

ZIMBABWE: REVIEW OF THE 2002-PRESIDENTIAL ELECTION

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1. INTRODUCTION

The outcome of the Zimbabwe presidential election from 9-11 March 2002 is the subject of heated debate on the continent and in world politics. Behind the official jubilation by President Robert Mugabe and the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), lies a dark story of terror and repression amongst ordinary Zimbabweans, reports K MacGregor.² The thorny issue focuses on the question whether the presidential election was free and fair. Despite overwhelming factual evidence by independent analysts and international observers that it was not, some African election observer missions said it was.³ The controversial poll saw President Mugabe being voted into power for a fifth term. The leader of the opposition party, Movement for Democratic Change (MDC), Morgan Tsvangirai, said: "We foresaw fraud but not daylight robbery because that is what it is."⁴

The aim of the article is to investigate whether the presidential election in Zimbabwe was free, fair and legitimate. In terms of the research strategy, the article will critically analyze and evaluate the election results. In assessing the controversial reports of the election, an objective analysis will be explained and provided. The following aspects will be discussed in this article:

- ? The pre-election scenario
- ? The presidential election analysis
- ? The aftermath of the election

Intimidation, disruption, manipulation and violence characterized the lead-up to the presidential election. In the next paragraph the pre-election scenario will demonstrate just that.

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² K MacGregor, "Nation in turmoil", **Business in Africa**, April 2002, pp. 27-32.

³ **Business in Africa**, "Election fever", April 2002, p. 6.

⁴ **Citizen**, "Africa stands by Mugabe victory", 14 March 2002, p. 1.

2. THE PRE-ELECTION SCENARIO

When President Mugabe was declared the winner on 13 March 2002, he was re-elected for another six years after 22 years of rule since independence from colonial Britain in 1980. The poll was marred by two years of state-sponsored violence and intimidation, a partisan police force, unrelenting propaganda on public airwaves, growing oppression in the form of harsh laws, and crack-downs on the MDC, the independent judiciary and the media.⁵ Since the parliamentary elections of 24-25 June 2000 in Zimbabwe, conditions for credible democratic elections do not exist. In a recent study political scientists, Dr John Makumbe and David Compagnon, said: "The political system is largely based on fear, intimidation, ignorance, state control of the media, legal impediment and financial privileges, all of which aim to protect the hegemonic role of ZANU-PF."⁶ Controversially, new election rules were gazetted prior to the presidential election. Mugabe bent the rules, rigged the courts, gagged the press, silenced free radio and hammered the opposition. This dire situation was exacerbated by the government's land redistribution strategies.

P Davis predicted in February 2002: "My bet is that Mugabe will win the election by unfair means – like intimidation, vote fixing and the fact that a great number of opposition supporters have had their identity documents confiscated or stolen."⁷ Besides that, Mugabe prevented young, urban voters from registering to incite violence before the elections. Dozens of opposition supporters were killed, while others were beaten up or driven from their homes by backers of Mugabe's ZANU-PF party.⁸ This resulted in the flight to South Africa of an estimated two million Zimbabweans prior to the election.

Disruption and intimidation of the MDC-opposition marked the run-up to the election. On the eve of the election, Mugabe defied a court order and pronounced by decree new electoral laws that would help his cause.⁹ Mugabe proved by his stubborn refusal over more than two decades that he would countenance even the most muted criticism, and that he simply does not care what anyone thinks of his tyrannical rule. After 20 years in power he is a shrewd and calculating politician and a past master at manipulating people.¹⁰

⁵ MacGregor, pp. 27-8.

⁶ M Sayagues, "A poll fit for a dictatorship", **Mail and Guardian**, 26 May-1 June, p. 12.

⁷ P Davis, "No fear but free elections for Zimbabwe", **Sunday Times**, 24 February 2002, p. 4.

⁸ S Wetherell, S Crack and R Brady, "Will Zimbabwe drag down its neighbours?", **Business Week**, 4 February 2002, pp. 1-16.

⁹ **EP Herald**, "Zimbabwe faces uncertain future", 8 March 2002, p. 6.

¹⁰ **Daily News**, "Mugabe's strange bedfellows", 19 February 2002, p. 8.

