



**SADC ELECTORAL OBSERVATION MISSION (SEOM) TO
THE REPUBLIC OF ZIMBABWE**

PRELIMINARY STATEMENT

BY

HIS EXCELLENCY MANUEL DOMINGOS AUGUSTO

MINISTER OF EXTERNAL RELATIONS OF THE REPUBLIC OF ANGOLA

AND HEAD OF THE SEOM

TO THE 2018 HARMONISED ELECTIONS

IN

THE REPUBLIC OF ZIMBABWE

HELD ON

30 JULY 2018

**Delivered on 01 August 2018
Rainbow Towers Hotel
HARARE**

Your Excellency Mr John Dramani Mahama, Former President of the Republic of Ghana and Head of the Commonwealth Election Observation Mission;

Your Excellency Hailemariam Desalegn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and Head of the African Union (AU) Election Observation Mission to the Republic of Zimbabwe;

Your Excellency Dr. Stergomena Lawrence Tax, Executive Secretary of the Southern African Development Community (SADC);

Honourable Justice Patrick Matibini, SC, Speaker of the National Assembly of Zambia and Head of Mission of the SADC Parliamentary Forum;

Hon. Justice Semistocles S. Kaijage, Chairperson of the National Electoral Commission of Tanzania and Head of Mission of the Electoral Commissions Forum of SADC Countries;

Ambassador Ashraf Gamal Rashed, Member of the COMESA Committee of Elders;

Distinguished Members of the Zimbabwe Electoral Commission (ZEC);

Esteemed Members of the SADC Organ Troika on Politics, Defence and Security Cooperation;

Distinguished Members of the SADC Electoral Advisory Council (SEAC);

Representatives of the Government of the Republic of Zimbabwe;

Leaders and Representatives of Political Parties;

Local and International Election Observation Missions;

Members of the Diplomatic Corps and International Organisations;

Religious Leaders;

Members of the Media;

Members of Civil Society, Women and Youth Organisations;

Distinguished Guests;

“Kwaziwayi”.

“Linjani”

“Good morning”

It is my privilege to welcome you all to this august event, the presentation of the Preliminary Statements of the International Electoral Observers to the Harmonised Elections in the Republic of Zimbabwe that took place on Monday, 30 July 2018.

I am honored to present the Preliminary Statement of the SADC Electoral Observation Mission (SEOM).

**Your Excellencies;
Ladies and Gentlemen;**

In accordance with the established practice to observe the National Elections in SADC Member States, His Excellency João Manuel Gonçalves Lourenço, President of the Republic of Angola and the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation constituted the SADC Electoral

Observation Mission (SEOM) to observe the elections following an invitation extended by the Government of the Republic of Zimbabwe.

This practice is in conformity with the *SADC Treaty; the SADC Protocol on Politics, Defence and Security Cooperation* and the revised *SADC Principles and Guidelines Governing Democratic Elections (2015)*.

In this regard, President João Lourenço mandated Dr. Stergomena Lawrence Tax, the Executive Secretary of SADC to facilitate the deployment of the SEOM to the Republic of Zimbabwe.

Furthermore, the Chairperson appointed me in my capacity as the Minister of External Relations of the Republic of Angola to lead the SEOM to the Republic of Zimbabwe.

**Your Excellencies;
Ladies and Gentlemen**

As you may know, SADC has now employed the Long Term Election Observation Methodology as stipulated in the Revised SADC Principles and Guidelines Governing Democratic Elections. To this end, we deployed the SADC Electoral Advisory Council (SEAC) in March, 2018, to assess whether the political and security environment was conducive to the holding of democratic elections; as well as gauge the state of preparedness of the Zimbabwe Electoral Commission (ZEC).

It is significant to note and appreciate, therefore, that both the SEAC and the Long Term Observation Mission observed that there had been a remarkable transformation in the exercise and protection of civil and political rights in Zimbabwe compared to the 2008 presidential run off. Further to this, the SEOM notes that Zimbabwe has welcomed international election observers, some of whom were previously barred or not invited to observe elections in Zimbabwe. This is a commendable move towards electoral transparency and confidence building in the electoral process.

**Your Excellencies;
Ladies and Gentlemen;**

The Mission notes that the 30 July 2018 Harmonized Elections in Zimbabwe were regulated by the Constitution of the Republic of Zimbabwe and the Electoral Act.

According to Section 158 (1)(a) of the Constitution of Zimbabwe, 2013, General Elections should take place not more than thirty days before the expiry of the five-year period in terms of Section 143 of the Constitution. By proclamation call the President sets the date for a General Election after consultation with the Zimbabwe Electoral Commission.

