



## **COMESA ELECTION OBSERVER MISSION TO THE 31 JULY 2013 HARMONISED ELECTIONS IN THE REPUBLIC OF ZIMBABWE**

### **PRELIMINARY STATEMENT**

#### **1. Introduction**

In response to an invitation from the Government of Zimbabwe, the Common Market for Eastern and Southern Africa (COMESA) deployed an Observer Mission to the 31 July 2013 harmonised elections.

The COMESA Observer Mission is led by Ambassador Bethuel Kiplagat and comprises twenty-seven observers drawn from COMESA Member States namely Ethiopia, Kenya, Malawi, Mauritius, Seychelles, Uganda and Zambia. The Mission also consists of other partners such as Civil Society Organisations accredited to COMESA and Regional Economic Communities.

The Mission's assessment of the 31 July 2013 harmonised elections is primarily based on the Constitution and other legislation governing elections in Zimbabwe. The assessment is also predicated on international principles and standards governing the conduct of democratic elections, including the United Nations Declaration of Principles for International Election Observation (2005) and the African Charter on Democracy Elections and Governance (2007).

The COMESA Observer Mission adopted a short-term observation methodology. This statement contains preliminary findings, recommendations and conclusions made by the Mission based on its observation, interaction with electoral stakeholders including the Zimbabwe Electoral Commission, political parties, civil society organisations, faith-based organisations, security agencies, the media, international and citizen observers present in Zimbabwe, among others. As the electoral process is still ongoing, this statement limits itself to the assessment made on the process up to the counting of results.

On 27 July 2013, ten teams of COMESA Observers were deployed to all the ten provinces of Zimbabwe. Each team was equipped with questionnaires as an aid for systematic collection of data on observation of the pre-polling activities, polling and counting processes.

## **2. Preliminary Findings**

The following are preliminary findings recorded by the Mission on the electoral process.

### **2.1 General Context**

The 31 July 2013 harmonised elections were the first to be held under a new constitutional dispensation in Zimbabwe. The COMESA Observer Mission takes cognisance of important electoral reforms that have been made to improve the electoral process in Zimbabwe. The new Constitution provides for principles and fundamental freedoms and rights which are necessary for the conduct of democratic elections. It also promotes the participation of women and people with disabilities in public leadership through introduction of quotas in the electoral system. Also noted by the Mission is the restoration of citizen and voting rights for “aliens”<sup>1</sup> in order to participate in elections.

The date of 31 July 2013 that was set for conducting the harmonised elections was occasioned by a Constitutional Court ruling, whose appeal for deferment was unsuccessful. The general perception drawn from a number of stakeholders whom the Mission interacted with was that the lead-time was not adequate for organising these polls.

The COMESA Observer Mission is satisfied with the general atmosphere of peace and tranquility that has characterised the conduct of the harmonised elections, a departure from the environment of 2008 elections. Also commendable were the recurrent efforts made by the President and the Prime Minister of the Republic in calling for peaceful participation of citizens in these elections. This has had a great significance in ensuring that an atmosphere of tolerance is upheld. COMESA urges the leaders to continue with the same spirit.

### **2.2 Civic and Voter Education**

The Mission takes note of the efforts made by ZEC in collaboration with civil society organisations in conducting voter education for the voter registration drive and the polls. However, the COMESA Observer Mission is of the opinion that comprehensive voter education may have been constrained by the limited time available before the holding of polls, in order to adequately educate citizens on the electoral reforms brought about by the new Constitution.

### **2.3 Voter Registration and Voters’ Roll**

The COMESA Observer Mission takes cognisance of the provision that, as a transitional mechanism, the new Constitution mandates the Registrar General of Voters (RGV) to register voters under supervision of ZEC only for first elections under this Constitution, and the Commission is henceforth exclusively mandated with registration, update and maintenance of voters’ roll. The Mission appreciates that this newly conferred mandate on

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<sup>1</sup> Article 43 of the new Constitution.

ZEC will improve its capacity to effectively manage future electoral processes by enhancing its accountability in the management of voters' roll.

The RGV conducted voter registration under supervision of ZEC, first between April and May 2013 and thereafter, between June and July 2013, as mandated by the new Constitution, to ensure that all the eligible voters are registered before the polls.

However, the Mission is concerned that the voters' roll was not made available in good time for inspection, in order to permit any further rectifications thereof before the polls, where necessary. Whilst Article 21 (3) of the Electoral Act provides that the voters' roll be made available, either in electronic or hard copy form "within a reasonable period of time" to any person who requests it, the Mission is of the opinion that it is difficult to thoroughly inspect such a roll, which according the RGV, was to be made available only in hard copies, two days before the polls. Some of the concerns related to the voters' roll would have been avoided.

## **2.4 Election Campaign**

The Mission is satisfied that the election campaigns were conducted in generally peaceful atmosphere marked with tolerance. There were however, some isolated incidents of violence and intimidation brought to the attention of the Mission during the campaign period.

Nonetheless, COMESA observed a generally unfettered mobilisation of the youth during the campaigns by different political parties and candidates. The Mission appreciates that this is an important expression of freedom of association which is a fundamental right enshrined in the Constitution.

## **2.5 Media Environment**

The Mission appreciates the legal provision for media monitoring by ZEC in collaboration with the Zimbabwe Media Commission to ensure a balanced coverage and reporting of the electoral process. The Mission however observed that the media coverage by the public broadcaster was generally not as balanced as stipulated in the Electoral Act.

