



## PRELIMINARY STATEMENT

*Harare, August 1, 2018*

This Preliminary Statement is offered by the joint International Republican Institute (IRI) and National Democratic Institute (NDI) Zimbabwe International Election Observation Mission (ZIEOM) to the 2018 harmonized elections. The election is presently incomplete; the ZIEOM will therefore continue its observation and may issue further statements as warranted.

An international, bipartisan delegation of short-term observers joined the ZIEOM over the voting period. The delegation members, which hailed from 11 countries, was co-led by: former Liberian President and Nobel Peace Prize Laureate Ellen Johnson Sirleaf and former Interim President of the Central African Republic Catherine Samba-Panza. The leadership team was further comprised of U.S. Congresswoman Karen Bass, and former U.S. Assistant Secretaries of State for African Affairs, Constance Berry Newman and Ambassador Johnnie Carson. NDI Senior Associate and Director of Electoral Programs Patrick Merloe, IRI Vice President for Programs, Scott Mastic, IRI Regional Director John Tomaszewski, and ZIEOM co-directors Larry Garber (NDI) and Jessica Keegan (IRI) accompanied the leaders. Through this delegation, NDI and IRI seek to: express the international community's interest in and support for credible, peaceful elections in Zimbabwe; provide an accurate and impartial report on the character of the election process to date; and offer recommendations appropriate at this interim point to improve the electoral process.

The delegation visited Zimbabwe from July 25-August 1, 2018, as part of IRI/NDI's long-term election observation mission that began in April and will continue until the election process reaches its conclusion and the rightful winner of the presidential election assumes office. The ZIEOM fielded approximately 60 observers to the country's 10 provinces to observe in a mix of urban and rural areas. This statement addresses the election process within its broader context. It builds upon the findings of NDI/IRI's pre-election assessment conducted from June 2-8 and benefits from the ongoing analysis conducted by the ZIEOM long-term observation. The mission is being conducted in accordance with the Declaration of Principles for International Observation, in conformity with the laws of Zimbabwe, and in reference to international and regional standards for democratic elections. These standards include the Southern African Development Community (SADC) Guidelines and Principles for Democratic Elections and the African Union (AU) Charter on Democracy, Elections and Governance.

The delegation is grateful for the warm welcome and cooperation it received from all Zimbabweans with whom it interacted, including the Zimbabwe Electoral Commission (ZEC) Chair and election officials around the country, the leading presidential candidates, political party leaders, citizen election monitors, other civil society leaders. IRI/NDI recognize that it is the people of Zimbabwe who will ultimately determine the credibility of their elections.

## Summary of Initial Observations

**The mission would like to stress that it is only two days since polling took place and the results are not yet certified. The period for potential legal challenges to the results has not begun, and the law presents the possibility of a presidential runoff election on September 8. It is crucial to see the electoral process to its conclusion, including monitoring any electoral challenges, and installing the legitimate winner to office. It is also important to note that the elections, while vitally important, are themselves an indicator of the nature of the broader transitional process in Zimbabwe. The ZIEOM therefore will continue to observe electoral developments as they unfold.**

If a solely relativistic approach is applied, simply acknowledging improvements over a history of deeply marred elections could suffice. However, relative improvements are not the same as meeting Zimbabwe's constitutional principles for democratic electoral participation. It is important to view relative improvements in light of such principles.

***Context:*** Every election must be seen in its context. Zimbabwe's 2018 elections are taking place in the context of 18 years of repressed political rights, deepening economic pain, and a history of rigged elections, including the use of wide-spread electoral violence in 2008. Violence and the threat of it were used to a lesser extent in other elections. Exceptional efforts were therefore required to convince the populace that citizens are actually free to make political choices through a ballot that is secret in a process that respects the will of the people and ensures no retributions for choices made. Otherwise, voters could be haunted by the ghosts of past elections. This is all the more important as Robert Mugabe's 37-year rule ended as a result of military intervention.

