



Zimbabwe Parliamentary Elections 2000

REPORT OF THE NDI PRE-ELECTION DELEGATION

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**National Democratic Institute for International Affairs
(NDI)**

Harare, Zimbabwe



Press Conference: Carimo, Ngilu, Ekwueme, and McLaughlin



Ekwueme, SADC PF staff member, and Hishikushitja

**INTERNATIONAL PRE-ELECTION OBSERVATION DELEGATION
ZIMBABWE PARLIAMENTARY ELECTIONS 2000**

May, 15 - 22, 2000

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Acronyms

CFU	Commercial Farmer's Union
CZI	Confederation of Zimbabwe Industries
ESC	Electoral Supervisory Commission
FODEZI	Foundation for Democracy in Zimbabwe
MDC	Movement for Democratic Change
NCA	National Constitutional Assembly
UP	United Parties
ZANU (Ndonga)	Zimbabwe African National Union (Ndonga)
ZANU-PF	Zimbabwe African National Union - Patriotic Front
ZAPU	Zimbabwe African Peoples Union
ZBC	Zimbabwe Broadcasting Corporation
ZCC	Zimbabwe Council of Churches
ZCTU	Zimbabwe Congress of Trade Unions
ZESN	Zimbabwe Election Support Network
ZNLWVA	Zimbabwe National Liberation War Veterans Association
ZUD	Zimbabwe Union of Democrats

INTRODUCTION

This report is by an international pre-election delegation to Zimbabwe, organized by the National Democratic Institute for International Affairs (NDI). The delegation visited Zimbabwe from May 15 through May 22, 2000.

NDI is a nongovernmental organization that promotes democracy worldwide. The Institute has conducted impartial pre-election, election-day and post-election observation delegations in more than 50 countries in Africa and around the globe. The purposes of this delegation were to express the support of the international community for a democratic election process in Zimbabwe and to assess the political environment surrounding the upcoming elections, as well as the state of electoral preparations.

The delegation was charged with the following tasks: 1) review the legal framework and administrative preparations underway for the elections; 2) assess the political environment for elections and whether mechanisms are in place to promote confidence in the process; 3) identify potential problems and make specific recommendations as to how they might be addressed; and 4) share findings and recommendations with government, political, civic and media representatives as well as the public (Appendix A: Terms of Reference).

The delegation was welcomed by leaders of Zimbabwean political parties and civic organizations. It conducted its work through a series of more than 30 meetings in Harare, Bindura and Bulawayo. In all three cities, the delegation met with a wide range of representatives of: the Government of Zimbabwe, including the Minister of Home Affairs and the Attorney General; election authorities, including the Registrar General, the Electoral Supervisory Commission (ESC) and the Chairperson of the Delimitation Commission; leaders

of the ruling and opposition political parties, including ZANU-PF, MDC, member parties of the Voting Pact - ZANU (Ndonga), United Parties, and Zimbabwe Union of Democrats - and ZAPU; civil society, trade union, business and religious leaders; war veterans; and representatives of the international community, including the Commonwealth and the European Union (Appendix B: List of Consultations). The delegation would like to express its deep appreciation to all of those who took time to share their views.

In addition, the delegation reviewed the Constitution of Zimbabwe and Electoral Act, both as amended to date, the proposed Draft Constitution of 2000, the Law and Order (Maintenance) Act, the Broadcasting Act, reports of Zimbabwean election monitoring groups, news reports and materials provided by organizations with which it met.

The delegation conducted its activities according to international standards for nonpartisan international election observation and Zimbabwean law. NDI does not seek to interfere in Zimbabwe's election process nor, at this juncture, to make a final assessment about the overall process. NDI recognizes that, ultimately, it will be the people of Zimbabwe who will determine the credibility of the elections and of the resulting parliament.

NDI will continue to observe the processes surrounding Zimbabwe's parliamentary elections in the spirit of international cooperation and in accordance with international standards for election observation and Zimbabwean law. Further NDI reports will be issued as appropriate. Once again, the delegation offers its gratitude to everyone with whom it met. Had they not taken time to share their views and offer information, the delegation would not have been able to complete its work.

EXECUTIVE SUMMARY

The conditions for credible democratic elections do not exist in Zimbabwe at this time. Political violence over the period since Zimbabwe's February 2000 constitutional referendum has claimed 23 lives, caused over 100 injuries and resulted in substantial property damage. The violence has created an atmosphere of anxiety and fear. It has substantially restricted the exercise of freedoms of opinion, expression, association, assembly and movement, as well as the right to be secure from physical harm due to political affiliation. The abilities of political parties and many candidates, predominately from the opposition, to campaign openly and freely do not meet international standards for fair electoral competition.

The effects of violence and attempts at political intimidation have undermined trust among many Zimbabweans in the secrecy of the ballot and have raised fears of retribution for voting against the ruling political party. Cases of men, women and children being beaten and in some instances tortured (including eight documented cases of rape), could have far-reaching effects in a society that is not long-removed from the tragedy and suffering of the 1980's *Gukurahundi* (wipe out everything) campaign. These factors could affect voters' decisions about whether to vote and for whom to vote.

These conditions appear to be the product of acute political polarization and intolerance. The electoral conditions fail to meet requirements contained in The Declaration of Rights of the Constitution of Zimbabwe and electoral standards based upon international instruments, such as the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, which are applicable to Zimbabwe.

There are also problems in the electoral framework concerning a “level playing field,” such as news bias favoring the ruling party and qualification requirements for state funding that result in only the ruling party receiving such financing. The compressed electoral calendar raises issues for meeting the requirements and spirit of the law, concerning equality of access to information on the delimitation of parliamentary constituencies. Changes in the law, as well as creation of new Voters’ Rolls based on this year’s registration drive and merging of databases, require adequate time and opportunity for public inspection of the rolls. In addition, there is a need for large-scale voter education by electoral authorities. Issues to be addressed in such an education campaign include secrecy of the vote; electoral rights of voters; and the importance of inspecting the Voters’ Rolls. Opportunities should also be provided for voters to learn about the political party manifestos.

Despite serious obstacles, political parties and the population in general have accepted the June 24-25 election dates in the hope that this troubled period may come to an end. Political parties and candidates are contesting the elections. Zimbabwean citizens are mobilizing in large numbers to act as election monitors and observers. Electoral authorities are preparing for the election dates, based on a demonstrated ability to conduct the technical and administrative aspects of elections. Citizens are expressing their desire for a meaningful election process that can be accepted by the ruling political party and opposition political parties alike, as well as by the electorate. For these reasons, the election process warrants heightened observation by the international community in an effort to support a meaningful election process, which observation should be conducted in the spirit of international cooperation and in respect for the right of the people of Zimbabwe to determine freely who shall govern.

International experience demonstrates that in countries like Zimbabwe, where violence and fear undermine the credibility of elections, it is necessary to go beyond the minimum requirements of the election law to build sufficient public confidence in the process, so that the elections might be accepted by the political parties and voters. This is all the more important when the legal framework for elections contains serious deficiencies. In order to establish such public confidence, it is often necessary to take extraordinary steps to promote electoral rights and open dialogue among the political contestants to agree on minimum rules for the competition.

The elections are just 33 days away; immediate and concerted efforts are therefore required to make improvements to the political environment and to ensure adequate resources for electoral authorities to complete their tasks properly and effectively, as mandated in the Constitution and Electoral Act. A number of important steps can be taken with the limited resources available and within the scant time remaining before the elections. The delegation therefore respectfully offers a series of recommendations in the last section of this report.

INTERNATIONAL STANDARDS

In addition to the requirements of Zimbabwe's Constitution, Electoral Act and related laws, the delegation considered international standards for democratic elections and accepted practices that have emerged to meet such standards.

International standards for democratic elections are based on the proposition – set forth in the Universal Declaration of Human Rights (Article 21) and in all other major human rights documents – that the authority to govern derives from the will of the people of a country, and their will must be demonstrated through genuinely democratic elections, conducted by equal suffrage and a secret ballot (Appendix C: Selection from the Universal Declaration of Human Rights). Article 21 also provides that every citizen (regardless of gender), has the right to participate in government directly, as well as through freely chosen representatives. This requires the opportunity, without political discrimination or unreasonable restriction, to stand for office, as well as to freely cast a ballot.

The exercise of the right to democratic elections cannot be realized without the exercise of related fundamental human rights, including the right to freedoms of opinion, expression (including to seek, receive and impart information), association, assembly, movement, equality before the law and due process of law (including equal protection of the law and to an effective remedy for violations of rights), as well as to life, liberty and security of the person. These rights are not only applicable in Zimbabwe through international obligations; they are applicable directly through the Constitution of Zimbabwe (Articles 11-26, “The Declaration of Rights”).