## **2.6 Special Voting**

The Mission takes cognisance of the provision for advance voting by members of security personnel and ZEC officials who would be on service outside their ward on the polling day of 31 July 2013. Although the Mission did not observe the special voting, it noted that not all eligible voters were able to cast their votes due to logistical problems relating to the conduct of the special voting. The Mission takes note of the measures taken by ZEC and subsequently, the ruling by the Constitutional Court, to ensure that the affected voters were not disenfranchised.

## **2.7 Printing of Ballot Papers**

During its briefing by ZEC, the Mission was informed that the Commission printed 6.4 million ballot papers for each of the electoral contest (presidential, parliamentary and local) corresponding the number of registered voters, and an extra 35% as a contingency stock, bringing the total number of printed ballots to 8.7 million. The Mission noted with concern that this extra stock of ballot papers was significantly high. However, the Mission was assured by the Commission on accountability of each and every ballot, used or unused.

## **2.8 Voting Process**

The following observations were made on the polling process:

In over 90% of polling stations observed, polling stations opened by 7.00 am as per the election procedures. Where polling stations opened late, voting did not start beyond 7.30am. Polling personnel were present in almost all polling stations visited at the time of opening. Voting materials were available in sufficient quantities in most polling stations visited during opening and throughout the voting process.

There was a generally mixed voter turn-out in polling stations observed. A high turn-out was recorded in most polling stations visited in urban centres as witnessed through long queues. In rural areas, however, some centres had long queues while others had relatively very fewer voters in the queue.

The lay-out of the polling stations was in a manner that generally permitted an easy flow of voters who seemed to understand the process.

The voting process was fairly quick as it generally ranged between 3-4 minutes per voter in most polling stations observed.

The placement of the voting booth was also in such a manner that guaranteed secrecy of the ballot.

In most polling stations observed across the country, the Mission noted with concern that a significant number of voters whose names did not appear in a particular ward's voters' roll were turned away. However, those whose names did not appear in the voters' roll but were in possession of registration certificates were allowed to vote and their names recorded in a special register.

Reasons for turning away voters brought to the attention of the Mission were: that affected voters had presented themselves in the wrong ward; some did not register as voters and yet wanted to vote; while others had registered after 10 July 2013 hence ineligible to vote in these elections. Amongst some of the voters interrogated by the Observers, it was noted that they had voted in the same ward for the past elections and had not changed their physical addresses, yet their names did not still feature in the voters' roll of the particular ward.

While in some cases it was noted that some referred voters were able to cast their votes, the Mission is however not in a position to ascertain whether or not all the eligible voters that were turned away were able to cast their votes in the referral wards thereafter.

## **2.9 Closing and Counting Processes**

In most polling stations visited, closing of polls took place at 7.00pm as per the procedures. Voters in the queue at the time of closure were allowed to vote. The counting process took place in a transparent manner with the presence of party agents and observers.

### **2.10 Polling Personnel**

The Mission noted that the polling personnel managed the voting and counting processes in a generally competent and professional manner. They were available to respond to any questions from observers. This was a clear manifestation of the adequate training of the polling staff. Also noteworthy was the remarkable representation of women among the polling staff in most polling stations visited.

### **2.11 Election Security**

The Mission commends the conduct of security personnel in the electoral process. During the polling and counting processes, no report of intimidation or obstruction was brought to the attention of COMESA Observers.

## **3. Preliminary Recommendations**

Based on the observations highlighted above, the following preliminary recommendations are made:

### **3.1 Voter Registration and Voters' Roll**

- The period for inspection of a final voters' roll should be clearly specified and adequately provided for in the Electoral Act in order to avoid any misinterpretation. The provision of "reasonable time" as indicated in the current Electoral Act as the period for making the voters' roll available in either electronic or hard copy form to any interested person is ambiguous and therefore subject to diverse interpretation.
- ZEC, as the constitutionally mandated institution to manage voter registration in subsequent elections should analyse the reasons which led to high levels of voters being turned away, and develop appropriate remedial measures. To avoid confusion of voters on where to vote, considerations in future elections may include an adoption of a polling-station based voters' roll system as opposed to ward-based voters' roll. Further considerations to uphold the integrity of the voters' roll may also include enhancing the system of updating and purging of the voters' roll.

### **3.2 Voter education**

- Besides carrying out continuous voter education by ZEC, sufficient time for conducting intensive voter education should be provided for well in advance for all relevant aspects of the electoral process, in order for the electorate to be adequately educated. Such a measure may include accrediting civil society organisations in time in order to maximise on collaborative public outreach exercises.

### **3.3 Special voting**

- The logistical challenges experienced during the Special Voting should be addressed for such advance polls in future.

### **3.4 Printing of Ballot Papers**

- ZEC is encouraged to limit the quantity of contingency ballot papers printed for a particular election to the recommended range of between 5-10%, which is the international best practice.

### **3.5 Media**

- The media regulatory framework for elections should be enhanced to ensure that media reporting during elections is balanced, particularly by the public broadcaster.
- Monitoring of public media should be ensured to promote equity in access by all political parties and candidates.

## **4. Conclusion**

The COMESA Observer Mission highly commends the people of Zimbabwe for their peaceful conduct of the 31 July 2013 harmonised elections. This will go a long way in contributing to the consolidation of democracy in Zimbabwe. As the results are being progressively released at this juncture, the Mission encourages all citizens of Zimbabwe to continue to maintain their commendable peaceful disposition, and to await for the final announcement of results.

The Mission further urges all parties to pursue legally established channels to resolve any disputes that may arise relating to the outcome of these elections. The Mission calls upon all the stakeholders to engage in fine-tuning and improving all aspects of the electoral process.

The COMESA Observer Mission also takes this opportunity to wish the people of Zimbabwe peace and prosperity.

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