



ZIMBABWE ELECTION SUPPORT NETWORK

Zimbabwe: A culture of electoral fraud, a paper presented by ZESN at the Zambia SADC Summit 13-14 August 2007.

Introduction

Ladies and Gentlemen, the holding of periodic, free and fair elections form part of the basic tenets of democratic practices and good governance. Our participation in the electoral processes, as civic bodies should therefore be looked at as a human right as well as a commitment to a calling that, as civil society, we should heed to. This summit comes at a time when Zimbabwe is undergoing a lot of challenges, political, social and economic, but most importantly, at a time when the country is preparing for yet another major election-the harmonised presidential, parliamentary and senatorial elections. Given such a background, it is important that I give you an update on what is going on in the country in view of the forthcoming elections. It is my wish that the summit would, after this presentation, come up with recommendations, suggestions and general advice on how best the civil society would ensure their effective participation in the electoral process. Let me begin by going historical.

Background

Ladies and Gentlemen, when we talk of elections in Zimbabwe, it is important to bear in mind that, in its history, the country has never had a free and fair general and presidential election since 1980. The country has had three defining elections; those that had the potential to completely change the whole political landscape. Sadly, all of them were fraudulently conducted. The 1980

elections, which were defining in that they marked the end of colonial rule and the dawning of political independence, were also not spared.

The 2000 parliamentary elections, which ushered in a new political player, the Movement for Democratic Change (MDC) were worse. The emergence and subsequent serious challenge on Zanu-PF's stranglehold on power created a new, but not very alien, culture of hate politics in the country. This culture has created political bitterness, intolerance and thuggery that has, unfortunately, characterised our elections since the turn of the century.

The 2002 Presidential election marked the consolidation of totalitarianism and thickening of intolerance. It also brought in the notion of winning elections "by an means necessary" (Zanu-PF Central committee meeting minutes March 2007). This election laid bare the electoral chicanery that Zanu-PF had already been suspected of. As noted by Professor Jonathan Moyo, the former Minister of Information and Publicity in Mugabe's government, the incumbent used, in the 2002 Presidential election, the military, national intelligence, police forces, government ministries and departments and traditional chief to win the election (Zimbabwe Independent July 29 –02 August 2007).

Allegations of vote rigging by the incumbent are as old as the electoral system in the country. The late Vice President Joshua Nkomo, in his personal memoirs, *The Story of My Life*, believes the 1980 elections were rigged and that Zanu-PF used militias to condone off some parts of the rural areas it believed to be potential strongholds of his political party, The Zimbabwe African People's Union (Zapu). He points out to politically motivated violence, murder and rape perpetrated on political competitors as some of the ways Zanu-PF used to steal the 1980 election. "...the British election supervisors in an interim report had told the governor that more than half of the electorate was living in conditions where a free vote could not take place. Zapu was cheated out of some seats it could have won, given a fair campaign," he noted in his personal account of the tyranny that characterise Mugabe's misrule.

The 2000 parliamentary elections were also littered with alleged acts of violence after the militarisation of Zimbabwean politics when the war veterans entered the political fray after the February 2000 constitutional referendum.

Concern has been raised on the use of politically motivated violence as a vehicle to winning elections as well as the actual tempering with ballot papers and boxes. The use of government departments, the military, national intelligence and the police (Zimbabwe Independent July 27- 02 August 2008) by President Mugabe to win elections form part of a litany of complains brought about by people who believe the electoral process in Zimbabwe is mired by irregularities.

The voters' roll has always been a contentious issue between contesting political parties and the Registrar General who is the custodian of the register. There are allegations that the voters' register is littered with inaccuracies, ghost voters and dead people whose names have not been deleted. It is, such non-existent voters that the opposition believe are used to rig elections in areas where Zanu-PF would have been defeated. Margret Dongo, in 1995, successfully contested the election out-come in Harare South constituency on the basis that the voters' role was in shambles. That she won her case in the High Court makes a lot of people believe that the state of the voters' roll makes it liable to abuse by the ruling party.

