



MISSION REPORT

SADC PARLIAMENTARY FORUM

ELECTION OBSERVATION MISSION TO THE
31st JULY, 2013
ZIMBABWE HARMONISED GENERAL ELECTIONS

ZIMBABWE





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1. INTRODUCTION

Following an invitation by the Zimbabwe Electoral Commission (ZEC), the Southern Africa Development Community Parliamentary Forum (SADC PF) constituted an Election Observation Mission to observe the 31st July 2013 Zimbabwe Harmonised General Elections. The 60-Member Mission was in the country from 11th July 2013 to 4th August 2013. It was composed of Members of Parliament, staff from SADC Parliaments and officials from SADC PF's Secretariat. The Mission was comprised of male and female Members of Parliament from both the ruling and opposition political parties from Angola, Botswana, Lesotho, Namibia, Malawi, Mauritius, Seychelles, South Africa, Swaziland, Tanzania and Zambia, and was led by Honourable Dr Situmbeko Musokotwane, a Member of Parliament from Zambia.

The 31st July Zimbabwe Harmonised General Elections were historic as they were the first elections to be held under a new Zimbabwe Constitution, which was developed and adopted by the Government of National Unity (GNU) that was formed under the SADC-mediated Global Political Agreement (GPA) and was accepted by the people of Zimbabwe in the Referendum of 16th March 2013. The successful holding of the 2013 Zimbabwe Harmonised Elections, therefore, confirmed the practical plausibility of the philosophy of African Solutions to African challenges.

The 2013 Zimbabwe Harmonised General Election Observation Mission, is the 30th Observation Mission to be deployed by SADC PF since 1999 when the Forum started observing elections in SADC Member States. Previously, the SADC PF observed the following elections: Mozambique and Namibia (1999); Mauritius, Zimbabwe and Tanzania (2000); Zambia (2001); Zimbabwe and Lesotho (2002); Malawi, South Africa, Botswana, Namibia and Mozambique (2004); Mauritius and Tanzania (2005); Zambia, DRC and Madagascar (2006); Lesotho (2007); Malawi, South Africa, Botswana, Mozambique and Namibia (2009), Mauritius (2010), Zambia (2011), Lesotho (2012), Angola (2012) and Zimbabwe Constitution Referendum (2013).

The purpose of this Election Observation Report is to reinforce on the Mission's Interim Statement presented on 3rd August, 2013 in sharing with ZEC, The Government and people of Zimbabwe, Governments and National Parliaments of the SADC Region as well as other critical stakeholders within and outside Zimbabwe, the Mission's Observations, Findings and Recommendations, which are aimed at strengthening and improving the credibility, professionalism and integrity of the electoral processes in Zimbabwe and the entire SADC Region.

1.1 Mission Terms of Reference

In undertaking its Election observation work, the SADC PF's Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections was guided by the following terms of reference, which are premised on the Forum's Norms and Standards for Elections in the SADC Region and the SADC Principles and Guidelines for Democratic Elections:

- i) Assess the extent to which the Elections were conducted in line with Zimbabwe's constitutional and legal framework and whether the framework is consistent with the Norms and Standards for Elections in the SADC Region and the SADC Principles and Guidelines for Democratic Elections;
- ii) Assess the contextual factors, that is, historical, political, economic, social and human rights, that are likely to impinge upon the integrity, transparency, freeness and fairness as well as the overall credibility and legitimacy of the Elections;
- iii) Assess the impartiality, efficiency and effectiveness of the Zimbabwe Electoral Commission in the

The Mission Leader of the SADC PF's Mission was initially His Royal Highness Honourable Prince Guduza Dlamini, the Speaker of the National Assembly of the Kingdom of Swaziland but could not make it due to commitments in Swaziland.

- management of all aspects of the electoral process;
- iv) Make an honest, independent, impartial and objective assessment of the extent to which conditions existed for Zimbabweans to freely express their will in selecting their chosen political representatives;
- v) Assess special provisions and facilities put in place to enable voting by the people with disabilities, sick, expecting mothers, citizens living abroad and public servants on duty;
- vi) Identify and document some good practices on the Election process and make recommendations on areas that require improvement in order to enhance the management of the electoral process, thereby strengthening democracy in Zimbabwe and the SADC Region as a whole; and
- vii) Produce a comprehensive Final Report detailing the entire electoral process including strengths and areas of improvement for sharing with stakeholders and for informing relevant reforms to address the identified shortcomings.

In line with the above Terms of Reference and in order to provide the necessary background facts relating to general historical and contemporary political and legal dynamics in Zimbabwe leading up to the Zimbabwe 2013 Harmonised General Elections, this Report includes a review of the historical, political and legal contexts of the 2013 Zimbabwe Harmonised General Elections as well as highlights of deliberations during the Mission's Training and Orientation workshop, which was held in Harare from the 12th to 13th July 2013. Furthermore, the Report goes on to extensively explain the Mission's Deployment Plan, Methodology of Work, Findings, observed good practices and recommendations for future elections in Zimbabwe, before concluding with the Mission's overall assessment of the Zimbabwe 2013 Harmonised General Elections.

2. BRIEF GEOGRAPHICAL, HISTORICAL AND SOCIO-ECONOMIC BACKGROUND OF ZIMBABWE

2.1. Geographical, Socio-economic and Administrative Background

Formally known as Southern Rhodesia and the Republic of Rhodesia before officially attaining independence from Britain on 18 April 1980, the Republic of Zimbabwe is a Southern African land locked country, which covers a total area of 390, 757 sq km. Zimbabwe shares borders with South Africa in the South, Botswana in the South West, Mozambique in the East and Zambia in the North. For purposes of election administration, Zimbabwe is divided into ten provinces, 63 districts and 210 electoral constituencies. According to preliminary results from the 2012 Zimbabwe National Census, Zimbabwe's population is estimated at around 12.9 million people

Zimbabwe's governance system resembles the features of a semi-presidential system with the Executive Presidency heading the Executive Arm of Government, while the legislature is a Westminster style bi-cameral Parliament with the House of Assembly being the Lower House responsible for initiating legislation while the Senate is the Upper House through which legislation emanating from the Lower House has to pass before being forwarded to the Executive for Presidential assent. The third arm of Government is the Judiciary headed by the Chief Justice of the Constitutional Court of Zimbabwe.

On the economic front, Zimbabwe has a diversified economy, whose lead sectors include Agriculture, which contributes approximately 17% to the Country's Gross Domestic Product (GDP) and at least 30% of foreign currency earnings, Mining which contributes about 13% of GDP and approximately 50% of foreign exchange earnings, the Manufacturing sector which currently is contributing 13% of GDP and the Tourism sector which

also contributes significantly to GDP and foreign exchange earnings.

2.2. Pre-colonial History

Pre-colonial Zimbabwe was a multi-ethnic society inhabited by the Shangani/Tsonga in the south-eastern parts of the Zimbabwe plateau, the Venda in the south, the Tonga in the north, the Kalanga and Ndebele in the south-west, the Karanga in the southern parts of the plateau, the Zezuru and Korekore in the northern and central parts, and finally, the Manyika and Ndau in the east. Scholars have tended to lump these various groups into two huge ethnic blocs, namely 'Ndebele' and 'Shona' largely because of their broadly similar languages, beliefs and institutions. The political, social, and economic, relations of these groups were complex, dynamic, fluid and always changing. They were characterised by both conflict and cooperation. Huge empires emerged in pre-colonial Zimbabwe, namely the Great Zimbabwe Kingdom, the Mutapa Kingdom, the Rozvi Kingdom, the Torwa Kingdom, Rozvi kingdom and the Ndebele Kingdom.

Pre-colonial Zimbabwe societies, large and small, were mainly farming communities who adopted iron to modernise their agriculture and cultivate more extensively than their stone age predecessors. They also practiced pastoralism and put much faith in their livestock. Cattle were an important indicator of wealth and a means of maintaining clients over and above being useful as commodities for bride wealth and as objects of sacrifice in the worshiping of the ancestors. External trade was an equally important activity in the Zimbabwe subsistence-oriented economy while gold mining was a seasonal activity, confined largely to the summer and winter seasons although gold washing continued throughout the year and remained the main source of the gold trade. Even the Ndebele, who early historians described as largely predatory, relied more on cultivation than anything else. Cattle keeping only augmented their economy while tribute collection was principally a means of imposing political control, not a mode of survival.

2.3. Colonial History in Zimbabwe

The myth of a Second Rand lying in Zimbabwe precipitated the launch of the Pioneer Column that established the colonisation of Zimbabwe. Missionaries were the earliest representatives of the imperial world that eventually violently conquered the Shona and the Ndebele. Missionaries tricked King Lobengula into signing treaties like the Moffat Treaty and the Rudd Concession, which effectively ceded land and mineral rights to Cecil John Rhodes. Rhodes used the Rudd Concession to obtain a Royal Charter from the British Government. In 1890, Rhodes unleashed the Pioneer Column to invade Mashonaland, marking the beginning of white settler occupation of Zimbabwe. The 1890 occupation of Mashonaland and violent occupation of Matebeleland in 1893 marked the beginning of British colonial rule in the whole of Zimbabwe.

Following their defeat by the colonial settlers in the 1893 Anglo-Ndebele War, the Ndebele forces rose again in March 1896 against the excesses of the British South Africa Company (BSAC). These excesses, which also affected the Shona, included forced labour (chibaro/isibalo), taxation, raping of local women and looting of African resources, notably cattle. The Shona joined the uprising in June. The heroic Ndebele-Shona Uprisings of 1896, termed the First Chimurenga, formed the basis of later mass nationalism. The Shona-Ndebele first Chimurenga uprising was, however, violently crushed by the settler regime paving the way for close to a century of colonial segregation, subjugation and general disenfranchisement of Zimbabwe's majority black population.

The above-described general disenfranchisement of Zimbabwe's black population was institutionalized

through a raft of apartheid style legislation, chief among which was the infamous Land Apportionment Act of 1930 which divided land into White Areas, Native Areas, Native Purchase Areas and Forest Areas. Within the Native Areas, no one held title to land; land was under 'communal tenure'. But in the White Areas, land was a private property secured by title deeds. African responses to these early forms of exploitation and oppression ranged from outright resistance and acquiescence to adopting and adapting Christian ideologies and use of petitions for the return of land alienated by the settlers.

2.4. Growth of Militant Nationalism

In 1957, the City Youth League and the Bulawayo-based African National Council came together to form the country's first national political party, the Southern Rhodesian African National Congress (SRANC, later simply called the ANC) under Joshua Nkomo. The ANC challenged destocking, the unpopular government-initiated soil conservation policies and the notorious Land Husbandry Act (1951), a loathsome piece of legislation that included reducing the size of African land units, the number of cattle individuals could hold and undermining the chiefs' traditional control of the land.

In February 1959, the Colonial Government of Rhodesia declared a state of emergency and banned the ANC under the newly created Unlawful Organisations Act. Party assets were confiscated while over 500 political leaders were arrested. However, the African nationalists, growing increasingly militant, were unrelenting and formed the National Democratic Party (NDP) on 1 January, 1960 under Joshua Nkomo. A landmark demand by the NDP was majority rule under universal suffrage. The NDP's militancy, particularly the country wide protests from late 1960 that resulted in widespread destruction of property and some deaths of protestors, led to its banning in December 1961. The nationalists responded by establishing the Zimbabwe African People's Union (ZAPU), again under Joshua Nkomo. The party was, however, soon riddled with serious divisions resulting in its split in 1963 when a new party, the Zimbabwe African National Union (ZANU), was formed under the leadership of Ndabaningi Sithole.

In the meantime, the white community was also experiencing serious divisions. The Rhodesian Government under Sir Edgar Whitehead proposed a new constitution in 1961 that provided for the widening of the franchise to include more Africans on the voters' roll. The thinking within the ranks of the liberal whites who spearheaded this new constitution was that it would pave way for Southern Rhodesia's independence from Britain in line with developments in other British colonies. These moves were heavily criticized by conservative whites who were against any concessions to African nationalism. These conservatives were influenced by the need to protect their racial economic interests. This group won the 1962 elections under the banner of the Rhodesia Front under the leadership of Winston Field, who, however, lost the country's premiership to Ian Douglas Smith ostensibly for failing to force Britain to grant white Rhodesia independence. Failing to gain independence from the British, Smith opted for a Unilateral Declaration of Independence (UDI) on 11 November, 1965, setting the Rhodesian white community on a collision course with the black African majority.

2.5. Developments in Rhodesia During The UDI Period

The Rhodesia Front (RF) government's UDI 'project' shattered the African nationalists' goal of attaining political independence as was happening in most African countries. This goal clashed with the long held aspirations of the generality of the white section of Rhodesian society to safeguard its privileged position. While the contests over nationhood, a recurrent feature of the UDI era, appear to be between the Africans and the white section of the Rhodesian society, they were in many ways complicated and transcended the citizen/subject binary. The political struggles of the period, often crossing the racial divide, were mainly about the social and economic interests of the various groups that formed the Rhodesian society. Notwithstanding

the efforts of the RF Government to create a sense of nationhood among whites, Rhodesian white society was divided along class and economic interests, among other variables. As the conflict intensified, some members of the white population were, by the mid-1970s, preaching a different gospel from that of the RF, admitting that majority rule was inevitable. At the same time, a number of Africans had, for economic and other reasons, defended white settler hegemony as soldiers in the Rhodesian army, Selous Scouts and policemen. The RF Government put in place several measures as part of efforts to cushion white society in the wake of sanctions imposed on the country following the UDI. Although these measures were, in the short term, successful, the success was not without its own costs. By the mid-1970s, a combination of factors, chief of which was the intensifying liberation war, resulted in an economic decline that adversely affected the many facets of Rhodesian society.

2.6. The Liberation War, 1966-1980

The liberation struggle that engulfed Rhodesia in the wake of the socio-political and economic developments that occurred during the UDI period was a complex one. It marks how the crisis in Rhodesia escalated as opposition to white rule became increasingly militant. The final phase of the war was littered with many atrocities that culminated in all the contestants in the struggle agreeing on the peace modalities at the Lancaster House Conference in 1979, which in turn resulted in the February 1980 General Elections that ultimately led to Zimbabwe's Independence on 18 April 1980.

The Rhodesians carried out both air and ground attacks on mainly ZANU and ZAPU refugee camps in Mozambique and Zambia respectively. Some of these brutalities involved the covert poisoning of guerrilla sources of water and food supplies. Civilians were not spared either. There was the anthrax poisoning of livestock and the movement of thousands of rural villagers into concentration camps euphemistically called "protected villages," among other atrocities. Equally, the nationalist armies attacked white farmers in their isolated homesteads, assaulted centres of colonial power and blew up infrastructure.

The war also had a serious gender dimension. Women, particularly rural women, made heroic sacrifices in the war. Within the white community, the war brought about a degree of emancipation to women since the escalating war meant the continued absence of their husbands and hence the need for them to be trained in self-defence methods like how to handle a gun.

2.6.1. The 1978 Internal Settlement

In 1978, following almost fifteen years of Zimbabwe's armed liberation struggle, a combination of international sanctions and political pressure from South Africa, the United States of America and the United Kingdom forced the Rhodesian Government of Ian Smith to engage some moderate black nationalist leaders into an "internal settlement" in an effort to win back the country's international recognition and the lifting of crippling sanctions that had been imposed on Rhodesia. The internal settlement agreement was signed between the then Rhodesian Prime Minister, Ian Douglas Smith on one side and Bishop Abel Muzorewa of the United African National Council (UANC) Party, Reverend Ndabandingi Sithole of ZANU, and Chief Jeremiah Chirau, a traditional leader on 3rd March, 1978. The agreement, therefore, qualified majority rule and elections with universal suffrage. The internal settlement led to the 10 April 1979 elections in which Muzorewa's UANC Party won 51 seats and Ndabandingi Sithole's ZANU won 12 seats and Abel Muzorewa became Zimbabwe-Rhodesia's first black Prime Minister on 1st June 1979.

The major shortcoming of the internal settlement was its sidelining of the ZANU AND ZAPU led guerrilla movements. As a result, the installation of the new Muzorewa-led black majority government did not end

the guerrilla conflict and was, therefore, not embraced by the international community as a reason to lift sanctions on Rhodesia and accept the country back into the community of nations.

In fact, the Internal Settlement was condemned by United Nations Security Council Resolution 423 of 14 March 1978, declaring illegal any internal settlement in Southern Rhodesia. The United States, the United Kingdom, France and West Germany abstained from the vote.

2.6.2. Lancaster House Negotiations

The coming into power of British Prime Minister Margaret Thatcher's conservative government in May 1979 saw the British beginning a new round of consultations that culminated in an agreement among the Commonwealth countries as the basis for fresh negotiations among the African parties and the British involving a new constitution, credible elections and independence. British and the African parties began deliberations on a Rhodesian settlement at Lancaster House in London, on September 10, 1979. On December 10, in preparation for the transition under British authority to officially recognized independence, the "Zimbabwe-Rhodesia" reverted de facto to colonial status. On December 12, British Governor Lord Christopher Soames arrived in Salisbury to reassert British authority over the colony. His arrival signalled the end of the Rhodesian rebellion and "internal settlement." Zimbabwe began a transition to independence. The UK and US lifted all remaining sanctions shortly afterwards.

The escalating cost of the war, the breakdown of civil administration, a collapsing economy, a failed Internal Settlement and increased pressure from allies all forced Smith to concede to the general elections that brought about majority rule. On the other hand, the nationalist leaders were also desperate to end a war that claimed thousands of lives in wanton bombings of refugees in neighbouring countries by the Rhodesian forces. The guerrilla armies were also confronted by strained logistics. In addition to this, pressure from leaders of African countries, particularly the Frontline States, whose economies were also suffering the brunt of the war, contributed to the nationalists conceding to unsatisfactory ceasefire arrangements whose effects continued to assail the new nation in the post-liberation war era.

On December 21, after three months of hard bargaining, the parties signed an agreement at Lancaster House calling for a cease-fire, new elections, a transition period under British rule, and a new constitution implementing majority rule while protecting minority rights. The agreement specified that upon the granting of independence, the country's name would be Zimbabwe. The same day, the UN Security Council endorsed the settlement agreement and formally voted unanimously to call on member nations to remove sanctions. During the transition period, nine political parties campaigned for the February 27-29 pre-independence elections. The elections were supervised by the British Government and monitored by hundreds of observers, most of whom concluded that, under the prevailing circumstances, the elections were free and fair and reflected the will of the people. The war thus ended with the signing of the Lancaster House Agreement that resulted in a new constitution and national elections overwhelmingly won by Robert Mugabe's ZANU (PF) party who went on to form Zimbabwe's first, internationally recognised democratically elected Government as Prime Minister.

2.7. From Independence to 2008 Inconclusive Elections

2.7.1. Highlights of the First Decade After Independence

ZANU (PF) under Robert Mugabe won the 1980 General Elections comfortably, securing 57 seats out of the 80 contested seats in Parliament while PF ZAPU under Joshua Nkomo managed to win 20 seats. The other

20 seats in the 100 seat Parliament were reserved for whites in line with the conditionality stipulated in the Lancaster House Constitution. The United African National Council (UANC) of Bishop Abel Muzorewa won 3 seats out of the same election.

Upon assuming power, Prime Minister Mugabe indicated that he was committed to a process of national reconciliation and reconstruction as well as moderate socioeconomic change. His priorities were to integrate the various armed forces, re-establish social services and education in rural areas, and resettle the estimated one million refugees and displaced persons. Mugabe also announced that his government would begin investigating ways of reversing past discriminatory policies in land distribution, education, employment, and wages.

Despite these intentions, for the major wealth redistributive policies such as land reform, the Lancaster House constitution was explicit in blocking the new Government from effecting constitutional changes relating to land or the seats reserved for whites in Parliament. As a result, the land question continued to simmer under the veil of constitutional incapacity during the first decade after independence.

On the other front, despite Prime Minister Mugabe's inclusion of Joshua Nkomo and some of his lieutenants in his Cabinet and integration of former ZIPRA Cadres into the Zimbabwe National Army, soon after independence, tensions and suspicions grew between the former liberation war allies, ZANU (PF) and (PF) ZAPU with ZANU (PF) accusing PF ZAPU of plotting to overthrow the new Government. The alleged discovery of large caches of arms on farms belonging to PF ZAPU resulted in Joshua Nkomo and his fellow (PF) ZAPU colleagues being suspended from cabinet and party properties being confiscated by the state. These tensions escalated into physical conflict manifesting in disturbances that rocked the Midlands and Matabeleland provinces during the years 1982 to 1987. In 1987, however, after protracted negotiations, ZANU (PF) and (PF) ZAPU agreed to bury the hatchet and merge into one former liberation war political party under the name ZANU (PF).

In most of the 1980s, elections and electoral participation in Zimbabwe was generally high with ZANU (PF) running a de-facto one party state characterised by virtually no significant opposition save for the few, small and fragmented voices of discontent from the academia and opposition parties with limited reach and influence. In view of the above, ZANU (PF) consolidated power through unchallenged electoral and ideological dominance in the 80s to the extent of attempting to formally introduce a one party state system in Zimbabwe. However, a combination of outrage from government critics such as the student's movement, the academia as well as subtle dissent from liberal minded individuals within ZANU (PF) itself, resulted in then Prime Minister Mugabe and his inner circle backtracking on their plans to formally establish a one party state system in Zimbabwe and instead opting for negotiations leading to the afore-described 1987 merger between ZANU (PF) and (PF) ZAPU as a means to deal with the only near significant opposition to ZANU (PF). ZANU (PF) however, only officially abandoned its one party state idea in 1992 and moved more towards adopting multi-party democracy. Although ZANU (PF) enjoyed total control of Zimbabwe's political space during the first decade after independence as was evidenced by continued electoral domination, some scholars and historians are of the view that even during that period, Zimbabwe also witnessed the politics of quiet resentment and gradual build-up of the motivation to mobilize as was later to be realized in the late 90s.

The first decade of independence in Zimbabwe also brought a range of constitutional and institutional changes to Zimbabwe. The Constitution that came into force on 18 April 1980 was amended on five occasions in the 1980s. In line with transitional agreements during the Lancaster House Conference, the 20 House of Assembly and ten Senate Seats reserved for whites were abolished towards the end of the first decade of independence. The Senate itself was also abolished in 1989. The Ceremonial Presidency gave way to an Executive Presidency in 1987. Provision was also made for seats for eight Provincial Governors, 10 chiefs

and 12 Presidential nominees in the House of Assembly. The 30 non-constituency members of the House of Assembly were appointed by the President and effectively made the political system more centralized around the President and hence made it much easier to consolidate power.

