



SADC ELECTION OBSERVATION MISSION
TO THE REPUBLIC OF ZIMBABWE
PRELIMINARY STATEMENT
BY
HON. BERNARD KAMILLIUS MEMBE
MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL
COOPERATION OF THE
UNITED REPUBLIC OF TANZANIA
AND
HEAD OF THE SADC ELECTION OBSERVATION MISSION
TO THE
HARMONISED ELECTIONS OF THE REPUBLIC OF ZIMBABWE
HELD
ON 31 JULY 2013

- The Zimbabwe Electoral Commission(ZEC);
- Esteemed Leaders of the Political Parties;
- Honourable Ministers;
- Honourable Members of Parliament;
- The Executive Secretary of SADC;
- The SADC Facilitation Team;
- Members of the Diplomatic Corps;
- Religious and Traditional Leaders;
- Members of Civil Society;
- Esteemed Members of other Election Observation Missions;
- Esteemed Members of the Media;
- Distinguished Guests;
- Ladies and Gentlemen

It is an honour and pleasure for me to welcome you all on the occasion of the presentation of the SADC Election Observation Mission (SEOM) Preliminary Statement on the harmonised elections process in the Republic of Zimbabwe.

1. INTRODUCTION

In accordance with the provisions of the Southern African Development Community (SADC) *Principles and Guidelines Governing Democratic Elections*, the Government of the Republic of Zimbabwe invited SADC to observe its harmonised elections which were held on 31 July 2013.

Pursuant to a valid mandate, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, officially constituted the SADC Election Observation Mission (SEOM) to the Republic of Zimbabwe and directed the SADC Executive Secretary, Dr. Tomás Augusto Salomão to facilitate its administrative and logistical support. Furthermore, H.E President Kikwete appointed me, Bernard Kamillius Membe (MP), Minister of Foreign Affairs and International Cooperation of the United Republic of Tanzania, to head the Mission.

Distinguished guests, as you may recall, we officially launched the SEOM here at the Harare International Convention Centre on 15 July 2013 in the presence of electoral stakeholders in the Republic of Zimbabwe.

The deployment of 573 Observers was a demonstration of SADC's efforts in assisting the people of Zimbabwe to achieve peace and stability. In this regard, we would like to recall the signing in September 2008 of the Global Political Agreement (GPA) under the stewardship of SADC and eventual formation of the Inclusive Government.

SADC is greatly pleased that the GPA, among its major achievements, delivered a new constitution that was ratified by the people of Zimbabwe through the Referendum, which was held on the 16th of March, 2013

The new constitution has paved the way for the holding of the 2013 Harmonised Elections to which our Mission was deployed to observe.

After intensive engagement by SEOM with other stakeholders, it is my honour to deliver the Preliminary Statement of the Mission. A final report shall be released within thirty (30) days after the announcement of the election results in line with the *Principles and Guidelines Governing Democratic Elections*.

2. THE ROLE OF THE SADC ELECTORAL OBSERVATION MISSION

The SADC Electoral Observation Mission derives its mandate from the *SADC Principles and Guidelines Governing Democratic Elections*, which emanate from the *African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa* and the *AU Guidelines for African Union Election Observation and Monitoring Missions*. In addition, the Mission worked within the legal framework of the Republic of Zimbabwe.

The *SADC Principles and Guidelines Governing Democratic Elections* being the benchmark and basis of our observation, the Mission sought to determine the existence of, among others, the following pre-conditions as the scope of our observation:

- (i) Constitutional and legal guarantees of freedoms and rights of citizens;
- (ii) Conducive environment for free, fair and peaceful elections;
- (iii) Non-discrimination in voter registration;
- (iv) Existence of an updated and accessible voters roll;
- (v) Timeous announcement of the election date;

- (vi) Where applicable, transparent funding of political parties based on the agreed threshold in accordance with the laws of the land;
- (vii) Establishment of the mechanism for assisting the planning and deployment of the electoral observation missions;
- (viii) Neutral location of the polling station; and
- (ix) Counting of the votes at the polling stations.

3. PRE-MISSION DEPLOYMENT

Your Excellencies, Ladies and Gentlemen, let me indicate at this stage that as part of its preparation, the SEOM observers undertook formal preparation prior to the deployment in the form of a two-day debriefing and refresher-training session conducted from 11 – 12 July 2013 to enhance their capacities in their areas of deployment. The training, among other things, focused on the following:

- (i) Understanding of the political context in the Republic of Zimbabwe;
- (ii) The constitutional and legal framework for the harmonised elections in the Republic of Zimbabwe;
- (iii) Electoral Cycle and Election Observation Methodology;
- (iv) SADC Principles and Guidelines Governing Democratic Election; and
- (v) SADC Election Observation Mission and Code of Conduct for observers.