In an election context these rights have led to a number of international standards, that among other things, require:

- a sound legal framework and an impartial and effective election administration that conducts its activities in an open manner;
- a legal process that is impartial and capable of providing effective remedies;
- freedom to associate into political parties, legal recognition of parties and qualification of parties and candidates for the ballot, free from unreasonable or arbitrary restrictions and free of discrimination prohibited by international human rights instruments;
- voting by secret ballot, based on universal and equal suffrage – and a genuine opportunity to exercise this right – free from unreasonable or arbitrary restrictions and discrimination prohibited by international human rights instruments; and
- an electoral environment in which political parties and candidates are free to express their messages to the public and have an adequate opportunity to do so, including equitable access to and fair treatment by the mass media, as well as the freedom and opportunity to organize peaceful assemblies and other demonstrations of public support and to move freely throughout the country to seek votes.

In addition, the electorate must be free and able to receive adequate and accurate information upon which to make an informed political choice and be free to exercise that choice without fear, intimidation or bribery. Also, the machinery of the state must remain neutral and its resources must be used for the benefit of the electorate, rather than for the benefit or detriment of any of the political contestants.

No electoral process is perfect – all require ongoing improvements – but the degree to which the election and political processes fall short of these standards will determine whether or not the elections are credible. Genuine democratic elections also require that the public, including the political contestants (parties and candidates), have confidence that the results of the elections will reflect accurately the free choice of the voters and that the outcome will be respected.

ELECTORAL CONTEXT

An accurate and complete assessment of any election must take into account all aspects of the electoral process. These include: 1) conditions set up by the legal framework for the elections; 2) the pre-election period before and during the campaign; 3) the voting process; 4) the counting process; 5) the tabulation of results; 6) the investigation and resolution of complaints; and 7) the conditions surrounding the formation of a new government. This delegation, therefore, is not making a final assessment of Zimbabwe's election process.

At the same time, no election can be viewed in isolation of the political context in which it takes place. The pre-election period, including electoral preparations and the political environment, must be given considerable weight when evaluating the democratic nature of elections, because this period is central to democratic electoral competition. This is the time when citizens become keenly aware of their power to select representatives to carry the electorate's mandate to govern. Political parties and candidates mobilize their supporters in a test of political pluralism, as they compete for votes.

Legal Framework for Elections

The legal framework for the elections is provided by the Constitution of Zimbabwe, principally through Articles 58-61 (on elections) and Articles 11-26 ("The Declaration of Rights"), the Electoral Act and related laws, such as the Law and Order (Maintenance) Act (Appendix D: Selections from the Zimbabwe Constitution and Electoral Act). While the legal framework has provided the basis for several elections, it contains serious deficiencies. It

sets up significant overlaps among electoral authorities, possibilities for duplication of efforts and insufficient transparency and guarantees of impartiality. Agreement had been reached among political and civic leaders on the need for changes to the legal framework, such as the creation of an independent election commission. Regrettably, the time-frame for the elections and the political environment do not allow such matters to be considered at this time.

The President issued a proclamation on April 11 dissolving Parliament. Article 58 of the Constitution thereby requires that elections be held by August 11, four months from the proclamation. On May 15, he set the election dates for June 24-25, which falls within the prescribed period. All of the major political parties have accepted the election dates, while opposition parties have done so with deep reservations about the election process.

The Delimitation Process

The Delimitation Commission was appointed by the President on March 28, well beyond the “five-yearly interval” called for in Article 59(4) of the Constitution. The Delimitation Commission received the preliminary voters’ register on April 25 and began its work. Article 60(8) of the Constitution provides that following completion of the report of the Delimitation Commission, the President shall issue a proclamation declaring the names and boundaries of constituencies for the Parliamentary election.

To date, the report of the Delimitation Commission has not been submitted, and the President therefore has not proclaimed the names and boundaries of the parliamentary constituencies. The Chairman of the Delimitation Commission regularly briefs the Minister of Justice, Legal and Parliamentary Affairs on progress of the delimitation process, including the anticipated changes in constituency demarcations. The Minister is also the Secretary of Finance of the ruling party, which gives ZANU-PF advance knowledge of delimitation information not yet available to all political parties. All political parties should have equal access to this information, as advance knowledge by any political party would provide it the advantage of allowing it to select candidates, set up campaign organization and begin campaigning inside the constituency boundaries before others could do so. This point is not insignificant this year, when indications are that perhaps three constituencies will be abolished, three new ones created and the boundaries of many, if not most, are likely to change.

The date that Nomination Courts will sit to receive candidate nominations has been set for May 29, only seven days from today. This raises concerns over the ability of political parties to prepare for the nomination of candidates for constituencies that are not yet known. Nomination papers must be supported by valid signatures of 10 voters registered on the Voters' Roll within a prospective candidate's constituency. Until the final report of the Delimitation Commission is completed and the proclamation issued by the president, the Registrar General cannot prepare the Voters' Roll for each constituency and make it available to the prospective candidates to collect the required 10 signatures.

While it may be possible for the Delimitation Commission to complete its report and for the President to issue the required proclamation in the seven days remaining before the May 29 nomination date, the spirit of the law – which is to provide adequate time (minimum 14 days) to the political parties to choose and qualify their candidates before nomination day – will not be met (Article 38(2)(a)). This could have a discriminatory effect on small opposition parties that may depend on knowing precise definitions of boundaries when deciding whether or not to nominate a candidate in particular constituencies. MDC has filed a court case seeking to move the nomination date to a time later than May 29.

Inspection of Voters' Rolls

In the past, there have been serious questions raised about the quality of the Voters' Rolls in Zimbabwe, particularly concerning the number of deceased persons on the rolls and problems with "transferred persons," who moved from one part of the country to another. These inaccuracies led to questions concerning the credibility of the Voters' Rolls. This year two important steps were taken to address such problems. A massive registration campaign was conducted to register voters and thereby update the rolls, which are based on the voluntary registration of voters. Second, the voters register was merged with the civil registry (Zimbabwe Population Registration System or ZPRS). Mergers of such large databases in most countries create a number of problems in sorting rejected names and technical problems that can cause names to become mis-entered. In addition, the capture and entry of names from the recent registration drive presents issues of backlog and inaccuracies of entries that usually result from such operations. These issues present an urgent need for adequate public inspection of the Voters' Rolls and for an accurate claims and objections process to finalize the roll as accurately as possible.

Moreover, this will be the first election where prospective voters names must appear on the Voters' Rolls, or they will be denied the opportunity to vote. In the past, voters could prove their eligibility to vote at the time of voting and be permitted to cast their ballot. Unless, a large-scale voter education campaign is launched about this change and the critical importance of each voter verifying their name on the roll, many voters may find on June 24-25 that they will not be allowed to vote. Even people who were on previous Voters' Rolls could be omitted or inaccurately entered on the rolls due to problems from merging the rolls and the ZPRS. Such problems could lead to large numbers of voters being disenfranchised, which could lead to confrontations at the polling stations on the election days.

Previously, the Votes' Rolls were displayed from seven to 21 days, so that voters could inspect them and make claims and objections. The rolls were generally posted at polling stations to provide convenient access for voter's inspection. This was in addition to the requirements of the Electoral Act (Article 18) that the Voters' Roll be available for inspection at the Constituency Registrar's Office.

Unfortunately, even though the needs for public inspection of the Voters' Roll this year are greater than in the past, the compressed electoral calendar may cause the number of days for public inspection to be minimized. Equally important, limited funds for the election process may lead to only one copy of the Voters' Roll being available per constituency, with possible mobile units carrying a copy of the rolls. This would limit the ability of prospective voters to verify the roll and could exacerbate the potential for disenfranchisement.

Electoral Supervisory Commission

Article 61(3) of the Constitution provides that: "The Electoral Supervisory Commission shall supervise the registration of voters and the conduct of the elections of members of Parliament...." Also, it is not to be subject to the direction or control of any person or authority. The Electoral Supervisory Commission (ESC), is to be comprised of 5 persons, including a chairperson, all of whom are appointed by the President (three, including the chairman, in consultation with the Judicial Services Commission and two in consultation with the Speaker of Parliament). Presently, the ESC has only three members, including an acting Chairperson appointed by the members themselves (Appendix E: Election Administration Chart).