2.7.2. Second Decade of Independence and Strengthening of Opposition to ZANU (PF)

The early 1990s witnessed the gradual but evident drop in ZANU (PF)'s political clout in Zimbabwe. Although the ruling ZANU (PF) Party managed to maintain their hold on absolute state power through seemingly landslide victories in the 1990 and 1995 Elections due to the absence of a credible political opposition the fall in voter turnout from 94%-98% in 1980, 97.3% in 1985 to 42.8-60% in 1990 and 53.9% in 1995 became one of earliest forms of credible evidence of growing political discontent among Zimbabweans. Furthermore, during the 1990s students, trade unionists and workers often demonstrated to express their discontent with the Government. Students protested in 1990 against proposals for an increase in Government control of universities and again in 1991 and 1992, when they clashed with police. Trade Unionists and workers also criticized the Government during this time as the Government implemented IMF inspired Economic Structural Adjustment Program (ESAP) whose liberal policies were generally unpopular with labour, students and the majority of ordinary Zimbabweans.

A major political and economic turning point in Zimbabwe was the 1997 revolt of war veterans of the 1966-1979 liberation war who through a series of demonstrations, some of them violent, prevailed over the state for economic support. This support came in the form hefty gratuities in addition to other perks and benefits, which could only be provided at the expense of fiscal prudence and general macro-economic balance. This triggered stresses on the Government's state finances leading to the first major crash of the Zimbabwean currency in post independent Zimbabwe and more discontentments with the Government.

This simmering and growing discontentment resulted in the 1998 formation of the National Constitutional Assembly (NCA), as a collective body of civil society actors including organized labour, students movement, human rights campaigners and the wider civil society united in the objective to bring a new constitutional order to Zimbabwe as way of dealing with what they considered to be ZANU (PF) excesses. The successful formation of the NCA inspired the same labour and civil society groupings to elevate their political mobilization initiatives to higher level through the formation of the Movement for Democratic Change in 1999, which marked the birth of a new era of more consolidated and organized opposition to the ZANU (PF) Government.

2.7.3. The 1999 Constitutional Reform Process and the 2000 Referendum

In 1999, mounting pressure from reformist movements forced the Government to initiate reforms that would result in a truly national constitution for Zimbabwe. A Constitutional Commission of Inquiry (CCI), as opposed to a properly empowered independent National Constitutional Conference, proposed by the NCA and the newly formed Movement for Democratic Change (MDC), was handpicked by the Government to write a draft in a process that the NCA and the MDC considered highly restricting and driven by the Government. According to its terms of reference, the CCI was to consult with the public, prepare a draft constitution to be submitted and discussed at a Constitutional Conference, but whose outcome was to be sent to the President for finalization.

During 12-13 February 2000, the resulting draft was put to a referendum. Arguing that the draft failed to

reflect the views of the people taken during the public consultation process and created an overly powerful Executive, weak Parliament, and inadequate human rights protection, the NCA and the MDC mobilized a massive civil society campaign against the draft. The 1999 Draft Constitution was rejected by 54.3% to 45.7% with an estimated voter turnout of 26%

The MDC and its civil society partners interpreted the victory of the “no” vote campaign as both a vote of no confidence in ZANU (PF) by the electorate as well as an endorsement of the MDC as the vehicle chosen by the electorate to drive political change in the country. On the other front, ZANU (PF) was of the view that both the formation of both the NCA and MDC had been inspired by the British Government and the local white commercial farming society as proxies to derail ZANU (PF)’s plans to redistribute land to the majority black population in line with the Lancaster House Agreement. These two extreme interpretations of the 2000 Referendum results increased political tensions in Zimbabwe, thereby, creating a politically polarised state that would characterise Zimbabwean politics from the year 1999 going forward.

2.7.4. 2000 Parliamentary Elections and 2002 Presidential Elections

Parliamentary Elections held on 24-25 June 2000 witnessed ZANU PF facing its first significant electoral challenge since independence. Despite claims of violence and intimidation, the elections were endorsed by SADC and mostly African Election Observation Missions as having been credible and a reflection of the will of the people of Zimbabwe. The MDC succeeded in capturing 57 of 120 seats in the National Assembly. Like the 2000 Elections, the March 9-10 2002 Presidential Election was reported to have been preceded by violence and intimidation against MDC supporters. President Mugabe was declared the winner over challenger Morgan Tsvangirai by a 56-to-42 percent margin. Again as was the case with the 2000 Parliamentary Elections, most of the international observers from outside Africa, especially from Europe condemned the election as seriously flawed while Regional and African Missions’ opinions were mixed. Soon after the election, the MDC filed a petition challenging Mugabe’s victory, citing flaws in electoral laws, electoral irregularities and pre-election violence. In response to the alleged irregularities during the 2002 Presidential Elections the United States, the EU, and other European countries imposed travel restrictions against senior Zimbabwean officials and embargoed the sale of arms to Zimbabwe. The US and the EU also froze the financial assets of selected ruling party officials. In addition, The Commonwealth of Nations suspended Zimbabwe from council meetings for one year after its election observation team found the 2002 Presidential Election neither free nor fair, leading to Zimbabwe’s protest exit from the grouping amid allegations that the grouping was taking a side to bid on behalf of the United Kingdom in an otherwise bilateral diplomatic stalemate surrounding full implementation of the Lancaster House Agreement, which relates to land reform in Zimbabwe. As was the case with the Commonwealth, ZANU (PF), was also of the view that the United States and EU sanctions had nothing to do with electoral irregularities but rather was more to do with the outcome of the elections and its implications for empowerment of previously disenfranchised black Zimbabweans through the land reform process.

2.7.5. 2005 House of Assembly and Senatorial Elections

During the 2005 Parliamentary Election, ZANU (PF) marginally regained ground from the MDC as ZANU (PF) secured 65% of the contested House of Assembly seats. However, like to the 2000 and 2002 Elections, the result was not recognized by the Western International Community as epitomized in the European Union and the United States of America. Also, the aftermath of the election was, as was now expected in all Zimbabwean elections from 2000, characterized by the opposition challenging the outcome on the basis of irregularities such as voter intimidation and alleged vote rigging.

As a result of this seeming loss of political ground, the MDC came out of the 2005 House of Assembly Elections weaker and somewhat humiliated. Tensions that had been successfully kept under control prior to the 2005 Elections became visible as the top MDC leadership could now be visibly separated into a faction led by the then Secretary General Welshman Ncube and the main wing loyal to Party President Morgan Tsvangirai.

Meanwhile, soon after the 2005 House of Assembly Elections, ZANU (PF) applied its overwhelming majority in Parliament to pass constitutional amendment number 17 in September 2005, which amendment among other issues reintroduced the Senate as an Upper House of Parliament. The MDC leadership could not agree on whether or not to participate in the 2005 senatorial elections. One faction led by the Party President Morgan Tsvangirai was of the view that the Party should not participate in the Senatorial Elections as the electoral process was inherently flawed and the party had opposed the passage of constitutional amendment number 17. The other faction led by the then Secretary General Welshman Ncube was for participating in the Senatorial Elections. Though efforts were made to reconcile the two camps, the original MDC split in 2005 into two separate formations with the main wing (MDC-T) remaining loyal to Party President Morgan Tsvangirai while the other faction (MDC-M) went under the leadership of Prof. Arthur Mutambara

2.7.6. SADC Mediation and The 2007 Kariba Draft Constitution

In March 2007, following some violent political skirmishes involving the state security agents and members of the MDC formations, an Extra-ordinary Summit of SADC Heads of State and Governments held in Tanzania at the end of March 2007 mandated President Mbeki of South Africa to facilitate negotiations aimed at resolving the governance conflict in Zimbabwe. Negotiations commenced soon thereafter. The objectives of the negotiations were to establish conditions conducive to holding of free and fair elections in 2008, and to ensure that the outcome of these elections was accepted by all stakeholders.

As part of the afore-described SADC mediation process, in September 2007, ZANU (PF) and the two MDC formations met in the tourist town of Kariba and unilaterally negotiated and produced a draft charter, later to be known as the Kariba Draft Constitution, named after the town in which it was crafted. Key features of the Kariba Draft Constitution included a very powerful President with powers to unilaterally declare a state of emergency, suspend human rights, dissolve Parliament, and appoint all public officials. Overall, the President dominated other branches of the Government. The Kariba Draft Constitution was rejected for two main reasons. Firstly, it was the product of a very secretive process; based neither on consensus nor public participation. Secondly, the Executive structure in place ensured that Parliament and the judiciary remained very weak institutions dominated and controlled by the executive. It was argued that the Kariba Draft Constitution was for all intents and purposes a repackaging of the Constitutional Commission draft rejected in the 2000 Referendum, and thereby rendering the intent of its drafters questionable.

In addition to the Kariba Draft Constitution, SADC mediation achieved a number of amendments to the electoral, media and security sector laws as the country prepared for the March 2008 Harmonised Elections. These amendments included Electoral Laws Amendment Act (2008) as well as amendments to the Public Order and Security Act, Access to Information and Protection of Privacy Act and the Public Broadcasting Act. It was also a culmination of SADC mediation that Zimbabwe enhanced the transparency of its electoral process by putting in place provisions for the counting of ballots at the respective polling stations and the posting of results outside each polling station for free access by the public.

2.7.7. The 2008 Harmonised Elections

On 29 March 2008, for the first time in independent Zimbabwe, the country conducted four elections rolled in one, i.e. Presidential, House of Assembly, Senatorial and Local Government Elections. In the House of Assembly, the MDC-T led by Morgan Tsvangirai won 100 seats with ZANU (PF) being a close second at 99 seats and the other MDC formation (MDC-M) led by Arthur Mutambara coming in a distant third with 10 seats. In the Senate, MDC-T won 24 seats while ZANU (PF) won 30 seats with MDC-M winning six senatorial seats.

In the Presidential Election, Morgan Tsvangirai led the race with 47.9% of the vote. Robert Mugabe followed with 43.2% of the vote while Simba Makoni, an independent candidate had 8.3% of the vote and another independent candidate, Taungana had 0.6% of the vote. The results of the March 29 Presidential Election were, therefore, inconclusive as the candidate with the highest number of votes failed to win votes equivalent to 50% of the votes cast plus 1 vote as was required by Zimbabwean Electoral Law. In view of the above, 27 June 2008 was set as the day for the Presidential Election Run Off in accordance with the law.

One of the candidates for the Presidential Run-off Election, Morgan Tsvangirai pulled out of the election citing escalation in violence and intimidation against his supporters. The Run-off election, however, went ahead resulting in ZANU (PF)'s Robert Mugabe securing 85% of the vote and being accordingly sworn in as the President of Zimbabwe. Despite being recognised in terms of Zimbabwean laws, the run-off result was not fully recognised both regionally and internationally leading the African Union and SADC to unanimously call on Zimbabwe's political protagonists to go back to the negotiating table under the SADC mediation framework in order to come up with a negotiated settlement to the political challenges arising from the inconclusive Presidential Elections.

In September 2008, the MDC formations and ZANU-PF reached a power sharing deal brokered by the Southern African Development Community (SADC). This was the Global Political Agreement (GPA) that in February 2009, gave birth to Zimbabwe's Unity Government with Robert Mugabe as President and Tsvangirai as Prime Minister. Arthur Mutambara of the smaller MDC formation became Deputy Prime Minister together with Tsvangirai's Deputy, Thokozani Khupe. The Agreement also stipulated that the resultant Government of National Unity (GNU) would work to stabilise the economy and institute a number of socio-political reforms aimed at addressing challenges identified prior, during and post the 2008 Elections in Zimbabwe. Central among these reforms were amendments to the Electoral Act and other human rights related laws as well as the need to draft a New Constitution to replace the Lancaster House Charter. The actual GNU was, however, fully consummated on 13 February 2009.

2.7.8. The Global Political Agreement (GPA) and the Government of National Unity (GNU) (2009-2013)

On the economic front, the formation of the GNU in Zimbabwe saw the stabilisation of the Zimbabwean economy, mainly as a result of the Government's decision to abandon the then inflation-battered local currency in favour of a basket of foreign currencies with United States Dollar as the lead currency followed by the South African Rand, the Botswana Pula, the Great Britain Pound and the Euro. This development resulted in inflation falling from unquantifiable levels in December 2008 to levels below 5% (lowest in the SADC Region) by end of April 2009. In addition, the formation of the GNU came as a confidence booster to both local and foreign investors who viewed it as the beginning of a new economic era in Zimbabwe characterised by predictability and stability. After close to a decade of economic decline, the Zimbabwean economy recorded real GDP growth of 6.3% in 2009, 9.6% in 2010 and 9.4% in 2011 on the background

of strong rebound in the mining and agricultural sectors. In 2012, growth decelerated to 5.4% owing to a combination of factors, which included the impact of a drought which negatively hamstrung growth in agricultural sector while investors began to exercise caution as the 2013 harmonised general elections beckoned.

On the Constitutional and legal front, In line with the dictates of section VI of the Global Political Agreement (GPA), the GNU superintended over the historic constitution making process in Zimbabwe as well as a raft of progressive amendments to the country's electoral and human rights laws. The GNU enhanced Zimbabwe's national framework for the protection of human rights, including by enacting the Electoral Amendment Act on 28 September 2012 in order to improve the Country's Electoral Legal Framework in line with the SADC Principles and Guidelines for Democratic Elections as well as the enactment of the Zimbabwe Human Rights Commission Act on 12 October, 2012 to provide for the functioning of the Zimbabwe Human Rights Commission. Regarding the Constitution, the Zimbabwean Government initiated the process of writing a new Zimbabwe Constitution on 12 April 2009 with the establishment of the Constitution Parliamentary Select Committee (COPAC), to spearhead the Constitution making process leading to Zimbabwe's long and winding road towards a new constitution, which road included the first Stakeholder Conference, the outreach programme, constitution drafting, the second stakeholder conference, and protracted negotiations and consultations leading to the final Draft Constitution formally adopted by COPAC on the 31st January 2013, and overwhelmingly endorsed by the people of Zimbabwe during the 16th March 2013 Zimbabwe Constitutional Referendum.

Politically, the GNU became the route to enhanced political tolerance, harmony and peace in Zimbabwe, not only among the leaders of the signatory political parties to the GPA who had to work together as one Government but also among their respective supporters who took a cue from the progressive, peaceful and tolerant co-existence displayed by their leaders in such facets of Government as the Cabinet, both Houses of Parliament, and during national gatherings and events. In addition, the formation of the Organ for National Healing, Reconciliation and Integration aimed at fostering political tolerance, reconciliation, peace and harmony among Zimbabweans following the incidences of intolerance, conflict and violence that characterised political campaigns leading to the 2008 Presidential Run-off elections helped to reshape the political culture in Zimbabwe against violence. Furthermore, the establishment of the Joint Monitoring and Implementation Committee (JOMIC) as a multi-party body to oversee the implementation of the GPA was also instrumental in discouraging violence and promoting a culture of political tolerance and observance of basic human and political rights in accordance with the spirit of the GPA.

Overall, notwithstanding the occasional episodes of bickering and political grandstanding that characterised the tenure of Zimbabwe's GNU from its day of consummation up to its day of demise, the position of the GNU in Zimbabwe's history will be that of a moment in time during which Zimbabweans, with the help of their neighbours in SADC, subordinated their individualistic and narrow political goals in pursuit of the bigger picture which included stabilization of the Zimbabwean economy, creation of new home-grown Zimbabwe Constitution and transformation from a culture of political intolerance and violence towards a new political tradition of peaceful co-existence, mutual respect and issue-based politics. However, as to whether this virtuous political culture will be sustained outside the GPA and GNU is matter of guesswork as only time will tell.

3. ORIENTATION WORKSHOP AND BRIEFINGS FROM MAJOR STAKEHOLDERS

In line with good Election Observation Practice and as is now the tradition of SADC PF Election Observation Missions, the work of the SADC PF Election Observation Mission to the Zimbabwe 2013 Harmonised General Elections commenced with a two-day Training and Orientation Workshop for the MPs and staff in Harare from 12th to 13th July 2013. The main purpose of the Training and Orientation Workshop was to familiarise the Forum's Mission with the breadth and width of the political and legal context within which the Zimbabwe 2013 Harmonised General Elections were to be held and to appraise the Mission Members on the general logistical and operational framework put in place by the Zimbabwe Electoral Commission (ZEC, for the conduct of the Zimbabwe 2013 Harmonised General Elections. The Workshop also targeted to familiarise and equip the Mission Members with the skills for Election Observation including the Terms of Reference and the Methodology for the Mission. The Stakeholders that interacted with the Mission during the Orientation Workshop included the Zimbabwe Electoral Commission (ZEC), Local Media representatives, the academia, civil society representatives as well as representatives of some of the political parties that contested the Zimbabwe 2013 Harmonised General Elections.

Specific objectives for the Workshop were:

- a) To familiarise the Mission with the broad political, legal and constitutional contexts under which the Zimbabwe 2013 Harmonised General Elections were set to be conducted;
- b) To enable the Honourable Members of Parliament (MPs) and accompanying staff to understand the Terms of Reference (ToRs) for the Mission;
- c) To provide an update on the state of preparedness of the Zimbabwe Electoral Commission to conduct the Zimbabwe 2013 Harmonised General Elections;
- d) To brief the Mission on the logistics and other arrangements put in place for the Mission; and
- e) To orient Mission Members on their assigned roles and expected conduct during the tenure of the Election Observation Mission.

During the Workshop, Mission Members were taken through a rigorous line-up of presentations and interactive plenary discussions on critical topics including the Political, Legal and Social Update on the 2013 Zimbabwe Harmonised General Elections, The Legal and Constitutional Context of the Zimbabwe 2013 Harmonised General Elections, Update on Overall Preparedness of the Zimbabwe Electoral Commission, Briefings from media, political parties and civil society representatives, SADC PF Framework for Election Observation as well as Members' Roles and Responsibilities during the Election Observation Mission.

The presenters during the Workshop included, Dr Charity Manyeruke, a local academician, ZEC Commissioners, Ms S Ndlovu and Dr P Makoni, a Panel of local Media Representatives, Ms E Chiseya from the Zimbabwe Election Support Network, Reverend Dr Solomon Zwana from the Zimbabwe Council of Churches, representatives from the various contesting political parties, Dr. Esau Chiviya, Secretary General of SADC PF and Mr. Sheuneni Kurasha, SADC PF's Programme Manager for Democracy and Governance who was also the Mission Coordinator.

Presentations during the workshop were informative and interactive as they invoked participation from among the Mission members and generated lively discussions among members. Judging by the quality of

presentations, the interactive nature of plenary discussions during the Workshop and the evident depth of understanding and appreciation displayed at the end of the workshop by Honourable Members of Parliament and staff on critical issues relating to elections and democracy that had been presented during the workshop, the workshop was a resounding success as it achieved its afore-stated objectives. The following are some of the major highlights relating to deliberations during the Training and Orientation Workshop:

3.1. Welcome Remarks by SADC PF Secretary General, Dr E Chiviya

The SADC PF Secretary General welcomed the Mission Members to the SADC PF Election Observation Mission to the Zimbabwe 2013 Harmonised General Elections. Dr Chiviya also expressed the Forum's gratitude to the Zimbabwe Electoral Commission (ZEC) for their kind Election Observation invitation to the SADC PF.

Dr Chiviya informed the gathering that the Forum's Election Observation Mission to the Zimbabwe 2013 Harmonised General Elections was the 30th Observation Mission to be deployed by SADC PF and that SADC PF had been undertaking observation work in SADC Member states since 1999. The Secretary General went on to implore the Mission Members to respect the laws of the host country, maintain impartiality and proper personal behaviour during their tour of duty in Zimbabwe in order to ensure that their conduct during the tenure of the Mission safeguarded SADC PF's widely recognised reputation regarding professionalism in the manner in which it undertakes its observation work.

On Mission Leadership, Dr Chiviya informed the gathering that the leader of the Mission was His Royal Highness, Prince Guduza Dlamini, the Speaker of the National Assembly of the Kingdom of Swaziland. Furthermore, the Secretary General informed the workshop that the Mission Leader would be joining the Mission within the next few days as he had urgent Parliamentary business he had to execute in Swaziland before he could come to Zimbabwe as leader of the SADC PF Election Observation Mission. The Secretary General went on to advise that Honourable Dr Situmbeko Musokotwane, a Member of Parliament from Zambia would, in the mean time, lead the Mission as Deputy Mission Leader until the arrival of His Royal Highness, Prince Guduza Dlamini, the Speaker of the National Assembly of the Kingdom of Swaziland.

In addition, Dr Chiviya informed the gathering that the 60-Member SADC PF Mission which would be in Zimbabwe from 11th July 2013 to 4th August 2013, was composed of Members of Parliament and staff from SADC Parliaments as well as officials from SADC PF's Secretariat. The Secretary General mentioned that the Mission was comprised of male and female Members of Parliament from both the ruling and opposition political parties from Angola, Botswana, Lesotho, Namibia, Malawi, Mauritius, Seychelles, South Africa, Swaziland, Tanzania and Zambia.

Furthermore, Dr Chiviya informed the Mission Members that the SADC PF Mission's observation process would be guided by Regional and International Electoral Instruments such as the Norms and Standards for Elections in the SADC Region and the SADC Principles on Elections. In addition, Dr Chiviya briefly mentioned the specific points of enquiry the Mission would focus on during its observation of the Zimbabwe 2013 Harmonised General Elections.

In concluding his remarks to the Orientation Workshop, the Secretary General expressed hope and confidence that the Mission would do its work in a professional manner and its findings would be useful in advancing the progress of electoral democracy, particularly in Zimbabwe and the entire SADC Region in general.

3.2. Remarks by the Deputy Mission Leader, Honourable Dr Situmbeko Musokotwane, Member of Parliament of the National Assembly of Zambia

In his remarks on behalf of the Mission Leader who was yet to join the Mission, the Deputy Mission Leader expressed his delight to be back in Zimbabwe to observe the Zimbabwe 2013 Harmonised General Elections just a few months after being part of SADC PF Observation Mission to the Zimbabwe Constitution Referendum, which saw Zimbabweans voting overwhelmingly to adopt a new Constitution under which the 2013 Harmonised General Elections were to be held.

Dr Musokotwane noted that the SADC PF's involvement in the observation of election processes as a body of Parliamentarians was very critical since parliamentarians themselves are products of elections. In addition, he noted the critical role played by parliamentarians in the ratification of Regional and International instruments including those on elections, which role gives parliamentarians a strategic responsibility in supporting electoral reforms for the enhancement of electoral democracy in their respective countries and the entire SADC Region.

Dr Musokotwane informed the gathering that through Election Observation, which entails protecting the principle of the right of citizens to elect their representatives in a free, fair and inclusive environment, the SADC PF as a body of Parliamentarians of the Region was helping to build strong and sustainable democracies in the various SADC Member States since regular holding of credible elections was and continues to be a critical cornerstone in building strong and sustainable democracies.

