



Election Watch | Zimbabwe

July 2011

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.

Electoral Institute for the Sustainability of Democracy in Africa's brief [overview](#) of Zimbabwe's electoral system.

SADC principles for conducting democratic elections:

	Divergence/Obstructive Legislation	Compliant
2.1.1 Full participation of citizens in the political process	- The Electoral Amendment Bill (EAB) bars those in the Diaspora from voting in the next elections - Citizenship of Zimbabwe Amendment Act, 2003 - Guardianship of Minors Act, 1961 - Broadcasting Services Act, 2001	☐ Yes ☒ No
2.1.2 Freedom of association	- Villagers in Chihota are being forced to attend political rallies convened by Zanu PF including meetings held by Zanu PF MP for Marondera West Rtd Brig Ambrose Mutinhiri - Prime Minister Morgan Tsvangirai was forced to cancel a tour of Chiadzwa after he was allegedly barred from setting foot in the rich diamond mining area. Tsvangirai wanted to visit villagers displaced by the mining operations as part of his weekend tour of Manicaland Province - Public Order and Security Act, 2002, amended 2007	☐ Yes ☒ No

2.1.3 Political tolerance	• Police in Bubi district in Matabeleland North province arrested and detained for seven days without charge Sibangani Kesa, MDC ward 12 chairman in Bubi district, for distributing the party's newsletter The Changing Times • Three Cabinet ministers, Welshman Ncube, Moses Mzila-Ndlovu and Priscilla Misihairabwi-Mushonga and several officials from the smaller MDC faction were arrested in Hwange. They were later released without charge • Chipinge East MP Matthias Matewu Mlambo claims soldiers and Zanu PF supporters are harassing his supporters, as efforts by SADC leaders to contain political violence in Zimbabwe appear faltering. Mlambo said eight MDC members were assaulted and detained by suspected Zanu PF activists and soldiers in Daisy Hill, about 30km south of Chipinge town • Prison officials continue to deny medical treatment for MDC Councillor Tungamirai Madzokere of Glen View Ward 32, who was brutally assaulted by police at Harare Central Police Station • Soldiers under the command of Colonel Charles Muresherwa are moving from village to village in Mhakwe and Chikwakwa wards in Chimanimani, forcing MDC supporters to denounce their MDC membership and join Zanu PF	☐ Yes ☒ No
2.1.4 Regular intervals for elections as provided by the respective National Constitutions	N/A	☒ Yes ☐ No
2.1.5 Equal opportunity for all political parties to access the state media	• Though the EAB places mandatory requirements on public broadcasters to treat all contesting political parties fairly and equitably and in particular to give all parties contesting an election free access to their broadcasting services, the Bill lacks specific sanctions for breach of these rules. • Broadcasting Services Act, 2001	☐ Yes ☒ No
2.1.6 Equal opportunity to exercise the right to vote and be voted for	• The EAB allows illiterate and physically handicapped voters to be assisted by persons of their choice rather than by electoral officials, however, any person who provides assistance must record his or her name and the name of the voter he or she assisted to vote which may create fear among those providing assistance • The EAB further provides that where a voter is visually impaired, the presiding officer shall have the power to observe the casting of the vote to ensure that the voter's intention is respected by the person who is assisting the voter • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961	☐ Yes ☒ No

2.1.7 Independence of the Judiciary and impartiality of the electoral institutions	• Zanu PF argued that reconstruction of the electoral body as the MDC formations demanded was not possible. The MDC's objections have to do with the Commission's permanent staff, which is much the same as it was in 2008 when election results were long withheld • The EAB gives the mandate to the president to set election dates. This is unfair to other candidates especially if the incumbent president is offering him/herself as a candidate. ZESN strongly recommends that the Commission be given full control of elections by granting it the power to set election dates in consultation with relevant parties and state authorities	☐ Yes ☒ No
2.1.8 Voter education	• The EAB proposes to give the ZEC more responsibility over voter education and bans foreign organisations from providing voter education, while local organisations must have their material vetted by the commission	☐ Yes ☒ 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	• Justice Minister Patrick Chinamasa gazetted the long-awaited electoral amendment bill. The reform legislation restricts police involvement in the electoral process and addresses political violence • The EAB requires that presidential election results be declared within 5 days of the last polling date. Setting the maximum threshold is an important step in preventing late declaration and contestation of results as it happened in 2008 when it took more than 6 weeks to announce the Presidential election results	☐ Yes ☒ No
2.1.10 Challenge of the election results as provided for in the law of the land	• Where there is a tie in the run-off election, the EAB requires that the election of the President be decided by an electoral college of MPs. 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	☒ Yes ☐ No

Assessment of electoral processes:

	Divergence/Obstructive Legislation	Compliant
Voter registration	• The EAB introduces a new requirement that voters rolls should be kept by the Commission in both electronic and printed form. The Commission will also be required to keep a consolidated national voters' roll at its head office • The EAB obliges the Commission upon request and payment of a prescribed fee to provide the public, every political party that intends to contest the election and accredited observers, with print or electronic copies of any voters' roll which promotes transparency in the electoral process • Within a reasonable time after nominations, the Commission must provide every candidate with an electronic and printed copy of the relevant constituency voters roll at no cost to the candidate • In its current form, the EAB obliges the Commission to provide the constituency voters roll and not the polling station voters rolls to the candidates which may limit the candidates and public deeper scrutiny of the voters roll • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961	☐ Yes ☒ No

Freedom of choice	• People claiming to be war veterans invaded a plot owned by MDC Constitution Select Committee Rapporteur Charles Nyamutowa • The house of Marjorie Chikwasha, an MDC activist in Ward 12 Nyanga South, Manicaland province was burnt by known Zanu PF loyalists • Access to Information and Protection of Privacy Act (AIPPA), 2002	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☐ No
Boundary delimitations	• The EAB shifts from the ward-based voters rolls to polling station-voters rolls. This is a welcome development and will minimise cases of double voting as voters allegedly moved from one polling station to another within a ward during the 2008 Presidential elections without detection • ZESN identifies two challenges related to polling station voting system: Easy identification of the voting patterns and targeting particular communities in case of post election violence and disenfranchisement in case of voter displacement as it happened in March 2008 elections	☐ Yes ☒ No
Use of public resources and political party financing	N/A	☐ Yes ☐ No
Code of conduct	• According to the EAB, the Commission will, through the Observers Accreditation Committee (OAC) be responsible for accrediting election observers. However, the OAC is dominated by political appointees which could compromise its independence • The EAB provides no mechanism for appeals should the OAC recommend refusal of accreditation to specific observers • The EAB proposes to give ZEC powers to accredit both local and foreign observers	☒ Yes ☐ No

Assessment of electoral environment:

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• Zanu PF supporters disrupted a hearing on the Human Rights Commission Bill, beating up an MDC MP and assaulting journalists. The attack happened in full view of the police who did nothing to stop the violence. Zanu PF's Presidential Affairs Minister Didymus Mutasa said the party would defend its supporters, saying the victims of the attack must have provoked them • Villagers in Gutu-Mupandawana Growth Point and the surrounding areas have accused officers from the Zimbabwe National Army 4-2 Infantry battalion in Gutu of frightening them by performing army drills and road runs while singing war and political songs that back Zanu PF	☐ Yes ☒ No

Media freedom and access to information	• A Zimbabwe court granted bail to Nevanji Madanhire, an editor and journalist from the Standard. Madanhire is accused of defaming police after an article in the paper quoted people fearing for the safety of MDC-T Minister Jameson Timba • Four journalists from Bulawayo, Nqobani Ndlovu of The Standard, Pindai Dube of Daily News and two freelancers, Osca Nkala and Pamenos Tusso were detained at Ntambazinduna police training depot for witnessing an eviction of senior police officer who had been fired from the force for playing Movement of Democratic Change (MDC) songs • Veteran journalist Dumisani Muleya said Information Minister Webster Shamu and the government have been seriously concerned about reports on cabinet proceedings, and that they have issued statements warning journalists from reporting on cabinet meetings, records and proceedings • Four journalists were assaulted by the Zanu PF supporters as they prepared to cover the proceedings of the joint committee of the House of Assembly Portfolio Committee on Justice, Legal Affairs, Constitutional and Parliamentary Affairs. None of the assailants has been arrested • MDC-T Minister of State Jameson Timba blamed Zanu PF for the continued resistance at efforts aimed to open the airwaves. Media advocates have also argued the Broadcasting Authority of Zimbabwe is foot-dragging as it is yet to issue its first licence despite the provisions of Article 19 of the Global Political Agreement calling for immediate issuance of broadcasting licences • The police banned a concert to campaign for the opening up of the airwaves, despite previously giving the event the green light. "Free the Airwaves Now" was organised by media rights group MISA, together with the Artists for Democracy Trust group to lobby for urgent broadcasting reforms • Broadcasting Services Act, 2001	☐ Yes ☒ No
Role of civil society	• The Zimbabwe Europe Network (ZEN), a coalition of rights groups that includes the Zimbabwe Human Rights NGO Forum, told a meeting of foreign donors in Brussels that it was deeply concerned with the slow progress in implementing the global political agreement, curbing state-sanctioned violence, partisan application of the law, instituting critical media, electoral and security reforms making Zimbabwe not ready for the 2011 elections • ZESN welcomes the crafting of an election roadmap but remains worried by the lack of effective mechanisms for smooth power transfer in the event that there is a change of government. Read its June-July 2011 Ballot Update here • The Catholic Commission for Justice and Peace called on political leaders to intervene to end a surge in violence that has seen rival political party supporters driven from their homes and created no-go zones in Harare • Non-Governmental Organisations Bill, 2004 (not yet signed into law) • Private and Voluntary Organisations Act, 2007	☐ Yes ☒ No

Role of the security sector	• Zanu PF negotiators told Zuma facilitators that any efforts by SADC or other outsiders to press the party for reform of Zimbabwe's military and police would violate Zimbabwe's sovereignty and therefore unacceptable. • The Zimbabwe Independent reported on June 30th that the military wants 25% of elected seats in the House of Assembly and Senate to be reserved for retired soldiers though Zanu PF's top leadership was united in blocking the army from getting such a quota • SW Radio Africa reported on July 11 that retired Air Vice-Marshall Henry Muchena, who now heads the Zanu PF commissariat, is reportedly coordinating the party's elections strategy, driving a program to revitalise the party by attracting young turks, mainly retired military officers	☐ Yes ☒ No
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Reports by various civil society organisations

This list is neither comprehensive nor exhaustive.

Idasa

[The Politics of Land in Zimbabwe](#)

[SADC and Zimbabwe: Can They Guarantee a Free and Fair Election?](#)

Sokwanele

[Inclusive Government Watch](#)

South African Institute of Race Relations

[Preventing Electoral Fraud in Zimbabwe](#)

Relevant documents

(available on Idasa's website [here](#))

Constitution of Zimbabwe

Electoral Act

Principal Changes to Third Draft of Electoral Amendment Bill, 2010

Electoral Commission Act

Electoral Regulations

Referendums Act

Electoral Commission (Media Coverage of Elections) Regulations

Note:

SITO has replaced its monthly GNU Watch with this publication to monitor Zimbabwe's progress toward inevitable elections.