In Zimbabwe, the state-owned media is used almost exclusively to champion the cause of the ruling party, ZANU-PF. K Mamaila¹¹ made the following pre-election predictions about ZANU-PF and President Mugabe:

- Interference with the economy by introducing measures such as price controls;
- the use of the state-owned media by turning it into a government propaganda instrument;
- harassment of independent journalists and detaining them; and
- a pronouncement by security forces that they would not respect, salute or honour a president who had not fought in the war for liberation.

The pressure to prematurely judge the election affected the ordinary voter tremendously. S Robinson was of the opinion that the mastermind behind the propaganda war was the Minister of Information and Publicity, Jonathan Moyo.¹² He all but banned foreign reporters from visiting Zimbabwe. For two years independent journalists were harassed, vilified and arrested. Offices of the **Daily News** were attacked and its printing presses were destroyed in January 2001. The government only accredited selected foreign media. The opposition had no access to state media, which was relentlessly used for propaganda.¹³ D Clarke made the following statement: "This regime does not seek respect. It is focused solely on its own survival at all costs."¹⁴ Respect for the rule of law was eroded and manipulated into the use of courts and judges for party-political and presidential servitude. It proved not to be so easy to remove President Mugabe from Africa's landscape because he used everything in his arsenal to ensure his hold on power.¹⁵ According to Robin, the Amani Trust, a coalition of human rights groups, recorded acts of political violence in February 2002 alone. Fifteen instances of torture, four rapes and eight murders were reported. This resulted in Zimbabwe facing a mass exodus of lawyers due to the manipulation tactics of the ruling party.¹⁶

President Mugabe forced through emergency measures to clamp down on the opposition in the run-up to the election. The new laws gave police sweeping powers to jail opposition activists. Lawmakers also looked set to enact legislation prohibiting foreign correspondents from working in Zimbabwe and forcing local

¹¹ K Mamaila, "Into the heart of Zimbabwe's election", **Star**, 8 March 2002, p. 15.

¹² S Robinson, "A tale of two countries", **Time**, 25 February 2002, pp. 30-4.

¹³ MacGregor, p. 30.

¹⁴ D Clarke, "God bless Zimbabwe ... as no-one else in authority will", **Mail and Guardian**, 13 December 2002, p. 20.

¹⁵ W Kigotho, "Big men rule. Nairobi notebook", **Business in Africa**, April 2002, p. 10.

¹⁶ J Robin, "Meltdown of the rule of law", **Cape Times**, 7 March 2002, p. 9.

journalists to apply for licenses.¹⁷ A new supplementary voter's roll was produced, carrying nearly half-a-million names that were not on the main roll. Civil society groups in Zimbabwe and the South African Development Community (SADC), hoping to help with voter education, were barred from doing so. The collection of ballot boxes was restricted to Mugabe's supporters only. No Zimbabwean could vote from outside the country.¹⁸

Mugabe also paved the way for the Public Order and Security Act by denouncing his opponents as terrorists. The new law carries the death penalty and jail terms. The second bill bans independent election monitors.¹⁹ That is the reason why the period leading up to the election was acrimonious and also characterized by violent intimidation involving the main parties, ZANU-PF and MDC. Polling stations in the urban areas, where the opposition has the greater support, were drastically reduced.²⁰ S Robinson reports that the government had trained a youth militia to harass and attack the opposition, and anyone not carrying a ZANU-PF card risked to be beaten. The police mostly turned a blind eye to such violence. They actively defended the militia and farm occupiers. The MDC claimed that more than 100 of its supporters had been killed over a period of two years. The Zimbabwe Human Rights NGO Forum said the violence had escalated ahead of the March 2002-election and that 16 political deaths were reported. Robinson also states that the government appointed many of its supporters to the courts to ensure sympathetic judgments.²¹

The ZANU-PF management of the pre-poll period heavily tilted the electoral playing field in its favour. On the other hand, violence against MDC supporters made it impossible for the party to campaign safely and openly in most areas. Aside from rallies, it conducted a 'whispering campaign', distributed pamphlets at night and advertised in the independent print media. Government provided no security for Tsvangirai.²²

K Mamaila argues that when Mugabe had become convinced that he was losing support, he devised a strategy to channel the anger of war veterans to the white farmers. The war veterans were unleashed on farms and confiscated farms in full view of the police.²³ It is a fact that the land invasions began after Mugabe had lost a referendum to amend the constitution to legalize land seizures without

¹⁷ **Maclean's**, "Zimbabwe's new rules", Vol. 115, No. 3, 21 January 2002, p. 2.

