

**The Parliamentary Elections in Zimbabwe
24-25 June 2000**

The Report of the Commonwealth Observer Group

Letter of Transmittal

HE Rt Hon Don McKinnon
Commonwealth Secretary-General
Marlborough House
London SW1Y 5HX

30 June 2000

Dear Secretary-General

We thank you for asking us to observe the Zimbabwe Parliamentary Elections and in this way to play our part in the effort to deepen democracy in the Commonwealth. I have pleasure in transmitting our report to you.

I hope, as I said on behalf of the Group in the Interim Statement, that the whole Commonwealth will now wish to go forward from this point with the people of Zimbabwe in the spirit of solidarity which has characterised and enriched our relationship over the years.

(signed)
General Abdulsalami Abubakar
Chairperson

Dr Kwadwo Afari-Gyan
Dr Baffour Agyeman-Duah
Hon Dr Theodore Aranda MP
Mr Errol Bethel
Dr Gaositwe Chiepe
Mr Ray Ekpu
Hon Mario Galea MP
Ambassador Pavlos Hadjitofis
Hon Rauff Hakeem MP
Mr Feroz Hassan
Hon Tau Henare

Hon Sulleman Kamolleh MP
Bishop James Kauluma
Mr Shayley Kondowe
Mr Christopher Laidlaw
Ms Joycelyn Lucas
Senator Sandy Macdonald
Mr David MacGibbon
Hon Lindiwe Maseko MPL
Mr Johnson Mbwambo
Dr Brian Meeks
Colonel Max Ng'andwe
Mr Simon Pentanu
Mr Purno Sangma
Hon Tabitha Seii MP
Dato Shahrir Abdul Samad
Hon Sophia Simba MP
Dr Leonardo Simbine
Mrs Melba Smith
Mr Myroslaw Tracz
Prof Herbert Vilakazi
Mr William Warden

INTRODUCTION

Zimbabwe has a special place in the Commonwealth. The association was closely involved in the process leading to the Lancaster House Agreement and in the decision to hold democratic elections - which were observed by an 11-person Commonwealth Observer Group - leading to independence for Zimbabwe in 1980. Zimbabwe's capital, Harare, was the venue for the 1991 Commonwealth Heads of Government Meeting at which the Harare Commonwealth Declaration was adopted. This was a 'benchmark' document enshrining the fundamental political values of the Commonwealth. Since then the Commonwealth has continued to assist in the strengthening of democracy and in the development of the country.

The Commonwealth Secretary-General, Rt Hon Don McKinnon, visited Zimbabwe on 15-16 May 2000 for discussions with His Excellency President Robert Mugabe at the request of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) and to convey the concerns of the Group over escalating violence in the run-up to Zimbabwe's Parliamentary elections. He accepted an invitation from President Mugabe to send a Commonwealth Observer Group to observe the Parliamentary elections on 24-25 June 2000.

An Assessment Team of Commonwealth Secretariat officials which had accompanied the Secretary-General to Zimbabwe remained behind to ascertain that there was broad support in the country for the presence of a Commonwealth Observer Group at the elections. They established contact with the major political parties, observed the preparations for the poll and made arrangements for the Observer Group visit.

The Observer Group and its Terms of Reference

This was the 30th observer group to be constituted by the Commonwealth Secretary-General since the October 1989 meeting of Commonwealth Heads of Government in Kuala Lumpur, Malaysia. At that meeting Heads of Government agreed that member states could benefit from an election observer facility, as a means of strengthening democratic processes and institutions. The context for our presence at the Parliamentary Elections in Zimbabwe was set by the principles enshrined in the 1991 Harare Commonwealth Declaration which include "democracy, human rights, the rule of law and just and honest government".

The terms of reference for our Group were incorporated in the Secretary-General's letter inviting each of us to participate in the mission in our individual capacity. They were as follows:

"The Group is established by the Commonwealth Secretary-General at the invitation of the Government of Zimbabwe. It is to observe relevant

aspects of the organisation and conduct of the Parliamentary Elections in accordance with the laws of Zimbabwe. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Zimbabwe, to the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments”.

Within the above terms of reference the Group would form an independent judgement which would in no way represent either the views of any government, or the Office of the Secretary-General.

The Group was led by General Abdulsalami Abubakar, former Head of State of Nigeria, and comprised thirty-three nationals of Commonwealth member states. The group was supported by a thirteen-member Commonwealth Secretariat team led by Mr Jon Sheppard, Director of the Secretariat's Political Affairs Division.

Method of Work

The Advance Group of Commonwealth Observers

Six Commonwealth Observers arrived in Zimbabwe on Sunday 28 May, as an 'Advance Group' supported by Commonwealth Secretariat staff. They were briefed prior to deployment by Registrar-General Tobaiwa Mudede, Commonwealth High Commissioners, the MDC (ZANU-PF were unavailable), and domestic observers of the Zimbabwe Election Support Network and Secretariat staff who had arrived in the country earlier. On 30 May the teams were deployed to Mashonaland, Manicaland, the Midlands and Bulawayo, but they covered other provinces as well. Thereafter they met provincial registrars, police, parties, domestic observers and voters and made some effort to be visible in their areas of deployment. They focused especially on the display of the voters' register at many of the 3,500 constituency inspection centres, the nomination of candidates, any evidence of intimidation and generally on observing the preparations for the elections. They also observed the campaign and monitored the media coverage of the run-up to the elections. Secretariat

staff based in Harare travelled to several neighbouring provinces as well as concentrating on Harare itself.

The Observer Group

On 6 June 2000 our Chairperson was briefed in London by Commonwealth Secretary-General Don McKinnon. Our Group assembled in Johannesburg South Africa on 8 June 2000 and was briefed on the terms of our mission by the Chairperson and the Secretariat team leader. We arrived in Harare on 9 June 2000 and held a press conference on 10 June, at which we issued an Arrival Statement.

On 10 June and until our deployment we were engaged in a series of meetings with the Registrar-General, the Acting Chairperson of the Electoral Supervisory Commission, senior representatives of political parties contesting the Parliamentary Elections, representatives of the Zimbabwe Election Support Network coordinating the domestic election observers, representatives of women's organizations, civil society, media organizations, war veterans, business leaders and human rights organizations.

On 13 June our Chairperson and some members of the Group were invited to pay a courtesy call on President Mugabe. On Wednesday 14 June we divided into 22 teams and deployed to all 10 provinces. Another team was added two days before polling day. The Chairperson, the Secretariat Team leader and two other teams were based in Harare. The Chairperson also made visits to seven provinces to assess first hand the state of electoral preparedness in those areas and also to assess the political climate in the run-up to the elections. On these visits he met officials, members of the public, candidates contesting the elections, civil society representatives and others.

On deployment our teams covered both urban and rural areas. We travelled extensively to familiarise ourselves with our deployment areas, to assess the preparations for the elections and to observe the last days of the campaign. We met with local electoral officials, candidates and activists from the political parties, domestic monitors, local community leaders, representatives of the security forces and other international election observers. We attended party rallies and meetings, observed training of polling officials and party agents and observed preparations for the elections. On the morning of 23 June some members of the Group observed the sealing of the ballot boxes for postal votes.

Each team submitted daily reports of their observation to the Chairperson. On 24 and 25 June we observed voting at 593 polling stations and on 26 June we were present for the count at 29 constituency counting centres. During our deployment we were assisted by Observation Notes and Check Lists prepared by the Secretariat. Our Group reassembled in Harare on 27 June for debriefing following which our Chairperson issued an Interim Statement at 2100 hrs.

This report was prepared prior to our departure and will be forwarded to the Commonwealth Secretary-General.

CHAPTER ONE: POLITICAL BACKGROUND

One of the main issues in terms of the political background to the June 2000 Parliamentary elections in Zimbabwe was the strong challenge posed to the ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF) by the Movement for Democratic Change (MDC) formed in September 1999. Although Zimbabwe has never been a one-party state, ZANU-PF has ruled the country since independence in 1980 and has completely dominated its politics since it merged with the rival Zimbabwe African Peoples Union (ZAPU) in 1988. This and other key political issues in the elections have their roots in the country's colonial experience, its achievement of independence after a long liberation war, and its efforts to forge a new, 'home-grown', post-independence constitutional dispensation.

The Colonial Era

The area that constitutes present-day Zimbabwe had been settled for over a thousand years by the Shona people (the largest ethnic group in Zimbabwe constituting about 70% of the population) and for nearly 200 years by the Ndebele (the other main ethnic group) before it was invaded by the 'Pioneer Column' of white settlers in 1890. The settlers of the British South African Company (BSA) led by Cecil Rhodes quickly established the colony of Southern Rhodesia on the strength of territory's rumoured mineral potential.

