



Election Watch | Zimbabwe

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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 Zimbabwe Constitution Select Committee (CO-PAC) spokesperson, MDC-T's Jessie Majome, voiced concern that the constitution would not extend voting rights to Zimbabwean's outside of the country, citing a 2005 Supreme Court ruling and the reluctance by partners in the Government of National Unity (GNU) to extend the voting rights to Zimbabweans in Diaspora • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961 • Broadcasting Services Act, 2001	☐ Yes ☒ No

2.1.2 Freedom of association	• Police in Harare banned an MDC-T Youth Assembly from holding a march in central Harare during October • A group of ten youths from MDC-N were picked up by soldiers in Bulawayo and severely beaten and tortured for allegedly handing out fliers too close to Zimbabwean President Robert Mugabe's, State House. MDC-N spokesman Edwin Ndhlovu described the arrests as political persecution • 12 members of Women and Men of Zimbabwe Arise (WOZA) were arrested during a march in Bulawayo that had been organised to commemorate the International Day of Peace. Riot police were dispatched to break up the march, beating several people in the process • Zimbabwe's breakaway Anglican bishop Nolbert Kunonga, a supporter of Mugabe, took more than half of the church's properties in Zimbabwe, including scores of places of worship, mission schools and business centers following the Zimbabwe's High Court ruling that gave Kunonga custodianship of all properties belonging to the Church of the Province of Central Africa • Reverend Lovemore Kasipo was evicted from the St Edmunds Parish in Chegutu under the instruction of Bishop Nolbert Kunonga • Public Order and Security Act, 2002, amended 2007	☐ Yes ☒ No
2.1.3 Political tolerance	• Retired Major General Kudzai Mbudzi says his life is in danger after calling for Mugabe's exit. Mbudzi says youths in Masvingo led by the Zanu PF national deputy youth commissar, Talent Majoni, are threatening him • Two City of Harare councillors, Casper Takura and Warship Dumba, were arrested at Mabvuku Police Station and transferred to Harare Central Police Station. Charges for their arrest remain unclear, but MDC-T maintains that the arrests are politically motivated • Tracy Mutinhiri, the Labour and Social Services deputy minister, faces expulsion from Zanu PF after being accused by her of having a relationship with Prime Minister Morgan Tsvangirai's MDC-T • During a meeting organised by Matabeleland Draught Alleviation Trust, Chief Cleopas Suku of Bulilima district in Matabeleland South threatened made veiled threats against those who vote for MDC • An MDC-T official Victor Chifodya was injured, along with at least one other person, after Zanu PF youths attacked people outside Parliament on 6 September	☐ 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	• The Broadcasting Services Act (BSA) imposes content requirements that interfere with media independence; including a compulsory 75% quota for local content; the allocation of an hour of broadcasting space per week to government as well as stipulations on airing of political and electoral matters limit political parties' equal access to the media • Journalists of the state-controlled Zimbabwe Broadcasting Holdings and Zimpapers said they were being forced to interview Zanu PF officials selected by the editors and were being continuously forced to denounce Morgan Tsvangirai and the MDC-T • Broadcasting Services Act, 2001	☐ Yes ☒ No
2.1.6 Equal opportunity to exercise the right to vote and be voted for	• Clause 19 of the 2011 Electoral Amendment Bill (EAB) introduces a new provision into the Electoral Act which allows illiterate and physically and visually handicapped voters to be assisted by persons of their choice rather than having to rely solely on state officers such as electoral officials or the police • Zanu PF's former parliamentary candidates, Enock Porusungazi and Tobias Matanga, ordered villagers in Chipinge district in Manicaland province to submit their names to village heads specifying their political affiliations. Threats were made against villagers who failed to comply • Jabulani Sibanda, a war veterans' leader, has warned villagers to prepare for the worst in the next elections. In Masvingo the self proclaimed war vet leader forced villagers to attend rallies where he threatened to murder those who do not support Mugabe in elections. • Villagers in Mutoko area in Mashonaland East province revealed that their MP, Ordo Nyakudanga, ordered the traditional leadership to get rid of all MDC-T supporters in the area • 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	• Zimbabwe Election Support Network (ZESN) says the Zimbabwe Electoral Commission (ZEC) is the right body to administer the voter's roll as this enables the elections management body to effectively run elections without doctoring the roll. Currently, the voter's roll is being kept and updated by the Registrar General's office which has been accused of bias • In a report, <i>Zimbabwe: Time for a New Approach</i>, the International Bar Association recommended that the new Constitution should guarantee the genuine independence of a Judicial Service Commission which should be responsible for the appointment of all judges using a transparent nominations process against agreed criteria based on merit	☐ Yes ☒ No

