



*For Immediate Release*

## **EISA REGIONAL ELECTION OBSERVER MISSION THE 2008 HARMONISED ELECTIONS IN ZIMBABWE**

### **INTERIM STATEMENT**

Harare, 31 March 2008

#### **1.0. Introduction**

EISA deployed a Regional Observer Mission to the 2008 Harmonised Elections held in Zimbabwe on Saturday 29 March 2008. The Mission was composed of 25 members drawn from electoral commissions, civil society organisations and academic institutions from SADC countries, namely the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Swaziland, Tanzania and Zambia.

Zimbabwe held four sets of elections simultaneously. These are the Presidential, House of Assembly, Senatorial and Local Council elections. In the past, these elections were held separately: presidential elections were held every six years, parliamentary elections every five years and local council elections every four years. The harmonisation of these elections was, in part, a result of the mediation process undertaken by President Thabo Mbeki of South Africa on behalf of the Southern African Development Community (SADC), and the subsequent constitutional amendments.

The overall goal of the EISA Observer Mission to Zimbabwe was in line with its vision of an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. The specific objective of the Mission was to assess whether the 2008 Harmonised Elections meet the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO).

The EISA Mission has done the assessment of the March 2008 electoral process in Zimbabwe. Its preliminary findings and recommendations are presented in this interim statement. EISA will produce a more comprehensive and final report on the entire election process. The final report will provide an in-depth analysis, detailed observations, and recommendations for the improvement of the country's electoral process.

#### **2.0. Method of work**

EISA deployed three sets of observation teams. First was the pre-election assessment mission to Zimbabwe, whose main rationale was to examine political, legal and logistical conditions prior to the March 2008 elections. The 3-member team visited Harare and Bulawayo from 13 through 20 January 2008. EISA also dispatched another team of three people led by its Board Chairperson.

They spent three days in Harare meeting a number of stakeholders, including the Zimbabwe Electoral Commission (ZEC). A two-person EISA delegation also observed the nomination of candidates on 15 February 2008.

Based on the recommendations of the advance teams, EISA, on 29 January 2008, wrote a letter to the Ministry of Foreign Affairs in Zimbabwe requesting invitation and accreditation to observe the 2008 Harmonised Elections. While awaiting the outcome of its application, EISA deployed a team of five medium-term observers, who arrived in the country on 9 March 2008. The members of the team were based in Harare, from where they were able to move around country, holding consultative meetings with relevant stakeholders in various provinces.

The group of short-term observers, consisting of 20 members, arrived in Harare on 19 March 2008. Still awaiting the outcome of its application for accreditation, the EISA mission was deployed to various parts of the country to observe the electoral process. The nine provinces covered by the mission were Harare, Bulawayo, Manicaland, Midlands, Mashonaland West, Mashonaland East, Mashonaland Central, Matebeleland South and Matebeleland North.

It is also worth mentioning that EISA provided training to a number of regional and continental observer missions deployed by governmental and inter-governmental bodies which were accredited to witness the Harmonised Elections in Zimbabwe.

EISA furthermore conducted the training of political parties and candidates' poll watching agents. This training of trainers took place in Harare from 4 to 5 March 2008 and was open to all political parties and candidates.

### **3.0. Preliminary findings of the Mission**

After analysing the observations made by its different teams deployed on the ground and basing its findings on the norms and guidelines contained in the PEMMO, the EISA Mission has made a number of observations in relation to the electoral process.

#### **3.1. General context of the 2008 Harmonised Elections**

The Mission observed that the 2008 Harmonised Elections in Zimbabwe took place within the framework created by the political mediation process initiated by the Extra-Ordinary SADC Summit held in Tanzania in March 2007, which mandated President Thabo Mbeki to facilitate negotiations aimed at resolving the governance crisis in Zimbabwe. One of the main objectives of the Mbeki-led negotiation process was the establishment of political conditions conducive for the holding of free and fair elections in Zimbabwe. The mediation initiative has led, *inter alia*, to a series of amendments to the constitutional and electoral framework, and the establishment of dialogue between the ruling and opposition parties. The Mission notes, however, that the mediation initiative ended abruptly.