The ESC does not seem to be able to fulfill its role as envisioned by the Constitution. The ESC does not receive adequate financial resources to hire sufficient staff to supervise the registration of voters or the conduct of elections, per its constitutional mandate. It reportedly was not advised of the recent registration process or adequately enabled to witness or supervise the registration. The ESC has reportedly still not received a copy of the register of voters that was provided to the Delimitation Commission, per its request. This would not be consistent with Article 14 of the Electoral Act concerning the duties of the Registrar General to the ESC.

The ESC has to its credit approached the problem of supervising the conduct of elections by accrediting domestic election monitors to witness election-day procedures. This has allowed civic and religious organizations to mobilize thousands of Zimbabwean citizens to participate in and help ensure the integrity of the election process. It would also be possible for the ESC to accredit nonpartisan organizations to monitor aspects of the pre-election and post-election periods.

In addition to these roles, the ESC could serve as a facilitator of dialogue among the political parties and/or between the election authorities and the political parties. In lieu of an independent election commission and a political party liaison committee, as exist in other countries in the region, the ESC could help to fill these important functions. The ESC, along with business, civic and religious leaders, could encourage the political parties to meet and conduct dialogue on basic conditions and ground rules for the June 24-25 elections, including final agreement and enforcement of a code of conduct.

Registrar General and Election Directorate

An Elections Directorate exists by virtue of Article 4(1) of the Electoral Act to coordinate the activities all government organs related to the electoral process. This directorate is headed by a chairperson appointed by the President and comprises the Registrar General and between two and ten other members appointed by the Minister of Justice, Legal and Parliamentary Affairs.

According to the Electoral Act the Office of the Registrar General is the principal agency responsible for conducting all aspects of elections. In carrying out the duties of this office, the Registrar General, Article 15(2), "shall not be subject to the direction or control of any person or authority

other than the Election Directorate, but shall have regard to any report or recommendation of the ESC." For the purposes of registration of voters the Registrar General's office falls under the Ministry of Home Affairs, however, in the conduct of all other aspects of the electoral process the Registrar General reports to the Minister of Justice, Legal and Parliamentary Affairs.

The Electoral Act, Article 14, sets forth the responsibilities of the Registrar General to the ESC. These include routinely providing reports on the electoral process including the registration of voters as well as responding to requests from the ESC and keeping the ESC generally informed on election related matters. According to the ESC, this has not been the case.

In addition, the Registrar General does not routinely meet with nor provide information to political parties about the electoral process. By not providing information the Registrar General is not creating an open and transparent electoral process in which all of the political contestants have timely information in order to make knowledgeable decisions during the electoral process.

While the Electoral Act makes the Registrar General the primary person responsible for the conducting elections, the President is given sweeping powers to control the election process. Article 158 specifically empowers the President to suspend or amend any provision of the Electoral Act and to alter any time period specified by the Electoral Act.

Election Administration

Given the problems with the various government institutions involved in the conduct of elections, these institutions have demonstrated the administrative capacity to hold regular elections in the past. The upcoming parliamentary elections are the fifth in Zimbabwe since 1980. In addition, in February 2000 a nationwide referendum on the draft constitution was held. While some these elections may have been marred by rigging and electoral manipulation, the results have been generally accepted.

The election authorities, particularly the Registrar General, are the subject of considerable controversy. Opposition political parties and civil society organizations consistently express concerns over: the lack of credibility and independence of election authorities; a partisan bias in the work of election authorities; lack of transparency in the election preparations; and a lack of institutional coordination.

Questions were raised in particular about the recruiting of polling officials. In the past, primarily teachers staffed the polling stations. Some political parties and civic organizations expressed concerns that war veterans may now be recruited for these posts. Given the violence and intimidation in the current pre-election period, the presence of war veterans within the polling stations could lead to situations where voters would not feel safe at the polls. All polling officials should be trained and be held accountable, so that voting procedures are correctly applied and that no correlation could be made between a specific ballot paper and the voter who cast it.

As noted above, the accuracy of the Voters' Rolls is an area of significant concern. The Electoral Act stipulates that only registered voters will be permitted to vote in the parliamentary elections. Citizens are only considered to be registered if their names appear on the Voters' Roll for the constituency in which they are registered (Article 56). Potential voters whose names do not appear on the Voters' Roll for a particular constituency will not be permitted to vote on election day, without exception. During the voter registration exercise registered voters were not issued any receipt or card as proof of their registration. Previously, such receipts provided voters with recourse if, for any reason, their name did not appear on the Voters' Roll. While there is no legal requirement to issue a receipt (Article 23(3)), such a document could have provided voters with a ready means to make claims and objections.

Concerns were also raised about the counting of ballots at constituency counting centers. Under the current practice, once voting is completed on the second day the ballot box is sealed and transported to a central constituency counting center. There the number of ballot papers in each ballot box is first reconciled with the report of each presiding officer, and then co-mingled with all other ballot boxes during the determination of votes. Many political parties expressed concern that the integrity of the vote could be jeopardized during the transportation of ballot boxes and the co-mingling of ballot papers.

At polling stations, Zimbabwe currently uses non-transparent ballot boxes. In many meetings it was suggested that transparent ballot boxes would help build confidence in the process.

Articles 85 and 86 of the Electoral Act provide for polling agents for political parties to monitor the electoral process on behalf of a particular candidate. These polling agents have a right to monitor the election process at polling stations (Article 55) and to be present when the ballot box is shown to be

empty before voting commences (Article 54). No other rights are afforded to polling agents under the law. However, polling agents have been able to sleep with the ballot box at night and travel with the ballot box from the polling station to the constituency counting center.

Civil society monitors and international observers are not mentioned in the law, regarding their rights or responsibilities. In practice, Zimbabwean NGO monitors have been accredited by the ESC to monitor elections, permitted into polling stations, and report to the ESC. This has been done under the ESC's constitutional powers to supervise the conduct of elections.

Electoral Environment

Polarization among Political Parties

The current environment for electoral competition is characterized by mistrust, suspicion and political polarization among the political parties. There is a striking intolerance toward opposing political parties, particularly on the part of ZANU-PF, the ruling political party, toward the MDC. These factors were exacerbated by the results of the February constitutional referendum, but they are likely associated with the legacy of the de facto one-party state and the liberation struggle ideology which have characterized Zimbabwe even before its independence. Such intolerance has led to ZANU-PF characterizing supporters of the opposition, today and in the past, as unpatriotic for challenging its position, and it has labeled such opposition as foreign-inspired. While ZANU-PF is not monolithic and allows differing points of view to be debated inside its ranks, there is a pronounced tendency which holds that it is not legitimate to challenge the party from outside.

At the same time, the political climate is characterized by a profound lack of dialogue among competing political parties, through which to resolve disputes and tensions in the pre-election period. There is no political party liaison committee or other forum for dialogue sponsored by any of the electoral authorities, government institutions, civic or religious sectors. Attempts by NDI at encouraging dialogue among the political parties over the last year led political parties, ruling and opposition alike, to draft a Code of Conduct for the elections (Appendix F: Draft Code of Conduct). The Code of Conduct addressed, among other things, the need for political parties to prevent political intimidation and to accept that everyone has the

right to put forward their political views without fear. While the other political parties have ratified it, the ruling party thus far has not.

In addition, opposition political parties express distrust of the electoral process and a certain lack of initiative or frustration about petitioning the electoral authorities or the courts for redress. This demonstrates the need for independence and impartiality among the electoral authorities, police, prosecutors and the courts. Actions that produce effective remedies reinforce the value of using complaint mechanisms in accordance with the rule of law, rather than turning to self-help through violent means or retreating from the process.

Violence, Anxiety and Fear among the Public

Politically motivated violence, particularly since the February referendum, has produced an environment characterized by anxiety and fear among the electorate. Thus far, 23 people have reportedly been killed; over 100 have been injured, and there has been substantial property damage. The government of a country has an obligation to provide security against violence. Guaranteeing the right to life and security of the person will present a major challenge to the credibility of the election process.

Almost everyone with whom the delegation met condemned the level of politically motivated violence as "unacceptable" and "not conducive to free and fair elections." On May 10, for example, the ESC issued a press statement stating that it was greatly concerned with the "spate of political violence and intimidation that has characterized the pre-election period." The Business Leaders' Forum published a statement in the May 4-10 edition of The Financial Gazette, which said that: "They were very concerned about the general breakdown in law and order in our country caused by politically motivated violence." It stated that: "The police and other law enforcement agencies must seriously step up their efforts to uphold the rule of law and protect law-abiding citizens from acts of violence." The Presbytery of Zimbabwe published a statement in the May 17 edition of The Herald, in which they called upon all political parties "to desist from all public pronouncements that encourage violence" and they appealed to "all politicians to ensure that their opponent's security and well being are as important as their own."

