



Election Watch | Zimbabwe

September 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	• Citizenship of Zimbabwe Amendment Act, 2003; • Guardianship of Minors Act, 1961; • Broadcasting Services Act, 2001; • The parliamentary select committee in charge of Zimbabwe's constitutional reform program has announced that the Second Stakeholders Conference that was to be held from 4-6 October will now take place from 21-23 October.	☐ Yes ☒ No

2.1.2 Freedom of association	• Public Order and Security Act, 2002, amended 2007; • Moti village head Ndlovu, a ZANU PF member, threatened to evict all MDC supporters from his village, saying they are “sell-outs”; • On 4 September, police in Tsholotsho banned a meeting held by ZimRights, refusing at the last minute to approve of the event.	☐ Yes ☒ No
2.1.3 Political tolerance	• Except for the ZANU PF and MDC factions, smaller political parties have been excluded from constitutional negotiations; • Titus Kaneupadu, a Mudzi member of the MDC-T was taken to the hospital after being attacked by ZANU PF supporter Brian Kazingzi with an axe on 7 September. The attack took place after Kaneupadu attended a Joint Monitoring and Implementation Committee (JOMIC) meeting.	☐ 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; • Supa Mandiwanzirea was granted two commercial radio licenses, for ZiFM and StarFM, both of which are owned by the state-run Zimbabwe Newspapers group. Media reform activists, including the Media Institute of Southern African (MISA), argue that the stations have become propaganda networks; • On 2 September, state-owned media outlets as a whole refused to join the Voluntary Media Council of Zimbabwe, making it difficult for complaints to be received by both the public and other political factions.	☐ 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; • On 1 September, university lecturer and political analyst John Makumbe declared his intention to run for an MP office in Buhera West, openly supporting the MDC-T.	☐ Yes ☒ No
2.1.7 Independence of the Judiciary and impartiality of the electoral institutions	• Chief Justice Godfrey Chidyausiku called on political leaders to call for peace and an end to violence ahead of the general elections; • Judge President George Chiweshe ruled that President Mugabe must hold the by-elections in in Nkayi South, Bulilima East, and Lupane East no later than 31 March 2013, reversing an earlier High Court decision that ruled the by-elections had to be held by 1 October 2012; • It has been 16 months since the detainment of 29 members of MDC-T were arrested on what many perceive to be false charges for the murder of police officer Petros Mutedza in Glen View, Harare last year. The trial has been postponed indefinitely, and all bail requests have been denied by the Supreme Court.	☒ Yes ☐ No

2.1.8 Voter education	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.	☐ 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	N/A	☐ 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. 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	- Citizenship of Zimbabwe Amendment Act, 2003; - Guardianship of Minors Act, 1961; - On 17 September, a unanimous decision by COPAC was reached to deny the voting rights of the Zimbabwean Diaspora abroad. This proposal was largely denied due to concerns that postal voting could be rigged; - It was reported on 23 September that, due to deeply entrenched corruption at the Registrar General's Office, many people are failing to get identity documents, which make it difficult to register to vote.	☐ Yes ☒ No
Freedom of choice	- Access to Information and Protection of Privacy Act (AIPPA), 2002; - On 22 September, the Deputy Minister of Higher and Tertiary Education, Lutho Tapela, told officials at the United College of Education teachers' graduation ceremony to stop speaking English in classrooms.	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☐ No
Boundary delimitations	On 3 September Voice of America reported that hundreds of households in Matabeleland North's Lupan District and Mhondoro in Mashonaland West, were completely ignored during the census process, likely affecting the future delimitations process.	☐ Yes ☒ No
Use of public resources and political party financing	Finance Minister Tendai Biti reaffirmed that it would not be feasible to hold general elections this year, as there is not enough money available to fund the efforts.	☐ Yes ☒ No

Code of conduct	• The National Executive of MDC-T resolved that all members and officials who were implicated in violence should be brought before the national disciplinary committee without regard to their status within the party; • Parliament has neither implemented the “Code of Conduct”, nor registered the financial interests of its Members.	☐ Yes ☒ No
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Assessment of electoral environment

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• Deputy Minister of Women’s Affairs, Gender and Community Development Jessie Majome told a MISA on 2 September that, “ZANU PF is afraid of a just and equal society...They have tried everything from gross unreasonableness, violence, confusion and are now doing everything to upturn or overturn the [constitutional amendment] process”; • It was reported by The Zimbabwe Mail on 5 September that ZANU PF’s campaign strategy now includes infiltrating churches, using traditional leaders, and neutralizing civic society in order to push the electorate toward ZANU PF; • A poll conducted by Afrobarometer shows that the public fears political violence during the upcoming election process. One example was that “... 63% of Zimbabweans say that during an election campaign they personally fear becoming victims of political intimidation and violence”; • On 5 September, a Zimbabwe court fined Cleapas Manangazira \$150 for joking that Mugabe had died; • On 27 September, the MDC-T Deputy Organizer for Bulawayo, Tsepiso Mpofu, and eight other party activists were arrested by police in Bulawayo. Mpofu was charged with “aggressive behaviour towards police” while the other seven activists were later released.	☐ Yes ☒ No
Media freedom and access to information	• Recently launched radio station ZiFM Stereo has proven far more timid than anticipated, refraining from reporting any domestic political views, instead focusing on neutral international stories. Media freedom activist Njabulo Ncube of the MISA-Zimbabwe stated on 1 September that, “It is deliberate. They were issued with licenses just so the government would appear to be reforming media”; • Eight journalists from the United Kingdom based Afro News Agency Broadcasting (ATV) were arrested on 26 September for unspecified reasons; • Accused of running an illegal operation, police raided DDB Hash 3 advertising agency as it is believed to be supplying news content to a television station called ATV. This station streams its daily content on free-to-air satellite. Its content includes a daily news bulletin, which is also available to view on YouTube every day;	☐ Yes ☒ No

	• The Zimbabwe All Media Products Survey has released its quarterly survey indicating that all state-run media are the most listened to and read in the country. The survey found that the Herald maintained its position as the most read paper by at least 31 percent of the population with News Day and the Daily News tied at 22 percent.	
Role of civil society	• Civil society groups have been left out of the draft amendment process, arguing that it is flawed due to these exclusions, as only ZANU PF and the two MDC factions have been included in the negotiations; • On 1 September, Harare's minibus operators lodged an official police report against ZANU PF youth chairperson Jimi Kunaka and his Chipangano militia for extorting money from drivers; • Civil society groups such as ZimRights and Crisis in Zimbabwe Coalition have argued against police for requiring a letter of consent from venues whenever NGOs hold public meetings; • Women and Men of Zimbabwe Arise (WOZA) has called for the inclusion of civil society groups in the drafting of the new constitution; • The Zimbabwe Election Support Network (ZESN) stated that Mugabe's call for full elections in the last week of March doesn't allow enough time to establish conditions for a free vote.	☐ Yes ☒ No
Role of Security Sector	• Prime Minister Tsvangirai has claimed that police in Harare are attempting to block MDC-T rallies across the city, claiming that an MDC-T member was involved in violent attacks against ZANU PF supporters; • Ten soldiers were arrested the week of 17 September on allegations of assault and demanding money from rank marshals and touts in Harare.	☐ Yes ☒ No