



**AFRICAN UNION ELECTION OBSERVATION MISSION (AUEOM) TO ZIMBABWE
30 JULY 2018 HARMONISED ELECTIONS**

PRELIMINARY STATEMENT

Harare, 1 August 2018

INTRODUCTION

On 30 July 2018, Zimbabweans went to the polls to elect the country's next President, Members of the National Assembly and Local Government Representatives. They are the first post-independence elections to be held without former President Robert Mugabe who ruled for 37 years and are widely seen as an important moment in the country's democratic transition.

The African Union (AU) participated in the elections following an invitation from the Government of the Republic of Zimbabwe by deploying both long- and short-term election observers on the 1 July 2018 and 23 July 2018, respectively. The Mission which is led by H.E. Hailemariam Desalegn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and assisted by H.E. Minata Samate Cessouma, the AU Commissioner for Political Affairs, comprises of sixty-four (64) observers – 14 long-term and 50 short-term observers – drawn from AU member states and institutions.

In this preliminary statement, the African Union Election Observation Mission (AUEOM) offers a summary of key observations from the electoral process thus far, including the political context, legal framework, election administration, campaign, participation of women and media environment, as well as election day voting and counting process. This statement is preliminary because it is issued while the tabulation and announcement of results are ongoing and, therefore, an assessment of the entire electoral process cannot be provided at this stage.

SUMMARY OF KEY FINDINGS

The Pre-Election Environment

Political Context

The elections took place in a generally peaceful and calm environment with no major incidents of violence and restriction on the activities of political parties and candidates observed. The process was highly competitive as evidenced by the high number of presidential, national assembly and local council candidates. As an indication of the marked improvement in the political space, the AUEOM notes a very low threshold requirement for registration of political parties and candidates to contest the elections.

Legal Framework

Zimbabwe's 2018 elections were conducted under an improved legal framework consisting of the 2013 Constitution, The Electoral Act, other Acts and Legislation, Rules and Regulations promulgated by Zimbabwe Electoral Commission (ZEC). Some of the improvements noted in the legal framework that the AUEOM notes include:

- The new 2013 Constitution provides a comprehensive framework to govern the elections;
- The new Electoral Act and various Regulations supplemented and streamlined electoral dispute resolution by establishing the Electoral Court with exclusive jurisdiction to hear electoral appeals, applications and petitions;
- The creation of Multi-Party Liaison Committees (MPLC) to enforce the Code of Conduct and assist ZEC in managing inter-party conflict.

Despite these improvements, the legal framework contains several gaps – for example, various regulations and the Electoral Act are not properly aligned with the 2013 Constitution.

Electoral Administration

Zimbabwe Electoral Commission (ZEC) is the sole body established under the Constitution with the responsibility to prepare, conduct and supervise elections, register voters, conduct and supervise voter education, undertake boundary delimitation, accredit observers and receive and consider complaints.

The AUEOM found that the Government of Zimbabwe wholly funded the 2018 elections, which were substantially conducted by ZEC, with some technical support from international organisations.

Despite some financial challenges and logistical issues, the Mission observed that ZEC carried out all the stages of the electoral process in accordance with the electoral timeline and was fully prepared. It made concerted efforts to engage electoral stakeholders at various stages of the process through the establishment of the Multi-Party Liaison Committees (MPLCs). While this is a good practice, the Mission however observed that this platform for interaction and resolution of disputes was not fully utilised by all concerned. The Mission notes that meetings were not consistently held, with some political parties expressing dissatisfaction regarding the manner in which ZEC conducts and reacts to

issues during MPLC meetings. Overall, there was low confidence among many of the opposition parties that the Mission consulted regarding the impartiality of ZEC and its ability to conduct transparent and credible elections.

Voter Registration

Following concerns about the inadequacies of the 2013 Voters Roll, the ZEC undertook an ambitious process to create a new roll by introducing the Biometric Voter Register (BVR) system in order to enhance its accuracy and inclusiveness – a process its undertook from 18 September 2017 to 2 December 2017. At the end of the registration process, a total of 5,695,706 were registered, of whom 2,622,516 are males (46.1%) and 3,073,190 are females (53.9%).

