

# **NATIONAL CONSTITUTIONAL ASSEMBLY (NCA)**

**Consolidated Election Climate No. 1**

**February 2005**

*The Election Climate Reports are produced by the NCA in order to provide information on the prevailing climate for citizen participation in the forthcoming Parliamentary Election. The NCA has already communicated its condemnation of the constitutional framework under which the elections are being conducted. The Report is a consolidated statement of the reports sent in by a national network of community monitors.*

*The community reports sample a number of electoral "atmospherics" (described below), which aim to provide a clear description of the state of affairs prevailing in any one constituency:*

- *Freedom of Association;*
- *Freedom of Assembly;*
- *Freedom of Movement;*
- *Freedom of Expression;*
- *Incidence of Political Violence;*
- *Disputes over electoral procedures and electoral irregularities;*
- *Occurrence of voter education;*
- *Use of food as a political weapon.*

*The reports sample 18 critical indicators and hence provide a simple score for any one constituency, which we have termed the "Electoral Irregularity" [EI] score: the higher the EI score, the worse the electoral climate in a constituency.*

*The National Constitutional Assembly (NCA) is a network of civic organizations and activists as a grouping of individual Zimbabwean citizens and civic organisations including, labour movements, student and youth groups, womens' groups, churches, business groups and human rights organisations. It also includes political parties formed in 1997. These individuals and groups formed the NCA to campaign for constitutional reform after realising that the political, social and economic problems affecting Zimbabwe are mainly a result of the defective Lancaster House Constitution and can only be resolved through a new and democratic Constitution.*

*A democratic Constitution is the basis of good governance and leads to social and economic development. Thus a democratic constitution leads to:*

- *Free and fair elections*
- *Observance of and respect for fundamental human rights*
- *Respect of human rights*
- *Respect for rule of law and an accountable and responsive government.*

**Physical address:**

348 Herbert Chitepo Ave, Harare, Zimbabwe

**Telephone:**

+263-(0)4-736338, 730431/32

**Fax:**

+263-(0)4-721146

**Email address:**

[ncainformation@yahoo.ca](mailto:ncainformation@yahoo.ca), [info@nca.org.zw](mailto:info@nca.org.zw)

**Web address:**

[www.nca.org.zw](http://www.nca.org.zw)

### **Executive Summary:**

This report covers all the reports received by the NCA for February 2005, coming from 8 Provinces, and 56 Constituencies. It summarises the position that pertained during the last 2 weeks of February. Unfortunately, no data had been submitted from either Manicaland or Mashonaland West by the time of writing, but it is submitted that the data nonetheless do give a good overview of the national picture in February 2005.

The report does not give all the details for each Province and the related constituencies, but attempts to provide an overview of the election climate during February 2005. Detailed reports on each Province have been issued previously, and this report summarises these reports, as well as undertaking some preliminary analysis of the trends. Those who wish the more detailed reports should send an email to the NCA at [info@nca.org.zw](mailto:info@nca.org.zw).

As can be seen from the consolidated Election Irregularity [**EI**] ratings [see below], no Province during February 2005, amongst those sampled, has shown a satisfactory election climate. Harare would seem the worst of all Provinces to date, whilst Matabeleland North seems the best. It is evident that the trend described above accords with the observations of previous elections: Harare and the Mashonaland Provinces generally have shown more frequent instances of election irregularities than other Provinces.

There is marked variability within the Provinces, although most constituencies have **EI** ratings that are unacceptably high. Bikita West and Hwange East had the lowest **EI** ratings, and there the electoral climate can be described as wholly conforming to the SADC Principles and Guidelines. In all, 5 constituencies had **EI** ratings of 3 or lower, and this is what might be expected of an election climate approximating the SADC Principles and Guidelines.

Of the 10 worst constituencies, 9 were from Mashonaland Provinces, with 7 of these from Harare alone. The shift towards urban constituencies showing a poorer election climate than rural constituencies marks a change from previous elections, and suggests that the battleground for this election is in the urban areas, where the Movement for Democratic Change has been the stronger of the two main parties since 2000.

The citizens report that political violence is widespread, and, although actual physical violence is reduced on previous elections, hate speech, threats, and intimidation are widely reported. This would strongly suggest that the psychological climate, so essential to genuine elections and open choice, is severely lacking currently in Zimbabwe.

Militia bases were reported in 40% of the constituencies sampled during February. There was no obvious trend, and the reports indicated that bases were equally likely to be in urban as well as rural areas. This is something of a change from previous elections when militia bases were generally more likely to be found in rural areas. The presence of militia bases is extremely important in recent Zimbabwean elections as there is a decided correlation between the presence of militia bases and political violence and other irregularities in a constituency. In view of the importance of militia, we undertook an analysis of the data as it relates to militia. This analysis showed strong associations between the presence of militia and a wide range of electoral irregularities: the association was not merely with violence, but with interference with basic freedoms as well.

It is also worth noting that voter education is extremely low, only 25% of the constituencies sampled reported voter education taking place, and, in those constituencies where voter education has taken place, this has usually been by the political parties. This would seem to reflect the dual effect of the new electoral laws and disruptions due to the NGO Bill producing a serious diminution of NGO activities compared with previous elections. Here it must be stressed

that voter education is now under the control and direction of the Zimbabwe Election Commission, and the reports to date suggest that it is seriously deficient in this aspect of its duties.

