

Zimbabwe Election Support Network



REPORT ON THE ZIMBABWE'S 2005 GENERAL ELECTION

Final Copy

APRIL 2005

Table of Contents

Chapter 1: The Political and Historical Background

- 1.1 The Political and Historical Background
- 1.2 The Regional and International Context

Chapter 2: The Constitutional and Legal Framework

- 2.1 The Constitutional Framework
- 2.2 The Legal Framework
 - 2.2.1 The Delimitation Commission
 - 2.2.2 The Zimbabwe Electoral Commission
 - 2.2.3 The Electoral Supervisory Commission

Chapter 3: The Pre-Election Period

- 3.1 Voter Registration and Inspection
- 3.2 Voter Education
- 3.3 Delimitation Commission Report
- 3.4 The Nomination Court
- 3.5 The Preparedness of Electoral Institutions
- 3.6 Observers and Monitors

Chapter 4: The Election Campaign

- 4.1 General Context
- 4.2 Political Parties and their Programmes
- 4.3 Party Primaries
- 4.4 Provincial Campaign Summaries
- 4.5 Women Candidates and the Election
 - 4.5.1 Media Access and Coverage
- 4.6 Use of State Resources in Campaigning

Chapter 5: Polling, Counting and Results

- 5.1 Polling
- 5.2 Polling Day
- 5.3 Turnout
- 5.4 Postal Ballots
- 5.5 Counting
- 5.6 Results

Chapter 6: The Post-Election Period

- 6.1 Controversy over Results
- 6.2 Assessment by Observers
- 6.3 Post-Election Recrimination and Incidents

Conclusion and Recommendations

References

Acronyms

AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
EMBs	Electoral Management Bodies
EISA	Electoral Institute of Southern Africa
ESC	Electoral Supervisory Commission
EU	European Union
FPTP	First Past the Post
LOMA	Law and Order Maintenance Act
MDC	Movement for Democratic Change
NGO	Non Governmental Organization
PF	Patriotic Front
POSA	Public Order and Security Act
PR	Proportional Representation
SADC	Southern African Development Community
SADC ECF	SADC Electoral Commissions Forum
SADC PF	SADC Parliamentary Forum
SMD	Single Member District
UANC	United African National Congress
ZANU PF	Zimbabwe African National Union Patriotic Front
ZANU NDONGA	Zimbabwe African National Union Ndonga
ZCTU	Zimbabwe Congress of Trade Unions
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Electoral Support Network
ZLHR	Zimbabwe Lawyers for Human Rights
ZIYA	Zimbabwe Youth Alliance

EXECUTIVE SUMMARY

1. Introduction

The Zimbabwean parliamentary elections held on 31 March 2005 were the sixth since independence. But they were no less significant than previous elections. Although the country has held parliamentary elections every five years as per its Constitution, this has not meant that elections have been free from problems and controversy. Such was the case with the 2000 elections which were mired in intimidation, violence and controversy over the legitimacy of their outcome. There were a number of new aspects that make the 2005 elections significant. They were the first to be organized by the newly set up Zimbabwe Electoral Commission (ZEC) and to be held on a single day. The elections also witnessed the use of translucent ballot boxes and of visible indelible ink. Another fresh aspect and of profound regional significance was that the elections were held within the framework of the *SADC Principles and Guidelines for Democratic Elections* formulated and agreed upon by member states at a summit in Mauritius in August 2004. As the Report will explain in more, the *Principles* lay special stress on the need for certain conditions in order to meet the criteria for *democratic elections*. These are : **freedom of assembly and association, freedom of expression, political tolerance, voter education, equal access to the media as well as the establishment of impartial, all-inclusive, competent and accountable election management bodies staffed by qualified personnel**. Finally, the 2005 election campaign itself was relatively peaceful and tranquil compared to those of 2000 and 2002.

2. Catalytic Role of ZESN

This Report by the Zimbabwe Election Support Network examines the key issues of the 2005 election, its conduct and outcome. It provides the political, legal and constitutional background to the election and then makes an in-depth assessment of how the electoral process unfolded from the pre-election period, campaigning to polling and the post-election period. After highlighting the salient and weak aspects of the process, the Report develops recommendations for the improvement of the electoral system and process. To that extent, the Report is *analytical, critical and constructive*.

ZESN is a network of 35 human rights and civic organizations. It has membership structures in all provinces. The principal objectives and areas of operation of ZESN are four-fold: **voter education,**

election observation, media monitoring and information, as well as advocacy and electoral reform research. Election observation by ZESN has included not only that of parliamentary, presidential and local government elections in Zimbabwe but also those in other countries particularly in the SADC region. In the 2005 election, ZESN deployed 260 long-term observers to observe the pre-election period. For the polling period, it deployed 6 000 accredited observers nationwide of whom 240 were mobile in different parts of the country. This Report draws on the extensive reports written by our field observers before and during election day and afterwards.

3. The Political and Legal Framework

The Report begins by sketching the country's political background charting the rise of the nationalist and liberation movement, and the politics of the first two decades of independence. The *dominant party system* in which one party dominates the political landscape and especially parliament lasted between 1987 and 1999 following the merger between PF Zapu and Zanu PF. The birth of a vigorous opposition in the shape of the Movement for Democratic Change (MDC) in the late 1990s caused a sea change in the nature of *party politics* in the country. The nature of party contest sharpened and became more acrimonious following the government's 2000 referendum defeat and the tightly fought 2000 election. Chapter 1 observes how fragile the political institutions were and how the descent into coercion, lawlessness and political violence clouded the outcomes of the 2000 and 2002 elections. It is also observed that the electoral framework allows the President to appoint 30 non-constituency members of parliament of whom 10 are traditional leaders elected by an Electoral College of Chiefs. This gives an unfair advantage to the sitting President.

4.1 Delimitation Process

This Report assesses the process of demarcation that was carried out in the last quarter of 2004 in preparation for the 2005 election. It is observed that the process should have been more transparent than it was particularly in view of the scrapping of a number of constituencies in some provinces and the creation of a number of new ones in other provinces. The process inevitably drew the charge of possible gerrymandering in favour of one of the contesting parties. The stakeholders and general public should have had an input into the delimitation process so that constituencies reflect community interests. Finally, the Delimitation Commission report itself, which came out in December 2004, was not well publicized. This may explain the relatively high numbers of people (about 130 000 in six of

the provinces) who were turned away from polling stations partly because they were in the wrong constituencies.

4.2 Voter Registration and Inspection

This Report observes that voter registration and inspection was a weak link in the electoral system. There was insufficient publicity about the process. Part of the explanation is that the office of the Registrar General was responsible for this process which experienced problems in previous elections. Thus the process was not supervised by an independent electoral body, ZEC, as required under the *SADC Principles and Guidelines*. ZEC became operational in February 2005 when registration was already at an advanced stage. The state of the voters' roll was questionable; access to it was late and expensive. This Report recommends the overhauling of the voters' roll and making it accessible to interested parties. There should be a constant updating of the voters' roll.

4.3 Voter and Civic Education

Voter and civic education is indispensable in the preparation for democratic elections. This is especially the case in a society in which levels of literacy vary considerably between social groups, and between urban and rural areas. However, current legislation places restrictions on who may provide voter education although ZEC can permit other organizations (such as ZESN) to assist. The amount of voter education provided to potential voters was quite limited prior to the 2005 election. This limitation goes some way to explain the considerable proportion of voters turned away from polling stations, and the number of spoiled ballot papers. This Report observes that although ZEC disseminated adverts in the print and electronic media on the new arrangement of one-day voting, it did not highlight the new procedure of voting in three queues based on surnames. Nor did ZEC information emphasize where there had been changes in constituency boundaries or make constituency maps available. In future elections, there should be considerable focus and investment on voter and civic education.

4.4 Postal Voting and the Diaspora Vote

The issues of postal voting and the right of Zimbabweans living in the Diaspora to vote in the election were contentious ones. Misgivings were expressed in some quarters that the postal voting had not been transparent enough. ZESN recommends that the postal voting system should be administered

in a manner that ensures accountability, transparency and secrecy of the ballot. There should be domestic and international observers present both when the opening of postal votes takes place, and when members of uniformed services vote. There need to be details with respect to the number of postal applications made and the constituencies to which these relate. Finally, there is a significant number of potential voters amongst the 2 to 3 million Zimbabweans living in the diaspora. They have a democratic right to participate in their home country's elections: the same right of postal voting that those in the uniformed services and diplomatic service possess should be extended to them.

4.5 Counting, Transmission and Announcement of Results

This Report observes that it was good to introduce the provision that votes should be counted at polling stations to enhance transparency. In terms of the Electoral Act, once counting had been completed and the results conveyed to the constituency centre, the presiding officer of a particular polling station should display the results outside the station for the public to see. This was not done in some instances. Furthermore, some observers were unnecessarily 'detained' at polling stations even after counting had been completed. Electoral authorities should look into those instances. Had ZEC provided observers with unfettered access to vote counts at polling stations, ZESN would have been in a position to help verify results and assist in resolving election-related disputes. More generally, failure to display results at some polling stations reduces transparency and accountability thus undermining the value of counting ballots in accordance with the *SADC Principles and Guidelines*. Finally, the Report assesses the issue of discrepancies in the vote totals in some constituencies leading to charges of rigging by the MDC, some organizations and sections of the press.

4.6 Role of Traditional Authorities in Elections

Traditional authorities have been playing a more active role in the electoral process in rural areas in the past few years. The 2005 election process was no exception.. This Report shows that chiefs, kraal heads and headmen were active in the registration of members of communities living under them as well as ensuring their turnout on polling day. However, there were also allegations that some traditional leaders threatened their subjects with eviction if they failed to vote for the ruling party. Their role was not non-partisan. Some of them had their homesteads designated as polling stations. Traditional authorities should not play the overtly *political and partisan* role that some of them played in this election.

5.1 Access to the Media and State Resources

In previous elections, the observation has often been that access to the public media by contesting parties was inequitable. This largely remained the case during the 2005 election campaign. The state-controlled public media, both print and electronic, were clearly and consistently biased against opposition parties. Some privately owned media were also manifestly biased against the ruling party. However, the private media is a shadow of itself after the state-sanctioned closure of the mass independent daily, the *Daily News*, in 2003. The paper had provided an effective platform of alternative views in the 2000 and 2002 election campaigns.

This Report observes that even though political parties were belatedly allowed to advertise in the electronic media, this should have been extended to the print media. Although new broadcasting rules allowed access by contesting parties to radio and television, this was only a few weeks before the election date. Advertising on this media was also made very expensive. News bulletins and current affairs programmes during this period continued to demonstrate a distinct bias towards the ruling Zanu PF party. The post-election period should witness an opening up of the airwaves and the repeal of laws that create a monopoly for the state-controlled broadcaster. Finally, this Report provides examples of cases that show that access to state resources for use in campaigning remains inequitable and in favour of the incumbent party.

5.2 An Environment of Repressive Laws

Although the election campaign was a generally peaceful one, the environment in which it was conducted was one in which repressive laws were extensively used. Such laws include the *Public Order and Security Act* (POSA) (Chapter 11:17), the *Access to Information and Protection of Privacy Act* (AIPPA) (Chapter 10:27) and the *Miscellaneous Offences Act* (1964) render the electoral environment hostile largely to the opposition parties. These laws are at variance with the *SADC Principles and Guidelines* that stress that member states should take measures that ensure that all citizens enjoy freedom of movement, association and expression. That the elections were conducted in a peaceful atmosphere was not *because of* but *in spite of* this repressive legislation. The legislation should be reviewed and repealed.

5.3 Women Candidates and the Election

This Report observes that the participation of women, as candidates, in an election is an important part and barometer of a democratic process. Although the elevation of Joyce Mujuru to the post of Vice-President served as a role model to aspiring women politicians, the 2005 election campaign was not distinguished by a prominent role for women candidates. However, it was significant that Zanu PF reached a decision to raise the proportion of its women election candidates to 30 per cent reminiscent of the SADC target for women by 2005. In the MDC, preference was given to sitting women members of parliament. Although 58 women candidates from different parties contested in the election, 20 won well below the minimum SADC target of 30 per cent. A great more therefore needs to be done to raise the representation of women to meet this target.

5.4 Integration of Election Management Bodies

There remains more than one election management body in the country despite the establishment of ZEC. There was bound to be an overlap in functions and authority between ZEC, ESC, Registrar-General of Voters and the Delimitation Commission. The existence of this multiplicity of electoral bodies is contrary to the *SADC Principles and Guidelines*. The case for the integration of these bodies into one that is impartial, independent, all inclusive, competent and accountable remains as strong as ever. The present ZEC should serve as a nucleus of such a body. The post-election period should provide opportunities for reflection and planning for this eventuality.

