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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.

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 Youth Forum Zimbabwe (YFZ) wants government to review electoral laws that require proof of residence to register as voters, claiming that many youths in Bikita have been turned away unfairly; • President Mugabe has put nine pieces of legislation under his office without consulting his unity government partners as per some provisions of the Global Political Agreement, a move some critics view as an attempt to consolidate his grip on power ahead of next year's general elections.	☐ Yes ☒ No

	In a statutory instrument gazetted last Friday, the president single-handedly allocated himself the Commission of Inquiry Act, Emergency Powers Act, Honours and Awards Act, Interception of Communication Act, Presidential Powers (Temporary Measures) Act, Procurement Act, Radiation Protection Act, Research Act and the Zimbabwe National Security Council Act.	
2.1.2 Freedom of association	• Public Order and Security Act, 2002, amended 2007.	☐ Yes ☒ No
2.1.3 Political tolerance	- On 2 October, three MDC-T supporters, Darlington Serewu, Trust Shayanewako, and a third unnamed victim, were attacked by ZANU PF members while on their way to an MDC-T event celebrating the party's 13th anniversary. The attacks are believed to be coordinated by Andrew Langa, an MP from Insiza North; - Energy and Power Development minister Elton Mangoma was arrested for allegedly insulting President Robert Mugabe at a rally last March.	☐ 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; - On 5 October, Information Minister Webster Shamu announced his plan to take full control of state-run media, a clear act of ZANU PF's active ambitions to propagate the party's message to the largest audience possible. This move would prevent any other political parties from gaining access to state media outlets.	☐ 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 23 October it was announced that a new rule encouraging candidates for all national elections to give authorization letters from their parties in order to file nomination papers. This motion is expected to help the MDC-T in the upcoming elections, as it would prevent voter manipulation through the use of double candidates from the same party from running; - Kennedy Moyo was arrested at the Harare International Airport for contravening Section 21 (3) of the Citizenship Act, Chapter 4:01 (prohibition of dual citizenship) after he was found in possession of a British and Zimbabwean passport.	☐ Yes ☒ No
2.1.7 Independence of the Judiciary and impartiality of the electoral institutions	• On 1 October, Justice George Chiweshe postponed a ruling on Mugabe's application to postpone three long overdue by elections until March 2013. The by-elections in three parliamentary constituencies, Nkayi South, Bulilima East and Lupane East, have been now been postponed for three years since the seats became vacant in 2009;	☒ Yes ☐ No

	• On 30 October, Justice Chinembiri Bhunu fell ill in what many are calling a “choreographed sickness,” in order to yet again delay the trial of 29 MDC-T party activists. The defendants in question face what many believe are trumped up charges of killing a police officer. The case has now been delayed by two weeks as the defendants remain detained in prison, consistently denied bail; • Government gazetted the Zimbabwe Human Rights Commission Bill. A nine member commission will have the powers to investigate rights violations in the country that took place after 13 February 2009.	
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; • On 5 October the Zimbabwe Electoral Commission (ZEC) extended an invitation to civic organizations working on voter education campaigns to register with the ZEC. The ZEC stated that all organizations should comply with the Electoral Act which delegates powers to limit the number of voter education organizations.	☐ 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 October, Registrar General Tobaiwa Mudede, a ZANU PF member who led the failed voter registration initiative, claimed that the voters’ roll is “perfect” amongst widespread charges that the system has been rigged through double registration.	☐ Yes ☒ No