In his address, Dr Musokotwane added that the SADC Parliamentarians had been involved in promoting electoral democracy since 1999 when the SADC PF started observing elections in member countries and since then, a number of positive developments had been observed in the advancement of electoral democracy in the SADC Region. Chief among these developments, was the 2001 adoption of the Norms and Standards for Elections in the SADC Region, which became a pioneering instrument on elections in SADC paving way for a raft of positive changes in the management of electoral processes in SADC as countries including:

- i) The introduction of transparent and translucent ballot boxes in place of opaque wooden and metal ones;
- ii) The establishment of independent Election Management Bodies with their own administration and budgets to manage elections, and
- iii) The counting of ballots at each polling station, in the presence of party agents, monitors and observers, as well as the signing of polling station result sheets by electoral officials and party agents, which are posted at each polling station, as a way of increasing transparency in the management of elections, thereby minimising mistrust and suspicion.

Dr Musokotwane, however, noted that in spite of the notable progress made in enhancing the management of electoral processes in the SADC Region, there remained some areas that still required improvements, such as the inadequate institutional and legal mechanisms to ensure gender equity in political and decision-making positions in line with the SADC Protocol on Gender and Development.

The Deputy Mission Leader called on the Mission Members to keep in mind that the role of the Mission was important in strengthening the management of electoral processes in Zimbabwe and the Region since members would also learn from their observations during the Zimbabwe 2013 Harmonised General Elections

and take the experiences back to their respective countries. In concluding his remarks, Dr Musokotwane wished all Mission members a fruitful Mission and enjoyable experience in Zimbabwe before declaring the SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections officially launched.

3.3. Elections and Democracy in the SADC Region by Dr E Chiviya, Secretary General of SADC Parliamentary Forum

The Secretary General took the workshop through a comprehensive presentation on Elections and Democracy in the SADC Region, during which presentation, Dr Chiviya outlined a number of salient issues relating to elections in general as well as in the SADC region in particular. In his presentation, Dr Chiviya took the gathering through an outline of the nature of elections, the SADC PF Election Observation Cycle and some international, regional, African as well as SADC Region-specific legal Electoral Instruments. The Secretary General also took time to explain to the Mission Members some common terms and concepts in elections before going into depth on the major features of the main electoral systems used in the SADC Region such as the First Past the Post (FPTP) or Simple Plurality (as applied in Botswana, DRC, Madagascar, Malawi, Swaziland, Tanzania and Zambia), Proportional Representation (as applied in Angola, Mozambique, Namibia and South Africa) and Mixed Member Proportional Representation (as applied in Lesotho, Mauritius, Seychelles and Zimbabwe).

The Secretary General also shared on common election observation criteria and areas of election assessment including criteria for free and fair elections before explaining the role of political parties in elections and democracy. In his presentation on Elections and Democracy, Dr Chiviya informed the Mission Members that Elections have become the accepted means of changing Governments in Africa in general and the SADC region in particular as most African countries now regularly conducted multi-party elections of varying levels of quality.

The Secretary General also noted that the conduct of elections in Africa and the SADC region in particular had tremendously improved over the years following the development of continental and regional elections and democracy instruments to provide benchmarks for democratic elections and processes leading to positive reforms and outcomes such as repeal of outdated electoral laws, fixing of election dates in the constitution and adoption of good practices in the conduct of elections. Notwithstanding the above positive developments regarding elections and democracy in Africa, Dr Chiviya lamented the fact that on the whole, elections in Africa have generally become free though lacking in fairness as some of the African Elections are still tainted by cases of intimidation, violence and manipulation of Election Management Bodies (EMBs).

Furthermore, the Secretary General explained to the gathering that elections in themselves do not constitute democracy but are simply a means to achieving democracy as it is possible to have technically successful elections and not achieve a democratic outcome and democratic institutions. Quoting from Dr Koffi Annan, the former Secretary General of the United Nations, Dr Chiviya highlighted to the workshop that democratic accountability requires more than an electoral mandate. Dr Chiviya informed the gathering that in addition to free and fair elections, complete democracy demands institutional checks and balances, an independent judiciary, viable political parties, a free press and the freedom of each individual to express his or her ideas without fear of retribution.

Dr Chiviya concluded his presentation by explaining to the workshop the role played by political parties in advancing democracy, highlighting that political parties are the vehicles for electioneering and capturing

state power offering alternative public policy formulation and platforms for public participation in the Governance of countries as they give practical meaning to fundamental civil and political rights relating to citizens participation in governments and governance as enshrined in regional and international instruments.

3.4. Update on the Context (Politics, Social and Legal) of the Zimbabwe 2013 Election by Dr Charity Manyeruke, University of Zimbabwe Academic

In her presentation to the SADC PF Orientation Workshop, Dr Manyeruke briefed the Mission Members on the legal, political and social dynamics surrounding the Zimbabwe 2013 Harmonised General Elections.

On the legal front, the Academic informed the workshop of how a private citizen approached the then Supreme Court of Zimbabwe and later-on the Constitutional Court of Zimbabwe (after enactment of the new Constitution), to force the Executive to proclaim an election date for the Zimbabwe 2013 Harmonised General Elections leading to the Constitutional Court ruling to the effect that the President of the Republic had to proclaim an election date providing for the Zimbabwe 2013 Harmonised Elections to be held by 31st July 2013.

Dr Manyeruke also highlighted the resolution of the SADC Summit of 15th June 2013 calling on the Government of Zimbabwe to approach the Constitutional Court to seek additional time during which to prepare for the elections, which appeal, however was unsuccessful. Furthermore, the academic informed the workshop of the 47 legal cases handled by Zimbabwe's Electoral Court relating to petitions by various individuals and political parties following the outcomes of the Nomination Courts. It also came out in Dr Manyeruke's presentation that the Constitutional Court ruling on election dates, the 47 legal cases following the outcomes of the Nomination Courts and the provisions of the new Zimbabwe Constitution regarding a mandatory 30-day Voter Registration Exercise as well as introduction of a new Mixed Member Proportional Representation Electoral System in Zimbabwe created intense pressure for ZEC as they had to comply with all the necessary legal, constitutional and logistical requirements within the confines of a very limited timeframe.

On political parties, Dr Manyeruke informed the workshop that although more than 24 political parties are deemed to exist in Zimbabwe, only five political parties were set to contest the Zimbabwe 2013 Harmonised General Elections and these included ZANU (PF), MDC-T, MDC, ZAPU, and Mavambo Kusile Dawn with four of the political parties except Mavambo Kusile Dawn fielding candidates for Presidential, Parliamentary and Local Government Elections. The Mavambo Kusile Dawn Leader was set to run for a National Assembly seat in Makoni Central Constituency. It also came out in the presentation that 78 independent candidates, 41 of which were disgruntled MDC-T members who lost in the party primary elections, had successfully filed their nomination papers to contest the Zimbabwe 2013 Harmonised General Elections. Regarding Local Government Elections, Dr Manyeruke mentioned that a total of 79 out of 1958 wards had already been won uncontested with ZANU (PF) winning uncontested in 75 of the afore-mentioned 79 wards while MDC-T was uncontested in the remaining 4 wards.

Dr Manyeruke informed the SADC PF Mission that State employees who would be on duty on the election day, had been accorded a chance to exercise their democratic right to vote through a special voting exercise slated for the 14th and 15th July 2013 across 209 special polling stations to be established by ZEC countrywide.

On the media, Dr Manyeruke pointed out that according to law, ZEC was responsible for the conduct of the

media during election periods in Zimbabwe and was being assisted by the Zimbabwe Media Commission and the Broadcasting Authority of Zimbabwe to deliver on this mandate. The presenter went on to inform the gathering of the multiplicity of print and electronic media houses in Zimbabwe and that they were providing coverage for the elections in a variety of editorial angles with some media houses biased towards and against specific political formations. Dr Manyeruke also pointed out that for Zimbabwe 2013 Harmonised General Elections, political and election related activity had also been observed on various social media and internet sites including Facebook social network. Dr Manyeruke also noted the roles played by other stakeholders such as the church, civil society and the academia in raising awareness and promoting public debate and participation around the 2013 elections in Zimbabwe.

In concluding her update to the SADC PF Election Observation Mission, Dr Manyeruke highlighted that the campaign period actually started in 2009 and has generally been violence-free and the public has shown great interest to participate in the Zimbabwe 2013 Harmonised General Elections as was evidenced by long queues of people who registered as voters or inspected the voters roll to ensure that their names are included. Dr Manyeruke furthermore noted indigenisation and economic empowerment, job creation, devolution and the economy as some of the major electoral issues appearing in political parties' manifestos for the 2013 elections and commended the country's Courts for having been efficient in making timely decisions relating to electoral issues.

3.5. Presentation of the SADC PF Pre-Election Mission Report by Hon. Agnes Limbo

Hon Limbo took the workshop through the salient findings of the SADC PF Pre-Election Mission, a 5-Member Consultative Technical Team that visited Zimbabwe from 24 to 29 June 2013 to assess the prevailing political environment in the country ahead of the Zimbabwe 2013 Harmonised General Elections, as well as the state of preparedness of the Zimbabwe Electoral Commission (ZEC) to hold the elections. The Mission comprised of:

- i) Hon. Dumelang Saleshando, Mission Leader, Member of the SADC PF Standing Committee on Democratisation Governance and Human Rights and Member of Parliament in Botswana
- ii) Hon. Agnes Limbo, Member of the SADC PF Standing Committee on Democratisation Governance and Human Rights and Member of Parliament in Namibia
- iii) Dr. Esau Chiviya, Secretary General of SADC PF;
- iv) Mr. Sheuneni Kurasha, Mission Coordinator and SADC PF Programme Manager Democracy and Governance; and
- v) Mr. David Heita, Assistant Accountant, SADC PF.

In her presentation, Hon Limbo highlighted the following main areas:

3.5.1. Specific Objectives of the SADC PF Pre-Election Mission

Hon Limbo informed the workshop that the specific objectives of the Pre-Election Mission were as follows:

- i) To hold consultative meetings with various electoral stakeholders including the Zimbabwe Electoral Commission, leaders of political parties, CSOs, Government and the media to get their views regarding the forthcoming elections;
- ii) To familiarise with the political environment and related developments in Zimbabwe ahead of the elections;

- iii) To assess the voter registration and civic and voter education for the 2013 elections; and
- iv) To assess ZEC's overall preparedness for the elections.

3.5.2. Zimbabwean Stakeholders who Interacted with the SADC PF Pre-Election Mission
It came out in Hon Limbo's presentation that the SADC PF Pre-Election Mission held consultations with a wide range of stakeholders namely:

- i) Zimbabwe Electoral Commission
- ii) Political parties (Zanu (PF), MDC-T, MDC-N and Mavambo);
- iii) Civil society organisations (under the coordination of Zimbabwe Election Support Network and Crisis Coalition Zimbabwe);
- iv) Media (Media Institute of Southern Africa, Zimbabwe Union of Journalists, Zimbabwe Media Council and Broadcasting Authority of Zimbabwe);
- v) Minister of Constitutional and Parliamentary Affairs;
- vi) Registrar General of Voters;
- vii) Zimbabwe Council of Churches.

3.5.3. Pre-Election Mission Findings

The main findings of the Mission were as follows:

3.5.3.1. Political Background

The Mission noted that in September 2008, the three political parties with representation in Parliament, namely, two MDC formations and ZANU-PF, had reached a power sharing deal brokered by the Southern African Development Community (SADC). This was the Global Political Agreement (GPA) that gave birth to Zimbabwe's Government of National Unity (GNU) in February 2009, with Robert Mugabe as President and Tsvangirai as Prime Minister. The Agreement mandated the Government of National Unity to among other things, work to stabilise the economy and institute a number of socio-political reforms including drafting a New Constitution to replace the Lancaster House Charter.

The Mission further noted the long and arduous road travelled by the people of Zimbabwe in developing a New Constitution under the Constitution Parliamentary Select Committee (COPAC). The final Draft New Constitution was formally adopted by COPAC on 31 January 2013, paving the way for the 16 March 2013 Zimbabwe Constitutional Referendum and the assent by the President on 22 May 2013. The 2013 Harmonised Elections were the first elections to be held under the New Constitution.

3.5.3.2. The Political Environment

The Mission found out that the political environment was calm, peaceful and electorally conducive to allow stakeholders including the general public, to freely express themselves. Stakeholders interviewed by the Mission traced the tranquillity to the period when the Constitution Referendum was held when there was unanimity among all the main political parties that were in the GPA, in support of the Draft Constitution. They alluded to consensus among political parties on the need to move the country forward and hence the leaders of the political parties were calling for peace and denouncing violence. Stakeholders also attributed the prevailing peace to the maturity of the Zimbabwean electorate. On its part, ZEC indicated that it had reiterated to leaders of political parties, their responsibility to ensure an election environment that is free of

violence and intimidation. The Mission also noted that artists such as musicians and leaders of faith-based organisations were promoting harmony, unity and tolerance during the period leading to elections.

3.5.3.3. Date for Elections

The Mission noted that the date for the 2013 Zimbabwe Harmonised Elections was set following a challenge by a private citizen against the Government, demanding for it to announce the date of elections. The Mission further observed that the challenge led to the Constitutional Court's ruling ordering the Zimbabwean President to proclaim an election date for Zimbabwe's Harmonised Elections to be held on or before 31st July 2013. In compliance with Constitutional Court of Zimbabwe Judgement CCZ 1/13 of 31 May 2013, the President of Zimbabwe had proclaimed 28 June as the date for nomination of candidates by the Nomination Courts and 31 July 2013 as the date for the Harmonised General Elections, through Statutory Instrument 86 of 2013.

The Mission was informed that the Constitutional Court's ruling on the date for elections had been received with a lot of debate and contestation, especially among political parties. Consequently, some of the political parties had challenged the legality and sufficiency of the date in view of the arrangements that needed to be put in place for the elections. The Mission also took note of the fact that the SADC Summit of 16 June 2013, had "agreed on the need for the Government of Zimbabwe to engage the Constitutional Court to seek for more time beyond 31 July 2013 deadline for holding the Harmonized General Elections" to allow enough time for some reforms related to the media and the security, among other things. The SADC PF Pre-Election Mission took note of the various representations and litigations by stakeholders opposed to the proclamation of election date of 31 July and the final ruling on the matter by the Constitutional Court on 4 July 2013, which upheld 31 July 2013 as the date for the Harmonised Elections.

3.5.3.4. Conflict Resolution Mechanisms in Place

The Mission noted that Article 160B of the Electoral Act, provides for the establishment of Multiparty Liaison Committees to deal with election-related disputes at local authority, constituency, district, provincial and national levels. While commending the establishment of these Committees, the Pre-Election Mission recommended that their membership be broadened to include other key stakeholders such as the police, the media and civil society representatives, other than political parties' representatives. The Mission also suggested that the Committees be made permanent rather than being constituted only just before elections.

3.5.3.5. Appeal Mechanisms in Place for the Elections

The Mission was briefed by ZEC that the New Constitution provides for the mechanism for the lodging of petitions relating to the Presidential Election, which gives the petitioner seven (7) days to have lodged the petition, 14 days to the Constitutional Court to have made a determination. Stakeholders expressed satisfaction with this framework of handling appeals for the Presidential Election. The Mission was also informed that the Electoral Act establishes an Electoral Court which deals with appeals, applications and petitions for all elections other than the Presidential Election. The petitioners are given 14 days within which to lodge the petition with the court and the court must make a determination within six (6) months. In the event of an appeal, the Supreme Court must deal with them in six (6) months. The Mission welcomed the establishment of an Electoral Court to hear electoral petitions as this ensures speedy resolution of petitions.

3.5.3.6. Voter Registration

The Mission was informed that the Electoral Act provides for continuous registration of voters and that the registration of voters and the compilation of the Voters' Rolls was a responsibility of the Registrar General of Voters acting under the supervision of ZEC. ZEC advised that two phases of voter registration had been undertaken for the 2013 Harmonised Elections. The first phase took place from 29 April 2013 to 19 May 2013 and about 204,000 voters were registered. Citizens also had the opportunity to inspect the voters' roll and to transfer from one ward to another. The Pre-Election Mission actually coincided with the second phase which took place from 10 June 2013 to 9 July 2013. The Mission was informed that this was a constitutionally mandated 30-day intensive voter registration. The Mission was also briefed by ZEC and the Registrar of Voters that the new Constitution entitled some people living in Zimbabwe who were previously classified as "aliens" to register for citizenship and therefore eligible to register as voters.

The Mission received complaints from some stakeholders who cited administrative impediments on the part of officials from the Registrar-General of Voters' especially in the urban areas, which had potential to disenfranchise some prospective voters from registering and therefore unable to vote. These concerns were brought to the attention of both ZEC and the Registrar of voters who undertook to address them promptly. The Mission welcomed the steps taken by ZEC to remove stringent proof of residence requirements which had potential to inhibit some Zimbabweans of 18 years or above from registering as voters.

The Mission also toured the electronic Voter Registration System and also had the occasion to witness how it works and was generally satisfied that it was adequate to produce a credible voters' roll to the satisfaction of stakeholders.

3.5.3.7. Civic and Voter Education

The Mission noted with satisfaction that ZEC collaborated with civil society organisations to carry out voter education throughout the country. It however, noted the concerns expressed by some stakeholders over the limited time that was given to this crucial electoral exercise. The Mission, furthermore, witnessed ZEC's voter education initiatives in the form of advertisements and public notices in the mass media. Civil society complained that the current legal framework constrained their role in civic and voter education. Political parties also informed the Mission that they were conducting voter education targeting their supporters through meetings and the mass media. The Mission commended ZEC for producing voter education materials in Braille which ensured that blind members of society had access to voter education.

3.5.3.8. Media Coverage of Elections

The Mission noted the establishment of an independent Zimbabwe Media Commission (ZMC), which amongst others, must ensure fair and wide access to information. ZEC informed the Mission that it had, with the assistance of the ZMC and the Broadcasting Authority of Zimbabwe, set up a Media Monitoring Committee in terms of the law, to monitor the media during elections to ensure that the conduct of political parties, candidates, broadcasters, print publishers and journalists are in compliance with the law. The Mission witnessed extensive coverage of electoral issues by both the private and public print and electronic media while in Zimbabwe. The Mission, however, noted with concern, the partisan and biased coverage given to some political parties and their candidates by both the public and private media, which undoubtedly compromised the guiding principles of equality, equity and fairness. The Mission reiterated that there is greater obligation on the public media, to provide equal and equitable coverage, since it is funded by the

public resources.

3.5.3.9. Role of Security Forces

The Mission noted the role that was being played by the Zimbabwe Republic Police in providing security and ensuring a peaceful electoral environment, a role that was credited for the peace that was prevailing in the country. The Mission also noted the concerns raised by stakeholders relating to the utterances by some members of the security forces in the past which was perceived to reflect political bias on their part. Stakeholders, therefore, welcomed the adoption of the New Constitution which stipulated the conduct of the security forces, including their subjection to civilian authority. The Mission also noted the complaints by some stakeholders who felt that the Police's discretionary powers relating to sanctioning of political gatherings in the country had the potential to negatively affect the credibility of electoral processes through restricting freedom of assembly.

3.5.3.10. ZEC's General Preparedness and Challenges

The Mission was informed that the Zimbabwe Electoral Commission (ZEC) was, in terms of the law, the sole body responsible for the preparation, conduct and supervision of Elections and Referendums in Zimbabwe. The law expressly charges ZEC with the responsibility to ensure that Elections and Referendums in Zimbabwe are conducted efficiently, freely, fairly, transparently and in accordance with the law.

The Mission was briefed that ZEC comprises a Chairperson appointed by the President of the Republic after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders of the Parliament of Zimbabwe and eight other Members. The other Commissioners are appointed by the President from a list of not fewer than 12 nominees submitted by the Committee on Standing Rules and Orders of Parliament. The Constitution further stipulates that the Chairperson of the Zimbabwe Electoral Commission must be a judge, a former judge or a person qualified for appointment as a judge. Members of the Commission are appointed for a term of six years renewable only once and are appointed on the basis of their integrity, experience and competence in the conduct of affairs in the public or private sector. The Mission was satisfied that the procedure for the appointment of the ZEC Commissioners was not only transparent but also inclusive as it involved a Committee of Parliament.

The Mission was also informed that ZEC had a decentralised organisational structure with representation at National, Provincial and District levels, in order to ensure that the Commission effectively discharges its mandate.

The Mission also noted the concerns raised by ZEC which had potential to undermine its work. These included limited and erratic funding by the Treasury, the various litigations on various aspects of the electoral process including the Election Date and outcome of Nomination Courts, which hamstrung ZEC's ability to plan and implement its plans as well as the limited time within which it had to organise the 2013 Elections.

In spite of the above challenges, ZEC was evidently prepared for the 2013 Elections, having procured election materials on time, carried out voter education programmes in collaboration with civil society organisations, and was constantly consulting and communicating with electoral stakeholders throughout the process. ZEC was also going to establish over 9,700 polling stations, some composite with multiple voting streams in order to facilitate voters. It was also going to train adequate polling staff, mostly drawn from the civil service, local authorities and other statutory bodies.

ZEC also indicated that the amended Electoral Act requires it to announce results within 5 days, as well as the publishing of results at each polling station and for copies of the signed results sheets to be given to party agents. This in the view of the Mission would enhance the transparency of the electoral process. It was also indicated that the new provisions in the electoral law makes it possible for swift action to be taken in cases of political violence, with a special court being established for that purpose.

ZEC reiterated that it was ready to deliver a credible election against enormous expectations by stakeholders. The Commission was, in the context of its strategic plan, engaging with all stakeholders such as the media, civil society, the police and all the political parties registered, not just the three main ones that are in the GPA, to educate them on their role in the electoral process. ZEC had also impressed on stakeholders that its mandate was as provided for in the law and where there are any gaps; the onus was on the stakeholders to engage themselves and ZEC to facilitate for legal reforms.

3.5.3.11. Overall Assessment

Notwithstanding the challenges and observations made thereto, all the stakeholders consulted tended to agree that the political environment was conducive for Zimbabweans to go and vote and freely elect leaders of their choice in a peaceful manner.

3.6. ZEC Briefing on The Commission's Preparedness to Conduct Elections and The Constitutional and Legal Framework Governing The Zimbabwe 2013 Elections (by Commissioners S. Ndlovu and P. Makoni)
Commissioner S. Ndlovu briefed the workshop on the constitutional and legal framework governing the Zimbabwe 2013 Harmonised General Elections highlighting the following points of note:

3.6.1. Major Changes arising from the New Zimbabwe Constitution

Commissioner Ndlovu took the workshop through a number of changes to Zimbabwe's constitutional and legal framework that came up as a consequence of the gazetting of the New Zimbabwe Constitution on 22 May 2013. Chief among these changes is the change in Zimbabwe's electoral system from a totally First-Past-the-Post system to a Mixed Member Proportional representation system through which:

- i) 210 constituency based National Assembly members are elected under the First Past the Post or simple Plurality system.
- ii) An additional sixty National Assembly seats are reserved for women who are elected through proportional representation on the basis of six seats for each of Zimbabwe's ten provinces.
- iii) Sixty members of the 80-member Senate or upper house of Parliament are elected through proportional representation under a party list system where the list is headed by a woman candidate with male and female candidates alternating on the party list.
- iv) 16 Chiefs are elected to the Senate on the basis of two chiefs elected by the provincial assembly of chiefs from each province of Zimbabwe other than the Metropolitan provinces of Harare and Bulawayo and are joined into the Senate by the President and Deputy President of the National Council of Chiefs.
- v) Two individuals are elected to represent people living with disabilities in the Senate.