5.5 Dialogue and Political Culture

This Report concludes by observing that the adversarial nature of Zimbabwean party politics should be superseded by inter-party dialogue. The election campaign demonstrated that it is possible to build and sustain an atmosphere and conditions of tolerance and peace. This experience should not be frittered now that the election is over. The experience provides an opportunity for sustained dialogue between on a range of issues. These include constitutional reform, the possible introduction of a Senate, the repeal of draconian legislation and a transformation from an authoritarian political culture that is at variance with the broad trend of *democratization* in the SADC region. This Executive Summary has not been exhaustive. The Report goes into detail about other aspects such as party primaries, party manifestos, the role and findings of international observers as well as on post-

election developments. It concludes with a set of recommendations for consideration and action by the stakeholders.

Chapter 1

POLITICAL AND HISTORICAL BACKGROUND

1.1 Political and Historical Background

Celebrating its Silver Jubilee this year as an independent state, Zimbabwe has been governed under a *majority rule* (or 'one person, one vote') system since 1980. Prior to this, the country was under white settler rule for 90 years, a period during which the black majority was disenfranchised. Like in other African countries, a nationalist movement emerged in the 1950s to spearhead the struggle for Independence. However, the struggle was subsequently transformed into an armed liberation struggle (or *Second Chimurenga*) that was waged in the 1960s and 1970s. This struggle for liberation was largely prosecuted by the wings of the nationalist movement. These were namely ZANU and ZAPU which came together to form the Patriotic Front (PF) in 1976.

In the first Independence election held in March 1980, most of the seats were won by Zanu PF (with 57) followed by PF Zapu (with 20) while a paltry 3 went to the United African National Council (UANC). The election was contested under the Proportional Representation (PR) system unlike the subsequent ones. Until 1987, there were 20 seats specially reserved for whites in the 100-member Parliament. Until 1990, there was a second Upper Chamber, the Senate.

Although a government of national unity was sewn together in 1980 drawing on the main parties in Parliament, it soon came under tremendous strain in 1982. This was due to the eruption of a civil conflict in the Matabeleland and Midlands provinces. It collapsed with the exit of PF Zapu ministers from government. Until 1987, the conflict persisted resulting in considerable casualties leaving behind a legacy of bitterness and alienation. However, a Unity Accord between Zanu PF and PF Zapu in 1987 paved the way to a merger between the two parties and an effective end to the conflict in the above-mentioned provinces.

Significantly, the elections conducted in 1985, 1990, 1995, 2000 and the more recent ones of 2005 were held on a single-member-district (SMD) constituency basis or "winner takes all" system. Another significant development was the replacement of the ceremonial presidency with an Executive Presidency in 1987.

It is useful to recall that in the late 1980s, a major political debate in the country revolved around the one-party state concept. It was a concept strenuously resisted by opposition parties notably by the Zimbabwe Unity Movement (ZUM) and by civil society organizations such as the Zimbabwe Congress of Trade Unions (ZCTU). The campaign against the concept succeeded in pre-empting an intention to introduce legislation for a *de jure* one-party state. However, this did not necessarily prevent the establishment of a *de facto* state between 1990 and 2000. Following the merger of Zanu-PF and PF-Zapu, the unified party easily dominated in the elections conducted in 1990 and 1995. The new Zanu PF obtained 117 and 118 out of the directly elected 120 seats in 1990 and 1995 respectively.

In this context of little political competition, there was a notable decline in the proportion of voters who participated in elections. From an estimated turnout of 94 per cent in 1980, the proportion declined steadily to 84 per cent in 1985 and 47 per cent in 1990. The marginal increase to 57 per cent in 1995 is reckoned to be deceptive because it was calculated from a very low base of registered voters; only about 43 per cent of potential voters had bothered to register (ZHDR, 2000).

However, with the resurgence of more competitive party politics in 1999, there was an increase in voter turnout in the 2000 election in quantitative terms. Out of 5,04 million registered voters, about 2,5 million voted in the election. There is a sense in which the 2000 election marked a watershed in voter turnout trends. The stiff competition between the two main parties, Zanu PF and MDC, went some way to revive interest in political participation through voting. In the 2005 election, voter turnout at about 2,7 million was 10 per cent higher than in the 2000 election (Herald, 4 April 2005).

Although it was not an election, a referendum organized in February 2000 on a government-sponsored draft constitution had resulted in an unprecedented defeat of the ruling Zanu PF party. This setback would, however, later galvanize the ruling party to re-organize itself and restructure the state in both conventional and unconventional ways in order to strengthen its grip on power. More generally, the 2000 election also marked a watershed in that the *de facto one-party state* situation was effectively undermined with a significant opposition win of 58 out of 120 directly elected seats. The MDC won 57 while Zanu Ndonga obtained 1. The election outcome demonstrated the very close contest between the MDC and Zanu PF. However, a distinguishing feature of the 2000 general election campaign was widespread violence, coercion and intimidation. About 30 people, mostly

opposition supporters, were killed while thousands were injured during the campaign. Similarly, the 2002 presidential election witnessed the use of political violence and intimidation as campaign tools. This stained the legitimacy of both the 2000 and 2002 elections leading, amongst other things, to strained relations with such organizations as the Commonwealth and the European Union (EU), and with individual countries like Britain and the United States.

1. 2 The Regional and International Context

The 2005 election was conducted against the background of differences in tone in relations between Zimbabwe and the West on the one hand, and between it and the African region on the other. Following the critical Observer reports compiled by their teams on the 2000 and 2002 elections, the Zimbabwe Government responded defensively at first and then robustly later towards the EU, Commonwealth and other Western organizations. Relations with the British Government were so poor that it was proscribed from sending observers both to the 2000 and 2002 elections. Owing to friction between the two sides, the EU observer team leader was deported in the run up to the 2002 election. The Commonwealth Observer team's report on the 2002 election was bitterly criticized by the Zimbabwe Government. Zimbabwe reacted robustly to its subsequent suspension from that organization. The nadir in the relations between the EU and Zimbabwe was the imposition of 'smart sanctions' against the leading members of the latter's political and business elite in 2002. The breaking point in its relations with the Commonwealth was Zimbabwe's abrupt withdrawal from the organization in December 2003.

In contrast, Zimbabwe's relations with countries that are members of the African Union and of SADC have been reasonably cordial. Most election observer teams from the African region were invited to the 2000, 2002 and 2005 elections. Most observation reports from organizations and by country teams from the region have been uncritical on how the elections were conducted. Where there has been criticism made, it has been generally mild. There have been some exceptions, and this would go some way to explain why certain organizations, such as the SADC Parliamentary Forum were not invited to observe the 2005 election.

Clearly, the Zimbabwean elections held from 2000 to 2005 have been conducted in an atmosphere of what has broadly been termed as 'a crisis situation'. There have been anxieties that the crisis would have a contagion effect on the region in political, economic and social terms. The crisis has been

dissected and widely reported upon by the international media sometimes in less than illuminating ways thereby dampening confidence in Zimbabwe and the region. This is the context in which SADC formulated its *Principles and Guidelines for Democratic Elections* to provide a framework for member states to conduct their elections. These were agreed upon at a summit in Mauritius in August 2004. The Zimbabwe Government was a signatory to the *Principles and Guidelines* and this introduced a new element in how the 2005 elections would be conducted and judged. As it was observed elsewhere, a SADC route to electoral legitimacy was perhaps the least painful and risky, in the circumstances, for the Zimbabwe Government (Sachikonye, 2005). It was scarcely surprising that the SADC Observer Mission to the 2005 election was the largest and most prestigious of its kind.

CHAPTER 2

THE LEGAL AND CONSTITUTIONAL FRAMEWORK

2.1 THE CONSTITUTIONAL FRAMEWORK

The Constitution, the Electoral Act (2004) and the Zimbabwe Electoral Commission (ZEC) Act (2004) provide the framework for elections in Zimbabwe. Parliamentary and Presidential elections are held every five years and six years respectively. According to section 38 of the Constitution, Parliament consists of 150 members. Of these members, 120 are directly elected while a different formula is used in the appointment of the remaining 30 members. The 30 seats are appointed as follows: 12 directly by the President, 8 on basis of having been appointed provincial governors by the President and 10 are reserved for Chiefs whose appointment requires presidential approval. Thus presidential appointments to the legislature account for 20 per cent of members of parliament.

2.2 THE ELECTORAL FRAMEWORK

Zimbabwe practices the 'first past the post' (FPTP) electoral system. Inherited from the Westminster-type plurality or single-member district (SMD) system, the candidate with the highest number of votes wins. However, the winner may be elected on the basis of less than 51 per cent of voters in a constituency.

The principal institutions of the electoral system are the Delimitation Commission, the Electoral Supervisory Commission and the Zimbabwe Electoral Commission. Until 2004, other key institutions were the Registrar-General of Elections and the Election Directorate. The appointment of the Zimbabwe Electoral Commission in January 2005 paved the way for it to carry responsibility for tasks previously carried out by the Registrar-General and the Election Directorate. However, there still remains an overlap between the functions of ZEC and the ESC.

2.2.1 THE DELIMITATION COMMISSION

Set up in terms of section 60 (2) of the Constitution, the Delimitation Commission has the responsibility of determining the limits of the constituencies in Zimbabwe. In doing so, it takes into account the number of registered voters and their geographical distribution, physical features and

means of communication. The Commission is thus responsible for the division of the country into 120 constituencies. These constituencies should have 'as nearly as may be equal' number of voters in each constituency.

The chair of the Delimitation Commission should be a member of the Supreme or High Court and appointed after consultations between the President and the Judiciary Services Commission. The Commission is normally appointed every five years prior to a general election. To prepare the demarcation of constituencies to be contested in the 2005 election, a Delimitation Commission was appointed on 14 September 2004. Chaired by Justice George Chiweshe, a High Court judge, the Commission consisted of three other members namely **Maclean Bhala, Charles Mukora and Job Whabira.**

In its report completed in December 2004, the Commission recommended a reduction of the number of constituencies by one each in Harare, Bulawayo and Matabeleland South, and an increase by one each in Mashonaland East and Manicaland. The former are electoral strongholds of the opposition MDC and the criticism has been raised that the Commission's findings suggest gerrymandering. The criticism has been raised against the background of an increase in the voting population in metropolitan Harare. Furthermore, there has been concern that the Delimitation Commission completed its report in December 2004 well before the final voters' roll had been compiled. Finally, due to the subsequent appointment of Judge Chiweshe as the Chair of the Zimbabwe Electoral Commission (ZEC) in February 2005, it became complicated to have issues concerning demarcation dealt with or reviewed by ZEC.

2.2.2 ZIMBABWE ELECTORAL COMMISSION

Established in terms of Section 3 of the ZEC Act, ZEC consists of a Chair and four other Commissioners. The President appoints the Chair after consultation with the Judicial Services while the four other Commissioners are also appointed by the President from a list of seven nominees submitted by the *Parliamentary Committee on Standing Rules and Orders*. The ZEC Act requires that two of the Commissioners should be women. Appointed on 7 February 2005, ZEC comprises the following members:

- **Judge George Chiweshe** - **Chair**

- **Mrs. Sarah Kachingwe** - **Commissioner**
- **Mrs. Vivian Ncube** - **Commissioner**
- **Prof. George Kahari** - **Commissioner**
- **Rev. Jonathan Siyachitema** - **Commissioner.**

The functions of ZEC are wide ranging. They are:

- to prepare and conduct elections,
- to direct and control the registration of voters by the Registrar-General of Voters,
- to compile the voters' roll,
- to ensure the proper custody and maintenance of voters' roll and registers,
- to design, print and distribute ballot papers, approve form and procurement of ballot boxes and to establish polling stations and
- to conduct voter education.

In view of these wide-ranging functions, it is surprising that the Commission was appointed less than two months before the March 31 election. There was inevitably widespread concern whether the Commission would ensure the effectiveness and transparency of the functions and mechanisms that it inherited from the former electoral bodies. In particular, concern was raised in relation to the state of the voters' roll. There were allegations such as that the voters' roll contained 'ghost voters'!

Although there is provision for a Registrar of Voters that is formally subject to the control of ZEC, this office is actually part of the Public Service. There have been concerns raised that the Registrar of Votes is located in the same department with the Registrar-General, who currently does not inspire much confidence and trust.

2.2.3 THE ELECTORAL SUPERVISORY COMMISSION

The Electoral Supervisory Commission (ESC) was established in terms of Section 61 of the Constitution, and consists of a Chairperson and four other Commissioners. The President appoints the Chair and two of the Commissioners in consultation with the Judicial Services Commission, and the remaining two in consultation with the Speaker of Parliament.

It was observed above that there appears to be overlap between the mandates of the ESC and ZEC. For instance, the functions of the ESC are defined in the Constitution as:

- to supervise the registration of voters and conduct of parliamentary and presidential elections,
- to supervise the registration of voters and the conduct of elections of the governing body of any local authority,
- to consider proposed bills or proposed statutory instruments relating to the registration of voters or to elections stated above,
- to establish and chair an Observers' Accreditation Committee for accrediting observers to observe elections,
- to invite persons representing bodies in the SADC region that exercise similar functions to observe Zimbabwean elections and
- to write and submit a report to the President or Minister of Justice, Legal and Parliamentary Affairs as the case may be soon after an election.