On May 2, The Commonwealth released The Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) Chairperson's Statement,

which said that the committee of eight Commonwealth foreign ministers “voiced their concerns over ongoing violence, loss of life, illegal occupations of property, failure to uphold the rule of law and political intimidation in the run-up to Zimbabwe’s parliamentary elections.”

Many with whom the delegation met stressed that violence and threats of violence have a powerful impact in rural areas, where the liberation struggle was fought most intensely. This is particularly true in Matabeleland, where memories of the tragedy and suffering of the 1980s “Gukurahundi” campaign are not long removed. It is alleged that supporters of the ruling political party and war veterans who support that party are threatening a return to the armed struggle if the ruling party does not retain control of government. In Matabeleland, for instance, alleged acts of deliberate intimidation include the deployment of war veterans wearing red berets, the trademark of the North Korean trained 5th Brigade, suggesting a renewal of the “Gukurahundi” campaign if election results do not favor the ruling party. In addition, inflamed rhetoric has incited violence. The delegation was informed that even seemingly veiled threats like telling a political rally to “go clean your garden” has led to violent attacks.

A statement by the MDC legal committee, entitled Summary of Violence in Zimbabwe since March 1, attributes 86.3 per cent of politically-motivated cases of violence to supporters of ZANU-PF, while 6.7 percent of the victims of violence were affiliated with ZANU-PF; the ruling political party would take issue with these numbers. An April 27 ZRP statement to the press reported MDC as the initiator of a significant portion of violent acts, a characterization denied by MDC.

Documented politically-motivated violence has included dragging farm workers and villagers from their homes at night and severely beating those identified as supporters of political parties that are in opposition to ZANU-PF. Men, women and children have been among those beaten and even tortured, including eight documented cases of rape. The level of such violence has driven a significant number of people from their homes to other constituencies, including to Harare, which would create problems in exercising the right to vote and to stand for office.

The delegation conducted a number of interviews with victims of political violence. These first-hand narratives gave credence to numerous reports to the delegation that political violence was taking place, including attacks on targeted individuals, clashes among groups of supporters of the opposition

and the ruling political party, break-up of political party meetings and establishing so-called "no-go zones." The political violence appears to be divided into two categories: that of a more or less spontaneous nature; and deliberate targeting of specific individuals for bodily harm and murder.

The delegation's meeting with the MDC in Bindura was encroached upon by more than ten men, who MDC representatives identified as war veterans. The MDC representatives became frightened and wanted to change the meeting's venue, which was done. The interactions illustrated that even small meetings are being watched and attempts at intimidation can even take place in the presence of international observers. In addition, another of the delegation's meetings in Bindura was intruded upon by a man who showed identification as being with the ZRP intelligence unit. He reported that he was taking information about who was attending such meetings. In Bulawayo, another man who also identified himself as being with the ZRP intelligence unit intruded upon the delegation's meeting with Amani Trust, a human rights organization monitoring electoral violence. In both cases, the men left the meetings when asked, but the incidents illustrate a free-wheeling attitude of intelligence agencies toward the exercise of freedoms of association and assembly.

Reports from both the police and the Commercial Farmers' Union confirm that approximately 1,000 farms have been invaded and occupied by war veterans. There have been numerous, serious incidents of violence following such actions, including deaths, some of which have affected white farm owners but most of which have been directed towards black farm workers. A pattern is reported by credible sources from the independent news media in which after a large number of war veterans invade a farm and initial violence takes place, the bulk of the war veterans move on, leaving a small group to hold the place. According to this pattern, after invading a farm, war veterans set up so-called "reeducation camps" where farm workers are forced by dint of violence or intimidation into singing pro-ZANU-PF songs and slogans. Reportedly, similar activities are also conducted in some villages in the rural areas.

While it was beyond the resources of the delegation to investigate the land issues, all political parties with which it met expressed support for land reform. Leaders of ZANU-PF stated that the party intended to fight the election on the basis of land, which makes it a central part of the political process affecting the elections. The violence and intimidation surrounding the land issue therefore has taken on a definite political nature. Many with

whom the delegation met stated that they believed the actions of the war veterans were part of an electoral strategy, especially because the war veterans organization (the Zimbabwe National Liberation War Veterans' Association) has stated its support for ZANU-PF, and its leader, Chenjerai Hunzvi, is reportedly a ZANU-PF candidate for parliament.

Electoral Competition ("Level Playing Field" for the Official Campaign Period)

A number of factors in addition to those discussed above are important in examining conditions for competition among political parties and candidates during the election campaign period. The campaign may not begin officially until Nomination Day, May 29, but it is already in progress. The unofficial campaign period has an important bearing on the election process.

Media Access

Mass media provide a critical conduit through which political parties and candidates can communicate to much of the electorate. Without access to the media to express positions, political parties and candidates cannot effectively reach prospective voters, and the voters are left without the accurate information they need to make an informed choice at the ballot box. It is therefore necessary to provide equitable media access for all political parties before and during the official campaign period. To date, the opposition political parties have not had such access to the government-controlled broadcast media. Representatives of ZBC report that there is a plan, to take effect upon the beginning of the official campaign period, to make commercial time available to the political parties. The plan calls for 10 slots of 10 minutes of commercial time per day, at one minute for each of the 10 political parties. The plan will make even more commercial advertising time available on government-controlled radio. While such plans could help build credibility of the election process, paid political advertisements are not a substitute for providing sufficient free media time to competing political parties and candidates on government-controlled radio and television.

ZBC reported to the delegation that a one-half hour program on state broadcast media will be dedicated free of charge for each of the major political parties, in the last days of the campaign (with the party fielding the most candidates appearing closest to the election days, the one with the second most the day before, and so on). It also reported that an all-parties

debate would be broadcast free of charge. These are important opportunities, however, the limited amount of time is not likely to allow the voters to receive adequate, accurate information upon which to make a free and informed choice at the ballot box.

News Media Bias

Reports from casual observers as well as media monitoring organizations alike highlight gross bias in the government-controlled media's news coverage, which bias favors the ruling political party. The state-controlled media hold a monopoly on in-country radio and television broadcasting licenses. Radio channels are the predominant media by which the population gains news information. Television reaches the urban areas, and state-controlled newspapers have the widest circulation among the print media. A small number of independent print media mainly reach urban areas. Media monitoring efforts have criticized the independent print media for, at times, taking pro-opposition stances.

Bias in news coverage conditions the electorate's attitudes with inaccurate information, which negates the rights of citizens to seek and receive the information needed to make a free and informed choice when voting. Bias also can easily negate the effect of information supplied by political parties and candidates through free media access messages and paid political advertisements. It is therefore critical to the credibility of the election process that directors of state-controlled media act to ensure that bias is eliminated from its coverage, because state-controlled media have an obligation to operate in the public's interest rather than for the benefit of one political party.

Use of State Resources and Party Financing

State resources, as noted above concerning state-controlled media, should be used for the benefit of the citizenry as a whole, rather than for the benefit of individuals or one political party. Reports of use of state vehicles for electioneering, while common in many countries, could pose a serious issue in Zimbabwe if freedom of movement for private transport is curtailed – either due to political violence or due to fuel shortages. In the present atmosphere of suspicion, even the appearance of lines at the petrol stations this week fueled rumors that fuel shortages were created for election purposes. It is therefore important for the government to take steps to prevent misuse of state resources, including the time of government workers while on duty, in order to bolster the credibility of the election process.

The Political Parties Finance Act, sets forth the qualification requirements for political parties to receive state funds. It requires that a party must receive five percent of the national vote to qualify for such funding. Thresholds of this type are not uncommon; in Zimbabwe, however, the requirement results in ZANU-PF being the only political party that qualifies for receipt of state funds. This qualification requirement makes it particularly difficult for small political parties to compete. In countries where there is a proliferation of political parties, thresholds may help to rationalize the political process, but where a country has only two opposition members in its parliament, provision of state funds on reasonable and equitable bases is advantageous for fostering political pluralism.

Widespread Voter Education to Increase Confidence in Ballot Secrecy

Several credible sources reported to the delegation that one of the effects of the recent political violence and accompanying threats has been to undermine public confidence in the secrecy of the vote. The concept of ballot secrecy has been established in Zimbabwe in past elections, and rebuilding public confidence in it is an important challenge for the June 24-25 polls. Reassurances from the electoral authorities, for example the Registrar General and the ESC, in the form of a widespread voter education campaign will be instrumental in this respect. While Zimbabweans have experience in the mechanical aspects of voting procedures, reassurances from electoral authorities concerning the secrecy of the vote are essential.