In addition, Commissioner Ndlovu mentioned the constitutional and legal provisions for Special Voting, through which ZEC would conduct a special voting exercise to allow ZEC officials, members of the uniformed forces and public officials who would be on duty during the formal Election Day to vote in advance, the constitutional provision allowing those Zimbabweans originating from SADC countries who hitherto were considered as aliens to register as voters as well as the mandatory 30-day intensive voter registration

exercise following the enactment of the new Zimbabwe Constitution as some of the salient changes that arose from the new Zimbabwe Constitution.

Furthermore, Commissioner Ndlovu shared on other constitutional and legal provisions governing the 2013 Harmonised Elections such as the selection criteria for ZEC Commissioners, Composition of the current ZEC, the legal requirement for election results to be announced within five days, Special voting regulations and general voting procedures.

3.6.2. ZEC's State of Preparedness

Regarding ZEC's state of logistical preparedness, Dr P Makoni informed the Workshop that despite challenges relating to limited time within which ZEC had to prepare for the Zimbabwe 2013 Harmonised General Elections, which timeframe was made worse by the various ligitations following the announcement of July 31 as the election date and the 47 petitions that arose from the outcomes of the nomination courts, the Commission was up-to-date with the preparations and was looking forward to a flawless and credible Harmonised Election. Dr Makoni informed the gathering that ZEC had conducted extensive voter education and voter registration had been conducted in two phases with the first phase lasting 21 days stretching from 29th April 2013 to 19th May 2013 and the second phase being the constitutionally mandated 30- day voter registration exercise which commenced on 10th June 2013 and ended on 9th July 2013 bringing the country's voter population to approximately 6, 4 million voters.

Furthermore, ZEC informed the Mission that the Commission was comfortable with the funding situation as at the date of the presentation, the Commission confirmed that it was receiving timely disbursements from Treasury for its activities although it was yet to receive its full budget requirements.

3.6.3. Electoral Environment

Dr Makoni went on to inform the gathering of the peace that was prevailing in the country attributing it mainly to calls by political leaders from across the divide to their supporters to campaign peacefully as well as calls by the law enforcement agents, churches, civil society and other community groups for Zimbabweans to conduct their political campaigns maturely and peacefully.

In addition, Dr Makoni commented on the media coverage of the election process noting that the election processes were receiving commendable coverage from both the public and private media houses within the print and electronic categories. Dr Makoni also informed the gathering that although the broadcasting media was trying to balance coverage by allocating equal campaign adverts time slots to all participating political parties, media reportage of the Zimbabwe 2013 Harmonised Elections had exposed the print media in Zimbabwe as acutely polarized and biased in favour of particular political formations.

In view of the above, Commissioner Makoni concluded the ZEC Briefing highlighting that the prevailing peace in the country made the environment conducive to the holding of a free and fair poll.

3.7. Briefing by the Zimbabwe Council of Churches (Reverend Dr Solomon Zwana)

Dr Zwana acknowledged the generally peaceful environment existing in the country and noted the role being played by individual churches as well as church based organizations such as the Zimbabwe Council of Churches in promoting peace prior, during and post the Zimbabwe 2013 Harmonised General Elections.

Dr Zwana, however, expressed concern over challenges faced by some potential voters in registering as voters as well as alleged cases of voter intimidation reported in some areas. Furthermore, the Reverend noted with concern the continued polarization of the local media which made the election environment uneven.

Dr Zwana also informed the workshop that the Zimbabwe Council of Churches was going to deploy two types of observers for the Zimbabwe 2013 Harmonized General Elections namely Peace Observers and Election Observers.

3.8. Briefing by Zimbabwe Election Support Network (ZESN) (Ms E. Chiseya)

Ms Chiseya informed the gathering that ZESN was a civic society coalition of 31 organizations which included workers groups, students' organisations, church based organizations and other civil society partners united towards the advancement of electoral democracy in Zimbabwe through advocacy, research and election observation.

The ZESN representative also informed the Mission Members that ZESN was set to deploy approximately 7000 local observers to observe the Zimbabwe 2013 Harmonised General Elections and was already in the process of training the observers. It came out in the presentation that the ZESN Observation Mission would establish command centres at provincial level with the National Command Centre being established in Harare.

Regarding the 31st July Election date, ZESN expressed the view that they could have been procedural misunderstandings relating to the role of the Judiciary in determining the election date, the election date could not be considered an issue since right from the signing of the GPA in 2008 and the consequent consummation of the Government of National Unity in 2009, all stakeholders knew that the GPA could not last for more than five years and was set to end through Harmonised Elections. Furthermore, Ms Chiseya informed the gathering that since 2011, ZESN had been carrying out advocacy work calling for minimum conditions for free and fair elections. Ms Chiseya furthermore acknowledged the generally calm political environment prevailing in the country and commended political leaders, civil society and other stakeholders for campaigning for peace.

In addition, ZESN commended ZEC for operating on a fully decentralized structure, which allowed decentralization of its observer accreditation as well as other services to provincial offices, which development increased the Commission's efficiency and accessibility to stakeholders in line with good practice and ZEC's own open door policy.

ZESN, however, expressed deep concerns on the difficulties faced by some members of the public in registering as voters during the second phase of voter registration and complained about allegedly inhibitive laws such as the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act, which according to ZESN were limiting their voter education programmes.

3.9. Briefings from a Panel of Media Stakeholders

A panel of Zimbabwean media stakeholders comprising media regulators, a voluntary media self regulating association and media focused civil society representatives jointly briefed the SADC PF Election observation Mission on the state of the media in Zimbabwe within the context of the Zimbabwe 2013 Harmonised General Elections. Organizations represented on the panel included the Broadcasting Authority of Zimbabwe (BAZ), Zimbabwe Media Commission (ZMC), Zimbabwe Union of Journalists and the Media Institute of Southern

Africa (MISA).

Various presentations and contributions from panel members as well as interactive discussions involving Mission members brought out the following critical findings regarding the state of the media in Zimbabwe within the context of the Zimbabwe 2013 Harmonised General Elections:

3.9.1. Legal and Regulatory Environment

Ordinarily, the Broadcasting Authority of Zimbabwe is responsible for regulating the electronic broadcast media while the Zimbabwe Media Council is the statutory body responsible for regulating the print media in terms of the Broadcasting Act and/ or the Access to Information and Protection of Privacy Act (AIPPA). In addition it came out that there is a Voluntary Media Council which is a self regulatory body mainly for the print media in Zimbabwe.

It however, came out that in terms of statutory 33 of 2008, during election periods; the Zimbabwe Electoral Commission takes charge of media regulation through its Media Monitoring Committee, though the Zimbabwe Media Commission and the Broadcasting Authority of Zimbabwe continue to work with ZEC as technical partners.

The Zimbabwe Union of Journalist expressed the view that ZEC had not done enough to publicize the code of conduct which governs the activities of the media during election periods and this had culminated in confusion regarding the acceptable and unacceptable media conduct during the emotive electoral period.

3.9.2. Media Polarization

Information that came out during the session reflected that the media in Zimbabwe was acutely polarized with the public media being aligned towards ZANU (PF) while the private media appeared to be equally slant towards the MDC formations.

3.9.3. Media Reach

It was reported that the Zimbabwe Broadcasting Corporation as well as the two private radio stations operating in Zimbabwe have limited geographical reach as their waves cannot reach the most remote parts of the country leaving members of the public in such areas without full access to information. The same apply to the print media where most newspapers are only circulated in urban and peri-urban centres of the country leaving out the rural areas to depend on political parties, and voter educators for election information.

3.10. Briefings from Some of the Contesting Political Parties

Notwithstanding the fact that the five political parties contesting the 2013 elections were invited, only three political parties namely ZANU (PF), MDC-T and MDC availed themselves to share with the Mission their views and electoral agendas for the Zimbabwe 2013 Harmonised General Elections.

The following critical issues were noted during the Mission's interactions with the contesting political parties:

a) Election Issues

It came out that the major election issues that were singled out in campaigns towards the Zimbabwe 2013 Harmonised Elections included the economic and social issues of wide-spread unemployment, indigenisation of the economy, attraction of foreign direct investment, stimulating economic growth and development, resuscitation of the social services sectors of education and health, general poverty, devolution and taming corruption.

b) 31 July 2013 Election Day

The MDC-T and MDC separately expressed their outrage on what they termed the unilateral declaration of 31st July as the election date. The MDC-T and MDC expressed the view that the declaration of 31 July 2013 as the date for the Zimbabwe 2013 Harmonised General Elections was part of ZANU (PF)'s plan to rush the country into elections without implementing the outstanding reforms provided for in the GPA. According to the two MDC formations, the "impossible" timeframe within which ZEC was supposed to organise and conduct the Zimbabwe 2013 Harmonised General Elections was not enough to allow for a credible poll as a lot of Zimbabweans especially those hitherto considered aliens under the previous constitution had not been accorded an opportunity to register as voters.

ZANU (PF) on the other hand expressed that the Party was committed to the rule of law in line with good political governance and went further to inform the Mission that the tenure of the GPA and the mandate of the Government of National Unity was never set to go beyond the life of the 7th Parliament of Zimbabwe, hence the inevitable coming of elections following the expiry of the life of the 7th Parliament of Zimbabwe. Furthermore, ZANU (PF) dismissed complaints from the MDC formations as resulting from lack of electoral preparedness and fear of imminent electoral defeat.

c) Voters' roll

MDC-T and MDC generally expressed total dissatisfaction and distrust with the country's voters' roll which they both described as being inaccurate and in very bad shape due to alleged presence of deceased individuals on the Roll and inadequate time provided for voter registration and inspection of the Voters' Roll by stakeholders prior to the 31 July Harmonised General Elections.

Again ZANU (PF)'s view was at variance with those of the two MDC formations as ZANU (PF) posited that it was normal for a few deceased people to appear on any Voters' Roll since there would always be a time gap between death and updating of national registration records.

d) Special Voting

Regarding special voting, the MDC formations expressed the view that the presence of approximately 69 000 police officers on the special Voters' Roll was evidence of a scheme to commit electoral fraud as the total number of Police officers on the official pay-roll was estimated at 37 000. The Zimbabwe Republic Police, however, clarified the issue later-on in a press statement highlighting that the 69 000 figure included the Police Special Constabulary or reserve force which in accordance with normal police practice is called upon to assist regular forces during special events such as elections.

e) Media Coverage

The MDC formations expressed the view that the state media was unfairly covering the ZANU (PF) political

activities at the expense of those of other parties, thereby tilting the playing field in favour of ZANU (PF). However, the ZANU (PF) representative expressed a different view as he informed the Mission that the public media was fair in its coverage of electoral issues since all political parties were being afforded equal slots on the state broadcaster. ZANU (PF) also complained of unfair coverage from the private print and entire international media which they described as being biased towards the MDC Formations. In addition, ZANU (PF) informed the Mission of the unregulated churning of hate speech against ZANU (PF) by private radio stations, which continue to illegally broadcast into Zimbabwe from some western countries, which imposed sanctions on Zimbabwe. ZANU (PF) furthermore called on the Mission to note that such illegal activities were not only affecting the fairness of the 2013 election but also presented a real National Security threat to Zimbabwe and its people.

f) General Electoral Environment

All the three political parties who briefed the Mission, namely ZANU (PF), MDC-T and MDC mentioned that the political environment was generally calm and peaceful. This they attributed to calls by their respective political party leaderships for their supporters to campaign peacefully. The three political parties informed the Mission that campaigns were going on smoothly across the country and all expressed confidence that notwithstanding the challenges described above, they would emerge victors come the 31st July 2013 Harmonised General Elections.

3.11. Framework for Observing the Zimbabwe 2013 Harmonised General Elections by Mr S. Kurasha (SADC PF)

In his presentation, Mr Kurasha defined the concepts of election observation and election monitoring and went on to highlight a number of concepts and issues relating to the objectives for observing the Zimbabwe 2013 Harmonised General Elections as well as the methodology, principles and guidelines behind SADC PF Election Observation Missions. Mr. Kurasha took the Mission through the SADC PF's eminent history in the field of Election Observation and also shared on the critical distinction between election monitoring and elections observation. Furthermore, the Mission's Coordinator explained SADC PF's election observation mandate, rationale for using Members of Parliament for observing elections, the SADC PF Election Observation Mission's Terms of Reference, relevant election instruments applicable in the SADC Region as well as SADC PF election observation methodology and specific points of enquiry in SADC PF election observation.

Mr Kurasha explained the objectives behind SADC PF's election observation noting the following:

- i) Promotion of common political values, systems and shared values which are transmitted through institutions which are democratic, legitimate and effective,
- ii) Harmonization of political and socio-economic policies of Member States,
- iii) Consolidating, defending and maintaining democracy, peace, security and stability,
- iv) Promoting peace, democracy, security and stability on the basis of collective responsibility,
- v) Familiarising the peoples of SADC with the aims and objectives of SADC
- vi) Supporting the development of permanent conflict resolution mechanisms in the SADC, and
- vii) Encouragement of the observance of universal human rights as provided for in the SADC, African Union and United Nations statutes.

3.12. Roles and Responsibilities and Guidelines for Working in the Field during Election Observation by Dr E Chiviya (SADC PF)

The SADC PF Secretary General took the Honourable Members of Parliament and staff through a session where he explained the roles and responsibilities of each of the Members of the SADC PF Election Observation Mission to the Zimbabwe 2013 Harmonised General Elections. The purpose of this session was to ensure role clarity among Members, in order for the Members to be fully aware of the respective roles they were supposed to play to ensure that the Mission achieves its intended objectives as provided for in the Mission's Terms of Reference.

In addition to the aforementioned roles and responsibilities for Mission Members, Dr Chiviya went on to share on SADC PF's guidelines for working in the field during the 2013 Zimbabwe Elections. The Secretary General emphasised to the Members that the virtues of objectivity, impartiality and comprehensiveness were critical in Election observation hence the importance of all SADC PF Election Observation Teams to ensure that their observation endeavours in the field were in accordance with the set guidelines, which included method of work, reporting methodology as well guidelines for working with the media and other stakeholders in the field.

4. DEPLOYMENT AND METHODOLOGY OF WORK FOR THE SADC PF ELECTION OBSERVATION MISSION TO THE ZIMBABWE 2013 HARMONISED GENERAL ELECTIONS

4.1. Deployment

In deploying its teams to the field, the SADC PF Election Observation Mission to the Zimbabwe 2013 Harmonised General Elections took into consideration a number of factors which included:

- i) Estimated population density in the target area,
- ii) Number of polling stations within the target area,
- iii) Accessibility,
- iv) Gender balance of the team,
- v) Political plurality ;and
- vi) Team members' election observation experience and/or training.

The Mission deployed a total of 15 Teams, with at least a Team in each of the country's 10 Provinces, from 14th July, 2013 to 1st August, 2013. The SADC PF Election Observation Teams were deployed to the Provinces of Bulawayo, Harare (two teams), Manicaland (two teams), Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo (two teams), Matebeleland North, Matebeleland South and Midlands (two teams). The Mission's deployment plan is as shown in the table below:

	Deployment Plan		
PROVINCE COVERED	TEAM MEMBERS	GENDER	COUNTRY
HARARE	TEAM 1 1. Hon. Henry MUSSA – <i>Team Leader</i> 2. Hon.'Mampho MOKHELE 3. Mr Redman JOSIAH – <i>Staff</i>	M F M	Malawi Lesotho Botswana
HARARE	TEAM 2 1. Hon. Adv. Sango Patekile HOLOMISA - <i>Team Leader</i> 2. Hon. Philip KHWAE 3. Ms Stella MLAMBO – <i>Staff</i>	M M F	South Africa Botswana Tanzania
BULAWAYO	TEAM 3 1. Hon. Dr Situmbeko MUSOKOTWANE – <i>Mission Leader</i> 2. Hon. Lonnie Chijere CHIRWA 3. Ms Ndahafa KAUKUNGUA – <i>Staff</i>	M F F	Zambia Malawi Namibia
MIDLANDS	TEAM 4 1. Hon. Agnes LIMBO - <i>Team Leader</i> 2. Hon. Augustino Manyanda MASELE 3. Mr Leonard MENGEZI – <i>Staff</i>	F M M	Namibia Tanzania Malawi
MIDLANDS	TEAM 5 1. Hon. Mwambwa Gertrude M. IMENDA - <i>Team Leader</i> 2. Hon. Alekeni Wodala MENYANI 3. Mr Mpendulo NGCAMPHALALA – <i>Staff</i>	F M M	Zambia Malawi Swaziland
MASVINGO	TEAM 06 1. Hon. Fidelis M.M. MOLAO - <i>Team Leader</i> 2. Hon. Thuwayba Idris MUHAMMED 3. Mr Adam SALMON – <i>Staff</i>	M F M	Botswana Tanzania South Africa
MASVINGO	TEAM 08 1. Hon. Alexia Manombe NCUBE - <i>Team Leader</i> 2. Mr Lusakalalu PEDRO – <i>Staff</i> 3. Mr. Munjandi Tjahungu ISAKA, <i>Staff</i>	F M M	Namibia SADC PF Secretariat Namibia
MASHONALAND WEST	TEAM 09 1. Hon. Masizole MNQASELA - <i>Team Leader</i> 2. Hon. Agnes N. PENUMULUNGU 3. Ms Bibi Fazillah ABDOL RAMAN – <i>Staff</i>	M F F	South Africa Malawi Mauritius
MASHONALAND CENTRAL	TEAM 10 1. Hon. Glad Chembe MUNTHALI - <i>Team Leader</i> 2. Ms Catherine ZULU- <i>Staff</i>	M F	Malawi Zambia
MASHONALAND EAST	TEAM 11 1. Hon. Mutobwe Moono Phales LUBEZHI - <i>Team Leader</i> 2. Hon. Selemani Said JAFO 3. Mr Michel MWEZA - <i>Staff</i>	F M M	Zambia Tanzania SADC PF Secretariat
MANICALAND CHIPINGE	TEAM 12 1. Hon. Elifas DINGARA - <i>Team Leader</i> 2. Hon. Macaefa BILLY 3. Ms Clare MUSONDA - <i>Staff</i> 4. Mr. Victor Paulo dos Santos FERNANDES – <i>Staff</i>	M M F M	Namibia Lesotho Zambia Angola
MANICALAND	TEAM 13 1. Hon. Sylvianne Marie-Antoinett VALMONT - <i>Team Leader</i> 2. Hon. Francisco Castro MARIA 3. Mr Thabo Paul TSASANYANE - <i>Staff</i>	F M M	Seychelles Angola Lesotho
MATEBELELAND SOUTH	TEAM 14 1. Hon. Maxas Joel Bweupe NG'ONGA - <i>Team Leader</i> 2. Hon. Leticia Mageni NYERERE 3. Mr Leonard TILINGAMAWA – <i>Staff</i>	M F M	Zambia Tanzania Malawi

4.2. Observation Methodology

The Mission Teams pursued a variety of information gathering methods and strategies, which included review of the constitutional and legal framework governing elections in Zimbabwe, consultative discussions with key electoral stakeholders such as ZEC, political parties, civil society organisations, and the general electorate in the country's 10 Provinces, attending political campaign rallies, witnessing door-to-door campaigns by political parties and regular perusal of the print media and observation of television news and listening to radios in terms of news and political campaign adverts. The Mission also interacted with other Election Observation Missions such as the SADC Election Observation Mission (SEOM), the African Union Election Observation Mission (AUEOM), Common Market for Eastern and Southern Africa Mission (COMESA) and Electoral Commissions Forum of SADC (ECF-SADC), in order to exchange information and observations. The Mission also met with the SADC Ambassadors based in Harare. In addition, the Mission interacted with other critical stakeholders such as the media and the academia. These various methods enabled the Mission to gather comprehensive information and to critically assess the manner in which the 2013 Zimbabwe Harmonised General Elections were conducted. During their deployment in the country's 10 Provinces, the Mission's Teams visited all of the country's Districts, 172 of the country's 210 National Assembly constituencies and 260 of the 9,735 Polling Stations established for the 2013 Zimbabwe Harmonized General Elections as is shown on the table below.

PROVINCE COVERED	NUMBER OF CONSTITUENCIES VISITED	NUMBER OF POLLING STATIONS VISITED
Harare	14	29
Bulawayo	11	28
Manicaland	20	26
Mashonaland Central	21	27
Mashonaland East	20	25
Mashonaland West	19	25
Masvingo	21	26
Matebeleland North	13	24
Matebeleland South	12	24
Midlands	21	26
TOTALS	172	260

4.3. Guiding Principles and Points of Enquiry

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

The specific points of enquiry for the Mission focused on the following:

- i) Political environment
- ii) Constitutional and legal framework;
- iii) Civic and voter education;
- iv) The state of the Voters Roll;
- v) Participation of women and youths as voters and election officials;
- vi) Preparation and distribution of voting materials;
- vii) Adequacy and location of polling stations;
- viii) Polling arrangements;
- ix) Counting of ballot papers, tabulation and verification of results;
- x) Use of information and communication technologies (ICTs);
- xi) Conflict resolution mechanisms;
- xii) Media coverage of the entire election process and related events;
- xiii) Conduct of the campaign process;
- xiv) Conduct of stakeholders;
- xv) Good practices from the 2013 Zimbabwe Harmonised General Elections ;
- xvi) Areas of improvement; and
- xvii) Overall Mission Assessment of the entire election process.

5. MISSION'S FINDINGS

5.1. Political Background

The Mission noted that following an inconclusive Presidential Run-off Election in June 2008, Zimbabwean Political Parties with representation in Parliament formed a Government of National Unity (GNU) in February 2009 under SADC-mediated Global Political Agreement (GPA), which was signed on 15 September 2008. The Mission noted that Article iii of the GPA, provided for the signatory political parties to work together towards the restoration of Zimbabwe's economic stability and growth, while article vi provided for the drafting of a new home grown and people driven Zimbabwean democratic constitution. In view of the above and further noting provisions within the GPA meant to safeguard fundamental political and human rights freedoms, such as freedoms of assembly and association (Article xii), rule of law (Article xi), promotion of equality, national healing, cohesion and unity (Article vii), Free political activity (Article x) and Security of persons and prevention of violence (Article xviii), the GNU was basically charged with two main objectives, among others namely; stabilisation of the Zimbabwean economy, and institution of collectively owned democratic reforms geared at taking Zimbabwe towards a more credible and conclusive general election.

The SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections is heartened to note that over the last five years, following the signing of the GPA and the formation of the Government of National Unity, the Government and People of Zimbabwe have, within the context of SADC mediation, agreed on and effected a raft of democratic reforms, which included far reaching electoral and human rights reforms and most importantly a new Zimbabwe Constitution, which was overwhelmingly endorsed by the Zimbabwean electorate during the 16th March 2013, Zimbabwe Constitution Referendum.

The Mission further noted that the aforementioned reforms have already started paying democratic dividends by enhancing the democratic participation of the Zimbabwean public in the governance of their country as was evidenced by, among other developments, the politically enabling environment of peace and political tolerance that existed prior, during and post the Zimbabwe 2013 Harmonised General Elections. Furthermore the Mission noted that as part of citizens' response to the opening up of democratic space in Zimbabwe, Zimbabweans not only became more conscious of their political and constitutional rights but became even bolder to approach the courts to assert these rights as was evidenced by the case of a private citizen who approached the Constitutional Court of Zimbabwe to assert his democratic and constitutional right to compel the Government to announce the date of elections.

The Mission also observed that the Court action led to the Constitutional Court's ruling, which directed the Zimbabwean President to proclaim an election date for Zimbabwe's Harmonised Elections to be held on or before 31st July 2013. It was also noted that the President of the Republic, in compliance with Constitutional Court of Zimbabwe Judgement CCZ 1/13 of 31 May 2013, proclaimed 28 June as the date for nomination of candidates by the Nomination Courts and 31 July 2013 as the date for the Harmonised General Elections, through Statutory Instrument 86 of 2013.

The Mission noted the intense debate generated by the Constitutional Court's ruling on election dates as well as the resultant Presidential proclamation on election dates within and outside Zimbabwe, including the SADC Summit of 16 June 2013, which "agreed on the need for the Government of Zimbabwe to engage the Constitutional Court to seek for more time beyond 31 July 2013 deadline for holding the Harmonized General Elections." The SADC PF Election Observation Mission further noted the various representations and litigations by stakeholders opposed to the proclamation of election date of 31st July, leading to the

4th July 2013 ruling by the Constitutional Court upholding 31st July 2013 as the date for the Harmonised Elections.

Notwithstanding the various views, representations and concerns expressed by different Zimbabwean and non-Zimbabwean stakeholders following Constitutional Court Judgement CCZ 1/13, and the consequential proclamation of July 31st 2013 as the Election date for the 2013 Zimbabwe Harmonised General Elections, the SADC PF Election Observation Mission commends all stakeholders within and outside Zimbabwe for respecting and complying with the final ruling of the Constitutional Court of Zimbabwe on the election date. This was reflective of the principle of respecting the rule of law, itself a cornerstone of democracy and a sign of democratic maturity in any country.

Overall, the Mission commends the Government and People of Zimbabwe for the patience, political tolerance and general maturity with which they have worked together since 2008, within and outside the Government of National Unity, to bring to fruition a number of negotiated electoral and constitutional reforms, which went a long way towards creating the generally peaceful and conducive electoral and political environment within which the 2013 Zimbabwe General Harmonised Elections were held.

Furthermore, the Mission noted with commendation, the decisive role played by SADC in helping the people of Zimbabwe find common political ground through the facilitation of negotiations led by South Africa, resulting in the historic signing of the Global Political Agreement on 15 September 2008 and the consequent formation of the Government of National Unity in February, 2009, which, spearheaded the implementation of agreed democratic reforms including electoral, human rights and constitutional reforms.

5.2. The Constitutional and Legal Framework

The Mission found out that the constitutional and legal framework governing Elections in the Republic of Zimbabwe is based on the following legal instruments:

- i) The Constitution of Zimbabwe as Gazetted through Constitution Amendment (No. 20) Act of 22 May 2013;
- ii) Electoral Act [Chapter 2:13] as last amended on 13 June, 2013 through Statutory Instrument 85 of 2013;
- iii) Electoral Regulations, 2005 Statutory Instrument 21 of 2005;
- iv) Electoral (Accreditation of Observers) Regulations, 2013 Statutory Instrument 89 of 2013;
- v) Electoral (Nomination of Candidates) Regulations, 2013 Statutory Instrument 88 of 2013;
- vi) Electoral (Special and Postal Voting) Regulations, 2013 Statutory Instrument 84 of 2013; and
- vii) Electoral (Voter Registration) Regulations, 2013 Statutory Instrument 69 of 2013.

The Constitution of the Republic of Zimbabwe provides for the protection of citizens' fundamental rights and liberties which include freedom of expression, freedom of assembly and association, freedom of movement, freedom of conscience and religious belief, as well as freedom to participate in elections. Article 58 of the Zimbabwean Constitution provides for the freedom of Assembly and Association and Article 61 provides for Freedom of expression and freedom of the media. Article 66, subsection 2 (a) of the Constitution of Zimbabwe safeguards the citizens' right to move freely within Zimbabwe while Article 67 provides for the political rights of Zimbabweans including:

- i) The right to free, fair and regular elections;
- ii) The right to form, to join and to participate in the activities of a political party or organisation of their choice;

- iii) The right to campaign freely and peacefully for a political party or cause;
- iv) The right to participate individually or collectively, in gatherings or in any manner, in peaceful activities to influence, challenge or support the policies of Government or any political or whatever cause;
- v) The right to vote in all elections and referendums and to do so in secret in accordance with the Law; and
- vi) The right to stand for election for public office and if elected to hold such office.

The Mission is of the view that the afore-described rights and freedoms were generally respected and exercised without undue hindrance prior, during and post the Zimbabwe 31st July 2013 Harmonised General Election.

Article 155 of the Constitution of Zimbabwe provides for the principles of electoral system applicable in Zimbabwe, which include the holding of regular free and fair elections and, where applicable, referendums conducted by secret ballot, based on universal adult suffrage and equality of votes and free from violence and other electoral malpractices. Article 156 of the Constitution provides broad guidelines for the conduct of elections and referendums in Zimbabwe and confers upon the Zimbabwe Electoral Commission the constitutional obligation to ensure that:

- i) Whatever voting method used is simple, accurate, verifiable, secure and transparent;
- ii) The results of the election or referendum are announced as soon as possible after the close of polls;
- iii) Appropriate systems and mechanisms are put in place to eliminate electoral violence and other electoral malpractices; and
- iv) Electoral materials are safely kept.

Furthermore, the Mission noted that in accordance with Article 157 of the Constitution of Zimbabwe, the Electoral Act, together with the various electoral regulations issued in terms of the Act, provides for:

- i) The periodic delimitation of constituencies and wards;
- ii) Registration of voters, and requirements for registration on particular voters' rolls;
- iii) A code of conduct for political parties, candidates and other persons participating in elections and referendums;
- iv) A system of proportional representation for the election of persons to the seats in Senate and seats reserved for women in the National Assembly and the procedure for filling vacancies in those seats;
- v) The election of representatives of persons with disabilities to the Senate;
- vi) The conduct of Presidential, Senatorial, National Assembly Provincial and Metropolitan Council and Local Government Elections in Zimbabwe; and
- vii) Mechanism for resolution of election related disputes as well as challenging electoral outcomes.

The Mission noted that section 110 of the Electoral Act stipulates that a presidential candidate ought to have garnered at least more than 50 percent of the votes cast (50% + one vote) to be duly elected, otherwise a run-off must take place at a time prescribed by the President. For all other directly elected seats, a person ought to have received a simple majority of the votes cast. Further, the law compels the Zimbabwe Electoral Commission to announce election results within 5 days.

The Mission noted that for the 2013 Zimbabwe Harmonised General Elections, as the first elections under the new Zimbabwe Constitution, Part three of Sixth Schedule on the Constitution provides for the elections to be held within the context of provincial, constituency and ward boundaries that were in existence immediately prior to the enactment of the new constitution on 22nd May 2013. Article 6 of the

Sixth Schedule of the Constitution provides for the continued use of the Voters' Roll that was lawfully in existence prior to the enactment of the new Constitution and further obligated the Registrar General of Voters, under the supervision of the Zimbabwe Electoral Commission, to conduct a special and intensive voter registration and Voters' Roll inspection exercise for at least thirty days after the publication of the new Constitution. Furthermore, the Mission noted that Article 14 of the Sixth Schedule of the Constitution of the Republic of Zimbabwe makes a special provision for the election of and tenure of the first President of Zimbabwe and appointment of Vice Presidents under the new Zimbabwean constitution. In addition, the Mission noted that Article 15 of the sixth Schedule of Zimbabwe Constitution provides for the incumbent President, Vice President(s), Prime Ministers, Deputy Prime Ministers, Ministers and Deputy Ministers to remain in their respective offices until the effective date when the first President assumes office under the new Zimbabwean Constitution.

The Mission is, therefore, of the view that the constitutional and legal framework governing Elections in Zimbabwe is conducive for the conduct of free, fair, transparent and credible elections.

5.3. Zimbabwe's Electoral System

The Mission noted that among the changes to Zimbabwe's Constitutional and Legal framework governing elections and governance structures that were ushered-in by the enactment of the New Zimbabwe Constitution on 22 May 2013, was the introduction of a Mixed Member Proportional Representation Electoral system to replace the simple plurality system the country had used under the Lancaster House Constitution since 1980.

Under Zimbabwe's Mixed Member Proportional Representation Electoral System, the following elections and governance structures are provided for:

- i) Election of President of the Republic through the First Past the Post system with a requirement that a candidate should secure at least fifty percent of the total votes cast plus one vote in order to be declared winner of a Presidential Election.
- ii) 210 constituency based National Assembly members elected under the First Past the Post or simple Plurality system.
- iii) An additional sixty National Assembly seats reserved for women who are elected through proportional representation on the basis of six seats for each of Zimbabwe's ten provinces.
- iv) Sixty members of the 80-member Senate or upper house of Parliament elected through proportional representation under a party list system where the list is headed by a woman candidate with male and female candidates alternating on the party list.
- v) 18 Chiefs elected to the Senate on the basis of two chiefs elected by the provincial assembly of chiefs from each province of Zimbabwe other than the Metropolitan provinces of Harare and Bulawayo in addition to the President and Deputy President of the National Council of Chiefs.
- vi) Two individuals elected to represent people living with disabilities in the Senate.

5.4. The Zimbabwe Electoral Commission (ZEC) and Election Administration

The Zimbabwe Electoral Commission (ZEC) is established under Articles 238 to 241 of the Constitution of the Republic and the Electoral Act [Chapter 2:13], as the sole body responsible for the preparation, conduct and supervision of Elections and Referendums in Zimbabwe. The Zimbabwean Constitution expressly charges ZEC with the responsibility to ensure that Elections and Referendums in Zimbabwe are conducted

efficiently, freely, fairly, transparently and in accordance with the law.

As is stipulated by Article 238(1) of the Constitution of Zimbabwe, the ZEC comprises a Chairperson appointed by the President of the Republic after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders of the Parliament of Zimbabwe and eight other Members appointed by the President from a list of not fewer than 12 nominees submitted by the Committee on Standing Rules and Orders of Parliament.

The Constitution further stipulates that the Chairperson of the Zimbabwe Electoral Commission must be a judge, a former judge or a person qualified for appointment as a judge. Members of the Commission are appointed for a term of six years renewable only once and are appointed on the basis of their integrity, experience and competence in the conduct of affairs in the public or private sector. The Mission also noted that Article 239 of the Constitution of Zimbabwe exhaustively stipulates the functions of the Zimbabwe Electoral Commission.

The SADC PF Mission observed that section 8 of the Electoral Act provides for ZEC to operate on a decentralised organisational structure with representation at National, Provincial and District levels, in order to ensure that the Commission effectively discharges its mandate.

The Mission noted the provisions of Article 235 of the Constitution regarding independence of Commissions including the Zimbabwe Electoral Commission and the extensive provisions of sections 10A and 11 of the Electoral Act meant to guarantee the independence of the Zimbabwe Electoral Commission and ensure the independence, impartiality and professionalism of Commissioners, staff and agents of the Commission.

The Mission however observed that both the Electoral Act and the new Zimbabwean Constitution are not explicit on the need for the Executive Arm of Government to ensure that the Commission is availed with the requisite resources needed to ensure the organisation and conduct of free and fair elections.

Most of the electoral stakeholders who interacted with the Mission and its Teams expressed confidence in the independence, impartiality, openness, transparency and capacity of ZEC to organise and conduct a credible election. However, the Mission noted the concerns raised by some political parties and other stakeholders regarding the very limited time frame within which the Zimbabwe Electoral Commission had to prepare for and conduct the 2013 Zimbabwe Harmonised General Elections following the ruling by the Constitutional Court on the election date and the consequent proclamation by the President of July 31st as the day for the Elections. Furthermore, stakeholders raised concerns on the failure by the Treasury to timeously avail funds to ZEC to organise the elections in light of the tight electoral calendar.

Overall, the Mission is of the view that the legal framework within which ZEC is established and operates, generally reflects the independence and autonomous functioning of the Commission in line with the Norms and Standards for Elections in the SADC Region, the SADC Principles and Guidelines for Democratic Elections, and other continental and International Electoral Instruments.

The Mission noted the various challenges that affected the conduct of the Special Vote, including numerous litigations that arose from disputes on the outcomes of the Nomination Courts, which consequently hamstrung ZEC from designing, printing and distributing ballot papers before these cases were concluded by the courts. In addition, the Mission further noted that the logistical challenges also emanated from the technical and logistical complications of applying the special vote in ward-based, First-Past-The-Post

Electoral System, as opposed to National Party-List System, where all voters use the same ballot paper and could cast their vote in any part of the country.

The Mission observed that notwithstanding the limited timeframe and budget related constraints as well as the logistical challenges witnessed during special voting, ZEC was evidently prepared for the 31st July, 2013 Harmonised General Elections. ZEC ensured the printing of 8.7 million ballot papers and procured election materials in time, carried out voter education programmes in collaboration with civil society organisations, and distributed both sensitive and non-sensitive voting materials to Constituency Centres and polling stations in the 10 Provinces of Zimbabwe. ZEC also trained electoral staff in time and was constantly consulting and communicating with electoral stakeholders throughout the process.

The Mission further observed that for the 2013 Zimbabwe Harmonised General Elections, the Zimbabwe Electoral Commission established 9,735 polling stations some of which were composite polling stations with multiple voting streams, throughout the 10 Provinces of Zimbabwe. ZEC had also adequately trained polling staff mainly drawn from the civil service, local authorities and other statutory bodies. Most of the polling stations were housed in schools, clinics, tents, churches and business centres and other publicly accessible places.

On the whole, the Mission commends the ZEC for the professional and efficient manner in which it prepared for and conducted the 2013 Zimbabwe Harmonised General Elections.

5.5. The Role of Security Forces

The Mission noted the role played by the Zimbabwe Republic Police in providing security to the electoral process prior, during and after the Election Day. The Mission is of the view that the security forces carried out their election related duties without interfering with the electoral processes. The Mission further observed that the Police were adequately prepared to perform their duties during the Elections as evidenced by the presence of police officers at all the polling stations visited by the Mission's Election Observation Teams. The Mission further noted, with some notable exceptions in some instances, the openness and accessibility with which the police interacted and communicated with stakeholders including Observation Missions prior, during and post the 2013 Harmonised General Elections. This also contributed to the general calm and peaceful environment that existed in the country prior during and post the 2013 Zimbabwe Harmonised General Elections.

5.6. Voter Registration

According to Part 1 (I) of the Norms of Standards for Elections in the SADC Region, "The right to vote and to be voted for should be accepted as a birth right in accordance with the Universal Declaration of Human Rights and the Convention on the Elimination of all forms of discrimination against women. Therefore, eligible individuals should have the right to non-discriminatory voter registration and nomination procedures. This right should be enshrined in the constitution of a country." Part 1 (ii) of the same Electoral Instrument goes on to recommend that there should be provisions and practical arrangements for continuous voter registration and an updated voters' register must be made available to all stakeholders in elections.

The Mission noted that Article 155(2a) of the Constitution of Zimbabwe read in conjunction with section 17A of the Electoral Act provides for continuous voter registration in Zimbabwe during and outside election

periods in line with the Norms and Standards for Elections in the SADC Region. The Mission also noted that Part 3 Article 6 (2) of the Sixth Schedule of the Constitution of Zimbabwe mandates the Registrar General of Voters, under the supervision of ZEC to conduct voter registration and compilation of the Voters' Rolls. The Mission observed that voter registration for the 2013 Zimbabwe Harmonised General Elections was carried out in two phases. The first phase of voter registration commenced on 29 April and ended on 19 May 2013, lasting 21 days. During this period 204,000 voters were registered while at the same time, citizens had the opportunity to inspect the voters' roll and to transfer from one ward to another. The second exercise commenced on 10 June 2013 and ended on 9 July 2013, being a mandatory 30-day intensive voter registration exercise provided for under Part 3, Article 6 (3) of the sixth Schedule of the Constitution of Zimbabwe.

The Mission noted complaints raised by some stakeholders during the early stages of voter registration relating to stringent proof of residence requirements for registration and further noted that ZEC responded by relaxing the inhibitive requirement to allow as many Zimbabweans citizens of or above 18 years of age to exercise their right to register as voters in accordance with the law. Furthermore, stakeholders who interacted with the Mission's Teams raised concerns on the inadequacy of the targeted registration exercises which had potential to disenfranchise some prospective voters from registering as voters. The Mission was informed that by the end of the second phase of voter registration, Zimbabwe's total voter population stood at approximately 6.4 million voters, which is approximately 49% of Zimbabwe's population officially estimated at 12.9 million.

In view of the above, noting that the electorate are the most important stakeholder in any democratic election, the SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections, noted the need for adequate time to be provided for voter registration in order to give as many Zimbabweans as possible a chance to register as voters so that they could exercise their democratic and constitutional right to elect their chosen political representatives.

5.7. Voters' Roll

The Mission noted that section 20 of the Electoral Act mandates ZEC to maintain in printed and electronic form a Voters' Roll for each ward and constituency, while section 21 of the same Act stipulates that a Voters' Roll shall be a public document which should be open to public inspection free of charge and availed to stakeholders on request at a prescribed fee. The law also provides for ZEC to avail free copies of the Voters' Roll to the nominated candidates in an election, it also obligates the Zimbabwe Electoral Commission to ensure that appropriate Voters' Rolls are availed to respective polling stations.

However, the Mission noted that the Voters Roll was not available on time for inspection by stakeholders. The Mission's interaction with ZEC revealed that the Commission faced challenges in finalising the Voters' Roll following the conclusion of the mandatory 30-day voter registration exercise on 10 July, 22 days before the election day, hence its delay in availing copies of the updated Voters' Roll within reasonable time as required by law.

5.8. Civic and Voter Education

The Mission noted that section 40B of the Electoral Act (Chapter 2:13), in line with the Norms and Standards for Elections in the SADC Region, compels the Zimbabwe Electoral Commission to provide adequate, accurate and unbiased voter education and also ensure that voter education provided by other persons is adequate and not misleading or biased in favour of any political party. The Mission further noted that

according to the law, ZEC is the sole provider of voter education in Zimbabwe and has the responsibility to accredit and monitor voter education programmes for civil society partners wishing to conduct voter education.

The Mission found out that for the 2013 Zimbabwe Harmonised General Elections, the Zimbabwe Electoral Commission deployed at least two voter educators per ward, bringing the total number of voter educators engaged by ZEC to 4,420. In addition, the Mission noted that ZEC accredited at least 24 civic society organisations whom they trained to provide voter education in line with voter education materials developed by ZEC. The Mission further noted with commendation that for the 2013 Harmonised General Elections, ZEC also produced Braille voter education materials in order to ensure that blind members of the Zimbabwean citizenry also had access to voter education.

The Mission observed that ZEC conducted voter education alongside the registration of voters during which period the main message was centred on encouraging and assisting citizens with information they needed to verify their voter registration status. The Mission further observed that towards the polling day, ZEC's voter education messages concentrated on voting process and procedures, including the nature of identity documents acceptable at polling stations and general issues regarding ZEC's management of the elections. The Mission, furthermore, witnessed ZEC's voter education initiatives in the form of advertisements and public notices in the mass media.

The Mission's Teams, while in the field, found out that political parties also conducted voter education through meetings and the mass media, targeting their party supporters.

Some members of the public who interacted with the Mission's Teams in remote areas throughout the country confirmed having received voter education on the elections through voter educators from either ZEC and its civil society partners or political parties' representatives.

5.9. Election Campaign

The Mission noted that campaigns for the 31st July 2013 Harmonised General Elections stretched from 13 June to 06:59 hours on 30 July 2013 in terms of the law. The campaigns expressed themselves in a multiplicity of forms, notably public rallies, door-to-door campaigns, and print advertisements in the mass media as well as the posting of campaign posters in various public places. The Mission also noted the exploitation of the internet and social media platform by politicians and activists in aiding political campaigns during the 2013 Zimbabwe Harmonised General Elections.

The Mission noted with commendation that the election campaigns were conducted in a calm, peaceful and electorally conducive atmosphere, which enabled most stakeholders to freely express themselves in campaigning for or participating in the political activities of parties and candidates of their choice without undue hindrance. Stakeholders interviewed by the Mission's Teams attributed the general tranquillity to the unanimity of the message from the leaderships of the main political parties in calling on their supporters and members to campaign peacefully and the maturity of the Zimbabwean electorate. Furthermore, the campaigns were generally issue-based though on some occasions they became personal.

The Mission further noted the role played by musicians, church leaders and other community leaders in encouraging peace and tolerance prior, during and post the Zimbabwe 2013 Harmonised General Elections.

In view of the above the Mission extends its big commendation to Zimbabwean political parties and candidates who contested in the 2013 Harmonised General Elections and the people of Zimbabwe for

the generally peaceful, friendly and politically mature and responsible manner in which they conducted themselves during the campaign, voting and counting of ballots.

5.10. Media Coverage of the Elections

The Mission noted that Zimbabwe's media landscape comprises of both electronic and print media houses and includes publicly owned and privately owned media houses. The electronic media category is still dominated both in terms of geographical reach and listenership by the publicly owned Zimbabwe Broadcasting Corporation (ZBC), which owns four radio stations the only two local television stations in Zimbabwe. Other players in the electronic media category included the newly registered commercial radio stations, ZI-FM and Star FM. On the other hand, privately owned media houses are the majority of players in the print media category in Zimbabwe.

The Mission furthermore noted that media coverage of the elections by both the public and private media houses is regulated under Section 160K of the Electoral Act as well as Statutory Instrument 33 of 2008. The law, among other issues, obliges the media to:

- i) Give equitable and fair coverage to all political parties and candidates;
- ii) Be accurate, factual and fair in all election related reporting; and
- iii) Avoid promotion of messages encouraging violence, discrimination and hatred.

For the public media, the Mission noted that Section 4 of Statutory Instrument 33 of 2008 obliges all public broadcasters to afford all political parties and independent candidates unrestricted access to their broadcasting services in accordance with the law, which prescribes that political parties and independent candidates contesting elections are treated equitably in the allocation of airtime for campaign advertising.