The ESC undertakes functions that, in other SADC countries, are normally undertaken by an independent electoral Commission of the status of ZEC. It remains a conundrum why the ESC and ZEC should co-exist with overlapping functions. There have been concerns expressed about the seconding of members of the military to the secretariat of the ESC. Currently, the members of the ESC are:

- **Mr. Theophilus Gambe** - **Chair**
- **Joyce Kazembe** - **Commissioner**
- **Erica Ndewere-Mususa** - **Commissioner**
- **Mr. Tendayi Mberi** - **Commissioner**
-

2.2.5 THE WIDER FRAMEWORK OF THE 2005 ELECTIONS

In assessing the 2005 elections, the wider regulatory framework should be taken because it conditioned the environment of the campaign. Several laws inhibited freedoms of assembly, association and expression in the run up to the election. These include the *Public Order and Security Act* (POSA) of 2002, the *Access to Information and Protection of Privacy Act* (AIPPA) of 2002 and the *Citizenship of Zimbabwe Amendment Act* of 2001.

Modeled along the lines of the *Law and Order Maintenance Act* (LOMA) of 1960, POSA made it an offence to criticize the President. It also gave considerable powers to the Police over the regulation of public meetings and demonstrations. POSA requires any organizer of a meeting or rally to give at least four days of written notice of the gathering to the Police. In the 2002 election, the police were given the power to prohibit public meetings and demonstrations if they thought that these would cause public disorder (ZESN, 2002). They dispersed whatever meetings and demonstrations that they considered illegal. Furthermore, POSA contains a provision that makes it an offence for anyone inside or outside Zimbabwe to publish or communicate a statement that may lead to 'inciting or promoting public disorder or public violence or endangering public safety'. Opposition parties have complained about the sweeping powers that POSA awards the police as well as the partisan implementation of its provisions.

Another piece of legislation that had a bearing on the political environment in which the 2005 election campaign is the *Access to Information and Protection of Privacy Act* (AIPPA). Under the Act, all media professionals require permission to operate from a commission set up by the government, introduces a regime of licensing journalists and bars foreign journalists from being permanently based in the country. Since the introduction of AIPPA in 2002, four newspapers have been denied permission to continue publishing. These were the *Daily News*, *Daily News on Sunday*, *the Tribune* and *the Weekly Times*. These newspapers shared one characteristic: they were critical towards the present government. Their closure undoubtedly undermined press freedom and expression of diverse opinion in society. Opposition parties and civil society groups were affected by this closure of space and forum for expression of their views and experiences. To that extent, the reporting on the 2005 election campaign was compromised by the near-monopoly of the state-controlled media (especially the daily press) and full monopoly of electronic media.

Although it had not been signed into law by the President by election time, the *Non-Governmental Organizations Bill* contains provisions that seek to curb the activities of NGOs that are engaged in governance and human rights issues. There persisted to be anxieties amongst some NGOs that they might be de-registered in the run-up to, or just after, the elections. There remain concerns that the impending law will be draconian and inconsistent with political and electoral reform in the country. The NGO legislation would infringe the SADC *Principles and Guidelines on Democratic Elections*.

On a positive note, the SADC *Principles and Guidelines* introduced a new element into the Zimbabwe election process. This element included a new framework as epitomized by novel innovations such as voting on one day, translucent ballot boxes, the establishment of the Electoral Court, counting of votes at polling stations and indelible ink. Equally, the rights and responsibilities of host states and observer teams were also spelt out. In sum, the *Principles and Guidelines* recommend:

- impartial, all-inclusive, competent and accountable electoral bodies to be appointed and staffed by qualified personnel,
- that there should be voter education,
- that SADC should be invited to send a mission at least 90 days before polling,
- that all political parties should have equal access to state media and allowed freedom of campaigning,
- that there should be no discrimination in voter registration and the voters rolls should be updated and accessible,
- and that polling stations should be sited in neutral places and measures taken to prevent fraud, and
- that contesting political parties should accept election results that have been declared “free and fair” (SADC, 2004).

These provisions and expectations made up the framework that the Zimbabwe Government was expected to use as a basis for its electoral reform and conduct of the 2005 election. There were clearly shortfalls in both areas of reform and conduct, as this Report will show. The debate will continue on the significance of these shortfalls for the overall outcome of the 2005 election.

Finally, an important aspect of the legal and political framework of the elections is that of the funding of political parties. The requirement for a party to secure state funding was originally set at a minimum of 15 seats in parliament. Following a Supreme Court ruling in 1998, this was lowered to a minimum of 5 per cent of the total valid votes in an election contest. Both the ruling Zanu-PF and opposition MDC have been the principal beneficiaries from this formula on party funding. At the beginning of 2005, some Z\$ 6,5 billion dollars were shared between the two parties taking into Zanu-PF'S 62 seats and the MDC' 57 seats. Zanu PF was given Z\$3,38 billion dollars and MDC Z\$3,12 billion dollars.

CHAPTER 3

3. THE PRE-ELECTION PERIOD

This chapter assesses developments during the pre-election period and their effect on the conduct of the poll on March 31. It examines the processes of voter registration and inspection, voter education as well as the processes of delimitation and nomination.

3.1 VOTER REGISTRATION AND INSPECTION

The body responsible for voter registration is ZEC. It 'directs and controls' the registration of voters by the Registrar of Voters, as we saw in chapter 2. In practical terms, the exercise is carried out by a government department headed by a Registrar-General.

In previous elections, the process of voter registration has run into problems. These have included lack of updating and little publicity of the exercise (as in the 1985 and 1990 elections) and late availability and inspection of the voters' rolls (as in the 1995 election) (ESC, 1990). During the 2000 election, several other problems were pointed out by observers. These included incidences of inclusion of deceased persons, mis-spelt names, voters slotted into incorrect constituencies and persons from the same household allocated to different constituencies (EISA, 2000). This resulted in the disenfranchisement of potential voters.

Similar problems surfaced during the voter registration process prior to the 2005 election. First, there was limited publicity of the registration exercise. Second, access to copies of the voters' rolls was very difficult because they were prohibitively expensive. A copy for a constituency voters' roll cost Z\$2 million dollars, and thus Z\$ 240 million dollars for the 120 constituencies. Although the Registrar-General keeps voters' rolls in electronic form, the office has refused to provide an electronic copy when asked to do so. Third, ZEC did not supervise voter registration because it came into office after the process had been completed. Fourth, there were allegations that voter registration was still on-going even after the cut-off date of 4 February 2005 for inspection deadline.

Like voter registration, inspection of the voters' rolls also encountered problems such as little publicity. It was observed, for example, that although inspection of the rolls was extended by nearly a

week, some sections of the population were unaware about it especially in rural areas (ZESN, 2005). Some reports referred to audits of the voters' rolls that showed "ghost names".

3.2 VOTER EDUCATION

Voter education and information are a cornerstone of democratic elections. They are essential for empowering the electorate to vote knowledgeably (ZESN, 2002). Key aspects of voter and civic education should include basic information on the following:

- how and where to register as a voter,
- how to make a complaint about the voters' roll,
- constituency boundaries,
- where and how to vote,
- secrecy of the ballot,
- the purpose of an election and who is standing for it,
- and amendments to electoral laws and procedures (Ibid.).

There was a late start to providing voter education and information in the 2005 election campaign. Although there was an on-going voter education programme by the ESC, it had only a limited reach. Because of its late appointment (less than 2 months before the election), ZEC started its own voter education only in March. Although ZEC disseminated adverts in the print and electronic media on the new arrangement of one-day voting, it did not highlight the new procedure of voting in 3 lines based on surnames. The ZEC information did not emphasize where there had been changes in constituency boundaries or make constituency maps available.

Finally, unlike in previous general elections, the role of non-state actors especially NGOs in voter and civic education was more restricted. Section 12 of the ZEC Act stipulates that no foreign contribution or donation for voter education shall be made except to ZEC which may allocate such contribution or donation to any person. Furthermore the NGO Bill though not signed into law also ban foreign funding to human rights and governance work. This provision of the Act affected civil society organizations (CSOs) that ran voter education programmes drawing on external funding. ZESN sought and was granted by telephone approval (as stipulated in the ZEC Act) to continue providing voter education thereby complementing ZEC's role in this sphere.

3.3 THE DELIMITATION COMMISSION REPORT

The composition and functions of the Delimitation Commission were spelt out in chapter 2. Here we make some observations about its Report that was published in December 2004. The stiff price of Z\$350,000 per copy made the Report inaccessible to most voters. It was also observed that the Report was not readily available in areas directly affected by boundary changes (ZHRLR, 2005). Of concern was that the map outlining the boundaries of constituencies was unavailable, even in Harare. Due to this situation, voters were unlikely to be aware of changes in demarcation; this may have prevented them knowing where to cast their vote, and hence the increase in the numbers of potential voters turned away. Unfortunately, the Constitution and the *Electoral Act* seem silent on how long before an election new constituency boundaries should be made known. This left too much discretionary power to the authorities.

As we observed in chapter 2, the Delimitation Commission recommended that Harare, Bulawayo and Matabeleland South should lose a constituency each while Mashonaland East, Mashonaland West and Manicaland gained one each. The list of provinces and number of constituencies and registered voters are shown in Table 3.1. Opposition parties and sections of the media have questioned the rationale of the demarcation process. Major issues raised were that delimitation was not based on census results, did not consult the public. In addition there was no regard to issues of community of interest for example in Harare South where there is a mixture of rural and urban communities. They argued that what occurred was gerrymandering to improve the electoral fortunes of the ruling Zanu PF party.

TABLE 3.1: Provinces, Constituencies and Registered Voters

Province	No. of Registered Voters		No. of Constituencies	
	2000	2005	2000	2005
Bulawayo	357281	339 990	8	7
Harare	799452	832 571	19	18
Manicaland	576404	686 767	14	15
Mashonaland Central	418 277	490 181	10	10
Mashonaland East	506 817	610 715	12	13
Mashonaland West	502964	593 354	12	13
Masvingo	593 778	675 234	14	14
Matabeleland North	317 405	342 745	7	7
Matabeleland South	319 015	341 258	8	7
Midlands	658 422	745 822	16	16
TOTAL	5 049 815	5 658 637	120	120

Source: Delimitation Commission, 2000, 2004

3.4 THE NOMINATION COURT

Parliamentary candidates must complete nomination papers to be signed by themselves or their election agents and no fewer than ten persons who are registered on the voters' roll of the constituency being contested. The forms can include a symbol for the candidate if they are standing as independents. However, in case of party candidates, the forms should include the name and the abbreviated name of the sponsoring party, as well as a counter-signature of an authorized official of that party (EISA, 2000). The nomination papers must be submitted to the nomination court by 4 pm on the nomination day together with the prescribed deposit. The deposit is forfeited if the losing candidate wins less than a fifth of the votes obtained by the winning candidate.

Candidates in the 2005 election filed their papers on 18 February 2005 in the various provincial centers where a nomination court sat. Generally, the nomination process went smoothly without any incidents of intimidation and violence. Although the Minister of Justice, Legal and Parliamentary Affairs initially stated that long birth certificates were one of the requirements for those intending to file nomination papers, this was later reversed by ZEC. This followed an outcry from political parties this may have been deliberately aimed at disqualifying some aspiring candidates.

There were a number of highlights in the nomination process. Both Zanu PF and MDC each fielded candidates in all the 120 constituencies. The other parties whose candidates were successfully nominated to contest in the election were Zanu Ndonga with 9 candidates and the Zimbabwe Youth Alliance with 2 candidates. Interestingly, the number of Independents was significant at 17. The Independent candidates were mostly drawn from both Zanu PF and MDC politicians who had lost during party primary elections. Although some of the Independents pulled out of the race at the last minute, they included figures such as Jonathan Moyo from Zanu PF and Silas Mangono from the MDC, but also others such as Margaret Dongo in Harare. Part of the reason of the low number of candidates fielded by parties was the hefty deposit of Z\$2 million required for nomination, and the relatively high cost of campaign expenses.

There were several interesting, if not controversial, highlights in the nomination process. First the nomination papers of Roy Bennet, the MDC MP for Chimanimani, who was jailed in 2004 for assaulting Minister Patrick Chinamasa in Parliament, had his nomination papers rejected. As a further twist, his wife, Heather Bennet presented nomination papers as an MDC candidate for the constituency. An appeal to the Electoral Court by Roy Bennet was accepted by Justice Uchena who then decided to postpone the election in Chimanimani to a date in April. However, this was subsequently over-ruled after comments by President Mugabe which were critical of the Uchena judgement. Heather Bennet went on to contest against Samuel Undenge in Chimanimani. Another highlight was the filing for nomination as an Independent by Jonathan Moyo in the Tsholotsho constituency. This followed Zanu PF's decision to endorse Musa Ncube instead of Moyo following a fall-out over a power struggle for the post of Vice-President. Jonathan Moyo was immediately sacked from his position as Minister for Information and Publicity in the Office of the President. Similarly, three members of the MDC who lost in party primaries and went on to file nomination papers were expelled from the party. Finally, a candidate of Zanu Ndonga, Gideon Dhliwayo was disqualified in standing because he was unable to raise the nomination fee of Z\$2 million.