Pursuant to Section 144 of the Constitution of Zimbabwe, His Excellency Emmerson Dambudzo Mnangagwa, on 30th May 2018, issued a proclamation setting the 30 July 2018 as the date for Presidential, Parliamentary, and Local Government Elections, referred to as the Harmonised Elections.

**Your Excellences;
Ladies and Gentlemen;**

As part of its observation process, the SEOM engaged a wide range of stakeholders constituting state and non-state actors beginning with the Government of the Republic of Zimbabwe; ZEC, Political Parties, Council of Chiefs, media, representatives of regional and international organisations, academia, faith-based organisations; and civil society as well as persons with disabilities, women and youth.

The SEOM will continue with long term observation of the post-election phase – the findings of which will be incorporated into the final report of the Mission. Our assessment takes note of the major positive aspects related to the administration of the legal and constitutional framework and its transformative effect on the political and security context. We also take note of those areas that require improvement in order to enhance the electoral system and democracy in general.

1. FINDINGS OF THE SADC ELECTORAL OBSERVATION MISSION TO THE REPUBLIC OF ZIMBABWE

The Mission wishes to share the following Preliminary Findings of the 30th July, 2018 Harmonised Elections:

1.1 The Legal and Constitutional Framework

The Constitution promotes key principles for conducting democratic elections which include:

- (a) The right for all political parties to function and campaign freely within the law;
- (b) The will of the people to be demonstrated through elections that are conducted in a free, fair, transparent and efficient manner; and
- (c) State-owned media to be impartial and afford fair opportunity for the presentation of divergent views and opinions.

The SEOM further notes that the Constitution introduced new institutional mechanisms that promote democracy and good governance, which had to be factored into existing or new legislation in order for the laws of the country to be aligned with the Constitution. The Mission was informed by the ZEC that the process of aligning the Electoral Act with the Constitution is ongoing.

The Mission further notes that on 28th May 2018, the Government published the Electoral Amendment Act, 2018, whose key positive aspects include a new *Electoral Code of Conduct for Political Parties and Candidates and other Stakeholders*. The Code of Conduct is an essential framework enabling a climate of tolerance in which election activity may take place without fear, coercion, intimidation or reprisals.

The Mission also notes that public funding for political parties is based on the Political Parties (Finance) Act where funding is available based on achieving at least 5% of the parliamentary vote. The Act also prohibits political parties and candidates from accepting funding from individuals and entities who are foreigners and not resident in Zimbabwe.

1.2 Mandate and Appointment of ZEC Commissioners

Elections in Zimbabwe are conducted and managed by the ZEC which is one of the five *Chapter 12* institutions of the Constitution whose purpose is to promote democracy in Zimbabwe. The other four are the Human Rights Commission, the Gender Commission, the Media Commission, and the National Peace and Reconciliation Commission, which have a complementary role to play in the electoral context, particularly in conflict prevention, management and resolution.

The SEOM notes that the involvement of the public and political parties in the appointment of ZEC Commissioners is a commendable practice as it potentially lends credibility to the electoral management body. The ZEC is made up of a chairperson appointed by the President after consultation with the Judicial Services Commission (JSC) and the Parliamentary Committee on Standing Rules and Orders, which also includes ruling party and opposition parties; and eight other members appointed by the President from a list of not less than twelve (12) nominees submitted by the Committee. The appointment of the Commissioners is based on stakeholder consultations, public nomination processes, and public interviews in Parliament. The ZEC's mandate includes:

- (i) Conducting and managing elections and referenda in Zimbabwe in a transparent, impartial and independent manner;
- (ii) Establishing a voter registration system that results in a credible Voters' Roll;
- (iii) Creating and consolidating structures that facilitate good relations between and among stakeholders in elections; and
- (iv) Designing and developing a voter education programme that informs and educates the electorate in Zimbabwe.

In line with the ZEC mandate, the SEOM notes that the ZEC has made a number of positive improvements to the management of the elections, which include the following:

- (i) Introduction of a Biometric Voter Registration (BVR) system on 14th September, 2017 through Statutory instrument 109 of 2017, following the disagreements between contesting political parties in 2013 over transparency and management of the voters roll. This is consistent with the provisions of the Revised SADC Principles and Guidelines Governing Democratic Elections;
- (ii) ZEC is now fully in charge of the registration of voters and management of the voters' roll;
- (iii) The introduction of Polling station specific registration which confines each voter to cast ballots at only one polling station of their choice within the precincts of their homes, to allay fears of multiple voting;
- (iv) The establishment of the Multi-Party Liaison Committee as a platform for political party dialogue and engagement on issues related to the election process;
- (v) The positive engagement with civil society organisations, particularly in respect of civic and voter education.

