



What happened in the Presidential Election

12 May 2008

When the Zimbabwe Electoral Commission finally announced the results of the Presidential election, quite apart from the relief that they were finally announced, there were two predominant reactions. The first was a total lack of surprise that Morgan Tsvangirai had beaten Robert Mugabe: all the indications from every source, as well as the evident disbelief of ZANU PF and the subsequent shenanigans of ZEC, were that this would be the case. The second reaction was the lack of surprise that ZEC had not announced Morgan Tsvangirai as the outright winner with an absolute majority.

It was clear to all concerned that the results were known in detail by Monday, 31 March, and there have been a number of "leaks" to this effect, all suggesting that Tsvangirai won outright. If the Electoral Act had been followed to the letter, then Morgan Tsvangirai would have been sworn in as President of Zimbabwe, and Robert Mugabe would have had no further recourse except by election petition. So, it was clear to all that a run off result had to be engineered, and thence followed the farce of the recount, a wholly unlawful recount according to the Electoral Act.

It was also clear to all that there had to be a delay in order for a very shocked ZANU PF to re-organise and decide what to do. ZANU PF had to prepare for a run off as well as provide the grounds for a run off. After a short hiatus, the strategy emerged, and a well-worn strategy it was, quite apart from the delay in announcing results. (We will return to the results later).

The first move was to re-invent the "land" gambit, and, after announcing that white farmers were rushing back to claim their farms, the "people" began to invade the remaining 400 farms. By all accounts, these invasions have been more violent and intimidatory than those between 2000 and 2005, even worse than 2000 or 2002. This was the public strategy, but it was accompanied by an even more sinister strategy, one

that had also worked in 2000 and 2002, and this was the unleashing of the militia, under military supervision – but more blatant military supervision than has been the case previously. As in 2002, the violence had the purpose of retribution for voting against ZANU PF, for, as in 2002, it was evident, but more so in 2008, that rural people had voted against ZANU PF. But in 2008, it also has the purpose of driving out any vestige of the MDC from the rural areas, and obviously handicapping the MDC in any preparations for a run off.

Whilst all this was going on, there was still the problem of engineering a re-run, and this was much more problematic for the results published by ZEC for the Senate, and the House of Assembly seemed valid and reliable according to a number of independent estimates, including the MDC. ZEC did not and has not announced the Local Government results, but Justice Chiweshe has claimed that there is no need to as they were already published at the Ward command centres. As an aside, this is highly contradictory given that ZEC felt the need to publish all other results, and to “scrupulously” ensure that the results of the Senate, the House of Assembly, and the Presidency were correct.

Thus, a high old farce ensued. The House of Assembly results were announced over days and days, and eventually it emerged that MDC Tsvangirai had a majority, and that the opposition had an absolute, but not a constitution changing majority. However, it was majority enough to suggest that the former opposition would now become the government, or there would be severe problems for Robert Mugabe, if he won the presidential poll outright, and ZANU PF in governing as a minority government. They would be unable to pass a Bill or even obtain the finance necessary to govern without the total co-operation of the “opposition”. The farce then continued with the tedious announcement of the Senate results, and it emerged that the two groups, ZANU PF and the MDC’s, were even.

Then all the “problems” emerged with the presidential poll, which were given more spice by the publication of the ZESN “sample based observation [SBO]”, which suggested that Tsvangirai was either an outright winner or the front runner in the event of a run off. More spice was added by the MDC claiming victory in the presidential poll with their

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figures according Tsvangirai 50.3% of the poll. In response, the state accused Tsvangirai and Biti of “treason”, and slowed the process of announcing the actual results using subterfuge after subterfuge, all unlawful in terms of the Electoral Act.

Since the publication of the results of the Presidential election, the farce has reached new heights with 105 election petitions being filed, 53 by ZANU PF and 52 by MDC. This has also prompted the appointment of a further 17 High Court judges. What a contrast to 2000, and the tardiness with which the courts responded to the MDC’s 37 petitions, with claims of shortages of judges and manpower. Clearly losing and winning provoke a different sense of urgency in ZANU PF, and the law suddenly becomes very important, especially having lost its parliamentary majority. However, this huge number of petitions should not delay the process of government as the present incumbents are elected and remain in office until the result in any given constituency is overturned by the courts.

But the results themselves, whilst probably historical only, deserve more consideration. When ZEC finally announced the results, they bore a remarkable resemblance to the ZESN results: Tsvangirai had 47.9% and Mugabe had 43.3%.

Results of the ZESN SBO

Presidential Poll Projections – 29 March 2008 Harmonized Elections

Candidate	Projected Percent Vote	Margin Error	of 95% Confidence Interval
Makoni, Herbert Stanley Simba	8.2%	1.1%	7.1 to 9.3
Mugabe, Robert Gabriel	41.8%	2.6%	39.2 to 44.4
Towungana, Langton	0.6%	0.1%	0.5 to 0.7
Tsvangirai, Morgan	49.4%	2.4%	47.0 to 51.8

The resemblance was indeed remarkable, and one wondered why it had been necessary to harass the ZESN officials for three days if ZEC already knew how it was going to come out. After all, ZESN had accurately predicted the results for Simba Makoni (8.2%) and Langton Towungwana (0.6%). The ZEC results for Tsvangirai were at the lower end of the ZESN prediction, whilst the results for Mugabe were towards the higher end of the prediction. Perhaps the ZEC announcement was sparked by the publication of the MDC's results for the presidential poll, which showed Morgan Tsvangirai having 50.7%, a plausible figure when measured against the ZESN SBO.

And so the run off is on, although the remarkable fact that Robert Mugabe was beaten into second place, even with millions of voters disenfranchised, is still being digested by the nation. It is very hard for ZANU PF to continue to claim that they enjoy the support of the people, or that they deserve to be the government on the basis of the results published by ZEC.

