



On Restoring National Institutions and Elections

The Governance Programme (Research & Advocacy Unit)

23 March 2012

When election fever begins to afflict Zimbabwe, there are usually two major issues that have emerge strongly: an end to political violence and intimidation, and the lack of a wholly independent electoral machinery. Both have been shown to underpin the four flawed elections held since the 2000 Constitutional Referendum. However, important as it may be to stress the need for independent electoral machinery and non-violence, there is also the general observation that the probabilities of electoral fraud increase as much as a function of the lack of basic democratic freedoms and rights as they do with the lack of an independent implementing authority, and offer broader problems than mere violence and intimidation. As Lopes-Pintor, for example, has commented:

Electoral fraud is most likely to occur during elections in countries where basic freedoms and rights are not sufficiently guaranteed. From this starting point, the following hypothesis can be formulated: if electoral fraud is most likely to occur in countries where freedoms and rights are not sufficiently guaranteed, and elections in most countries today are still held under these conditions, then electoral fraud is to be expected in many elections around the world. The amount and severity of the fraud depends on the ability of government, the international community, and other social institutions (political parties, independent media, civil rights advocates, monitoring organizations, etc.) to effectively protect the freedoms and rights of voters and candidates.¹

Zimbabwe would undoubtedly fit the typology of a country in which basic freedoms and rights are not guaranteed, and indeed, since 2000, Zimbabwe has consistently been described in the annual Freedom House reports as a country that is “not free”². Zimbabwe is also a country that has in the past decade received failing grades for the elections held over this time, but not universally condemned, however, for these elections. Whilst the US, the European Community, and the Commonwealth (to mention a few) roundly condemned the elections in 2000 and 2002, the AU, SADC and other countries have endorsed these elections, at least until the Presidential re-run in June 2008, when virtually nobody could say a good thing about it or recognise the result.

However, the problem is that elections, important as they are in Zimbabwe, have become crucial in determining the legitimacy of the ZANU PF regime in the eyes of the AU and SADC. As was commented in 2005:

¹ See Lopes-Pintor, R (2010), *Assessing Electoral Fraud in New Democracies. A Conceptual Framework*. December 2010. INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS.

² Zimbabwe shares this dubious honour with number of other countries too frequently in the news for violations of human rights and basic freedoms: Afghanistan, Algeria, Azerbaijan, Belarus, Cambodia, Cameroon, Chad, Congo-Brazzaville, Congo-Kinshasa, Cote d'Ivoire, Egypt, Equatorial Guinea, The Gambia, Guinea, Iraq, Iran, Kazakhstan, Mauritania, Russia, Rwanda, Sudan, Tajikistan, Tunisia, Turkmenistan, and Uzbekistan.

While elections are not the only rubric for determining the legitimacy of a state, they have become increasingly important. In Zimbabwe, in the past five years, elections have been elevated to the only constitutive principle for determining legitimacy, aided considerably by the position of the African nations, and South Africa in particular. The rule of law, the independence of the judiciary, human rights and good governance, while generally accepted as additionally crucial to legitimacy and democracy, have been minimised in the Zimbabwe context by African countries, but not by the Western world in general. African countries, frequently led by South Africa, have been responsible not only for validating elections, but also for quashing motions in international meetings that would have been condemnatory of Zimbabwe's recent record in the observance of human rights and the rule of law.³

These observations on the 2005 Parliamentary election remain as pertinent today, especially with the possibility that the next purported elections will probably resemble 2005 rather than June 2008 or March 2002. The reference to 2005 is important, for, whilst overt violence creates no problems for observers in determining the validity of elections, the more subtle combinations of intimidation, treating, and poll rigging are not similarly simple to detect. In 2005, the lack of overt violence was treated as a vast improvement on the previous elections in 2002 and 2000, even by the MDC's own admission. However, more careful monitoring and analysis indicated that the election was considerably less than acceptable.