The reports concerning the political use of food are also a clear cause for concern. Nearly 72% of the constituencies sampled reported the political use of food, with the most common report being an inability to access food without presenting a ZanuPF party card. In the run-up to a highly contentious election, and in the context of a manifestly serious humanitarian crisis, reports that food is being used as a form of treating must be immediately investigated. With a recent report stating that about 4.8 million are in need of food, reports of food being used as a political gambit are wholly unacceptable.

Our preliminary findings give enormous cause for concern, and, accordingly, we make the following recommendations:

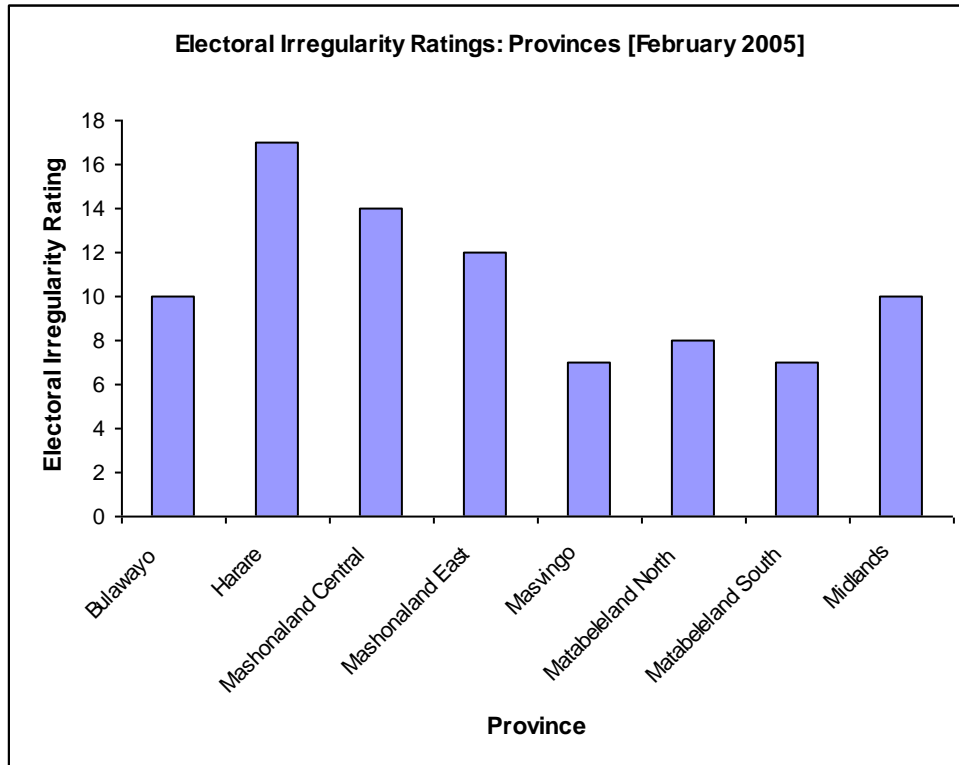
- There must be immediate steps to remove all partisan forces from the existing constituencies. This applies particularly to the war veterans and the youth militia. Here the NCA would point out that the associations between these groups and significant irregularities are sufficiently serious to warrant immediate action.
- There must be immediate steps to set in place an enforceable code of conduct for these elections. Whilst both parties are implicated in electoral irregularities, the balance of the evidence to date suggests that ZanuPF is the major culprit, and the NCA would call upon the Government to take immediate steps both to restrain its supporters and to call for a consultation between all political parties on the setting up of an enforceable code of conduct.
- In view of the large number of allegations of partisan behaviour by the law enforcement and security agencies, there must be immediate and public action by the Government to ensure compliance the law. The NCA calls upon the Government to ensure that all allegations of partisan behaviour on the part of these agencies are quickly investigated and publicly dealt with through the courts.
- The complete absence of voter education, especially when these elections are being run under a new dispensation, is a near-fatal flaw, and underlines the reasons for the NCA repudiating these elections.
- The allegations of partisan access to food are deeply disturbing, especially in the context of a serious humanitarian crisis. The NCA calls upon the Government to immediately take steps to ensure that no political party has any access to the possibility of providing food relief, and to publicly demonstrate to all that food relief is non-partisan.

It is doubtful that the election climate described above can change much in the coming weeks, but the NCA will withhold its judgement that the "freeness" component of the forthcoming election has been fatally damaged. The NCA will issue a final pre-election report immediately prior to the poll, which will summarise the developments during March 2005, as well as the whole pre-election climate. The NCA will also provide a final detailed and statistical report after the elections.

## Overview

At the outset, it must be stated that the climates in all Provinces do not currently accord with the kind of conditions that would be expected under the SADC Principles and Guidelines Governing Democratic Elections. Although physical violence is down substantially, other forms of electoral irregularity – threats, hate speech and intimidation – are all high, and no constituency was reported as being free from this irregularity.

