the basis of his initial findings that the South African Deputy President, Jacob Zuma, went to Harare three days after the election as President Mbeki's special emissary with a message for Mugabe congratulating him on his re-election. On his arrival Zuma told Zimbabwean state radio that 'those discrediting Zimbabwe's electoral process should listen to what the Africans are saying'. He said the South African government accepted its own SAOM report that the elections were legitimate.

Unfortunately Motsuenyane's interpretation did not go down well with all the members of the SAOM team. Members told reporters that they wanted a total reworking of the report, which they claimed had been drafted two days before the election by an 'editorial committee' and with slight adaptations had been made public without most observers and members of the executive seeing it. 'We did not meet as a collective to deliberate on our experiences and to decide on the pronouncement. Even the interim statement was not distributed to us', said one member.¹⁵ The document is to be amended in its final version.

Mbeki had more success with his own party. Despite the fact that a majority of the observers in the South African Parliamentary mission recognised it was flawed and that the mission had been led by the ANC's Chief Whip, Nosiviwe Mapisa-Nqakula, the ANC used its majority to ensure parliament adopted a motion that Zimbabwe's poll was 'substantially representative of the will of that country's people'. In the debate, however, many ANC MPs made it clear that, even if the poll was flawed, South Africa would have to step in to help Zimbabwe out of its economic and political crises.

Life has also been complicated by South Africa's role in the Commonwealth. At the Commonwealth Heads of Government meeting in March 2002, Mbeki tried to head off criticism of Mugabe by saying that talk of ostracising him was 'inspired by notions of white supremacy'. However, he was unsuccessful and embarrassingly found himself, along with Nigerian President Obasanjo and Australian Prime Minister John Howard, mandated to decide on Zimbabwe's fate, once the Commonwealth observers' mission submitted its report. The report was so negative that it gave him little room to manoeuvre. In a preliminary report the 42-member Commonwealth observer team asserted that 'the conditions in Zimbabwe did not adequately allow free and fair expression of will by the electorate'. They recorded:

While the actual polling and counting processes were peaceful and the secrecy of the ballot was assured, the Presidential election was marred by a high level of politically motivated violence and intimidation, which preceded the poll ... most of these were perpetrated by members/supporters of the ruling party against members/supporters of the opposition ... We were concerned that the legislative framework within which the elections were conducted, particularly certain provisions of the Public Order and Security Act and the General Laws Amendment Act, was basically flawed. Limitations on the freedom of speech, movement and of association prevented the opposition from campaigning freely. We further regret the restrictions placed on civil society groups ... in particular we consider that unnecessary restrictions were placed on the deployment of independent domestic observers. We also found that thousands of Zimbabwean citizens were disenfranchised as a result of the lack of transparency in the registration process and the wide discretionary powers of the Registrar-General in deciding who is included in or omitted from the electoral register.¹⁶

On their way to London, Mbeki and Obasanjo stopped in Zimbabwe and tried in vain to persuade Mugabe and Tsvangirai to form a government of national unity. In London Mbeki faced intimidating phone calls from the British and Canadian prime ministers, both of whom told him bluntly that they would not continue to back the NEPAD if there was no action on Zimbabwe from him. After three-and-a-half hours of negotiations Howard read out a statement on behalf of the troika:

The committee has decided to suspend Zimbabwe from the councils of the Commonwealth for a period of one year with immediate effect ... It's at the more severe range of the actions available to us. It maintains the Commonwealth's credibility and it maintains its consistency.¹⁷

Mbeki had stepped off the fence, although his silence at the announcement indicated it was not done with any conviction.

Reaction from the West

Even before the election, Britain had made its position clear. Although Prime Minister Tony Blair conceded after the Commonwealth heads of government meeting that there was 'no realistic prospect of a consensus for suspending Zimbabwe from Commonwealth membership in advance of the elections', he warned that the 'fudging' would have to stop if widespread evidence of intimidat-

tion and violence in the run-up to the presidential elections was discovered. He told parliament:

The violence and intimidation unleashed by President Mugabe in his desperation to prevent an opposition victory ... is totally unacceptable ... So is the way in which he made it impossible for EU observers to monitor next weekend's elections, obliging them to withdraw from Zimbabwe so they could not document the abuses of the election campaign ... We totally deplore what is happening in Zimbabwe [and] the actions of Mugabe, which are a disgrace for his own country ... [Britain is] working urgently and energetically with all other countries to make sure that the policies of Mr Mugabe are reversed and proper and democratic elections held.¹⁸