As was demonstrated by careful statistical analysis, the violations of freedoms of assembly, association, and movement, some political violence (and considerably more intimidation), and the political use of food aid were all significantly related to the presence in constituencies of state agents, militia, and militia bases. And these two sets of variables were noticeably more present in constituencies lost by ZANU PF in 2000, and then won by ZANU PF in 2005. However, the important point to make here is that the monitoring in 2005 had focused on more subtle indicators of electoral fraud – intimidation, threats, discrimination in humanitarian assistance, etc. – rather than the more gross indicators that had received enormous attention in the two previous elections, and had shown that intimidation could sway a result.

However, it is also important to bear in mind that the elections proposed by Mugabe for 2012 may well not resemble 2005, and could rather resemble 2002 or 2008. The rationale here is that Presidential elections, because of the over-weening powers of the Presidency, raise the stakes enormously, and seem inevitably to require massive violence, and, when every survey for the past three years shows Robert Mugabe trailing Morgan Tsvangirai by dozens of percentage points, the probability of a violent election must be high.

The importance of election machinery

Now, important as violence and intimidation are (and we will have more to say about this later), they are not the only ways in which elections may be stolen, and recent analyses of the range of possible frauds in elections suggest that the monitoring of elections needs to consider much more than violence and intimidation.

There have been a number of important papers on electoral fraud in recent years, including the one cited above. Schedler (2002), for example, outlined a framework for understanding the range of possible irregularities, briefly described in the table overleaf⁴. This table is reproduced in full because it is important to be aware of the enormous range of possible rigging strategies and

³ Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

⁴Schedler, A, (2002), *The Menu of Manipulation*, Journal of Democracy, Volume 13, Number 2, pp. 36-50.

tactics, as well as the timing of these. Not all rigging strategies operate in the immediate election period; some happen many months before an election is even mooted.

Dimensions of Choice	Normative Premises of Democratic Choice	Strategies of Norm Violation
The Object of Choice	<i>Empowerment</i> : Democratic elections involve the delegation of decision-making authority.	• <i>Reserved positions</i>: limiting the scope of elective offices; • <i>Reserved domains</i>: limiting the jurisdiction of elective offices.
The Range of Choice	<i>Freedom of Supply</i> : Citizens must be free to form, join, and support conflicting parties, candidates, and policies.	• <i>Exclusion of opposition forces</i>: restricting access to the electoral arena; • <i>Fragmentation of opposition forces</i>: disorganising electoral dissidence.
The Formation of Preferences	<i>Freedom of Demand</i> : Citizens must be able to learn about available alternatives through access to alternative sources of information.	• <i>Repression</i>: restricting political and civil liberties; • <i>Unfairness</i>: restricting access to media and money.
The Agents of Choice	<i>Inclusion</i> : Democracy assigns equal rights of participation to all full members of the community.	• <i>Formal disenfranchisement</i>: legal suffrage restrictions ; • <i>Informal disenfranchisement</i>: practical suffrage restrictions.
The Expression of Preferences	<i>Insulation</i> : Citizens must be free to express their electoral preferences.	• <i>Coercion</i>: voter intimidation; • <i>Corruption</i>: vote buying.
The Aggregation of Preferences	<i>Integrity</i> : One person, one vote. The democratic ideal of equality demands weighting votes equally.	• <i>Electoral fraud</i>: “redistributive” election management; • <i>Institutional bias</i>: “redistributive” electoral rules.
The Consequences of Choice	<i>Irreversibility</i> : Elections without consequences do not qualify as democratic.	• <i>Tutelage</i>: preventing electoral officers from exercising their constitutional duty; • <i>Reversal</i>: preventing victors from taking office, or elected officers from concluding their constitutional terms.

The value of this framework lies in the laying out of the range and timing of possible electoral irregularities, and, as can be seen, there is considerably more than the absence of violence for an election to be seen as valid.