Your Excellencies, Ladies and Gentlemen, you may recall that during the launch of the SEOM on 15 July 2013, we directed the Observers to adhere to the SADC Principles and Guidelines Governing Democratic Elections in conducting their duties with emphasis on the following:

- That the Observers must comply with the laws and regulations of the Republic of Zimbabwe and relevant international instruments governing democratic elections;
- That they should maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in the election process. Furthermore, they will not display or wear any partisan symbols, colours or banners;
- That they will base all reports and conclusions on well documented, factual and verifiable evidence from a multiple number of credible sources as well as their own eye-witness accounts; and
- That they should work harmoniously with each other and other election observation missions/organisations in their areas of deployment.

Congratulation to all of you Observers for adhering to all these principles. You can go home with pride and dictum of “mission accomplished”

4. PRE-ELECTION PHASE

4.1 DEPLOYMENT OF SEOM OBSERVERS

In an endeavour to gather information and overall reflection of this election, the Mission deployed 170 teams of observers in all the ten (10) Provinces of the Republic of Zimbabwe. In accordance with the *SADC Principles and Guidelines Governing Democratic Elections*, Observers were given the responsibility to observe the harmonised elections and to give comprehensive accounts of their findings in their areas of deployment in order for the Mission to provide an informed assessment.

As stated, SEOM deployed 573 Observers drawn from SADC Member States. This is the largest Observer Mission ever deployed by SADC. The sheer numbers of the Mission are a clear indication and commitment of SADC to work with the people of Zimbabwe.

The composition of the Mission consisted of Members of Parliament, Civil Servants and Civil Society Organisations. The activities of the Mission across the country were coordinated from the Mission Headquarters based at the Rainbow Towers Hotel in Harare. The Headquarters was staffed with officials from the Troika of the Organ, supported by the SADC Secretariat.

4.2 CONSULTATIONS WITH STAKEHOLDERS

In the course of its observation during the pre-election period, the SEOM interacted with various electoral stakeholders in order to gather information on various aspects of the electoral process. The stakeholders included the following:

- Political Parties;
- Members of the Zimbabwean Government;
- Attorney General
- Zimbabwe Republic Police (ZRP);
- Zimbabwe Electoral Commission (ZEC);
- Non-Governmental Organisations;
- The African Group of Ambassadors, the European Union Diplomatic Mission and the Embassies of the USA, Australia, Canada, Japan, Norway, and China;
- Religious Institutions;
- Traditional Leaders;
- The SADC Parliamentary Forum;
- Media Organisations;
- The Joint Monitoring and Implementation Committee (JOMIC); and
- The AU Observer Mission and other Observer Missions

These interactions enabled the Mission to appreciate the prevailing political environment in the country and efforts of the Zimbabwean people and relevant institutions, particularly the Electoral Commission, in advancing the integrity of the electoral process.

4.3 MAJOR ISSUES RAISED BY STAKEHOLDERS

Stakeholders raised the following key issues of concern:

- The timing of the election date;
- Concerns regarding ZEC readiness to conduct the harmonised elections;
- Timeframe for voter registration;
- Challenges relating to the special vote;
- Media conduct;
- Accreditation of JOMIC observers;

- Timeous availability of an updated Voters roll;
- Printing of more ballot papers versus registered voters;
- Political intolerance;
- Hate speech; and
- Funding.

The SEOM pursued some of these concerns in a systematic manner by conducting further investigations and sought clarification and verification from the relevant parties and authorities. Following were responses from the stakeholders:

- With regard to the timing of the election date, the Mission noted that pursuant to the 31 May 2013 ruling of the Supreme Court that elections should be held by 31 July 2013, the President of Republic of Zimbabwe proclaimed 31 July 2013 as the date for the harmonised elections. This date was subsequently upheld by the Constitutional Court following the application for the postponement of the election date for two weeks on the advice of the June 2013 Maputo SADC Summit. Furthermore, the Mission noted that political parties accepted the election date and participated in the electoral process with some raising their concerns that such a short notice would affect proper voter registration and updating of the voters' roll.
- On ZEC's readiness to conduct the harmonised elections, the Mission was informed by ZEC on 23 July 2013 that in line with their constitutional mandate and notwithstanding the challenges that included, amongst others, financial and logistical constraints, it proceeded with the necessary logistical arrangements.

