



**PRELIMINARY MISSION STATEMENT**

**BY THE  
SADC PARLIAMENTARY FORUM ELECTION  
OBSERVATION MISSION TO THE 2018 ZIMBABWE  
HARMONISED ELECTIONS**

**DELIVERED BY  
MR JUSTICE DR PATRICK MATIBINI, SC., FCIArb, MP  
HEAD OF MISSION AND SPEAKER OF THE NATIONAL  
ASSEMBLY OF THE REPUBLIC OF ZAMBIA AS WELL AS  
A MEMBER OF THE SADC PF EXECUTIVE COMMITTEE**

**ON 1 AUGUST 2018**

**AT HARARE INTERNATIONAL CONFERENCE CENTRE IN  
HARARE, ZIMBABWE**

## **SALUTATIONS**

- Honourable Manuel Domingos Augusto, Head of SADC Electoral Observation Mission (SEOM) and Minister of Foreign Affairs of the Republic of Angola,;
- Your Excellency Hailemariam Desalegn, Head of the African Union Election Observation Mission and Former Prime Minister of the Republic of Ethiopia;
- Esteemed Heads and Members of International Election Observation Missions;
- Justice Priscila Makanyara Chigumba, Chairperson of the Zimbabwe Electoral Commission (ZEC) and ZEC Commissioners here present;
- Members of the Diplomatic Corps;
- Esteemed Leaders of Political Parties;
- Members of Civil Society Organisations;
- Media Representatives;
- Distinguished Guests;
- Ladies and Gentlemen

It is my singular honour and privilege to present the SADC Parliamentary Forum Election Observation Mission's Preliminary Statement on the 2018 Zimbabwe Harmonised Elections.

## **1. INTRODUCTION**

In line with its goals of protecting electoral integrity within the SADC Region, the Southern African Development Community Parliamentary Forum (SADC PF),<sup>1</sup> constituted a 22-Member Election Observation Mission to the 2018 Zimbabwe Harmonised Elections following an invitation by the Zimbabwe Electoral Commission (ZEC). The Mission comprised a Pre-Election Technical Assessment Mission which was in the country from 14 to 26 July and the main Short Term Observation Mission which arrived in Zimbabwe on 26 July to 02 August 2018.

The Mission comprises Members of Parliament drawn from five National Parliaments of SADC countries, namely Angola, Botswana, Namibia, South Africa and Zambia and is supported by officials from the SADC PF Secretariat and National Parliaments.

I was honoured to be the Head of the Mission while Hon. Agnes Limbo from the National Assembly of the Republic of Namibia is the Deputy Head of Mission.

This Mission is the fifth SADC PF Election Observation Mission to be deployed in Zimbabwe, with similar Missions having been deployed during the 2000, 2002, and 2013 general elections as well as the 2013 constitutional

---

<sup>1</sup> The SADC Parliamentary Forum (SADC PF) is a Regional inter-parliamentary forum for national Parliaments of SADC Member States established in 1996 and was approved by the SADC Summit in 1997 as a consultative and deliberative body in accordance with Article 9 (2) of the SADC Treaty. It is currently composed of 14 National Parliaments, namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Eswatini, Tanzania, Zambia and Zimbabwe.

referendum. The SADC PF Election Observation Mission to the 2018 Harmonised Elections is also the 42<sup>nd</sup> Election Observation Mission to be deployed to a Member State since 1999 when SADC PF started observing elections in the SADC Region.

The purpose of this Preliminary Statement is to share with ZEC and other stakeholders the Mission's findings and recommendations, which are aimed at strengthening electoral institutions and promoting the integrity and efficacy of elections freeness, fairness as well as the overall credibility and integrity of elections in Zimbabwe and the entire SADC Region.

This Preliminary Statement details the Mission's findings, overall assessment and recommendations to date. The Mission is well aware that this Preliminary Statement is being issued when the tabulation, verification and declaration of results is still ongoing. SADC PF will continue to observe the post-election developments and will capture these in a more detailed Final Report that will be compiled and published within 60 days from the date of this Preliminary Statement. SADC PF will, in line with established practice, formally present the Mission's Final Report to ZEC and share experiences for electoral reforms in line with the SADC Model Law on Elections which SADC PF is currently finalising.