After the election, Jack Straw, the British Foreign Secretary, said that there was 'pretty strong' evidence that Mr Mugabe had stolen the election: 'There has been every sign of ZANU (PF)-backed violence and intimidation right up to the close of polling, as well as many reports of irregularities, including a shortage of polling booths in urban areas and the harassment of opposition election agents in rural areas'.¹⁹

US President George Bush took a similar stance: 'We do not recognize the outcome of the election because we think it's flawed'. Secretary of State Colin Powell had earlier concluded: 'Mr Mugabe may claim victory, but not democratic legitimacy'. The US Assistant Secretary for African Affairs was more specific:

The electoral process, from start to finish, ignored the norms and standards which govern elections throughout SADC ... Supreme Court rulings were cast aside, the Constitution was flouted, the independent media was persecuted, civil society was marginalized, and the will of the people was the chief casualty ... in numerous areas of the country, there were no independent monitors in polling stations ... The electoral process did not: allow unimpeded freedom to campaign throughout the country; allow free and unimpeded access to Voters' Rolls; ensure that all Government Security Forces acted impartially and professionally; provide reasonable safeguards at political meetings, rallies, polling stations and party premises; and provide equal and free access to the state-owned media.²⁰

Europe, too, was unanimous in its condemnation. France and Germany indicated that the election had failed the 'free and fair' test. Denmark announced it was closing its embassy and cutting its development aid in protest at 'the blatant fraud'. The 25-member Norwegian observer delegation said that the election failed to meet international standards:

We had two main concerns. The first was on the campaign and the run-up to the elections, which was marked by violence—political violence and intimidation—mostly directed against the opposition. The second was the lack of capacity of the polling stations in Harare which disenfranchised a large number of voters who couldn't really have a fair chance to cast their votes.²¹

The five-member Japanese Observer Mission said that it was 'compelled to conclude that there was a deviation from fairness' and an inadequate polling capacity that disenfranchised people.²² Canada and New Zealand followed Europe and the USA in imposing travel sanctions on Mugabe and his close allies. Australia's foreign minister expressed fears that the people of Zimbabwe would think they had been cheated.

The extraordinary divergence of conclusions from the observer teams witnessing the same events indicates that the process entails more than objective reporting. This is a process that is susceptible to a variety of internal and external political pressures. As far back as 1997 it was recognised within the European Commission that, 'in an increasing number of cases the observers themselves are known to have contributed to the false assessment of an election by allowing themselves to be swayed by the political interests of their home countries or the dispatching organisation and thus not providing an unprejudiced assessment of what they have seen and heard'.²³ It seems this situation persists.

Observer mission anomalies

In the months that have followed the election the observer reports have been quickly smothered by fresh reports of continuing political violence against the opposition and as serious food crisis as the economy has faltered. Nevertheless there is still value in reflecting on the events of March 2002. They remind us that election observations have some serious anomalies and failings that have yet to be addressed.²⁴

First, they lack a sound, just and explicit basis of justification. European and North American states can dismiss the idea that observers should attend their elections with a derisive laugh, although closer scrutiny of their elections wouldn't go amiss in these days of big money changing hands, dodgy machine counting, media bias and the usual Italian chaos. So what is the basis for requiring observation? The response of the European Centre for Development Policy Management (ECDPM) is: 'when the existing regime no longer enjoys popular legitimacy or trust as the guarantor of an election process which potentially jeopardises its own existence'. Such a situation is thought to be likely at 'the creation of a new state, the end of a civil war, the transformation of a political system, or during internal tension'.²⁵ If this is the rationale, it will be interesting to see whether this industry, which took off in the 1990s, fades as second elections take place in the newly established democracies in sub-Saharan Africa. As it stands at present, observer missions appear a unilateral imposition of the West on Africa that is here to stay.

