



## EXCELGATE: how Zimbabwe's 2018 Presidential election was stolen

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Innocent Batsani-Ncube

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Sabine Burghart

*Faculty of Social Sciences, Centre for East Asian Studies, University of Turku, Turku, Finland*

 sabine.burghart@utu.fi  <http://orcid.org/0000-0002-1449-3323>

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The study of electoral politics of Zimbabwe is one of the most established areas of inquiry in African studies. After each electoral cycle academic outputs ranging from book chapters, commentaries, journal articles and monographs are produced. The underlying thread in this work, especially in recent years, has been the attempt to explain how the ruling ZANU-PF – whose governance record leaves a lot to be desired – ‘wins’ elections. One major limitation of these studies has been the lack of access to, and/or the full understanding of the workings of the deep state, which is euphemistically called ‘the system’ in Zimbabwe. For all intents and purposes ‘the system’ is believed to be in control of the levers of power, deeply embedded in the electoral management body, the Zimbabwe Electoral Commission (ZEC) and consequently determines electoral outcomes. For example, while the studies have identified the game-changing role of ‘the system’ in its various iterations such as party-state conflation and military-political-business networks, they have not been able to provide granular details of how this actually happens. Jonathan Moyo’s book – a result of a ‘forensic case study’ of constitutional court papers produced by parties in the Zimbabwe 2018 Presidential Election petition – provides this missing piece and more.

Drawing on court records, ZEC reports, his contacts and previous experience as a participant observer in the ZANU PF inner sanctum, Moyo details how ZEC rigged the 2018 Presidential election result. The central thesis of the book is that by midnight of July 30, ZEC had recorded election returns from the 10 985 polling stations across the country into a computer server and the tally showed that the ZANU PF candidate Emmerson Mnangagwa had lost the election to opposition candidate Nelson Chamisa. Ostensibly at the behest of ‘the system’, ZEC failed to change the result in the server due to technical complexity (4). Upon abandoning this plan, ZEC opted for brazen rigging through creating a new but illegal Presidential election results transmission method. This new route skipped the constituency and provincial collation centres by sending the 10,985-polling station election returns from the 1985 ward collation centres straight to the ZEC national command centre. At the national command centre a group of people were tasked with inputting the polling station election returns into an excel spreadsheet. The title and thrust of the book emerge from this scenario. Apart from the fact that this exercise was manifestly illegal as it violated the provisions of the electoral act and the statutory ZEC

guidelines, Moyo implies that it also created grounds for mixing genuine and fraudulent polling station returns (135) thereby giving rise to a scandal that he terms 'Excelgate'.

Moyo's book is a solid contribution to the understanding of electoral politics in Zimbabwe and has three key strengths. First, it provides a succinct framework of analysing an election by characterising it as a 'rule bound political process which is a legal event' (7). This is important for both academic and policy/practical purposes. By synthesising the political and legal aspects, the book pushes us to place a premium on the importance of legal compliance in the determination of credible electoral (political) outcomes.

Second, and as a corollary of the above, the book's interpretive description of the election results transmission process as provided for in the Electoral Act simplifies a hitherto less understood aspect of electoral politics in Zimbabwe. In the introduction chapter, Chapter 4 and Chapter 5 the book explains the legally compliant method of transmitting presidential election results from the polling station up to the national command centre. Moyo does this through educating his readers about the different V-forms that are used at each stage. Going beyond the popular logic of the singular importance of the V11 forms, Moyo shows that these V11s are the first of a series of forms that are completed at each stage. The V11 forms, a tally of votes at each polling station are completed at each station and sent to the ward collation centres which verify and collate the V11 returns into a V23A form, after which these are sent to the constituency centre where the same process of verification of the V23As (plus their accompanying V11 forms) and collation into a V23B form occurs. At provincial and national levels, V23C and V23D forms are compiled respectively. Moyo's book shows that ZEC inexplicably abandoned this laid down procedure of compiling the crucial V23B and V23C forms at constituency and provincial levels by illegally marshalling the V11 and V23A forms from the wards to the national command centre.