3.5 THE PREPAREDNESS OF ELECTORAL INSTITUTIONS

How well prepared were the various election management bodies (EMBs) for the election? As a newly-established body, ZEC relied extensively on existing structures for the preparations. On 1 March 2005, ZEC formed a National Elections Logistics Committee which was basically a re-

incarnation of the former Election Directorate. Like the Directorate, the Committee largely drew from public service structures and personnel for the running of the election. Other activities that ZEC performed during this period were voter education (from about two weeks before the election itself), and the training of polling officers who were then deployed on 28 March 2005. While the accreditation of both local international observers was conducted by the ESC, the briefings to them were carried out by ZEC on 23 and 29 March.

3.6 OBSERVERS AND MONITORS

There is a growing realization that the presence of observers (local, regional and international) generates confidence in the electoral process and international standing of the country (SADC, 2004). Election observers should be accepted as part of the process to institutionalize democracy, and as a mechanism to persuade governments to adhere to the ingredients of free and fair elections. According to the *Electoral Act*, the role of an observer is to observe the conduct of polling in an election, to be present at the counting or collating of the votes cast, and to bring any irregularity in the conduct of poll or vote counting to the attention of the monitor on duty or the ESC.

The role of the monitor is to monitor the conduct of polling and counting of votes, and to bring any irregularity to the attention of the presiding officer.

There were an estimated 500 regional and international observers during the 2005 election. Most of them arrived in the country in the last two weeks of the campaign. The largest observer teams were from SADC, the South African Government and Parliament; other teams were from the African Union (AU) and teams sent by governments such as Malawi, Botswana and Iran. Countries with diplomatic missions in Harare were allowed to accredit contingents of their staff as observers as was the case with the United States and most EU countries. However, it was significant that regional bodies such as SADC Parliamentary Forum and the Electoral Institute for Southern Africa (EISA) were not allowed to come as independent entities to observe the election. Similarly, the Commonwealth and the European Union were barred from sending observers. Amongst local observers, it was notable that the Zimbabwe Congress of Trade Unions was not accredited to undertake observation.

The largest contingent of local observers was that fielded by ZESN. It deployed 260 long-term observers to cover the pre-election period and 6000 observers nation-wide during the election. Out of

these, 240 were mobile and managed to cover most of the country. In total, there were an estimated 8 000 local observers. However, the costs for accreditation fees were too exorbitant and there was need to have decentralized accreditation centres to provincial or even to constituency level.

CHAPTER 4

THE ELECTION CAMPAIGN

4.1 GENERAL CONTEXT

The 2005 election campaign was different in atmosphere and tone from previous elections especially those of 2000 and 2002. There was significant change from the intimidation, coercion and political violence that characterized those elections. By and large, it was peaceful with a surprising level of political tolerance. A major contributing factor to the atmosphere of peace and tolerance were the early and consistent calls for “zero tolerance” on violence from the President, political party leaders, police and security chiefs as well as from the contesting candidates themselves. The call for peaceful campaigning was also picked up and disseminated by the media.

While a few incidents of inter-party and intra-party clashes occurred nevertheless, these were on a limited and sporadic scale. No politically motivated killing was reported during the campaign. This may be compared with about 30 in 2000 and 54 in 2002 (ZESN, 2002). The calm atmosphere has encouraged the official media to extol what it termed “political maturity” amongst Zimbabweans. However, as we will observe in chapter 5, some of the old problems relating to transparency and credibility of electoral administration would re-surface at the counting stage and announcement of results.

The election campaign began in earnest at the beginning of February following the announcement of the poll date by the President. Prior to this, there had been some uncertainty over the MDC would participate or not. It had suspended participation in by-elections from August 2004 pending the Zimbabwe Government’s compliance with the SADC *Principles and Guidelines*. It is arguable whether the decision to suspend participation in elections achieved the party’s aims. In the end, it made a turn-around on 3 February to participate “with a heavy heart”. Thus although the campaign would be largely violence-free, the levels of mistrust and suspicion between parties did not diminish. Some parties continued to view the electoral “playing field” as still “not level”.

4.2 POLITICAL PARTIES AND THEIR PROGRAMMES

The parties that contested in the election were Zanu PF, MDC, Zanu Ndonga and the Zimbabwe Youth Alliance (ZIYA). However, the latter two parties are small and fielded only 11 candidates between them. The significant parties remain the ruling Zanu PF and MDC in a clearly competitive two-party system. What did the parties offer voters in the 2005 election? We will focus on the manifestos of the main contestants; Zanu Ndonga and ZIYA did not appear to have published theirs widely.

Zanu PF stated that it offered voters its 'tried and tested leadership' for another five years during which it would consolidate 'the new direction that Zimbabwe has charted for itself' (Zanu PF, 2005). It was a direction guaranteeing "that Zimbabwe shall never be a colony again". The party pledged to assert sovereignty over "national resources", to stabilize the exchange rate and raise the GDP growth rate to between 3 and 5 per cent per annum. Furthermore, it would adopt programmes to increase investment, manufacturing and mining output while implementing a "look East policy" to diversify markets. Other promises made by Zanu PF were that it would build 1,25 million houses by 2008, revamp the health sector and increase funding for the HIV-AIDS programme; and revamp educational infrastructure while expanding university education. Finally, the party pledged to embark on a 'comprehensive agricultural irrigation and mechanization programme', provide finance and credit schemes 'to capitalize' farmers' operations as well as long-term strategies to mitigate the effects of drought.

For its part, the MDC 'promised' to build 'a new Zimbabwe' that would have "liberty, freedom, prosperity, job opportunities, justice, safety and a living wage' (MDC, 2005). With respect to the economy, the party pledged to restore macro-economic stability and to reduce inflation to single digits. It would also increase investment especially in mining and manufacturing and stabilize the foreign exchange market. The latter would partly be pursued through engaging the international community, and negotiating for debt relief and rescheduling. Furthermore, the party 'promised' to build 750 000 houses within five years. On the health front, the MDC would allocate 15 per cent of the budget to the sector while increasing funding to combat HIV-AIDS. The party would introduce "free primary education for all" and protect "the rights of private schools". Finally, it would ensure the "recovery of the agricultural sector", and achieve food security within 100 days of coming into power.

In its land reform programme, the MDC would promote security of tenure through granting “title to land users” as well as provide inputs, technical, extension and financial support schemes to farmers.

4.3 PARTY PRIMARIES

The holding of primary elections by the main contesting parties was a key feature of the build-up to the campaign. Most of the primaries (in Zanu PF) were organized in January 2005 although there were instances in which they were held earlier (in the MDC for instance). When they are properly held, primary elections represent a barometer on the state of intra-party democracy. How did the parties conduct their primaries?

Some of the primary elections in Zanu PF turned out to be acrimonious. This was the case in Manicaland, Masvingo, Matabeleland North and Matabeleland South. In Manicaland, the primaries were so acrimonious that the senior party stalwarts, Didymus Mutasa and Kumbirai Kangai, were exempted from the primary elections because of sharp differences between the factions that they headed. In December 2004, a Zanu PF team was dispatched to Masvingo to resolve tensions between the provincial party leadership and war veterans. The party leadership was accused of corruption by the latter. In Matabeleland, there was tension and much jostling over the Tsholotsho seat. Jonathan Moyo rejected the primary election result that recommended that the seat be contested by a woman candidate to meet Zanu PF’s 30 per cent threshold. In other provinces, there were some allegations made of vote buying by candidates in primaries, and in others that candidates were being “imposed from the top”. At the beginning of January, as the tension in primaries reached a fever pitch, even President Mugabe himself had to intervene to cool tempers that the party Commissar, Eliot Manyika was being overwhelmed with!

The MDC had its own share of problems and tensions during the primaries. Intra-party squabbles marked the jockeying for candidature in such constituencies as Masvingo Central, St. Mary's in Chitungwiza and Mbare West in Harare. In Masvingo Central, there were clashes between the outgoing MP, Silas Mangono who lost to the incoming Tongai Mathuthu. There was a press report that the bodyguards of MDC President, Morgan Tsvangirai, intervened in the clashes between the two groups of supporters. In Mbare West, the outgoing MP, Danmore Makuwaza, accused the MDC Secretary-General, Gift Chimankire for abusing his position as one of the “top six” leaders of the

party in contesting for the seat. Chimanikire was alleged to have engaged in “vote buying” during the primary election that he eventually won. In the case of St. Mary's, the tug-of-war was reportedly between the MDC chair, Isaac Matongo and Job Sikhala, the sitting MP. The latter subsequently won in the primary election.

In sum, the primary elections were fiercely contested in both Zanu PF and the MDC. Both parties demonstrated limited experience and skills in conducting primary elections. Allegations of “imposition of candidates from the top” and “vote-buying” were often made in both parties. However, the setting of a 30 per cent for female candidates by Zanu PF was a new dimension in accordance with the SADC objective of increasing women legislators by 2005. There remains great scope to improve on the conduct of primary elections as an instrument of intra-party democracy.

4.4 PROVINCIAL CAMPAIGN SUMMARIES

In accordance with its mandate, ZESN deployed 260 long-term observers during the pre-election period. These carried out prior observation before the organization 6 000 observers went out to assess the polling (ZESN, 2005). According to its long-term observers, voter registration and inspection appeared to follow different patterns in rural and urban areas. Although voter registration and inspection were not adequately advertised in the media, in rural areas, people appeared to be well informed about them through their community leaders especially kraal heads and chiefs. Indeed, voter registration and inspection was reported to be higher in rural areas than in urban centers.

4.4.1 MIDLANDS

The period up to December 2004 witnessed the preparations for Zanu PF primaries as the most notable activity. There were no reports of civil society organizations being prevented from arranging workshops in the province. However, such workshops needed to be sanctioned by the local and traditional and political leadership. In Gweru Rural constituency, there were allegations of vote buying by some Zanu PF leaders. In general, there were no reports of politically motivated violence. However, the inspection of the voters' roll in the province was marred by a low turnout.

4.4.2 MASVINGO

Civic organizations were able to organize workshops in the province with consent of the local traditional leadership with the exception of the Mwenezi constituency. Inspection of the voters roll went well in the province. Although there were no reports of inter-party violence, there were intra-party clashes between rival Zanu PF factions, and between rival MDC groups. No arrests were made.

In September, the MDC leader, Morgan Tsvangirai addressed a rally in Masvingo. However, a follow-up rally by the outgoing MDC MP, Silas Mangono was subsequently cancelled. In the Gonarezhou area of Chiredzi, there were allegations that voters were forced to attend a Zanu PF meeting.

4.4.3 MANICALAND

Civic organizations were able to conduct workshops except in three Makoni constituencies. This was allegedly because these had been declared one-party constituencies by the local political and traditional leadership.

There were allegations that Zanu PF took control of the registration process in Chipinge North and South by using kraal heads to lead the people under them to inspection centers. But the change in some constituency boundaries may have caused confusion among some voters. For example, Wengezi used to be part of Chimanimani but has now become part of Mutare South. This seems to have caused confusion amongst potential voters as they were unaware of new boundary changes.

There were isolated reports of political violence particularly in Chipinge South. Zanu PF supporters reportedly beat up opposition supporters who then ran away and sought refuge in neighbouring Mozambique.

4.4.4 HARARE

The turn-out for voter inspection was very low in Harare. For those who turned out, some did not find their names on the voters' roll while others did not have the required documents like proof of residence to re-register. In general, there appeared to be a limited number of inspection centers in Harare.

Some residents in suburbs of Glen Norah, Glen View and Budiro were allegedly forced to buy party cards and attend political rallies. The Ngungunyana Housing Scheme may have been used to gather support from voters. Finally, there was an allegation that passport application forms may have been distributed on a partisan basis to lure potential voters.

4.4.5 CHITUNGWIZA

ZESN was not allowed to conduct voter education in the Unit F, Zengeza and St. Mary's areas of Chitungwiza. There were several allegations relating to voter registration and inspection. First, members of the Women's League were reportedly in possession of a voters' roll that they were believed to be using in conducting a separate registration exercise. They allegedly moved from 'door to door' with a copy of the voters' roll to check on voter registration. Finally, there was a housing scheme launched by the Zanu PF candidate for Chitungwiza. Critics complained that this was tantamount to vote buying.

4.4.6 MASHONALAND EAST

There appeared to be a prevalence of registration through coercion in the various constituencies of Mashonaland East. It was alleged that traditional leaders directly or indirectly forced people to register claiming that they already had a list of all those eligible to vote. One's failure to register would court unspecified serious consequences. Similarly, in the Marondera areas of Rusike and Dombotombo, landlords were forced by Zanu PF functionaries to register their tenants.

There were cases of 'hidden' voter inspection centers at places like Forest Lodge and Igava areas. A significant number of eligible voters may have been deterred from inspecting their names. In some parts of the province, it was alleged that people were forced to attend ruling party rallies. Vote buying was allegedly witnessed where food handouts and agricultural inputs were distributed at rallies.