## **2. TERMS OF REFERENCE**

The Mission's Terms of Reference were based on the revised *SADC Principles and Guidelines Governing Democratic Elections* (2015) and the *African Charter for Democracy, Elections and Governance* (2007), among other international election instruments. More specifically, the Mission's observation work was guided by the following points of inquiry that are contained in the SADC PF's *Benchmarks for Assessing Democratic Elections in Southern Africa* (2013):

- i) Political Context and the Campaign Environment;
- ii) Constitutional and Legal Framework;
- iii) Electoral System and Boundary Delimitation;
- iv) Electoral Management;
- v) Media Coverage;
- vi) Role of Security Forces;
- vii) Role of Traditional Leaders;
- viii) Gender Mainstreaming;
- ix) Participation of Youths;
- x) Electoral Dispute Resolution;
- xi) Voter Education;
- xii) Registration of Parties and Nominations;
- xiii) Political Party Funding and Campaign Funding;
- xiv) Voter Registration and the State of the Voters Roll;
- xv) Voting Operations and Polling Arrangements;
- xvi) Vote Counting;
- xvii) Declaration of Results;
- xviii) Complaints and Appeals Procedures;
- xix) Good Practices;
- xx) Areas of Improvement; and

xxi) Overall Assessment of the entire Electoral Processes.

### 3. DEPLOYMENT PLAN

The Mission deployed its Teams in five of Zimbabwe's 10 provinces, namely; Harare Metropolitan, Mashonaland West, Mashonaland East, Manicaland and Midlands. The teams were deployed as follows:

PROVINCE	TEAM MEMBERS	M/F	COUNTRY
Harare	<b>Team 1</b>		
	Mr Justice Dr Patrick Matibini, SC., FCI Arb, MP, Head of Mission	M	Zambia
	Hon. Agnes Limbo (Deputy Head of Mission)	F	Namibia
	Chongo MUSONDA – Staff	M	Zambia
	John CHELU – Staff	M	Zambia
Mashonaland West	<b>Team 2</b>		
	Hon. Botlogile Tshireletso- (Team Leader)	F	Botswana
	Hon. Jorge Augusto	M	Angola
	Geoffrey Zulu-Staff	M	Zambia
Mashonaland East	<b>Team 3</b>		
	Hon. Chunga Ponde Mecha- (Team Leader)	M	Zambia
	Hon. Sedirwa Kgoroba	M	Botswana
Manicaland	<b>Team 4</b>		
	Hon. Stevens Mokgalapa- (Team Leader)	M	South Africa
	Hon. Elizabeth Phiri	F	Zambia
Midlands	<b>Team 5</b>		
	Rumbidzai Chisango-Staff	F	Zimbabwe
	Hon. Ruth Andriano Mendes - (Team Leader)	F	Angola
	Hon. Hlomane Patrick Chauke	M	South Africa
Secretariat	Bonnet Moeng-Staff	M	Botswana
	Sheuneni Kurasha – Mission Coordinator		SADC PF Secretariat
	Unaro Mungendje – Finance and Logistics		SADC PF Secretariat
	Mr Tawanda Mubvuma - Rapporteur		Resource Person
	Ms Cecilia Njovana – Mission Secretary		Parliament of Zimbabwe

### 4. OBSERVATION METHODOLOGY

The Mission held consultations with stakeholders including ZEC, political parties, civil society organisations (CSOs), media, security forces, academia and the general electorate. The Mission also observed political campaign rallies, witnessed door-to-door campaigns by political parties and candidates and monitored the mass media. Consultations were held with other Election Observation Missions including SADC, African Union, Electoral Commissions Forum of SADC (ECF – SADC), Commonwealth, European Union, Carter Center, National Democratic Institute (NDI)/International Republican Institute (IRI) and local observers. The Mission also reviewed the constitutional and legal framework governing Elections in Zimbabwe as part of its methodology.

## **5. GUIDING PRINCIPLES FOR THE SADC PF MISSION**

In carrying out its observation work, the Mission was guided by the key observation principles of impartiality, neutrality, comprehensiveness, transparency, inclusiveness and objectivity.

## **6. MISSION FINDINGS**

### **6.1 Political Context and the Campaign Environment**

The Mission noted that the 2018 Zimbabwe Harmonised Elections are the second elections to be held under the new Zimbabwe Constitution adopted in 2013 and the first elections following the political transition which saw the former President Robert Mugabe resigning on 21 November 2017 and being succeeded by former Vice-President, Emmerson Mnangagwa on 24 November 2017. In addition, the Mission noted that the elections were duly proclaimed through Statutory Instrument 83 of 2018 issued in terms section 158 of the Zimbabwean Constitution, declaring 30 July as the Election Day and 8 September as the day for presidential election runoff, if it becomes necessary.

Stakeholders, including political parties, candidates and the electorate indicated that more democratic space had opened-up in the build-up to the 2018 elections. The environment allowed political parties to campaign unimpeded throughout the country and citizens to enjoy the rights enshrined in the Constitution. It was also indicated that although the Public Order and Security Act had not been aligned to the new Constitution, the Zimbabwe Republic Police (ZRP) granted authority to all political parties to hold public assemblies including rallies and demonstrations in a professional and timely manner.