However, disappointed by the limited scale of gold discoveries, the BSA encouraged white farming and an influx of white farmers (mainly from Britain and South Africa) through the alienation of vast areas of fertile land to individual settlers and speculative companies. The British Government took over responsibility for the territory on a self-governing basis when BSA rule ended in 1923 and under this arrangement allowed the white settlers to develop a racially stratified and segregated society in which they appropriated to themselves much of the territory's productive agricultural land.

In 1953, Britain took Southern Rhodesia into a federation with Northern Rhodesia and Nyasaland. Although Britain retained direct control of Northern Rhodesia and Nyasaland, the federal government was dominated by the Southern Rhodesians. Hostility towards the Federation by African nationalists in all three territories led Britain to dismantle it in 1963, with Northern Rhodesia and Nyasaland gaining their independence as Zambia and Malawi respectively.

The whites of Southern Rhodesia regarded the demise of the Federation as an act of betrayal by the British and responded by voting into office a hard-line party - the Rhodesian Front (RF) - which immediately sought independence from Britain under the existing minority-rule constitution. When Britain refused to grant independence on this basis, the RF prepared to declare independence unilaterally.

The Unilateral Declaration of Independence and the Liberation Struggle

In November 1965 the RF, under Ian Smith, carried out its long threatened Unilateral Declaration of Independence (UDI) and changed the country's name to Rhodesia.

The main challenge to UDI came from increasingly militant nationalist organisations which represented the disenfranchised African majority. The two most prominent of these were the Zimbabwe African People's Union (ZAPU), led by Joshua Nkomo, and the Zimbabwe African National Union (ZANU), initially led by Rev. Ndabaningi Sithole and later by Robert Mugabe. Shortly after the UDI the two organisations went underground and started a low-intensity guerrilla war against the Smith regime from bases in Zambia and Mozambique and with assistance from China and the Soviet Union. They subsequently formed an alliance called the Patriotic Front (PF), thus presenting a united political front against the Smith regime

The increasingly effective guerrilla campaign, economic difficulties, and declining white morale led the Smith regime to fashion what it termed an 'internal settlement' by establishing a surrogate black government under Bishop Abel Muzorewa. The Muzorewa government failed to muster black support or end the war. Within a year of its formation, all the main parties in the conflict agreed to participate in the Lancaster House Constitutional Conference chaired by the British Secretary of State for Foreign and Commonwealth Affairs, Lord Carrington.

The Lancaster House Conference

The Lancaster House Conference began on 10 September 1979 and lasted for 14 weeks. A peace agreement was signed on 21 December 1979. It provided for a ceasefire, an end to the UDI and for a transitional British administration to prepare the way for free and fair elections leading to the independence of the country. A parliamentary system of government was adopted in preference to a presidential system and 20 of the 100 seats in Parliament were reserved for the white minority.

Lord Soames was appointed as Governor during the transitional period, although he depended on the apparatus of the former regime to run the country. A Commonwealth Monitoring Force drawn from four representative member

countries (Britain, Uganda, Sierra Leone and India) helped to supervise the demobilisation of PF guerrillas. Despite reported cease-fire violations, and rumours of a possible white-led coup supported by South Africa, the elections were successfully held in February 1980. A Commonwealth Observer Group was present at the elections alongside other international observers and their reports added to the credibility of the process.

Independence

Shortly after the Lancaster House Agreement the PF split into its constituent ZANU and ZAPU wings. ZANU-PF (strongly supported by the country's Shona majority) under Robert Mugabe won 57 of the 80 African seats in the National Assembly, receiving 63% of the votes cast. ZAPU-PF (backed by the minority Ndebele) won 20 seats and Bishop Muzorewa's United African National Council (UANC) won three. The Rhodesian Front (RF) won all 20 of the seats reserved for whites.

On 18 April 1980, Zimbabwe became independent, with Robert Mugabe as Prime Minister and Rev. Canaan Banana, a prominent figure in the nationalist struggle as President (with ceremonial duties only). Prime Minister Mugabe stressed the need for reconciliation and included ZAPU-PF members, as well as two whites, in his cabinet. The ZAPU-PF leader, Joshua Nkomo, was given the Home Affairs portfolio.

Consolidation of Power by ZANU-PF

In January 1982 Joshua Nkomo and a number of his ZAPU-PF colleagues were dismissed from the government following the reported discovery of a large arms cache in Nkomo's stronghold of Matabeleland. During the following two years, the Government used the military (Fifth Brigade of the Army) to crush violence by pro-Nkomo dissident groups. Numerous atrocities were reported by domestic and international non-governmental organizations.

In the June 1985 elections, ZANU-PF increased its majority from 57 to 64, while ZAPU-PF won only 15 seats, losing the 5 seats it held outside Matabeleland. Ian Smith's RF, now known as the Conservative Alliance of Zimbabwe (CAZ), won 15 of the 20 white seats, the rest going to independents aligned with the Government. Bishop Muzorewa's UANC failed to win any seats.

In September 1987 the reservation of 20 seats for whites in the National Assembly was abolished and the following month further constitutional changes replaced the parliamentary system of government with an executive presidency.

Following renewed negotiations and negotiations towards national reconciliation. ZAPU-PF was absorbed into ZANU-PF and Joshua Nkomo brought back into the Government as a senior Minister. He was subsequently promoted to Vice-President. Despite the merger of the country's two most

prominent political parties Zimbabwe retained an active opposition and never became a de jure one-party state.

An Ineffectual Opposition

In May 1989 a former Secretary-General of ZANU-PF, Edgar Tekere, founded a new party, the Zimbabwe Unity Movement (ZUM), accusing the government of corruption and of seeking to impose a one-party system on the country. However, in the General Election of March 1990, ZANU-PF secured 117 of the 120 elected seats while ZUM won only two. President Mugabe also won an overwhelming majority against Mr Tekere in the concurrent presidential elections.

The last restrictions of the Lancaster House Agreement were removed in April 1990, but in 1991 the IMF-directed Economic Structural Adjustment Programme(ESAP) began to increase the Government's range of challenges. The next General Elections in April 1995 were boycotted by eight opposition parties, including ZUM. ZANU-PF won 118 of the 120 elected seats, the remaining two going to a small opposition party, ZANU-Ndonga led by Ndanbaningi Sithole. In the Presidential elections in mid-March 1996 President Mugabe won 92.7% of the votes cast against Muzorewa's 4.7% and Sithole's 2.4%.

Meanwhile, the economy continued to slide as strikes for improved employment conditions became more frequent and allegations of corruption continued to eat away at the government's public standing. In October 1997, the President announced plans to accelerate the slow pace of land reform and a list of 1,471 privately-owned farms to be acquired was published. In June 1998 many farms were occupied by displaced families and in August the second phase was begun of a resettlement plan for 150,000 families on 1 million hectares of land for the next 7 years. This was followed by an international donor conference in Harare in September 1998 aimed at mobilising funds towards supporting an acceptable land reform programme. The conference, however, failed to endorse the Government's land reform programme, which was not considered to be sufficiently transparent.

Meanwhile declining standards of living and Zimbabwe's involvement in the war in the Democratic Republic of Congo (DRC) increased opposition to the Government. In September 1999 a new political party, the Movement for Democratic Change (MDC), led by Morgan Tsvangirai, the Secretary-General of the Zimbabwe Congress of Trade Unions, was formed.

The February 2000 Referendum and Its Aftermath

In February 2000 ZANU-PF faced its first political defeat and the MDC its first test of popularity when the people of Zimbabwe were asked in a referendum to approve a new draft Constitution to replace that agreed at Lancaster House. The draft was produced by a government-appointed Constitutional Commission which had consulted widely across the country, but which was boycotted by most civil society organizations. It provided for the acquisition of land by the Government without compensation, unless this came from the former colonial power, Britain. It also provided for a Prime Minister responsible to Parliament and removed the President's power to appoint up to thirty members of Parliament. ZANU-PF supported the draft Constitution while the MDC joined a coalition of civil society organizations - the National Constitutional Assembly (NCA) - in campaigning for its rejection. The draft Constitution was rejected by 697,754 votes to 578,210 (54.7% against 45.3%), on a 20% turnout.

Although the Government accepted the results of the referendum ZANU-PF, as a party, interpreted the rejection of the draft Constitution as the result of a conspiracy by the black urban middle-class elite (represented by the MDC), the country's white commercial farmers and the Government's external enemies. The Government accused the MDC of unleashing a campaign of violence against ZANU-PF supporters prior to the referendum and the white commercial farmers of intimidating their workers into voting for a rejection of the draft Constitution.

