



The Good the Bad and the Ugly

Zimbabwe's Harmonised Elections – 31 July 2013

A report by the Election Resource Centre

1. Introduction

After much anticipation, Zimbabwe's harmonized elections were finally held on 31st of July 2013. As early as 2008, when the Global Political Agreement (GPA) was signed, many looked forward to a non-violent, non-polarised, and non-partisan electoral process focused on achieving a credible result which clearly demonstrated the political will of the people. However, despite the readiness of the electoral administration on polling day, the process fell short of the envisioned goal and may even result in a less credible election as compared to the 2008 poll.

This report seeks to present an honest assessment of the elections from different perspectives, amidst earlier calls for postponement juxtaposed against election managers' insistence that the poll is credible.

No election can be perfect. Both the administrative and political exercises that define elections are of can be calibrated on scale and time-sensitivity that would test even the most competent election manager. Mistakes and human errors are therefore expected. These will often either be rooted in gross incompetence or deliberate malfeasance. However, in regards to this election there are already particular aspects in the administration of the electoral processes that cast doubt on whether the elections were genuinely, credible, free and fair.

This report aims to present facts regarding this election in a manner that allows the reader to debate and dialogue critical issues around this process. The key question to ask however is; what makes an election good, bad or ugly? If this question is examined from the premise that an election is about choice and making informed choices based on an assessment of all options possible, a good election would be the ability to know your choices, make your choices, express those choices (through a secret ballot) and have those choices reflected in the election outcome. Ideally the election would be based on international standards for credible elections.

Furthermore, within the Zimbabwean context, the term credibility has become historically relative that is, for many, the 31st of July 2013 election is judged in comparison to elections that have taken place in previous years. Many Zimbabweans view the just ended election as good due to the decreased instances of politically motivated violence and intimidation. Yet, the reality is that even these reduced "levels" of violence and intimidation should be entirely unacceptable and can necessitate the nullification of such an election.

The July 2013 elections, for many signalled a transition, and were therefore assessed by some on the basis of acceptability versus credibility. There were cases where things were arguably meant for good but in their implementation turned out to be 'bad'. In support of the earlier assertion, whilst it was good that former aliens received the right to vote, many of them actually failed to register due to administrative failure causing much anger, frustration major disenfranchisement.

2. The Good, the Bad and the Ugly

i. The Good.

Many of the 'good' elements of this election were due to changes in the legal framework, vastly improving the electoral playing field on paper. The Global Political Agreement (GPA) had many recommendations and suggestions for areas of improvement. After a fair amount of effort, Zimbabwe's laws for elections contributed significant changes to citizen participation in government

through voting, representation of disadvantaged groups and fostering greater decision making for the country's regions. In addition, there were two voter registration drives as well as a constitutional provision which reserved 60 seats for women in the House of Assembly.

ii. The Bad

There were anomalies that indicated that the election was seriously compromised. Cases of errors and omissions affecting the quality of the election setting the stage for negative post-election consequences including and notwithstanding the acceptability of the election outcome and the legitimacy of the leaders elected thereof. These same factors have created a crisis of confidence in the electoral administration leaving many questions regarding the freeness and fairness of the elections.

iii. The Ugly

The ugly referred to that which has no place in the conduct of credible election and severely compromised the expression of choice by all those eligible to vote. Essentially a question remained regarding whether the results were a reflection of the will of the people. This was particularly demonstrated where people were not given an opportunity to express their will; either through the inability to register to vote or were even if they registered to vote, for some reason they were unable to vote.

Moreover some election stakeholders such as the Zimbabwe Electoral Commission and the media contributed to this atmosphere undermining the will of the people by their conduct, garnering a lack of trust in the voting process.

As a final caution though, these categorisations were not made lightly as they are not based on isolated events but repeated patterns that reinforced certain ills overtime.

Election Aspect	The Good	The Bad	The Ugly
Legal Framework of Elections (Constitution of Zimbabwe, Electoral Act, Statutory instruments 68, 69, 87,88,89)	- Sixty seats for women in the next two parliaments - Election results to be announced within five days - ZEC to release Presidential and National Assembly results by polling station at its National Command Centre - Introduction of special voting for disciplined forces - Introduction of ward structures for ZEC - Provisions to guarantee independence of ZEC - Former 'Aliens'¹ and Prisoners allowed to vote - Affordable cost of purchasing the voters' roll - Assisted voters allowed to choose persons of their choice to assist them on the voting process. - Two reserved seats for those living with disabilities	- Too many legislative changes in too short a space of time. Not enough time for stakeholders to absorb them - ZEC's voter education campaign insufficient - Conflict between the Constitutional Court judgment and the Constitution	- Outstanding Media reforms - Public Order and Security Act and Access to Information and Protection of Privacy Act (AIPPA) not yet amended.
Voter Registration	- Two voter registration drives were conducted	- Limited publicity on the mobile voter registration exercise. - No release of registration statistics during registration - Registration requirements were	- Lack of funding severely compromised electoral processes - Poor planning and execution of both registration drives effectively disenfranchised thousands of eligible voters; - Voters Roll still contains a substantial number of irregularities.