Second, despite the talk of professionalism and experienced observers, it is a process that is not beyond hoodwinking by the determined cheat. Confidence building among the electorate in democratic institutions is said to be a central function of election observation. Among other things observers are present to prevent the most obvious forms of manipulation. But what happens if this task is beyond them? How many polling stations in Zimbabwe were covered every single hour they were open and how many of the ballot boxes were under the scrutiny of observers as they were taken to counting centres? The answer is that, of the 4700 polling stations, hundreds were not monitored at all, as local monitors were kept away by intimidation or even killed. Little wonder that apparently more than 70% voted in rural Mashonaland, a ZANU-PF stronghold, as against only 40% in the towns—the very opposite of what would be expected. And what might lie behind the Registrar-General's sudden discovery late on the second day of the election that there were 500 000 voters that hadn't previously

been recorded? All the circumstantial evidence suggests that in the rural heartlands hundreds of ballot boxes were filled with fake slips and that fake stub books were added to the tally. One journalist claimed:

In Tsholotsho constituency—in Matebeleland North, where Mugabe is despised and an MDC monitor was beheaded recently—the turnout was 21 000 against monitor estimates of 12 000. Mr Mugabe and Morgan Tsvangirai almost tied with more than 10 000 votes each, Mr Mugabe winning by about 60 votes ... Equally improbably, Mr Mugabe doubled his support since 2000 in Matebeleland South, where he is also despised. It was in the rural areas of Mashonaland and the Midlands that the greatest ballot paper frauds took place. In one Mashonaland constituency last week a senior ZANU (PF) official was seen stealing stub books. In Mudzi constituency, in Mashonaland East the Government's figures state that there were about 30 000 registered voters. Yet Mr Mugabe took 33 858 votes and Mr Tsvangirai 4 226. In Chikomba, an area of Mashonaland plagued by high illiteracy, poverty and great apathy, Mr Mugabe received nearly 24 000 votes out of a turnout of more than 30 000. The observer said: 'There is no way more than 15 000 turned out there.'²⁶

Highly controversial verdicts of the election-observation missions, whether in Zimbabwe, or previously in Kenya, Togo, Ghana and Cameroon, considerably diminish the confidence of the electorate with regard to the neutrality and vigilance of the observers. A discredited observer mission is a contradiction in terms.

Third, it is inevitably an inexact science. The observer manuals give substantial lists of what constitutes 'free' and 'fair' or the lesser standard of 'an election reflecting the wishes of the people'. But these are not in a measurable form. How many fake ballot slips make an invalid vote; how much campaign violence makes the election unfair? Kare Vollan, the head of the Norwegian observer mission, denounced the Zimbabwean poll as unfair because of pre-election violence. Yet as John Laughland pointed out in the *Guardian*:

This same Kare Vollan found that the Ukrainian parliamentary elections in 1998 'were managed with professionalism' while his team 'did not call into question the results'—despite what he described as the 'violence, intimidation and harassment during the run-up to the election'.²⁷

Fourth, the international observer team members are not always the people most suited to be assessing democracy. Although there is increasing talk of professionalising the membership, many of the teams are still a mixture of academics, politicians and civil servants with limited knowledge of the country under observation, while political appointees still often chair the missions. As policy documents, the list of skills required of observers by some missions is commendable. The International Institute for Democracy and Electoral Assistance, the International Foundation for Election Systems and the United Nations speak of the need for: 'highly developed professional skills to monitor activities such as compilation of voters' lists, information transmission and result determination, electoral boundary delimitation and media operations'.²⁸ With regard to the professional and formal skills, the UN lists: university degree in the social sciences, public administration or law; five or more years of professional experience; and ideally, prior experience with election observations in developing

countries.²⁹ The formal terms of reference for the European Parliamentarians for Africa (AWEPA) are: superior knowledge of human rights issues, knowledge of electoral procedures, an understanding and appreciation of the significance of cultural differences, and a good working knowledge of one of the languages most widely used in the host state.³⁰ These are just the formal or professional skills but, ECDPM reminds us, almost equally important are the observer's social skills. 'This means an ability to adapt to and respect the customs of the host country; the sensitivity needed to undertake a psychologically-fraught task; a detective's nose for the discovery and examination of irregularities; and, finally, the tact needed to deal with politicians and officials.'³¹ But how many international missions live up to these requirements; and even if they do, does this make up for lack of local knowledge? In practice some members might even have their credentials as democrats doubted. For instance, the Commonwealth team was headed by Nigeria's Abdulsalam Abubakar. Yet General Abubakar was military dictator of Nigeria from 1998–99 and was a member of the military committee who aborted the 1993 elections and threw the presumed winner, Abiola into jail where he subsequently died. As a matter of fact, he is also under investigation for stealing more than US\$2 billion from Nigeria's foreign reserves. In his favour, of course, it has to be said that he was the one that handed back Nigeria to civilian rule.