***Current Process:*** Zimbabwe's July 30 elections present the country with an historic opportunity to break with the past 18 years of political crisis and mark the beginning of a genuine democratic transition. The delegation notes several improvements to the electoral process compared to Zimbabwe's past elections, though equally important problems give rise to deep concerns that the process thus far has not made the mark. The people came out to vote in great numbers, demonstrating their desire for democratic governance. The process was peaceful and relatively well administered, which underscores the need for all stakeholders to act peacefully and work diligently to honor the people's will through and beyond the elections.

Incremental improvements in the electoral environment during the pre-election period were insufficient to establish broad confidence among the political competitors and Zimbabwe's sharply divided populace. Thus, no matter what the outcome of the harmonized (general) elections, including a possible presidential runoff, those who legitimately assume office and those in opposition will need to marshal the will and demonstrate concerted efforts to unify the country, if progress is to be made. Civil society and the international community will need to support such efforts while critically reviewing them to ensure their sincerity and effectiveness. Such vigilance in support of genuine democratic progress and credible, peaceful elections is equally important as the presidential election unfolds in the days ahead.

## Campaigning

Political parties and candidates, including those from the opposition, were generally free to campaign across the country without the widespread violence and harassment of the past. This was the most notable improvement over past elections. The most noticeable incident of

violence was a grenade attack at the June 23 rally of President Emmerson Mnangagwa in which at least 49 people were injured, including the country's Vice President, and two people later died from their injuries. The police are still investigating that deplorable incident.

To their credit all presidential candidates entered into a well-publicized Peace Pledge. The top two candidates, Emmerson Mnangagwa of ZANU-PF and Nelson Chamisa of MDC-A, sent surrogates on their behalf. All sides managed to avoid large-scale confrontations, although they were not held accountable to the code of conduct for various violations that took place, such as localized intimidation, tearing down of campaign posters, and other infractions.

Unfortunately, campaign freedom was significantly offset by: numerous incidents of distributing food and agricultural assistance in politically partisan manners that favored the ruling party (ZANU-PF) and other overt uses of state resources for electoral advantage; partisan activities by some traditional leaders in contravention of constitutional requirements for their political neutrality; and extreme bias in state media, including television and radio (which is the main source by which Zimbabweans get political news). As a consequence, the campaign playing field was unfairly balanced. Digital media was more open than traditional media, though the social media environment was negatively affected by hate speech, including attacks against women candidates for president and other offices, as well as excessive focus on personalities over the substantive issues concerning voters.

### Voters' Free Political Choice

Universal and equal suffrage is guaranteed under Zimbabwe's constitution. The relatively free campaigning allowed citizens to make comparisons to past elections and gain information about the choices before them. Voter information campaigns, including assurances of ballot secrecy conducted by the election commission and civil society organizations provided positive messages on voter rights. However, the improvements were likely insufficient to build broad public confidence that voters could make a choice adverse to the ruling establishment without fear of violence or other retribution should the opposition prevail.<sup>1</sup>

Credible reports to ZIEOM's long-term observers and reports of various credible citizen groups, including the Zimbabwe Electoral Support Network (ZESN),<sup>2</sup> We the People of Zimbabwe (WTPZ),<sup>3</sup> and others, demonstrated that there were coercive actions around provision of government food and other assistance; so-called "soft-intimidation" (such as reminding citizens in threatening ways of the 2008 violence and its return unless the ruling party wins); lack of widespread publicity campaigns on state radio and other media that the military would accept a ruling party loss; incidents of citizens being coerced into attending ZANU-PF rallies; numerous incidents of ruling party or government officials demanding to see citizens' voter registration slips and saying that the new voter registration system would allow them to know how the person voted; and incidents of military personnel in civilian clothing conducting politically intimidating activities. Such incidents undermine voters' free

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<sup>1</sup>E.g., a reputable public opinion survey by the Afrobarometer just a month before the election indicated that 44 percent of Zimbabwe's population believed that the country's security forces would not accept a ruling party loss. [Afrobarometer Dispatch No. 223](#), survey commissioned by the Institute for Justice and Research (South Africa), and field work conducted between June 25 and July 6, 2018.

<sup>2</sup>E.g., ZESN Long-Term Observation Report: [Issue One](#); [Issue Two](#); and [Issue Three](#).

<sup>3</sup>E.g., WTPZ Brief: [Electoral Malpractices Pre Election](#): May30-24July, 2018, report Date 25 July 2018.

political choice, particularly given the widespread use of electoral violence as a form of intimidation and retribution in Zimbabwe's 2008 elections.