4.4.7 MASHONALAND WEST

There were intra-party clashes during Zanu PF primary elections in Makonde and Hurungwe West. Vote buying was widespread. For instance, in Chinhoyi, voters were enticed through distribution of free party cards while in Sanyati prospective candidates lured voters through supply of clothes for women, bicycles, food and fertilizers.

In general, the primaries in this province appeared to have been marred by tension and intimidation with the exception of Zvimba North and South. The latter did not conduct primary elections since the candidates were unopposed. Finally, while the ESC carried out much of the voter education, there was only limited voter education by civic organizations.

4.4.8 MASHONALAND CENTRAL

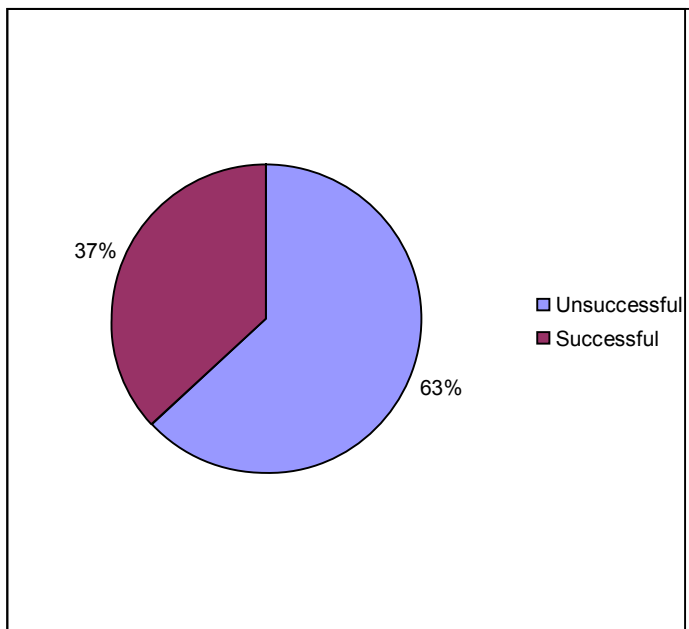
Initially, Mashonaland Central was “a no go area” for campaigning by other parties besides Zanu PF. Party cards were compulsory and failure to produce one could result in serious consequences. There was allegedly a serious monitoring of movements of opposition party members or new-comers to the province. This was a province where civic organizations were completely shut out.

The inspection of the voters’ roll seems to have been adequately publicized by the ESC, and there was a high turnout. However, in certain areas of the province, voter inspection was marred by apathy. Vote buying was rife especially at campaign rallies where farming inputs and bicycles were distributed.

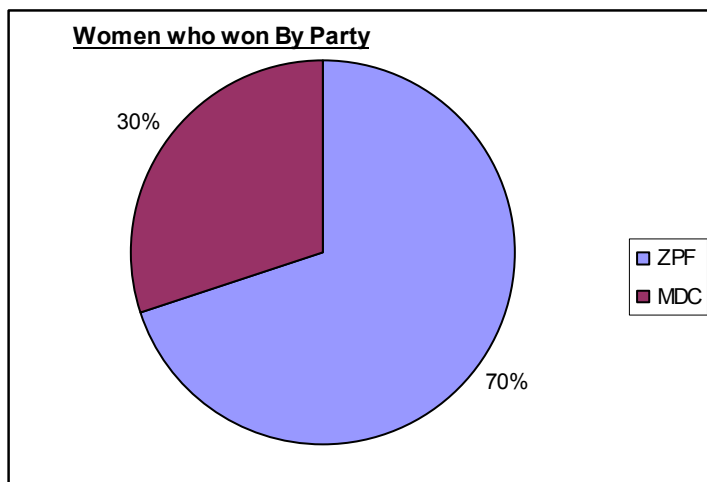
4.5 WOMEN CANDIDATES AND THE ELECTION

The role of women in an election is of paramount importance in the democratic building process (ZESN, 2005). Women have played a significant role in the electoral process but often this role is not appreciated. Issues relating to women and elections are often sidelined, and important issues relating to their rights are frequently relegated during election campaigns. This is despite the fact that women constitute 60 per cent of the eligible voters. The 2005 election campaign had some momentum added to it with the appointment of Joyce Mujuru as a Vice-President (Ibid.).

Graphical Presentation – Women Results 2005 Parliamentary Election



Total Contesting	54
Successful	20
Unsuccessful	34



ZPF	14
MDC	6

With 13 elected women MPs in the outgoing Parliament, Zimbabwe had experienced a decline in women representation from a peak of 23 in the fourth Parliament of 1995 to 2000. Women's parliamentary representation at below 10 per cent fell far short of the target of 30 per cent set by SADC. It was significant that Zanu PF made a decision to raise the proportion of women participating in its primaries to 30 per cent. In the MDC, preference in primaries was given to sitting women MPs. It was therefore interesting amongst the 120 candidates that Zanu PF and MDC fielded, there were 30 amongst the former and 18 in the latter. While Zanu Ndonga fielded 8 women candidates, there were also two women Independent candidates (*Ottilia Maluleke of Chiredzi South later pulled out*). Altogether 58 women candidates stood in the 2005 election (Wipsu, 2005).

In the election itself, some 20 women (or about 16 per cent) would be successfully elected for the 120 directly elected seats. 14 of them are from Zanu PF while 6 are from MDC. Because the overall proportion of women MPs falls far short of the SADC 30 per cent threshold, the issue of women's representation remains a post-election concern (Ibid.). In sum, although the contesting parties paid lip-service to gender issues and especially increased women representation, they did not seriously pursue these issues in concrete ways and strategies.

4. 6 MEDIA ACCESS AND COVERAGE

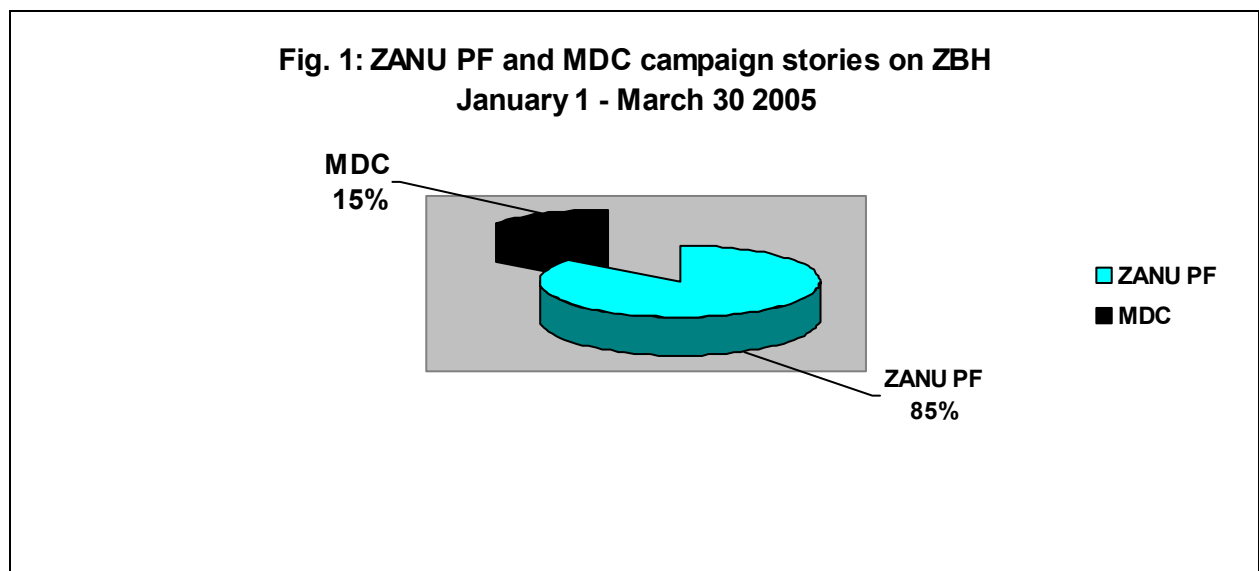
The bulk of the news media in Zimbabwe consists of the state-owned Zimbabwe Broadcasting Holdings (ZBH), the sole radio and television broadcaster, and state-controlled newspapers which have a greater circulation than independently-owned ones. Historically, this media has been partisan in its orientation; it continues to be biased largely in favour of the ruling Zanu-PF party. Although most (but not all) independent papers give a great deal of space to Opposition views, they have a relatively small circulation. There was little change in the patterns of orientation and bias during the 2005 election campaign.

The national public broadcasting corporation, ZBH, failed to fully fulfill its public mandate to provide '*balanced, fair, complete and accurate*' coverage of the March 2005 parliamentary election campaign as stipulated under the Broadcasting Services (Access to radio and television during an election) Regulations gazetted in February 2005. While opposition parties and independent candidates have been officially allowed access to Zimbabwe's electronic media for the first time during an election

campaign, news and current affairs coverage both prior to and after the start of the February 26 ‘election period’ (Defined in the Broadcasting Services Act as 33 days before polling day), was biased in favour of the ruling party, ZANU PF.

Democracy depends upon an electorate that is capable of making informed choices. It is therefore the duty of the national public broadcaster to report news fairly and accurately and to grant political parties equitable access to its airwaves at all times - not just before elections. The imposition of a 33-day “election period” as set out by Zimbabwe’s broadcasting laws, is an arbitrary figure set by an interested party that implies a limit to ZBH’s public service mandate which in itself undermines basic principles of democratic practice; the right to know and to be informed. For this reason MMPZ has assessed access to the media and election coverage from 1 January 2005, as well as coverage during the “election period”.

MMPZ’s findings show that between 1 January and 30 March the main stations of Zimbabwe Broadcasting Holdings (ZTV, Radio Zimbabwe and Power FM) carried a total of 426 election campaign stories covering the activities of ZANU PF and the opposition MDC. Of these, 363 (85%) were on ZANU PF while 63 (15%) were on MDC. Although coverage of the MDC was generally neutral, coverage of ZANU PF was used to portray the ruling party positively.



The SADC *Principles and Guidelines* stipulate that there should be “equal access for all parties to the state media”. However, neither of the ZEC Act nor the *Electoral Act* contain provisions to ensure that all parties, including opposition parties, have equal access to the media. The state media remains skewed in favour of the ruling party.

However, a departure during the election campaign was new broadcasting regulations that facilitated access of contesting parties to the electronic media. ZESN welcomed this as positive development in election broadcasting in Zimbabwe. However, the starting date of the broadcasts was 26 February 2005, a mere five weeks before polling date. Parties were given slots to present their manifestos and programmes to the electorate on radio and television.

Although parties were allowed to advertise on radio and television, it was prohibitively expensive. For example, it cost Z\$226 million for a party to secure an hour of prime time advertising on television, and Z\$84 million on radio. Financial constraints on parties subverted the granting of access to the electronic media.

With respect to print media, the ruling party profited from the unequivocal editorial support provided by state-controlled dailies, *Herald and Chronicle*, and the Sunday papers, *Sunday Mail and Sunday News*. Some of the articles and profiles on the opposition parties and leaders in the *Herald and Sunday Mail* were tantamount to brazen ‘propaganda’ pieces. With the closure of the mass circulation *Daily News*, the opposition MDC was at a great disadvantage.

4.7 USE OF STATE RESOURCES IN CAMPAIGNING

The ruling Zanu PF party derives substantial advantages from incumbency. This is not only in relation to unrivalled access to state-controlled media but to other state resources for use in the campaign. President Mugabe used Air Force helicopters as transport during campaigning. It was observed that other forms of transport such as DDF trucks were used for campaign purposes. They were used to ferry ruling party supporters to campaign venues in Matabeleland South. In another instance, Zupco buses and Department of Social Welfare trucks were used for a similar purpose in the Chitungwiza campaign. There were instances where it was unclear whether the agricultural inputs and maize meal distributed at rallies were private property of the party or candidate or from public coffers.

In some areas, schools were used as venues for Zanu PF star rallies. Although it was claimed that computers were privately sourced with the assistance of Reserve Bank governor, Gideon Gono, the timing of their allocation to schools raised some questions. One such question was whether the timing was an attempt to influence voters. It was estimated that schools in Mashonaland West received about 1 000 donated computers from the President while other provinces received a share. Zanu PF candidates were observed to be giving out maize or making it available for sale at lower prices during the campaign. Such was the case in Gutu in Masvingo, Dangamvura in Manicaland during the campaign. In March, some 72 000 tonnes of maize was distributed in the two Matabeleland provinces. The use of public resources to sway voters is clearly an advantage that is not open to opposition parties especially in rural areas.

CHAPTER 5

POLLING, COUNTING AND RESULTS

5.1 POLLING

The polling in the 2005 election was different from previous ones in several ways. First, it was restricted to one day whereas it used to be spread over two days, even three days, in the past. Second, translucent ballot boxes were used. Third, the practice of having mobile polling stations was abandoned. Fourth, visible indelible ink was used. Fifth counting was done at polling stations.