Shortly after the referendum veterans of the liberation war and their supporters moved to occupy over a thousand white-owned commercial farms. The farm occupations were accompanied by a campaign of violence and intimidation in which over thirty people (mostly supporters of the MDC) died and many more were injured. Although the courts ruled the occupations to be illegal, and ordered the police to implement the judicial decision, the police failed to do so. On 6 April 2000 Parliament passed the Constitution of Zimbabwe Amendment (No. 16) Act, approving the Government's land reform programme incorporated in the rejected draft Constitution.

It was against this backdrop that on 11 April the President issued a Proclamation dissolving Parliament and thereby necessitating the holding of fresh elections within four months.

At a meeting in London on 2 May 2000 Ministers of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), through their Chairman, voiced concerns over the violence, loss of life, illegal occupations of property, failure to uphold the rule of law and political intimidation in Zimbabwe. They also expressed their support for an environment in which fair elections, free of intimidation and within the time schedule, could be held, and requested the Secretary-General to convey their deep concerns to the Government of Zimbabwe.

The Secretary-General visited Zimbabwe from 15-16 May, in the course of which he expressed CMAG's concerns to President Mugabe and senior members of his Government. President Mugabe confirmed that Commonwealth observers were welcome for the forthcoming elections and agreed that the level of violence should be reduced by all parties. The Secretary-General also met with representatives of the opposition parties and with several civil society and non-governmental organizations.

The Political Parties

Fifteen political parties and 90 independent candidates contested the June 2000 Parliamentary elections. The main political parties were:

- The Zimbabwe African National Union – Patriotic Front (ZANU-PF)
Led by President Mugabe;
- The Movement for Democratic Change (MDC)
Led by Mr Morgan Tsvangirai;
- The United Parties (UP)
Led by Bishop Abel Muzorewa;
- The Zimbabwe African Peoples' Union (ZAPU)
Led by Mr Joshua Mhambi;
- The Liberty Party
Led by Mr Canaan Moyo
- The Zimbabwe Union of Democrats (ZUD)
Led by Ms Margaret Ndongo;
- The Zimbabwe African National Union – Ndonga (ZANU-Ndonga)
Led by Mr Ndanbaningi Sithole

Four political parties - ZUD, UP, the Liberty Party, and ZANU-Ndonga - formed a 'Voting Pact' prior to the election.

CHAPTER 2: THE LEGAL FRAMEWORK AND THE PREPARATIONS FOR THE ELECTIONS

THE LEGAL FRAMEWORK

The Constitution and the Electoral Law

The legal framework for the elections is provided by the Constitution of Zimbabwe (1979 as amended) and the Electoral Act (7/1990, 7/1992, 22/1992) and other related legislation, such as the Law and Order (Maintenance) Act.

Section 38 of the Constitution states that Parliament shall be composed of 150 members of whom 120 shall be elected by voters on a common voters roll; eight shall be Provincial Governors, appointed by the President as members of Parliament *ex officio*; 10 shall be chiefs elected by electoral colleges of chiefs; and 12 shall be appointed by the President. The present election was for the 120 members of Parliament elected by voters on a common voters roll.

The relevant parts of the Constitution relating to election management and the timing of elections are Sections 58 to 61. The election management institutions are the Delimitation Commission and the Electoral Supervisory Commission. Sections 11 to 26 of the Constitution set out 'The Declaration of Rights' including the fundamental rights and freedoms of the individual, encompassing freedom of expression, association and assembly.

The Electoral Act deals with the registration of voters, voting and counting procedures. Also set out in the Act, are the electoral powers and duties of the Registrar-General and the Election Directorate, which are also important election management structures. The President and the Minister of Justice, Legal and Parliamentary Affairs are empowered to make statutory instruments and regulations respectively in relation to the conduct of the elections in terms of this Act.

Regulations and Statutory Instruments

The Electoral Act (Modification) Notice

The Notice, issued on the 7 June 2000 provided for the casting of postal ballots and the setting of the date for the elections. In relation to the latter, the President, in exercising the powers vested by section 158 (2)(b), reduced the minimum period within which elections were to be held from 21 days following nominations, to 20 days.

The Electoral (Amendment) Regulations No. 7 of 2000

This was issued on the 7 June 2000 and amended the existing Regulations by inserting a new section 15B(i) which provides for the appointment by the Electoral Supervisory Commission of national monitors and their accreditation by the Registrar-General and accreditation of international observers by the Election Directorate. It also annexes a Code of Conduct for election agents, polling agents, monitors and observers.

This section was further amended by the Electoral (Amendment) Regulations (No. 8 of 2000) passed on the 20 June 2000, which provided that “not more than one monitor may be deployed in each polling station”. This prompted criticism from civil society. Subsequently, an administrative note/circular was issued by the Chairman of the Election Directorate on the 23rd of June 2000, which stated that despite the statutory amendment, both the Electoral Supervisory Commission and the Election Directorate had agreed to allow 4 monitors at each polling station, although only one would be allowed inside at any time. The Circular also provided that where blind or illiterate persons were to be assisted, in addition to the presiding officer, polling officer and a police officer, there should be a monitor present. It also allowed monitors and polling agents to travel in the same vehicles in which the ballot boxes were being transported.

The Delimitation Commission

According to the Constitution it is the responsibility of the Delimitation Commission to determine the boundaries of the constituencies for the 120 elected seats in Parliament. In so doing, the Constitution requires the Commission to take into account physical features, communication systems, geographical distribution of voters and community interests. However, the number of voters in a constituency is not supposed to exceed twenty percent more or less than the average number of registered voters per constituency.

The Commission is composed of a Chairman, who is a Judge of the Supreme Court, and three other members, all appointed by the President in consultation with the Chief Justice at five-yearly intervals. It submits a report to the President comprising a list of the constituencies delimited, with the names attached to each and a description of their boundaries and a map showing the constituencies into which the country has been divided.

Upon completion of the Commission's report the President makes a proclamation in the Gazette declaring the names and boundaries of the constituencies for the next and subsequent General Elections.

The present Delimitation Commission was appointed by the President on 28 March this year - well beyond the five-yearly interval provided for by Article 59(4) of the Constitution. It only effectively started work on 25 April, when it received copies of the preliminary voters register. It submitted a preliminary report

(without maps) to the President on 12 May, following which the President, on 15 May, set the dates for the election for 24-25 June. It was not until 24 May (five days before the nominations of candidates were supposed to take place) that the Commission submitted its final report and maps to the President. This led to allegations by a number of opposition parties that the ruling ZANU-PF party received advance knowledge of the constituency boundaries.

The opposition parties also accused the Commission of gerrymandering the constituency boundaries in favour of ZANU-PF. They pointed to the incorporation of parts of a number of rural constituencies into urban ones allegedly in order to dilute the opposition vote, which is stronger in the urban centres. They also pointed to the fact that the two main cities (Harare and Bulawayo) each lost a seat, while rural Mashonaland East gained one.

The Electoral Supervisory Commission

Article 61(3) of the Constitution makes provision for an Electoral Supervisory Commission (ESC) to "... supervise the registration of voters and the conduct of the election of members of Parliament". It may make reports to the President and request that these be put before Parliament. The ESC is supposed to be composed of five persons, including a chairperson, all of whom are appointed by the President (three, including the Chairman, in consultation with the Judicial Services Commission and two in consultation with the Speaker of Parliament). According to the Constitution, the ESC should not be subject to the direction or control of any person or authority in the exercise of its functions.

For almost the entire period leading up to the elections the ESC only comprised three members, including an acting chairperson, as two of the appointees (including the Chairperson) had previously resigned. Approximately a week before the elections the President appointed a new Chairperson, Mr Sobusa Gula-Ndebele.

In terms of the Electoral (Amendment) Regulations, 2000 (No.7) (Statutory Instrument 161A of 2000), published on the 7 June 2000, the ESC could appoint 'monitors' to monitor the conduct of polling and the counting of votes, provided that these nominees were accredited by the Registrar-General. The ESC viewed the accreditation requirement as being a usurpation of its constitutional authority to supervise the conduct of the elections of Members of Parliament and on the 13 June 2000 launched an unsuccessful action in the High Court to challenge it.

The ESC complained that it did not have adequate financial resources to hire sufficient staff to supervise the registration of voters and the electoral process. On 10 May 2000, the Commission issued a statement expressing concern about the level of violence and intimidation and urging all the political players and the security forces to uphold and enforce the law.