This framework is given added depth by an important paper by Daniel Calingaert, who gives examples of most of the kinds of frauds outlined by Schedler⁵. Even a brief reading of these two papers, and the Lopes-Pintor paper too, again leads to the conclusion that many of these frauds have been evident in recent Zimbabwean elections⁶. For example, there is extensive evidence that all Zimbabwean elections since 2000 have seriously restricted the *range of choice*, the *formation*

⁵Calingaert, D, (2006), *Election Rigging and How to Fight It* Journal of Democracy. Volume 17, Number 36. 38-151.

⁶ For in-depth analysis of all the issues surrounding the 2008 elections (as well as the problem of the GPA and GNU) see Matyszak, D. A (2009), *Civil Society and the Long Election*, in E.V. Masunungure [Ed], *Defying the Winds of Change. Zimbabwe's 2008 Elections*. HARARE: WEAVER PRESS, and Matyszak, D.A (2010), *Law, Politics, and Zimbabwe's 'Unity' Government*, KONRAD ADENAUER STIFTUNG in association with the Research and Advocacy Unit [RAU].

of preferences, the *agents of choice*, and the *expression of preferences*. Opposition parties have had their access to the rural areas restricted through the creation of “no go” zones, citizens have been disenfranchised through the removal of their citizenship due to their remote “*alien*” parentage, and, of course, there has been widespread coercion through violence and intimidation, especially in the rural areas. But there have also been allegations of ballot stuffing, prevention of opposition electoral agents attending the vote and the count, and even the simplest strategy of making up the results, as was probable in both the March and June 2008 polls for the Presidency⁷.

Awareness of the types of fraud is probably critical in “fragile” democracies such as Zimbabwe, and an important question here is too what extent have the candidates to any of the elections in Zimbabwe been aware of the ways in which fraud may operate. This is an important question because, without such knowledge, prospective candidates are not in a position to gather the kinds of evidence that would allow them to challenge a fraudulent result. Often candidates are not aware that an election petition requires evidence that either shows clearly that a candidate violated one of the provisions of the Electoral Act, or that the circumstances in the election – violence, intimidation, etc. – had a determining effect on the **result** of the election.

Now, it is undoubtedly clear all these forms of electoral fraud and manipulation are considerably more difficult if the election machinery is wholly independent of political party influence, and has full control of the electoral process all the way through from delimitation to counting and the declaration of the result. Violence and intimidation, though, are difficult for an electoral management body to control, more particularly if the agencies and bodies that are responsible for enforcing the law and preventing violence are not under the control of the electoral management body. This is especially the case in Zimbabwe where the critical national institutions necessary for preventing violence and allowing unlawful influencing of preferences, are wholly under the control of one part of the governing regime.

Thus, it is critical to the holding of genuine, democratic elections that national institutions, such as the police, local authorities, traditional leadership, the Office of the Attorney-General, and the media do not show partisan support for one party or another, but operate according to their constitutional and legal mandates. It is not merely critical for elections alone, they are fundamental to the untrammelled life of ordinary citizens, and hence calls for the Restoration of National Institutions are not merely to raise the need for effective control of the electoral environment, but are crucial to everyday life and post election democracy⁸. The recent illegal decision of the Governor of Masvingo Province to “*ban*” NGOs from operating in this Province is a simple example of the ways in which a national institution acts in defense of one partisan interest and to the detriment of the ordinary citizens.

What does Restoring National Institutions mean?

Before answering this question, it is necessary to briefly outline the ways in which National Institutions have been captured by the ZANU PF regime, and how this affects the life of citizens and elections. Although this can be easily inferred from the plethora of reports from 2000 onwards, the most startling demonstration of this malevolent influence was described in

⁷ On the Presidential polls in 2008 see RAU (2009), *Hear no Evil, See no evil, Speak no evil: A critique of the Zimbabwe Electoral Commission report on the 2008 General Elections*. Report produced by Derek Matyszak (Senior Researcher). July 2009. HARARE: RESEARCH & ADVOCACY UNIT.