Inevitably, there was concern whether the polling would be completed in one day. To meet the challenge, ZEC planned for 8 265 polling stations (more than double the figure in the last election), and ordered about 50 000 translucent ballot boxes. A new system of queuing according to surnames A-L, M and N-Z would be used to quicken the pace of voting. Other preparations for one-day polling included purchase of 15 000-gas lamps for use at night at the counting stage.

5.2 POLLING DAY

ZESN had observers posted at 87 per cent of the county's 8265 polling stations in both urban and rural areas. By mid-afternoon, ZESN supervisors had visited 1 264 of the polling stations and observed that the voting process was progressing smoothly and speedily in conditions of peace and tranquility (ZESN, 2005). The speedy processing of voters was attributed to the new alphabetical voting system as well as the increase in the number of polling stations. Although most of the polling stations opened on time, ZESN was concerned that 16 of its observers were denied access to certain polling stations. This was in Mbare, Mabvuku and Hatfield in Harare; Chivhu and Chikomba in Mashonaland East; Hwange and Binga in Matabeleland North; Gutu South, Zaka East and West, Mwenezi and Chiredzi North in Masvingo and in Silobela and Ngezi. While the election was generally peaceful, there were reports of minor incidents of intimidation and disruptions. This was at Lupane, Kambuzuma, Bindura, Mutare Central, Mutare North, Zvimba North, Manyame, Makonde, Magwegwe and Lobengula polling stations.

VOTERS TURNED AWAY FROM VOTING BY PROVINCE

<u>PROVINCE</u>	<u>NO.</u>
Manicaland	26 976
Harare	31 872
Mashonaland West	35 267
Mashonaland East	16 796
Matabeleland South	10 892
Bulawayo	11 352

The number of potential voters turned away from voting for one reason or another was significant and disturbing. It ranged between 10 and 25 per cent in some constituencies. An estimated 133 000 voters were turned away from voting (Standard, 10 April 2005). The common reasons were lack of identity documents, and wrong constituency following changes in boundaries. There were instances where the number of those turned away exceeded the numbers in the narrow margin of win in some constituencies. As it has been posed:

“the question to ask is: if they were turned away because they were in the wrong constituency, were there direct efforts on where to go and did they eventually vote in the correct constituency...They might have been turned away but directed to other polling stations...” (Chiweshe, 10 April 2005).

Nobody really knows still. But the significant numbers turned away reflect a problem. This could be attributed to lack of adequate voter education on the new constituency boundaries, and point to the importance of inspecting the voters' roll ahead of an election.

The siting of some of the polling stations had been raised during the election campaign. The stations were located in areas of questionable neutrality. For instance, in Chipinge North and Rushinga, there were polling stations sited at chiefs' homesteads e.g. Mpalani Homestead in Insiza, at an army headquarters in Masvingo, at Llewellyn Barracks, Khambi Prisons in Bulawayo and Matabeleland North as well as at some national youth training centers in Manicaland, Mashonaland East and West

and the Midlands. There were worries that these centers were not perceived as “neutral areas” by the local population.

5.3 TURNOUT

The turnout in the 2005 election was reportedly higher than in the 2000 general election (Herald, 4 April 2005). An estimated 2,7 million cast their votes, and this was about 10 per cent more than in 2000. However, the level of turnout varied significantly. It was generally higher in rural areas compared to urban areas. Turnout appeared to have been low in Bulawayo and in the two Matabeleland provinces, while it was high in Mashonaland Central. However, a more detailed assessment of trends in turnout still needs to be made. In sum, the fears of widespread apathy seem not have been borne out. The mobilization of the voters during the short but intensive campaign did bear some fruit.

A source of concern relates to the prevalence of spoilt ballot papers. An estimate by the Zimbabwe Lawyers for Human Rights (ZLHR) was that there were about 60 427 spoilt papers. This figure adds up to a population of about two constituencies. Lack of voter education has been given for the persistence of spoilt ballot papers.

5.4 POSTAL BALLOTS

Like in previous elections, postal ballots were used in this election. Those entitled to vote by postal ballot include members of the public service or uniformed service who have “good reason” to be away from their constituency on the polling day. They also include electoral officers and monitors, those absent from Zimbabwe on government service and their spouses. Such categories of people can apply to the Chief Elections Officer for postal ballot papers. However there were some concerns that thousands of electoral officials on duty did not vote.

It was observed that ZEC appeared to have failed to provide adequate information about how and where the postal voting would occur (ZLHR, 2005). In view of adverse pre-election publicity on this issue, transparency in the postal voting process was imperative. Information about it should have been made readily available and a mechanism put in place to ensure that proper scrutiny would occur. When ZEC announced that postal voting had occurred well before March 31, there were

allegations that some contesting parties were unaware of this, and not present when the ballot boxes were sealed and empty, and when the votes were placed in the boxes and re-sealed.

5.5 COUNTING

Counting at polling stations commenced after voting had ended. In terms of the *Electoral Act*, once counting had been completed and conveyed to the constituency center, the presiding officer of that particular polling station should display the results outside the polling station for the public to see. However, this was not done in some places. Failure to display results at some polling stations reduced transparency and accountability, and undermined the value of counting ballots at the polling station in accordance with *SADC Principles and Guidelines*.

Furthermore, observers were unnecessarily 'detained' at polling stations when counting had been completed. Had ZEC provided observers with unfettered access to vote counting at polling stations, ZESN would have been in a position to verify results, and help resolve election-related disputes.

There were a number of discrepancies in the number of votes announced by ZEC during the night and morning of 31 March and 1 April respectively as having been cast and the final results announced. The examples of such discrepancies are the votes in Goromonzi and Manyame constituencies.

In Goromonzi, for example, the number of votes announced by ZEC at 2 am on 1 April 2005 had suddenly gone up by 62 per cent from 15 611 to 25 360 when the final results were announced. Zanu PF won the constituency. Another example pertains to Manyame. According to ZEC, 14 812 had cast their ballots at the close of polling but they catapulted by 72 per cent to 23 760 when the final results were announced. The seat was also won by Zanu PF. In the Highfield seat which was won by MDC, the total number of ballots cast did not tally with the number of votes cast for the contesting candidates. Sections of the media also gave more examples of such inconsistencies (Standard, 3 April 2005; Independent, 8 April 2005).

5.6 RESULTS

The results began to be announced constituency by constituency on 1 April 2005. The final set of results was released by ZEC on 2 April 2005. They were as follows:

Table 5.1 ELECTION RESULTS OF THE 2005 ELECTION

Provinces	ZANU PF VOTES	ZANU PF SEATS	MDC VOTES	MDC SEATS	OTHERS SEATS
Bulawayo	22611	0	85454	7	0
Harare	112143	1	234138	17	0
Manicaland	191577	13	146538	2	0
Mash East	243398	13	85600	0	0
Mash central	229525	10	43092	0	0
Mash West	200699	12	77942	1	0
Masvingo	211435	13	99044	1	0
Mat North	58727	1	85883	5	1
Mat South	70805	3	70033	4	0
Midlands	228887	12	139386	4	0
Total	1569807	78	1067110	41	1

Source: ZEC, 2005; Herald, 4 April 2005

CHAPTER 6

THE POST-ELECTION PERIOD

6.1 CONTROVERSY OVER RESULTS

No sooner had ZEC finished announcing the results than controversy broke out over what were viewed as discrepancies in the total votes cast and won in at least 30 of the constituencies. The discrepancies were between the totals given of votes cast at the end the polling day of March 31, and the totals issued by ZEC on 1 April. The MDC raised this issue on 1 and 2 April and went on to identify the constituencies where it alleged that there had been discrepancies. Several examples given were the following:

- Kariba - ZEC announced that the total votes cast as being 16 676. The MDC candidate with 9540 votes polled more than half the votes cast. However, when the results were finally issued, the Zanu PF candidate was announced the winner with 13 719 votes. The total votes cast becomes 24 142. The discrepancy was 7466 votes.
- Mutare South : The ZEC figures for the total votes cast was 14 054. The MDC candidate received 8220 votes. The final result released showed total votes as being 19772 with 11552 of these being for the Zanu PF candidate. There was a discrepancy of 5718 votes.
- Beit Bridge: ZEC announced that 36821 had voted but the totals only added up to 21 968 leaving a negative balance of 14853 votes unaccounted for.

It took several days before ZEC formally responded to these charges of discrepancies. Some six days after the charges were made, the ZEC Chairperson told a press conference that the figures given in the updates on 31 March were not "necessarily an accurate reflection of the facts on the ground... and that the figures were intended to give an indication as to the turnout trends in various provinces and constituencies" (Justice Chiweshe as quoted in the Zimbabwe Independent, 8 April 2005). At the time of writing this report, the controversy was unfolding. The clumsiness on the part of ZEC will need to be convincingly explained. Some of the international observer missions suspended their final verdict on the election pending the resolution of the controversy.

In view of the above disparities, ZESN has commissioned a statistical analysis of the 2005 parliamentary elections results. The major findings of the study using **ZESN data at polling station level only** in which the organisation had a high level number of observers show that the ZEC results which indicated that ZANU PF won, vary with the ZESN pattern in four constituencies, Chipinge South, Buhera South, Makoni East and Gwanda. The other three constituencies Gweru Rural, Harare South and Zhombe also show some inconsistencies between ZEC results and ZESN data although ZESN had few observers in those places. In Bubi Umguza, the ZESN pattern shows that in most polling stations there was a close contest between ZANU PF and MDC except at some few polling stations where ZANU PF had high picks, which probably made ZANU PF win in these constituencies. ZESN data shows that these high picks were recorded at polling stations like Imbizo Primary School in Llewellyn Army Barracks and another at Khami Prison. In Insiza at one polling station, Mpalani Homestead there is also a sharp increase in ZANU PF votes. ZESN in its preliminary statement of the 2005 Parliamentary Election noted that some of these polling stations were located in non-neutral places.

Other constituencies of interest noted in ZESN data at polling station level are Chipinge North, Chimanmani, Kariba, Chegutu, Bikita East, Matobo, Hwange East, Gutu South, Masvingo Central and Mutasa South, Kwekwe where the results show a close contest between MDC and ZANU PF.

The study further used hypothesis testing method comparing ZEC constituency results as announced on national television and ZESN data at polling station level. Even though ZANU PF and MDC won with huge margins in some constituencies, the ZEC results and ZESN data show inconsistencies. The constituencies for which there are significant differences using hypothesis testing are as follows: one (1) no variance (0.9%), 53 (46.1%) very close, moderate 32 (27.8%), high 29 (25.2%) (*refer to the report for detailed information*). They are categorised into 'no variance' which means ZEC results and ZESN data are similar, 'very close' means the ZEC results and ZESN data are almost similar, 'moderate variances' meaning that there is no significant difference between the two sets of election data. Whilst the 'high variances' means there are significant differences between the two sets of data. The variances are defined as follows: greater than **zero percent** to **2 percent** variance is considered very close, **3 to 5 percent** is classified as moderate and **5 percent** and above is categorised as high

variance. Statistically it is accepted the fact that any percentage difference between any two numbers of 5% or greater is of significant.

In the absence of official copies of tabulation of results at polling stations and constituency level as well as the numbers and distribution of postal votes by ZEC to the general public and all interested stakeholders, many questions remain unanswered.

6.2 ASSESSMENT BY OBSERVERS

The preliminary assessment by most observers seemed to stress the peaceful environment in which the election was held. The tranquil situation was in stark contrast to the violence and lawlessness that marred the 2000 election. Some of the early favourable assessment was from the SADC Observer team headed by Phumzile Mlambo Ngcuka who described the elections as *“peaceful, credible, well managed and transparent”* (SADC Observer Mission, 2005). It added that *“the polling stations opened and closed at the appointed times and SADC was impressed by the orderliness and patience of voters, who we believe, were able to express their franchise peacefully, freely and unhindered”*. For its part, the South African government observer mission headed by Membathisi Mdladlana stated that the election by and large conformed to the SADC guidelines governing elections. Furthermore, the conduct of political parties and candidates showed much tolerance and maturity, above all the election outcome *“reflected the will of the people”* (Mdladlana, 2005). The SADC ECF Mission and the AU Observer mission expressed similar sentiments.

Nevertheless, there were areas identified as requiring attention or improvement. For instance, the AU Observer mission noted that the MDC had alleged serious discrepancies in the official results in some constituencies. It hoped that ZEC and ESC would *“promptly look into the allegations with a view to assuring the Zimbabwean people of the authenticity of the results of the election”* (AU Observer Mission, 2005).

The SADC Observer mission pointed out the need to improve equitable access to the state media by all political parties as well as the need to ensure the timely authorizations for voter education by the relevant institutions. The mission went further to stress the need for wider publication or dissemination of information relating to updating and verification of voters roll. Finally, the mission was concerned about the number of people who were turned away from polling stations. This pointed to the fact the voters' registration process requires improvement.

In its own preliminary assessment, the SADC ECF pointed out the need to improve civic education in relation to voter registration. Furthermore, there was need, in its view, to rationalize the functions of ZEC and ESC to further streamline election administration in Zimbabwe.

