



# The Commonwealth

## Zimbabwe Harmonised Elections on 30 July 2018

### Preliminary Statement by John Dramani Mahama Former President of the Republic of Ghana Chairperson of the Commonwealth Observer Group: 2 August 2018

Members of the media, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference.

Let me start by expressing the Commonwealth Observer Group's profound sadness at the outbreak of violence by supporters of the opposition and the excessive use of force by the security services in the last 24 hours.

Tragically, this has resulted in a number of fatalities and injuries. We extend our sympathies to the families and loved ones of all those affected by these deeply troubling incidents.

We categorically denounce the excessive use of force against unarmed civilians and wish to urge all parties to exercise restraint.

Ladies and gentlemen, we are presenting our preliminary statement at a critical juncture in the electoral process.

While this statement should, under normal circumstances, cover just the three completed phases - the pre-election environment, Election Day and the count and tally process - we are compelled to reflect on these latest events and their impact on the entire electoral process.

The progress achieved so far could be undermined if all parties and their supporters do not remain peaceful and tolerant and respect the rule of law.

The electoral process is yet to be concluded. The greatest test of leadership is called for now. All parties must exercise patience and restraint while we await the announcement of full results. We urge the Zimbabwe Electoral Commission to expedite the announcement of all election results, without further delay.

Grievances must be pursued through due process, with the use of all available conflict resolution mechanisms.

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Political leaders should be magnanimous in victory and gracious in defeat.

As the results phase draws to a close, it is our fervent hope that the wish of all Zimbabweans for a credible, peaceful and democratic process will be realised.

It has been sixteen years since the Commonwealth observed elections in Zimbabwe. We were last here for the 2002 Presidential Election. This election, therefore, is of great significance to us. It is a privilege to be here, in support of the people of Zimbabwe, at another milestone in their democratic journey. Again, we express our hope that peace prevails.

This Preliminary Statement of the Commonwealth Observer Group is issued while the results tabulation process is still underway. As such I propose to now hand out the full preliminary statement and to take your questions.

Our full assessment of the entire process, including any recommendations for improvement, will be contained in our final report, which will be made available to the public.

This watershed moment for Zimbabwe should not be squandered.

The Commonwealth stands in solidarity with the people of Zimbabwe.

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## **BACKGROUND**

The Commonwealth Observer Group was constituted by the Commonwealth Secretary-General, the Rt. Hon. Patricia Scotland QC. We arrived in Harare on 23 July and received a number of briefings from various stakeholders including the Zimbabwe Electoral Commission (ZEC); political parties; civil society organisations; faith-based groups; media representatives and members of the diplomatic corp.

From 27 July, our teams were deployed to all ten provinces where they observed the election environment and preparations for the poll. We visited approximately 360 polling stations in different constituencies and met voters, provincial and district electoral officials, political parties, the police, civil society and other stakeholders in their respective locations to gain a deeper appreciation of the electoral process on the ground. We also liaised with citizen observers and other international observers.

Our preliminary statement concludes that there was an improved pre-election environment. On Election Day, at polling stations where we observed, the voting and the count were generally well conducted in a peaceful manner. Incidents of intimidation, media bias and hate speech, indicate that the playing field can be further levelled. We will comment on the results process in our final report.

We commend the people of Zimbabwe for the enthusiasm and largely peaceful approach in the exercise of their franchise on Election Day.

## **THE PRE-ELECTION ENVIRONMENT**

### **Electoral Framework and Reforms**

- The electoral framework, primarily the 2013 Constitution of the Republic of Zimbabwe as amended, and the Electoral Act [Chapter 2:13] as amended, provide the basic legal conditions for credible and peaceful elections, and contribute to an improved electoral environment to past elections.
- We note that these elections were conducted in the context of some positive reforms. These include an Electoral Code that mainstreams gender, incorporates an electoral code of conduct ('Peace Pledge') for political parties as well as conflict resolution and prevention mechanisms including the Multiparty Liaison Committees. We will comment on their effectiveness in our final report.

### **Management of the Electoral Process**

- Although this was the second election organised by an independent election management body, ZEC, we noted that public confidence in ZEC needs to be strengthened.

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- Political parties and civil society, in particular, expressed the view that ZEC missed some opportunities to build trust and instil confidence in the electoral process through effective communication. In our final report, we will comment on some of the issues they raised with us, including the lack of transparency in ZEC's handling of the printing of the ballot papers, and access to the final voters' register ahead of the polls.

### **Political Landscape**

- Prior to the regrettable events of 1 August, there was broad consensus from all stakeholders we met that the political environment had improved. Except for a report we received that one political party had been refused a permit to organise a rally on 24 July, political parties and their supporters appeared to have enjoyed the freedom to campaign. We witnessed a number of rallies, including the final ones of the two main political parties on Saturday 28 July.
- The team was informed that there had also been a marked change in the behaviour of police and military forces.
- Again, prior to these recent events, while we had not witnessed any instances of politically motivated violence, we noted with concern reports from civil society groups about incidents of intimidation and politically motivated attacks.
- We further noted that while inter-party violence has reduced, reports we have received from civil society groups, later confirmed by the police, show that intra-party violence rose ahead of these elections.
- We commend all political parties that signed the Peace Pledge in June, and all stakeholders who initiated and supported this process. They included the National Peace and Reconciliation Commission, the Multi Party Liaison Committees, all the other Chapter 12 Commissions, civil society groups and faith-based organisations that have had a long history of holding leaders accountable to the people. We urge all political parties to honour this pledge and to use available means for conflict resolution.
- During our briefings and through our observations, we noted the use of incumbency to gain undue advantage, including the use of food aid and the role of traditional leaders in galvanising support for the governing party in a manner that may be described as a form of intimidation.
- In one province, our team witnessed a concerning situation relating to the above issue which we will review more closely in our final report.