Further, the Mission observed that for the 2013 Zimbabwe Harmonised General Elections, ZEC accredited 887 foreign journalists and 444 local ones to cover the electoral process. The Electoral Commission also set up a Media Monitoring Committee to ensure ethical conduct by the Media in line with section 160K of the Electoral Act.

The Mission noted the robust and extensive coverage of election related issues by both the private and public print and electronic media as well as by the foreign media, which increased public awareness of the election.

The Mission, however, observed that in spite of the above-prescribed monitoring mechanism, the media remained acutely polarised in its coverage of the electoral issues and political parties. The public media was biased towards ZANU (PF) in its coverage while the privately owned and foreign media were biased towards MDC-T. Further, the Mission noted that there is greater obligation on the public media to provide equal and equitable coverage since it is funded by the public resources.

The Mission is of the view that irrespective of the undesirable state of polarisation of the media in Zimbabwe as observed during the 2013 Harmonised General Elections, the plurality of media houses in Zimbabwe aligned to each side of the mainstream political divide created a semblance of 'balance' as the political parties, candidates and electorate had access to information from various and opposing editorial angles.

The Mission, however, noted that circulation for most print media is largely restricted to urban areas and similarly, the Zimbabwe Broadcasting Corporation as well as the privately owned radio stations has

constrained broadcasting reach, leaving most of the remote rural areas without access to the media.

5.11. Participation of Women and Youths in the 2013 Harmonised General Elections

In a country like Zimbabwe with a generally young population by global demographic standards and where the female gender is estimated to be approximately 52% of the population, representation of women and youth in all facets of society including structures of governance and other platforms for democratic participation in affairs of the state is a strategic and democratic imperative that needs to be pursued vigorously.

For the 2013 Zimbabwe Harmonised General Elections, the Mission however observed that of the five nominated Presidential candidates, there was no woman while out of the 853 candidates for the National Assembly, only 109 (13%) were women. However, the Mission noted with commendation the constitutional reservation of 60 House of Assembly seats for women elected through proportional representation as well as the mandatory alternate listing of women and men, starting with a woman, on party lists for election of candidates into the Senate under a system of proportional representation. The Mission also took note of Article 104 (4) on appointment of ministers and deputy ministers by the President whereupon the President must consider gender balance, among other considerations. The Mission is of the view that these constitutional provisions will go a long way in uplifting Zimbabwean women and the attainment of gender parity in Zimbabwe's democratic development in line with the SADC Protocol on Gender and Development.

The Mission welcomed the fact that five of the nine Commissioners of the Zimbabwe Electoral Commission, including the Chairperson are women. Further, the Mission applauded the involvement of women and youths in conducting voter education and election campaigns and the fact that there were generally more women election officials at polling stations than men.

5.12. Conflict Resolution Mechanisms in Place

The Mission noted that Article 160B of the Electoral Act provides for the establishment of Multiparty Liaison Committees at local authority, constituency, district, provincial and national levels to hear and resolve any disputes, concerns and grievances relating to the electoral process. The Mission's Teams, while in the field, interacted with and witnessed the effectiveness of some of the Multi-Party Liaison Committees at various levels in resolving election related disputes and conflicts.

The Mission also noted with commendation the role played by the Joint Monitoring and Implementation Committee (JOMIC) in promoting peace prior, during and post the 2013 Zimbabwe Harmonised General Elections.

The Mission is of the view that the effectiveness of the Multiparty Liaison Committees could be strengthened by broadening the membership to include other stakeholders such as the police, the media and civil society representatives and also making the committees a permanent inter-electoral stakeholder conflict resolution framework, as opposed to constituting them just before elections.

5.13. Appeal Mechanisms in Place for the Elections

The Mission noted Article 93 of the Constitution of Zimbabwe provides for the mechanism for the lodging of petitions relating to the Presidential Election. The Constitution provides that all petitions relating

to a Presidential Election should be lodged with the Constitutional Court within seven days (7) of official announcement of results. The law further compels the Constitutional Court to resolve such petitions within 14 days, during which period the incumbent President continues to hold office until the Court declares a winner, who must be sworn-in within 48 hours of that declaration.

Furthermore, the Mission noted that Part XXII of the Electoral Act provides for the establishment of an Electoral Court with exclusive jurisdiction to hear appeals, applications and petitions relating to elections other than the Presidential Election in Zimbabwe. In addition, the Mission noted that the Electoral Court has jurisdiction to review any decision of the Zimbabwe Electoral Commission or any other person made or purporting to have been made under the Electoral Act.

According to Law, an election petition may be presented within 14 days after the end of the period of the election to which it relates and such a petition, which is signed by the respective petitioner(s), is lodged with the Registrar of the Electoral Court.

Furthermore, the Mission noted that the law obliges the Electoral Court to deal with appeals within a period of six months. In the event of the petitioner not being satisfied with the ruling of the Electoral Court, the law provides for a mechanism to appeal to the Supreme Court of Zimbabwe, which again has to resolve such an appeal within six months of registration.

The Mission is satisfied that the appeals mechanism in place is sufficient for the effective and speedy resolution of electoral petitions and disputes as it is in line with good practice.

5.14. Election Day, Voting and Counting

The Mission observed that most polling stations opened and closed at legislated times of 07:00 hours and 19:00 hours, respectively. At polling stations observed by the Mission's Teams, voters that were still in the voting queue by 19:00 hours were allowed to cast their votes in line with the law. At polling stations visited by the Mission's Teams, voting materials including ballot papers, copies of the voters' roll and indelible ink were available in adequate quantities and this allowed voting to proceed smoothly throughout the day. The Mission also noted the presence of Local and International Observers and the police at polling stations visited by the Mission's Teams.

The Mission however, noted that, although allowed by law, the use of voter registration certificates to vote even when one's name is not in the Voters Roll has potential to undermine the integrity and credibility of the electoral process. Similarly, some voters were turned away although they were in possession of the registration certificates issued on or before the 10th of July 2013, although ZEC later corrected the situation to allow such individuals to vote.

The Mission further observed that the voting process was conducted peacefully across the country, with no significant cases of disturbances. Furthermore, the Mission observed that the counting of ballot papers took place at the respective polling stations at the end of the voting process and was conducted in a peaceful and transparent manner, in most cases in the presence of observers and party agents.

The Mission also observed that all 260 polling stations visited by Mission's Teams in the 10 provinces of Zimbabwe were located in places readily accessible to the public, including persons living with disabilities.

At the close of voting, the Returning Officers at polling stations observed by the Mission's Teams transparently showed the completed polling station returns to fellow polling staff, political party and candidates' agents as well as observers present at the polling stations. The Returning Officers also allowed party agents to append their signatures to the polling station returns before posting copies of the returns on the outside of the respective polling stations. The Mission further noted that the Presiding Officers at Ward Collation Centres duly declared the results for Local Authority elections before transmitting the results to Constituency Collation Centres, where the winning National Assembly candidates were being declared. Furthermore, the law obliges Presiding Officers at Constituency Collation Centres to directly transmit Presidential Election results to the Chief Elections Officer at the National Collation Centres in Harare. In addition, National Assembly results from Constituency Collation Centres were transmitted to the Provincial Collation Centres which presided over the allocation of proportional representation seats for the Provincial Councils, Senate and National Assembly.

5.15. Overall Prevailing Political Environment during the Electoral Process

The SADC Parliamentary Forum Mission observed general peace, tranquillity, harmony and a high degree of political tolerance throughout the electoral process. The political environment was conducive for whoever wanted to vote. All this was attributed to the political leadership of the contesting political parties, which preached a message of peace and unity throughout the whole process. This greatly facilitated free movement of people during the entire electoral process.

5.16. Post Election Developments

SADC Parliamentary Forum (SADC PF) deployed a Post-Election Observation Mission to Zimbabwe to observe political and election-related developments in the aftermath of the 31 July 2013 Harmonised General Elections. The Post-Election Mission to Zimbabwe was made up of three Members, Hon. Henry Mussa of the Parliament of Malawi who was the Mission Leader, Hon. Maxas Joel Bweupe Ng'onga of the Parliament of Zambia and Mr Sheuneni Kurasha, the Head of the SADC PF's Democracy and Governance Programme. The team was in Zimbabwe from 4 to 10 August 2013. The Post-Election Mission remained in the country immediately after the SADC PF's Main Election Observation Mission had been in Zimbabwe from 11th July 2013 to 4th August 2013 and had observed the last 3 weeks of campaigns as well as the polling and the counting of votes. The main findings of the SADC PF's Post-Election Mission to Zimbabwe are as outlined below.

5.16.1 Political Atmosphere

The post-election environment remained calm and free of violence with citizens going about their normal business as early as on the voting day after they cast their votes. Zimbabweans that interacted with the Mission said that whoever would win the elections should prioritise the economy and deliver on their campaign promises. The police also confirmed that there were no cases of election-related violence after the elections.

5.16.2 Immediate Post-Election Phase and Announcement of Results

Counting of ballots characterised by meticulous verification by political party agents and electoral officials and collation of the election results was observed to have commenced soon after closure of voting at each

polling station. As observed by the SADC PF Main Election Observation teams, Returning Officers at polling stations displayed the completed returns to fellow polling staff, political party and candidates' agents as well as observers present at the polling stations. Party and candidates' agents appended their signatures to the polling station returns. The copies of the returns were displayed outside the respective polling stations.

In terms of the law, Presiding Officers at Ward Collation Centres duly declared the results for Local Authority elections before transmitting the results to Constituency Collation Centres, where the winning National Assembly candidates were being declared. The Presiding Officers at Constituency Collation Centres are required by law to directly transmit Presidential Election results to the Chief Elections Officer at the National Collation Centres in Harare. The National Assembly results from Constituency Collation Centres were transmitted to the Provincial Collation Centres which presided over the allocation of proportional representation seats for the Provincial Councils, Senate and National Assembly in accordance with the law.

The Zimbabwe Electoral Commission had up to the 5th of August 2013, to have announced all the results for the Zimbabwe 2013 Harmonised General Elections in terms of the law, which requires that results be officially declared within 5 days from election date. This was one of the innovations under the revised Electoral Act and it outlawed what happened in 2008 when election results went unannounced for over four weeks.

On Saturday the 3rd of August 2013, ZEC announced the results for the Presidential Elections. The incumbent President, Robert Gabriel Mugabe of ZANU (PF) received 60.64 percent of the total votes cast while his main rival, then Prime Minister of Zimbabwe, Morgan Richard Tsvangirai of the MDC-T received 33.69 percent of the total votes cast in the Presidential Election. Accordingly, Robert Mugabe was declared the winner of the Presidential Election, in the process, avoiding a second round of voting. (See appendix 1 for the full election results of the Zimbabwe 2013 Harmonised General Elections)

ZANU (PF) managed to get 197 seats and in the process secure a two thirds majority of the 270 seats of the National Assembly. The MDC-T got 70 seats, MDC-N 2 and there was 1 independent winner. Among the salient issues raised by stakeholders concerning the results were the high number of voters turned away, 304,980 or 8.7% of total participating voters, as well as the high number of assisted voters, 206,901 or 5.9% of total participating voters. The Zimbabwe Electoral Commission attributed the number of potential voters who were turned away to lack of proper identification documents and non-appearance of the names of the affected individuals on the Voters' Roll. Regarding assisted voters, ZEC explained the figure mainly in terms of a large turnout of the elderly and the physically challenged.

5.16.3 Election-Related Petitions

The Post-Election Mission noted that although the president of MDC-T, Morgan Tsvangirai, did not follow-through on his pre-election threat to undertake parallel tabulation of election results and announce the results in violation of the law which makes announcement of election results the preserve of ZEC, the MDC-T convened a press conference on 1st August 2013, before the Presidential Election results were officially announced by ZEC, and pronounced the elections as "a farce" and "a massive fraud" and vowed not to accept the outcome.

The MDC-T also demanded a forensic audit of the election results, the Voters' Roll and those that were turned away and did not vote. Subsequently, MDC-T challenged the results of the Presidential Vote in the Constitutional Court. The MDC-T also lodged a parallel petition at the Electoral Court seeking to compel ZEC to provide it with some election materials it said was necessary evidence for its petition of the Presidential vote. There were also reports that the MDC-T would challenge about 100 National Assembly seats that were

won by ZANU (PF).

The MDC-T petition at the Electoral Court seeking to compel ZEC to release electoral materials used during the 31st July 2013 Harmonised Elections was unsuccessful.

The MDC-T later withdrew its case before the Constitutional Court citing failure to access electoral materials from ZEC, which materials were supposedly meant to be the main evidence to support its petition of the Presidential vote at the Constitutional Court of Zimbabwe.

The Constitutional Court of Zimbabwe, however ruled that the MDC-T purported withdrawal of its petition of the outcome of the Presidential vote was a legal nullity as the court was of the view that a petition challenging the validity of a Presidential vote in terms of Article 93 of the Constitution was unique and could not be terminated through a withdrawal. The Constitutional Court went ahead and heard the case, dismissed it with costs and declared Robert Mugabe duly elected for the office of President of Zimbabwe paving way for inauguration of Mugabe as the President of Zimbabwe for the 7th term on 22 August 2013.

5.16.4 Media Coverage

The mass media was robust in its coverage of the post-election developments from the announcement of results to the non-acceptance of results by the MDC-T and its legal petitions. On opinion pieces, the media was polarised and biased, a continuation of the pre-election and election periods.

6. GOOD PRACTICES FROM THE 2013 ZIMBABWE HARMONISED GENERAL ELECTIONS

The Mission observed the following as good practices from the 2013 Zimbabwe Harmonised General Elections:

- i) A comprehensive constitutional and legal framework governing all aspects of the election which allowed for predictability, transparency and credibility in the way ZEC conducted the Zimbabwe 2013 Harmonised General Elections, as no room was left for guesswork by ZEC and election officials;
- ii) The procedure for the appointment of ZEC Chairperson and other Commissioners, which gives the Parliament an extensive role, as the supreme representative institution, thereby ensuring inclusiveness and transparency in the appointment of Electoral Commissioners;
- iii) Decentralised structure of ZEC provided for in the law, which allowed the Commission to effectively discharge its mandate working hand in hand with stakeholders at Constituency, District, Provincial and National levels.
- iv) Provision within the law for continuous voter registration in line with good electoral practice
- v) Assistance given to persons living with disabilities, the elderly and pregnant mothers during voting in order to ensure that they exercise their right to vote;
- vi) The provision in the Constitution for representation of people living with disabilities through reserved seats in the Senate;
- vii) The high number of polling stations some of which were composite polling stations with multiple voting streams to ensure that all voters are accorded a chance to conveniently exercise their democratic right to vote;
- viii) Nationwide civic and voter education by ZEC assisted by civil society organisations and political parties to generate awareness, interest in and knowledge on the voting process;
- ix) Professionalism and commitment to duty demonstrated by the electoral staff who worked under

- pressure for long hours in view of the limited time given to ZEC to prepare for and manage the elections;
- x) The provision within the Constitution for speedy resolution of petitions relating to the Presidential Election within 14 days by the Constitutional Court and the electoral legislation for the establishment of an Electoral Court to ensure speedy resolution of other electoral appeals in line with good practice;
- xi) The use of translucent ballot boxes to aid transparency and credibility of the voting process;
- xii) Counting of ballots at each of the polling stations in the presence of party and candidates' agents and observers, the signing of polling station returns by electoral officials, party agents, and observers as well as the posting of the returns outside every polling station before availing the signed copies to observers on request, in order to increase transparency;
- xiii) The legal requirement for the announcing of the election outcome within five days to avoid suspicion and anxiety among stakeholders which may lead to conflict;
- xiv) The Gazetting of the polling day, 31st July 2013, as a public holiday to enable as many Zimbabweans as possible to exercise their democratic right to vote;
- xv) ZEC's general logistical preparedness and openness to engage stakeholders prior, during and post the 31st July 2013 Zimbabwe Harmonised General Elections;
- xvi) Various Constitutional and legal provisions aimed at ensuring gender parity in line with SADC Protocol on Gender and Development and the number of women in the Zimbabwe Electoral Commission including the Chairperson;
- xvii) Public denouncing of political violence by the leaderships of the main political parties as well as other stakeholders such as religious groups and civil society organizations, which culminated in the tranquil environment that prevailed before, during and after the elections;
- xviii) Establishment of Multi-Party Liaison Committees to handle political conflicts;
- xix) Continuous stakeholder-engagement and open communication with general public by ZEC;
- xx) Constitutional provision limiting State Presidents to not more than two terms in office in line with good democratic practice; and
- xxi) Provision in the law for campaigns to stop 24 hours before voting day in order to calm the political environment before voting;

7. AREAS FOR IMPROVEMENT

- i) Need for ZEC to carry out further research and engage stakeholders on the conducting of the special voting exercise under Zimbabwe's mixed electoral system with a view to ensure that the logistical challenges that manifested during the 2013 special voting process do not repeat themselves in future elections;
- ii) Need to ensure that copies of the final Voters Roll are availed to stakeholders within reasonable time and in their preferred formats in accordance with the law;
- iii) Need to ensure that ZEC receives adequate funding for its electoral activities at least three months before any election in order to allow the Commission enough time to prepare and put logistics in place for flawless and credible elections;
- iv) Need to broaden the composition of Multi-Party Liaison Committees to include other critical stakeholders such as the Police, the Media and Civil Society in order to strengthen the liaison committees' ability to resolve conflicts;
- v) Need to amend electoral legislation to provide for the establishment of permanent stakeholder liaison committees capable of resolving political conflicts at any time rather than only during Election and Referendum periods;
- vi) Need to ensure balanced, fair and equitable coverage of electoral issues by the mass media, especially the public media as it is funded from public resources;
- vii) Need to avoid use of polythene papers in constructing polling stations as they yield to bad weather thereby disrupting electoral processes which may end up affecting the credibility of the votes;

- viii) The need for the Voters' Roll to be polling station-based to reduce the need to print ballot papers in excess of the registered voters;
- ix) The need for the continuous cleaning up the Voters Roll to ensure that it is up to date and discontinue the use of voter registration certificates by citizens which present potential for abuse;
- x) ZEC should be overall be in charge of the development, updating, printing and distribution of the Voters Roll;
- xi) There is need for the election date to be provided for in the law in order to avoid disputes relating to its determination; and
- xii) There is need for mechanisms to be established for allowing Zimbabweans living abroad to vote.

8. MISSION'S OVERALL ASSESSMENT OF THE 2013 ZIMBABWE HARMONISED ELECTIONS

Based on its overall findings, the Mission is of the view that there existed a generally conducive and peaceful environment in which the elections were conducted. Notwithstanding the challenges and observations made thereto, Zimbabweans were mostly accorded the opportunity to freely express their will in voting for political parties and representatives of their choice.

The SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections is, therefore, of the view that the 2013 Zimbabwe Harmonised General Elections were, on the whole, a credible reflection of the will of the people of Zimbabwe. Accordingly, the Mission declares the 2013 Zimbabwe Harmonised General Elections as having been free and fair.

In Conclusion, the SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised Elections extends its hearty commendation to Zimbabwe's Political Leadership, the Zimbabwe Electoral Commission (ZEC), the People of Zimbabwe and other critical stakeholders for the mature, peaceful and progressive way they conducted themselves prior, during and post the 2013 Zimbabwe Harmonised General Elections.

9. APPENDIX 1: 2013 ZIMBABWE HARMONISED ELECTIONS RESULTS

1. APPENDIX 1: 2013 ZIMBABWE HARMONISED ELECTIONS RESULTS

2013 Zimbabwe Presidential Election Results

NAMES OF CANDIDATES	POLITICAL PARTY	TOTAL VOTES RECEIVED	% OF VOTES CAST
1. Robert Mugabe	ZANU (PF)	2,110,434	60,64%
2. Morgan Tsvangirai	MDC-T	1,172,349	33,69%
3. Welshman Ncube	MDC	92,637	2,66%
4. Dumiso Dabengwa	ZAPU	25,416	0.73%
5. Kisinoti Mukwazhi	NDP	9,931	0.29%
Spoilt Votes		69,280	2%
Total Votes Cast		3,480,047	100%

2013 Zimbabwe National Assembly Constituency based Seats Election Results (FPTP)

POLITICAL PARTY	NUMBER OF WINING CANDIDATES
INDEPENDENT	1
MDC-T	49
ZANU (PF)	160
TOTAL	210

2013 Zimbabwe National Assembly Party List based Seats Election Results (PR)

PROVINCE	MDC	MDC-T	ZANU (PF)
Bulawayo	1	4	1
Harare	0	3	3
Manicaland	0	2	4
Mashonaland Central	0	1	5
Mashonaland East	0	1	5
Mashonaland West	0	1	5
Masvingo	0	2	4
Matebeleland North	0	3	3
Matebeleland South	1	2	3
Midlands	0	2	4
Totals	2	21	37

Consolidated 2013 Zimbabwe National Assembly Election Results

POLITICAL PARTY	NUMBER OF WINING CANDIDATES	PERCENTAGE OF SEATS IN THE NATIONAL ASSEMBLY
INDEPENDENT	1	0.37%
MDC	2	0.74%
MDC-T	70	25.93%
ZANU (PF)	197	72.96%
TOTAL	270	100%

2013 Zimbabwe Senatorial Party List based Seats Election Results (PR)

PROVINCE	MDC	MDC-T	ZANU (PF)
Bulawayo	1	4	1
Harare	0	3	3
Manicaland	0	2	4
Mashonaland Central	0	1	5
Mashonaland East	0	1	5
Mashonaland West	0	1	5
Masvingo	0	2	4
Matebeleland North	0	3	3
Matebeleland South	1	2	3
Midlands	0	2	4
Totals	2	21	37

2013 Zimbabwe Provincial Council Party List based Seats Election Results (PR)

PROVINCE	MDC	MDC-T	ZANU (PF)
Manicaland	0	4	6
Mashonaland Central	0	1	9
Mashonaland East	0	2	8
Mashonaland West	0	2	8
Masvingo	1	2	7
Matebeleland North	1	5	4
Matebeleland South	1	3	6
Midlands	0	3	7
Totals	3	22	55

Source: Zimbabwe Electoral Commission (ZEC)

10. APPENDIX 2: SADC PF ELECTION OBSERVATION MISSION INTERIM STATEMENT

INTERIM MISSION STATEMENT

BY THE SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION
TO THE 2013 ZIMBABWE HARMONISED GENERAL ELECTIONS
HELD ON 31ST JULY 2013

DELIVERED BY
HONOURABLE DR SITUMBeko MUSOKOTWANE, MISSION LEADER AND MEMBER OF PARLIAMENT OF THE NATIONAL ASSEMBLY OF ZAMBIA ON SATURDAY 3 AUGUST 2013 AT
CRESTA LODGE IN MSASA, HARARE

SALUTATIONS

- Fellow Honourable Members of the SADC PF Mission;
- The Zimbabwe Electoral Commission(ZEC);
- Esteemed Leaders of the Political Parties;
- Members of the Diplomatic Corps;
- Members of Civil Society Organisations;
- Esteemed Members of various Election Observation Missions;
- Media Representatives;
- Distinguished Guests;
- Ladies and Gentlemen

I am deeply honoured to welcome you all to this press conference on the presentation of the SADC Parliamentary Forum Election Observation Mission Interim Statement on the 2013 Zimbabwe Harmonised General Elections.