With regard to the Harmonised Elections, the EISA Mission noted, with some satisfaction, the peaceful environment within which the 2008 elections were held, despite some incidents of intimidation and political violence. EISA commends the constructive role played by all key electoral stakeholders in creating and maintaining an atmosphere of calm and tranquillity in which candidates, parties and people from diverse political backgrounds were able to operate. The Mission noted that, unlike in previous elections, freedom of assembly, freedom of association, freedom of movement and freedom of speech could be generally exercised without undue

hindrance. The Mission notes that the polling day was also generally marked by a peaceful atmosphere and tranquillity.

### **3.2. Electoral System**

The Mission noted that recent constitutional amendments have introduced important electoral reforms in Zimbabwe. One of these relates to the fact that while in the past voters would elect 120 members of Parliament and the President would appoint the additional 30, presently all 210 members of the House of Assembly are directly elected. The system of appointed seats in the House of Assembly used to favour the ruling party. As for the Senate, 60 of the 93 members are directly elected.

### **3.3. Management of the Electoral Process**

In the past, there were four different bodies involved in the running and management of the electoral process in Zimbabwe. These were the Delimitation Commission, the Electoral Supervisory Commission (ESC), the Election Directorate and the Registrar General of Voters. This situation undermined effective and efficient management of elections. Power and authority on election management were dispersed among all these institutions and it was not clear where the buck stopped. As part of recent electoral reforms, some of the above institutions have been abolished with the establishment of the ZEC. However, the EISA mission noted that power and authority for management of elections are still dispersed, effectively reducing ZEC to a mere supervisory structure with little, if any, independence. For instance, the registration process, the core element of elections, is undertaken by the Registrar-General of Voters under the supervision of ZEC. When the voters' roll has problems, it is not clear whether it is ZEC or the Registrar-General of Voters who has to take responsibility.

In previous elections, the Directorate of Elections was composed of a number of Government ministries playing a role in terms of logistics, transport and communication in the electoral process. It does seem that the more things change in Zimbabwe, the more they stay the same. According to Paragraph 7 of the First Schedule to the Zimbabwe Electoral Commission Act, the Commission may establish one or more committees in which it may vest such of its functions as it deems fit. In this regard, ZEC has established a National Logistics Committee and subcommittees to assist it in mobilising resources for the 2008 elections. Members of the committee and its subcommittees are drawn from almost all government ministries, security forces and the parastatal sector. ZEC plays, in essence, a supervisory role, rather than a policy-making and management role.

As for recruitment and training of electoral staff, according to the Electoral Laws Amendment Act No. 17 [Chapter 2:13], electoral personnel could be recruited from public institutions such as the Public Service Commission, local authorities and statutory bodies. The recruitment is therefore not open and is limited to the pool of personnel from the public service.

By law, ZEC is responsible for the accreditation of observers. However, in practice the Ministry of Justice enjoys the sole authority to invite and authorise accreditation of local observers, while the Ministry of Foreign Affairs has power to invite international observers. ZEC simply rubber-stamps lists of observers from the two ministries. The EISA Mission noted that it took an unnecessarily long period for the Ministry of Justice to invite and authorise accreditation of about 8 000 domestic observers under the umbrella of the Zimbabwe Election Support Network (ZESN). The Mission further notes that the invitation of international observers by the Ministry of Foreign Affairs was selective, discriminatory and shrouded in a cloud of secrecy.

All these issues have created doubt about the independence and impartiality of ZEC.

### **3.4. Voter Registration and Voters' Roll**

The EISA Mission noted that the registration process was undertaken with little consultation of the relevant stakeholders. Various stakeholders informed the Mission that the registration process lacked transparency. This situation created suspicion among stakeholders, thereby adversely affecting the integrity and credibility of the registration process and the voters' roll itself. Various opposition parties raised concerns that the voters' roll of 5 934 768 people is inflated. The Mission received reports that the inspection of the voters' roll was not accorded enough time. Some stakeholders, including ZESN, did not have copies of the voters' roll up to the end of polling day. In sum, stakeholders lacked a collective sense of confidence in the voters' roll.