In addition to ballot secrecy, voter education campaigns about the manifestos and positions of the political parties is critical for a free and informed vote. Civic organizations and the political parties themselves have an obligation to ensure that the electorate receives such information.

Immediate, widespread voter education about the need for citizens to go and verify whether their name is on the Voter's Rolls is also needed, as discussed in detail above. Such a campaign concerning the electoral-related rights of citizens is also needed, along with what to do to seek an effective remedy if such rights are violated.

In sum, a review of the legal framework and the pre-election environment, based on applicable international standards, reveals that the conditions for credible democratic elections do not exist in Zimbabwe at this time.

OBSERVATIONS AND RECOMMENDATIONS

International experience demonstrates that in countries like Zimbabwe, where violence and fear undermine the potential for credible elections, it is necessary to go beyond the minimum requirements of the election law to build sufficient public confidence in the process, so that the elections might be accepted by the political parties and voters. This is all the more important when the legal framework for elections contains serious deficiencies. In order to establish such public confidence, it is often necessary to take extraordinary steps to promote electoral rights and open dialogue among the political contestants to agree on minimum rules for the competition.

The elections are just 33 days away; immediate and concerted efforts are therefore required to make improvements to the political environment, to create or reinforce safeguards for administrative impartiality and to ensure adequate resources for electoral authorities to complete their tasks properly and effectively, as mandated in the Constitution and Electoral Act. A number of important steps should be taken with the limited resources available and within the scant time remaining before the elections. The delegation therefore respectfully offers the following recommendations.

1) Ending Political Violence

The delegation is aware that the government of Zimbabwe has made a commitment to organizing credible elections based on Zimbabwean law and in accordance with Zimbabwe's international commitments concerning democratic elections. The degree of political violence since the February constitutional referendum has greatly damaged the electoral process. Political leaders, especially President Mugabe, should do everything within

their power to ensure that the political violence stops immediately. All citizens, including war veterans, should respect the civil and political rights of others; without such respect elections lose their democratic meaning. The government, including electoral authorities, police and other authorities have an obligation to ensure the exercise of basic rights in the electoral context.

2) Advancing Political Dialogue

In order to come to agreement concerning minimum conditions for credible elections that could be accepted by all of the political parties and the electorate, political parties must be able to speak to each other. A political dialogue, even during the heat of an election campaign, is critical to reducing tensions in the country and finding a way to peacefully settle the competition for political power. Electoral authorities, business, civic and religious leaders should encourage the political parties to conduct good-faith discussions about how to compete while maintaining sight of the overriding national interest for peace and meaningful elections. In addition to basic requirements about the election process, the dialogue could advance the code of conduct discussed at a multiparty roundtable conference in Masvingo in February. Signing that document or any similar agreement could be an important symbol, upon which public confidence could build. Training party activists and enforcing such provisions, whether based on a multiparty agreement or unilateral rules of party conduct, could help reduce violence and promote respect for the rights of those holding differing views. Such efforts should continue in the post-election period to ensure peaceful developments no matter what the outcome of the elections may be.

3) Government and Political Party Liaison Meetings

It is important that political parties and candidates understand the regulations and procedures of election authorities and other governmental bodies concerned with the elections. It is therefore recommended that election authorities, including the Registrar General and the ESC, set up regular meetings to brief and share information with representatives of the political parties and candidates. The ZBC and the ZRP, respectively, also should set up such regular meetings to discuss issues relating to the broadcast media access and news coverage in the case of the ZBC and security issues around the country in the case of ZRP.

4) Provision of Adequate Opportunity for Public Inspection of Voters' Rolls

This year the law for the first time provides that a person whose name is not on the Voters' Rolls will not be allowed to vote. In addition, there was a recent large-scale voter registration effort and the Voters' Rolls and civil registry (ZPRS) were recently merged. These important exercises create a risk for omissions and errors in voter names. It is therefore crucial that the public be provided the maximum feasible opportunity to inspect the rolls, verify their proper registration or make appropriate claims and objections to correct the roll before the election days. It is urged that the Voters' Rolls be made publically available as soon as possible, be posted in numerous convenient places in each constituency for a period extending over at least two weekends to allow adequate inspection. A large-scale voter education campaign should be mounted concerning the need and procedure for this inspection and how to make claims and objections. The claims and objections process should be supervised by the ESC and other observers to help ensure an effective process. In addition, a copy of the Voters' Rolls should be supplied free of charge to each political party competing in the elections. The international donor community should consider providing assistance in each of these steps if necessary and appropriate.

5) Releasing Information Concerning Delimitation of Constituencies

Information concerning the location of constituencies and their boundaries should be made immediately available to all political parties contesting the elections. This information is needed to properly nominate candidates and to begin organizing and conducting campaigns. The circumstance whereby one political party has access to such information due to its position in government should be equalized.

6) Adding Transparency to Electoral Administration

The present organization of election administration lacks the confidence of opposition political parties and large segments of the population. Increasing transparency through political party liaison meetings could help correct this. In addition, allowing representatives of the political parties, civil society election observers and the ESC to observe technical preparations for the elections, including production of the Voters' Rolls, ballot production, distribution and security measures, as well as voting, transport of ballot boxes, counting and announcement of results, will add to transparency and

improve the basis for public confidence in the election process. Concerns over the alleged replacement of teachers with war veterans, as polling officials, could be relieved by allowing party representatives, civil society monitors and observers to witness the selection and training process for polling station officials.

7) Improved Media Access and Removal of Bias

The ability of voters to receive adequate, accurate information about the political parties and candidates is paramount to exercising their free will at the ballot box. Mass media, particularly radio and television, are critical to political parties and candidates providing messages to the voters about their manifestos and related positions. It is therefore recommended that ZBC expand its free broadcast time for the political parties beyond the one-half hour for the last ten days of the campaign and the broadcast of one multiparty debate. Extension of free broadcast time should be considered for at least the 21 days of the campaign and at least three multiparty debates should be broadcast. ZBC should take steps to end bias immediately. As government-controlled media, ZBC should fulfill its obligation to ensure that its media provide accurate and balanced news coverage of all political parties.

8) Streamlining Voting Procedures

Streamlined voting procedures and effective training of polling station officials can reduce the time necessary to vote and reduce the time spent in waiting in line. This can help reduce tensions on voting days and add to public confidence. A review of procedures and the training program at this time could enhance election day operations.

9) Enhanced Voter Education

Violence and political intimidation combined with fear of possible post-election reprisals have undermined confidence in secrecy of the ballot among large segments of the population. It is therefore recommended that large-scale voter education campaigns be conducted by the electoral authorities (the Registrar General or the ESC) to reassure the public that there will be ballot secrecy for the June 24-25 elections. The voter education campaign should address procedures that will be in place to insure secrecy of the ballot. In addition, widespread voter education campaigns should be conducted by political parties and civil society

organizations to help the electorate learn about the manifestos and other positions of the political parties so that voters may make informed choices. As noted above, a widespread voter education campaign concerning the importance of citizens inspecting the Voters' Rolls is needed.

10) Ensuring Access for Civic Society and International Election Observers

Monitoring and observation of elections requires access to all aspects of the process, in the pre-election period, on election days and in the immediate post-election period. Election authorities have provided access to monitors and observers in past elections, and they have contributed to the integrity of the process and to enhanced public confidence. Complete access should be accorded to monitors and observers throughout the remainder of the present election process, including for Zimbabwean civil society observers, political party polling agents and international observers.

APPENDICES

Appendix A: Terms of Reference

This memorandum serves as a terms of reference for an international delegation to assess the pre-election conditions in advance of the 2000 Zimbabwe parliamentary elections. The assessment is based on accepted international electoral standards. The delegation is visiting Zimbabwe while the preparations for the elections are underway and campaigning by political parties has begun, even though the official campaign period has not commenced.

The National Democratic Institute for International Affairs (NDI) is organizing the delegation in response to encouragement by government and leaders of the major political parties and civil society.

In observing the pre-election period the delegation does not presume to supervise or to interfere in the affairs of Zimbabwe. The delegation's presence demonstrates the international community's interest in and support for free and fair elections. In addition, the members of the delegation will have an opportunity to learn more about the development of democracy in Zimbabwe and to reflect on how this relates to the political transformation of the region.