It is therefore, pertinent to assess all the necessary electoral processes to find out whether conditions for free and fair elections prevail in the country as of now.

Voter registration.

Voter registration should be premised on the principles of inclusiveness, fairness, comprehensiveness, and flexibility to extend dates of registration in order that the process caters for all would-be voters. The exercise should include the process of verifying potential voters, and entering their names and other substantiating information on a voters list. For the registration to be fair, comprehensive and inclusive, potential voters must be aware of the registration process and have reasonable opportunity to complete it.

Ladies and gentlemen, the on-going voter registration exercise in Zimbabwe is unlikely going to solve the problems for which it was meant to avert. Despite the clear need that the process be a transparent, thorough and democratic endeavour absolved from the pitfalls of negligent

workmanship and electoral inclined chicanery, the process is littered with evidence of poor planning, absence of will and general lack of seriousness by the government and the Registrar General of Voters.

It is important, as a starting point, to note that there haven't been wide-spread consultative meetings carried out by the election implementing body, the Zimbabwe Election Commission (ZEC) through the Registrar General of Voters' office on the modalities of the exercise, the target group and the projected figure of those that needed to be registered.

What we have witnessed is a haphazard, apparently rushed process, where even the registration teams on the ground are not aware of how many people they are supposed to register. Such evidence of poor planning has resulted in materials running out at some centres while other areas have no mobile registration teams covering them. Of particular note are the two Midlands towns of Gweru and Kwekwe. Despite the mobile registration exercise being six weeks old no teams have been dispatched to cover the two cities.

The exercise has not received enough publicity to an extent, a lot of youths did not know they could register as voters, apart from getting national identity cards. Youths interviewed by the Zimbabwe Election Support Network(ZESN) observer team in the Bulawayo Metropolitan province made startling revelations that they were not aware they could register as voters at these mobile centre despite the fact that they had visited the registration teams to procure national identity documents.

Voters' roll

Voters' rolls are a fundamental component of any voting system. Rolls constitute the official list of electors and are *prima facie* evidence of electors' right to vote. Registration procedures, therefore, need to strike the right balance between the need to be rigorous to ensure integrity of the rolls, and the need for flexibility to ensure that peoples' rights to enrol and vote are protected. Thus, there is a delicate balance that must be maintained to ensure both the franchise of all voters and to prevent voter fraud.

Studies and investigative researches on the state of the voters' roll in the country have revealed that the register's state is not that pleasing. An audit of the voters' roll used for the 2005 general election revealed that, about 800 000 deceased voters still appeared on the voters' register while 300 000 duplicate voters continued to taint the credibility of the voter's roll. These figures came out of a study of the voters' register in two constituencies, Uzumba Maramba Pfungwe (UMP) and Harare North, by Whitehead, Freezim Support Group in 2004 and the findings were extrapolated to come up with national projections on the noted irregularities ([www. Kubatana.net](http://www.Kubatana.net)).

With such inaccuracies noted on the voters' roll, it was incumbent upon ZEC to implore the office of the Registrar General to come up with an updated voters' roll before any registration of new voters could be undertaken, and such a list could have been availed to all stakeholders for inspection and thorough scrutiny. This is important in two ways. Firstly, because it defies logic to just add new voters on a list that is already corrupt and littered with glaring inaccuracies, and secondly, because an updated voters' roll at the beginning of the exercise would provide guidelines as to the actual number of registered voters in the country, and if used with other citizen registers from the registrar general's office, could provide valuable information on the number of people eligible to vote but are not yet registered. These would form the target group for the voter registration exercise and provide justification for the time needed to undertake the exercise and the amount of human capital needed to effectively carry out the programme.

Ladies and Gentlemen, with the current voter registration, no one knows the target group, the amount of people projected to benefit from the exercise and whether the cut-off date of 17 August 2007 is feasible with regards to the number of people intending to register. Already, visits by ZESN to Nyachuru and Copley schools in Mazowe District of Mashonaland Central Province have revealed technical hiccups that could have been avoided had consultative meetings and projections on the number of new voters been carried out prior to the exercise. Registration was observed to be slow owing to the shortage of national identity card waiting passes as well as bad weather, which affected the taking and processing of pictures for the identity cards.