⁸ Here see *Zimbabwe: Restoring National Institutions*. 16 August 2011. Research and Advocacy Unit, SAPES, Solidarity Peace Trust, Zimbabwe Human Rights NGO Forum, & Zimbabwe Liberators Platform. See also *2012 elections or another GNU?* Ibbo Mandaza. The Zimbabwe Independent. 16 February 2012. [<http://www.theindependent.co.zw/>].

considerable detail in a report from 2010⁹. This report was based on an in-depth study of 15 constituencies that had been reportedly amongst those in which the violence in 2008 had been most extreme -*Epworth, Bubera South, Hurungwe North, Hwedza South, Makoni South, Maramba Pfungwe, Mazoe North, Mt Darwin South, Mudzi North, Muzarabani North & South, Mwenze West, Nyanga North, Shamva South, Uzumba South, and Zaka West*.

This report gave empirical support to the assertions, made continuously by human rights organisations (both Zimbabwean and international) that there is a complex system of interlocking agencies, bodies, and groups that implement a repressive system. As the report points out, the army (in limited numbers), the police (pretty much in its entirety), the CIO, local government officials, and traditional leaders are all placed in important places of authority (and empowered by legislation)¹⁰, and these agencies are supplemented by a large range of proxy forces – “*war veterans*”¹¹, youth militia, ZANU PF supporters (including Members of Parliament), ZANU PF Youth, and even teachers and officials of the Ministry of Education¹².

This formidable array of forces is organized on a district-by-district basis, with a wide range of places of assembly – “*bases*” – which form the hub for all repression in District. The consequence for ordinary citizens is a system in which every aspect of their civic lives can be scrutinized and reported upon, access in and out of the area can be controlled, access to resources can be influenced, and selective violence and intimidation perpetrated. As was pointed out earlier, the effect of this organized system can have a determining effect even on elections such as the 2005 Parliamentary election in which overt violence is apparently minimal. It is also evident that this system can be deployed at will, as well as being able to calibrate the levels of violence and intimidation, and particularly in respect of Presidential polls¹³.

However, outside of elections, this same system has a severely inhibiting effect on normal civic life. It is common knowledge that ZANU PF regards the rural areas of Zimbabwe as their fiefdom, insisting that all persons, bodies, organisations, and the like are subject to their approval if they wish to conduct any activity in a rural area. The term “*no go area*” has been a litany since 2000, and the media resound with reports of ZANU PF stalwarts stating that no non-ZANU PF party or organization shall be allowed to influence their hold over the people. This, of course, is totally at odds with “*normal democracy*”, and, as the quote from Lopes-Pintor pointed out, such a state of affairs is highly likely to lead to flawed elections. Without the untrammelled freedoms of speech, association, and movement, citizens are unable to conduct normal life let alone elect the person or party of their choice.

⁹ See the report *The Anatomy of Terror* for extensive detailing of this. Available at <http://www.sokwanele.com/node/2334>.

¹⁰ Here see Matyszak, D.A (2010), *Formal Structures of Power in Rural Zimbabwe*. November 2010. HARARE: RESEARCH & ADVOCACY UNIT and Matyszak, D (2011), *Zimbabwe's Security Sector – Who calls the shots?*. July 2011, HARARE: RESEARCH & ADVOCACY UNIT.

¹¹ War veterans are italicised in order to emphasise that it is contested at the very least whether the so-called “*war veterans*” are genuine former freedom fighters, or merely another proxy force used by ZANU PF for political action and rhetorical purposes.

¹² Here see PTUZ (2012), *Every School has a Story. A Preliminary Report on Teachers Experiences of Elections in Zimbabwe*. Report produced by PTUZ and RAU. February 2012. HARARE: PROGRESSIVE TEACHERS UNION OF ZIMBABWE and RESEARCH & ADVOCACY UNIT.