6.3 POST-ELECTION RECRIMINATION AND INCIDENTS

The main developments related to the rejection of the election results by the MDC and a demonstration by several hundred of its supporters in Harare two days after the election. There were arrests of the MDC Secretary for Youth, Nelson Chamisa and party supporters following the demonstration and damage to property in the central business district in Harare. In Mutare and Mazowe, there were allegations of retribution from Zanu PF but it has been difficult to establish a pattern to those incidents. (Daily Mirror 2005-April-13), two losing MDC candidates in the 2005 Parliamentary election, Douglas Mwonzora (Nyanga) and Aaron Chinhara (Gokwe) were arrested on allegations of inciting violence. By the second week of post-election period, there was a general sense of things returning to normal with the dissipation of the election fever.

More than a week after the elections, the President appointed 10 Provincial governors, 12 non constituency Members of Parliament and together with 10 Chiefs elected by the national and provincial chiefs' electoral colleges and provincial governors. The 120 elected MPs and the 30 appointed were all sworn in Parliament on the 13th April 2005.

On 13 April 2005 the MDC started challenging the election results. Initially there were 13 and by 21 April 2005 they had filed about 16 court petitions on election results.

CONCLUSION AND RECOMMENDATIONS

This report has examined the 2005 election process from the pre-election period to the campaigning phase and the polling as well as the post-election period. It highlighted parts of the process that were organized effectively and those that experienced problems and weaknesses. These have been identified and discussed in the various chapters of this report from a constructive standpoint. In this concluding chapter, the key highlights of the election and the challenges that need to be addressed to improve the conduct of future of elections are recapped and elaborated.

A key pleasant surprise of the 2005 election relates to the peaceful environment in which it was conducted. Compared to previous elections, incidents of intimidation and violence were significantly lower in number. This contributed to a significant improvement in the atmosphere of the election campaign. From a regional perspective, this was a landmark election in the sense that it was expected to be organized in the framework of the SADC *Principles and Guidelines* spelt out in 2004. The following sets of issues need to be highlighted.

In terms of the Constitution, the President is allowed to appoint 30 non- constituency members of parliament of which 10 of them would be traditional leaders elected by the Electoral College of Chiefs.

It is recommended that this provision be repealed, as it gives unfair advantage to the sitting president (regardless of the party).

Zimbabwe uses the 'first past the post' Westminster system. This system does not encourage the representation of smaller parties in parliament. For example, if at the end of polling, ZANU PF receives 60% of the vote and MDC 40%. If we were voting Proportional Representation, these would translate to 72 seats for ZANU PF and 48 for MDC.

We recommend a mixed proportional representation and constituency electoral system.

Zimbabwe's Parliamentary elections are held every 5 years whilst Presidential elections are held every 6 years. ZESN is concerned that this may cause some challenges in the future. For instance

where there is change in the party with the majority of seats in parliament and the President is from a minority it may become difficult to govern the country.

It therefore recommends that Zimbabwe should consider having these two elections at the same time.

In addition the **Delimitation process** would need re-visiting. Currently, the process is viewed as opaque without input from key stakeholders such as electoral bodies and parties. In other countries in this region, the Electoral Commission would be responsible for the delimitation process. This has not been the case in Zimbabwe. There have been suspicions expressed about gerrymandering through delimitation to improve the electoral fortunes of one of the parties. ZESN recommends for a participatory and well-timed delimitation process that includes the main electoral administration body, parties and the public.

Due to observation concerning the substantial number of voters turned away from polling stations, and the prevalence of spoilt ballots, it would appear that there is **great need for voter and civic education**. In the 2005 election period, there were clearly limitations experienced with ensuring that voters had basic information about aspects such as constituency boundaries, and documents to show during voting. Voter education should stress the importance of timely voter registration and inspection. Because voter and civic education is a mammoth task, the main electoral body should develop confidence in local NGOs that have the necessary expertise to provide this education. Indeed, voter education should be a continuous process.

The perennial issue of **voter registration and inspection should be addressed** in a more concerted manner than in the past. Voter registration should be well publicized and an ongoing exercise that continues until at least one month before the election. The voters roll itself should be updated from time and time and made accessible to parties and the public. Transparency in the maintenance of the roll is essential to dispel suspicions about inclusion of “ghost voters”. There needs to be sufficient publicity about the inspection of the voters roll. The integrity of an electoral system depends a great deal on the accuracy and reliability of its voters roll.

The 2005 election witnessed **a demand for voting rights by Zimbabweans currently living in the Diaspora**. They constitute a population of between 2 and 3 million, and those who would ordinarily be eligible to vote could be over 1 million. The Court decision not to extend the vote to them resulted in their dis-enfranchisement. This issue needs to be reviewed in light of the growing population of Zimbabweans in the Diaspora.

In past elections, accreditation was centralized thereby posing the problem of expense especially on the part of NGOs involved in election work. In 2002, ZESN recommended that **accreditation should be decentralized**. This would ensure efficiency in the whole process and reduce transport and accommodation costs on the part of those seeking accreditation. More generally, the process of accreditation of observer teams, including foreign teams, should be more transparent. The reasons for not inviting such experienced observer as the SADC Parliamentary Forum and EISA raised eyebrows and much concern. The criteria on which they were not invited were not made clear raising concern about its genuineness.

There should be **transparency in the procedure of postal voting**. There have been concerns about whether procedures have been properly followed to ensure secrecy at voting and credibility of the process. Postal voting should be widened to include all eligible voters, and not limited to those in the public service. Transparency is also absolutely vital **in the transmission and announcement of results**. The wrangle over ZEC poll figures that apparently contained discrepancies was a public relations setback for the new body.

The continued co-existence of the ESC and ZEC appears to cause confusion amongst both local and foreign observers. Their functions appear to overlap while there does not appear to be a convincing explanation why one independent electoral body cannot undertake all election-related functions. Like in other countries in the region, the various election management bodies **should be streamlined into one that is independent, well resourced and maintained**. ZEC should provide the basis of such a body.

There are several other issues that this report underlined: these are not technical or administrative issues but ones that relate to political values and arrangements. The first relates to equal access to

the public media and state resources by the contesting parties. Although new broadcasting regulations allowed some measure of access of parties to the electronic media to discuss their manifestos, there was no balance in the news stories that the media carried. Similarly, the reporting in the state-controlled print media remained clearly biased in favour of the ruling party. The issue of public media access should therefore be re-visited **to allow for a mechanism to ensure equitable opportunity of media exposure**. The same need for a transparent mechanism would apply to the use of state resources in election campaigning. One party had disproportionate access to state resources as the report showed. There need to be clear rules on whether and when state resources should be used, and on the accounting of that use.

In a related vein, there were worries on the part of some of the contesting parties that traditional authorities were playing an active role in the 2005 campaign. Kraal heads and chiefs were reportedly involved in voter registration and inspection, and on mobilizing communities under them on the polling day. Furthermore, they were not playing this role in a non-partisan manner. Hence the call that those **traditional authorities should be non-partisan**; their communities are not made up of members of one party!

The report observed that some of the laws are not conducive to expression freedoms of association, assembly and expression. Such laws as AIPPA, POSA and the NGO bill have draconian provisions which severely limit political freedoms and space. Citizen participation was curtailed in that the rights to association and assembly were limited by POSA which was selectively applied by the police who deliberately misinterpreted the Act to mean that opposition parties required permission to hold meetings and rallies which is not what the law says. AIPPA imposes severe penalties to journalists who publish false information but the same law does not define what amounts to false information. This affected the citizens' rights to information in that journalists found it difficult to report on election-related issues or matters which could be interpreted as false. **These laws should be reviewed in order to create a more democratic framework** that the SADC *Principles and Guidelines* spell out.

Gender issues and especially the matter of women's participation in the election as candidates were perhaps not given the prominence that they deserved. Notwithstanding the elevation of Joyce Mujuru to the Vice-Presidency, the main parties could have ensured a higher profile for women candidates.

Although the Zanu PF threshold of 30 per cent for women candidates during primaries went some way to encourage women to contest, this did not ensure that the minimum 30 per cent representation laid by SADC would be achieved by this year. Furthermore, the threshold was rendered very difficult to achieve because in some constituencies, women candidates stood against each other.

There should be created **a momentum to promote inter-party dialogue in the post-election period**. Such a dialogue should center around constitutional and broader electoral reforms. Although its two-thirds majority allows it to push through certain amendments to the constitution, the ruling party should try to cultivate an inter-party consensus on reform, and promote a broad national consultative process. This consultative process should address the repeal of 30 non-constituency seats, the simultaneous holding of general and presidential elections and the possibility of a system of mixed proportional representation and constituency electoral system.

Finally, although the Zimbabwe Government signed on to the *SADC Principles and Guidelines on Democratic Elections* and was the first country to organize its election around them, it is still has a long way to go to meet its criteria fully. This Report has shown the shortfalls that require to be addressed if the country's electoral structures and processes are to tally with both the *letter and spirit* of the *Principles and Guidelines*. In retrospect, they provide a useful framework in which to manage electoral reform to ensure democratic elections. It would be cynical for any government to take a minimalist approach to the *Principles and Guidelines* simply in order to "get off the hook". Zimbabweans and the region deserve far more: a sincere and consistent effort is required to develop them into a framework for sustainable democracy.

References

- African Union Observer Mission (2005) *Statement on the Zimbabwe Parliamentary Elections of 31 March 2005, Harare*
- Electoral Commissions Forum of SADC Countries (2005) *Interim Statement Harare*
- Electoral Institute of Southern Africa (EISA) (2000) *Zimbabwe Elections Observer Mission Report Johannesburg*
- Electoral Supervisory Commission (ESC) (1990) *Report of the ESC on the 1990 General Election Harare*
- Movement for Democratic Change (MDC) (2005) *Manifesto Harare*
- M. Mdladlana (2005) *Media Statement by the Leader of the South African Observer Mission Harare*
- L. M. Sachikonye (2001) 'An Audit of Zimbabwe's Electoral System' in H. Kotze and B. Raach (eds.) *Elections and Democracy in Southern Africa Oslo : NIHR*
- (2005) 'Zimbabwe's 2005 General Election: A briefing note' *Presentation to the SADC ECF Observer Mission Harare*
- SADC (2004) *SADC Principles and Guidelines Governing Democratic Elections*
- SADC Observer Mission (2005) *Preliminary Statement by Phumzile Mlambo Ngcuka on the Zimbabwe Parliamentary Elections Harare*

Women in Politics Support Unit (WiPSU) (2005) *The 2005 Parliamentary Election Results: a Women's Perspective* Harare

ZESN (2002) *Zimbabwe Presidential Elections, March 2002* Harare

---- (2005) *March 2005 Parliamentary Elections, Preliminary Report* Harare

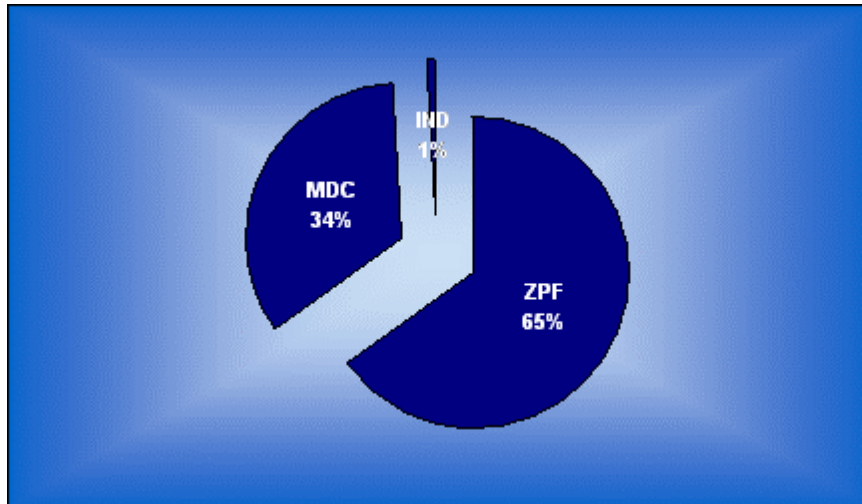
Zanu PF (2005) *Manifesto* Harare

Zimbabwe Human Development Report (ZHDR) (2000) *Governance* Harare

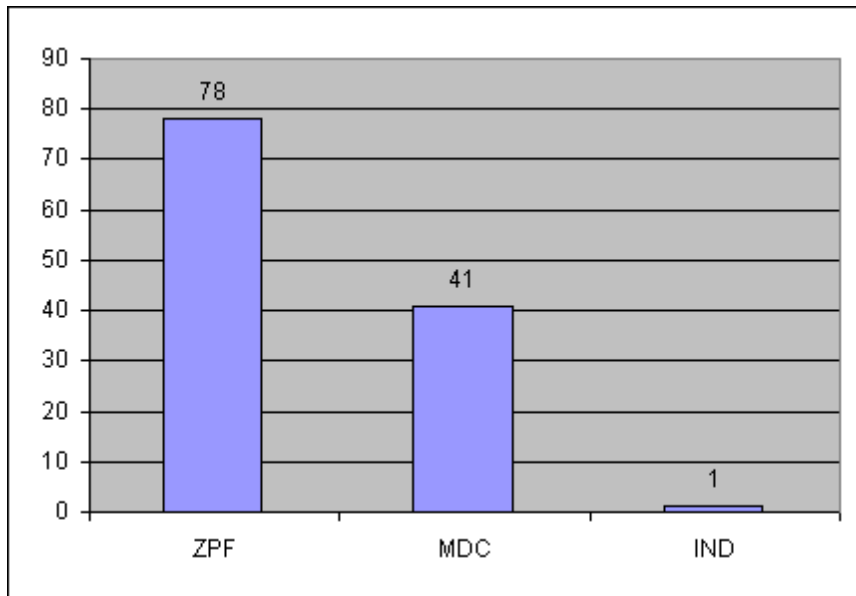
Zimbabwe Lawyers for Human Rights (ZLHR) (2005) *The Pre-Election Environment in Zimbabwe*
Harare

Annexure 1

Graphical Representation of Results -2005 Parliamentary Election



Party Representation



Annexure 3.