¹⁸ **Business Day**, "Not free and not fair", 8 March 2002, p. 11.

¹⁹ **Time**, "The last throes of a desperate man", Vol. 139, No. 3, 21 January 2002, p. 8.

²⁰ **The Star**, "People's will undermined", 13 March 2002, p. 12.

²¹ Robinson, pp. 30-4.

²² MacGregor, p. 29.

²³ Mamaila, p. 15.

compensation. Since losing, he acted illegally and against the will of the people.²⁴ This resulted in the media and the people being under tight control before the presidential elections.

The pre-election scenario thus shows that President Mugabe and his cronies see nothing wrong in their subversion of law and order. It is about their blind resolve to hang onto power after 22 years. In the next section the controversial reports by observers and political analysts will prove that the presidential election in Zimbabwe was flawed.

3. THE PRESIDENTIAL ELECTION ANALYSIS

3.1 The initial results

Several political groups observing the 9-11 March 2002 voting said that the election was carried out in a climate of fear and intimidation.²⁵ According to RW Johnson the discrepancy between the population's possible voters and actual figures does little to dispel the conclusion that ZANU-PF was playing the numbers game by its rules.²⁶ Amato, in an early survey, was of the opinion that out of 3 131 000 actual voters in a 55 percent poll, President Mugabe got 1 685 000 votes against Morgan Tsvangirai's 1 258 000. There were 187 300 spoilt papers. A massive 2 517 000 registered voters did not vote, which renders the Mugabe majority of 426 000 less impressive.²⁷

<i>Early survey:</i>	<i>Actual voters</i>	=	<i>3 131 000</i>
	<i>Robert Mugabe</i>	=	<i>1 685 000</i>
	<i>Morgan Tsvangirai</i>	=	<i>1 258 000</i>
	<i>Spoilt papers</i>	=	<i>187 300</i>

If the candidates' votes and the spoilt papers are added on then it gives a total of 3 130 000 votes. That means 1 000 votes are missing or not accounted for. In these early results, nothing is mentioned about the voting count of the other three candidates. The Amato report was released a week after the election.

²⁴ **Daily Dispatch**, "Bowling to Bob. Editorial opinion", 19 February 2002, p. 8.

²⁵ C Hunter-Goult, "Mugabe. Democracy was the winner", **CNN.com/world**:<http://www.com/2002/world/africa/03/17/Zimbabwe.mugabe/index.html>.

²⁶ RW Johnson, "Impossible to reconcile Zimbabwe polls turnout and electoral register", **Business Day**, 4 April 2002, p. 9.

²⁷ R Amato, "New Zimbabwe paradigm of national unity can build a bridge of principles", **Sunday Independent**, 17 March 2002, p. 8.

3.2 The Mudede-factor

Johnson is of the opinion that a great deal of the mystery of Zimbabwean elections resides in the electoral register. The man who knows the secrets of Mugabe's re-election is Mr Tobaiwa Mudede, the registrar-general and outspoken pro-Mugabe official who runs all Zimbabwean elections. Mudede kept the inspection of the register a tight secret until the Zimbabwe Civic Education Trust (Zimcet) intervened. It took no fewer than four court orders to finally get Mudede to allow Zimcet to see the register. Strangely, the register of 5,2 million voters was supposed to be closed. However, in the remaining two months ZANU-PF rushed out and illegally registered 400 000 extra voters in rural areas, all of whom Mudede added to his final roll, which came out at 5 612 272 voters.²⁸

Johnson supplies the following results, in a table form, according to Zimbabwe's Registrar-General, Mr Tobaiwa Mudede:

Registered voters: 5 612 272
Total votes cast: 3 048 752

<i>Mugabe:</i>	<i>1 688 939</i>
<i>Tsvangirai:</i>	<i>1 254 930</i>
<i>Kumbala:</i>	<i>31 179</i>
<i>Maya:</i>	<i>12 379</i>
<i>Siwela:</i>	<i><u>12 169</u></i>
	<i>3 048 749²⁹</i>

Oddly, the totals in the second column come to 3 048 749 – leaving three votes missing. According to Johnson the voters' roll of 5,6 million is not accurate. The survey of 1997 by Probe Market Research, suggested there were only 12 million Zimbabweans. With an average family size of six children, more than 50% of Zimbabweans are under 15 and 60% under 18. This leaves only 4,8 million adults of voting age. Probe Market Research puts the maximum who have registered to vote at 80%, suggesting the maximum number of names on the roll should be 3 840 000. So about 1,8 million of those on Mudede's roll do not really exist. It provides Mudede and ZANU-PF with a vast reservoir of fictional voters.³⁰

²⁸ RW Johnson, "The secrets that lie in the voter's roll", **Sunday Tribune**, 31 March 2002, p. 11; Johnson, **Business Day**, 4 April 2002, p. 9.

²⁹ Johnson, **Business Day**, p. 9.

³⁰ **Ibid.**

But, according to Mudede, no fewer than 3 048 752 people voted. The implication is that somewhere between 900 000 to 1,1 million votes were manufactured. It is not difficult to see how, because according to Zimcet, 27% of the names on the register were either dead, abroad or no one at all knew where they were.³¹ In the same vein, a million Zimbabweans abroad were disenfranchised and many scores of thousands of farm workers were driven off their farms and out of the constituencies in which they had been registered.³² Given that the officials in charge of polling stations were members of the army or police, civil servants or war veterans, all handpicked for their pro-government loyalties, the insertion of these boxes would not have been difficult.

3.3 Claims of widespread rigging

According to MacGregor,³³ Mugabe was declared the winner with 1 685 212 votes (56 per cent) to 1 258 401 (42 per cent) for his opponent, Tsvangirai. The Registrar-General, Tobaiwa Mudede, said 3,1 million out of 5,6 million eligible voters cast their ballots. But the MDC alleged massive electoral fraud, saying that if figures allegedly used by the Electoral Supervisory Commission (ESC) to inflate the votes for Mugabe were excluded, it would have won by a narrow 8 135 votes. The party believes 430 000 votes may have been miscounted, and that there was rigging in all of 120 constituencies. In most areas there are big discrepancies between the numbers of votes that polling stations counted and the numbers announced in the results. The statistical breakdown of the numbers of votes cast in each constituency given to the MDC by the ESC, differed sharply from figures later announced by Mudede. However, manipulation of the figures ensured that the total national count issued by the commission and Mudede's figures were identical.

Zimbabwe, on the government side, has not shown any desire for reconciliation or change.³⁴ Mugabe has tampered with and dismantled many of the safeguards that are vital to the democratic process and the rule of law.³⁵ In the remote Gokwe North constituency, for example, the count of votes cast was 19 141 less than the total count announced by Mudede. Yet the same number turned a loss for Mugabe into a 23 663-vote victory. In the Tsholotsho constituency the MDC agents counted 12 000 voters, but when the result was declared it surged to 21 000. Several rural areas recorded very high turnouts, over 70%, particularly in Mashonaland where ZANU-PF is the strongest. It seems that fraudulent ballot papers were also used.³⁶

³¹

Ibid.

³² Johnson, **Sunday Tribune**, p. 11.

³³ MacGregor, p. 31.

³⁴ **Star**, "Dark cloud only?", 18 February 2002, p. 12.

³⁵ **Leader**, "Lust for power", 22 February 2002, p. 4.

³⁶ MacGregor, p. 31.