The delegation's observations and other credible sources of information will form the basis for its report. Therefore the delegation will attempt to document its observations and in all instances distinguish objective from subjective opinion. A public statement will be issued at the culmination of the mission to provide an accurate and impartial statement of findings and any appropriate recommendations. Specifically, the delegation will: 1) review the legal framework and administrative preparations underway for the elections; 2) assess the political environment for elections and whether mechanisms are in place to promote confidence in the process; 3) identify potential problems and make specific recommendations as to how they might be addressed; and 4) share findings and recommendations with government, political, civic and media representatives as well as the public.

The delegation will also be asked to consider recommendations for possible additional international delegations to Zimbabwe to observe the electoral process. The delegation's statement also will be considered by others in the international community who are interested in Zimbabwe's electoral and related processes.

In the course of this pre-election assessment, the international delegation will meet with representatives of all major political parties, members of the different electoral bodies, government representatives, civic leaders, media representatives and representatives of the international community in Zimbabwe.

Points of Inquiry

Women

- Are women full participants in the political process, i.e. as voters, candidates, election officials and party spokespersons? Are there advantages or disadvantages of note?
- Do parties and civil society encourage women's participation? How have voter education programs addressed the women voter?
- Are there any significant distinctions, historically and/or currently, between men and women in elections? Have any particular actions been taken to register women to vote in this election?
- Do the political party manifesto's address issues of specific concern to women? Have the parties designed voter contact activities with attention to women voters?

Media

- Access to the broadcast media by political parties and candidates, whether by paid political advertisements or government-mandated free access, contains a number of issues to be addressed: types of access; amount of time; timing of access; financing; and criteria for allocating time.
- Are there established policy guidelines or regulations for fair media coverage of political contestants?
- Do the political parties have any formal or informal mechanism for consulting with the state broadcasting company, ZBC, on election coverage?

- Is the monitoring of the media by civil society fair, impartial and perceived as an accurate reflection of the actual practices?
- Is the media free of censorship and undue influence from the government in the covering of election-related events, political parties or the government? Has the press been the victim of harassment or other acts of intimidation?
- Are the editorial biases of the print media reflected in news coverage? Does the overall bias unduly advantage any particular political organization or party?

The Campaign

- Having drafted a Code of Conduct for the election, what stands in the way of political parties proceeding with formalizing an agreement? Can these issues be resolved? Are parties ready to implement the code and abide by the understanding?
- Are there any restrictions, *de facto* or *de jure*, that may prevent the competing political parties and candidates from conducting their respective campaigns in any region of the country? What impact are the reports of violence having on the plans of political parties to organize for the campaign? What effect, if any, has the Law & Order Maintenance Act had on the capacity of the political parties to organize their campaigns? What internal disciplinary measures are parties prepared to take to minimize inter-party intimidation and violence?
- What is the assessment of the parties of the voter registration process and the resulting Voters' Rolls? Do/will the parties have access to the Voters' Rolls for verification purposes? Is there sufficient time and resources available to conduct a thorough verification? What, if anything, might be done to improve that process?
- Do the parties have any official mechanisms, such as party liaison committees, that provide for consultations with and access to the election officials?
- What, if any, aspect of the election law and/or administrative procedures do the parties feel are deficient? Do the parties have confidence in the

impartiality of the election officials at the national, provincial and constituency level? Do the courts offer the parties an expedited mechanism for judgements on election-related disputes?

The Legal and Administrative Framework

- What do the election authorities consider to be the impediments, if any, to carrying out a reasonably free and fair election? Are they concerned about violence? Do they have adequate human and financial resources?
- Are there any deviations of note between the Zimbabwe body of electoral law and international standards, i.e. ballot secrecy, access, speech, association, etc? Regional democratic practices?
- Are the different bodies responsible for administering elections able to effectively communicate and coordinate with each other? Are they impartial and free of partisan influence in the execution of their professional responsibilities?
- Does the electoral legal framework provide effective mechanisms for documenting and adjudicating election-related complaints? Is such a mechanism perceived as impartial and capable of rendering effective remedies? Have any official complaints have been tabled to date?

Registration of Voters and Delimitation

- Have all Zimbabweans had an adequate opportunity to register to vote? Are the requirements to register to vote perceived to be reasonable? Is there confidence in the accuracy of the Voters' Roll?
- Do political parties and the public feel that effective guarantees exist to ensure that the names of all registered voters will appear on the Voters' Rolls? Do effective mechanisms exist for political parties, civil society organizations and registered voters to review the Voters' Rolls and to challenge and correct possible inaccuracies?
- In the opinion of the Delimitation Commission, has there been adequate time to conduct their work? Have they encountered any particular difficulties? Has there been input from the political parties and civil society?

- How will political parties and the public be informed of any changes made to the number or demarcation of constituencies? What mechanisms exist for political parties or the public to challenge the decisions of the Delimitation Commission?

Security

- Do the police have the authority to intervene in politically motivated acts of intimidation, harassment and violence? Is there a legal distinction of note between politically inspired violations of law and ordinary civil disobedience? Are there special units of the police or other security forces that are responsible for the maintenance of order during the campaign and throughout the election period? Are there security plans for a potential escalation of violence related to the political campaign?
- Do the police feel that the political parties are taking all necessary steps to minimize violence and other disruptions? What more do they think may be done? Do political parties cooperate with the police?
- Is there any distinction among political parties and personalities when it comes to security provided by government bodies? Are there any verifiable incidents of intimidation against the police, security forces, political parties (or their supporters) or civil servants?
- Do the security forces enjoy the confidence of all major political parties?

Voter Education

- Do political parties and the public feel that sufficient steps are being taken to ensure that all citizens know about the election process?
- To what extent do political parties and the public feel that all *citizens* are being adequately informed about when, where, how and why to register to vote? To what extent do political parties and the public feel that all *registered* voters are being informed about when, where, how and why to vote?
- Do political parties and the public believe that citizens are receiving adequate accurate information upon which to make free and informed choices at the ballot box?

Election Monitoring

- Does the legal framework provide for effective monitoring/observation of the pre-election period as well as voting and counting by: political parties; domestic civil society organizations; international groups; and the media? Are requirements reasonable that political parties, civil society organizations, international observers, or the media may meet in order to monitor/observe the election process perceived to be reasonable?
- Do political parties, civil society organizations, international groups, and the media have adequate access to the election authorities and information?
- Are civil society organizations monitoring the election process viewed as non-partisan and credible by the election authorities, political parties and the public?

Appendix B: List of Consultations

Election Authorities

Registrar General
Electoral Supervisory Commission
Delimitation Commission

Government

Minister of Home Affairs
Attorney General
Governor of Mashonaland Central
Commissioner of Police
Provincial Commissioners of Police in Bulawayo and Bindura

Political Parties

Zimbabwe African National Union-Patriotic Front (ZANU-PF) in Harare, Bulawayo, and Bindura
Movement for Democratic Change (MDC) in Harare, Bulawayo, and Bindura
Zimbabwe African People's Union (ZAPU) in Bulawayo
Voting Pact: Zimbabwe Union of Democrats (ZUD); Zimbabwe African National Union (ZANU-Ndonga); and United Parties (UP)

Civil Society Organizations

Agricultural Labor Bureau
Amani Trust in Bulawayo
Commercial Farmer's Union (CFU)
Confederation of Zimbabwe Industries (CZI)
Employer's Confederation of Zimbabwe
Civil Society Organizations
Foundation for Democracy in Zimbabwe (FODEZI)
General Agriculture and Plantation Workers Union of Zimbabwe
Musasa Project
National Constitutional Assembly (NCA) in Harare and Bulawayo
Women's Action Group (WAG)
Zimbabwe Congress of Trade Unions (ZCTU)
Zimbabwe Council of Churches (ZCC) in Harare, Bulawayo and Bindura

Zimbabwe Council of Tourism
Zimbabwe Election Support Network (ZESN) in Bindura and Bulawayo
Zimbabwe National Liberation War Veterans Association in Harare and Bulawayo
Zimbabwe National Chamber of Commerce (ZNCC)
Zimbabwe Women Resource Center and Network (ZWRCN)

International Organizations

Commonwealth
European Union

Media

Zimbabwe Broadcasting Corporation (ZBC)
Daily News
The Chronicle and Sunday News in Bulawayo
Financial Gazette
Media Institute of Southern Africa (MISA)

Appendix C: Selection from the Universal Declaration of Human Rights

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21.