**Figure 1.**



A brief summary of the irregularities observed by the NCA shows very little reason to hold out any confidence that the current electoral climate is conducive to the holding of genuine, democratic elections. Quite apart from the flawed constitutional basis for these elections, irregularities are extremely prevalent, as can be seen from the table below, which is a summary of all reports to date.

**Table 1.**  
**Summary of Irregularities over all Provinces in February 2005.**

<b>Electoral Irregularity</b>	<b>Percentage of Constituencies reporting Irregularity</b>
<b>Interference with Freedom of Association</b>	82%
<b>Interference with Freedom of Assembly</b>	68%
<b>Interference with Freedom of Movement</b>	72%
<b>Interference with Freedom of Expression</b>	90%
<b>Political Violence</b>	91%
<b>Electoral Disagreements</b>	44%
<b>Absence of Voter Education</b>	75%
<b>Political use of food</b>	72%

The interference with the basic freedoms expected under the SADC Principles and Guidelines is clearly in breach of these Principles and Guidelines: the freedoms of association, assembly, movement, and expression are all seen as having been compromised by the citizens making these reports. It is basic to any democratic election that citizens feel free to actively participate in the electoral process, but this is not evident in the constituencies sampled so far.

### **Interference with Basic Freedoms**

The basic freedoms of association, assembly, expression, and movement are all fundamental to an acceptable electoral climate, and, furthermore, are central to the kind of pre-election climate envisaged under the SADC Principles and Guidelines. Without these freedoms, citizens are not in a position to exercise the kinds of choices that are necessary to reach the conclusion that an election was "free".

As was seen in all the reports issued previously during February 2005, most Provinces and constituencies reported interference with the basic freedoms. This is summarised above in Table 5, but below we outline the issues in more detail, demonstrating alleged causality for these interferences.

As is seen in Table 2, interference with the freedom of association affects the MDC rather more frequently than ZanuPF, and this accords with most reports in the press during February.

**Table 2.**

#### **Interference with freedom of association.**

<b>Unable to wear insignia</b>	<b>% of constituencies reporting.</b>
ZanuPF	12%
MDC	70%
Other	11%
<b>Unable to put up posters</b>	<b>% of constituencies reporting.</b>
ZanuPF	4%
MDC	68%
Other	10%

The community monitors reported that ZanuPF was able to hold 413 public meetings to 108 for the MDC, and this is, of course, open to interpretation. On the one hand, it can mean that ZanuPF was more diligent and economically able to hold meetings than the MDC, but it can equally mean that the MDC was impeded in the holding of meetings. Here it is relevant to point out that there were many reports of the MDC being impeded in the holding of public meetings, and it also relevant to point out, as Table 3 below indicates, that there was a very strong trend reported by the community monitors for citizens to be coerced to attend ZanuPF meetings. Here 23% of the meetings held by ZanuPF had coercion as a factor as opposed to 2% of MDC meetings.

**Table 3.**

#### **Interference with freedom of assembly.**

<b>Political Party</b>	<b>Number of meetings</b>
ZanuPF	96
MDC	2
Other	2

As regards freedom of movement, 72% of the constituencies sampled reported interference with either movement into or out of the constituency. This corresponds to frequent mentions in the press of ZanuPF supporters talking about creating “no-go” zones for the MDC. As is seen from Table 4 below, movement within constituencies was frequently interfered with, and many different groups were reported as responsible. It is noteworthy that the MDC are not mentioned at all, but also that the ZRP and the youth are as frequent offenders as ZanuPF supporters.

**Table 4.**  
**Interference with freedom of movement: travel within constituency.**

<b>Interference with travel within constituency</b>	<b>% of constituencies reporting.</b>
ZanuPF	33%
MDC	0
ZRP	29%
Youth	28%
ZNA	3%
CIO	2%

As regards travel outside the constituency, again there are no mentions of the MDC interfering this way, but ZanuPF supporters, youth, the ZRP and the CIO are all mentioned as being involved in this irregularity.

**Table 5.**  
**Interference with freedom of movement: Travel out of constituency.**

<b>Interference with travel out of constituency</b>	<b>% of constituencies reporting.</b>
ZanuPF	21%
MDC	0
ZRP	12%
Youth	19%
ZNA	4%
CIO	11%
Other	2%

A frequent concern in Zimbabwean elections are reports that people are being moved into constituencies from outside, with the implications that these may be movements to increase voting or to bring in groups concerned with violence. This was only reported in 24% of the constituencies.

More serious were the reports concerning interference with the freedom of expression. This was reported in 90% of the constituencies sampled, and, as is seen from Table 6 [see over], this was rarely reported to affect ZanuPF supporters, but was clearly the case for the MDC [63%] and civics [32%]. This is widely reported in the press and confirmed by numerous public opinion polls. Fears of expressing one’s political opinion in public do not correspond to the kind of electoral climate that is “free”, and such fears by ordinary citizens have been amply confirmed in the past and even the recent past by public opinion surveys.