- Regarding the timeframe for voter registration, some stakeholders raised concerns about the inadequate time allocated for the electorate to register to vote. ZEC informed the Mission that voter registration was carried out in two phases. The first phase lasted 21 days. This was followed by a mandatory 30 day registration from 10th June to 09th July 2013 as espoused in the new constitution under Sixth Schedule, Part 3, Section 6 (3).
- With respect to the special vote, the Electoral Act section 81 (a) and (b), states that electoral officers and members of the disciplined forces are persons entitled to special vote. Furthermore, section 67 of the Constitution confers the right of citizens to exercise their right to vote.
- The Mission observed that there were logistical challenges that made it impossible for 26 160 out of a total of 65 956 registered members of the disciplined forces and electoral officers to cast their vote. The Mission further took note of the discrepancies raised by some stakeholders regarding the actual number of disciplined forces in the payroll versus registered members for Special Vote.
- In its response to the Mission, ZEC acknowledged the logistical challenges relating to the Special Vote. These include prolonged nomination process which resulted in delayed printing and delivery of voting material and unforeseen complexities affecting the special voting.
- Subsequently, and in consultation with electoral stakeholders, ZEC filed an application with the Constitutional Court as the highest court in terms of the judiciary hierarchy having the mandate to interpret the Constitutional rights as enshrined in Part 2 on Fundamental Human Rights and

Freedoms, for the disenfranchised eligible voters to cast their ballots ordinarily on 31 July 2013. The Court ruled in favour of the applicant. ZEC assured the Mission that the 31 July 2013 harmonised elections would proceed smoothly.

- On media, a number of stakeholders raised concerns about the coverage and editorial bias of both the state and private media towards one or the other party while other stakeholders raised concerns regarding the existence of pirate media.
- With regard to media coverage of the elections, the Zimbabwe Electoral Act states that:
 - Public broadcasters shall afford all political parties and independent candidates contesting an election such free access to their broadcasting services as may be prescribed under Section 160G (d) a fair and balanced allocation of time between each political party and independent candidate and that each political party and independent candidate is allowed a reasonable opportunity to present a case through the broadcasting service concerned.
 - Broadcasters and Print publishers shall ensure that all political parties and candidates are treated equitably in their news media in regard to the extent, timing and prominence of the coverage accorded to them.
 - The Commission with the assistance, at its request, of the Zimbabwe Media Commission shall monitor the Zimbabwean news media during any election period to

ensure that political parties, candidates, broadcasters, print publishers and journalists observe the provisions of the Act.

- Furthermore, the SADC Principles and Guidelines governing Democratic Elections stipulate that the State shall provide equal opportunity for all political parties to access the State media.
- The Mission has observed that State and Private Media in Zimbabwe is highly polarised.
- In response to the above, ZEC informed the Mission that the Media Monitoring Committee provided for in the law had been set up and was monitoring the conduct of all media practitioners in relation to the elections. Further, ZEC informed that they hold consultative meetings with all media houses with a view to bringing the provisions of the law governing the media during elections to their attention.

Due to media political affiliations, ZEC has indicated that the matter is out of their control. ZEC further said it has no capacity to control pirate media as it is beyond their reach.

In addition, the Zimbabwe Media Commission indicated that the lack of funding and lack of a unified media code of conduct impede its ability to monitor media as required by the Act.

In spite of the forgoing, the Mission observed that there was a wide media coverage of the electoral process. The Mission

noted that the media coverage contributed to the peaceful environment that obtained during the electoral period.

Voters' Roll

In accordance with Section 17 A and Section 21(6) (a)(b) of the Electoral Act, Voter registration and inspection of the voters' roll shall be conducted on a continuous basis so as to keep the voters' roll up to date.

The law provides for a "reasonable" period of time for the provision of Voters' Roll for any one who request for it. This means there should be sufficient time for the registered voters to;

- (a) Verify whether or not their particulars are on the roll;
- (b) If not on the roll, the time should be sufficient for the voter to object;
- (c) The objection should be determined by the relevant body; and
- (d) The Registrar General to comply with the decision of the relevant body.

The Mission was informed by some stakeholders that verbal and written requests made to the Registrar General to provide a printed and electronic version of the voter's roll as provided for in the electoral Act were not responded to.