The Election Directorate

Section 4(l) of the Electoral Act makes provision for an Election Directorate to co-ordinate the activities of Ministries and Government Departments in regard to the delimitation of constituencies, the registration of voters, the conduct of the polls and generally to ensure that the elections are efficiently, properly, freely and fairly conducted.

The present Directorate comprises a Chairman (also the Chairman of the Public Service Commission), the Registrar-General, and ten representatives of the main Government Departments whose services are needed for the smooth conduct of elections, including the Ministries of Home Affairs, Justice, Legal and Parliamentary Affairs, Local Government and Transport.

The Election Directorate is a facilitating body whose members are supposed to mobilise the resources of their various departments to ensure the smooth conduct of the elections. It came to assume an increasingly important role in the run-up to the elections. For example, Statutory Instrument 161A of 2000 issued on the 7 June 2000 empowered it to accredit foreign observers on the recommendation of the Ministry of Foreign Affairs.

The Registrar-General

The office of the Registrar-General is the principal agency responsible for the conduct of all aspects of the electoral process, including the registration of voters, the appointment and training of polling staff, the manufacture and distribution of polling materials, the accreditation of monitors, the counting of the ballot and the announcement of the election results. The Registrar-General is also responsible for other forms of civil registration such as births, deaths, national identity cards and passports.

Under Article 15(2) of the Electoral Act, the Registrar-General “shall not be subject to the direction or control of any person or authority other than the Election Directorate, but shall have regard to any report or recommendation of the Electoral Supervisory Commission” in the exercise of its function. In practice, however, the Office of the Registrar-General falls under the Ministry of Home Affairs for purposes of registration of voters, and under the Ministry of Justice in the conduct of all other aspects of the electoral process. Some political parties expressed concerns about the independence of the Registrar-General.

Concerns were also expressed about the failure of the Registrar-General to fulfil his responsibilities to the ESC under the law. These include providing the ESC with reports relating to the registration of voters and keeping it informed on all matters relating to the Registrar-General's functions.

Court Applications

Coverage by State Owned Media.

Details of this court application are set out in the next chapter on 'Campaign and the News Media'.

Postal Ballots

The MDC applied to the High Court of Zimbabwe for an order to restrain the Registrar General from issuing postal ballots. They alleged that certain procedural requirements had not been met in the issuing of the postal ballots. Specifically, some applications for postal ballots by soldiers fighting in the Democratic Republic of Congo (DRC) had neither been signed by the applicants nor were they witnessed. The application was dismissed by the High Court.

Electoral Offences

Under the Electoral Act treating (providing food, drink, entertainment, lodging or provisions), undue influence, bribery, personation and the illegal transportation of persons (intending to vote unlawfully), for the purposes of influencing a voter's choice, are regarded as corrupt practices and are criminal offences. Any person found guilty of a corrupt practice may be fined, or imprisoned, or may be refused registration as a voter, or from filling a public office for a specified period not exceeding five years.

Election Petitions

A petition complaining of an unlawful election of a Member of Parliament by reason of any irregularity may be presented to the High Court by a candidate or registered voter in the constituency concerned. It must be presented within thirty days of the result of the elections being announced.

PREPARATIONS FOR THE ELECTION

The Electoral Register

Serious concerns have been raised in the past about the accuracy of the voters rolls in Zimbabwe, particularly concerning the number of deceased persons on the rolls and problems with those who have moved from one part of the country to another. This year two steps were taken to remedy this situation. The first was a massive registration campaign to update the rolls. The second was the merging of the voter's register with the civil register (the Zimbabwe Population Registration System or ZPRS). The national identity card now also serves as a voter registration card. The new system is fully computerised, which has implied the entry of hundreds of thousands of new names to the database. There were reported to be 5.1 million voters on the register.

The new voters roll provided the basis for the delimitation of constituencies for the elections and was published shortly after the Delimitation Commission submitted its report to the President. The roll went on display for public inspection in designated constituency centres between 1 and 13 June. Although the Registrar-General had previously indicated that those not on the register could add their names, it emerged that initially those whose names were added were told they would only be able to vote in future elections. The Registrar-General later decided to open a supplementary register to deal with the new entries, so they could vote in the June 2000 elections.

Concerns were expressed about the fact that with the exception of those who were put on the supplementary register, voters were not given receipts as proof of registration.

The Electoral System

All the 120 elected seats in Parliament were to be contested on a first-past-the-post basis. A candidate with a simple plurality of votes cast in a given constituency would win the seat for that constituency.

Nominations

Under the Electoral Act candidates for the Parliamentary elections are nominated by way of a nomination paper signed by ten persons who are registered on the voters roll of the constituency for which the candidate seeks election and countersigned by the candidate or his or her agent and by the competent office bearer of a political party (in the case of a candidate sponsored by political parties). Nomination papers had to be lodged with the constituency registrars for the constituencies concerned, any time after the President's proclamation fixing the date of the election until nomination day.

Nomination day for the elections was initially fixed for 29 May but following the late publication of the constituency list and maps of the constituencies (see above), the MDC successfully petitioned the High Court for a postponement to Saturday 3 June. On this day the constituency registrars in open court announced the names of the candidates duly nominated for each constituency.

We noted that there were few women candidates.

Accreditation of International Observers

Statutory Instrument 161A of 2000, gazetted on 7 June 2000, empowered the Election Directorate to accredit international observers on the recommendation of the Ministry of Foreign Affairs. Each international observer was required to pay an accreditation fee of US \$100.

The statutory instrument also contained a Code of Conduct for election agents, polling agents, monitors and observers, which required them inter alia not to

interview any voter at a polling station and generally to conduct themselves in a manner conducive to the peaceful, dignified and orderly conduct of the poll.

The Government made a distinction between those organisations which it said it had invited and of which it was a member - such as the Commonwealth, the Organisation of African Unity (OAU) and the Southern African Development Community (SADC) - and those that it said were coming on their own initiative. In the event, the Election Directorate accredited only teams representing governments (with the exception of the United Kingdom Government), intergovernmental organisations and some international NGOs. The National Democratic Institute (which had produced a highly critical pre-election report) and the International Republican Institute were two of the observer bodies denied accreditation.

The United Nations withdrew its electoral assistance team from Zimbabwe after being denied a co-ordinating role by the Government.

Accreditation of Domestic Observers

Under Statutory Instrument 161A of 2000 domestic monitors appointed by the Electoral Supervisory Commission (ESC) had to be accredited by the Election Directorate through the Registrar-General. The process of deciding on the accreditation arrangements took so long that the accreditation badges were distributed only a few days before the election. This frustrated the preparations domestic observers had made for participating in the election process.

The day before the polling the Chairman of the Election Directorate issued a circular stating that, despite Statutory Instrument 180A of 2000, there would now be four monitors (two during the day and two during the night) at each polling station, with one being inside the station at any given time during polling.

Training of Polling Officials

Our Observers were present at some training workshops for polling officials in parts of the country organised by the provincial registrars. These training workshops, which were based on a well-prepared training manual and included practical exercises, proceeded well in most places.

Civic and Voter Education

Voter education was undertaken by non-governmental organisations (especially Zimrights, the Zimbabwe Council of Churches, the Civic Education Network Trust, the Legal Resources Foundation, the Election Support Network and the Foundation for Democracy in Zimbabwe) and the political parties. This was done mainly by means of posters and leaflets and a few radio programmes. The Office of the Registrar-General also put out posters encouraging voters to go out

and vote and directing them how to do so. There were no programmes specifically encouraging women to vote.

CHAPTER 3: THE CAMPAIGN AND THE NEWS MEDIA

THE CAMPAIGN

While the formal campaign period began following the conclusion of the nomination process on 3 June¹, in practice campaigning by the political parties began shortly after the referendum in February.

Violence, Intimidation and Coercion

The campaign was not peaceful. There was violence, intimidation and coercion in many parts of the country, especially in rural areas, both against ordinary voters and against candidates and party supporters. All parties share responsibility in this. There were incidents where opposition parties carried out acts of violence. But it would appear that most of the violence was directed against the opposition parties, especially the Movement for Democratic Change.

These violent acts included murders, rapes, beatings and the ransacking and burning of houses of opposition party members and supporters. It was reported that thirty-six people had been killed, thousands injured and seven thousand displaced, although the levels of violence varied - sometimes considerably - from one part of the country to another.

As in many elections, there were occasions when violence was the result of unplanned clashes between groups of party supporters. But for the most part it appears to us that the violence which disfigured this campaign was employed systematically as part of a strategy to diminish support for the opposition parties.