1. INTRODUCTION

Following an invitation by the Zimbabwe Electoral Commission (ZEC), the Southern African Development Community Parliamentary Forum (SADC PF), constituted an Election Observation Mission to observe the 31st July 2013 Harmonised General Elections in Zimbabwe. The 60-Member Mission was in the country from 11th July 2013 to 4th August 2013. It was composed of Members of Parliament and staff from SADC Parliaments as well as officials from SADC PF's Secretariat. The Mission was comprised of male and female Members of Parliament from both the ruling and opposition political parties from Angola, Botswana, Lesotho, Namibia, Malawi, Mauritius, Seychelles, South Africa, Swaziland, Tanzania and Zambia, and was led by Honourable Dr Situmbeko Musokotwane, a Member of Parliament from Zambia.

The 31st July Zimbabwe Harmonised General Elections were historic as they were held under a new

Zimbabwe Constitution which was developed and adopted by the Government of National Unity (GNU) that was formed under the SADC-mediated Global Political Agreement (GPA) and was accepted by the people of Zimbabwe in a Referendum. The successful holding of the 2013 Zimbabwe Harmonised Elections confirms the practical plausibility of the philosophy of African Solutions to African challenges.

The 2013 Zimbabwe Harmonised General Elections Observation Mission is the 30th Observation Mission to be deployed by SADC PF since 1999 when the Forum started observing elections in SADC Member States. Previously, the SADC PF observed the following elections: Mozambique and Namibia (1999); Mauritius, Zimbabwe and Tanzania (2000); Zambia (2001); Zimbabwe and Lesotho (2002); Malawi, South Africa, Botswana, Namibia and Mozambique (2004); Mauritius and Tanzania (2005); Zambia, DRC and Madagascar (2006); Lesotho (2007); Malawi, South Africa, Botswana, Mozambique and Namibia (2009), Mauritius (2010), Zambia (2011), Lesotho (2012), Angola (2012) and Zimbabwe Constitution Referendum (2013).

The purpose of this Interim Statement is to share with ZEC and other stakeholders, the Mission's Observations, Findings and Recommendations, which are aimed at strengthening and improving the credibility, professionalism and integrity of the electoral processes in the country and the entire SADC Region. A more detailed Final Report will be compiled and published within 90 days from the date of this Interim Statement.

2. TERMS OF REFERENCE

In undertaking its Election observation work, the SADC PF's Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections was guided by the following terms of reference which are premised on the Forum's Norms and Standards for Elections in the SADC Region and the SADC Principles and Guidelines for Democratic Elections:

- i) Assess the extent to which the Elections were conducted in line with Zimbabwe's constitutional and legal framework and whether the framework is consistent with the Norms and Standards for Elections in the SADC Region and the SADC Principles and Guidelines for Democratic Elections;
- ii) Assess the contextual factors, that is, historical, political, economic, social and human rights, that are likely to impinge upon the integrity, transparency, freeness and fairness as well as the overall credibility and legitimacy of the Elections;
- iii) Assess the impartiality, efficiency and effectiveness of the Zimbabwe Electoral Commission in the management of all aspects of the electoral process;
- iv) Make an honest, independent, impartial and objective assessment of the extent to which conditions existed for Zimbabweans to freely express their will in selecting their chosen political representatives;
- v) Assess special provisions and facilities put in place to enable voting by the people with disabilities, sick, expecting mothers, citizens living abroad and public servants on duty;
- vi) Identify and document some good practices on the Election process and make recommendations on areas that require improvement in order to enhance the management of the electoral process, thereby strengthening democracy in Zimbabwe and the SADC Region as a whole; and
- vii) Produce a comprehensive Final Report detailing the entire electoral process including strengths and areas of improvement for sharing with stakeholders and for informing relevant reforms to address the identified shortcomings.

3. DEPLOYMENT PLAN

The Mission deployed a total of 15 Teams, with at least a Team in each of the country's 10 Provinces,

The SADC Parliamentary Forum is a Regional inter-parliamentary forum that was established in 1996 and was approved by the SADC Summit as a consultative and deliberative body in accordance with Article 9 (2) of the SADC Treaty. It is composed of 14 National Parliaments, namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe

The Mission Leader of the SADC PF's Mission was initially His Royal Highness Honourable Prince Guduza Dlamini, the Speaker of the National Assembly of the Kingdom of Swaziland but could not make it due to commitments in Swaziland.

from 14th July, 2013 to 1st August, 2013. The SADC PF Election Observation Teams were deployed to the Provinces of Bulawayo, Harare (two teams), Manicaland (two teams), Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo (two teams), Matebeleland North, Matebeleland South and Midlands (two teams). The Mission's deployment plan is as shown in the table below:

	Deployment Plan		
PROVINCE COVERED	TEAM MEMBERS	GENDER	COUNTRY
HARARE	TEAM 1 1. Hon. Henry MUSSA – <i>Team Leader</i> 2. Hon. Mampho MOKHELE 3. Mr Redman JOSIAH – <i>Staff</i>	M F M	Malawi Lesotho Botswana
HARARE	TEAM 2 1. Hon. Adv. Sango Patekile HOLOMISA - <i>Team Leader</i> 2. Hon. Philip KHWAE 3. Ms Stella MLAMBO – <i>Staff</i>	M M F	South Africa Botswana Tanzania
BULAWAYO	TEAM 3 1. Hon. Dr Situmbeko MUSOKOTWANE – <i>Deputy Mission Leader</i> 2. Hon. Lonnie Chijere CHIRWA 3. Ms Ndahafa KAUKUNGUA – <i>Staff</i>	M F F	Zambia Malawi Namibia
MIDLANDS	TEAM 4 1. Hon. Agnes LIMBO - <i>Team Leader</i> 2. Hon. Augustino Manyanda MASELE 3. Mr Leonard MENGEZI – <i>Staff</i>	F M M	Namibia Tanzania Malawi
MIDLANDS	TEAM 5 1. Hon. Mwambwa Gertrude M. IMENDA - <i>Team Leader</i> 2. Hon. Alekeni Wodala MENYANI 3. Mr Mpendulo NGCAMPHALALA – <i>Staff</i>	F M M	Zambia Malawi Swaziland
MASVINGO	TEAM 06 1. Hon. Fidelis M.M. MOLAO - <i>Team Leader</i> 2. Hon. Thuwayba Idris MUHAMMED 3. Mr Adam SALMON – <i>Staff</i>	M F M	Botswana Tanzania South Africa
MASVINGO	TEAM 08 1. Hon. Alexia Manombe NCUBE - <i>Team Leader</i> 2. Mr Lusakalalu PEDRO – <i>Staff</i> 3. Mr. Munjandi Tjahungu ISAKA, <i>Staff</i>	F M M	Namibia SADC PF Secretariat Namibia
MASHONALAND WEST	TEAM 09 1. Hon. Masizole MNQASELA - <i>Team Leader</i> 2. Hon. Agnes N. PENUMULUNGU 3. Ms Bibi Fazillah ABDOL RAMAN – <i>Staff</i>	M F F	South Africa Malawi Mauritius
MASHONALAND CENTRAL	TEAM 10 1. Hon. Glad Chembe MUNTHALI - <i>Team Leader</i> 2. Ms Catherine ZULU- <i>Staff</i>	M F	Malawi Zambia
MASHONALAND EAST	TEAM 11 1. Hon. Mutobwe Moono Phales LUBEZHI - <i>Team Leader</i> 2. Hon. Selemeni Said JAFO 3. Mr Michel MWEZA - <i>Staff</i>	F M M	Zambia Tanzania SADC PF Secretariat
MANICALAND CHIPINGE	TEAM 12 1. Hon. Elifas DINGARA - <i>Team Leader</i> 2. Hon. Macaefa BILLY 3. Ms Clare MUSONDA - <i>Staff</i> 4. Mr. Victor Paulo dos Santos FERNANDES - <i>Staff</i>	M M F M	Namibia Lesotho Zambia Angola
MANICALAND	TEAM 13 1. Hon. Sylvianne Marie-Antoinett VALMONT - <i>Team Leader</i> 2. Hon. Francisco Castro MARIA 3. Mr Thabo Paul TSASANYANE - <i>Staff</i>	F M M	Seychelles Angola Lesotho
MATEBELELAND SOUTH	TEAM 14 1. Hon. Maxas Joel Bweupe NG'ONGA - <i>Team Leader</i> 2. Hon. Leticia Mageni NYERERE 3. Mr Leonard TILINGAMAWA – <i>Staff</i>	M F M	Zambia Tanzania Malawi
MATEBELELAND NORTH	TEAM 15 1. Hon. Fredrick KAMWANGALA - <i>Team Leader</i> 2. Hon. Maria Isabel MALUNGA 3. Mr. Jossey Steven MWAKASYUKA - <i>Staff</i> 4. Mr Jeremias André dos SANTOS - <i>Interpreter</i>	M F M M	Malawi Angola Tanzania Angola
SECRETARIAT	1. Dr Esau CHIVIYA - <i>Secretary General</i> 2. Mr Sheuneni KURASHA – <i>Mission Coordinator</i> 3. Ms Agnes Milinga LILUNGWE - <i>PA to the Secretary General/Mission Secretary</i> 4. Mr Mahendrasing KHOBLALL – <i>Director of Finance</i> 5. Mr Unaro MUNGENDJE – <i>Protocol Officer</i> 6. Mr Tawanda MUBVUMA - <i>Rapporteur</i> 7. Ms Rudo N.E. DOKA – <i>Local Support Staff</i> 8. Evans Gorogodo – <i>Local Support Staff</i>	M M F M M M F M	

4. OBSERVATION METHODOLOGY

The Mission Teams pursued a variety of information gathering methods and strategies, which included review of the constitutional and legal framework governing elections in Zimbabwe, consultative discussions with key electoral stakeholders such as ZEC, political parties, civil society organisations, and the general electorate in the country's 10 Provinces, attending political campaign rallies, witnessing door-to-door campaigns by political parties and regular perusal of the print media and observation of television news and listening to radios in terms of news and political campaign adverts. The Mission also interacted with other Election Observation Missions such as the SADC Election Observation Mission (SEOM), the African Union Election Observation Mission (AUEOM), Common Market for Eastern and Southern Africa Mission (COMESA) and Electoral Commissions Forum of SADC (ECF-SADC), in order to exchange information and observations. The Mission also met with the SADC Ambassadors based in Harare. In addition, the Mission interacted with other critical stakeholders such as the media and the academia. These various methods enabled the Mission to gather comprehensive information and to critically assess the manner in which the 2013 Zimbabwe Harmonised General Elections were conducted. During their deployment in the country's 10 Provinces, the Mission's Teams visited all of the country's Districts, 172 of the country's 210 National Assembly constituencies and 260 of the 9,735 Polling Stations established for the 2013 Zimbabwe Harmonized General Elections.

The Mission's observation process was anchored on the constitution and legal framework governing elections in Zimbabwe as well as a range of Regional and international electoral instruments including the Norms and Standards for Elections in the SADC Region, the SADC Principles and Guidelines for Democratic Elections, the SADC Protocol on Gender and Development, and the Benchmarks for Democratic Legislatures in Southern Africa. The global Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, to which SADC PF is party, were also useful references for the Mission.

5. GUIDING PRINCIPLES AND POINTS OF ENQUIRY

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

The specific points of enquiry for the Mission focused on the following:

- i) Political environment
- ii) Constitutional and legal framework;
- iii) Civic and voter education;
- iv) The state of the Voters Roll;
- v) Participation of women and youths as voters and election officials;
- vi) Preparation and distribution of voting materials;
- vii) Adequacy and location of polling stations;
- viii) Polling arrangements;
- ix) Counting of ballot papers, tabulation and verification of results;
- x) Use of information and communication technologies (ICTs);
- xi) Conflict resolution mechanisms;
- xii) Media coverage of the entire election process and related events;
- xiii) Conduct of the campaign process;

- xiv) Conduct of stakeholders;
- xv) Good practices from the 2013 Zimbabwe Harmonised General Elections ;
- xvi) Areas of improvement; and
- xvii) Overall Mission Assessment of the entire election process.

6. MISSION FINDINGS

6.1 Political Background

The Mission noted that following an inconclusive Presidential Run-off Election in June 2008, Zimbabwean Political Parties with representation in Parliament formed a Government of National Unity (GNU) in February 2009 under SADC-mediated Global Political Agreement (GPA), which was signed on 15 September 2008. The GNU was charged with two main objectives, among others, namely stabilisation of the Zimbabwean economy and institution of collectively owned democratic reforms geared at taking Zimbabwe towards a more credible and conclusive general election.

The SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections is pleased to note that over the last five years, following the signing of the GPA and the formation of the Government of National Unity, the Government and People of Zimbabwe have, within the context of SADC mediation, agreed on and effected a raft of democratic reforms which included far reaching electoral and human rights reforms and most importantly a new Zimbabwe Constitution which was overwhelmingly endorsed by the Zimbabwean electorate during the 16th March 2013, Zimbabwe Constitution Referendum.

The Mission further noted that, the aforementioned reforms have already started paying democratic dividends by enhancing participation of the Zimbabwean public in the governance of their country as was evidenced by among other developments, the case of a private citizen approaching the Constitutional Court of Zimbabwe to assert his democratic and constitutional right to compel the Government to announce the date of elections. The Mission further observed that the challenge led to the Constitutional Court's ruling ordering the Zimbabwean President to proclaim an election date for Zimbabwe's Harmonised Elections to be held on or before 31st July 2013. It was also noted that the President of the Republic, in compliance with Constitutional Court of Zimbabwe Judgement CCZ 1/13 of 31 May 2013, proclaimed 28 June as the date for nomination of candidates by the Nomination Courts and 31 July 2013 as the date for the Harmonised General Elections, through Statutory Instrument 86 of 2013.

The Mission also noted the intense debate generated by the Constitutional Court's ruling on election dates as well as the resultant Presidential proclamation on election dates within and outside Zimbabwe, including the SADC Summit of 16 June 2013, which "agreed on the need for the Government of Zimbabwe to engage the Constitutional Court to seek for more time beyond 31 July 2013 deadline for holding the Harmonized General Elections." The SADC PF Election Observation Mission further noted the various representations and litigations by stakeholders opposed to the proclamation of election date of 31st July, leading to the 4th July 2013 ruling by the Constitutional Court upholding 31st July 2013 as the date for the Harmonised Elections.

Notwithstanding the various views, representations and concerns expressed by different Zimbabwean and non-Zimbabwean stakeholders following Constitutional Court Judgement CCZ 1/13, and the consequential proclamation of July 31st 2013 as the Election date for the 2013 Zimbabwe Harmonised General Elections,

the SADC PF Election Observation Mission commends all stakeholders within and outside Zimbabwe for respecting and complying with the final ruling of the Constitutional Court of Zimbabwe on the election date. This augurs well for the principle of respecting the rule of law, itself a cornerstone of democracy in any country.

Overall, the Mission commends the Government and People of Zimbabwe for the patience, political tolerance and general maturity with which they have worked together since 2008, within and outside the Government of National Unity, to bring to fruition a number of negotiated electoral and constitutional reforms which went a long way towards creating the generally peaceful and conducive electoral and political environment within which the 2013 Zimbabwe General Harmonised Elections were held.

Furthermore, the Mission noted with commendation, the decisive role played by SADC in helping the people of Zimbabwe find common political ground through the facilitation of negotiations led by South Africa, resulting in the historic signing of the Global Political Agreement on 15 September 2008 and the consequent formation of the Government of National Unity in February, 2009, which, spearheaded the implementation of agreed democratic reforms including electoral and constitutional reforms.

6.2 The Constitutional and Legal Framework

The Mission found out that the constitutional and legal framework governing Elections in the Republic of Zimbabwe is based on the following legal instruments:

- i) The Constitution of Zimbabwe as Gazetted through Constitution Amendment (No. 20) Act of 22 May 2013;
- ii) Electoral Act [Chapter 2:13] as last amended on 13 June, 2013 through Statutory Instrument 85 of 2013;
- iii) Electoral Regulations, 2005 Statutory Instrument 21 of 2005;
- iv) Electoral (Accreditation of Observers) Regulations, 2013 Statutory Instrument 89 of 2013;
- v) Electoral (Nomination of Candidates) Regulations, 2013 Statutory Instrument 88 of 2013;
- vi) Electoral (Special and Postal Voting) Regulations, 2013 Statutory Instrument 84 of 2013; and
- vii) Electoral (Voter Registration) Regulations, 2013 Statutory Instrument 69 of 2013.

The Constitution of the Republic of Zimbabwe provides for the protection of citizens' fundamental rights and liberties which include freedom of expression, freedom of assembly and association, freedom of movement, freedom of conscience and religious belief, as well as freedom to participate in elections. Article 58 of the Zimbabwean Constitution provides for the freedom of Assembly and Association and Article 61 provides for Freedom of expression and freedom of the media. Article 66, subsection 2 (a) of the Constitution of Zimbabwe safeguards the citizens' right to move freely within Zimbabwe while Article 67 provides for the political rights of Zimbabweans including:

- i) The right to free, fair and regular elections;
- ii) The right to form, to join and to participate in the activities of a political party or organisation of their choice;
- iii) The right to campaign freely and peacefully for a political party or cause;
- iv) The right to participate individually or collectively, in gatherings or in any manner, in peaceful activities to influence, challenge or support the policies of Government or any political or whatever cause;
- v) The right to vote in all elections and referendums and to do so in secret in accordance with the Law; and
- vi) The right to stand for election for public office and if elected to hold such office.

The Mission is of the view that the afore-described rights and freedoms were generally respected and exercised without undue hindrance prior, during and post the Zimbabwe 31st July 2013 Harmonised General Election.

Article 155 of the Constitution of Zimbabwe provides for the principles of electoral system applicable in Zimbabwe, which include the holding of regular free and fair elections and, where applicable, referendums conducted by secret ballot, based on universal adult suffrage and equality of votes and free from violence and other electoral malpractices. Article 156 of the Constitution provides broad guidelines for the conduct of elections and referendums in Zimbabwe and confers upon the Zimbabwe Electoral Commission the constitutional obligation to ensure that:

- i) Whatever voting method used is simple, accurate, verifiable, secure and transparent;
- ii) The results of the election or referendum are announced as soon as possible after the close of polls;
- iii) Appropriate systems and mechanisms are put in place to eliminate electoral violence and other electoral malpractices; and
- iv) Electoral materials are safely kept.

Furthermore, the Mission noted that in accordance with Article 157 of the Constitution of Zimbabwe, the Electoral Act, together with the various electoral regulations issued in terms of the Act, provides for:

- i) The periodic delimitation of constituencies and wards;
- ii) Registration of voters, and requirements for registration on particular voters' rolls;
- iii) A code of conduct for political parties, candidates and other persons participating in elections and referendums;
- iv) A system of proportional representation for the election of persons to the seats in Senate and seats reserved for women in the National Assembly and the procedure for filling vacancies in those seats;
- v) The election of representatives of persons with disabilities to the Senate;
- vi) The conduct of Presidential, Senatorial, National Assembly Provincial and Metropolitan Council and Local Government Elections in Zimbabwe; and
- vii) Mechanism for resolution of election related disputes as well as challenging electoral outcomes.

The Mission noted that section 110 of the Electoral Act stipulates that a presidential candidate ought to have garnered at least more than 50 percent of the votes cast (50% + one vote) to be duly elected, otherwise a run-off must take place at a time prescribed by the President. For all other directly elected seats, a person ought to have received a simple majority of the votes cast. Further, the law compels the Zimbabwe Electoral Commission to announce election results within 5 days.

The Mission noted that for the 2013 Zimbabwe Harmonised General Elections, as the first elections under the new Zimbabwe Constitution, Part three of Sixth Schedule on the Constitution provides for the elections to be held within the context of provincial, constituency and ward boundaries that were in existence immediately prior to the enactment of the new constitution on 22nd May 2013. Article 6 of Sixth Schedule of the Constitution provides for the continued use of the Voters' Roll that was lawfully in existence prior to the enactment of the new Constitution and further obligated the Registrar General of Voters, under the supervision of the Zimbabwe Electoral Commission, to conduct a special and intensive voter registration and Voters' Roll inspection exercise for at least thirty days after the publication of the new Constitution. Furthermore, the Mission noted that Article 14 of the Sixth Schedule of the Constitution of the Republic of Zimbabwe makes a special provision for the election of and tenure of the first President of Zimbabwe and appointment of Vice Presidents under the new Zimbabwean constitution. In addition, the Mission noted

that Article 15 of the sixth Schedule of Zimbabwe Constitution provides for the incumbent President, Vice President(s), Prime Ministers, Deputy Prime Ministers, Ministers and Deputy Ministers to remain in their respective offices until the effective date when the first President assumes office under the new Zimbabwean Constitution.

The Mission is, therefore, of the view that the constitutional and legal framework governing Elections in Zimbabwe augurs well for the conduct of free, fair, transparent and credible elections.

6.3 The Zimbabwe Electoral Commission (ZEC) and Election Administration

The Zimbabwe Electoral Commission (ZEC) is established in terms of Articles 238 to 241 of the Constitution of the Republic and the Electoral Act [Chapter 2:13], as the sole body responsible for the preparation, conduct and supervision of Elections and Referendums in Zimbabwe. The Zimbabwean Constitution expressly charges ZEC with the responsibility to ensure that Elections and Referendums in Zimbabwe are conducted efficiently, freely, fairly, transparently and in accordance with the law.

As is stipulated by Article 238(1) of the Constitution of Zimbabwe, the ZEC comprises a Chairperson appointed by the President of the Republic after consultation with the Judicial Service Commission and the Committee on Standing Rules and Orders of the Parliament of Zimbabwe and eight other Members appointed by the President from a list of not fewer than 12 nominees submitted by the Committee on Standing Rules and Orders of Parliament.

The Constitution further stipulates that the Chairperson of the Zimbabwe Electoral Commission must be judge, a former judge or a person qualified for appointment as a judge. Members of the Commission are appointed for a term of six years renewable only once and are appointed on the basis of their integrity, experience and competence in the conduct of affairs in the public or private sector. The Mission also noted that Article 239 of the Constitution of Zimbabwe exhaustively stipulates the functions of the Zimbabwe Electoral Commission.

The SADC PF Mission observed that that section 8 of the Electoral Act provides for ZEC to operate on a decentralised organisational structure with representation at National, Provincial and District levels, in order to ensure that the Commission effectively discharges its mandate.