Delimitation

To show that the voter registration exercise was rushed and poorly planned, there is a likelihood people registered under the current exercise would find themselves in new constituencies after the delimitation commission sets out to mark constituency boundaries. Currently, there is a bill in parliament that seeks to, among other things, increase the number of contested parliamentary constituency seats from the current 120 to 200. In actual fact, information reaching ZESN is that the marking of new constituency boundaries is now complete, before even the Delimitation Commission has been appointed. Constituency boundaries are being drawn, as has always been the case, to create district majorities that favour one party -- a cynical exercise designed to cheat other parties out of their fair share of seats. This is true when one looks at the Harare South constituency in 2005 where peri-urban and rural districts were incorporated into the new boundaries to dilute the Movement for Democratic Change urban vote. It is therefore pointless to talk of the composition of the Delimitation Commission nor the credibility of the commissioners who constitute it. The real work has already been done and what the Commission would do is to just rubber stamp. From the very beginning, where did the government get the 200 constituencies? What justification did it have for the increase and for goodness' sake, how many people are registered to vote in the country? All this should be public information but in Zimbabwe, it is classified no wonder why there are suspicions this information is used to rig the election.

Media

The post referendum era saw the proliferation and closure of privately owned newspapers effectively stifling any democratic media space that one could dream of. Legislative pieces like the Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA) made the operation of media organisations very difficult. AIPPA was used to close the Daily News, The Daily News on Sunday, The Tribune, The Weekly Times among other small publications that encountered viability problems due to the outlawing of foreign funding by the afore-mentioned Acts.

The BSA has not helped the broadcasting side of the media with clauses such as the one that limits individual shareholding to only 10 percent making it very difficult for an individual to start a broadcasting station. Since an individual can hold a maximum of 10 percent shares in a media house, it is always difficult to find a group of 10 like-minded Zimbabweans who share the same vision to pull up resources and start, either a radio station or a TV station. The ban on foreign funding coupled with the economic rot the country is going through has also meant that investing in any media house is a feat too expensive to attract any local.

The explained scenario leaves the state run Zimbabwe Broadcasting Corporation (ZBC) as the only broadcaster in the country. Experiences from previous elections and what is obtaining now reveals that ZBC is the prime state propaganda machine where the opposition is demonised for the glorification of the incumbent. Airtime on the station is heavily biased towards the government and the ruling party with the opposition only appearing in negative news.

Advertising in the state run media organisations is not as simple and free to anyone as one would expect in a democracy. Insertion of adverts in state newspapers by civic bodies and opposition political parties has to be approved by the editor of the newspaper. He has the powers to refuse the flighting of material that he might deem critical to the government. This has been going on since 2000.

In a nutshell, one can say the government crackdown on the private media and its personalisation of the public media has virtually left opposition political parties, civic organisations and even general members of the public with very limited options to exploit for information dissemination.

The Electoral System

Ladies and Gentlemen, Zimbabwe uses the First Past The Post (FPTP) electoral system since 1985. One would argue that there is really nothing very peculiar or cynical about this electoral process, but judging by events taking place in the country, there is need for a reform of the electoral process. To begin with, there has grown, in the country, political tension that needs some thawing, thus an electoral process capable of doing that should be put in place if calm and political stability were to be achieved. Judging from past events, the Zimbabwe political landscape is a

minefield that has generated acrimonious relations between the two major political parties in Zimbabwe, ZANU-PF and the Movement for Democratic Change (MDC). Pre-election violence, accusations and counter-accusations of electoral fraud and litigations have characterised the elections in Zimbabwe since 2000. Such a political climate calls for an electoral process capable of healing the wounds resultant of the political tension obtaining in the country since the dawning of the new millennium.