**Table 6.**  
**Interference with freedom of expression: Afraid to express views publicly.**

<b>Afraid to express views</b>	<b>% of constituencies reporting.</b>
ZanuPF	8%
MDC	63%
Civics	32%
Other	12%

More serious than fears of expressing views in public are the reports of citizens being forced to chant party political slogans, and this should be read together with reports of citizens being coerced to attend meetings. As is seen from Table 7 below, ZanuPF supporters were reported to be the major culprits, and this was reported in half of the constituencies sampled.

**Table 7.**  
**Interference with freedom of expression: Being forced to chant party slogans.**

<b>Forcing people to chant slogans</b>	<b>% of constituencies reporting.</b>
ZanuPF	52%
MDC	9%
Civics	3%
Other	2%

All in all, this data does not suggest that basic freedoms are available to ordinary citizens, but suggest rather a climate of coercion, fear, and interference with the fundamental rights of citizens. The suggestions of the creation of "no go" areas, together with the reports of coercion and interference with basic freedoms, do not suggest a climate of "freeness" in line with the SADC Principles and Guidelines Governing Democratic Elections.

### **Political Violence**

At the outset, the NCA would agree with the comments of the Commissioner of Police: that physical violence is greatly reduced on previous elections is undoubtedly true. However, within the overall category of political violence are a great number of different variables; physical violence is not the only form of political violence. Where the ordinary citizenry in Zimbabwe has had enormous experience of organized violence and torture in the past, and the not-so-distant past, of serious political violence, irregularities such as hate speech, threats, and intimidation are not inconsequential. When these irregularities are taken into account, it is not possible to agree with the Police Commissioner that Zimbabwe is "calm" and "peaceful": peace and calm are not merely defined by the absence of physical violence.

According to the data received for February 2005, 91% of constituencies reported various forms of political violence, whilst 52% reported some actual physical violence. As can be seen from Table 8 [see over], all groups were reported to have suffered physical violence, but victims from the MDC and the civics reported physical violence in a higher percentage of constituencies and in greater numbers.



**Table 8.**  
**Political violence: Numbers of victims of physical violence.**

<b>Victim</b>	<b>% of constituencies reporting</b>	<b>Numbers affected</b>
ZanuPF	11%	42
MDC	29%	335
Civics	9%	17
Other	3%	9

Table 9 below outlines the kinds of crimes that were alleged to have taken place. Of course, it has not been possible to confirm these reports directly, but all have been mentioned both in the press and in the Police Commissioner's own statement.

**Table 9.**  
**Types of violations reported.**

<b>Violation</b>	<b>% of constituencies reporting.</b>
Abduction	1%
Assault	35%
Attempted murder	5%
Death threats	13%
Displacement	6%
Murder	1%
Property-related violation	8%
Sexual assault	6%
School closure	1%
Torture	10%
Unlawful arrest	20%
Unlawful detention	9%

The reports also referred to the supposed perpetrators of these crimes, and, as is seen from Table 10 below, the reports implicating the MDC and civics were negligible, whilst ZanuPF supporters were reported to have committed acts of violence in 41% of the constituencies. The contributions of the ZRP, ZNA, CIO, and the youth were hardly less serious. These reports accord with reports in the press, and have been commonly seen in previous elections.

**Table 10.**  
**Affiliation of reported perpetrators of physical violence.**

<b>Perpetrator</b>	<b>% of constituencies reporting.</b>
ZanuPF	41%
MDC	2%
Civic	0.7%
ZRP	15%
ZNA	8%
CIO	7%
Youth	20%

There has been considerable furore over the incidence and prevalence of gender-based political violence in the past few years, and hence the NCA made a deliberate attempt to obtain reports of this. As can be seen from Table 11, all constituencies reported gender-based political violence, with the MDC being reported as victims twice or three times more frequently.

**Table 11.**  
**Victims of gender-based political violence.**

<b>Victim</b>	<b>% of constituencies reporting.</b>
ZanuPF	12%
MDC	25%
Civics	7%

As Table 12 below indicates, the victims were reported to be much more likely to have suffered at the hands of ZanuPF supporters or the youth than the MDC or civics. This again accords with previous reports.

**Table 12.**  
**Perpetrators of gender-based political violence.**

<b>Perpetrator</b>	<b>% of constituencies reporting.</b>
ZanuPF	29%
MDC	1%
Civic	0
ZRP	0
Youth	18%
ZNA	5%
CIO	7%
Other	2%

The types of violations reported also are in accordance with all previous reports. As can be seen from Table 13, rape was reported relatively infrequently, whereas indecent assault and "forced concubinage" were twice and three times more frequently reported. The latter has been particularly associated with the presence of militia bases, where young women are forced to attend and provide domestic service for the men at these bases. It is in this context that sexual relations are often coerced, and hence the term "forced concubinage". Below we comment upon militia bases and their association with various violations and irregularities.

**Table 13.**  
**Types of gender-based political violence.**

<b>Violation</b>	<b>% of constituencies reporting.</b>
Rape	8%
Indecent assault	17%
Concubinage	29%

Finally, we would comment upon the reports of hate speech in the constituencies sampled. As can be seen from Table 14 [see over], hate speech was not uncommon, and overall 70% of the constituencies reported this. ZanuPF was the major culprit, as has been corroborated by press

reports and the reports of media monitoring organizations. However, the MDC was not blameless here, but still was 4 times less likely to indulge in hate speech.