Against years of international isolation, the 2018 elections are viewed by a broad range of stakeholders within and outside Zimbabwe as crucial in restoring the legitimacy of the State and the country's re-engagement with the international community.

Overall, the Mission observed that in spite of the 2018 elections having been a very tight contest, Zimbabweans are commended for exercising political tolerance and maturity which contributed to peaceful environment during the campaign period and on Election Day. However, the Mission took note of isolated cases of election related offences in the pre-election period such as inter-party and intra-party violence, intimidation and defacing of campaign posters.

The Mission urges Zimbabweans to continue in the spirit of tolerance and harmony in the post-election period.

### **6.2 The Constitutional and Legal Framework**

The Mission observed that Constitution of Zimbabwe, the Electoral Act [Chapter 2:13] and the regulations issued in terms of the Act comprehensively provide for all aspects of organising and conducting elections in Zimbabwe.

The Constitution provides for the protection of citizens' fundamental rights and liberties which include freedoms of expression, assembly and association, movement, freedom of conscience and religious belief, as well as participation in elections. Section 58 of the Zimbabwean Constitution in particular, provides for the freedom of assembly and association and Section 61 provides for freedom of expression and freedom of the media. Section 66, subsection 2 (a) of the Constitution safeguards the citizens' right to move freely within Zimbabwe while Section 67 provides for the political rights.

The Mission is generally satisfied that the afore-stated rights and freedoms were respected and exercised without undue hindrance during the campaign period and on Election Day.

The Mission welcomes the various electoral reforms introduced through the Electoral Amendment Act of 25 May 2018, which include statutory limits on the amount of contingent ballot papers to be printed in an election and the setting of timelines for determination of election results petitions. The reforms responded to some of the recommendations made by observers during the 2013 elections. The reforms also contributed towards improving the legal framework governing elections in Zimbabwe.

The Mission noted the significant progress that Zimbabwe has made in improving the constitutional and legislative framework governing elections in the country in line with the *SADC Principles and Guidelines Governing Democratic Elections*.

### **6.3 ZEC and Election Administration**

ZEC is established by the Constitution as the body responsible for the preparation, conducting and supervision of Elections and Referenda in Zimbabwe. Furthermore, the Constitution expressly mandates ZEC to ensure that elections and referenda in Zimbabwe are conducted efficiently, freely, fairly and transparently.

The Mission noted the low levels of confidence expressed by some political parties in ZEC, in particular, with regards to the design, printing, storage and transportation of ballot papers. Cognisant of progress made in addressing these matters in other SADC countries, the Mission urges ZEC to engage stakeholders with a view to drawing lessons from these countries in the post-election period.

The Mission noted that ZEC was adequately prepared and managed all aspects of the electoral process such as training and deployment of electoral officers, procurement of electoral materials, registration of voters, provision of voter education and other logistical arrangements timeously and in accordance with the electoral timetable.

The Mission took note of concerns regarding the inadequacies of ZEC's communication strategy which was perceived to be reactionary in some instances as opposed to being proactive.

#### **6.4 The Role of Security Forces**

The Mission observed that ZRP trained its officers in election instruments, human rights and police duties during elections. ZRP also constantly liaised with ZEC and other stakeholders including the Zimbabwe Human Rights Commission (ZHRC) and CSOs in providing security to the electoral process. Stakeholders also commended the professional manner in which ZRP had policed public assemblies during the campaign period. On voting day ZRP played an important role in guaranteeing public safety and providing security without interfering with the electoral processes across the country.

#### **6.5 Voter Registration and the State of the Voters' Roll**

The Mission noted that the 2018 Zimbabwe Harmonised elections were the first elections in which ZEC assumed full control for the compilation of a new voters roll. ZEC used biometric technology for compilation of a new voters roll which ushered polling station based voting for the first time in Zimbabwe.

The SADC PF Mission learnt that ZEC undertook an extensive biometric voter registration exercise from 14 September 2017 culminating in a total of 5,695,706 voters, of which 3,073,190 were female while 2,622,516 were male, at the closure of the voters roll of the 2018 elections on 8 February 2018. The Mission took note that a local civil society organization, the Zimbabwe Election Support Network (ZESN), carried out an independent audit of the voters roll and concluded that the roll was a significant improvement over the 2013 Preliminary voters roll. In particular, the audit did not identify anomalies in the 2018 voters roll that affected a large percentage of registrants or that were concentrated amongst registrants, of a particular area, gender or age. Furthermore, the audit also revealed that the 2018 voters roll has a significant number of new registrants, as well as more urban and young registrants when compared to the one used during the 2013 elections.