Given that it was the first time Zimbabwe is using a BVR system to register voters, many stakeholders have shown keen interest in the procurement of kits, roll out and integrity of the system. While ZEC consistently assured stakeholders and undertook necessary steps to ensure the integrity of the BVR system, some opposition parties and civil society organisations expressed numerous concerns about the accuracy, completeness and inclusivity of the register. Another concern by political parties and candidates was the late submission of the Final Voters Register by ZEC. These concerns were further reinforced by the failure of ZEC to carry out a proper and independent auditing exercise, which impacted stakeholder confidence in the register.

Political Participation

The 2018 contest witnessed a high level of participation of political parties and independent candidates in all cadres of representation. The number of presidential candidates has increased significantly from 5 in 2013 (all of whom were male) to 23 in 2018 (of which 4 were women). The increased number of candidates and political parties participating in the 2018 elections is evidence of the improved political space currently prevailing in the country. The AUEOM observed that political parties and candidates were able to freely associate and function without much inhibition to their rights.

Election Campaign

The AUEOM observed that the election campaign was largely peaceful, and parties and candidates were able to exercise their fundamental rights of association, free speech and assembly without inhibitions or restrictions. Political parties and candidates adopted various campaign strategies during the campaign period. These included the use of posters,

billboards, caravans, rallies, t-shirts, 'vuvuzelas', door-to-door visitations, rallies and social media postings. All these strategies were implemented in a peaceful manner in adherence to the Code of Conduct for political parties and candidates.

While the campaign was largely peaceful, there were a few isolated violent incidents observed in Kwekwe district in Midlands province as well as reports of tearing down of posters of political opponents. There were also allegations made against the ruling party of using state resources in its campaign activities, particularly public space and government vehicles. Opposition parties also complained about the ruling party's use of school children to attend rallies without parental consent, use of school buses and buses belonging to the Zimbabwe Military Academy (ZMA) and the Zimbabwe Electricity Transmission and Distribution Company (ZETDC) to ferry party supporters to campaign rally grounds, use of traditional leaders for campaigning and the distribution of food aid and agricultural inputs as a means of vote buying, as well as subtle acts of intimidation. While the AUEOM did not confirm several instances of these practices and cannot determine the extent to which these activities have impacted on the credibility of the electoral process, it is important to underline that such activities could have provided an unlevelled playing field in the electoral contest.

Women's Participation

The AUEOM notes the constitutional guarantees of equality of participation of Zimbabwean men and women in all spheres of public life, as well as specific provisions in the electoral act on women's participation in the electoral process. While the legal framework adequately provides for women's political participation and, indeed, the state took special measures to promote women's participation such as the reserved seats for women in the National Assembly, overall, women's representation as candidates was generally low. For instance, although women constituted 54% of the registered voters in the 2018 elections, only 7% of the candidates contesting the elections at all levels were female.

However, the Mission was pleased to see that 4 out of the 23 presidential candidates were women, and that the majority of polling staff on election day were women.

The Media

Although the AUEOM has recommended in the past for measures to be undertaken to guarantee equal access to the State Broadcaster to all contestants during election period and for the full implementation of the Broadcasting Service Act to ensure balanced and

pluralistic media, regrettably, these recommendations were not implemented. The media environment still remains largely polarized.

While the Electoral law mandates ZEC to regulate the media during elections through the establishment of a Media Monitoring Committee, it has been unable to effectively operationalize this Committee, leading to a media environment that has operated without any systematic regulation during the 2018 election period. As a result of the foregoing, both private and state-owned media houses have exhibited a noticeable degree of polarization characterized by biased reporting and inequitable coverage of political parties and candidates contesting the elections.