The book's third strength is in identifying the make-up of, and context that informs the existence of 'the system'. Chapter 2 (Roots of Rigging) explains the importance of the military in Zimbabwean electoral politics and also discusses how since independence, the ruling 'ZANU PF has evolved, institutionalised and entrenched itself not as a political party but an extension of the state' (30). The military is presented as a historic veto player and Moyo traces its role in successive epochs that have shaped Zimbabwean politics. These include; the 1975 'imposition' of Robert Mugabe as ZANU leader by ZANLA combatants through the Mgagao declaration, the Gukurahundi genocide committed by the 5<sup>TH</sup> brigade of the Zimbabwe National Army brigade, role of the Zimbabwe Defence Forces in the violent 2008 run-off election and the November 2017 Coup. Chapter three titled *The Rigging System*, identifies the components of the electoral rigging system. At its centre is the Joint Operations Command, known by its 'JOC' moniker. At national level JOC consist of security chiefs, security departments (intelligence, immigration, civil registry) and ministers responsible for security, interior and intelligence portfolios. There are also JOC structures at provincial and district levels commensurate with rank across the country. Moyo describes JOC as follows:

JOC is not accountable to Cabinet because it is in fact above Cabinet since its deliberations are confidential, and it is not accountable to Zimbabwe's elected representatives in Parliament. Yet JOC makes fundamental decisions in its own right and acts on those decisions, but it cannot be sued, nor can it sue, because it is not a legal person and hides behind its key parental ministries. None of which take any responsibility for its operational activities, and some of which involve gross violations of human rights such as killings, torture, rape and abductions. There is no single case of atrocities in Zimbabwe since independence that does not involve JOC or a component thereof. (57)

This is instructive when read from the perspective of understanding the conditions that inform and dictate Zimbabwe's electoral politics in general. With specific reference to the 2018 Presidential election, apart from ZEC, Moyo identified six other components of the rigging system.

These include the Zimbabwe Defence House (the military) as the ‘overall coordinator of the 2018 rigging process’ (54); the Central Intelligence Organisation (CIO) as the ‘lead instrument through which the system intervenes to manage or influence electoral outcomes’ (54); the CIO Data Recovery Centre that ‘housed a computer system that monitored and mirrored the main server at ZEC’ (55); Chiltern Trust, a covert ‘off budget’ company owned by the CIO which handled the accreditation process of the 2018 Election on behalf of ZEC; Africom Zimbabwe, a telecommunications company owned by the Zimbabwe Defence Forces through its holding company (Ferharven Investments). In 2018 Africom ‘managed, monitored and serviced ZEC’s computer network at its command centre in Harare’ (55). Finally, Moyo lists the Constitutional court, in particular the role of the Chief Justice as one of the rigging cogs. As evidence to support his claim, Moyo explains the manner in which Chief Justice Luke Malaba ‘blocked Chamisa’s subpoena for the ZEC server’, ignored the affidavit that attested to ZEC’s failure to display the V23B constituency election returns and his reported predilection to rule against the petitioner (xviii).

Moyo’s book is not devoid of flaws. While his use of the Concourt record as primary data was a great choice in helping to drive across the central theme of the book, the manner in which he utilised the data gives rise to questions of selection bias. Moyo is consistently critical (maybe rightly so) of the ZEC and Mhangagwa court papers but overly lenient on the weaknesses of the Chamisa papers. In particular, Moyo ignores the Chamisa application’s failure to place the rerouting of the election results from wards to the national command centre as its central argument for justifying their ‘ZEC server theory’ and the invalidation of the election.<sup>1</sup> Granted, he referenced Jameson Timba’s supporting affidavit to illustrate that the applicant had brought the absence issue of the V23Bs before the court (55). However, given the premium that Moyo places on the role that the results transmission route played in ‘Excelgate’, this puzzling omission, or at best obfuscation of this point in the main application deserved scrutiny. According to Ibbo Mandaza’s foreword, Chamisa’s legal team could have been ‘genuinely confused about the electoral process, particularly on the subject of V11s and V23s’ (p xiv). This is quite telling especially when read in the context of Moyo’s cursory recollection of how ZEC’s action to commandeer Presidential results from the 1985 ward centres received ‘no resistance or intervention from political parties, civil society or election observers’ (128). The counterintuitive conclusion from this scenario is the enabling role that the opposition played in ‘Excelgate’ but in the book it remained one of the ‘untold stories’.

Overall, this book is a great contribution to the academy and a must-have text for people interested in Zimbabwean and African politics in particular and electoral politics in general.

## Note

1. See points 4.6–5.8 of Nelson Chamisa’s (2018) founding affidavit which addresses the application’s main challenge.

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Innocent Batsani-Ncube

*Department of Politics and International Studies, School of Oriental and African Studies, University of London, London, UK*

 in13@soas.ac.uk

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