Freedom of choice	• Access to Information and Protection of Privacy Act (AIPPA), 2002; • On 10 October, Mugabe threatened those who are considering boycotting the next elections by stating that the elections will be held whether they like it or not. Amongst allegations that the playing field is uneven, Mugabe said, "You can't get anything better than this. I don't know if there is any country which can beat this..."	☐ Yes ☒ No
Impediments to standing	N/A	☐ Yes ☐ No
Boundary delimitations	• On 17 October, Registrar General Tobaiwa Mudede, a ZANU PF member who led the failed voter registration initiative, claimed that the voters' roll is "perfect" amongst widespread charges that the system has been rigged through double registration. There have also been allegations that some voters were left off the roll for political reasons.	☐ Yes ☒ No
Use of public resources and political party financing	• On 30 October, the IMF announced that most technical assistance restrictions were to be relaxed, opening the chance for future IMF Staff Monitored Programmes in Zimbabwe to be created, further opening room for Zimbabwean funds to be allocated to election efforts; • On 29 October, reports emerged linking ZANU PF to illegal gold mining in KweKwe in the Midlands, exploiting valuable natural resources.	☐ 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

Assessment of electoral environment

	Divergence/Obstructive Legislation	Compliant
Freedom from intimidation, fear and violence	• On 2 October, Minister of Finance Tendai Biti was locked behind the doors of government offices by "self-styled war veterans"; • Over 13-14 October, a company owned by ZANU PF demolished the homes of residents of Chinamano Cooperative. Although residents were told they would be allowed to stay on the land, police arrived to evacuate people from their homes before they were bulldozed. ZANU PF has been accused of doing this in order to give out this "private land" in order to secure votes; • On 24 October it was reported that ZANU PF has begun illegally settling homeless people on unapproved residential stands on Linderis Farm in a bullying attempt to win the support of more than 200 families.	☐ Yes ☒ No

Media freedom and access to information	• On 5 October, Information Minister Webster Shamu announced his plan to take full control of state-run media, a clear act of ZANU PF's active ambitions to propagate the party's message to the largest audience possible; • On 15 October it was announced that The Media Alliance of Zimbabwe approves the provisions in the draft constitution which call for a guarantee on freedom of expression, media freedom, artistic expression, academic freedom, and the right to access information; • On 15 October, the Media Alliance of Zimbabwe also raised concerns about areas of the draft constitution which focus largely on state owned media in Section 4.18 (4). They argue that a better approach would be to transform state owned media outlets into public media outlets run by independent boards, held accountable by the public and defended by parliament; • On 30 October, Vakakora Capital, a private company linked to prominent ZANU PF officials, was granted permission to sue two independent daily newspapers, NewsDay and Daily News, for publishing stories about political violence that supposedly caused Vakakora Capital financial losses.	☐ Yes ☒ No
Role of civil society	• On 28 October, Women and Men of Zimbabwe Arise (WOZA) were awarded the Bulawayo Agenda Courageous Awards; • On 29 October, Tryvinne Musokeri, the Secretary General of the Zimbabwe National Students Union (ZINASU) was brought into custody in Hwahwa Prison; • On 31 October, it was announced that The Youth Forum of Zimbabwe launched a campaign called "Youth Let Us Vote," stressing the importance of youths registering to vote; • On 31 October, Transparency International Zimbabwe launched a new SMS service in order to prevent further corruption in the public sector; • The Zimbabwe Human Rights NGO Forum has formed as a coalition of nineteen human rights NGOs in Zimbabwe. It aims to end organized violence, torture, and degrading treatment against civilians; • Local residents' associations have resolved to support the COPAC draft constitution during the 2nd All Stakeholders' conference set for October 21 – 23. These associations include the Combined Harare Residents Association, Bulawayo Progressive Residents Association and the Zimbabwe Institute; • Idasa, and African democracy institute, has published constitutional guidelines and analysis of the COPAC draft. These documents can be found here.	☒ Yes ☐ No

Role of the security sector	• During the week of 15 October, the Epworth Local Board and Police demolished several homes, violating the United Nations Basic Principles and Guidelines on Development Based Evictions and Displacement; • On 12 October, Justice Minister Patrick Chinamasa stated that military generals will do anything in their power to prevent Tsvangirai from winning the upcoming elections, threatening violence and a potential coup; • Two Air Force officers, Promise Makaza and Tafadzwa Maida, were acquitted of assaulting a police officer who attempted to arrest their friend for driving without a license.	☐ Yes ☒ No
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