According to Kane-Berman and Laurence, Mudede distributed the votes on television as follows:

<i>Mugabe</i>	=	<i>1 685 212 votes</i>
<i>Tsvangirai</i>	=	<i>1 258 401 votes</i>
<i>3 Other candidates</i>	=	<i>55 145 votes</i>

He then gave the total number of votes cast as 2 298 758. That is 700 000 short of the accumulated total of 2 998 758 valid votes cast for the five candidates. The logical deduction from Mudede's statement is that there were 700 000 spoilt papers, an exceptionally high and no doubt incorrect figure. A month later Mudede put the number of spoilt votes at 48 131.³⁷

The assumption is that Tsvangirai's total of 1258 401 was correct. It was then subtracted from Mudede's incorrect total of 2 298 758 valid votes. That left Mugabe and the three other candidates with 1040 357 votes. From that deduct the 55 145 garnered by the trio and Mugabe was left with 985 212 votes, or 273 189 less votes than Tsvangirai's 1258 401. But, if the 700 000 so called "spoilt papers" are added to Mugabe's 985 212 votes, Mugabe ends with 1 685 212 votes, the total allocated to him by Mudede in the official announcement.³⁸

The official number of voters on the roll was 5,6 million. It was far too high for a country with a population of only 12 million people. As research showed, the number of valid registered votes should have been just under 7,3 million. Thus, at least 1,9 million of the people on Mudede's roll do not really exist.³⁹ Besides that, the figures given by the analysts also differed a lot. It proves that there were discrepancies.

3.4 Controversial observer missions

The international and some local observers concluded that the election in Zimbabwe was severely flawed. Strangely and ironically, the observer teams from Africa accepted the outcome. The following diagramme will illustrate the controversial observations by groups who visited Zimbabwe during the presidential election of 9-11 March 2002:

³⁷ J Kane-Berman and P Laurence, "ZANU-PF's tallies for recent election 'just don't add up'", **The Sunday Independent**, 9 June 2002, p. 7.

³⁸ **Ibid.**

³⁹ **Ibid.**

OUTCOME REJECTED	OUTCOME ACCEPTED ⁴⁰
United States	Tanzania
United Kingdom	Kenya
Australia	ZANU-PF
Denmark	SA Observer Mission
Sweden	Nigerian Observer Mission
European Observer Mission	SAFCOC Observer Mission
Norwegian Observer Mission	SADC Council of Ministers
Crisis in Zimbabwe Committee	Organization of African Unity
Movement for Democratic Change	African National Congress
Zimbabwe Election Support Network	South Africa
SADC Parliamentary Observer Mission	Zambia
Ghana and Senegal	Namibia

The Norwegians were the largest European observer group at the elections after the European Union had withdrawn its team because President Mugabe had excluded some EU member states. The Norwegian group said: "The presidential elections failed to meet key, broadly accepted criteria for elections." Karen Vollan, the head of the 25-member mission said the mission found flaws with every step of the electoral process, from voter registration, to campaigning to voting.⁴¹ According to Johnson⁴² the extraordinary thing is that only the Norwegian observers seemed to have spent any time considering register defects. Most African observers were so concerned to find the poll free and fair that they actually delivered their verdicts before the results containing these abnormalities, were even declared. Ghana and Senegal were the only Africa countries rejecting the outcome.

The African response is in stark contrast to Western countries, which accused the elections of being held in an atmosphere of fear, intimidation and violence. Despite Nigeria and South Africa's individual support for the poll, the Commonwealth's 61-member observer group issued a scathing condemnation of the election, saying it did not reflect the will of the people and was held in a climate of fear. But several African presidents, including Kenya's Daniel Arap Moi and Tanzania's Benjamin Mkapa, as well as the Organization of African Unity (OAU), warmly congratulated Mugabe on the election victory.⁴³ Mr Morgan Tsvangirai accused African countries of losing their 'integrity' with the results.

⁴⁰ Citizen reporters. SAPA and AFP. "Africa stands by Mugabe victory", *Citizen*, 14 March 2002, p. 1.

⁴¹ *CNNcom/World*, "Zimbabwe vote flawed ... observers", 12 March 2002; <http://www.cnn.com/2002/World/Africa/03/12/zimbabwe.poll.index.html>.pp.1-3.

⁴² Johnson, *Business Day*, p. 9.

⁴³ C Hunter-Gault, "Africa 'damaged' by Mugabe poll", <http://www.cnn.com/2002/World/africa/03/15/zimbabwe.africa/index.html>.