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Appendix D: Selection from the Zimbabwe Constitution and Electoral Act

Zimbabwe Constitution

- 11. Fundamental rights and freedoms of the individual.**
- 12. Protection of right to life.**
- 13. Protection of right to personal liberty.**
- 14. Protection from slavery and forced labour.**
- 15. Protection from inhuman treatment.**
- 16. Protection from deprivation of property.**
- 17. Protection from arbitrary search and entry.**
- 18. Provisions to secure protection of law.**
- 19. Protection of freedom of conscience.**
- 20. Protection of freedom of expression.**
- 21. Protection of freedom of assembly and association.**
- 22. Protection of freedom of movement.**
- 23. Protection from discrimination on the grounds of race, etc.**
- 24. Enforcement of protective provisions.**
- 25. Savings in the event of public emergencies.**
- 26. Interpretation and other savings.**
- 59. Delimitation Commission**

- (4) Following the first delimitation for the purposes of this Constitution, a Delimitation Commission shall be convened by the President at five-yearly intervals:**

Provided that a Delimitation Commission may be convened before the expiration of any five-year period if it appears to the President

necessary to do so. [Proviso as amended by section 6 of Act 15 of 1987]

60. Delimitation of Constituencies

- (8) As soon as may be after the Delimitation Commission has completed its report, the President shall, by proclamation in the *Gazette*, declare the names and boundaries of the constituencies as finally settled by the Commission to be the constituencies of Zimbabwe which shall have effect for the purposes of the next and any subsequent general election.

61. Electoral Supervisory Commission

- (3) The Electoral Supervisory Commission shall supervise the registration of voters and the conduct of elections of members of Parliament and shall consider any proposed Bill or proposed statutory instrument relating to the registration of voters or to the election of members of Parliament that may be referred to it. [Subsection as amended by section 26 of Act 31 of 1989 and by section 9 of Act 30 of 1990]

Electoral Act

4. Appointment and functions of Election Directorate

- (1) There shall be an Election Directorate appointed in terms of this section, which shall be responsible for -
- (a) co-ordinating the activities of Ministries and departments of Government in regard to the delimitation of constituencies, the registration of voters, the conduct of polls and all other matters connected with elections; and
 - (b) giving instructions and making recommendations to -
 - (i) the Registrar-General in regard to the exercise of his functions under this Act; and
 - (ii) other persons in the employment of the State for the purpose of ensuring the efficient, proper, free and fair conduct of elections; and

15. Registrar-General of Elections

- (2) The Registrar-General shall exercise such functions as are imposed or conferred upon the Registrar-General by or under this Act and, in the exercise of his functions, the Registrar-General shall not be subject to

the direction or control of any person or authority other than the Electoral Directorate, but shall have regard to any report or recommendation of the Electoral Supervisory Commission.

18. Voters rolls open to inspection and printing of rolls

- (1) The voters roll for every constituency shall be open to inspection by the public, free of charge, at the office of the constituency registrar during office hours.
- (2) A person inspecting the voters roll for a constituency may, without payment, make copies thereof or extracts therefrom during office hours.
- (3) A constituency registrar may, whenever he considers it to be desirable, have the voters roll for his constituency printed, and any person may obtain from the Controller of Printing and Stationery, on payment of such charges and subject to such conditions as may be prescribed, copies of any voters roll so printed.
- (4) Where the voters roll for any constituency has been printed in terms of subsection (3) immediately before a general election or by-election or election to the office President, and it contains the names of the voters who will be entitled to vote at that election, the Registrar-General may publish a notice in the *Gazette* declaring that the printed voters roll shall be used for the purposes of the identification of voters at that election.

23. Voters registration cards

- (3) If a voter has applied for registration in terms of the National Registration Act [Chapter 10:17] and been issued with -
 - (a) a notice in writing in terms of subsection (1) of section 7 of that Act; or
 - (b) an identity document in terms of subsection (2) of section 7 of the Act;he need not be furnished or issued with a voters registration card in terms of this section.

38. General Elections

- (2) For the purposes of the election of members of Parliament, other than chiefs, the President shall fix -
 - (a) a place or places at which, and a day or days, not less than fourteen nor more than twenty-one days after the day of publication of the

proclamation referred to in subsection (1), on which a nomination court shall sit in terms of section *forty-six* to receive nominations of candidates for election as members of Parliament; and

54. The ballot box

- (1) Not more than thirty minutes before the commencement of the poll on the first polling day at any polling station the presiding officer shall -
 - (a) satisfy himself that the ballot box to be used at the polling station is empty; and
 - (b) show the interior of the empty box to such persons entitled in terms of paragraph (b) of subsection (1) of section *fifty-five* to attend at the polling station as are present; and
 - (c) immediately thereafter close and seal the ballot box in accordance with instructions issued by the Registrar-General.
- (4) The presiding officer at a polling station shall -
 - (a) at the close of the poll on each polling day close and seal the aperture in the ballot box used at the polling station; and
 - (b) break the seal and open the aperture only at the commencement of the poll on the next succeeding polling day;

in accordance with instructions issued by the Registrar-General and in the presence of such persons entitled in terms of paragraph (b) of subsection (1) of section *fifty-five* to attend at the polling station as are present.

55. Conduct of poll

- (1) The presiding officer and other officers at the polling station shall -
 - (a) keep order thereat and regulate the number of voters to be admitted at a time; and
 - (b) exclude all other persons other than the Registrar-General, the constituency registrar, a deputy constituency registrar or assistant constituency registrar, the candidates or their election agents, the police on duty and such other classes of persons as may be prescribed.
- (2) Save as is provided in subsection (1), the presiding officer may require any person, other than a person actually recording his vote, to leave the

polling station and -

- (a) any person who fails to leave the polling station when so required may be arrested on the order of the presiding officer and shall be guilty of an offence and liable to a fine not exceeding two hundred dollars;
- (b) any person empowered by law to make arrests shall carry out an order of the presiding officer in terms of paragraph (a).
- (3) The powers conferred by subsections (1) and (2) shall not be exercised so as to prevent any voter who is entitled to vote at a polling station from having an opportunity of voting at that polling station.

56. Number of voters and identification of voters

- (1) At an election for a member of Parliament -
 - (a) every voter registered on the voters roll for the constituency concerned shall be entitled to vote;
 - (2) The presiding officer may put to an applicant for a ballot paper such questions as he considers necessary to ascertain whether or not the applicant is registered as a voter on the voters roll for the constituency.
 - (3) Unless otherwise directed by the Registrar-General, the presiding officer shall require an applicant for a ballot paper to produce his voters registration card and if that card -
 - (a) shows that the applicant is registered as a voter on the voters roll for the constituency; and

85. Election agents

- (1) Before, on or after nomination day but not later than seven days before polling day or the first polling day, as the case may be, in the election concerned, a candidate may appoint one and only one person to be his election agent and shall forthwith notify in writing the full names and address of his election agent to the constituency registrar, and the constituency registrar shall forthwith give public notice of the full names and address of the election agent so appointed.

86. Polling agents

- (1) Not later than three days before the polling day or first polling day, as the case may be, an election agent may appoint one or more persons, not exceeding such number as may be prescribed, to be his polling agents and shall forthwith -

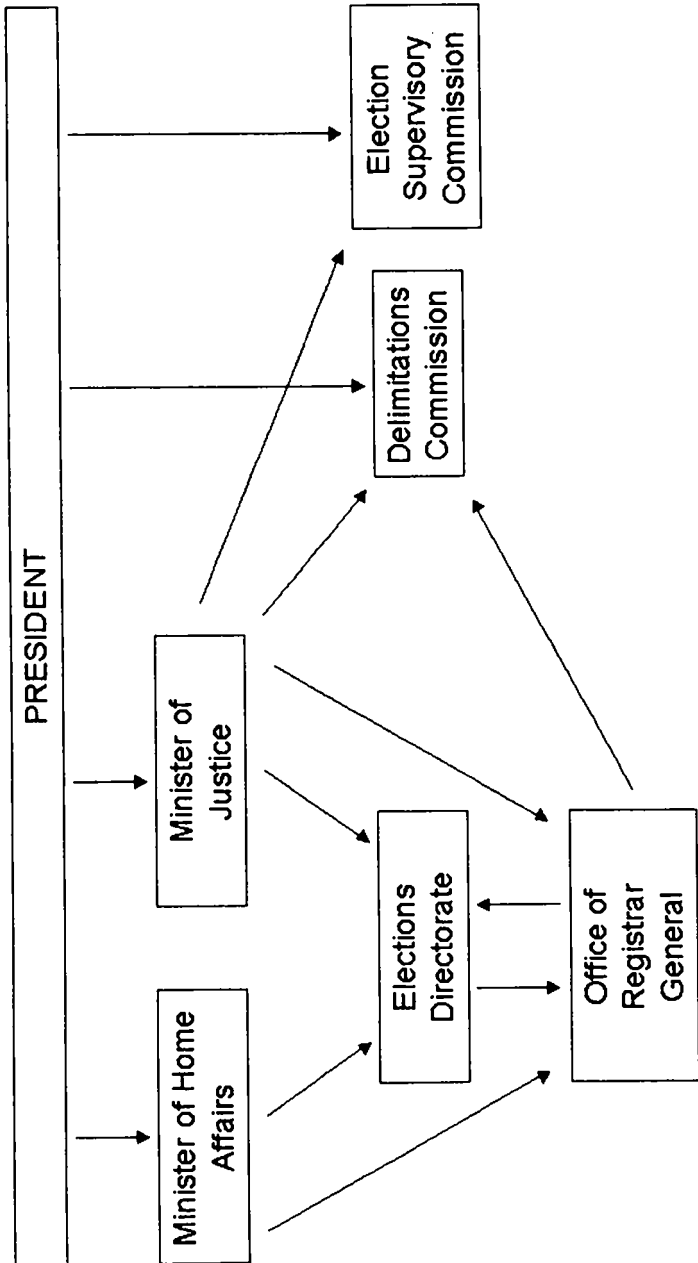
- (a) notify in writing the full names and address of every polling agent so appointed to the constituency registrar; and
- (b) give public notice, by an advertisement in a newspaper circulating in the constituency, so the full names and address of every polling agent so appointed.