### Inclusive Elections

Zimbabwe's constitution requires inclusive elections, equality of the vote, and full gender equality in all agencies of government. However, there are no similar requirements established for political parties to achieve gender equality. Women comprise 54 percent of the electorate, yet only 18 percent of candidates presented by parties in the 2018 harmonized elections were women. Four of the 23 presidential candidates are women, and some women stood for election as independents. Standing as an independent gains access to the ballot, though raising the resources necessary to campaign is extraordinarily difficult outside of the party contexts.

Politically active women, including party activists, presidential, parliamentary and ward-level candidates, faced high levels of abuse and intimidation during the electoral period. In particular, media attacks against female candidates were common. Traditional and social media coverage about women candidates focused on superficial attributes such as appearance, and politically active women were often cast in a biased, derogatory and pejorative manner. For example, the four women presidential candidates received a disproportionate amount of negative press undermining their credibility as viable candidates. The ZEC Chair, who also is a woman, has been similarly targeted with criticisms based on her gender.

The Constitution provides that all Zimbabwe citizens have the right to vote. There are approximately three million Zimbabweans living outside the country, many fleeing the harsh conditions of the last 18 years. A petition was filed seeking to allow them to vote in their countries of residence, but the Constitutional Court, on May 29, 2018, denied the petition.

Young women and men, particularly those who recently came of age to vote, were the subject of numerous voter education campaigns by the ZEC, civil society, and even some parties. Youth participation in rallies and other campaign events was fairly wide spread and, the notable liberalization of the campaign environment contributed to a high number of youth reporting strong enthusiasm to participate in elections.

The Constitution provides that persons with disabilities (PWD) and other persons with special needs must be accommodated so they may fully participate in political life. Though voter education material to accommodate the visually impaired existed, it is unclear whether distribution of materials addressing the needs of blind voters reached its intended beneficiaries. In addition, while many stations featured special voting booths designed to accommodate voters in wheelchairs, many polling centers lacked sufficient ramps for disabled voters and universal access remained a challenge.

### Election Administration

The ZEC has taken a number of steps to open the electoral process, including establishment of Multi-Party Liaison Committees (MPLCs) at the national and provincial levels, early outreach to civil society, and cooperatively facilitating the government's decision to accredit international election observers from beyond the region for the first time since 2002. In many cases, the regional MPLCs have provided useful forums for party interaction, though the national MPLC was convened by the ZEC on only four occasions with some difficulties. The

ZEC also successfully recruited approximately 130,000 polling officials to staff Zimbabwe's 10,985 polling stations and smoothly conducted training for those officials.

Opposition parties consistently accused the ZEC of being politically biased. Further fueling those concerns was a lack of consultation with the parties on the design of the presidential ballot, and there was not meaningful observation of the ballot production, storage and transportation processes.

The presidential ballot is legally required to be arranged alphabetically, and regulations require that the candidates' names appear in a single column.<sup>4</sup> However, the presidential ballot had 14 of the 23 candidates' names in one column, and the second column of only nine candidates started with incumbent President Mnangagwa. The lopsided ballot layout provided a clear advantage to the incumbent, though the exact magnitude of the advantage is impossible to measure.

The ZEC refused the opposition's requests to test the quality of the indelible ink used on Election Day to mark voters' fingers to prevent multiple voting and refused their request to randomly audit the security safeguards built into the ballot papers. The no-bid contracts awarded for procurement of such sensitive materials also did not build confidence in the ZEC's impartiality. The ZEC fairly consistently took a "legalistic" approach, saying that since the law did not require a certain action it need not do it, and its public communications were weak. It did take some discretionary actions however, such as changing the positions of voting booths so that voters' backs would face officials. After opposition parties and civil society organizations protested the change, the ZEC brought the issue to the MPLC and upon party agreement reversed that decision.