2005 Parliamentary Election Results

Constituency	MDC candidate	MDC votes	Zanu PF candidate	Zanu PF votes	Other candidate(s)	Other votes	Spoilt votes	Total votes	Voters turned away by 19h30 [%]	Voter turnout [%]	Reg voters from ZEC results	MDC MP	Zanu PF MP	Other MP
BULAWAYO (7)														
Bulawayo East	Welshman Ncube	10804	Joshua Malinga	2506		179	13489	12.5	30.89	43668		1		
Bulawayo South	David Coltart	12120	Sithembiso Nyoni	3777		84	15981	8.7	36.64	43616		1		
Lobengula Magwegwe	Fletcher Dulini-Ncube	12603	Molly Mpofo	2892		135	15630	7.8	30.62	51045		1		
Maakokoba	Thokozani Khupe	12138	Sihle Thebe	3438	Arnold Payne (Ind), Wilson Bancinyanyi-Ndiweni (Ind)	262	16009	11.5				1		
Nkulumane	Gibson Sibanda	12392	Absolom Sikhosana	3243		107	15742	8.5	34.69	45379		1		
Pelandaba-Mpopoma	Milton Gwetu	11587	Sikhanyiso Ndlovu	3228	Leonard Nkala (Ind)	141	15113	10.7	31.82	47495		1		
Pumula Luveve	Esaph Mlongwa	13810	Michael Mpofo	3527	Stars Mathe (Ind)	220	17723	8.0				1		
Provincial total		85454		22611		623	109687	9.6				7	0	0
HARARE (18)														
Budiriro	Gilbert Shoko	17053	David Makufa	4886		146	22085	6.9				1		
Chitungwiza	Fidelis Mhashu	12024	Brighton Chirongwe	8126	Kumbirai Juru (Zanu)	193	20575	6.6	40.77	50466		1		
Dzivarasekwa	Edwin Mushoriwa	11617	Francis Muchada	5014		266	16897	11.6	43.90	38490		1		
Glen Norah	Priscilla Mushiirambwi	14841	Victoria Chitepo	4648	Thomas Gwati (Ind)	36	19602	8.1				1		
Glen View	Paul Madzore	14231	Sabina Mangwende	3993	Machakaire (Ind)	61	18461	12.5				1		
Harare Central	Murisi Zwizwai	10462	Florence Chideya	4423	Margaret Dongo (Ind)	525	15501	11.9	32.55	47622		1		

Harare East	Tendai Biti	9259	Muvengwa Mukarati	4363			97	13719	12.7	33.85	40529	1	
Harare North	Trudy Stevenson	11262	Nyasha Chikwinya	5134			174	16570	11.8	38.66	42861	1	
Harare South	James Mushonga	10716	Hubert Nyanhongo	11545			292	22553	6.4			1	
Hatfield	Tapiwa Mashakada	11652	Amos Midzi	9408			399	21459	8.4			1	
Highfield	Pearson Mungofa	12600	Rodrick Nyandoro	4296	Sekai Dutirow (Zanu)		88	17130	8.3			1	
Kambuzuma	Willas Madzimume	17394	Samuel Mvurume	5555			278	23227	6.6			1	
Kuwadzana	Nelson Chamisa	13870	David Mutasa	5024	Luckspond Chitate (Zanu)		116	19226	7.0			1	
Mbare	Gift Chimankire	15543	Tendai Savanhu	9418	Spiwe (Zanu), Dunmore Makuva (Ind)		375	25880	8.8			1	
Mufakose	Pauline Mpariwa	12643	Sabina Thembeni	4016	Godfrey Magaya (Zanu)		177	17079	6.7			1	
St Mary's	Job Sikhala	13369	Patrick Nyaruwata	7498	Tendekai Mswata (Ind)		130	21281	7.2	39.56	53794	1	
Tafara Mabvuku	Timothy Mubhawu	13473	Pamela Tungamirai	6078	Fanuel Chiremba (Ind)		131	20024	9.1	45.91	43616	1	
Zengeza	Goodrich Chimbaira	12129	Christopher Chigumba	8718	Emilda Muchaira (Zanu)		81	21136	6.7	45.29	46668	1	
Provincial total		234138		112143			1913	352405	8.6			17	1
MANICALAND (15)													
Buhera North	Tichaona Mudzingwa	11286	William Mutomba	15714	Moses Mutyasira (Ziya)		236	27874	8.0			1	
Buhera South	Solomon Madzore	13893	Kumbirai Kangai	15066	Nyamayevhu Solomon Mbaimbai (Zanu)		439	30518	9.7	55.10	55387	1	
Chimanimani	Heather Bennett	11031	Samuel Undenge	15817			794	27642	8.4	51.00	54200	1	
Chipinge North	Mathias Mlambo	10920	Morris Sakabuya	16647	Tuso Muro moyawo (Zanu)		609	28814	9.1			1	
Chipinge South	Elia Makotore	12163	Enock Porusingazi	16412	Wilson Kumbula (Zanu)		2129	30704	6.3			1	
Makoni East	Pishai Muchauya	7708	Shadreck Chipanga	9201			431	17340	9.8	43.72	39661	1	
Makoni North	Elton Mangoma	6077	Didymus Mutasa	18910			891	25878	11.1	54.40	47570	1	
Makoni West	Remus Makwaza	7954	Joseph Made	14436	Tendai Chekera (Zanu)		403	22793	6.2			1	
Mutare Central	Innocent Gonese	13289	Shadreck Beta	5088	Sylvia Tsata (Zanu)		73	18653	8.4	44.04	42355	1	
Mutare North	Giles Mutsekwa	11597	Ellen Gwaradzimba	7066			233	18896	10.1			1	
Mutare South	Sydney	8220	Fredy Kanzama	11552				19772	7.0			1	

Marondera East	Ian Kay	10066	Sydney Sekeramayi	19192				677	29935	6.0	50.60	59160			1
Marondera West	Shadreck Chipangura	4457	Ambrose Mutinhiri	16029				766	21252	7.6					1
Mudzi East	Essau Machedmedze	2676	Ray Kaukonde	18003	Tendai Marowa (Ind)			562	22420	5.7					1
Mudzi West	Shorai Tsungu	3636	Aqualina Katsenda	18547				613	22796	11.5	55.39	41155			1
Murehwa North	Alois Mudzingwa	4137	David Parirenyatwa	17677				539	22353	8.7	53.63	41680			1
Murehwa South	Alaska Kumirai	4586	Biggie Joel Matiza	19200				677	24463	3.8	52.14	46918			1
Mutoko North	Shupikai Mandaza	3782	David Chapfika	16257				613	20652	5.2	53.46	38631			1
Mutoko South	Derick Muzira	3358	Olivia Muchena	19390				733	23481	6.6	58.33	40255			1
Seke	Milton Bene	8843	Phineas Chihota	15434				596	24873	7.0	49.43	50320			1
UMP	Stewart Pairemanzi	3289	Kenneth Mutiwekuziva	31351				988	35628	8.9	61.42	58007			1
Provincial total		73125		243398				1179	8988	7.1			0	13	0
MASH WEST (13)															
Chegutu	Jacqueline Zwambila	8286	Webster Shamu	16542				546	25374	10.4	46.00	55161			1
Chinhoyi	Silas Matamisa	5773	Faber Chidarikire	9462				323	15558	13.8	38.32	40600			1
Hurungwe East	Biggie Hurobi	6090	Reuben Maumahoko	19670				792	26552	12.5	45.22	58717			1
Hurungwe West	Godfrey Gumbo	7663	Cecilia Gwachirwa	17295				903	25861	16.7	46.62	55472			1
Kadoma	Edita Matamisa	10023	Jimayi Muduvuri	8740				308	19071	9.3	43.61	43731		1	
Kariba	Nathan Makwasha	9540	Jonathan Chandengenda	13719				883	24142	14.6	46.73	51663			1
Makonde	Japhet Karemba	3643	Leo Mugabe	18607					22250	22.6					1
Manyame	Hilda Suka Mafudze	8312	Patrick Zhuwawo	15448				543	24303	7.7	50.31	48306			1
Mhondoro	Shakespear Maya	4015	Sylvester Nguni	13966				453	18434	10.1					1
Ngezi	Flora Hotyo	2404	Bright Matonga	16801				564	19769	7.2	47.73	41418			1
Sanyati	Traner Ruzvidzo	4919	Zacharia Ziyambi	16512				748	22179	11.1	52.75	42045			1
Zvimba North	Prince Chibanda	4834	Ignatius Chombo	16140				673	21647	9.8	43.73	49501			1
Zvimba South	Emily Masimba	2439	Sabina Mugabe	17797				796	21032	9.3	48.48	43383			1

Provincial total		77941			200699		0	7532	286172	12.3			1	12	0
MASVINGO (14)															
Bikita East	Edmore Marima	8551	Kennedy Matimba	13009	Calphinos Mutonga (Zanu)		398	646	22604		48.35	46751		1	
Bikita West	Alex Zirabada	7936	Claudius Makova	12628				505	21069		49.55	42521		1	
Chiredzi North	Zvirevo Nzirivana	6671	Celine Pote	17385	Onias Makuni (Zanu)		581	1045	25682		44.39	57855		1	
Chiredzi South	Emmaculate Makondo	6170	Aaron Baloyi	14165	Nehemia Zanamwe (Ind)		778	1021	22134		40.25	54991		1	
Chivi North	Bernard Chivondegwa	4304	Enita Maziriri	14990				727	20021		48.00	41710		1	
Chivi South	Stephen Chengeta	4684	Charles Majange	12749				618	18051		42.00	42979		1	
Gutu North	Crispa Musoni	6554	Josiah Tungamirai	23368				746	30668		52.86	58017		1	
Gutu South	Eliphas Mukonweshuro	12778	Shuvai Mahofa	15116				166	28060		48.84	57453		1	
Masvingo Central	Tongai Matutu	10298	Shylet Oyoyo	10103	Silas Mangono (Ind)		350	316	21067		43.56	48363	1		
Masvingo North	Joseph Mutema	6584	Stan Mudenge	12615				432	19631		47.07	41706		1	
Masvingo South	Green Gwatinyanya	3377	Walter Mzambi	13498				585	17460		44.46	39271		1	
Mwenezi	Charles Muzenda	3549	Isaiah Shumba	25453				1160	30162		51.78	58250		1	
Zaka East	Misheck Marava	8462	Tinos Rusere	13078				703	22243		44.88	49561		1	
Zaka West	Harison Mudzuri	9126	Mabel Mawere	13278				668	23072		45.01	51260		1	
Provincial total		99044		211435			2107	9338	321924				1	13	0
MAT NORTH (7)															
Binga	Joel Gabuza	21906	George Nyathi	7264				1265	30435		52.64	57817	1		
Bubi Umuqua	Jacob Thabane Mabhikwa	9502	Obert Mpofu	15158				806	25466		45.52	55945		1	
Hwange East	Thembinikosi Sibindi	9488	Thokozile Mathuthu	8203	Peter Nyoni (Ind)		631	480	18802		46.63	40322	1		
Hwange West	Jealous Sansole	10415	Siphiwe Mapuwe	4899				343	15657				1		
Lupane	Njabuliso Mguni	11749	Martin Khumalo	10301				691	22741		47.46	47916	1		
Nkayi	Abednico	16513	Thembani Obadiah	7254				1027	24794		45.52	54468	1		

Mberengwa West	Tinozivashe Mpofu	4730	Jorum Gumbo	17533						47.62	48438		1
Mkoba	Amos Chibaya	10191	Paul Chigango	5608								1	
Shurugwi	Bonface Mpedzisi	5113	Francis Nhema	16212									1
Silobela	Abednico Malinga	12293	Thomas Themba Ndebele	8768						45.04	47702	1	
Zhombe	Edson Nyathi	8579	Daniel Mackenzie Ncube	14750						51.15	47019		1
Zvishavane	Simon Dick	8388	Obert Matshalaga	16311						44.76	56271		1
Provincial total		126188		228887			4000					4	12
National total		104123	9	1569807			23486		9.0			41	78
													1