Civil Society Participation

The AUEOM observed a high level of involvement of civil society organisations in civic and voter education and monitoring of the elections. The Mission notes ZEC's close collaboration and cooperation with various civil society organisations and other relevant stakeholders in sensitising voters, particularly women, youth and minority groups, which impacted positively on the electoral process. However, the Mission notes concerns expressed by civil society organisations regarding the levy of a fee for accreditation of domestic observers which, to some extent, impacted on their level of participation in the electoral process. While the imposition of fees and/or charges on domestic observer groups is lawful, it contravenes Zimbabwe's international obligations, particularly Article 12(3) of the 2007 African Charter on Democracy, Elections and Governance, which requests State Parties to create conducive conditions for civil society organisations to exist and operate within the law.

Election Day

On Election Day, the AUEOM observed the opening and closing in 23 polling stations (18 in urban and 5 in rural areas) and voting in 345 polling stations (74% in urban and 26% in rural areas) in 43 districts of the country's 10 provinces. Below is a summary of the Mission's observations on Election Day:

- The vast majority of polling stations visited opened on time, with only 2 that opened approximately half an hour late due to receipt of incorrect materials and delay in setting up the polling stations.
- Despite the large voter turnout, voting took place in a generally peaceful and orderly environment.

- The secrecy of the vote was guaranteed in all polling stations visited.
- The vast majority of polling stations visited had a large number of party agents present – mostly representing Zimbabwe African National Union – Patriotic Front (ZANU-PF) and Movement for Democratic Change – Alliance (MDC-A) parties – and were given access to observe, which demonstrates a substantial level of transparency.
- A number of voters were seen turned away in some polling stations we visited due to various reasons, including being in the wrong stations, failure to verify voter's identification, failure to find the voter's name on both the voters and exclusion lists, and duplicate registration. However, corrective measures were taken by polling staff.
- Security personnel were visibly present inside and outside the polling stations visited but their presence was mostly discreet, non-intrusive and professional.
- Most polling stations visited were accessible and priority was given to voters with special needs, including persons with disabilities, the elderly, pregnant women and women with babies. Separate queues to cater for both men and women were observed, in line with ZEC's Polling Station Guidelines.
- We observed campaign materials in 28 out of 345 polling stations visited. However, no campaign activities were observed.
- We observed that ZEC was generally well-prepared for the polls as all essential election materials were available in adequate quantities in all the polling stations visited throughout the day.
- More than half of the number of polling staff were women in all polling stations. Women were also well represented as party agents and observers in all polling stations visited.
- Poor lighting was observed in most of the polling stations using tents. Although this was a challenge, voting and counting was not compromised.
- We observed that polling staff largely adhered to the prescribed voting procedures. Overall, we assessed the performance of polling staff and conduct of polling as mostly very good. However, there is room for improving the procedures for counting the ballot papers in order to make it simple and less cumbersome.

Conclusion

The 2018 elections is an important moment in Zimbabwe's democratic transition and provides an opportunity for the country to change course, in particular, broadening the political space and allowing citizens to exercise their constitutional rights in a democratic way. By and large, the process was peaceful and well-administered.

Recommendations

The AUEOM offers the following preliminary recommendations for consideration by the Zimbabwean stakeholders for improvement on their electoral processes in future:

- **Legal framework:** There is need to align and harmonise the electoral laws to comply with the Constitution.
- **Political Environment:** Continue to maintain the current open and free political environment, and all stakeholders must refrain from acts that may undermine the integrity of the electoral process or threaten the country's peace and stability.
- **Women's participation:** Consider putting in place mechanisms to increase women's participation in the electoral process, particularly as candidates.
- **Media:** In light of the partisan and polarised nature of the media in Zimbabwe, consider full implementation of the Broadcasting Service Act and ensure equal access to the State Broadcaster to all contestants during elections.
- **Voters Register:** ZEC should avail the final voters register to political parties, candidates and other relevant stakeholders within a reasonable time to allow for a comprehensive voter audit and verification, as well as facilitate effective participation in the process.
- **MPLCs:** ZEC should foster dialogue and consultation with stakeholders to enhance confidence in the electoral process and put measures in place to efficiently operationalise the Multi-Party Liaison Committee meetings to improve communication with stakeholders.

Harare, Zimbabwe