158. Regulatory powers of President

- (1) Notwithstanding any other provision of this Act but subject to subsection (2), the President may make such statutory instruments as he considers necessary or desirable to ensure that any election is properly and efficiently conducted and to deal with any matter or situation connected with, arising out of or resulting from the election.
- (2) Statutory instruments made in terms of subsection (1) may provide for -
 - (a) suspending or amending any provision of this Act or any other law in so far as it applies to any election;
 - (b) altering any period specified in this Act within which anything connected with, arising out of or resulting from any election must be done;
 - (c) validating anything done in connection with, arising out of or resulting from any election in contravention of any provision of this Act or any other law;
 - (d) empowering any person to make orders or give directions in relation to any matter connected with, arising out of or resulting from any election;
 - (e) penalties for contraventions of any such statutory instrument, not exceeding the maximum penalty referred to in section *one hundred and fifty-five*.

Election Authorities

Appendix E: Election Administration Chart



Appendix F: Draft Code of Conduct

Preamble

An essential part of free and fair elections is freedom of political campaigning. Everyone has the right to put forward their political views, without threat or fear, to every other person. But freedom of political campaigning also bears responsibilities, including the duty to accept the right of every other person to campaign.

We, the political parties of Zimbabwe, have set out in the following Code a system of rules we have together drawn up. They do not replace the existing law, but add to it. They will help bring about free and fair elections. Other rules, already contained in our laws, should also contribute to the holding of peaceful, democratic elections.

We undertake to one another, and to the Zimbabwean electorate, that we shall thoroughly promote and carry out this Code. Our parties accept primary responsibility for seeing that it is fully applied.

We have undertaken as follows:

The Rule of Law

1. The parties will abide by all laws, rules and regulations of Zimbabwe governing the holding of elections.
2. No person may offer any bribe, inducement or reward to voters, issue any threat to an election participant, intimidate or impersonate any voter, or engage in any other corrupt practice.
3. The interests of government and party should be clearly separated. Thus, members of a governing party should not use public funds or resources for electioneering, except on a basis of equality with other parties. Personal motor vehicles allocated to the President, Vice Presidents, Ministers, Deputy Ministers, Speaker of Parliament, Deputy Speaker and mayors, will not be regarded as public resources in this provision.
4. Each political party will ensure that the Code is made fully known to all its members, and fully observed by them. Government and any other relevant agencies are encouraged to publicise its provisions to the whole nation by all available means.

5. It is the duty of the police, and those directing their work, to maintain public order. In carrying out their duties, they, and other security agencies, should act with complete impartiality, and with due regard to the rights of all electoral participants. Permits required for meetings and political activities should be issued without discrimination.

Campaigning

6. All attempts at intimidation constitute serious breaches of the Code of Conduct. Intimidation can take many forms, involving words, actions, images or manifestations. The parties shall expressly forbid such activities in directives to their members, also warning them of serious consequences which will follow. Parties shall fully cooperate in any related police investigation and process of law enforcement.
7. The parties will instruct their supporters that no weapon of any kind may be brought to any political rally, meeting, march or other demonstration.
8. Participants in election campaigns will at all times avoid the use of language which threatens or incites violence in any form against any other person or group of persons. Active consideration should be given by the authorities to possible prosecution in such cases.
9. No person shall incite hatred, contempt, or discrimination against any other person or group of persons on grounds of colour, race, national or ethnic origin, or gender.
10. Parties will not issue pamphlets, posters or other publications which contain inflammatory language or materials. Speakers at public meetings will avoid the use of such language.
11. Parties will consistently and clearly emphasise that the ballot will be secret, and that no other person will know how any individual may have voted.
12. Party supporters will not attempt to disrupt other parties' rallies, meetings, marches or demonstrations, nor will they try to obstruct anyone from attending other parties' rallies, meetings, marches or demonstrations.
13. Parties will take all practical steps to avoid holding rallies, meetings, marches or demonstrations close to one another at the same time. Party leaders undertake to cooperate with one another in applying this principle in good faith should any coincidence or near coincidence of time or venue occur.

14. Party supporters will not copy the logos or symbols of other parties, or steal, disfigure or destroy political or campaign materials of other parties.
15. Parties undertake to cease all electoral campaigning at least 24 hours prior to the opening of the polls.
16. No armed person shall be permitted to be present within a radius of 400 metres of any polling station while the process of voting is taking place. While such presence may not be intimidatory, this article shall not prevent the deployment, for security reasons, to a polling station, of appropriate police personnel.
17. There shall be no campaign materials within a radius of 400 metres of any polling station while the process of voting is taking place.
18. No person wearing party colours or other insignia may approach more closely than 400 metres from any polling station while the process of voting is taking place.
19. Parties shall ensure that no party's or supporter's loudspeaker system is played between the hours of 2000 hours and 0600 hours.
20. Parties undertake to use their good offices to ensure reasonable freedom of access by all parties to all potential voters, whether they be on private or state-owned property. They will also try to ensure that any such potential voters wishing to participate in related political activities have freedom to do so, outside working hours.
21. Parties undertake to provide every encouragement to qualified persons to register to vote and to work with the authorities to help ensure the accuracy of the voters' roll.

Promotion of the Code

22. Party leaders undertake to publicise the Code to their members and supporters, and to the public generally, by all means available to them. They will, moreover, encourage the government and other relevant agencies to utilise their resources to publicise, on a continuing basis, the provisions of the Code. The political parties will report to the relevant committees established by the Code regarding the steps they have taken to carry out this duty.

Implementation of the Code

23. (a) All documented allegations of intimidation and of incitement to hatred or violence, will be reported by the political parties to the police, as will other serious alleged breaches of the law.
- (b) In principle, however, the political parties themselves will deal with and resolve issues arising under this Code. To this end, each signatory agrees to identify liaison officers with whom contact will first be made when any issue arises. Such liaison personnel will establish the facts of a situation, and then seek an amicable solution compatible with the Code.
- (c) Should such conciliation procedure fail, the matter may be referred by the aggrieved party to a Code of Conduct Committee for its examination and decision. Decisions will be taken by consensus.
- (d) Such Committees will be established by the political parties at regional and district levels. They will meet fortnightly to discuss relevant matters relating to the election campaign, including issues referred to them by the liaison personnel. Emergency meetings will be convened as and when necessary. Decisions will be taken by consensus.
- (e) A Standing Committee of Party Leaders will meet in Harare to deal with matters relating to the election. The Committee will consist of the leadership of parties which have signed the Code of Conduct. Each party may be represented at meetings by up to two delegates. In the interest of continuity, each party undertakes to ensure that the same one of its representatives, at least, will attend each and every meeting. Such representative, or his / her colleague, will be authorised to take decisions on behalf of his / her party in the Committee. The Committee will meet fortnightly; extraordinary meetings will be convened as necessary.
- (f) Within seven days of its appointment, the Standing Committee of Party Leaders in Harare will meet to elect a Convener. The Convener, who shall be appointed from outside the Committee, shall be elected unanimously. The Convener will administer the Code of Conduct, in so far as this is not otherwise provided for in the Code, and will convene and preside over meetings of the Standing Committee.

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