We witnessed some of the violence ourselves - from Mashonaland through Manicaland and the Midlands and down into Matabeleland. For instance, in Murerwa Commonwealth observers were present when MDC campaigners came under attack. In Bulawayo a team of our observers saw an MDC supporter being beaten by war veterans.

We also met victims shortly after they had been attacked. Some of those we saw in hospital in the Midlands had clearly been severely assaulted. Others, for instance in Mashonaland East and West, bore clear evidence of beatings. The reports we received from those directly involved were persuasive: war veterans freely admitted to some of our observers that they had organised beatings, while opposition candidates provided evidence that they had been assaulted and showed us their burnt and looted houses.

In several districts we found that the MDC, and sometimes other opposition parties and independents, had not been able to campaign openly for weeks, even months. Right up to election day there was widespread reference to 'no-go' areas. Rallies could not be held because of actual or threatened violence or the occupation of the intended rally site, or were disrupted. Where posters could be put up at all they had to be pasted up at night. Leaflets were distributed in the

¹ For these elections the President exercised his power under Section 158 of the Electoral Act to reduce the official campaign period from at least 21 and not more than 45 days from nomination day to 20 days, from 3 June to 23 June 2000.

early morning. In some areas even this was not possible - slogans were written on the roads. Several candidates fled their constituencies and opposition activists sometimes sent their families away to safer areas.

There was evidence of enforced attendance at ZANU PF rallies, the confiscation of opposition tee-shirts and both violence and the threat of violence to persuade voters to support the ruling party. Night time 'pungwe' sessions, which often involved violence, were held in some rural areas to 're-educate' those accused of showing sympathy for the opposition.

Even in areas where we did not directly encounter evidence of recent violence there was an atmosphere of fear and unease. In Matabeleland, for instance, where violent state repression occurred in the early 1980s, threats that the Fifth Brigade would be brought back induced widespread apprehension. Several of our teams found that people were tense and unwilling to talk freely, if at all - and certainly not in public.

There was a general fear of the war veterans and their capacity to instigate and inflict violence and intimidation on the population. They seemed to be moved from area to area with the aim of spreading fear. There were allegations that they were paid and many admitted that they were not war veterans. The President and ZANU PF hierarchy supported the activities of the war veterans.

The police occasionally responded vigorously to uphold the law. Our observers in Matabeleland, for instance, saw an impressively robust response by the riot squad to clear a rally site which had been occupied by ZANU PF youth to prevent an MDC rally. Elsewhere courageous police officers insisted that there would not be 'no go' areas in their districts and took action accordingly. However, more often than not the police failed to act to prevent politically-motivated violence or to apprehend offenders.

Finally, attention should be drawn to efforts to suggest (to rural voters in particular) that it would be possible to detect how particular individuals had voted. Electors were told that devices ranging from pocket calculators to satellites would be able to disclose for whom a particular voter had cast her/his ballot. We believe that the psychological effect of such disinformation should not be underestimated.

By nomination day the level of violence had reduced. The presence of international observers is believed to have played a significant role in reducing the violence. This was confirmed by the opposition parties and the police. However, there were still reports of violence up to polling day. It must be stressed that the level of violence and intimidation varied from one part of the country to another.

Issues, Campaign Methods and Finance

The main themes in ZANU PF's campaign were land - the party's slogan was "Land is the Economy, the Economy is the Land" - and the supposed British effort to 're-colonise' Zimbabwe and reverse the gains made since independence. The MDC - slogan 'Vote for Change' - emphasised the need for change, pointed to what it said was ZANU PF's mismanagement of the economy and promised to withdraw Zimbabwean troops from the Democratic Republic of the Congo. ZANU PF sought to portray the MDC as a front for foreign interests. MDC charged that ZANU PF was behind the violence and intimidation that preceded the elections.

Although there was some use of door-to-door campaigning, the main campaign instrument was the rally. ZANU PF organised an ambitious series of Presidential 'Star Rallies' featuring Head of State Robert Mugabe, paralleled by similar events organised by ZANU PF candidates. These rallies received considerable publicity from state broadcaster ZBC and in the *Herald* newspaper, though observers present noted that the attendance figures were inflated in media accounts. Supporters were bussed in from surrounding constituencies and it was reported to us that ZANU PF supporters went to some lengths to persuade people to be present, visiting door to door to urge people to attend. Teachers and school children were particularly targeted. We were told that on Sundays even the churches were closed in some places, in order to ensure maximum attendance at the rally.

The MDC also organised rallies, culminating in a major event in Harare shortly before the election. Although some of these rallies were large - the pre-election Harare rally was said to have been attended by 24,000 people - MDC's programme of activities was more modest than ZANU PF's. Rallies by other parties and independent candidates were almost non-existent.

A Political Party Finance Act provides for state funding of political parties which at the previous election obtained at least 5% of the votes cast. For this election, therefore, only ZANU PF qualified for such assistance. MDC claimed that this gave ZANU PF a considerable advantage over the opposition and added that ZANU PF were using state resources for their campaign - for instance, using government vehicles to transport people to rallies. ZANU PF countered with allegations that the MDC was financed by and represented the interests of the commercial farmers and foreign business and international interests.

Generally, the campaign environment was characterised by mistrust, suspicion and at times hostility between the political parties, especially between ZANU PF and the MDC. At this election there was no Code of Conduct to govern the behaviour of the political parties, and no forum within which the parties could meet each other and the election authorities. The culture of co-operation between the parties on the one hand and between the parties and the election authorities on the other was thin. As an example in the latter case, the Registrar-General did not as a matter of course supply the register to the political parties, whether in electronic or any other form.

THE NEWS MEDIA

The Broadcast Media

This is dominated by the state owned Zimbabwe Broadcasting Corporation (ZBC) which, by law, is the sole radio and television broadcaster in the country. Under the terms of the Broadcasting Act 1996 the ZBC is a corporate body controlled by a Board appointed by the Minister of Information, Posts and Telecommunications. The mission statement of Zimbabwe Broadcasting Corporation states that it is to provide its audience with reliable information on television, radio and new media. There is no independent broadcasting regulatory authority.

ZBC operates two free to air television channels and four radio stations. One television channel, Channel One, is broadcast to all parts of the country and airs news bulletins in Shona, Ndebele and English. Channel Two is leased to a private company, Flame Lily Broadcasting, and reaches a 70-kilometre radius of Harare. It has no local news bulletins. There are an estimated 400,000 television sets in the country. A recent survey indicated that 41% of people over the age of 15 had watched ZBC television in the previous 6 months and that the 8 pm news on ZBC's Channel One had an audience of 1.5 million.

Under the Radio Communications Act the Posts and Telecommunications Corporation regulates, controls and supervises radio stations and radio communication services in Zimbabwe. There are an estimated one million radio sets in the country and radio is the main source of news, particularly in the rural areas. All ZBC's radio channels are broadcast to the whole country. Radio 1 is an FM station broadcasting in English. Radio 2 carries programming on FM and short-wave in Shona and Ndebele. Radio 3 is an FM station broadcasting mainly music. It also has hourly news summaries and a recent survey indicated that it has an exceptionally large audience. Radio 4 is an FM and short-wave station which carries mainly educational and development programmes.

The Observer Group found the radio and television broadcasts of Zimbabwe Broadcasting Corporation, particularly the news bulletins, to be heavily biased in favour of the ruling party. It has been instrumental in getting the party's message to the rural areas and in denouncing the opposition. Numerous bulletins on ZBC during the election campaign started with lengthy reports of speeches by ZANU PF ministers and candidates. Sometimes such reports comprised half of the entire bulletin, which also contained no mention of any opposition parties.

Every morning, after the 7 am bulletin, ZBC ran a programme presented by a police officer who detailed police reports on campaign incidents and violence. We investigated one report presented on this programme in which the officer had stated that a farmer had sustained injuries from falling off his motorcycle. The police claimed that the war veterans on his farm had assisted him after this

fall. However the farmer said the injuries, which were serious, were the result of a heavy beating from the war veterans following an exchange of words. This was also the report carried by the independent media. This investigation cast doubt on the credibility of this daily report presented by the police to the nation.

Shortly after the arrival of the Group ZBC sent us a copy of a letter which they had sent to political parties inviting them to come to their studios and record programmes. This programming was to consist of:

- Free five-minute radio and television addresses to the nation in Shona, Ndebele and English. In these addresses the parties would explain their election manifestos. The broadcast times of these addresses was to be at ZBC's discretion.
- Free ten-minute radio interviews in which the parties would be interviewed in their election manifestos
- Free thirty-minute television interviews on the party's manifesto.