#### **6.6 Civic and Voter Education**

The Mission commends ZEC for the collaborative approach to voter education which saw ZEC accrediting a record number of CSOs to undertake voter education. The voter education efforts benefited from the amendment to the Electoral Act to provide for the direct receipt of foreign donations to fund voter education activities by CSOs as opposed to via ZEC as was the case previously.

Voter education assumed a multi-pronged approach which included print and electronic media adverts, door to door campaigns, distribution of posters, pamphlets and leaflets, roadshows, use of bill boards and operation of an electoral information dissemination call centre, including in local languages. In addition, the Mission observed that the contesting political parties also played a significant role in providing voter education to their members during the build-up towards the 2018 Zimbabwe Harmonised Elections.

#### **6.7 Legislation Governing Regulation of Political Parties**

The Mission observed that Zimbabwe has no law governing the establishment, registration and operation of political parties. Political parties only need to make

announcements that they have been established. The absence of a law governing the registration and operation of political parties has led to the proliferation of political parties, thereby presenting administrative challenges for ZEC in determining the number of political parties when organising meetings and designing the ballot papers. Drawing from experiences elsewhere in the SADC region, there is need to promulgate a law to govern the registration and operations of political parties.

### **6.8 Political Party Funding**

The Mission noted that political party and campaign funding in Zimbabwe is regulated by the provisions of the Political Parties (finance) Act [Chapter 2:11]. According to the Act, political parties and candidates that would have garnered a minimum threshold of five percent of the votes cast during the most recent elections are entitled to a proportional allocation of state funding as determined by government annually.

### **6.9 Media Coverage of the Elections**

The SADC PF Mission noted the critical role played by the media in enhancing awareness on the election process including voter registration, voter education and candidate nominations and communicating the political choices available for the voters. This went a long way in promoting public interest and encouraging public participation in the Elections.

The Mission took note of the trend of acute polarisation that generally characterised the coverage by mainstream media, both private and public print and electronic media prior, during and post the 2018 Zimbabwe Harmonised Elections. Further, the Mission expresses its concern regarding the continued trend of bias by the public media towards the ruling party in its coverage of elections as was observed during the 2013 elections. The SADC PF Mission, therefore, urges for ethical and balanced reporting during elections.

The Mission also noted the robust use of social media especially in urban areas, by various political parties, candidates and other stakeholders as a tool for communication. The Mission however, received concerns on the abuse of social media and the negative impact it has on political participation of women.

### **6.10 Gender Mainstreaming and Participation of Women**

The Mission noted that out of the 23 Presidential candidates, only 4 candidates were women, while out of the 1631 direct election National Assembly candidates, only 240 (14.7%) were women. The same pattern replicated itself in the local authority elections where out of 6576 candidates, 1132 (17.21%) were women. The SADC PF Mission noted that most of the political parties did not have deliberate policies to promote the inclusion of women as candidates as per the SADC Protocol on Gender and Development.

The Mission commends the provision in the law for 60 quota seats for women in the National Assembly and the 'zebra system' for Senatorial seats where the law requires that the first candidate on the list should be a woman.



### **6.11 Electoral Dispute Resolution Mechanisms**

The Mission commends the amendment to the Electoral Act to provide for the setting up of Multi-Party Liaison Committee's (MPLCs) at least 12 months prior to the expected date of election as opposed to soon after the sitting of Nomination Courts as was the case before. The MPLCs are a strategic platform for alternative dispute resolution and consensus building between political parties and ZEC. The Mission witnessed the MPLCs in operation at national and provincial levels.

### **6.12 Voting, Counting and Declaration of Results**

ZEC deployed sufficient numbers of staff to manage polling stations and the officers were evidently trained and they managed the process professionally. Voting proceeded smoothly in most polling stations observed by the Mission teams. The Mission also commends the polite and helpful way Electoral Officials liaised with political party agents in resolving issues during the voting, verification and counting process.

There were adequate polling stations with clear signage in most cases. Most polling stations visited by the Mission's teams on Election Day opened at 0700 hours and closed at 1900 hours in line with the law.

Voting materials were available in adequate quantities and voting proceeded smoothly in a peaceful environment. The polling station design guaranteed the secrecy of the vote. Voters who were already queued up by 1900 hours were allowed to vote in line with the law.

The counting process was done in a stringent and orderly manner following procedures. All reconciliations were done in consultation with and to the satisfaction of party agents. However, some polling stations particularly temporary structures, didn't have adequate lighting and this slowed the counting process.

