



# Election Watch | Zimbabwe

## February 2012

### MEASURING THE ZIMBABWEAN ELECTORAL ENVIRONMENT ACCORDING TO THE SADC GUIDELINES GOVERNING DEMOCRATIC ELECTIONS

On the 17th of August 2004, the Southern African Development Community (SADC) leaders adopted the "[SADC Principles and Guidelines Governing Democratic Elections](#)." As a member of SADC, Zimbabwe was a signatory to these benchmark principles, and therefore it is entirely fitting that Zimbabwe's performance in relation to the future elections be measured against these principles and guidelines.

The Electoral Institute for the Sustainability of Democracy in Africa presents a brief [overview](#) of Zimbabwe's electoral system on their website.

### SADC principles for conducting democratic elections:

|                                                               | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Compliant                                                              |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 2.1.1 Full participation of citizens in the political process | <ul style="list-style-type: none"> <li>Proposed amendments to the Public Order and Security Act (POSA) were referred back to the lower house after Zanu PF senators blocked them, referring to Justice and Legal Affairs minister Patrick Chinamasa's contention that the Bill should not be further debated because POSA is being considered by the GPA party principals</li> <li>Citizenship of Zimbabwe Amendment Act, 2003</li> <li>Guardianship of Minors Act, 1961</li> <li>Broadcasting Services Act, 2001</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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| 2.1.2 Freedom of association                                                               | <ul style="list-style-type: none"> <li>• Provincial and district MDC-T officials were arrested for attending a party workshop in Gwanda. Prosecutors were 'too scared' to handle the case because they feared co-Home Affairs Minister and local MP Kembo Mohadi</li> <li>• Senior officials within Zanu PF forced several churches and all businesses in Biriri district of Chimanimani West, Manicaland to shut down and forced everyone in the area to attend a political rally they had organized</li> <li>• Residents in Mutare were barred by the police from protesting against the Local Government Minister Ignatius Chombo's unilateral suspension of Mayor Brian James</li> <li>• Police barred Tsvangirai's lecturer series despite initially giving the organisers permission to proceed with the public meeting to discuss the global financial crisis and implications for Zimbabwe</li> <li>• Public Order and Security Act, 2002, amended 2007</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.3 Political tolerance                                                                  | <ul style="list-style-type: none"> <li>• The Chipangano group banned all delivery of fresh produce from areas known to be supportive of the MDC</li> <li>• Joseph Mwale, a member of the Central Intelligence Organisation (CIO), implicated in the murder of two MDC activists 12 years ago has still not been prosecuted despite a High Court judge having recommended he be charged</li> <li>• In a move that is unprecedented in Manicaland province, a Zanu PF Chief Chiduku invited members from all political parties to a peace rally, where officials from the MDC-T and Zanu PF denounced politically motivated violence</li> </ul>                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.4 Regular intervals for elections as provided by the respective National Constitutions | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
| 2.1.5 Equal opportunity for all political parties to access the state media                | <ul style="list-style-type: none"> <li>• On Music Freedom Day, citizens were still restricted by laws that do not allow criticisms of the government, President Mugabe, or Zanu PF</li> <li>• The Media Monitoring Project Zimbabwe (MMPZ) condemned the Zimbabwe Media Commission (ZMC) for threatening to embargo foreign newspapers, saying the move was undemocratic and violated United Nations statutes' on human rights</li> <li>• Zimpapers Talk Radio will begin broadcasting next month. The group, with deep ties to Zanu PF, also owns The Herald, The Sunday Mail, Chronicle, Manica Post, Sunday News, H Metro and B Hetro and Kwayedza</li> <li>• Broadcasting Services Act, 2001</li> </ul>                                                                                                                                                                                                                                                                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.6 Equal opportunity to exercise the right to vote and be voted for                     | <ul style="list-style-type: none"> <li>• Citizenship of Zimbabwe Amendment Act, 2003</li> <li>• Guardianship of Minors Act, 1961</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions         | <ul style="list-style-type: none"> <li>• The Electoral Amendment Bill mandates the Registrar-General's office to oversee the production of the voters' roll which undermines the independence of the ZEC</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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| 2.1.8 Voter education                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• The language used in the Electoral Amendment Bill gives the Electoral Commission the discretion to decide on the inclusion of other players in the provision of voter education. This may make the partisan electoral commission exclude other stakeholders in providing voter education</li> <li>• The Japanese government gave the Zimbabwe Election Support Network (ZESN) US\$110 746 to support the association's "Project for Electoral Education"</li> </ul>                                                                                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| 2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land | <ul style="list-style-type: none"> <li>• Mugabe said elections would take place this year with or without a new constitution, a condition which is at variance with the guarantors of the GPA, SADC and the African Union (AU) who have insisted that elections should only be held when the political pact has been implemented in full</li> <li>• Mugabe has vowed to block a new constitution that would prevent him from running for president, while also insisting he would not permit restructuring of the armed forces seen as the backbone of his three-decade stay in power</li> </ul> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| 2.1.10 Challenge of the election results as provided for in the law of the land                                                                                                                        | <ul style="list-style-type: none"> <li>• Where there is a tie in the run-off election, the EAB requires that the election of the President can be decided by an electoral college of MPs in Parliament. This provision usurps people's power to determine who is to occupy the highest office in the country and gives this power to a few MPs</li> </ul>                                                                                                                                                                                                                                        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