2.1.8 Voter education	• The Electoral Amendment Bill provides that the Commission may permit any other person to assist it in providing voter education. The use of the word “may” as opposed to the more peremptory “shall” means the inclusion of other players in the provision of voter education is left to the discretion of the Commission • The EAB requires that all foreign funding (described as “foreign contribution or donation”) for the purposes of voter education must only be made to the Commission. This restrictive funding has the potential to cause delays and bureaucracy in accessing foreign funding for voter education activities	☐ 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	• The International Bar Association asserts in its report, Zimbabwe: Time for a New Approach, that hardliners in Zanu PF are using the state apparatus to frustrate political reforms, rendering it almost impossible to hold free and fair elections • Zimbabwe's former finance minister, Dr Simba Makoni, said that Zimbabwe is not ready for elections and that if any elections would be held they would only go ahead at the end of next year or 2013 to give SADC time to create the necessary framework for the process • A high-level European Union delegation visiting South Africa urged President Jacob Zuma to step up his mediation efforts in Harare and push for democratic reforms that will allow free and fair Zimbabwe elections • Welshman Ncube, the president of MDC-N, dismissed Mugabe's call for elections in March next year as a Zanu PF ploy to divert attention away from implementing democratic reforms. Ncube said it was impossible to hold elections in March because the constitutional review process would not have been completed • Prime Minister Morgan Tsvangirai dismissed the declaration by Mugabe that elections will be held in early 2012 saying only after the full roadmap has been agreed and concluded to everyone's satisfaction will the principal parties agree on the date for the next polls	☐ 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 can be decided by an electoral college of MPs in Parliament. However, until conditions for free and fair elections are established, the electoral college process can be easily manipulated to favour Zanu PF	☐ Yes ☒ No

Assessment of electoral processes:

	Divergence/Obstructive Legislation	Compliant
Voter registration	• Zimbabwe's Office of the Registrar General has issued a call for voters to register. The notice by the Registrar General's Office said public registration does not only take place when elections have been proclaimed, adding that it was ready to accommodate those who wanted to register for the first time or transfer their registration • Wellington Zindove of Youth Forum said registration centers have turned away many hopeful voters who are eligible, alleging that this is intended to protect Zanu PF from the political impact of new registrations • Police arrested 20 youths who were peacefully conducting a voter registration exercise. The activists were from the Youth Initiative for Development in Zimbabwe (YIDEZ), assisting voters had problems with documentation and registration procedures • MDC-T MP for Nyanga North, Douglas Mwonozora, said his party embarked on a campaign for people to register to vote but they were being turned away on the pretext that the registration had been closed and that a new registration system was coming • Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961	☐ Yes ☒ No
Freedom of choice	• Access to Information and Protection of Privacy Act (AIPPA), 2002	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☐ No
Boundary delimitations	• The electorate from across the Murewa North District in Mashonaland East province have called on stakeholders to abandon the centre-based polling system as it would provide Zanu PF an opportunity to identify and victimise voters suspected to have voted for Mugabe's opponents	☐ Yes ☒ No
Use of public resources and political party financing	N/A	☐ Yes ☐ No
Code of conduct	• The EAB places a responsibility on political parties and candidates contesting an election to take steps to prevent politically-motivated violence and intimidation. It calls upon parties to undertake to abide by a code of conduct set out in the Fourth Schedule to the Electoral Act • The ZESN recommends the necessity of setting out clearly the legal consequences of any failure to comply with the code of conduct	☒ Yes ☐ No

Assessment of electoral environment:

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• Bulawayo East MP, Tabitha Khumalo, described the pattern of political violence in Harare by the deadly Chipangano group, a youth militia gang, as highly systematic, deliberate and well planned • Bulawayo High Court Justice Nicholas Mathonsi convicted the son of Midlands governor Jason Machaya and three other Zanu PF activists after they were convicted of beating an MDC-T supporter to death in March 2009 • About 300 Zanu PF youths wielding logs and other makeshift weapons rampaged through Mukambo market at the Machipisa Shopping Centre in Highfield, a densely populated Harare suburb with many MDC supporters • Senator Obert Gutu, MDC-T's Harare provincial spokesperson, said Harare's high density suburb of Budiriro was besieged by suspected Zanu PF youths who went on a rampage attacking suspected MDC supporters who were putting up posters advertising the party's weekend rally • Zimbabwe's leader urged lawmakers in the troubled coalition government to preach messages of peace ahead of proposed elections	☐ Yes ☒ No
Media freedom and access to information	• Four months after calling for commercial radio licence applications, the Broadcasting Authority of Zimbabwe (BAZ) has still not issued a single statement on progress in this regard. This is despite receiving an estimated 15 applications from aspiring broadcasters • The Broadcasting Services Act does not stipulate timelines under which BAZ should shortlist successful applicants and Media Institute of Southern Africa (MISA) fears that they will use that loophole to delay issuing licences until after the elections next year • MISA stated they will step up efforts to push for the opening of the airwaves by upping their advocacy campaigns, seeking an audience with officials from BAZ, lobbying parliamentary portfolio committees, legislators, the relevant Minister and other stakeholders • The Minister of Media, Information and Publicity, Webster Shamu, has threatened to withdraw licences of foreign and private media organisations that "denigrate and vilify" Mugabe. However, it has yet to be determined who will decide what is "denigrated" and what is not • Broadcasting Services Act, 2001	☐ Yes ☒ No
Role of civil society	• ZESN, which includes 38 member groups, is conducting its own independent hearings on the proposed EAB • ZESN conducted three workshops focusing on the EAB, 2011. The workshops took place in Hurungwe District in Mashonaland West province • Non-Governmental Organisations Bill, 2004 (not yet signed into law) • Private and Voluntary Organisations Act, 2007	☐ Yes ☒ No

Role of the security sector	• The US Ambassador to Zimbabwe, Charles Ray, has warned that without reform of the nation's Defence Forces and other national security institutions, Zimbabwe's next election could be chaotic even if the country carries out electoral and other needed reforms • Crisis in Zimbabwe Coalition said Zimbabweans in the rural areas of Murehwa in Mashonaland East province want soldiers to be removed from the countryside during elections, fearing that they could be intimidated into voting for Zanu PF	☐ 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.