Judging from the preceding paragraphs, the presidential election in Zimbabwe was conducted in an environment of strong polarization, political violence and an election administration with severe shortcomings. According to Hunter-Gault, London and Washington condemned the electoral process that returned Mugabe to power, but Dr Sam Motsenyane of South Africa said "the election should be considered legitimate".⁴⁴ Bird pointed out that in Zimbabwe, after the elections, "nothing has changed, yet everything has changed". She argued that the election results had a morbid air of predictability about it, and its consequences were far from clear.⁴⁵ Even Me Patricia de Lille found the Zimbabwean election a slippery matter to pronounce on. De Lille said that the legal framework was drastically flawed. The effect was to legalize the use of soldiers as election monitors, and it gave ZANU-PF an unfair advantage in the election.⁴⁶

According to Koinange⁴⁷ one of the difficult tasks for the monitors was to cover all the constituencies properly. However, the government was reluctant to allow independent monitoring of the elections. What happened during the voting was that across the country MDC monitors were abducted, arrested, assaulted or chased away. It is strange that some of the observer mission teams did not notice and report this.

To sum up, it is clear that observer teams from the Africa continent found the election to be 'substantially' free and fair, while groups from the western countries denounced it as flawed. The means that Mugabe used to ensure victory made the election undemocratic.

In the next section, the consequences of the presidential election in Zimbabwe will be discussed critically.

4. THE AFTERMATH OF THE ELECTION

Although President Mugabe, 78 years old, is at the helm for another six years, Zimbabwe will slide deeper into repression and economic collapse if the rule of law is not applied constructively. The future of political stability in the country looks bleak, despite Mugabe being elected for another term. According to AJ Venter,⁴⁸ Mugabe has a manipulative style of leadership and no clear ZANU-PF successor

⁴⁴ **Ibid.**

⁴⁵ M Bird, "Waiting for a change", **Time**, Vol. 159, No. 12, 25 March 2002, p. 42.

⁴⁶ C Paton, "Not quite fair, but no robbery either", **Sunday Times**, 17 March 2002, p. 21.

⁴⁷ J Koinange, "Q & A: Zimbabwe's tense election", <http://www/cnn.com/2002/Europe/africa/03/08/koinange.zimbabwe.ots/index.html>.

⁴⁸ AJ Venter, "Macro political risk for Zimbabwe at a glance", **ISSIP, Bulletin No. 5**, pp. 1-16.

has emerged. This will create a problem for future democratic elections. Disillusionment has certainly increased amongst an urban population which is highly politicized. There are real dangers that the hard-won gains of the first decade of independence may be lost in the future.⁴⁹

Mugabe cannot last forever. Yet, by clinging to power, against all reason, he looks set to ensure that much that he painstakingly built up will be torn down with him. The future of his dictatorial leadership is definitely at the crossroads. Disillusion has crept in as the economy weakens and the country faces the disaster of drought. Zimbabwe leapt from one crisis to another in the past few years. B Peta states that Mugabe seems unperturbed by the impact of the labour movement, opposition politics and the international community. He also shows no readiness to embrace civil society at large.⁵⁰

At his inauguration ceremony, Mugabe announced that he would speed up land reform, support for black farmers, companies and entrepreneurs, and the take-over of white commercial farms. He pledged to grow the economy and tourism, fight HIV/AIDS, restructure the civil service and get rid of those who do not support the government and are undermining its performance. According to Mugabe, his victory is a "triumph for democracy and stunning blow to imperialism".⁵¹

A stronger reason for Mugabe's pariah status is because under him democracy and freedom in Zimbabwe have gone backwards. Elinor Sisulu, a Zimbabwean, wrote in a South African magazine recently: "There is no reason one single Zimbabwean should have died in the past two elections. It makes a mockery of the notion of democracy. The concept of a free and fair election has been stretched so far that for many Zimbabweans it has lost all meaning. That is why we hope and pray, with every fibre of our being, that tomorrow will be another country."⁵²

Although Mugabe has won the controversial presidential election, his power base is deteriorating rapidly. He is becoming a leader under siege. How to transform an eroded autocracy into a consolidated democracy may yet become the most instructive part of Mugabe's legacy. Many lessons have been learnt from the recent elections in Zimbabwe. One is that extremely strong ruling parties, like ZANU-PF, tend to become authoritarian when not checked by vigilant opposition parties – in

⁴⁹ R Palmer and I Birch, **Zimbabwe: A land divided** (Oxford, Oxfarm Publications, 1992).