## Assessment of electoral processes

|                         | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                      | Compliant                                                              |
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| Voter registration      | <ul style="list-style-type: none"> <li>• Several Bulawayo youths who wanted to register to vote for the first time had their national identity documents and proof of residence torn to shreds by staff at the Registrar General's office</li> <li>• Citizenship of Zimbabwe Amendment Act, 2003</li> <li>• Guardianship of Minors Act, 1961</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Freedom of choice       | <ul style="list-style-type: none"> <li>• Access to Information and Protection of Privacy Act (AIPPA), 2002</li> </ul>                                                                                                                                                                                                                                   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Impediments to standing | N/A                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Yes<br><input type="checkbox"/> No            |
| Boundary delimitations  | <ul style="list-style-type: none"> <li>• Election Resource Center Director, Tawanda Chimhini, said language in the Electoral Amendment Bill that requires voters to cast ballots only where they are registered - and not at any polling station in a ward as currently - would leave rural voters vulnerable to intimidation</li> </ul>                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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| Use of public resources and political party financing | <ul style="list-style-type: none"> <li>• The government will soon move to audit the Reserve Bank of Zimbabwe's (RBZ) US\$1.5 billion debt</li> <li>• The Anti-Corruption Commission of Zimbabwe (ACCZ) arrested several people, including a legislator and council officials on corruption charges</li> <li>• Zimbabwe's coalition government spent three times more on foreign trips for top government officials in 2011 than on education</li> <li>• Residents owing less than US\$100 see their electric power cut off by the Zimbabwe Electricity Supply Authority while officials run up huge bills without consequences</li> <li>• Auxilia Mnangagwa, the Defence Minister's wife, promised shares of gold to supporters if they vote Zanu PF in the upcoming elections</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Code of conduct                                       | <ul style="list-style-type: none"> <li>• Parliament has neither implemented the "Code of Conduct", nor registered the financial interests of its Members</li> <li>• Cain Mpofu, MDC-T councillor for Ward 18 in Lupane East, was arrested at Lupane Business Centre on charges of assaulting a policeman</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

## Assessment of electoral environment

|                                              | Divergence/Obstructive Legislation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Compliant                                                              |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Freedom from intimidation, fear and violence | <ul style="list-style-type: none"> <li>• A former senior army officer and official of Simba Makoni's Mavambo/Kusile/Dawn, Mbudzi, who recently rejoined Zanu PF, was pushed out of a bar and beaten in Harare by suspected members of the CIO after he openly spoke against Mugabe's continued stay in power</li> <li>• Three MDC-T officials in Masvingo, Gutu South chairperson James Makovere, Alderman Jeffrey Tangemhare and Islam Matose were arrested while conducting a meeting with MDC-T members from Gutu South. They are detained at Gutu Police Station and are being charged with holding a public meeting without a police clearance</li> <li>• A villager who attended the Zanu PF rally said Mutasa, Zanu PF secretary for administration, threatened them with a repeat of the 2008 election violence if they did not vote for his party at the next election</li> <li>• The Zimbabwe Republic Police violently disrupted a tenth anniversary demonstration by the Woman of Zimbabwe Arise (WOZA) in Harare</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

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| Media freedom and access to information | <ul style="list-style-type: none"> <li>• Applications for radio and TV licenses closed on February 29 2012. Carryslot Investments (Pvt) Ltd and Vox Media Productions have applied for the free-to-air commercial radio licence to cover Harare while the Seventh Day Adventist Church and Masego Multimedia (Pvt) Ltd want the same licence for Bulawayo. Three other companies have so far advertised for television licences, including Red Tomato Promotions (Pvt) Ltd, Wemico Investments (Pvt) Ltd and Dr Dish's My Zimbabwe TV</li> <li>• Millions of Zimbabweans will lose free access to South African TV channels by mid-May after a court closed a signal loophole that had also been exploited by half a dozen other regional countries</li> </ul>         | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Role of civil society                   | <ul style="list-style-type: none"> <li>• Governor Titus Maluleke banned 29 NGOs in Masvingo, including the Zimbabwe Peace Project and Restoration of Human Rights, stating that they failed to after failing to submit memoranda of understanding to local authorities</li> <li>• Zimbabwe's Public Protector's office is not as visible as it should be; a situation which leaves citizens without a channel through which they can register their complaints against the executive</li> <li>• The Crisis in Zimbabwe Coalition and other members of civil society attended an African Union meeting to ensure that the next elections are held under a conducive political environment</li> </ul>                                                                    | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Role of Security Sector                 | <ul style="list-style-type: none"> <li>• PM Tsvangirai said the country's military leaders told him they would not allow anyone but President Robert Mugabe to rule the country, regardless of who won the election</li> <li>• Zanu PF, MDC-T and MDC-N have met within the National Security Council to discuss the fate of police commissioner-general, Augustine Chihuri, whose term of office has expired</li> <li>• COPAC has agreed to 26 principles to the new constitution, chief among them is that security forces must be non-partisan and uphold the rule of law</li> <li>• Brigadier-general Douglas Nyikayaramba has been promoted to Major-General; Nyikayaramba gained notoriety when he described Tsvangirai as a national security threat</li> </ul> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |