

## Electoral Commissions Forum of SADC Countries

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### PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES (ECF-SADC) ON THE HARMONISED ELECTIONS OF THE REPUBLIC OF ZIMBABWE

**25 AUGUST, 2023**

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# **PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES (ECF-SADC) ON THE HARMONISED ELECTIONS OF THE REPUBLIC OF ZIMBABWE**

## **1. INTRODUCTION**

This is the Preliminary Statement of the Electoral Commissions Forum of SADC Countries (ECF-SADC) Election Observation Mission to the 2023 Harmonised Elections of the Republic of Zimbabwe that were held on 23<sup>rd</sup> August 2023. The Preliminary Statement covers the Mission's observations of the pre-election period up to the close of polling day activities. The Mission's comprehensive final report will cover its observation of the pre-election, polling and results management and will include overall assessment of the entire electoral process. The report will include more detailed recommendations.

## **2. BACKGROUND**

The ECF-SADC is an independent regional organization of Election Management Bodies (EMBs) of SADC member states. ECF-SADC was established in July 1998 and its Secretariat is hosted by the Government of Botswana in Gaborone. ECF-SADC plays an important role in promoting the conduct of fair, credible and democratic elections in the SADC region. The objectives of the forum include, among others, to encourage the establishment of independent and impartial EMBs in the region; encourage the development of electoral legal frameworks that are in conformity with regionally and internationally accepted principles and best practices for election management.

ECF – SADC received an invitation from the Zimbabwe Electoral Commission (ZEC) dated 9<sup>th</sup> June 2023 to observe the 2023 harmonised elections in the Republic of Zimbabwe. In line with its mandate of strengthening cooperation amongst Electoral Commissions in the SADC region, the ECF-SADC deployed an Observer Mission to these elections. This has been a standard practice of the ECF-SADC for several years, a practice which continues to foster good relations and peer learning amongst the member EMBs.

The purpose of the Mission was to provide an independent, impartial, and objective assessment of the preparations and conduct of the harmonised elections, to determine the extent of compliance with the legal framework which governs conduct of elections in Zimbabwe and regional and international obligations for democratic elections.

This is the fourth time that the ECF-SADC has observed elections in the Republic of Zimbabwe, the last being 30<sup>th</sup> July 2018.

The ECF-SADC Election Observer Mission was led by Mr. Mphasa Mokhochane, Chairperson of the Independent Electoral Commission of Lesotho. The Deputy Mission Leader was Dr. Elsie Nghikembua, Chairperson of the Electoral Commission of Namibia. The Mission deployed thirty (38) observers from ten (10) Electoral Commissions from SADC countries, namely, Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zanzibar. The Mission commenced its work on 13<sup>th</sup> August 2023.

### **3. PRINCIPLES AND GUIDELINES FOR ELECTION OBSERVATION**

ECF-SADC election observation missions are guided by the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) (2003) which is under revision, the Revised SADC Principles and Guidelines for Governing Democratic Elections in the SADC Region (2015) and the African Charter on Democracy, Elections and Governance (2004). Consistent with the above-mentioned instruments, the ECF-SADC Election Observer Missions was also guided by the values of impartiality, neutrality, transparency, and objectivity.

### **4. TERMS OF REFERENCE AND METHODOLOGY OF THE OBSERVATION**

The ECF-SADC observer mission's terms of reference were to assess the preparedness of the Zimbabwe Electoral Commission to conduct elections; observe the pre-election environment; observe the conduct of the election itself; and evaluate the electoral process and make recommendations that will contribute to the improvement of the process in Zimbabwe.

To achieve its objectives, the Mission undertook several activities, including holding a one one-day orientation of its observers on 16<sup>th</sup> August 2023 to give them a refresher training on election observation principles and methodology. The Mission also held a one-day electoral stakeholders briefing, to get an understanding on the historical and political context and preparations for the elections.

The Mission employed complementary data collection methods which included documentary review; media review; meetings with the ZEC and key electoral stakeholders; observing campaign rallies; observing polling processes and vote counting, and results management and determination of results processes.

The Mission aimed at assessing the harmonised elections based on international, regional and the domestic election standards as set by the law. ECF-SADC election observation missions do not interfere in the organization, management and conduct of the electoral processes by the host EMB but aim at gathering and analyzing factual information to provide an independent and objective assessment of the electoral process. The mission's observers are expressly oriented to maintain a distinction between complaints, rumors, allegations, accusations, and verifiable facts. The mission's report is based on facts that are witnessed and verified by its observers themselves and not otherwise.

The various activities undertaken enabled the Mission to gather strategic and comprehensive information to assess the administration and management of the of the 2023 harmonised elections in the Republic of Zimbabwe.

## **5. DEPLOYMENT**

The Mission deployed seven observer teams to: Bulawayo, Mashonaland Central, Manicaland, Midlands and three teams were deployed in Harare (CBD, East and West) from 19<sup>th</sup> -24<sup>th</sup> August 2023

The Mission also attended the final rallies of political parties; these were of the ZANU-PF and the Citizens Coalition for Change (CCC) held on 20<sup>th</sup> August 2023 to 21<sup>st</sup> August 2023.

## 6. PRE-ELECTION PERIOD

### 6.1. Pre-Election Assessment Mission

The ECF-SADC conducted a pre-election assessment mission to the Republic of Zimbabwe in preparation for the Election Observation Mission for the harmonised election from 22<sup>nd</sup> to 26<sup>th</sup> May 2023

The primary objective of the pre- election assessment mission was “*to technically assess the preparedness of ZEC to hold credible elections*”. The checklist was formulated based on documented minimum standards for transparent, and credible elections as provided under the following regional instruments on management of elections: -

- (i) Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC Region (which is currently under review);
- (ii) Revised SADC Principles and Guidelines Governing Democratic Elections; and
- (iii) The African Charter on Democracy, Elections and Governance.

In addition to the above-mentioned instruments, the Mission also made an assessment on the extent to which the recommendations by the *ECF-SADC Observer Mission as outlined in the Preliminary Statement of the Electoral Commissions Forum of SADC Countries (ECF-SADC) on the Harmonised Elections of the Republic of Zimbabwe held on 31<sup>st</sup> July 2018* have been implemented.

### 6.2. Consultations with ZEC and Electoral Stakeholders

The Mission held consultations with ZEC and electoral stakeholders at Rainbow Towers Hotel, Harare on 16<sup>th</sup> August 2023 and 17<sup>th</sup> August 2023. The stakeholders were drawn from different sectors of society. These included, but were not limited to, the legal fraternity, the media, academia, political parties, and non-state actors:

In addition, the Mission participated in the meeting of the Heads of Mission of International Observation Missions which was organized and hosted by the SADC Election Observer Mission (SEOM) on 22<sup>nd</sup> August 2023 and the Heads of Mission meeting hosted by the joint African Union - COMESA Mission on 24<sup>th</sup> August 2023. During these meetings the various missions shared their preliminary observations on the general state of readiness for polling and the polling day observations respectively, in the political and electoral environmental context as observed.

These activities provided an opportunity for the Mission to have a preliminary understanding of the political context, the electoral preparations and other pertinent issues relating to the 23<sup>rd</sup> of August 2023 harmonised elections.

The Mission also had an additional opportunity to engage the ZEC on 24<sup>th</sup> August 2023, on the developments which had occurred on 23<sup>rd</sup> August 2023.

## **7. KEY ISSUES RAISED BY STAKEHOLDERS**

During the interface and consultations with ZEC and electoral stakeholders described above, the following issues were raised concerning the state of preparedness for the holding of the harmonised elections and the general political and electoral environment:

- (i) There was an indication of confidence in ZEC's level of preparedness to conduct the elections raised by the participants.
- (ii) The stakeholders commended the implementation of the review and delimitation of the constituency and ward boundaries which were considered to be long overdue. The last delimitation exercise was conducted in 2007 and 2008. The publishing of the delimitation report in the Gazette meant that the elections would be held using new boundaries drawn in terms of sections 160 and 161 of the Constitution.

- (iii) Stakeholders informed the Mission that ZEC conducted a mobile voter registration exercise from 12<sup>th</sup> to 26<sup>th</sup> March 2023 in preparation for the harmonised elections during which about 450,000 new voters were registered. However, there were concerns about how the voter registration was managed in that in most areas, the registration centres were difficult to access due to long distances. It was also raised as a concern that during the implementation of the mobile voter registration exercise the information relating to details or programs for the exercise was not adequately disseminated.
- (iv) Stakeholders commended ZEC for the quality of the voter education curriculum and quality of packaging of voter information which showed significant improvement.
- (v) Stakeholders were of the view that in the build up to elections there was a lack of, or limited collaboration with Civil Society Organisations (CSOs) when compared to previous elections.
- (vi) The electoral environment surrounding conduct of the campaign was generally peaceful with isolated incidents. Parties and candidates had the space and opportunity to mount their campaigns. However, there were reports on the discriminatory application of the procedures for obtaining police approval for holding political rallies.
- (vii) Stakeholders alleged that there was unbalanced coverage of electoral campaign messages, activities, and news by the public broadcaster.
- (viii) While ZEC established public relations mechanisms which included social media platforms and generic and mainstream media, it was generally observed that the Commission did not proactively provide important information relating to the preparations for the elections.
- (ix) Stakeholders expressed general dissatisfaction with the handling and outcome of electoral law reform efforts. Despite concerted efforts which resulted in the submission of a Model Law on Elections to Parliament, only a few and select proposed amendments were passed.

Other reforms were passed after the proclamation, and as such, the reforms would only come into operation in subsequent elections.

- (x) The nomination fees for the 2023 harmonised elections were considered to be exorbitant for ordinary citizens to afford. It was stated that the adjustment was arbitrary and not based on any justifiable economic or electoral operational factors.
- (xi) Media practitioners advised that the requirements and associated accreditation fees posed a challenge to media coverage of electoral activities.

## **8. ELECTION PHASE**

On the polling day the Mission deployed observers to several polling stations located in the provinces of Bulawayo, Mashonaland Central, Manicaland, Midlands and Harare (CBD, East and West). The Mission had the opportunity to observe the opening, voting, closing, and counting processes.

### **8.1. Polling Day**

The Mission made the following observations relating to the polling day:

- a) Some stations visited opened on time and broadly, the opening procedures were followed, where the Mission observed. However, some of the polling stations visited by the teams failed to open. This was observed in polling stations in parts of Harare, Manicaland and in Bulawayo Provinces. The reason cited for late opening was non-availability of local authority election ballot papers. Some stations were reported to have opened after 21h00.
- b) The layout in most polling stations allowed for smooth flow of voters and the secrecy of the vote was safeguarded.
- c) Signage at polling stations was visible. There was adequate security to ensure that stations remained secure and peaceful.



- d) Voters with special needs were given priority to vote. Persons with disabilities were also being assisted.
- e) There were more female polling officials at the polling stations visited.
- f) International and domestic observers were visible at most polling stations visited, they had unhindered access.
- g) Party agents were present in all polling stations visited, although they represented mainly Zanu-PF and CCC.
- h) The ZEC Commission issued a statement on the delayed opening of polling stations and conditions for extending the polls, albeit late in the process.

## **8.2. Counting and Management of Results**

The Mission observed the closing and counting processes and noted the following:

- a) The Mission noted that closing and counting procedures were followed, in the polling stations in which they were able to observe.
- b) Due to the delayed opening of polling stations, The Mission noted that the closing of polls could not happen in a uniform manner. It was noted that there were stations that only opened as late as 21h00. Despite the challenges related to delayed opening of polling stations generally, polling took place in a peaceful and secure environment.

## **9. KEY RECOMMENDATIONS**

The Mission's findings, conclusions and recommendations are based on consultations held with key stakeholders during the immediate period before the elections, a review of Zimbabwe's legal framework for elections, and direct observation of the opening, voting, and counting processes in polling stations.

The ECF-SADC made recommendations during the July 2018 harmonised elections and during its pre-election assessment mission in May 2023. The recommendations made at the time remain relevant. The recommendations focused on the following thematic areas: communications, the voters roll, and logistics.

For the 2023 harmonised elections, the ECF – SADC Mission offers the following recommendations for consideration by the Zimbabwe Electoral Commission:

- a) The ZEC needs to pursue the legal reforms that are necessary to minimise the risk that arises from the following operations. These include but are not limited to:
  - (i) Increase the inspection period of the voters roll and make the roll available at polling stations ahead of polling day.
  - (ii) Determine a set period for the conclusion of appeals processes from the nomination of candidates especially for the local authority elections.
  - (iii) The introduction of technology to enhance efficiency in the electoral process, including results management.
- b) The ZEC should strive to improve the implementation of its communications strategy, to foster transparency, accountability and facilitate public trust in the Commission.
- c) The ZEC should address the issues related to selective accreditation of observers, and the dual accreditation of media practitioners.
- d) The delimitation process should be conducted in a more timely manner, in order to ensure that it does not negatively impact the preparation for the electoral process. Furthermore, ZEC should make the process more consultative and open to public participation.

- e) The ZEC should provide clear regular updates to the electorate and stakeholders during polling day, and in the period up to the announcement of results.

## 10. CONCLUSION

The 2023 harmonised elections were conducted within a context shaped by the legal framework which largely constrained the technical and operational aspects of the ZEC's work. The Mission, however, acknowledged the efforts of the ZEC to propose reforms that were not adopted ahead of the 2023 elections.

The Mission congratulates the people of Zimbabwe on the manner in which they conducted themselves throughout the electoral period, despite the logistical challenges experienced during the process.

- a) The contesting political parties and their supporters are commended for their spirit of tolerance during the electoral period.
- b) As the electoral process has not concluded, the people of Zimbabwe are encouraged to use the available legal means should they not be satisfied with the election outcome.
- c) Furthermore the ECF-SADC encourages the people of Zimbabwe to continue to remain tolerant and peaceful in the manner that they conduct themselves.

Signed and released on this 25<sup>th</sup> day of August 2023, Harare, Zimbabwe



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**Mphasa MOKHOCHANE**  
Mission leader, 2023 Harmonised Elections of the Republic of Zimbabwe  
Electoral Commissions Forum of SADC Countries