### **3.5. Date of Elections**

The 2008 Harmonised Elections were rushed and bore the characteristic features of a snap election. Stakeholders did not agree on the date of the election. The date of the election was determined unilaterally by the President. The opposition parties would have preferred an election later on, following a constitutional review process guided by agreements emanating from the negotiation talks mediated by President Mbeki. It does appear that the date of the election was rather arbitrary, thereby becoming an issue that was contested by political stakeholders. As good practice, it is advisable that the date of an election be predictable so that all stakeholders are able to prepare adequately for electoral contests. Even better is a practice whereby the date of an election is defined within the country's constitution.

### **3.6. Delimitation of Constituencies**

In terms of the current relevant laws and regulations, ZEC is responsible for the delimitation of constituencies. The Mission learnt that electoral commission undertook the delimitation exercise between 5 December 2007 and 10 January 2008. The Commission delimited 1 958 wards, 210 House of Assembly and 60 Senatorial constituencies. The Mission was informed by stakeholders that the delimitation process was not sufficiently consultative and participative. Both the preliminary and final reports were submitted to the President by ZEC. There is no evidence of dialogue and discussion of the contents of the preliminary report by stakeholders between December 2007 and January 2008 when the final report was submitted to the President. The report was also supposed to be submitted to Parliament before being finalised.

As a result, the EISA Mission noted concerns from stakeholders suggesting that the delimitation process tended to distort the constituency boundaries, merging some urban constituencies with peri-urban and rural ones in a process deemed by some as amounting to gerrymandering. Some stakeholders also raised issue with the fact that more new constituencies were created in rural compared to urban areas. It is well known that electoral politics in Zimbabwe has been such that urban constituencies were the stronghold of opposition parties while rural constituencies were the stronghold of the ruling party. Both the political players and some international observer missions raised concerns with ZEC that some wards attached to a number of urban constituencies were allegedly fictitious and not populated at all.

### **3.7. Voter Education and Information**

The Mission noted that there was little, if any, effort by ZEC to mount a systematic voter education and information programme to alert the electorate about the new electoral boundaries, especially the new requirement that voting would take place at ward levels.

The majority of stakeholders that the Mission met expressed the view that voter education and information was limited and inadequate. It was undertaken by ZEC in haste and only started as late as February 2008. The Mission noted that ZEC is formally the body responsible for voter education and information. However, other stakeholders, including non-governmental society organisations (NGOs), community-based organisations (CBOs), faith-based organisations (FBOs) and political parties are supposed to play a role in voter information and education. The Mission learnt that ZESN was barred by ZEC from undertaking voter education and information. The Mission believes that given its own constraints, ZEC should have considered working collaboratively with other actors, including CSOs, CBOs and FBOs, to conduct extensive voter education and information programmes and campaigns.

### **3.8. Media Access and Coverage**

Stakeholders noted that the media in Zimbabwe are as polarised as political parties themselves. The public media give preference to campaign activities of the ruling party. The private media cover mainly those of opposition. The MMP-Z reported that the public media coverage of elections favoured the ruling party much more than the opposition. It was only with the arrival of international observers that opposition adverts were flighted on state-owned TV, radio stations and newspapers.

### **3.9. Election Campaign**

One of the critical stages in the electoral process is the campaign. Some stakeholders shared with the EISA Mission their concerns about the content of the electoral campaign, particularly statements made by some contestants, which amounted to hate speech and character assassination of other contestants. The Mission was concerned by threats emanating from security chiefs asserting that they would not recognise victory of the presidential poll by the opposition. This conduct required a strong condemnation from both the Government and ZEC. Both the Government and ZEC never took any action regarding this conduct by the security forces.

### **3.10. Use of State Resources**

The Mission observed that the incumbent President of the Republic and contender in the presidential race made donations including buses, television sets, food aid, and agricultural equipments among other things, to communities and organisations throughout the country at the height of the electoral campaign. Good electoral practices require that such donations be prohibited during the electoral campaign.

### **3.11. Accreditation of observers**

Election observation has been recognised within the SADC region, on the African continent and worldwide as an important tool to enhance the transparency and the credibility of an electoral process.