¹³ For example, contrast the levels of violence and intimidation between the 2008 Parliamentary elections and the June 2008 Presidential run-off.

Restoring National Institutions

As was pointed out above, there is a very large range of agencies, organisations, and groups involved in the on-going repression, but not all of these can be described as “*national institutions*”. The term applies to only those bodies or persons appointed or established under law and regulation, and this means the army, the police, the CIO (dubiously operating under law), local government officials, traditional leaders, teachers, and the Office of the Attorney-General. It is axiomatic that, if these above-mentioned act totally under their legal mandates, it is not possible for the proxy forces – “*war veterans*”, youth militia, ZANU PF Youth, and ZANU PF supporters – to be violent or intimidatory: the application of the law will put a stop to their illegal activities in short order.

Looking at a frequently reported example may make the need clearer. Suppose a group of “*war veterans*”, youth militia, ZANU PF supporters, and ZANU PF Youth go to the house of a “*suspected*” supporter of MDC-T, beat up the head of the household and his son, rape his wife, steal his possessions and livestock, and burn down the house – a collection of crimes that has been frequently reported (and not only during elections) – it is very clear what the representatives of the national institutions MUST do. It is equally clear that in practice they never follow the required mandates and procedures.

A Village Head must, in terms of Section 12(1)(l) of the Traditional Leaders Act, do the following:

“...to assist, by all means in his power, in apprehending and securing offenders against the law and generally to ensure observance of the law by all inhabitants, and immediately to report any contravention of the law to the police.”

He cannot ignore this set of crimes, but must take active steps, at the very least to report to the police. He cannot claim that the matter is “*political*” and do nothing. The police, whether the report comes from the Village Head or the victims themselves, must immediately investigate, and, if the evidence indicates that crimes have been committed, identify the perpetrators, arrest them, charge them under the relevant section(s) of the criminal law, and arrange for the perpetrators to be arraigned before a court no later than 24 hours, or proceed by summons if the crime is more in the nature of a misdemeanor. The police cannot argue that the matter is “*political*” and do nothing. Furthermore, in order to ensure that the police are immune from political influence, the police, according to the Police Act must be explicitly non-partisan and apolitical¹⁴:

Police officers are not permitted to actively participate in politics, and are thus enjoined to maintain a clear division between their duties as police officers and political affiliations and sympathies. A member is regarded as in breach of this injunction if he or she joins or associates himself or herself with a political organization; canvasses any person in support of, or otherwise actively assists, a political organization; displays or wears political regalia; attends a political meeting or assembly when wearing the uniform of the Police Force or any part of such uniform likely to identify him or her as a Regular Force member unless as part of his or her duties; asks questions from the floor at a political meeting; publishes views of a political character or causes them to be published in any manner or media; or does any

¹⁴ See Paragraph 48(1) of the Schedule to the Police Act.

*other act whereby the public or any member thereof might reasonably be induced to identify him or her with a political organization.*¹⁵

This is a very explicit set of proscriptions on the behavior of the police, and hence it is immediately obvious that the Commissioner-General, Augustine Chihuri, is in clear breach of the Act when he publicly states that he is ZANU PF to the core: he should resign or be sacked.

The Office of the Attorney-General, on receiving the crime report from the police, and being aware that there are prima facie allegations of crimes having been committed, shall arrange for the prosecution of the offenders. This Office too cannot claim that any of these matters are “political”. If all do their legally mandated duties, “war veterans”, youth militia, ZANU PF Youth and supporters will all have to act within the law or face the wrath of the law.

Now, it seems evident that there should be no need for anyone to question the operations of these agencies- they are supposed to act within clear legal frameworks - but, in fact, we must, for they have all been captured by ZANU PF, and their coordinated action, or often inaction in respect of required action, allows the non-state agencies the freedom to act illegally with impunity.