Further to this, and in the context of electoral conflict prevention, management and resolution, the National Peace and Reconciliation Commission (NPRC) has been operational since February 2018, and has evidently contributed to the enhancement of the climate of peace and political tolerance by facilitating commitments to *the Peace Pledge* signed by 21 political leaders ahead of polling day. In addition, the Human Rights Commission now has the mandate to observe the elections in Zimbabwe, and deployed observers in this respect.

Despite these highly significant initiatives by the ZEC and other Chapter 12 Institutions, the SEOM also took note of the varied concerns raised by stakeholders in respect of ZEC and its management of some aspects of the electoral process. The following were the main issues raised by stakeholders:

- (i) delays in the release of the voters' roll to political stakeholders;
- (ii) alleged lack of transparency in the procurement and printing of the ballot papers;
- (iii) the layout of the ballot paper, which was alleged to have favoured one candidate over others;
- (iv) alleged lack of impartiality by the ZEC and bias towards one political party over others; and
- (v) lack of a pro-active communication strategy with respect to the concerns of political parties.

The Mission finds that some of the issues raised were due to residual historical distrust towards state institutions, particularly the Electoral Management Bodies, for example, the Registrar General whose Office in the past was responsible for the registration of voters.

Other challenges were seemingly due to ZEC's apparent inability to employ a comprehensive communication strategy that could have engendered greater transparency while enhancing confidence amongst stakeholders.

1.3 Registration and Preparation of the Voters' Roll

The Mission finds that there has been a general consensus amongst the stakeholders consulted that the introduction of the BVR has had the potential effect of rendering improved confidence to the electoral process. Further to this, the Mission also notes that independent civil society organisations were permitted to conduct an audit of the voters roll to ascertain its veracity.

Although the introduction of the BVR was a significant development in the electoral process of Zimbabwe, some stakeholders expressed concerns over the resultant voter's roll. It was the view of the opposition and some civil society groups that the Voters' Roll was shared late and in a format that was not analyzable and therefore, not consistent with the provisions of the Constitution.

The aggrieved stakeholders also expressed concern that the time allocated for inspection and verification of the voters' roll was inadequate for both registered voters and political parties. Furthermore, the electronic copies of the voters' roll were only made available after the nomination process.

1.4 Concerns about Postal Voting

The SEOM notes that there has been considerable confusion amongst stakeholders regarding the procedures for postal voting. This may have arisen from the apparent conflation of *special voting*, which has since been repealed, with *postal voting*. The SEOM notes that the Electoral Act does not require observation or supervision of the postal voting process.

1.5 Diaspora Voting

Despite the concerns raised by stakeholders regarding the lack of facilities for diaspora voting, the Mission notes that the Constitution of Zimbabwe makes no such provision; and the Electoral Act limits voting to within the voter's constituency, with the limited exception of postal voting. Further, the Mission also takes note of the judgment of the Constitutional Court of Zimbabwe delivered on 30 May 2018, which confirms that there is no constitutional provision for diaspora voting.

1.6 Role of the Police in National Elections

Thus far, the Mission has found the conduct of the Police to have been of a high professional standard which has contributed to the peaceful

dispensation experienced during this election. With a few exceptions for which justifications were proffered, the Police permitted political parties to exercise their freedom of assembly and association during the campaign period. The Mission also commends the Police for developing a booklet on the code of conduct for their officers during elections which was based on the revised SADC Principles and Guidelines Governing Democratic Elections.

1.7 Role of Traditional Chiefs in National Elections

Traditional leaders at whose apex are the Chiefs play a critical role in the rural economy of Zimbabwe. They are responsible for the implementation of customary law and the allocation of rural land. The Mission noted concerns by stakeholders that some traditional leaders were using their influence to intimidate or coerce the rural population into supporting the ruling party. Nonetheless, the Mission observes that the Constitution of Zimbabwe prohibits traditional leaders from furthering the interests of any political party or acting in a partisan manner. Furthermore, the Mission notes the High Court of Zimbabwe judgment, which ordered the leadership of the Traditional Leaders not to be partisan. The SEOM also notes that the Zimbabwe Human Rights Commission has advised stakeholders such as traditional leaders to desist from voter intimidation.

1.8 Women Participation

The Mission notes that Zimbabwe has provided for legislated gender quotas in the Constitution to facilitate parity in governance structures. To this end, 60 seats are allocated to women on Proportional Representation (PR) basis. This is an important initiative not only in the national context but also in the endeavor to fulfil relevant provisions of the SADC Protocol on Gender and Development and the Revised SADC Principles and Guidelines Governing Democratic Elections. However, the Mission notes that this provision will fall away in the next elections in 2023. Furthermore, despite the existence of the gender quota, there has been comparatively lower participation by women in this election as candidates despite their superior numbers in the voter register.

