



THE NUMBERS GAME: WHAT COULD COME AFTER MARCH 29TH? Research and Advocacy Unit & States in Transition Observatory

The forthcoming elections are provoking considerable excitement, mainly over whether Robert Mugabe will survive the most serious challenge yet to his political hegemony over Zimbabwe. However, it seems very difficult to anticipate what outcomes there could be in early April. In part this is because the electoral laws need some clarification, particularly the apparent conflict between Section 110(3) and Paragraph 3 of the Second Schedule of the Electoral Act, and in part because of the very complicated political situation in Zimbabwe and the apparent splits within ZANU PF over whether Mugabe should remain in power.

Dealing with the first issue, Section 110(3) of the Electoral Act states that the winner in the first round of a Presidential election must have an absolute majority of the valid votes cast, however Paragraph 3 suggests that the Chief Election Officer has the power to declare as the winner the candidate with the "greater" or the "greatest" number of votes. Paragraph 3 of the Second Schedule is a hangover from the previous Electoral Act, and, if the principles of good legislative interpretation are followed - which may not be the case - then the substantive clause, Section 110(3), should prevail.

The relevance for this discussion is that Mugabe may fall back on what one commentator has called the "sophisticated" Kibaki strategy if he fails to get the absolute majority he needs. He gets the Chief Election Officer to declare him the winner, even if he only gets 49% or less of the vote - as long as he has more than the others - and then argues the toss in the courts, if the losing candidates feel that they can take this option. He can avoid the "crude" Kibaki strategy - of just getting himself declared the winner - by using the contradiction in the Electoral Act between Section 110(3) and Paragraph 3 of the Second Schedule.

However, elections are complex processes, and, whilst they are evidently about the transfer or maintenance of political power between parties, they are also about popularity, and it is popularity that gives credibility to the transfer or maintenance of political power. In the current "harmonised" elections, this means that credibility for the various political parties will come from having won both the presidential and the parliamentary elections, and with what kind of majority they obtain this win.

So, for Mugabe, it is essential that he and ZANU PF win both the presidential and the parliamentary elections with clear majorities. This will allow him to be sworn in by the Chief Justice, to demand the allegiance of the armed services and chiefs and to continue to claim sovereignty and forestall any external interference. If he were to win the presidency, but lose the parliament or have the opposition get a blocking third of the seats, as they did in 2000, he will have considerable difficulty governing, let alone convincing the world at large that he remains a popular leader.

Now, for the first time in Zimbabwe's history, it is not a forgone conclusion that ZANU PF will win, and we are faced with a multiplicity of contenders of real substance. We have four candidates for the presidential election, with three very substantial and plausible candidates. We have two major parties, ZANU PF and MDC, contending for the parliamentary, senate, and local government elections, but we also have a large number of "independents"; some of whom are genuine independents, and some of whom are supporters of Simba Makoni (a presidential contender) but probably owe their allegiance to ZANU PF. We also have many indicators of severe dissatisfaction with Mugabe within ZANU PF, but it is impossible to know how extensive this is and how this will affect the presidential election. Whilst the dissatisfaction with Mugabe can have

very powerful effects on the presidential election, it would seem probable that this will not translate into dissatisfaction by the electorate with the party. ZANU PF "dissidents", whether public or not, will want the party to win, but probably not want Mugabe to continue as President.

All of this suggests a large number of possible outcomes, which are dependent on a wide range of factors; the effectiveness of all the current vote buying, the success of rigging, the control of the electoral machinery, and, of course, the ways in which the electorate will vote. After all, elections are empirical events, and numbers count in the final analysis. So whatever the flaws, it will matter what the turnout looks like, and whether the numbers are plausibly distributed. Focusing on all the factors that make up a free or flawed election is important, but if we focus on what can happen with the numbers, irrespective of the validity of the process, it is possible to see that these elections can have many different results. The table below summarises the possible outcomes, both presidential and parliamentary, and looks at these with regard to the major interest in these elections: will Mugabe stay or go?

	Presidential result	Parliamentary result	Risk to Mugabe
Mugabe wins: with real majority, rigged poll, "sophisticated" Kibaki option, or "crude" Kibaki option.			
Clear result	Mugabe wins with more than 50%	Zanu PF gets more than 2/3	Safe
Clear result	Mugabe wins with more than 50%	Zanu PF gets less than 2/3	Vulnerable
Clear result	Mugabe wins with more than 50%	MDC [opposition] gets 50% to 2/3	In danger
Run-off in Presidential election: No absolute majority for any candidate			
Mugabe v Tsvangirai	Mugabe wins	Zanu PF has more than 2/3	Possible trade off with Makoni faction
Mugabe v Makoni	Mugabe wins	Zanu PF has more than 2/3	Possible trade-off with Makoni faction
Mugabe v Tsvangirai	Tsvangirai wins with Makoni support	Zanu PF has less than 2/3 or even no majority	In danger
Mugabe v Makoni	Makoni wins with Tsvangirai support	Zanu PF has less than 2/3 or even no majority	Vulnerable
Mugabe v Tsvangirai	Tsvangirai wins on own, or with Makoni support	MDC[opposition] has majority or more than 2/3	In serious danger
Mugabe v Makoni	Makoni wins on own, or with Tsvangirai support	MDC[opposition] has majority or more than 2/3	In danger

Taking the first scenario, which is predicated on Mugabe winning the presidential election, it can be seen that there are three sub-scenarios. Here it is assumed that Mugabe may have won (legitimately or not) and, of course, an illegitimate victory will probably be challenged by the losers, whether in the courts or by other political action. A clear majority is seen as questionable in all three subscenarios as, on present evidence, it does not seem that Robert Mugabe is very popular anywhere in the country. But, notwithstanding the manner of victory, it can be seen that

this victory may be accompanied by a series of different developments. ZANU PF could win the parliamentary elections with either a clear two-thirds majority or less than this. ZANU PF could also end up with less than a majority and even less than two-thirds.