⁵⁰ B Peta, "War veterans hold key to Mugabe's power bid", **The Sunday Independent** 3 June 2001, p. 3.

⁵¹ MacGregor, p. 32.

⁵² E Sisulu, "Nation in turmoil. Special report on Zimbabwe", **Business in Africa**, April 2002, p. 28.

this case the MDC.⁵³ Presently, the idea of a government of national unity (GNU) with the opposition seems unrealistic. M Tsedu states that it is the time after the results that make many fearful. There is no sign of reconciliation between ZANU-PF and MDC at the present moment. Domestic factors, such as the growing tensions between the two major parties and the controversial land issues, have the potential to create political instability, decay and even a social crisis in the country.⁵⁴ In fact, P Hawthorne⁵⁵ argues that after the flawed election, Tsvangirai will remain the most outspoken voice of dissent against Mugabe's dictatorial regime. The Mugabe government was successful in banning opposition rallies, kept foreign election observers away and disenfranchised MDC supporters. Besides manipulation and deception the current constitution says: "The president shall take precedence over all other persons in Zimbabwe." That means the president is superior to other nationals. The president enjoys immunity from civil or criminal court proceedings while in office.⁵⁶ That is why President Mugabe has the political power to survive objections and criticism from opposition parties and other countries. The judiciary is in a sense disempowered.

TR Kapuya argued that the lesson that should be learnt from the March elections, and the subsequent political and economic situation in the country, is that the rigging of elections and the continued oppression of the people in Zimbabwe had been made 'legal' and, hence, no sustainable challenge can be made without first addressing - and fighting for - an overhaul of the Zimbabwean constitution. A popularly backed constitutional democracy is one of the most important prerequisites of any meaningful progress. Without this the vast majority of people will remain disempowered, unable to develop themselves or their nation. Kapuya said: "The right to be well governed is fundamentally more important than a mere change of government." The message here is to fix the constitution first and then think about toppling Mugabe.⁵⁷

The Electoral Institute of Southern Africa (EISA) states that Mugabe has flawed every step in the rigged election voter registration, campaigning, voting and the count. The latter one was the worst.⁵⁸ The presidential election thus has created interparty political tensions that are simply too high now to just hope that time will heal the wounds. According to Goko and Dlodlu it will demand of Mugabe to

⁵³ W Breytenbach, "The end of Mugabe?", *Africa Insight*, Vol. 30, No's 3-4, December 2000, pp. 45-50.

⁵⁴ M Tsedu, "Win or lose, it hangs on Mugabe", *Star*, 10 March 2002, p. 11.

⁵⁵ P Hawthorne, "The people's choice", *Time*, Vol. 159, No. 10, p. 42.

⁵⁶ *Business Day*, "What the current constitution says", 8 March 2002, p. 5.

⁵⁷ TR Kapuya, "Fix constitution first, then think about toppling Mugabe", *Sunday Independent*, 4 August 2002, p. 9.

⁵⁸ *Daily Dispatch*, "See no evil". Editorial Opinion. 14 March 2002, p.4.

extend a hand of reconciliation to the loser and his supporters in a real and meaningful way. At this point in time there is still a huge rift between the two political opponents. In the end the Zimbabweans will suffer.⁵⁹

5. CONCLUSION

President Mugabe, after winning the March 2002 presidential election, has an obligation to further contribute to the development of his country, not only politically, but also socially and economically. The fight for a new constitution and the creation of a government of national unity can become the true voice of the Zimbabweans. Long after the March elections have been concluded, the Zimbabweans will still be faced with the problems of famine, unemployment, HIV/AIDS and poverty. The trump card towards total reconciliation with the opposition and minority groups is in the hands of President Mugabe. The hope is that the winds of change will also blow over Harare.

⁵⁹ J Goko and J Dlodlu, "Credit to Zimbabweans for a peaceful election", **Business Day**, 11 March 2002, p. 11.