Fifth, it is very hard to conclude that verdicts are not at times pre-written under guidance from the sponsoring organisation. The ECDPM admits, in restrained tones:

The co-ordinators of election observation missions are supposed to be neutral, but their neutrality can be threatened by a number of factors. First, the co-ordinators are often employed by or represent an organisation with specific interests in the outcome of the elections. Second, the co-ordinators commonly have close and intense contact with international representatives, local politicians, the electoral commission and thus the interests of these various parties. Third, the co-ordinators often become such an integral part of the electoral process that they—along with the electoral commission—develop a major interest in a positive assessment of the election.³²

Certainly the SAOM team accused their ex-diplomat head of writing what the South African government wanted to hear, rather than what they themselves had reported. One wonders, too, just what would have had to occur for some of the teams to be critical. What would make the teams from the OAU, Namibia, Nigeria or SADC's council of ministers question the validity of the elections? These, after all, are fellow Africans who, although they may not see eye to eye with Mugabe on everything, respect him as an elder statesman, admire his refusal to be pushed around by white foreign interests and may even believe he is sincere about handing land back to Africans. They are bound to feel a certain solidarity with a neighbour and perhaps have indulged in some of his electoral 'tricks' themselves. At the end of the day they are going to have to live with him and trade with Zimbabwe. Can they afford to fall out with a neighbour and risk greater instability by fuelling the public voices of the critics? To think that they went there only to find out for themselves whether the election was fair and whether they would regard Mugabe in future, as a legitimate leader, would be unduly naïve.

These flaws in the system are not easily remedied, for all the talk of training observer teams, setting common standards and co-ordinating teams in the future. Politics will never be removed from the decision to send a mission, the choice of members, the writing of the final report and the governmental response to some or all of the reports. In an informal paper the UN Electoral Assistance Division lists the objectives for international election observation as: to serve as a neutral witness expressing the international community's support for the democratic process; to raise public confidence in the election process; to detect and expose fraud and irregularities; to assess the relative legitimacy of an electoral process and outcome; to enhance the meaningful nature of the electoral process itself; to enhance the respect for political, civil and other fundamental human rights; to make an official public assessment of the election; and to encourage political contestants to accept the results of a legitimate electoral process.³³ This is an impossibly ambitious goal with the system as it currently stands. In more general terms, McCoy, Garber and Pastor identify four main functions of international election observation: psychological support for those involved in the elections, uncovering any rigging in the casting and counting of votes, informing the international public about the fairness of an election process and, finally, mediation in cases of disputes which have become bogged down.³⁴ Perhaps even this can only be achieved very approximately.

So should election observer missions be scrapped? Most would hold that, even in their imperfect form, they are still better than nothing. It is widely held that international election observation is still the best method for awarding a seal of democratic legitimacy. Their certification that an election is free and fair is usually sufficient for the citizens of the nation and the international community to accept the elected government as legitimate. It is worth remembering, however, that election observers have no monopoly on legitimisation. Mugabe may not have won unequivocal support from monitoring teams, but many ordinary Africans will admire leaders who refused to lobby and plead with the West when confronted with their demands. Tostensen may well represent Western thinking when he writes that 'the management of electoral processes is no longer considered to be a breach of sovereignty or an intervention in a country's internal affairs'. But the so-called transformation in the philosophy of intervention has not penetrated all of Africa.³⁵ The Speaker of the National Assembly of Angola made it clear to journalists in Harare that he had no time for those 'who think they must tell others what to do. The Zimbabweans have the right to choose their own leader without interference from abroad.'³⁶

The picture of a David standing up to Goliath goes down well wherever there is inequality. An editorial in a Nigerian paper captures the spirit of many:

Congrats! Mugabe, 'Winners don't quit and quitters don't win.' But then even if President Mugabe had lost the elections, for him, it would still have been a victory of some sort. Only real men (oh and women too) go down fighting. Ordinary men, commonplace men, run-of-the-mill men, nonentities, will seek for a deal (not even a compromise) or turn on their heels at the first sign of danger ... But again, how many African leaders are there today who would have the courage to do what Mugabe has done? A very simple act of taking from white, giving to black; what belonged to Black, originally? ... a man who has fought his way through the

trenches, treachery and betrayal cannot easily be cowed by propaganda, intimidation and lies. So congratulations Mr Mugabe. You do all of us ordinary folks proud.³⁷

Those who hold such sentiments will not be too troubled about election observers that call black white.