The Mission noted the provisions of Article 235 of the Constitution regarding independence of Commissions including the Zimbabwe Electoral Commission and the extensive provisions of sections 10A and 11 of the Electoral Act meant to guarantee the independence of the Zimbabwe Electoral Commission and ensure the independence, impartiality and professionalism of Commissioners, staff and agents of the Commission.

The Mission however observed that both the Electoral Act and the new Zimbabwean Constitution are not explicit on the need for the Executive Arm of Government to ensure that the Commission is availed with the requisite resources needed to ensure the organisation and conduct of a free and fair election.

Most of the electoral stakeholders who interacted with the Mission and its Teams expressed confidence in the independence, impartiality, openness, transparency and capacity of ZEC to organise and conduct a credible election. However, the Mission noted the concerns raised by some political parties and other stakeholders regarding the very limited time frame within which the Zimbabwe Electoral Commission had

to prepare for and conduct the 2013 Zimbabwe Harmonised General Elections following the ruling by the Constitutional Court on election date and the consequent proclamation by the President of July 31st as the day for the Elections. Furthermore, stakeholders raised concerns on the failure by the Treasury to timeously avail funds to ZEC to organise the elections in light of the tight electoral calendar.

Overall, the Mission is of the view that the legal framework within which ZEC is established and operates, generally augurs well for the independence and autonomous functioning of the Commission in line with the Norms and Standards for Elections in the SADC Region, the SADC Principles and Guidelines for Democratic Elections, and other continental and International Electoral Instruments.

The Mission noted the various challenges that affected the conduct of the Special Vote, including numerous litigations that arose from disputes on the outcomes of the Nomination Courts, which consequently hamstrung ZEC from designing, printing and distributing ballot papers before these cases were concluded by the courts. In addition, the Mission further noted that the logistical challenges also emanated from the technical and logistical complications of applying special vote in ward-based, First-Past-The-Post Electoral System, as opposed to National Party-List System, where all voters use the same ballot paper and can cast their vote in any part of the country.

The Mission observed that notwithstanding the limited timeframe and budget related constraints as well as the logistical challenges witnessed during special voting, ZEC was evidently prepared for the 31st July 2013 Harmonised General Elections. ZEC ensured the printing of 8.7 million ballot papers and procured election materials in time, carried out voter education programmes in collaboration with civil society organisations, and distributed both sensitive and non-sensitive voting materials to Constituency Centres and polling stations in the 10 Provinces of Zimbabwe. ZEC also trained electoral staff in time and was constantly consulting and communicating with electoral stakeholders throughout the process.

The Mission further observed that for the 2013 Zimbabwe Harmonised General Elections, the Zimbabwe Electoral Commission established 9,735 polling stations some of which were composite polling stations with multiple voting streams, throughout the 10 Provinces of Zimbabwe for the Harmonised General Elections and trained adequate polling staff. The officers were mainly drawn from the civil service, local authorities and other statutory bodies. Most of the polling stations were housed in schools, clinics, tents, churches and business centres and other publicly accessible places.

On the whole, the Mission commends the ZEC for the professional and efficient manner in which it prepared for and conducted the 2013 Zimbabwe Harmonised General Elections.

6.4 The Role of Security Forces

The Mission noted the role played by the Zimbabwe Republic Police in providing security to the electoral process prior, during and after the Election Day. The Mission is of the view that the security forces carried out their election related duties without interfering with the electoral processes. The Mission further observed that the Police were adequately prepared to perform their duties during the 2013 Zimbabwe Harmonised General Elections as evidenced by the presence of police officers at all the polling stations visited by the Mission's Election Observation Teams. The Mission further noted, with some notable exceptions in some instances, the openness and accessibility with which the police interacted and communicated with stakeholders including Observation Missions prior, during and post the 2013 Harmonised General Elections.

This also contributed to the general calm and peaceful environment that existed in the country prior during and post the 2013 Zimbabwe Harmonised General Elections.

6.5 Voter Registration

The Mission noted that section 17A of the Electoral Act provides for continuous voter registration in Zimbabwe during and outside election periods. The Mission also noted that Part 3 Article 6 (2) of the Sixth Schedule of the Constitution of Zimbabwe mandates the Registrar General of Voters, under the supervision of ZEC to conduct voter registration and compilation of the Voters' Rolls.

The Mission observed that voter registration for the 2013 Zimbabwe Harmonised General Elections was carried out in two phases. The first phase of voter registration commenced on 29 April and ended on 19 May 2013, lasting 21 days. During this period 204,000 voters were registered while at the same time, citizens had the opportunity to inspect the voters' roll and to transfer from one ward to another. The second exercise commenced on 10 June 2013 and ended on 9 July 2013, being a mandatory 30-day intensive voter registration exercise provided for under Part 3, Article 6 (3) of the sixth Schedule of the Constitution of Zimbabwe.

The Mission noted complaints raised by some stakeholders during the early stages of voter registration relating to stringent proof of residence requirements for registration and further noted that ZEC responded by relaxing the inhibitive requirement to allow as many Zimbabweans citizens of or above 18 years of age to exercise their right to register as voters in accordance with the law. Furthermore, stakeholders who interacted with the Mission's Teams raised concerns on the inadequacy of the targeted registration exercises which had potential to disenfranchise some prospective voters from registering as voters. The Mission was informed that by the end of the second phase of voter registration, Zimbabwe's total voter population stood at approximately 6.4 million voters, which is approximately 49% of Zimbabwe's population officially estimated at 12.9 million.

In view of the above, the SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections noted the need for adequate time to be provided for voter registration in order to give as many Zimbabweans as possible a chance to register as voters in order to exercise their democratic and constitutional right to elect their chosen political representatives.

6.6 Voters' Roll

The Mission noted that sections 20 to 22A of the Electoral Act provides for the nature of the Voters' Rolls, the forms in which the Zimbabwe Electoral Commission is supposed to keep the Voters' Rolls, the Inspection of Voters' Rolls and provision of copies to interested stakeholders including free copies to the nominated candidates and the need for the Zimbabwe Electoral Commission to ensure that appropriate Voters' Rolls are availed to respective polling stations. However, the Mission noted that the Voters Roll was not available on time for inspection by stakeholders. The Mission's interaction with ZEC revealed that the Commission faced challenges in finalising the Voters' Roll following the conclusion of the mandatory 30-day voter registration exercise on 10 July, 22 days before the election day, hence its delay in availing copies of the updated Voters' Roll within reasonable time as required by law.

6.7 Civic and Voter Education

The Mission found out that for the 2013 Zimbabwe Harmonised General Elections, the Zimbabwe Electoral Commission deployed at least two voter educators per ward, bringing the total number of voter educators engaged by ZEC for the 2013 Harmonised General Elections to 4,420. In addition, the Mission noted that ZEC accredited at least 24 civic society organisations whom they trained to provide voter education in line with voter education materials developed by ZEC. The Mission further noted with commendation that for the 2013 Harmonised General Elections, ZEC also produced Braille voter education materials in order to ensure that blind members of the Zimbabwean citizenry also had access to voter education.

The Mission observed that ZEC conducted voter education alongside the registration of voters during which period the main message was centred on encouraging and assisting citizens with information they needed to verify their voter registration status. The Mission further observed that towards the polling day, ZEC's voter education messages concentrated on voting process and procedures, including the nature of identity documents acceptable at polling stations and general issues regarding ZEC's management of the elections. The Mission, furthermore, witnessed ZEC's voter education initiatives in the form of advertisements and public notices in the mass media.

The Mission's Teams, while in the field, found out that political parties also conducted voter education through meetings and the mass media, targeting their party supporters.

Some members of the public who interacted with the Mission's Teams in remote areas throughout the country confirmed having received voter education on the elections through voter educators from either ZEC and its civil society partners or political parties' representatives.

6.8 Election Campaign

The Mission noted that campaigns for the 31st July 2013 Harmonised General Elections stretched from 13 June to 06:59 hours on 30 July 2013 in terms of the law. The campaigns expressed themselves in a multiplicity of forms, notably public rallies, door-to-door campaigns, and print advertisements in the mass media as well as the posting of campaign posters in various public places. The Mission also noted the exploitation of the internet and social media platform by politicians and activists in aiding political campaigns during the 2013 Zimbabwe Harmonised General Elections.

The Mission noted with commendation that the election campaigns were conducted in a calm, peaceful and electorally conducive atmosphere which enabled most stakeholders to freely express themselves in campaigning for or participating in the political activities of parties and candidates of their choice without undue hindrance. Stakeholders interviewed by the Mission's Teams attributed the general tranquillity to the unanimity of the message from the leaderships of the main political parties in calling on their supporters and members to campaign peacefully and the maturity of the Zimbabwean electorate. Furthermore, the campaigns were generally issue-based though on some occasions they became personal.

The Mission further noted the role played by musicians, church leaders and other community leaders in encouraging peace and tolerance prior, during and post the Zimbabwe 2013 Harmonised General Elections.

In view of the above the Mission extends its big commendation to Zimbabwean political parties and candidates who contested in the 2013 Harmonised General Elections and the people of Zimbabwe for the generally peaceful, friendly and politically mature and responsible manner in which they conducted

themselves during the campaign, voting and counting of ballots.

6.9 Media Coverage of the Elections

The Mission noted that media coverage of the elections by both the public and private media houses is regulated under Section 160K of the Electoral Act as well as Statutory Instrument 33 of 2008. The law, among other issues, obliges the media to:

- i) Give equitable and fair coverage to all political parties and candidates;
- ii) Be accurate, factual and fair in all election related reporting; and
- iii) Avoid promotion of messages encouraging violence, discrimination and hatred.

For the public media, the Mission noted that Section 4 of Statutory Instrument 33 of 2008 obliges all public broadcasters to afford all political parties and independent candidates unrestricted access to their broadcasting services in accordance with the law which prescribes that political parties and independent candidates contesting elections are treated equitably in the allocation of airtime for campaign advertising.

Further, the Mission observed that for the 2013 Zimbabwe Harmonised General Elections, ZEC accredited 887 foreign journalists and 444 local ones to cover the electoral process. The Electoral Commission also set up a Media Monitoring Committee to ensure ethical conduct by the Media in line with section 160K of the Electoral Act.

The Mission noted the robust and extensive coverage of election related issues by both the private and public print and electronic media as well as by the foreign media, which increased public awareness of the election.

The Mission, however, noted that in spite of the above-prescribed monitoring mechanism, the media remained acutely polarised in its coverage of the electoral issues and political parties. The public media was biased towards ZANU (PF) in its coverage while the privately owned and foreign media were biased towards MDC-T. Further, the Mission noted that there is greater obligation on the public media to provide equal and equitable coverage since it is funded by the public resources.

The Mission is of the view that irrespective of the undesirable state of polarisation of the media in Zimbabwe as observed during the 2013 Harmonised General Elections, the plurality of media houses in Zimbabwe aligned to each side of the mainstream political divide created a semblance of 'balance' as the political parties, candidates and electorate had access to information from various and opposing editorial angles.

The Mission, however, noted that circulation for most print media is largely restricted to urban areas and similarly, the Zimbabwe Broadcasting Corporation as well as the privately owned radio stations has constrained broadcasting reach, leaving most of the remote rural areas without access to the media.

6.10 Participation of Women and Youths in the 2013 Harmonised General Elections

For the 2013 Zimbabwe Harmonised General Elections, the Mission observed that of the five nominated Presidential candidates, there was no woman while out of the 853 candidates for the National Assembly, only 109 (13%) were women. However, the Mission noted with commendation the constitutional reservation of 60

House of Assembly seats for women elected through proportional representation as well as the mandatory alternate listing of women and men, starting with a woman, on party lists for election of candidates into the Senate under a system of proportional representation. The Mission also took note of Article 104 (4) on appointment of ministers and deputy ministers by the President whereupon the President must consider gender balance, among other considerations. The Mission is of the view that these constitutional provisions will go a long way in uplifting Zimbabwean women and the attainment of gender parity in Zimbabwe's democratic development in line the SADC Protocol on Gender and Development.

The Mission welcomed the fact that five of the nine Commissioners of the Zimbabwe Electoral Commission, including the Chairperson are women. Further, the Mission applauded the involvement of women and youths in conducting voter education and election campaigns and the fact that there were generally more women election officials at polling stations than men.

6.11 Conflict Resolution Mechanisms in Place

The Mission noted that Article 160B of the Electoral Act provides for the establishment of Multiparty Liaison Committees at local authority, constituency, district, provincial and national levels to hear and resolve any disputes, concerns and grievances relating to the electoral process. The Mission's Teams, while in the field, interacted with and witnessed the effectiveness of some of the Multi-Party Liaison Committees at various levels in resolving election related disputes and conflicts.

The Mission also noted with commendation the role played by the Joint Monitoring and Implementation Committee (JOMIC) in promoting peace prior, during and post the 2013 Zimbabwe Harmonised General Elections.

The Mission is of the view that the effectiveness of the Multiparty Liaison Committees could be strengthened by broadening the membership to include other stakeholders such as the police, the media and civil society representatives and also making the committees a permanent inter-electoral stakeholder conflict resolution framework, as opposed to constituting them just before elections.

6.12 Appeal Mechanisms in Place for the Elections

The Mission noted Article 93 of the Constitution of Zimbabwe provides for the mechanism for the lodging of petitions relating to the Presidential Election. The Constitution provides that all petitions relating to a Presidential Election should be lodged with the Constitutional Court within seven days (7) of official announcement of results. The law further compels the Constitutional Court to resolve such petitions within 14 days, during which period the incumbent President continues to hold office until the Court declares a winner, who must be sworn-in within 48 hours of that declaration.

Furthermore, the Mission noted that Part XXII of the Electoral Act provides for the establishment of an Electoral Court with exclusive jurisdiction to hear appeals, applications and petitions relating to elections other than the Presidential Election in Zimbabwe. In addition, the Mission noted that the Electoral Court has jurisdiction to review any decision of the Zimbabwe Electoral Commission or any other person made or purporting to have been made under the Electoral Act.

According to Law, an election petition may be presented within 14 days after the end of the period of the

election to which it relates and such a petition, which is signed by the respective petitioner(s), is lodged with the Registrar of the Electoral Court.

Furthermore, the Mission noted that the law obliges the Electoral Court to deal with appeals within a period of six months. In the event of the petitioner not being satisfied with the ruling of the Electoral Court, the law provides for a mechanism to appeal to the Supreme Court of Zimbabwe, which again has to resolve such an appeal within six months of registration.

The Mission is satisfied that the appeals mechanism in place is sufficient for the effective and speedy resolution of electoral petitions and disputes as it is in line with good practice.

6.13 Election Day, Voting and Counting

The Mission observed that most polling stations opened and closed at legislated times of 07:00 hours and 19:00 hours, respectively. At polling stations observed by the Mission's Teams, voters that were still in the voting queue by 19:00 hours were allowed to cast their votes in line with the law. At polling stations visited by the Mission's Teams, voting materials including ballot papers, copies of the voters' roll and indelible ink were available in adequate quantities and this allowed voting to proceed smoothly throughout the day. The Mission also noted the presence of Local and International Observers and the police at polling stations visited by the Mission's Teams.

The Mission however, noted that, although allowed by law, the use of voter registration certificates to vote even when one's name is not in the Voters Roll has potential to undermine the integrity and credibility of the electoral process. Similarly, some voters were turned away although they were in possession of the registration certificates issued on or before the 10th of July 2013, although ZEC later corrected the situation to allow such individuals to vote.

The Mission further observed that the voting process was conducted peacefully across the country, with no significant cases of disturbances. Furthermore, the Mission observed that the counting of ballot papers took place at the respective polling stations at the end of the voting process and was conducted in a peaceful and transparent manner, in most cases in the presence of observers and party agents.

The Mission also observed that all 260 polling stations visited by Mission's Teams in the 10 provinces of Zimbabwe were located in places readily accessible to the public, including persons living with disabilities.

At the close of voting, the Returning Officers at polling stations observed by the Mission's Teams transparently showed the completed polling station returns to fellow polling staff, political party and candidates' agents as well as observers present at the polling stations. The Returning Officers also allowed party agents to append their signatures to the polling station returns before posting copies of the returns on the outside of the respective polling stations. The Mission further noted that the Presiding Officers at Ward Collation Centres duly declared the results for Local Authority elections before transmitting the results to Constituency Collation Centres, where the winning National Assembly candidates were being declared. Furthermore, the law obliges Presiding Officers at Constituency Collation Centres to directly transmit Presidential Election results to the Chief Elections Officer at the National Collation Centres in Harare. In addition, National Assembly results from Constituency Collation Centres were transmitted to the Provincial Collation Centres which presided over the allocation of proportional representation seats for the Provincial

6.14 Overall Prevailing Political Environment During the Electoral Process

The SADC Parliamentary Forum Mission observed general peace, tranquillity, harmony and a high degree of political tolerance throughout the electoral process. The political environment was conducive for whoever wanted to vote to go and vote in peace and unimpeded. All this was attributed to the political leadership of the contesting political parties which preached a message of peace and unity throughout, which greatly facilitated free movement of people during the electoral process.

7. GOOD PRACTICES FROM THE 2013 ZIMBABWE HARMONISED GENERAL ELECTIONS

The Mission observed the following as good practices from the 2013 Zimbabwe Harmonised General Elections:

- i) A comprehensive constitutional and legal framework governing all aspects of the election which allowed for predictability, transparency and credibility in the way ZEC conducted the Zimbabwe 2013 Harmonised General Elections as no room was left for guesswork by ZEC and election officials;
- ii) The procedure for the appointment of ZEC Chairperson and other Commissioners which gives the Parliament an extensive role, as the supreme representative institution, thereby ensuring inclusivity and transparency in the appointment Electoral Commissioners;
- iii) Decentralised structure of ZEC provided for in the law, which allowed the Commission to effectively discharge its mandate working hand in hand with stakeholders at Constituency, District, Provincial and National levels.
- iv) Provision within the law for continuous voter registration in line with good electoral practice
- v) Assistance given to persons living with disabilities, the elderly and pregnant mothers during voting in order to ensure that they exercise their right to vote;
- vi) The provision in the Constitution for representation of people living with disabilities through reserved seats in the Senate;
- vii) The high number of polling stations some of which were composite polling stations with multiple voting streams to ensure that all voters are accorded a chance to conveniently exercise their democratic right to vote;
- viii) Nationwide civic and voter education by ZEC assisted by civil society organisations and political parties to generate awareness, interest in and knowledge on the voting process;
- ix) Professionalism and commitment to duty demonstrated by the electoral staff who worked under pressure for long hours in view of the limited time given to ZEC to prepare for and manage the 2013 Zimbabwe Harmonised General Elections;
- x) The provision within the Constitution for speedy resolution of petitions relating to the Presidential Election within 14 days by the Constitutional Court and the electoral legislation for the establishment of an Electoral Court to ensure speedy resolution of other electoral appeals in line with good practice;
- xi) The use of translucent ballot boxes to aid transparency and credibility of the voting process;
- xii) Counting of ballots at each of the polling stations in the presence party and candidates' agents and observers, the signing of polling station returns by electoral officials, party agents, and observers as

- well as the posting of the returns outside every polling station before availing the signed copies to observers on request, in order to increase transparency;
- xiii) The legal requirement for the announcing of the election outcome within five days to avoid suspicion and anxiety among stakeholders which may lead to conflict;
 - xiv) The Gazetting of the polling day, 31st July 2013, as a public holiday to enable as many Zimbabweans as possible to exercise their democratic right to vote;
 - xv) ZEC's general logistical preparedness and openness to engage stakeholders prior, during and post the 31st July 2013 Zimbabwe Harmonised General Elections;
 - xvi) Various Constitutional and legal provisions aimed at ensuring gender parity in line with SADC Protocol on Gender and Development and the number of women in the Zimbabwe Electoral Commission including the Chairperson;
 - xvii) Public denouncing of political violence by the leaderships of the main political parties as well as other stakeholders such as religious groups and civil society organizations which culminated in the tranquil environment that prevailed before, during and post-election;
 - xviii) Establishment of Multi-Party Liaison Committees to handle political conflicts; and
 - xix) Continuous stakeholder-engagement and open communication with general public by ZEC.

8. AREAS FOR IMPROVEMENT

- i) Need for ZEC to carry out further research and engage stakeholders on the conducting of the special voting exercise under Zimbabwe's mixed electoral system with a view to ensure that the logistical challenges that manifested during the 2013 special voting process do not repeat themselves in future elections;
- ii) Need to ensure that copies of the final Voters Roll are availed to stakeholders within reasonable time and in their preferred formats in accordance with the law;
- iii) Need to ensure that ZEC receives adequate funding for its electoral activities at least three months before any election in order to allow the Commission enough time to prepare and put logistics in place for flawless and credible elections;
- iv) Need to broaden the composition of Multi-Party Liaison Committees to include other critical stakeholders such as the Police, the Media and Civil Society in order to strengthen the liaison committees' ability to resolve conflicts;
- v) Need to amend electoral legislation to provide for the establishment of permanent stakeholder liaison committees capable of resolving political conflicts at any time rather than only during Election and Referendum periods;
- vi) Need to ensure balanced, fair and equitable coverage of electoral issues by the mass media, especially the public media as it is funded from public resources;
- vii) Need to avoid use of polythene papers in constructing polling stations as they yield to bad weather thereby disrupting electoral processes which may end up affecting the credibility of the votes;
- viii) The need for the Voters' Roll to be polling station-based to reduce the need to print ballot papers in excess of the registered voters;
- ix) The need for the continuous cleaning up the Voters Roll to ensure that it is up to date and discontinue the use of voter registration certificates by citizens which present potential for abuse;
- x) ZEC should be overall be in charge of the development, updating, printing and distribution of the Voters Roll;
- xi) There is need for the election date to be provided for in the law in order to avoid disputes relating to its determination; and

xii) There is need for mechanisms to be established for allowing Zimbabweans living abroad to vote.

9. MISSION’S OVERALL ASSESSMENT OF THE 2013 ZIMBABWE HARMONISED ELECTIONS

Based on its overall findings, the Mission is of the view that there existed a generally conducive and peaceful environment in which the elections were conducted. Notwithstanding the challenges and observations made thereto, Zimbabweans were mostly accorded the opportunity to freely express their will in voting for political parties and representatives of their choice.

The SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised General Elections is therefore of the view that the 2013 Zimbabwe Harmonised General Elections were, on the whole, a credible reflection of the will of the people of Zimbabwe. Accordingly, the Mission declares the 2013 Zimbabwe Harmonised General Elections as having been free and fair.

In Conclusion, the SADC PF Election Observation Mission to the 2013 Zimbabwe Harmonised Elections, extends its hearty commendation to Zimbabwe’s Political Leadership, the Zimbabwe Electoral Commission (ZEC), the People of Zimbabwe and other critical stakeholders for the mature and progressive way they conducted themselves prior, during and post the 2013 Zimbabwe Harmonised General Elections.

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SADC PARLIAMENTARY FORUM