**Table 14.**  
**Hate speech.**

<b>Organization</b>	<b>% of constituencies reporting.</b>
ZanuPF	57%
MDC	14%
Other	4%

Overall, the data derived from the reports of the community monitors does not support the remarks of the ZRP in any but the most trivial fashion. Overt physical violence may be reduced, but almost every other indicator is high. The direction of the violence is overwhelmingly due to ZanuPF rather than the MDC, although the MDC are not wholly blameless. The data received by the MDC corresponds to much that is being reported in the press and it is clear that the election climate is far from satisfactory in respect of political violence.

### **Militia**

The most frequently reported association with the presence of militia in a constituency or district has been with physical violence. This has been highly contested by the government, but, nonetheless, a number of influential reports have implicated militia, and, particularly the youth militia, in the perpetration of political violence. Several reports have also drawn attention to the relationship between political violence and elections, and these reports have also implicated the role of the youth militia in the perpetration of gross human rights violations.

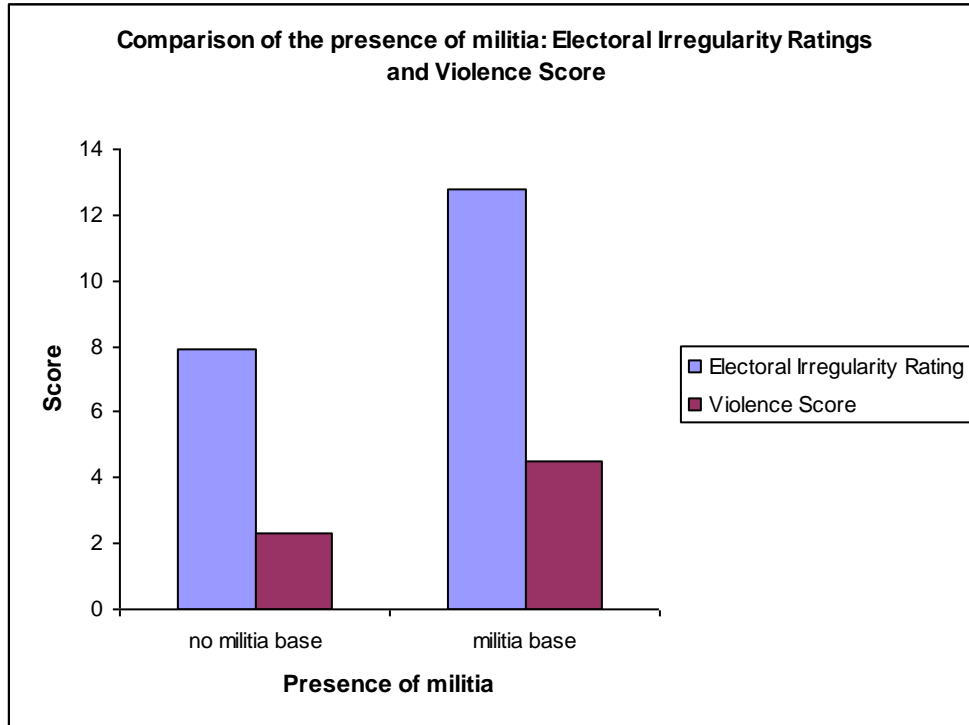
The current data has allowed us to examine a number of aspects of the election climate with respect to militia, although it does not allow us to specify whether the reports relate to militia as war veterans, youth militia or party youth wings.

The most important relationship to examine is the relationship between militia and violence, since this has been the most frequently relationship in the press and in human rights reports. It has drawn comment from the African Commission for Human and Peoples' Rights in the report of the Mission in 2002, and was commented upon in the reports of several observer groups to the Presidential Election. As is seen in Figure 2 [see over] there are marked differences between constituencies that report the presence of militia and those that do not.

Figure 2 contrasts two measures: the Electoral Irregularity Rating and a Violence Score. The Electoral Irregularity Rating needs little comment, but some brief words are necessary about the Violence Score. This latter score was derived from 5 indices of violence in the reports of the community monitors: physical violence, gender-based violence, intimidation, inter-party violence, intra-party violence, and forcing people to chant political slogans.

As is seen from Figure 2, both Electoral Irregularity Ratings and Violence Scores are higher in constituencies that report the presence of militia. This suggests that there are two ways to examine the influence of the militia on the electoral process