The station ran half hour television interviews with seven party leaders in the fortnight prior to the election and provided a five-minute slot to each party to describe its manifesto. There was no Code of Conduct for the interviews and discussion programmes. Some Observers noted that during discussion programmes the interviewers tended to allow the ruling party more time to explain their views than the opposition and to interject while the opposition participants were talking.

There were no guidelines for political party advertising and ZBC did not broadcast advertisements by the main opposition parties. The MDC had submitted some but these were not broadcast because ZBC said they needed clearance. In such cases there is no method for recourse.

Moves to end ZBC's monopoly in the media

A private company, Capitol Radio Pvt, has been trying to get a licence to start an adult contemporary music based radio station for four years. In the run up to the election it applied to the Supreme Court to try to hear its application on an urgent basis. This was rejected and the application will possibly be heard in September.

Two weeks before the elections a new radio station, Voice of the People, started broadcasting for two hours a day in Shona, Ndebele and English on short-wave across the country. Voice of the People describes itself as a community station that aims to cover contemporary issues for the average man on the street. It broadcast programmes about the elections and aimed to provide voter education and highlight issues facing the electorate.

In the run up to the election and shortly after results were out the Voice of America set up a special service to broadcast a daily 30-minute radio programme in English during the week across Zimbabwe on medium wave. This had interviews with government and opposition politicians.

Supreme Court judgment on the state owned media

The opposition Movement for Democratic Change took the ZBC, the Mass Media Trust, Zimbabwe Newspapers (see below) and the Minister of Information, Posts and Telecommunications to court to try and correct the bias of the state owned media. Under the terms of a Provisional Order issued on 13 June the Supreme Court ruled that with immediate effect.

Zimbabwe Broadcasting Corporation and each and every person employed by it are required to perform its functions to carry on television and radio broadcasting services impartially, without discrimination on the basis of political opinion, and without hindering persons in their right to impart and receive ideas and information.

The Supreme Court granted 15 working days to ZBC to show it why a Final Order confirming the Provisional Order should not be made. The Court's ruling also gave the Mass Media Trust and Zimbabwe Newspapers 15 days to show why a similar order should not be issued in respect to them. This term expired after the election.

The Print Media

The government controlled Zimbabwe Newspapers was bought from the South African Argus Group shortly after independence in 1980. It is a listed company and publishes six papers. Although the company is quoted on the Zimbabwe Stock Exchange its shareholding is dominated by the government's Mass Media Trust, which owns 51%. The editorial policy of Zimbabwe Newspapers is to support the government.

During the week Zimbabwe Newspapers publishes two papers in English: The Harare based *Herald* is a daily with a circulation of 90,000 and the Bulawayo based title, *The Chronicle*, also a daily has a circulation of 40,000. Its weekly papers, published in Friday, are the English title, the *Manica Post* with a circulation of 19,000 and the Shona title, *Kwayedza* with a circulation of 14,000.

In 1998 the privately owned Associated Newspapers of Zimbabwe was started. Its flagship title is the *Daily News*, which is published Monday to Friday and has a circulation of 100,000. The other titles in this group are published on Friday. These are the Mutare based *Eastern Star*, with a circulation of 15,000 and the Bulawayo based *Despatch*, with a circulation of 20,000.

The other main privately owned titles include the *Financial Gazette*, the *Zimbabwe Independent* and *The Standard*.

In contrast to the monopoly of the broadcast media the newspapers in Zimbabwe publish a wide range of views. Senior staff at Zimbabwe Newspapers say that they tend to accentuate the positive sides of the government. They admit that in order to get a balanced picture of the news it is necessary to read the independent press. On the whole the private press supported the opposition. ZANU PF rallies were covered prominently in *The Herald*, with attendance figures published being substantially higher than we saw.

During the period we were in Zimbabwe the newspapers published robust editorials supporting either the governing party or the opposition. Many of the editorials in the government papers concentrated on government policy on land while those in the independent press reported that there was a desire for change in leadership and economic policy. Whilst both sectors of the print media reported incidents of campaign violence, reports of violence against opposition supporters tended to be carried by only the independent media.

During the election period most print media did not attempt to educate voters until a few days before the polls. A notable exception to this was the *Financial Gazette*, which ten days before polling published a supplement titled "Election 2000, Your Vote is Your Secret". This carried policy statements of six different political parties in Shona, Ndebele and English, thereby widening the number of people who would read it. On the eve of voting other papers carried similar supplements.

The Internet

This was used extensively by the opposition and its allies to spread their views within Zimbabwe and around the world. Some sites on the world-wide-web, which supported the opposition, were used as a repository of information for their sympathisers. Articles, particularly those from the international media which highlighted the difficulties faced by opposition supporters, were posted on these sites. Electronic mail was used by opposition allies to send information to their supporters and international observers. Many of these sites made no attempt to present balanced news.

The Media Monitoring Project Zimbabwe

This was established in January 1999 and is a joint initiative of three organizations, the Zimbabwe chapter of the Media Institute of Southern Africa (MISA), the Civic Education Network Trust (CENT) and Article 19, the

international centre against censorship. The Media Monitoring Project Zimbabwe (MMPZ) is funded by the Norwegian International Development Agency (NORAD) and the Open Society Initiative for Southern Africa. It monitors the Zimbabwe media to determine how far they adhere to international and constitutionally guaranteed standards of freedom of expression, as well as generally accepted professional and ethical standards of journalism. The project has a particular interest in those sections of the media that are financed by public funds; however private media are also subject to scrutiny.

MMPZ issued weekly monitoring reports detailing the balance of coverage in the broadcast and print media. Ten days before the voting these became daily reports. These reports clearly indicate that ZBC and *The Herald* and other newspapers in the Zimbabwe papers stable were heavily biased in favour of the ruling party and the government. The opposition acknowledged this with a senior member of the MDC stating, "We have written off the press for all practical purposes."

CHAPTER 4: THE POLL AND THE COUNT

THE POLL

For many in Zimbabwe the approach of the polling and counting days - Saturday 24 and Sunday 25 June for polling and Monday 26 June for counting - was viewed with anxiety, prompted by the pre-election of violence and intimidation, the polarisation in society generally and the climate of apprehension both had induced.

Although there were some serious incidents, in the event the polling and counting days were generally calm, orderly and peaceful and the processes went

smoothly. We were impressed with the spirit of those queuing to vote, which was often determined, sometimes enthusiastic and almost always composed. In the words of one commentator on ZBC, "the electorate demonstrated that it had a cool head".

Procedures

The polling stations were due to open at 7.00 am and most opened on time. In line with international practice the Presiding Officer showed the empty ballot box to the party agents, domestic observers, international observers and others authorised to be present within the polling stations, and the seals (masking tape with hot red wax) were then applied.

The first element in the voting procedure was for the voter to show her/his identification. This could be either a National Registration Card or other document such as a driver's licence or passport, so long as it bore the voter's National Registration Card number. Many voters were without their National Registration Card, but most had other valid documents instead. Then, as a precaution against double-voting, the voter had her/his hands checked for traces of the special 'detection fluid' applied at polling stations to show that voters had voted.

If there were no such traces the voter's name was checked against the register. There were actually four components of the register: the 'de-allocation register' (showing those who had moved out of the constituency), the original Register, the supplementary register (for additions made during the 'inspection period' from 1 to 13 June) and the 'voters roll annexe' (the error roll or 'addendum').

Provided that the elector's name was on the list she/he would then place both hands in a bowl of the special 'detection fluid', so that all fingers were completely covered, and be issued with the ballot paper marked with the Presiding Officer's 'secret mark'. (It was drawn to our attention that the 'detection fluid' is transferable, when people shake hands).

The voter would then be told to make her/his mark next to the candidate of her/his choice and be shown how to fold the ballot paper with the official mark visible, take the paper to the polling booth, mark and fold it, show the Presiding Officer the top of the paper bearing the official mark and then deposit the paper in the ballot box and leave.

It should be noted that each book of ballot papers was shown to the party agents, domestic observers and others present, so that they could record the numbers before use. At the end of the day the same people were told how many ballots had been used and shown the place in the ballot book where the last ballot paper had been taken, so that they could again record the numbers and check them at the start of the next day.

The ballot boxes themselves - resembling small tea-chests - were robust and in our view difficult to tamper with. They were properly sealed. However, we did hear complaints about the ballot papers: there were some inconsistencies in ballot paper design and in cases where the space for the candidate's photograph was left blank it was feared by some candidates that voters might apply their mark in the wrong place.