Notes

- ¹ C Dundas, *Compendium of Election Laws, Practices and Cases of Selected Commonwealth Countries 1998/1999*, at www.thecommonwealth.org.
- ² They included: African, Caribbean and Pacific (ACP) Nations Group; Common Market for East and Southern Africa (COMESA); Commonwealth Ministerial Action Group (CMGA); Economic Community of West African States (ECOWAS); Electoral Commissions Forum of SADC countries; Electoral Institute of Southern Africa; National Association for the Advancement of Coloured People (NAACP) USA; Non-Aligned Movement (NAM); Organisation of African Unity (OAU); South African Multi-Sector Observers; South African Parliamentary Observers; Southern African Development Community (SADC) Parliamentary Forum; Carter Institute; European Union; National Democratic Institute; and SADC Electoral Support Network (ESN) (EISA, www.eisa.org.za).
- ³ *The Herald*, Harare, 14 March 2002.
- ⁴ *Guardian*, 14 March 2002. A collection of all the important press releases from NGOs, observer missions and organisations of the election can be found at www.zimbabwe.indymedia.org.
- ⁵ www.kubatana.net, accessed 25 March 2002.
- ⁶ www.kubatana.net, accessed 25 March 2002.
- ⁷ www.kubatana.net, accessed 25 March 2002.
- ⁸ www.allafrica.com, accessed 14 March 2002.
- ⁹ www.news.bbc.co, accessed 14 March 2002.
- ¹⁰ www.news.bbc.co, accessed 14 March 2002.
- ¹¹ Reuters, 14 March 2002.
- ¹² South African Press Association, 16 March 2002.
- ¹³ www.allAfrica.com, 13 March 2002.
- ¹⁴ www.africaaction.org.
- ¹⁵ *Sunday Times* (South Africa), 31 March 2002.
- ¹⁶ www.thecommonwealth.org.
- ¹⁷ *Sunday Times* (South Africa), 1 April 2002.
- ¹⁸ *Guardian*, 6 March 2002.
- ¹⁹ *The Times* (London), 13 March 2002.
- ²⁰ www.state.gov, 13 March 2002.
- ²¹ www.zimbabwe.indymedia.org, accessed 29 March 2002.
- ²² *Ibid.*
- ²³ S Mair, *Election Observation: Roles and Responsibilities of Long-term Election Observers*, ECDPM Working Paper No 22, Maastricht: ECDPM, 1997, available at www.ecdpm.org.
- ²⁴ For other critical observations of observer teams, see G Geisler, 'Fair? What has fairness got to do with it? Vagaris of election observations and democratic standards', *Journal of Modern African Studies*, 341 (4), 1993, pp 613–637; J Elklit & P Svensson, 'What makes elections free and fair?' *Journal of Democracy*, 8 (3), 1997; T Carothers, 'The rise of election monitoring: the observers observed', *Journal of Democracy*, 8 (3), 1997; D Anglin, 'International election monitoring: the African experience', *African Affairs*, 99 (389), 1998, pp 21–52; and A Sives, 'A review of Commonwealth election observation', *Commonwealth and Comparative Politics*, 39 (3), 2001, pp 132–149.
- ²⁵ Mair, *Election Observation*.
- ²⁶ *The Times*, 14 March 2002.
- ²⁷ *Guardian*, 18 March 2002.
- ²⁸ A Wall, ACE Project, 1997; modified 2001 by H Alves, available at www.aceproject.org. The ACE (Administration and Costs of Elections) Project is a joint endeavour of the International Institute for Democracy and Electoral Assistance (International IDEA), the International Foundation for Election Systems (IFES) and the United Nations.
- ²⁹ Quoted in Mair, *Election Observation*.
- ³⁰ Mair, *Election Observation*.
- ³¹ *Ibid.*
- ³² *Ibid.*

³³ Quoted in *ibid.*

³⁴ Quoted in Mair, *Election Observation*.

³⁵ A Tostensen, D C Faber & K de Jong, *Towards an Integrated Approach to Election Observation? Professionalising European Long-Term Election Observation Missions*, Policy Management Report No 7, Maastricht: European Centre for Development Policy Management, 1997. ANC executive member Dumisani Makhaye told an ANC conference that 'The West wants to impose presidents of their choice on our region ... The gross interference in the internal affairs of Zimbabwe by Western powers is a dress rehearsal for South Africa. Their strategy is to weaken governments and parties of the former national liberation movements in southern Africa' (www.news24.co.za).

³⁶ *The Herald*, 29 May 2002.

³⁷ *Weekly Trust* (Kaduna), 15 March 2002.