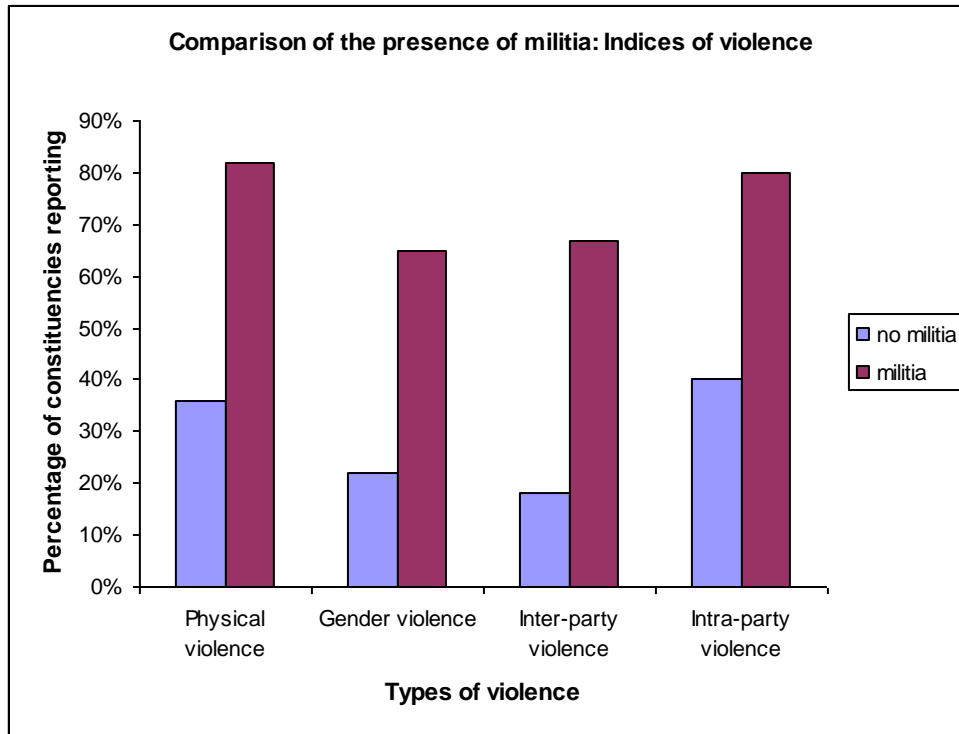
Figure 2.



As is additionally seen from Figure 3 [see over], the same effect is found when we examined the detailed relationship between the presence of militia and the types of violence reported in the constituencies sampled. Here we were interested to see beneath a global construct, such as a Violence Score or an Electoral Irregularity Score, that physical violence, gender-based political violence, and various forms of political party violence are all much more frequently reported in constituencies where militia are also reported.

However, the presence of militia may not only be associated with violence in the conventional sense. In a country in which physical violence has been extremely common according to all reputable sources – both local Zimbabwean and international sources – and where all reports have strongly implicated the youth militia in particular, it is evident that the presence of militia may have other inhibitory effects. Hence, we examined the relationship between the presence of militia and the interference with basic freedoms.

As is seen in Table 15 [see over], the presence of reported militia seems to markedly elevate the percentage of constituencies reporting interference with some basic freedoms, but has had little effect on others.

**Figure 3.**

It should be pointed out here that interfering with assembly, movement and expression – attending political meetings, travel, and information - are much more direct interferences in the civic life of citizens than interference with association – wearing T-shirts and putting up posters. We would also comment that wearing T-shirts and allowing posters to be put up can convey a sense of normality, and that interference with these other freedoms is much more subtle and difficult to detect by observers.

**Table 15.**  
**Relations between presence of militia and various indices of basic freedoms.**

	Wear insignia of own choice	Put up posters	Forced attendance at political meetings	Interference with travelling into constituency	Interference with travelling out of constituency	New residents coming into constituency	Fearful of expressing views	Unable to read papers of own choice
<b>No militia reported</b>	83%	71%	62%	62%	33%	11%	83%	41%
<b>Militia reported</b>	81%	76%	80%	76%	65%	44%	96%	65%

In general, the associations between the presence of militia and electoral irregularities, identified by our community monitors, are very disturbing, and wholly out of keeping with the kind of electoral climate expected under the SADC Principles and Guidelines. Furthermore, these observations are in keeping with the reports from the press and the many reports of human rights groups in the recent past.

### **The rule of law**

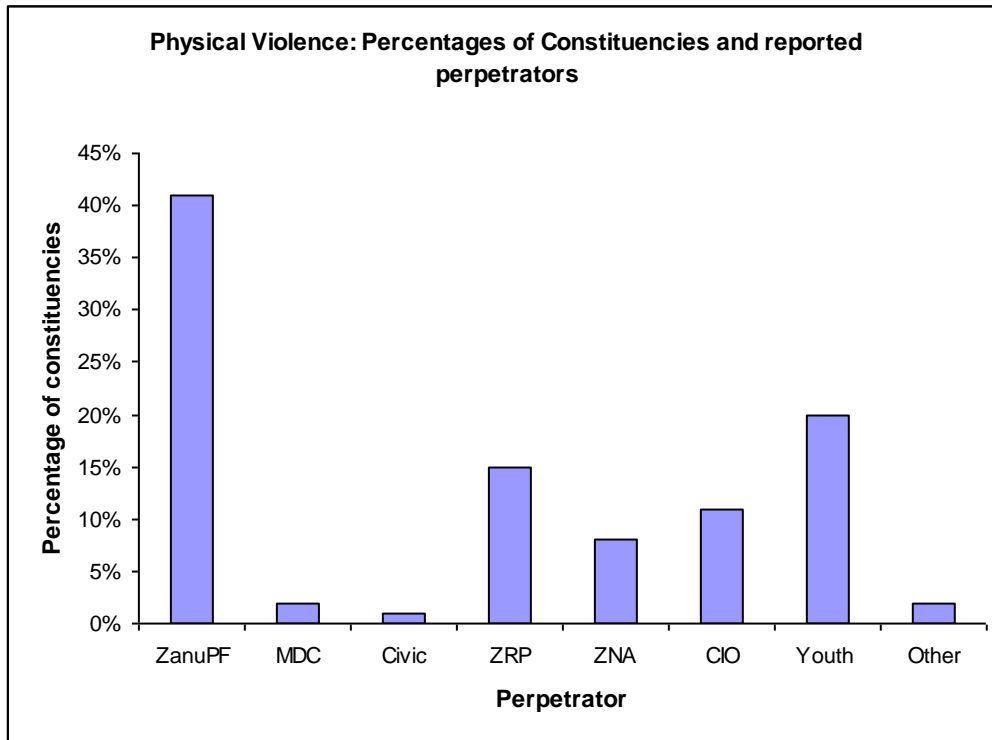
The operation of the rule of law during elections is obviously critical to the creation of a free electoral climate. Here we would once again draw attention to the remarks of police spokesmen, who have commented that the police would carry out their duties without fear or favour. This was further alluded to by the Commissioner of Police, in his recent press conference, when he drew attention to the arrests that had taken place in respect of the forthcoming elections. The reports