There is need for an electoral process that can create joyous losers, those that lose in humility and rational enough to realise the election is not all about winning but creating a Zimbabwe that we want. It is our submission that, given the mood of bitterness that has engulfed our political climate, there is need for an electoral system that is capable of healing the political polarisation that we find in our society today.

What Zimbabwe needs now is not an electoral system that creates bitter losers. We need a process that enables all parties in an election to work towards the political and economic turn-around of the country. This can only be achieved if all players in the political juggernaut, majority party, minority parties, men, women, blacks and whites could be allowed to participate in governance issues. We experimented with Proportional Representation (PR) just after the liberation struggle and the system worked wonders as we managed to effectively implement a reconciliation process that became the envy of the world.

PR would not only help bring together the feuding parties, but it will do away with the contentious issue of delimitating constituencies which has always been a borne of contention between the ruling party on one side and opposition political parties on the other. Right now, the registration of voters is not going on well and preparations for an election in March 2008 seem lethargic hence the need for an electoral process that does not demand a lot of work prior to an election. Since PR would take the country as one constituency, it is our submission, ladies and gentlemen, that the electoral process would thus allow even Zimbabweans resident outside the country to take part in the election. We have more than three million potential voters outside the country's borders and it is pertinent that these be allowed to take part in shaping the political destiny of their country. Thus an electoral system that recognises their existence and caters for them would be most welcome.

The Postal Vote

Linked to the issue of Zimbabweans in the Diaspora is the issue of postal votes. It is our submission that the use of the postal system be extended to all Zimbabweans residing outside the country not the current scenario where only those who would be on official government duty during the time of the election are allowed to use the system. Furthermore, to create transparency, the Registrar General of Voters would be compelled to publicise the total number of people who would have applied for the facility and those who would have been granted the permission to vote using the system. Election observers should be allowed to supervise the process.

Voter education

The Zimbabwe Electoral Commission should also allow civil society organisations to conduct voter education. Provisions of the ZEC Act that seek to restrict the role of civil society in the imparting of voter education should be repealed. Civil society organisations, unlike political parties, usually provide the Zimbabwean voter with non-partisan electoral information that gives the voter an opportunity to vote from an informed position.

Observers

The government should also invite observers from all over the world to observe the entire electoral process. Election observation should not be a preserve of the so-called friendly countries. Inviting such observers usually boosts the electorate's confidence in the electoral process and also enhances its transparency. The outcome of such an election is more likely to be accepted by all contestants. Such a culture of openness generally builds trust between the EMB and the contestants.

Monitors

The dissolution of the Electoral Supervisory Commission has created a void in that monitors no longer exist. In terms of the country's legislation civil society organisations may only participate in

the elections as observers without any authority to intervene in the event that they notice any irregularities. The credibility and fairness of the elections could be enhanced if civil society groups would monitor rather than just observe the elections.

The Mbeki Initiative

While it is encouraging to note that regional leaders have begun to show genuine concern to what is happening in the country, we have noted with concern that despite the ongoing talks between Zanu-PF and the two MDC formations mediated by South African President Thabo Mbeki, Zanu-PF is pressing ahead with the idea of having harmonised elections in March 2008. This is despite the fact that the issue of elections is one of the items on the agenda under discussion in the on-going talks. One would have thought the Mbeki initiative be given its due course before any talks of elections could be heightened. That Zanu-PF is forging ahead with its ideas mooted at its people's conference in December 2006 shows the little respect and commitment the ruling party has towards the talks.

Conclusion

There seems to be very little political will within the ruling party and government to ensuring a conducive atmosphere is created before the country goes to the polls. There is a lot that needs to be done if conditions for free and fair elections are to be created in the country. The Zimbabwe ZEC should allow civic organisations to carry out voter education while political violence should not be tolerated at all. The solution to the crisis in Zimbabwe lies in coming up with a legitimate government that is elected freely and fairly and this can only be achieved if all the noted problems are resolved before the country goes through the next election.

I thank you!