The Mission commends the posting of results for each polling station outside the respective polling station.

## **7. GOOD FEATURES AND PRACTICES FROM THE 2018 ZIMBABWE HARMONISED ELECTIONS**

The Mission observed the following as good practices from the 2018 Zimbabwe Harmonised Elections:

- i) The mature and tolerant manner in which Zimbabweans conducted themselves prior to the elections, on Election Day and in the immediate post- election period.
- ii) Higher voter turnout at most polling stations.
- iii) The peaceful and conducive environment in which the 2018 elections were held.
- iv) Timely distribution of election materials and deployment of trained polling officers as well as security personnel.

- v) The stringent and orderly manner in which ZEC managed the voting and counting process on Election Day.
- vi) Use of technology by ZEC during the voter registration and verification exercise.
- vii) The provision in the law for the setting up of Multi-Party Liaison Committee's (MPLCs) at least 12 months prior to the expected date of election as opposed to soon after the sitting of Nomination Courts as was the case in the past.
- viii) ZEC's preparation of a comprehensive and credible voters' roll during their first attempt at applying biometric technology.
- ix) The introduction of polling station based voters roll and polling station specific voting.
- x) Introduction of legal provisions to ensure the mainstreaming of gender in the entire electoral process.
- xi) Opening-up of funding regulations to enable CSOs to receive external funding directly as opposed to via ZEC for purposes of conducting voter education.
- xii) Provisions in the law which limits the maximum number of ballot papers that can be printed for any election to not more than 10% of the number of registered voters eligible to vote in the election.
- xiii) Decentralised structure of the ZEC which allowed the ZEC to effectively discharge its mandate working hand in hand with stakeholders at Constituency, District, Provincial and National levels.
- xiv) Prioritisation of special groups such as those with disabilities, the elderly and pregnant mothers during voting in order to ensure they exercise their right to vote.
- xv) The high number of polling stations to ensure that all voters have easy access to the polling stations.
- xvi) Nationwide civic and voter education by ZEC assisted by CSOs and political parties to generate interest in and knowledge on the voting process.
- xvii) The provision within electoral legislation for the establishment of an Electoral Court which is required to resolve post electoral disputes within 3 months of being lodged with it and the resolution of possible appeals to the Supreme Court which appeals are required to be determined within 6 months.
- xviii) Counting and declaration of ballots at polling stations and the pasting results outside the polling station.
- xix) The legal requirement for announcing of the election outcome within five days.
- xx) The Gazetting of the polling day, (30<sup>th</sup> July 2018) as a public holiday to enable as many Zimbabweans as possible to exercise their democratic right to vote.
- xxi) Number of women in the ZEC including the Commissioners and electoral officials.
- xxii) Public denouncing of political violence by the leaderships of the main political parties as well as other stakeholders such as religious groups and civic society.

xxiii) The use of national IDs to as proof of identification during voting instead of having separate voting cards and readily accessibility of national IDs for those who would have lost them during election period.

## **8. AREAS FOR IMPROVEMENT**

The Mission observed the following as areas requiring improvement to further enhance the credibility and integrity of elections in Zimbabwe:

- i) The need to promulgate the law to govern the regulation of political parties in Zimbabwe.
- ii) The need for ZEC to improve on its communication strategy for purposes of confidence building with stakeholders.
- iii) The need for ZEC to engage political parties and stakeholders to establish consensus on measures to enhance transparency in the management of elections in particular the printing, storage and transportation of ballot papers.
- iv) The need to strengthen the legal framework governing media coverage of elections in order to enhance fair, balanced and responsible reporting by the media especially the public media.
- v) The need to develop strong legal and administrative mechanisms to encourage and support the adoption of women as candidates so as to ensure gender parity in political and decision making positions in line with the SADC Protocol on Gender and Development.
- vi) Need to improve lighting in polling stations especially in temporary structures.
- vii) The need to streamline the counting process to make it less tedious.
- viii) The need to standardise timelines for the verification of ballot papers.

## **9. PRELIMINARY ASSESSMENT OF THE 2018 ZIMBABWE HARMONISED ELECTIONS**

Based on its overall findings of the electoral processes to date, the Mission is satisfied that there existed a conducive and peaceful environment in which the Elections were conducted. This accorded Zimbabweans the opportunity to freely express their will in voting for the candidates of their choice.

The observed pre-election period from 14 July, the Election Day and immediate post-election period as at 31 July 2018, was observed to be peaceful, free and transparent.

SADC PF will continue to observe the post-election process including the final declaration of results and post-election developments and will pronounce itself ultimately in its Final Report.

I thank you