received by the NCA in general support the view that violence is reduced, but they also allege that state security agencies are themselves implicated in electoral irregularities.

As indicated by Figure 4 below, there are very disturbing allegations that the ZRP, and other security agencies, as well as government affiliated groups, are involved in human rights violations. It is evident that ZanuPF supporters are the major culprits in the reports received in February 2005, but it is also the case that there are a significant number of constituency reports that allege the involvement of the ZRP, the ZNA, and the CIO in human rights violations.

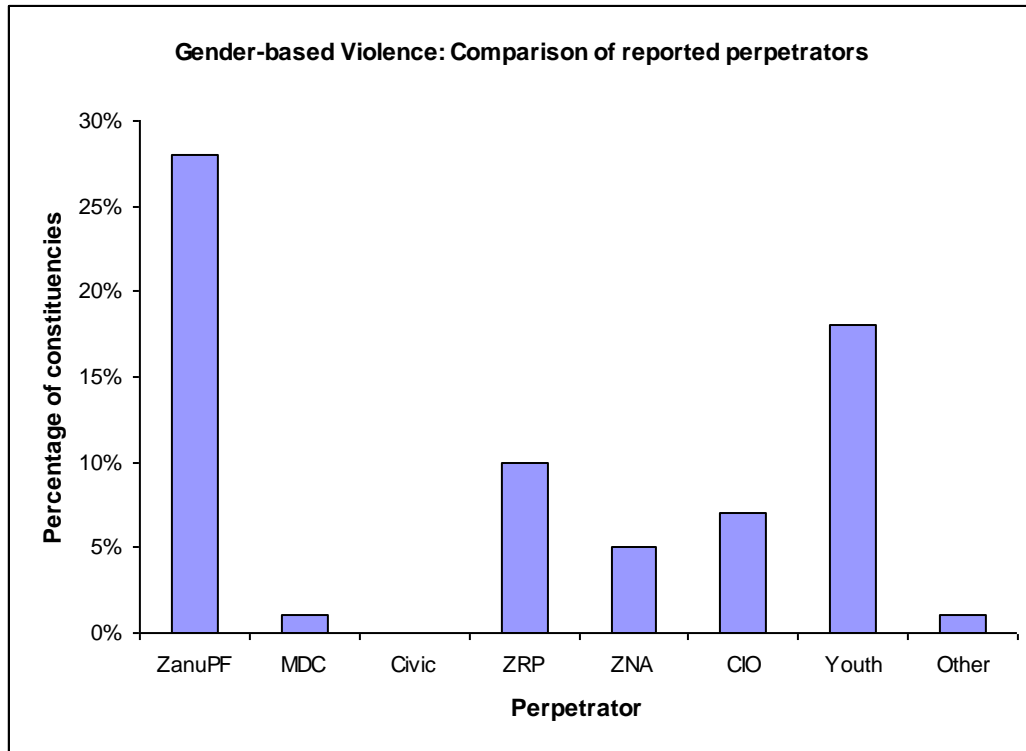
Such allegations have been made in previous elections, as well as during the periods in-between elections, and it is incumbent upon the statutory authorities to ensure that a strong message is sent to all law enforcement bodies and security agencies that the rule of law must be obeyed without political favour. Here we would echo the comments of the African Commission on Human and Peoples' Rights that it is not merely the case that governments and government agencies must avoid perpetrating human rights violations, but they must take active steps to ensure that such violations do not take place. It is not merely acts of commission that are deprecated, but also acts of omission.

**Figure 4.**



It is more disturbing when we consider the reports concerning gender-based political violence. As was noted above, there were a significant number of constituencies in which allegations of gender-based violence. As is seen from Figure 5 [see over], there are significant number of constituency reports that implicate the police and other security agencies in the perpetration of gender-based political violence. Again the youth and ZanuPF supporters are the greatest culprits, but the number of constituencies that allege the involvement of the police and other security agencies is disturbing to put it mildly.