However, the results still deserve further consideration. This is not easy in the absence of ZEC publishing the full results for the poll, which, according to the Electoral Act, should have been compiled from the 60 Senate command posts, but could also have been deduced from the 210 constituency results. Of course, the full results should be made public, but no-one is holding their breath on this one!

When MDC published their results for the presidential poll, they only provided results for the two main candidates, but, if we assume that the ZEC results for Makoni and Towungwana are correct (which is tricky), then we can do some very simple analyses. In the table below, we contrast the two results – MDC and ZEC – and include the ZEC estimate for Makoni and Towungwana.

Comparison of MDC and ZEC results for the presidential poll

Candidate	MDC Presidency results	Percentage of poll	ZEC Presidency results	Percentage of poll
Tsvangirai	1248395	49.64	1195562	47.87
Mugabe	1044292	41.53	1079730	43.24
Makoni	207470	8.25	207470	8.31
Towungwana	14503	0.58	14503	0.58
Total:	2514660		2497265	

The first observation is that the ZEC poll, assuming that the MDC results would agree with the ZEC results for Makoni and Towungwana, would provide a much lower poll, 17,395 to be exact, which, however, is less than a percentage point whichever body is correct. If this difference were added to the Tsvangirai vote, this would still not give him an absolute a majority: it would give him 49.99%.

Secondly, on the MDC result, Tsvangirai gets almost exactly the result predicted by ZESN, as does Mugabe. Remarkable indeed, but, of course, this does assume that the estimates for Makoni and Towungwana, and especially Makoni, are accurate. Political observers might still wonder whether Makoni did that well in the Matabeleland Provinces, given his self-confessed adherence to ZANU PF and the fact that the voters in these Provinces generally hate ZANU PF like poison. If the actual results for Makoni are much lower than ZEC reports, then this could have a radical effect on the overall result.

For example, if Makoni got only 4.8%, and the trend towards supporting Tsvangirai is upheld, with a 5% increase (or an extra 87,000 votes), then Tsvangirai would get 53.1% and an absolute majority. However, this is only speculation, and ZEC's own claims that the Makoni result is true can only be substantiated by publication of the full and detailed results.

A supporting observation on the problems with accepting the ZEC result at face value comes from examining the Presidential poll against the other polls, Senate and House of

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Assembly. This was done by contrasting the MDC results for the Presidential poll by province with the ZEC results, by Province, for the Senate and the House of Assembly. Simple correlations were carried out, and the results were startling.

ZPF Presidency v ZPF House of Assembly	0.99
ZPF Senate v ZPF House of Assembly	-0.05
ZPF Presidency v ZPF Senate	-0.07
MDC MT Presidency v MDC MT House of Assembly	0.98
MDC MT Presidency v MDC MT Senate	0.41
MDC MT Senate v MDC MT House of Assembly	0.45
Other Senate v Other House of Assembly	-0.016

For the presidency, both Tsvangirai [0.98] and Mugabe [0.99] show a near-perfect correlation between the results obtained on the Presidential and the House of Assembly polls: the voters that supported these two were voting in exactly the same way in both polls. But this was not the case for the other correlations, which indicate that MDC voters are consistent across all three polls, but not so ZANU PF voters.

Now all of this assumes that the ZEC results for Makoni are accurate, and, as pointed out above, this is difficult to accept in the absence of detailed results for the Presidential election. As was pointed out in an earlier analysis,¹ the ZEC results for the House of Assembly and the Senate elections appeared valid and in agreement both with each other and independent observations. The resolution of the problem is quite simply for ZEC to release the detailed results of the Presidential poll.

¹ See Idasa (2008), *ZIMBABWE ELECTIONS 2008. Examining The Popular and Presidential Choice - Hiding or Run Off?* 10 April 2008. States in Transition Observatory. IDASA: PRETORIA.

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However, as it stands, the MDC results have the greater credibility, and, on the data available, Tsvangirai is perilously close to the absolute majority that the MDC claim, or even has the absolute majority, and, given the suspicious behaviour of ZEC, that most people believe. ZEC, on the other hand, have fallen back on using the ZESN result as an inadvertent stalking horse, and will claim independent validation of their finding, but we doubt that this will result in the officials being grilled by the police for several days for releasing an unverified result.

So it appears that a re-run will be necessary, and ZEC has already announced that the format will follow the previous election, with all voting taking place at Ward level. This will obviously be a matter for concern to both the MDC and the voters, since it is apparent that the victimisation that has followed the election has been focused on areas where the MDC did well, and has used the information published at the polling stations as a guide to finding the victims. With such a poisoned atmosphere, it would appear that only two approaches can be adopted for a fair re-run.

The first, and the more comprehensive approach, would be to have the election run in toto by an external body such as SADC or the AU. Under the SADC Principles and Guidelines, this could result in an end to violence, the opening of the media and civil spaces, and a guarantee that the final process - of verifying, counting, and announcing the results - would happen without the farce that followed the March 29 elections. This scenario is unlikely to be accepted by ZANU PF.

The second approach would be to declare the country a single constituency, and allow people to vote anywhere, in the same way as was the case in 1980. This would protect the voters from subsequent discovery, would overcome the effects of the organized violence and torture, and would allow many voters living in South Africa also to participate. It would not need a voters' roll, merely the production of a valid Zimbabwean identity document or passport. This too is unlikely to be acceptable to ZANU PF.

For SADC, the dilemma will be very clear: will it continue to support an election process that is blatantly supportive of one side, now knowing that Robert Mugabe does not have

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the support of his people, or will it intervene in order to see that the people's will is genuinely expressed?