In the first sub-scenario, Mugabe would be president and, assuming that his candidates of choice win their seats in the parliamentary elections, we remain in the status quo. He can govern, use his Presidential powers, make changes to the constitution, pass budgets, and keep the world off his back. Court challenges to his victory he can manage, as he has done before, by just dragging the process out interminably, and, providing the army continues its support, he can deal easily with internal dissent. His own personal safety would seem assured here.

In the second sub-scenario, Mugabe would not have quite the same legislative powers, and his credibility would be severely damaged by the demonstration that his party is no longer as popular as it appeared in 2005. He would also be vulnerable to parliamentary attack if ZANU PF dissidents were to start allying themselves with the positions of the opposition, and the fractures within ZANU PF might become more and more apparent.

The third scenario would leave Mugabe in obvious danger. If the opposition - MDC and independents - were to have either a majority in parliament, or more seriously had a greater than two-thirds majority, he would not be able to govern at all, could be vulnerable to direct personal attack by impeachment or the like, and his political credibility would be irrevocably damaged. Furthermore, if his victory was not genuinely won, he would be in very serious trouble in this situation.

However, having three substantial candidates for the presidential election raises other possibilities, and the most likely is that no one gets an absolute majority in the first round. This seems very possible, given that Tsvangirai obtained 42% of the vote in 2002, and these were genuine votes. Assuming some loss of popularity for Tsvangirai, it still seems likely that he would get about 35% of the vote. Makoni would then only need to get 15% for there to have to be a run off, and, given the reported dissatisfaction within ZANU PF for Mugabe's continuation in power, this might be a little on the conservative side. A betting man would not agree with Makoni that he will get 70% of the vote, but it would seem a safe bet to suggest that he will do much better than a mere 15%. If the electorate split their votes between Tsvangirai and Makoni, then Mugabe might even go out at the first round, but this seems unlikely.

Thus, a run-off seems very probable and opens up many more scenarios, as was seen from the table above, none of which look very promising for Mugabe, and here the results of the parliamentary elections become crucial. It should be remembered that the run-off will take place three weeks after the parliamentary elections should have been finalised, so the balance of forces in the parliament will be known. In the two sub-scenarios where ZANU PF has won a clear two-thirds majority in parliament, Mugabe has the possibility of doing a deal with the malcontents in the party. If he has to run off against Tsvangirai, he may be able to persuade the Makoni faction and others to support him, probably in exchange for a clear process of succession to Makoni. This will depend enormously on whether the ZANU PF malcontents will trust Mugabe to keep his word, and also on the support that they have already in parliament. Constitutional Amendment 18 provides for the election of the President by parliament, so succession could happen quickly, but whether the dissidents will trust Mugabe will depend on who the chosen heir or heiress is, and how confident they are that they can control Mugabe in parliament.

Nonetheless, these two scenarios do leave Mugabe vulnerable and having to bargain from a position of weakness, which will be an unusual experience for him.

The sub-scenario where the opposition has a blocking third in parliament is considerably less comfortable for Mugabe. In the event of a run-off against Makoni, he faces the clear danger that the opposition will throw their support with Makoni and he will lose. Even if he were to win, he would have all the difficulties in governing mentioned earlier, plus his own credibility would be

seriously questioned due to the evident demonstration that he is not popular. He would also have great difficulties in making some sort of deal with his dissidents as electing his successor through parliament might be problematic: the opposition and the Makoni supporters would have much more power in determining the choice of heir, which would not suit Mugabe at all.

The other sub-scenarios, where the opposition has a majority or a two-thirds majority in parliament, place Mugabe in much more danger. A run-off against Tsvangirai, where the opposition already had a majority, could easily lead to a Tsvangirai victory, where the electorate sense an easy opportunity to get rid of him, and the poll might then become a test of his popularity only. Much the same could happen with a run-off against Makoni, but the difference here is that the opposition would not fear a Makoni presidency since they control the house. The key here is that even the rural electorate might sense Mugabe's weakness and take the opportunity to shift allegiances, and this might not be so unlikely against the background of the economic crisis and the very palpable food shortage. Although the general trend in the rural electorate has been to vote for whom they think will win, and this has been so clearly Mugabe to date, the politics of patronage might well fall apart in the run-off situation where the rural populace get the notion that Mugabe will lose.

So, making the assumption that the process of the elections do not matter essentially, it can be seen that Robert Mugabe will only be secure in one of the nine scenarios outlined. Unless he can ensure, by either his popularity or rigging, that he wins the presidential election by an absolute majority, and that ZANU PF has an unassailable majority in parliament, all the other outcomes place him at risk. Some place him at much greater risk than others, but in general the possibilities suggest that his days are very definitely numbered. And even if he were able to achieve the very first scenario, that he and ZANU PF win handsomely, it is evident that the political terrain has dramatically shifted in the past six weeks, and that a political transition of sorts is now happening. However, much will depend on the results of these elections, and many strange things can still happen.