### **The Campaign**

- Our teams did not witness instances of overt campaigning during the cooling off period - 24 hours before the opening of the polls. We note, however, that in its

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statement on the opening of the polls, the Election Situation Room (ESR) reported violations during the cooling-off period by the two main parties: ZANU-PF and the MDC-Alliance.

- We did not witness instances of intimidation. However, we note that the ESR (that received nationwide reports) did record such incidences. We will comment on this in our final report once we have a fuller picture.
- Overall, the pre-election environment was peaceful, ZEC was prepared, and polling officials appeared well trained.

### **The Media**

- Mainstream media (radio, television and newspapers) remain the most important communication channels to inform the electorate about the policies and platforms of political parties and candidates running for office. It is therefore essential that media present all viewpoints during a campaign so that voters can make an informed choice.
- The Commonwealth Observer Group noted that there was highly disproportionate coverage for the governing party, ZANU-PF, in state-owned or controlled media, including the Zimbabwe Broadcasting Corporation (ZBC) and the Herald newspaper. This imbalance in coverage started well before the campaign began.
- Under the Electoral Act, ZEC has primary responsibility to monitor media and promote fair and balanced coverage during the electoral period.
- The Media Monitoring Committee that ZEC established with the Broadcasting Authority of Zimbabwe and the Zimbabwe Media Commission was not effective. We will comment on its role and offer recommendations for improvement in our final report.
- Social media channels played an important role in the dissemination of opinions and information during the 2018 election campaign. Hate speech proliferated on social media during the campaign, much of it directed at women. The Commonwealth Observer Group considers this a violation of the right to free speech which significantly damages the environment and can bear heavily on some individuals. We will propose ways to address this in subsequent elections.

### ***Women's Political Participation***

- For the first time, there were four women presidential candidates: this is commendable. However, observers were informed that during the political party primaries very few women candidates were successful with the likely result of a further decline in women's political representation.

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- The quota system at the National Assembly, where 60 women will be elected under the proportional representation system using party lists, should assist in raising the numbers. However, this quota expires after the term of the incoming parliament.
- We understood that there were multiple barriers to women's political representation such as cultural biases, targeted abuse and lack of resources. This issue will be analysed in our final report.

## **ELECTION DAY**

### *ZEC's Preparedness*

- On arrival at their various deployment stations, our teams visited provincial and district level ZEC offices, local police stations, and in some cases, the local offices of some of the political parties, among others. Most of the polling stations had been set up by the eve of the elections; materials had been received; polling officials, as well as the police, were at post, and in some cases, party agents were present. On the eve of elections, we found that ZEC was prepared.

### **The Opening and Conduct of Polls**

- At the opening of polls, there was a marked variance in queue lengths: possibly reflecting the high interest and excitement over these elections. We look forward to the final turnout figures.
- We also noted the variance in voter population distribution. For instance, in Harare and elsewhere, there were multiple tent stations with 900 plus eligible voters per station as well as stations with 200.
- At the start of voting, where there were very long queues, there was some agitation by some voters. When our observers returned to these stations later in the day, the queues were still sizeable, but the polling officials appeared to be in control of the situation and the environment was calm.
- Observers noted gendered queues in some areas; women were generally well represented as voters. The police presence was discreet and helpful.
- Most polling stations we observed opened on time; the set-up largely conformed to ZEC's instructions, assuring the secrecy of the vote; and opening procedures were largely observed with no significant inconsistencies.
- Party agents were present and collaborated with presiding officers; the two main parties were more broadly represented.
- We commend the role of citizen observers who were present in most of the polling stations that we visited.

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- Polling officials, a majority of whom were women, appeared confident and were very efficient and familiar with their tasks: voters were properly checked; the ballot paper issuers provided guidance on placing the ballots in the correct corresponding colour coded boxes; the voters were inked; and the secrecy of the vote was ensured. This, we believe, is a reflection of ZEC's effective training.
- Women with babies, pregnant women, people with disabilities and the elderly were given priority in many cases. Our teams also witnessed voters being assisted in accordance with the rules. Voters appeared largely familiar with the voting process.
- The voter register, which had been a significant cause of concern, appeared generally robust. Our teams witnessed instances where voters were turned away because they were not registered to vote in that particular station, or did not possess the correct identification, among other reasons.
- Our overall assessment of the voting process is that it was well conducted and peaceful.

#### **CLOSE OF POLLS**

- Our observers were present at various polling stations across Harare and in all other provinces. They made the following observations:
  - Most polling stations closed at the prescribed time of 7.00pm or shortly thereafter so voters still in the queue could be allowed to vote. At the polling stations we observed, closing procedures were largely followed.
  - Those polling stations which had postal ballots processed these first, in conformity with the rules.
  - Reconciliation processes were carried out thoroughly, followed by the manual count and the completion of necessary forms.
  - Observers found that the determination of invalid votes (which were few where we observed) was transparent, open to contestation, reasonable and fair.
  - We note that there are mixed reports around the proper recording and display of results by polling officials.
  - The count was a detailed and laborious process, carried out by dedicated and resilient polling officials in the presence of attentive party agents and observers - often in challenging infrastructure, including poor lighting.

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- Despite minor hitches and the mixed conduct of the count in some areas, our teams found the counting process to be generally thorough and transparent. At the conclusion, those involved remained confident but exhausted.

**CONCLUSION**

In conclusion as we already noted, this watershed moment for Zimbabwe should not be squandered. The Commonwealth stands in solidarity with you, the people of Zimbabwe.

Ends.