Significantly, ZESN and others involved in Zimbabwe's Election Situation Room (a platform of civil society groups) noted on July 28, that ZEC did not sufficiently present details on transparency and safeguards for its results tabulation and transmission process. For example, timely publication of polling station level results in addition to the aggregated presidential result would allow parties, citizens, and citizen groups to verify copies of official tally sheets given to party agents and posted publicly at polling stations. The ZEC should be commended for adopting the practice of providing such copies. Plus, it informed the ZIEOM and other international actors that it planned to publish on its website polling station results, though it committed late to that change and did not widely communicate the decision.

### New Voters Registry

Another major effort of the ZEC was creating a new voters registry using biometric voter registration (BVR) that included photos and fingerprints of eligible voters. This was a result of moving production of the voters registry to the ZEC's authority rather than the Registrar General's office, which was widely perceived to be biased in past elections. The registration process went relatively well, creating a roll of 5,695,706 registered voters, 54 percent of whom are women.

Unfortunately, the ZEC did not release publicly the preliminary voters registry for independent verification and confidence building. The ZEC explained that it was not legally

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<sup>4</sup> E.g., Open Parly Zimbabwe, [ZEC wrong on ballot paper design: Veritas](#), article date, July 18, 2018; and Veritas, [Election Watch 34-2018 - Presidential Ballot Paper](#), July 18, 2018.

required, so it could not do so even though the preliminary voters registry was released in the 2013 elections. In addition, upon registration citizens were given slips that contained their identification number, and incidents of party activists demanding to see such slips undermined confidence of some voters in the secrecy of the ballot.

The final voters registry was released very close to Election Day, which limited the ability of parties and civil society to conduct robust verifications. ZESN and an anonymous team of volunteers known as Team Pachedu did verifications nonetheless. Team Pachedu found the registry to be unacceptable. ZESN, which employed well-known and reliable methodologies, found that the voter registry was a major improvement over the disputed 2013 registry, though there were still some weaknesses. The weaknesses included underrepresentation of youth and an 11 percent underrepresentation of eligible urban populations. Inadequate allocation of registration resources to urban areas and a degree of disinterest among urban populations could have been among the contributing factors for urban underrepresentation.

### Legal Framework and Quality of Justice

The legal framework for Zimbabwe's elections provided by the Constitution, Electoral Act, and regulations could provide the basis for a credible electoral process. The framework was amended on May 28, 2018, just two days before the elections were officially set. While the amendments in some respects opened the electoral process, several key points from inter-party negotiations concerning independence of the ZEC were omitted. The MPLCs also added a dimension for resolving disputes and potentially reducing tensions without turning to the courts, though the performance of the national level MPLC did not provide a consistently effective resolution mechanism. Also, the electoral law provides for expedited processing of cases of politically motivated violence and intimidation, and more than 50 magistrates were designated to address such cases. This was a significant development.

The courts demonstrated some capacities during the pre-election period to act independently of political bias, although key decisions were reversed on appeal. The example of rulings concerning use of schools, their transportation resources, and compelling school children to participate in ZANU-PF rallies illustrate this matter, with restraints ordered by a High Court being dismissed by the Supreme Court. Such examples have been cited as evidence of judicial bias favoring the ruling party, including by those who note that the Chief Justice, Deputy Chief Justice, and Judge President of the High Court, though constitutionally appointed by the president, have ties to the military and ruling party, which may present conflicts of interest when adjudicating electoral-related cases. Nonetheless, it is crucial that those with electoral grievances seek redress through the judicial process even while advocating for improved quality of justice. This is an essential element of upholding the rule of law even as elections are also judged in the court of public opinion.

### **ELECTION DAY**

Zimbabweans turned out on Election Day in great numbers, demonstrating their desire for democratic governance, and the electoral environment was peaceful. The polls were generally well administered in accordance with procedures, and over 100,000 polling officials seemed experienced and appeared to work diligently in the presence of political party agents from different camps, who for the most part cooperated throughout the process. Included among the officials were a large number of women, many of whom served as presiding officers. The police performed their duties commendably. Nonpartisan civil society monitors were also present in large numbers where the ZIEOM observed.