- On 29 July 2013, ZEC informed the Mission that the Voters' Roll had reached the provinces and each election officer had copies thereof. However ZEC had failed to comply with the electoral law stipulation that each candidate should have three (3) copies of the voters' roll. In this regard, ZEC had indicated that it was working closely with the Registrar General to ensure that the three copies are delivered to each candidate. Should that fail, ZEC would dispatch its own copies to the candidates by 30 July 2013.
- On ballot papers, some stakeholders raised concerns regarding the printing of more ballot papers by 35% than the registered voters. In response ZEC explained that the additional 35% was for contingency purposes. ZEC further informed the Mission that at the end of the voting, the votes shall be counted at each polling station and the results sent to the ward which would enable accounting for all the ballot papers received including the 35% additional ballots.
- On the accreditation of JOMIC observers, the Mission was informed that JOMIC had applied to accredit 30,000 but only 1,500 observers were accredited.
- The Mission noted reports of isolated incidences of political intolerance. However, the Mission is pleased that in general the pre-election phase was characterised by a largely tolerant and peaceful civic atmosphere. ZEC conducted its work in a transparent, orderly and professional manner.

5. POLLING DAY

The Mission observed that the majority of polling stations were opened at 07:00 in the presence of Party Agents, Observers and

Police Officers. The Mission further observed that Polling Officials were on hand to offer special arrangements for voters with special needs.

The Mission observed that voting materials were available at the polling stations at the time of opening and the necessary pre-polling procedures were conducted appropriately. The Mission noted isolated instances where the ballot booklets had missing ballot papers. ZEC informed that the matter of the missing papers was receiving their attention and could be attributed to a printing error.

The Mission also observed that as per the electoral procedures, voters not appearing on the voters' roll were allowed to vote if they were in possession of registration slips. However, in some polling stations some voters were refused to vote regardless of being in possession of registration slips. In this regard, at a press conference convened at 14:30 on Election Day, ZEC appealed to those voters who were refused to vote but had valid voter registration slips to return and cast their ballots in their respective constituencies.

The Mission observed that most polling stations closed at 19:00 in line with the Electoral Act and further noted that ZEC extended voting time for those who were still in the queue by 19:00 hours.

The Mission observed that in general voting took place in a free and peaceful environment and ZEC staff conducted themselves professionally

6. COUNTING PROCESS

The Mission observed that counting began immediately at the polling stations after closing of the polls and was conducted procedurally and transparently.

The Mission also observed that Party Agents, local and international observers witnessed the counting of votes in the polling stations.

After the counting, the Mission observed that electoral officers as well as party agents signed the polling station return in the presence of Observers and each party agent received a copy of the polling station return.

The general observation of the Mission is that, the counting process went well.

7. BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT

In the course of observing the Elections, the Mission noted that there was general adherence to the relevant national legal instruments and the SADC Principles and Guidelines Governing Democratic Elections. The following best democratic practices and lessons in the Zimbabwean Elections were observed:

- Political Leaders' continuous call for peace;
- Availability of ZEC to Observers' enquiries despite its workload;
- ZEC's readiness to accept responsibility and address the challenges arising from the electoral process;
- Existence of a multi-party liaison committee;
- Prompt accreditation of Observers;
- Use of indelible ink to prevent double voting;
- Use of translucent ballot boxes;

8. SADC ELECTION OBSERVATION MISSION RECOMMENDATIONS

The Mission is pleased to share the following recommendations with the citizens and the electoral stakeholders of the Republic of Zimbabwe for the enhancement of the electoral process:

- Encourage the implementation of Chapter 12 Part 5 Section 248 of the Constitution on media reform to be read together with the Electoral Act Section 160 E to 160 H;
- Timely release of funds to the Electoral Commission;
- Continuous updating of the voters' roll to be in line with the national population registry; and
- The availing of the voters' roll on time for inspection.

9. CONCLUSION

In the main, the electoral process was characterised by an atmosphere of peace and political tolerance. Political parties and candidates were able to freely undertake their political activities unhindered.

SEOM wishes to take this opportunity to congratulate the people of Zimbabwe for turning up in large numbers to exercise their democratic right to choose their political leaders.

A new chapter in the process of consolidation of democracy in the Republic of Zimbabwe has been opened and we hope that the people of Zimbabwe will work together to build their country.

This is a major step in the implementation of the GPA and I therefore would like to take this opportunity to urge the political leadership and all the people of Zimbabwe to uphold peace and stability. SEOM wishes to implore all Zimbabweans to exercise restraint, patience and calm. The future of your country is in your hands.

More importantly, SEOM would like to call on all political parties to respect and accept the election results as will be announced by the constitutionally mandated Zimbabwe Electoral Commission (ZEC). Whoever is aggrieved with the results, should not resort to violence, but rather should go to the court of law, or engage in dialogue.

On behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and on behalf of the entire SADC family, I wish to sincerely congratulate ZEC and the people of Zimbabwe for holding free and peaceful harmonised elections on 31 July 2013.

Thank you very much.