



Election Watch | Zimbabwe

May - June 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	• Citizenship of Zimbabwe Amendment Act, 2003 • Guardianship of Minors Act, 1961 • Broadcasting Services Act, 2001	☐ Yes ☒ No
2.1.2 Freedom of association	• A coalition of church leaders, known as the Christian Alliance Zimbabwe, is accusing state security agents of harassment as pressure mounts on President Robert Mugabe. The churches attempts to host mass peace prayers in Harare have been crushed by the police • Two Zimbabwe Human Rights Association (Zim-Rights) officials, Walter Dube, a paralegal officer and Florence Ndlovu, the regional coordinator for Matabeleland, were arrested in Tsholotsho • Public Order and Security Act, 2002, amended 2007	☐ Yes ☒ No

2.1.3 Political tolerance	• MDC-T Energy Minister Elton Mangoma was acquitted in Harare's High Court of charges that he abused tender procedures • Finance Minister Tendai Biti fled his Harare offices on 28 June after Zanu PF supporters stormed the premises demanding his resignation • Dozens of rampaging Zanu PF youth militia invaded the Harare suburb of Mbare during the last weekend in May, beating up and displacing suspected MDC-T supporters from their homes • An explosive device hit the security wall of Zimbabwe finance minister Tendai Biti's home in an attempted bombing	☐ 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	• Broadcasting Services Act, 2001 • Major media in Zimbabwe include: the Zimbabwe Broadcasting Corporation (Government); The Herald (Government); The Financial Gazette (Government); NewsDay (Independent); the Daily News (Independent); the Daily News on Sunday (Independent)	☐ Yes ☒ No
2.1.6 Equal opportunity to exercise the right to vote and be voted for	• 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	• High Court Judge, Justice Uchena, reserved judgment for the fourth time on a bail application made by twenty MDC-T members arrested in May over the alleged murder of Police Inspector Petros Mutedza • Human rights lawyers, Charles Kwaramba and Marufu Mandevere, members of Zimbabwe Lawyers for Human Rights (ZLHR), were denied access to their clients when they visited Harare Central Police Station. Their clients are MDC supporters and are alleged to have participated in the death of a police officer in Glen View in May 2011	☐ Yes ☒ No
2.1.8 Voter education	• The Electoral Amendment Bill (EAB) proposes to give the ZEC more responsibility over voter education and bans foreign organisations from providing voter education, while local organisations have to 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	• The results from the 2008 presidential elections were delayed by a month, seriously undermining their credibility. Following the announcement of a run-off, the military and police, as well as Zanu-PF-sponsored militias, embarked on a violent intimidation campaign that ultimately led to Morgan Tsvangirai's withdrawal from the presidential poll	☐ Yes ☒ No

2.1.10 Challenge of the election results as provided for in the law of the land	The courts have had limited successes but are subject to executive interference	☒ Yes ☐ No
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Assessment of electoral processes:

	Divergence/Obstructive Legislation	Compliant
Voter registration	- According to a report published by the South African Institute of Race Relations, the voters' roll, as it stood in October 2010, contains the names of (1) roughly 1 490 'new' voters (never previously registered) aged over 100 (2) some 41 100 voters (some new and some earlier listed) aged 100 or more (3) about 4 370 new voters over 90 years old and (4) a total of some 132 500 such nonagenarians - Citizenship of Zimbabwe Amendment Act, 2003 - Guardianship of Minors Act, 1961	☐ Yes ☒ No
Freedom of choice	- Approximately 21 villagers from Nyambeya in Cashel Valley have been forced to flee their village after Zanu PF militia carried out an early morning raid and burned down several houses. The village is in a constituency, Chimanimani East, under the control of Samuel Undenge (Zanu PF) - Access to Information and Protection of Privacy Act (AIPPA), 2002	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☒ No
Boundary delimitations	Ward-based voting poses risks for disenfranchisement. If a person's name is not on the ward voters' roll and they do not have a registration certificate, they cannot vote. This is where violence and confiscation of voters' registration certificates and identity documents becomes a key instrument of disenfranchisement. Second, the current Electoral Act prohibits a person from voting in a polling station outside the ward in which they are registered. If a person is outside their ward, they are disenfranchised unless they qualify for postal voting	☐ Yes ☒ No
Use of public resources and political party financing	MDC-T secretary-general Tendai Biti has called for legislation to regulate the operations of the Central Intelligence Organisation. The CIO, housed in the President's Office, operates without accountability to anyone other than to President Robert Mugabe. Its expenditure is not subject to scrutiny by the comptroller or the auditor general	☐ Yes ☒ No
Code of conduct	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	• MDC-T Minister of State, Jameson Timba, was arrested for alleged unfavourable comments made against President Mugabe at a rally on 19 June. He was later released without charge • Thirty-five people were arrested in Warren Park, Harare, at the funeral of MDC-T activist Jack Ndeketeya. Those arrested included MDC-T activists, Ndeketeya's elderly father, a pastor and other mourners	☐ Yes ☒ No
Media freedom and access to information	• A group of civil society activists, including top lawyers and a journalist, were arrested and 'violently ejected' from the Summit of Southern African Development Community (SADC) leaders underway in Namibia • Villagers in Nyanga North are resisting the Zimbabwe Broadcasting Corporation's demands for licence fees, claiming the ZBC has failed to transmit a reliable signal in the area • The Broadcasting Authority of Zimbabwe (BAZ) called for applications for two commercial radio licenses in an advert in the state-run Herald newspaper • Mziwandile Ndlovu, a journalist with the Bulawayo-based Weekly Agenda, was harassed and threatened by police while in custody. Ndlovu was charged with writing a fictitious story under Section 31 of the Criminal Law Codification Act • MDC Secretary General Tendai Biti admitted that the MDC failed to create a conducive media environment in the country and that media laws that have been used in the past to stifle the media environment are still intact • Zimbabwe police arrested the editor of the Standard newspaper and a reporter after a weekend report on the arrest of MDC-T Minister Timba • Broadcasting Services Act, 2001	☐ Yes ☒ No
Role of civil society	• As inter-party negotiations for an election roadmap continue, women's organizations have established minimum conditions for free and fair elections. The conditions, set by the Women's Coalition of Zimbabwe, include a new constitution, a gender sensitive national healing process, legal reforms, an end to politically motivated violence and intimidation and the promotion of intra-party democracy • NGO registration barriers differ among localities • Non-Governmental Organisations Bill, 2004 (not yet signed into law) • Private and Voluntary Organizations Act, 2007	☐ Yes ☒ No
Role of the security sector	• Brigadier General Douglas Nyikayaramba stated that President Mugabe should rule Zimbabwe until he dies and that he and other army officers will never salute Prime Minister Tsvangirai	☐ Yes ☒ No

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.