The procedure for the closure on the first day was straightforward. Presiding Officers allowed those still in the queue at 7.00 pm to vote. Then the seals were applied to the boxes, the signatures of the agents, officials and sometimes others present were applied and the boxes placed in secure accommodation at the polling station. Polling officials, party agents and police stayed with the boxes overnight. Prior to the voting on the second day the seals were inspected by agents and observers to verify there had been no interference, and then the boxes opened for the second day of voting. A similar procedure was used following the closure on the second day of voting.

Observers

Our twenty-four teams - the twenty two that had been assigned to the provinces since 14 June, plus the Chairperson and one extra team which was deployed to Gokwe (Midlands Province) the day before the election - were all present before the opening and on each voting day would remain until the closing of the poll. At only one station were our observers intimidated, when two men attempted to bar their entry to a polling station and tried to search their vehicle.

All our teams liaised with other international observers to maximise the effectiveness of the overall election observation effort. In practice, this meant that they tried not to observe in exactly the same parts of their provinces at exactly the same time and avoided visiting the same polling stations.

Irregularities

There were some irregularities. At least one person, to our knowledge, was arrested for attempted multiple voting. Some people wearing agents' or domestic monitors' badges turned out to be neither. At one polling station over 300 voters were turned away at 7.00 pm and told to come back the next morning. There are other examples. The key point, however, is that our teams found no evidence of systematic fraud or large-scale organised abuse of the polling process by the election authorities, political parties or voters.

Voters

The turnout on the first day was good and the voters waited in line patiently, sometimes for a long time. In Harare polling stations queues were long - up to 700 voters at one station, leading to short-lived speculation that there might need

to be a third day for voting. Everywhere there was a steady flow of voters. On the second day there were fewer voters, at some stations considerably fewer: it appeared that most people had voted on the first day, and by lunchtime staff at many stations had little to do. However, the election authorities later estimated the overall turnout at [exact figure to be added when available]. Registrar-General Mr Tobaiwa Mudede said “the turnout is just too large, overwhelming”. Large numbers of women voters were present at almost all stations and substantial numbers of the white community exercised their right to vote.

We were impressed by the voters’ confidence in the process. However, it was clear from our observations on polling day that in future much more effort will need to be put into voter education prior to polling day: a number of voters did not appear to understand the mechanics of the voting process.

Secrecy of the Ballot

The secrecy of the ballot was assured. The polling stations were equipped with well constructed wooden polling booths which were properly screened and in almost all cases these were positioned so that the marking of the ballot paper could not be observed.

Polling Stations

Although some polling stations were without all their supplementary and other voters’ lists until mid-morning or even later, polling stations were generally well equipped and well-organised, well laid out and generally adequate for the purpose. Security was well provided for without being oppressive - there were usually two police officers inside every station and others outside, but no one seemed to find their presence threatening. Each polling station was equipped with a poster outlining the mechanics of the voting process, which was prominently displayed. Officials assisted the blind, illiterate and others needing help (though sometimes they appeared not to be aware that a monitor was also supposed to be present at the time). Polling booths themselves had ‘how-to-vote’ instructions, with an illustration of the constituency ballot paper.

In general, the location of the polling stations in urban areas was such that voters had only a relatively short distance to walk. However, in rural areas distances were considerably greater.

The location of polling stations - often in schools, but also in business centres, mines, farms and elsewhere - prompted two observations. First, even small towns or other heavily populated areas were occasionally without fixed or ‘static’ stations and had to rely on mobile stations. Secondly, in some areas many of the stations were on farms, many of which had in turn been ‘occupied’ by war veterans: farm workers and other voters therefore sometimes had to vote in the vicinity of those who it was alleged had been intimidating them.

Polling Officials

We were impressed with the professionalism of the polling station staff. While levels of competence varied, the Presiding Officers and polling officials were generally impartial, efficient and effective and had clearly been well-trained. In some stations the staff were withdrawn and quiet when observers approached, but nowhere did we encounter hostility. And despite the foreboding induced by the severity of the warnings prior to polling day that infringement of the rules on the part of the observers would be harshly punished we found officials to be generally welcoming, helpful and relaxed and not at all officious. We noted that though a high proportion of polling station staff were women, most Presiding Officers were male.

Party Agents

Agents from the two main parties were present at almost all the stations we visited and sometimes other parties and independents were represented too. There had been extensive training programmes prior to the election and for the most part the party agents appeared to understand their role and performed well. We were struck by the level of co-operation between agents of the different political parties, as well as their dedication to their responsibilities.

Domestic Observers

The position of the domestic observers - known in Zimbabwe as 'monitors' - was less satisfactory. The delay in accrediting the domestic observers meant that many were without badges when polling began. Some Presiding Officers decided to admit the observers anyway. But others took a sterner line, and on the second day of polling domestic observers who were still without their badges were in many cases prevented from entering the polling stations. In many cases, in accordance with last minute instructions, only one domestic observer was admitted, while the others waited outside.

At many polling stations our Observers were confronted with the sad sight of trained and enthusiastic domestic observers, in possession of their bright fluorescent identifying bibs and checklists and otherwise ready to observe, but unable to do so, either because the authorities in Harare had not managed to get their badges to them in time or because of the limitation placed on their entry to the polling station. We very much regret the impact of these restrictions on the domestic election observation effort and take this opportunity to underline both the importance we attach to effective civil society observation on polling and

counting days and the need for the authorities to make adequate provision for this in good time before the next elections.

The Register

We also noted that large numbers of people were turned away - because they did not have identity documents or were in the wrong constituency, but also because their names did not appear on register.

Those turned away on the first day included electors who had registered during the inspection period, were in possession of their receipts but whose names did not appear on the register. In an attempt to resolve the problem the election authorities issued an instruction that those in possession of their National Identity Card number and a 'receipt' from their registration during the inspection period would be allowed to vote, even though their names did not appear on the register.

However, the message took time to get through to all Presiding Officers, resulting in variations in practice from one station to another. At some stations voters with both the 'receipt' and the number were allowed to vote, while at others they were not. Even on the second day of voting the inconsistencies continued in some places.

The need for such last-minute changes and the scale of the problem they were designed to address suggest that there were problems with the register and the registration process. We hope that the election authorities will be able to identify the root causes of the problem and take appropriate steps to remedy the situation.

THE COUNT

The votes were not counted at the polling station, but transferred to constituency counting centres in their sealed ballot boxes either on the completion of voting on the night of Sunday 25 June or the following morning, depending on the security of the polling station.

Although the law had been changed shortly before the election to prevent party agents and domestic observers from travelling in the same vehicle as the boxes on their journey to the counting centres, the Election Directorate changed the arrangements again on 23 June. Agents and observers were allowed to travel in the same vehicle so long as there was room and the person(s) involved signed an indemnity form waiving any claim in the event of an accident.

The Procedure

In some places there was confusion as to whether counting would start on Sunday night or on Monday morning. However, the counting process began everywhere on the morning of Monday 26 June, under tight security.

When all the ballot boxes had been received at the constituency counting centres each box was dealt with in turn. First, Presiding Officers were required to reconcile their returns with the number of ballot papers issued, and a meticulous count of the used ballot books was undertaken. This took into account faulty ballot papers not actually used and spoilt ballot papers requiring a second issue. Only after agreement had been reached on the number of ballots which should be found in each box did the process of dealing with the ballot boxes get underway.

The seals were checked to ensure that they had not been tampered with, then removed in the presence of the candidates, their agents and observers - but not the media, which was banned from the centres. The ballot papers were then counted, and the number compared with the figure agreed to have been cast. Any disagreement led to a recount and/or agreement amongst the party agents and candidates before the process could continue. In most places the ballot papers from each individual polling station box were then placed into either their ballot box or one central ballot box. The procedure was then repeated with the next box. In a number of counting centres some domestic observers were required to leave during this process; international observers were allowed to remain at the discretion of the Constituency Registrar.

Following the completion of this reconciliation process the actual count began and the ballot papers were placed in piles by candidate. Once the count had begun no one - including the observers - was supposed to leave until it had been completed, though in some areas the Presiding Officer used her/his discretion and allowed international observers to leave.

At the completion of the count the result was verified by the candidates and agents present and then announced. It was then transmitted to Harare where Mr Tobaiwa Mudede, Registrar-General, announced the results in batches from the early evening of Monday 26 June from the National Command Centre.

As the counts continued into the night Police Commissioner Augustine Chihuri urged continued calm ahead of the announcement of the results. "Those who win must win gracefully and not target the losers. Those who lose must accept losing with honour so that they don't spark trouble". So far as we could see, the peace of the voting days continued through to the completion of the counts, which were mostly over by the following morning.

Assessment

The counting process was slow but commendably transparent. Security arrangements were good and the officials were meticulous. Although in at least

two places Presiding Officers refused to announce the results until they had been in touch with Harare, the procedures were generally adhered to.