The EISA Mission noted that accreditation was done in a selective manner, with preference given only to countries and organisations perceived as being friendly to the Government of Zimbabwe. The cost for accreditation was exorbitant and prohibitive. The Mission noted the sluggish and bureaucratic nature of the accreditation process. The only two accreditation centres were in Harare and Bulawayo.

The Mission is of the view that an independently acting ZEC should be the sole authority responsible for the invitation and accreditation of both domestic and international observers. The process should be open to all interested parties, without discrimination.

### **3.12. Ballot papers**

It came to the attention of the Mission that approximately 9 million ballot papers were printed for each of the four types of election, with a total number of 5 934 768 registered voters. This translates into an approximate one-third surplus of ballots. Best practice suggests that about 10% surplus of ballot papers, in comparison to the number of registered voters, is acceptable. A huge surplus of ballot papers tends to fuel a climate of suspicion, reinforced further by lack of transparency in the issuance of postal ballots who voted ahead of polling day. Key players in the electoral process, including opposition parties and CSOs, remained uninformed about the exact number of ballot papers printed and the postal ballot process.

### **3.13. Polling stations**

ZEC established 8 998 polling stations. The EISA Mission noted concerns by some stakeholders that information about the polling stations was rather scanty. One of the reasons that accounted for the failure of some voters to cast their ballots on polling day was the fact that they could not identify the wards where they were entitled to vote. The Mission also learnt of concerns of various stakeholders regarding the late changes to the electoral framework by the President through Presidential Powers (Temporary Measures) (Amendment of Electoral Act) (No. 2) Regulation. This amendment reversed earlier agreements by allowing the police to enter the polling stations and assist some of the voters in casting their ballots. This change appears to have been done without consultation with other key stakeholders, including ZEC; hence a heated controversy was triggered. Best practice is that the police ensure law and order during elections and are supposed to be posted about 100 meters from the polling stations and certainly not inside the station.

### **3.14. Voting process**

The Mission learnt from stakeholders that the voting process largely proceeded smoothly. The conditions of the polling day facilitated the casting of the ballots. Overall, polling stations opened on time, with few exceptions, and without substantial inconvenience to voters. On the technical aspect of voting, polling staff were efficient and conducted themselves professionally. By midday, long queues had largely dissipated.

The polling staff reflected gender balance with women often acting as presiding officers. Voters seemed to be aware of the procedures.

The Mission witnessed that some voters were turned away to other wards or constituencies. This trend may have contributed to the disenfranchisement of voters. Reasons for turning voters away included lack of voter information and/or a faulty voter's roll.

### 3.15. Counting and Tabulation of Results

Party agents, international and local observers witnessed the counting process at the polling stations, upon the formal closing of polling. The Mission observed that the counting process was slow. When the counting was completed, the results were posted outside the polling stations.

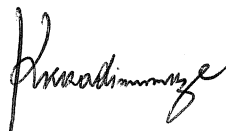
The Mission noted that ZEC was not able to release the collated results timeously. This situation created anxiety among the contestants and voters.

## 4.0. Conclusion

In conclusion, the EISA Mission found that, compared to previous elections, the 2008 Harmonised Elections in Zimbabwe were partly free in that there existed a more peaceful environment allowing for freedom of association, freedom of assembly, freedom of speech.

However, the Mission found the electoral process to be severely wanting in respect of fairness as most of the critical aspects of the process lacked transparency. At the time of compiling this interim statement, the tabulation of results was still unfolding and the announcement of results was painstakingly slow.

The EISA Mission urges Zimbabweans to build on the momentum created by these elections and continue to engage in the dialogue initiated by the SADC in order to improve the conduct of future elections. A credible and legitimate election is a key building block towards political stability, democratic governance and socio-economic development.



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#### About EISA

EISA is a non-profit organisation established in June 1996. The organisation is based in Johannesburg, with field offices in the DRC, Madagascar and Mozambique. EISA's vision is an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment. This vision is executed through the organisational mission of striving for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa. Since its inception the organisation has participated in over 30 electoral processes of Africa.

Apart from electoral assistance and observation, EISA is also active in other Democracy and Governance fields, including local governance, legislative work, political party strengthening and the African Peer Review Mechanism.

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