Restoring National Institutions

An age-old question marches before us when we consider this problem: who will guard the guards? When all the national institutions are overtly partisan, and, as we have seen, are mutually supportive, it is the citizens that must provide the oversight. Here the oversight function of Parliament, as the elected voice of the citizenry, is crucial, and Parliament must be considerably more diligent and assertive than it has been to date. For example, and in respect of the electoral machinery, Parliament requires that the Zimbabwe Electoral Commission [ZEC] present a report from each and every election that takes place: this report must be timeous and be debated. ZEC’s report on the 2008 elections was hardly timeous as law requires, and, furthermore, was a total travesty¹⁶. Given all the subsequent complaints about the composition of ZEC and its Secretariat, it is a matter of deep concern that this report was not debated prior to the establishment of the new ZEC.

Another example is the testimony of the Commissioner-General of the Zimbabwe Republic Police, Augustine Chihuri, to the Parliamentary Portfolio Committee in March 2011. It is evident that the Committee members did not task the Commissioner-General with the enormous number of cases in which the ZRP have been involved in political violence or been derelict in their duty to deal with violence, let alone his own violation of the Police Act through publicly expressing his support for ZANU PF. It did not seem that the Committee members had done their homework sufficiently to task the Commissioner-General with the concerns of the many citizens that had been victims of police brutality or indifference. The Commissioner-General is required to present the Ministers of Home Affairs with an annual report detailing the activities of the Police Force for the year and the action taken in regard to policy directions given to him by the President and Minister of Home Affairs during the year. The Minister must lay this report before Parliament. Parliament does not appear to be taking any action to ensure compliance with this provision.¹⁷ Parliament must clearly do better than this, and more assertively investigate and

¹⁵ See again Matyszak, D (2011), *Zimbabwe’s Security Sector – Who calls the shots?*. July 2011, HARARE: RESEARCH & ADVOCACY UNIT.

¹⁶ See again RAU (2009), *Hear no Evil, See no evil, Speak no evil: A critique of the Zimbabwe Electoral Commission report on the 2008 General Elections*. Report produced by Derek Matyszak (Senior Researcher). July 2009. HARARE: RESEARCH & ADVOCACY UNIT.

¹⁷ Section 13 of the Police Act [Chapter 11:10].

challenge those responsible for national institutions to adhere to the law and their enabling legislation. It is not merely the need to repeal repressive legislation that is required of the Government of National Unity, but the need to haul the agencies that are in breach of their constitutional duty before Parliament and use their powers (limited as they might be) to insist upon compliance with the law.

But there is much more to be done than merely the reform of ZEC or increasing oversight by Parliament. As was pointed out in an opinion piece last August¹⁸, Zimbabwe requires an overhaul of its security sector governance; not security sector reform as so many are demanding for this is a lengthy and complicated process, but the mere ensuring that those in charge of the security sector are brought wholly under civilian control. This means that their appointments must be AGREED between the President and Prime Minister, and it means that the Prime Minister must stand firm on his demands to be consulted and to agree with any appointment: failure to do so is to be once again complicit in unconstitutional actions. This is the full implication of the GPA and Constitutional Amendment 19, notwithstanding the erroneous and misleading comments of the Attorney-General.¹⁹

It is matter of urgency that the security chiefs are in no doubt that their responsibility is to the state and not to a regime, and, furthermore, it is imperative that they report to a wholly civilian body: the National Security Council as it currently is constituted is insufficient – the service chiefs should not be members of this body (even *ex officio*), but must report to the body. The guards cannot have a say in the overseeing of their guarding!

Outside of ensuring effective security sector governance, there remains the duty of Zimbabwean citizens to ensure that the police, local government officials, traditional leaders, the Office of the Attorney-General, the media, and the education system adhere to their responsibilities in law. Citizens and citizen groups must become the watchdogs. They must know and understand the powers, duties, and limitations of powers of all these bodies and agencies, and they must report all failures and abuses to the relevant authority (and in the case of the GPA, to the Joint Monitoring and Implementation Committee – JOMIC). They must impress upon the members and management of all these agencies the need to adhere to law, regulation, and their duty to the nation, not to merely one political party.