Candidates, their agents and domestic and international observers were given access to the counting centres. In advance of the count the Elections Directorate had made clear that international observers and others might be excluded if there was insufficient room inside the counting centre. In the event none of our observers was asked to leave, although some domestic observers were.

A relatively large proportion of postal votes - restricted for this election to members of the army and other disciplined forces, election officials, diplomats and others in government service - appeared not to be in order: over 300 in one constituency. We believe that the election authorities will want to consider the postal ballot system for the future, to ensure that it works more effectively.

CONCLUSIONS AND RECOMMENDATIONS

This election marked a turning point in Zimbabwe's post-independence history. For the first time, the generation born after independence (1980), the "born frees", were able to vote in a general election, and for the first time there was a viable, nation-wide political alternative based not on ethnic differences but on a different political platform, offering economic and social change. These conditions constitute a climate for the growth of multiparty democracy, in a state long dominated by a single party still basing its popular appeal on its record in the liberation struggle.

We commend the people of Zimbabwe for their commitment to democracy. This and other sound democratic practices and institutions in Zimbabwe constitute a platform for both reconciliation and future development. The turnout at the polls on 24-25 June demonstrated a new interest if not enthusiasm for democratic

change by a large proportion of the electorate. This is a healthy sign for the state of democracy in Zimbabwe, all the more so in the light of measures employed in some parts of the country to dissuade people from exercising their democratic rights freely or to undermine the choice of alternative candidates, often through tactics of violence and intimidation.

It was the violence and intimidation which most concerned our Group over the weeks leading up to the elections. We received a substantial number of reports on violent incidents and ourselves met with many victims of violence. We directly experienced the climate of fear and uncertainty which characterised this election in many parts of the country, especially in some rural areas, and we saw for ourselves that in some districts intimidation prevented open political campaigning, notably by opposition parties and candidates. While the picture was not uniform, we can only conclude that incidents of violence and threats impaired the freedom of choice of the electorate.

In many cases of reported violence the authorities responsible for maintaining law and order failed to take action to apprehend those responsible. This is a serious situation. We deplore all incidents of politically-motivated intimidation and violence and look to those in authority in Zimbabwe to ensure that the rule of law is observed.

We especially regret that in some districts parliamentary candidates, notably from opposition parties and independents, were themselves victims of political violence. Obstacles were put in the way of opposition groups attempting to exercise freedom of expression and movement, including the holding of political rallies, and generally to campaign freely.

We observed that the voting days themselves were generally calm, orderly and peaceful. We commend the authorities responsible, the parties, civil society, political activists and most of all the people of Zimbabwe for bringing this about.

We hope also that through our presence, particularly our extensive travel throughout the country both before and on the polling days, the Commonwealth Observer Group played its part in lessening the incidence of violence and helped assure the electorate of the Commonwealth's concern for the situation in their country.

We observed that media coverage of the election campaign was not balanced, in particular in the state-controlled electronic and print media.

The framework under which the elections were held was also a matter of some concern. It is a structure in which lines of authority and the division of responsibilities were, we consider, too complex. The situation was exacerbated by last-minute changes to electoral procedures. We consider it unfortunate in particular that the Electoral Supervisory Commission's role was reduced, thus removing an element of neutrality in the conduct of elections which is in both the letter and the spirit of the Constitution.

Moreover, we found that the Elections Directorate and the Registrar-General could have been more helpful to Zimbabwe's civil society in its legitimate desire to play a role in monitoring the conduct of the elections; we understand civil society's frustration at the last-minute restrictions which were placed on domestic observers. For the future we hope that the election authorities will promote a culture of co-operation so far as civil society is concerned.

We would likewise have hoped to see the Registrar-General and the Elections Directorate play a mediating role in defusing political tensions and bringing the contesting parties and candidates together to resolve misunderstandings and create a more positive atmosphere for the conduct of elections.

The state of the voters register was a matter of concern well before the elections; and on the polling days it was evident that despite attempts to revise and update the register, major problems still existed. These regrettably resulted in the disenfranchisement of many potential voters, many of whom asserted that they had completed all the necessary procedures but still did not appear on either the main or the supplementary registers. It is evident that a major revision of the register must be undertaken, with adequate provision for voters to check details sufficiently in advance of the next election.

Regarding the polling and counting procedures, we found these to be transparent and fair. We found no major problem with the secrecy of the ballot, and complaints by party agents and voters were few. Presiding officers, constituency registrars and their staff were conscientious in addressing their responsibilities and worked hard to meet the requirements of a complex and demanding process.

Delays in the tabulation and counting of results suggest that the authorities had not anticipated the scale of voter turnout, and consideration should be given to dealing with this situation in future elections.

In respect of the process, we present the following recommendations;

- consideration might be given to the establishment of an independent electoral commission; in the meantime the Electoral Supervisory Commission should be given the resources necessary to perform its functions effectively and its role should be clearly defined and enshrined in the Electoral Act;
- there should be a Code of Conduct regarding the activities of political parties and candidates during the campaign and election period, and there should be a clear demarcation between the executive and the ruling party, especially in the use of government resources for political activities;
- there should be a Code of Conduct regarding media coverage and advertising during the campaign and election period, either under the supervision of a specially-created independent body or under an independent electoral commission, as referred to above;

- domestic monitors should be accredited in good time to allow them to travel to their assigned polling stations well before the commencement of the elections;
- further consideration should be given to the delimitation of constituency boundaries;
- the postal balloting arrangements need revision to impart greater transparency and to improve the opportunity for absentee voters to cast their ballots;
- there should be a more intensive voter education program, aimed particularly at the population in rural areas, and any confusion over who is not already on the voters' registrar or who is entitled to be so listed should also be clearly dispelled;
- consideration should be given to restricting polling to one day, especially if the count is conducted on the following day, to streamline procedures and reduce the burden on electoral officials and agencies; increasing the number of fixed polling stations, thus reducing the number of voters at each station, especially in high-density areas, would be a measure to assist this objective;
- at polling stations, a type of invisible ink which does not transfer from one voter's hands to another should be used;
- there could be two or more streams of voters entering a polling station, with officials and materials likewise allocated to deal more quickly with those queuing to vote;
- the Commonwealth should continue to offer technical assistance to help improve the quality of elections in Zimbabwe.

In short, we consider that while there were some positive factors in these elections, there were also serious shortcomings. We believe that, most importantly, democracy in Zimbabwe has taken a major step forward, with a process which has enabled parties and individuals of differing political persuasions to win election to the legislature, one of the fundamental pillars of government.

On the other hand, there were impediments placed in the way of enabling the electorate to freely choose their representatives. We especially deplore the level and nature of politically-motivated violence which characterized the period leading up to polling days.

In conclusion, we wish to record our feeling of privilege to have borne witness to the events at this pivotal point in Zimbabwe's history. Democracy has taken a major step forward through these elections.

We thank the Commonwealth Secretary-General for having invited us to participate in this Observer Group, and we thank the Government of Zimbabwe for its invitation to the Commonwealth to send this Group to observe the parliamentary elections. Most of all, we thank all those organisations and individuals who assisted us in fulfilling our task, and the people of Zimbabwe who we have come to know well in the last few weeks. We wish Zimbabwe well in facing its future, we look forward to seeing a process of national reconciliation take hold, and we wish to renew the Commonwealth's pledge of continuing friendship and assistance to this great country.

ACKNOWLEDGEMENTS

We wish to place on record our very sincere appreciation to the many individuals and organisations which assisted during our mission.

We wish to thank the Registrar General and his staff and the Chair, members and staff of the Electoral Supervisory Commission for all the support rendered to the Commonwealth Observer Group.

We also appreciated the co-operation of the political parties, non-governmental organisations and the domestic election observers of the Zimbabwe Election Support Network, who greatly assisted our work. Our profound thanks also go to the Commonwealth High Commissioners and staff in Harare for their briefings and all-round co-operation, to the National Democratic Institute and International Republican Institute and the international observer groups – from the European Union, the Organisation for African Unity, the SADC Parliamentary Forum, the SADC Election Commissioners' Forum and observers from individual Commonwealth countries. They willingly shared information and liaised with us to maximize the effectiveness of the observation effort. Finally we wish to thank our drivers for their sterling effort and professionalism and to express our thanks and appreciation to the Commonwealth Secretariat staff for their excellent support.

In conclusion, we wish to express our utmost appreciation to the Commonwealth Secretary-General, Rt Hon Don McKinnon, for his support and for giving us the opportunity to serve the Commonwealth in the promotion and consolidation of democracy in Zimbabwe.