1.9 Persons with disabilities

The Mission also noted the concerns raised by the visually impaired that there is no provision for braille ballot papers, and the procedure is that the visually impaired voters are permitted to be accompanied by a trusted person who assists them to cast their votes. However, this procedure does not protect the secrecy of the vote of the visually impaired.

1.10 Access to the Media

The Mission notes that the Electoral Law provides for indirect and direct access during elections for political parties to the public broadcaster. While the law also affects private media, its requirements are more stringent in relation to State-owned media on account of them being public institutions.

The Mission noted, in this regard, that the public broadcaster and the State-owned newspapers were in favour of one political party, contrary to the relevant provisions of the Constitution, the Electoral Act, and the Revised SADC Principles and Guidelines Governing Democratic Elections, which requires State-owned media to be impartial.

Your Excellences;

Ladies and Gentlemen;

On Election Day, the Mission observed a total of 178 polling stations of which 52% were in rural areas and 48% in urban constituencies. The following was observed by the Mission during opening, voting and closing of polling stations on election day in this regard:

- (i) The environment at all of the polling stations observed was peaceful, and all the polling stations opened and closed on time without any disruption of the procedures;
- (ii) The voting process in most of the observed stations was carried out in accordance to the set procedures;
- (iii) Most of the polling stations were accessible to persons with disabilities;
- (iv) The police were present at all polling stations and were found to be professional, attentive and discreet;
- (v) Some voters were turned away, among other things, because they were at the wrong voting station while some could not be positively identified;
- (vi) Some voters in need of assistance were assisted mainly by persons of their choice, and in certain cases, by the election officer and police;
- (vii) During closing and counting, the reconciliation process took place in the presence of party agents and the reconciliation numbers were announced to all present;

- (viii) At all the polling stations observed, the V.11 form, which confirms the results of the particular polling station, was duly completed and signed by the party agents.

**Your Excellences;
Ladies and Gentlemen;**

In summary, the pre-election phase and the voting proceeded in a peaceful and orderly manner, and were largely in line with key provisions of the Legal and Constitutional Framework and in conformity with the revised SADC Principles and Guidelines Governing Democratic Elections. The peaceful environment provided the people of Zimbabwe the opportunity to exercise their constitutional right.

SEOM will continue to assess the post-election period covering the counting, tallying and tabulation of results; and other relevant aspects of the result management process.

**Your Excellences;
Ladies and Gentlemen;**

In view the above, the SEOM presents the following recommendations:

2. LEGAL FRAMEWORK

The Mission urges the Government of Zimbabwe to consider expediting alignment of outstanding aspects of the Electoral Law to the new Constitution.

2.1 Voters roll

The Mission urges ZEC to endeavour to avail the voter's roll, as and when, required by stakeholders to allow enough time for inspection and verification.

2.2 Public Communication by ZEC

Given the concerns raised by certain stakeholders on the alleged partiality of the ZEC, the Mission calls on ZEC to consider adopting a pro-active communication strategy which engages stakeholders at every relevant stage of the electoral processes in order to build confidence and a sense of ownership amongst key stakeholders and the general public.

2.3 Postal voting

The Mission urges the ZEC to conduct sensitisation programs regarding postal voting particularly related to its modalities and management.

2.4 Diaspora Voting

The Mission advises that, consideration should be given to permit voting by Zimbabweans in the diaspora.

2.5 Media

The Mission advises the ZEC and the Media Commission to ensure that the Constitution and Electoral Law are enforced with respect to the conduct of the media.

2.6 Women and gender balance

In line with the Constitution of Zimbabwe, and the SADC Protocol on Gender and Development of 2008, the SEOM encourages all stakeholders to review the political and social environment, with a view to promoting women and gender balance in positions of political leadership.

2.7 Provisions for persons with disabilities

While the Mission commends ZEC for introducing mechanisms for voters with disabilities to access polling stations, the Government and ZEC are urged to continue to establish user-friendly polling stations to cater for people with disabilities, including the provision of braille ballot papers.

**Your Excellences;
Ladies and Gentlemen;**

In conclusion, the Harmonised Elections of 30th July, 2018, represent a political watershed in Zimbabwe's history as they may open a new chapter leading towards socio-economic recovery and consolidation of democracy.

The Mission wishes to commend the people of Zimbabwe for conducting themselves in a peaceful, orderly and exemplary manner during the pre-election phase and voting day. In the event of any disputes around the outcome of these elections, candidates are strongly urged to channel their grievances through established dispute resolution mechanisms as provided by the law; and refrain from any form of violence.

**Tatenda
Siyabonga
Thank you
Muito Obrigado
Merci beaucoup**