In the densely populated urban areas of Harare, observers noted long lines in some polling centers, with confusion among some voters about which sub-polling place was theirs. That resulted in some people leaving the lines, including women with babies and those who had left children at home to be attended. There were also examples of people waiting in line for hours and finding out that they were in the wrong place, which perhaps could have been mitigated had voters lists been posted outside the stations. In some polling stations the official list of voters who were turned away for various reasons showed significant numbers. ZESN reported that at six percent of polling stations nationally 26 or more people were turned away from voting, while in Harare 19 percent of polling stations had such numbers of voters turned away.<sup>5</sup> The problems just noted did not appear as frequently to observers around the country.

Our observers noted that the layout of most polling stations appeared to safeguard voting secrecy. ZIEOM observers noted instances of assisted voting in accordance with procedures. Assisted voting occurred infrequently except in one rural area where more than 50 voters had been assisted before midday.

The counting process, though slow in many places, generally went well in the polling stations observed by ZIEOM. The count went well into the night in many locations. No examples of party agents refusing to sign tally sheets were observed, though tally sheets were not posted publicly at some polls even though that is required by law.

## **RECOMMENDATIONS**

Appreciating that the electoral process is presently incomplete, the ZIEOM will consider offering further recommendations as appropriate in the days ahead and in its final report. In the spirit of international cooperation and demonstrating support for Zimbabwe's continuing process, the delegation offers the following recommendations.

- 1) The ZEC should take immediate steps to ensure the public of its independence and political impartiality by completing the vote tabulation process for all presidential, parliamentary, and local elections in an open and transparent manner that is verifiable by the parties and the public. The ZEC should publish and timely update its Excel spread sheet populated with polling station results as the ZEC's Chair said the commission will do.
- 2) If a presidential runoff is required, the ZEC should promote substantive and peaceful dialogue with the two presidential candidates throughout the runoff election period, for example in person and through more effective use of the MPLCs and civil society. Concerned international actors should promote open dialogue concerning matters that need to be addressed to conclude the process credibly and peacefully.
- 3) The candidates of the two major political parties should recommit personally and in public to their Peace Pledge and lead meaningful dialogue to complete credible, peaceful elections. Whether or not there is a runoff in the period ahead, such leadership will be important for safeguarding democratic rights, and sustaining peaceful political competition beyond these elections.

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<sup>5</sup> ZESN [2018 Harmonized Elections Preliminary Statement](#), July 31, 2018.

- 4) The Zimbabwe Defence Forces should reassure the public that it will accept the legitimate result of the election process no matter who is the winner and that it will be politically neutral as that result is transparently and credibly determined, including during a presidential runoff election should one be declared.
- 5) The electoral contestants should pledge to pursue any electoral complaints and grievances only through peaceful means, including through judicial processes, while the judiciary should fulfill its constitutional obligations to act impartially and in a timely manner to address electoral challenges and provide redress for complaints that are lodged.
- 6) The people of Zimbabwe, having the most at stake in these elections and having demonstrated their hopes by turning out to vote in great numbers, also must meet their responsibility going forward to demand that government and political leaders honor the voters' will and deliver peace and personal security throughout the electoral period.
- 7) The international community, particularly the African Union and SADC, should actively encourage the government of Zimbabwe, the candidates, and political parties to deliver a credible, peaceful conclusion to the 2018 harmonized election process, including through a presidential runoff if it is called, and encourage stakeholders to work beyond the elections to take the country forward on a genuine democratic path.
- 8) The media, including government-controlled communications media, should uphold the constitutional provisions for impartial treatment of electoral contestants and follow journalistic principles for honest and accurate electoral coverage.
- 9) The ZEC, political parties, and civil society should work diligently to advance the constitutional principles for inclusive elections, particularly for greater participation by women, youth, and people with disabilities.
- 10) Civil society organizations that are monitoring the electoral process, including conditions in the broader electoral environment, should be encouraged to vigorously continue their efforts throughout the electoral period and to advocate for reforms and other improvements that they identify as a result of their monitoring.

No matter who wins the elections, those who seek to establish a democratic Zimbabwe will have to unite the country and find a way to work effectively with their political opposition and civil society. The 2018 elections are but one critical step in taking that path. The overall health of Zimbabwe's democratic transition requires a strong multi-party system, a free and vibrant press, and for Zimbabweans to actively engage in creating a responsible and accountable government. The ZIEOM will continue to observe the electoral process, and IRI and NDI stand ready to help.