¹ Those whose were born in Zimbabwe but whose parents are not Zimbabwean have previously been classified as aliens.

		difficult to meet for many voters.	- ZEC failed to assume its supervisory responsibility - Many former aliens failed to register due to shorter time to register.
Election Timing		- Caught all stakeholders unawares - Compressed pre-election period	- Severely compressed election calendar which resulted in conduction of mobile voter registration and inspection at the same time. - Several fundamental reforms remained outstanding - Remained a contested issue among major electoral stakeholders
Nomination of Candidates	- Peaceful - Affordable	- Lack of intraparty democracy leading to contested primaries - Double candidacy by some parties in some constituencies.	- Limited time to deal with complaints around the nomination exercise.

Election Aspect	Good	Bad	Ugly
Political Environment	- All parties calling for peace - Most areas accessible to candidates for campaigning	- Violation of Freedom of Association (Forced attendances to rallies was prevalent) - Harassment and intimidation of civil society organizations. - Extreme polarization among citizens. - High prevalent of hate speech.	- Harassment and Intimidation of Voters - Civil Society Organisations offices raided - Civil Society Organisations volunteers arrested. - Military leaders continued to issue out threats which undermined the freeness of the election.
Election Preparations	- Increase in numbers of polling stations - Regular engagement by ZEC with electoral stakeholders	- Limited transparency on special and postal balloting, as legally required. Failure to release statics on time comprised the credibility of the special and postal balloting process.	- Voter registration exercise failed to satisfy the demand on the ground. - Chaotic special voting exercise. - ZEC violated legal provisions governing special voting, such as publishing number of ballots printed and distributed to polling stations for special voting (Electoral Act 2013, Art 52A), allowing special voters to vote without ZEC's authorization letter (Electoral Act, Art 81E).
Funding	- Funding provided for elections	- Inadequate funding for election s	- Insufficient funding for the mobile voter registration

		- Lack of clarity and transparency about election funding	
Voter Education	- Provision for accreditation of civil society organisation for voter education.	- Insufficient voter education by ZEC, especially regarding new electoral systems - Late accreditation of CSOs to conduct voter education	- Inadequate voter education as two officers assigned per each ward cleared failed to satisfy the demand. - Stringent requirements for those CSOs who intended to conduct voter education.
Media	- Media Plurality - Wide use of Social Media in campaigning and in voter education - Introduction of first independent TV station	- Harassment of Journalists - Biased coverage of parties and candidates - Inequitable coverage of some parties and candidates by the state media. - Failure to free media space e.g. ZBC TV remains a monopoly	- Crackdown on owners and distributors of shortwave radios. - Failure to license private broadcasters - ZEC negatrd on its legal responsibility to ensure equitable access to private and state media by candidates and parties (Electoral Act, Art 160K)
Campaigning	- Most areas accessible to political party campaigners	- Some party supporters have declared 'no go'	- Vote buying - Hate Speech is prevalent.

		areas for their opponents - Campaigning time compressed	
Postal Voting	- Postal voting widely available to Embassy personnel	- Lack of transparency on the process of postal voting.	
Special Voting	- Members of disciplined forces given opportunity to vote.	-	- Process was chaotic - Not all those eligible managed to cast their votes.

3. Now what?

The election was held. Significant shortcomings in the process were identified. Opinions differ as to whether these shortcomings are significant enough to warrant an outright rejection of the process. Technically, these elections have left much to be desired. There were cases of intimidation of voters by overzealous political party activists and by sections of the disciplined forces. There was not enough voter education, so voters made their choices with insufficient information. However, does this mean the election lost all its value?

People value elections differently. For some the cardinal principle is participation. If the process is such that people cannot participate as desired and express their will some would argue that the election was not credible. Others however may view this election similarly to the South African Elections in 1994 or the elections in the Democratic Republic of the Congo in 2006; which site the importance of elections occurring far outweighing the quality of the process. If people freely voted and if the elections were peaceful enough, then surely it was an acceptable process. However other technical issues which include the regularity of the voter's roll quickly comes into fold. In the Zimbabwean case the voter's roll was only officially ready for collection by political parties on the 31st of July 2013, which paradoxically was the Election Day. This clearly left no room for political parties to assess the voter's roll which was used for this crucial election.

Given all the talk and hyperbole around the Zimbabwe electoral process, sometimes it is difficult to separate facts from the fiction, particularly when sourced from people who have partisan interests on the election outcome.

This report has attempted to assess the electoral process up to the Election Day based on international standards for credible elections and on the law of Zimbabwe in order to allow all stakeholders to judge whether the election was free and fair. It also provided an opportunity for all election stakeholders, election managers, observers and candidates to assess the progress to date and identify areas that fell short of regional and international standards with a view of improving the future conduct of elections.

The Election Resource Centre deployed accredited observers to various polling stations and collation centres to observe the 31st of July poll. The ERC continues to observe post polling activities until the final announcement of all election results. The pre - election assessment, the polling day observation and the post polling day observation shall be collated into a final comprehensive election report.

Thus far, pursuant to the issues noted above, the Election Resource Centre maintains that the 31st of July 2013 harmonised elections fell short of the regional and international standards which ultimately dented the credibility of the process. Ends///

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