To give one example, as pointed out earlier members of the police force are not allowed to belong to a political party, and therefore it is the duty of the police force itself to enforce this. When it does not (and the most senior member of the force unashamedly declares a political affiliation to ZANU PF), the citizens must go in action and report every policeman that is known to belong to a political party, or who acts in support of a political party when it is not a clear duty to the public. Citizens thus must actively monitor the police, and report political affiliation of members of the police, certainly to JOMIC. In this way, it may be possible to pressure the ZRP into behaving responsibly, and in terms of the Police Act. This can only be good for ordinary civic life, and even better for elections.

It might be added that there are strong reasons for citizens to protest the continued issue of weapons of war to the police. Zimbabwe is not in a state of war, nor is there a state of emergency, and furthermore, despite the wholly spurious claims of ZANU PF that the MDC-T

¹⁸ See again *Zimbabwe: Restoring National Institutions*. 16 August 2011. Research and Advocacy Unit, SAPES, Solidarity Peace Trust, Zimbabwe Human Rights NGO Forum, & Zimbabwe Liberators Platform.

¹⁹ This is the case without doubt, and here see Matyszak, D (2012), *A note on the Appointment of the Service Chiefs*. January 2012. HARARE: RESEARCH & ADVOCACY UNIT. All senior appointments, irrespective of the term of office, must be done “in consultation” – that is, with the AGREEMENT of – the Prime Minister.

is a violent organization, there is little evidence to suggest that this is the case: Zimbabwean opposition groups (all of them) have repeatedly stated their commitment to peaceful civic action. Hence, the justification for the police to be armed with automatic weapons is specious in any way that ZANU PF wishes to argue this. Citizens must demand a return to “normal” policing practices, practices that have been wholly absent since the Food Riots in 1998.

Another example lies in the education field. It is evident that schools have been used as “bases”, teachers have been attacked because of their perceived political party or union affiliations, and that school children have witnessed extreme violence and intimidation. Schools must be declared neutral zones, protected from being used as places of violence, and teachers must be protected from violence and intimidation²⁰.

The point here is not to outline all the actions that should be taken by citizens, rather it is to point out that citizens have a duty and a responsibility to ensure that action is taken to restore national institutions to service for the nation. Clearly there is much more to be said, and even more to be done: this means scrutiny of all the agencies mentioned earlier, not merely the police and the education sector, but must also focus upon local government, the traditional leaders, the Office of the Attorney-General, and the media.

Conclusions

Whether we are talking about elections or “normal” civic life, it seems evident that much needs to be done before Zimbabwe could be seen once again to approximate a democracy. It is evident that much must be done to ensure that elections conform to just the minimum standards advocated by SADC, and considerably more if the range of possible rigging strategies is to be reduced. However, even if the necessary reforms to the electoral law and the implementing body take place, and even if a new constitution emerges out of the very conflictual constitutional reform process, little of this will matter if the institutions that must support the constitution and the electoral machinery are not brought under full civilian control, and serve the citizenry as a whole. Restoring our badly compromised national institutions is not an adjunct to electoral and constitutional reform, it will be fundamental to the success of these reforms, valid elections, and indispensable to civic life as a whole.

²⁰ The need for the protection of teachers, pupils, and schools is now subject to concerted international action under the Global Coalition to Protect Education from Attack. It is matter of national shame that Zimbabwe, with its enviable reputation if Africa for its education system, should now be on the agenda of this international initiative. Here see Global Coalition to Protect Education from Attack, *Report from the Knowledge Roundtable on Programmatic Measures in Prevention, Intervention and Response to Attacks on Education*. November 8–11, 2011 | Phuket, Thailand