Figure 5.



Overall, the NCA would wish to comment here that the reports received for February 2005 do not suggest that the rule of law is being applied in an even-handed fashion. There is a pressing need not merely for rhetoric from all the statutory authorities: even though violence is greatly reduced from previous elections and from previous months, the election climate is far from free, and here one aspect that causes concern is the frequent report of partisan behaviour on the part of the police and the security agencies. This must be addressed with extreme urgency.

### **Voter Education**

The NCA has already drawn attention to the flawed constitutional and legal framework governing these elections. The election climate reporting system was not designed to illuminate these shortcomings, but rather to draw attention to the effects that these shortcomings might have upon ordinary citizens' participation in the forthcoming elections. However, the issue of voter education does seem to illustrate directly the consequences of the legal shortcomings.

Since the electoral laws and regulations forbid civic organizations from undertaking voter education outside the direction of the Zimbabwe Electoral Commission, it is clearly incumbent on this body to ensure that voter education takes place. However, the reports from the community monitors suggests that very little voter education is actually taking place, and, of the voter education that is happening, only a very small proportion is taking place under the auspices of the Commission. Only 25% of the constituencies report any form of voter education taking place.

As is seen from Table 16 [see over], most voter education is being done by the political parties, and the Commission is providing little more than those civic organizations still willing to brave the dual handicaps of the electoral laws and the threat of the Non-Governmental Organizations Act.

**Table 16.**  
**Percentage of constituencies reporting voter education.**

<b>Group</b>	<b>% of constituencies reporting.</b>
ZanuPF	26%
MDC	16%
ESC	17%
Other	10%

There can be many reasons for the failure of the statutory electoral bodies to deliver voter education, but the NCA can only deprecate this failure. With a whole new electoral setup in place, there is an extreme need for all Zimbabweans to understand their new arrangements in order to make informed decisions about their participation. This failure by ZEC and the ESC is all the more serious when it is realised that the Mass Public Opinion Institute, in a survey in August 2004, reported that 50% of respondents had not received any voter education at all, and furthermore, that only 17% of the people interviewed were aware of the proposed reforms. A more compelling case for the inadequacy of the constitutional and legal framework can hardly be made, and, quite apart from all the other irregularities outlined above, is a compelling reason for the postponement of these elections until a satisfactory constitutional arrangement can be set in place.

#### **Political use of food**

Finally, the NCA wishes to comment briefly on the allegations concerning the political use of food. The electoral act forbids any form of treating, but it is evident that treating is not a simple matter to establish. However, differential access to state resources can be regarded as a form of treating if they are seen to operate in the direct favour of the political party in power and obviously without the bounds of the general policies of a government. We will not comment upon the evidence relating to enormous increases in wages and pensions recently announced, although these must clearly be regarded with suspicion coming so close to an election. We are concerned however with the differential access to food in a time of evident drought and food shortages.

This is a new issue, and there has been enormous controversy over the government's policies in respect of food acquisition and food allocation. Thus, when 72% of the constituencies allege partisan distribution of food, with access being dependent upon political party affiliation, the NCA must voice its deepest concerns. As is seen in Table 17 [see over], the percentage of constituencies that implicated ZanuPF supporters as being involved in using food as a form of political leverage is exceptionally high. No such allegations are made about the MDC or civics.

**Table 17.**  
**Constituencies reporting political use of food.**

<b>Group</b>	<b>% of constituencies reporting.</b>
ZanuPF	72%
MDC	1%
Other	1%

The NCA would here comment that it is critical at all times to separate access to food from political party affiliation, especially at times of severe drought and food shortage. It is even more critical to separate affiliation and access at times of elections, and especially when such linkages will affect the poorest and the weakest, not forgetting that Zimbabwe has an exceptionally high rate of HIV infection in its population.



### **Recommendations:**

The evidence to date suggests that a number of immediate steps should be taken. Obviously, the most important, from the NCA's perspective, is to address the serious flaws in the constitutional and legal framework governing these elections: when the enabling environment is deeply flawed, it is doubtful that any election can be treated seriously.

However, apart from these concerns, it is evident that there remain many other serious problems, and these also relate to the enabling environment, the so-called "freeness" component of the SADC Principles and Guidelines. Our preliminary findings give enormous cause for concern, and, accordingly, we make the following recommendations:

- There must be immediate steps to remove all partisan forces from the existing constituencies. This applies particularly to the war veterans and the youth militia. Here the NCA would point out that the associations between these groups and significant irregularities are sufficiently serious to warrant immediate action.
- There must be immediate steps to set in place an enforceable code of conduct for these elections. Whilst both parties are implicated in electoral irregularities, the balance of the evidence to date suggests that ZanuPF is the major culprit, and the NCA would call upon the Government to take immediate steps both to restrain its supporters and to call for a consultation between all political parties on the setting up of an enforceable code of conduct.
- In view of the large number of allegations of partisan behaviour by the law enforcement and security agencies, there must be immediate and public action by the Government to ensure the compliance with these agencies with the Constitution and the Statute law of Zimbabwe. The NCA calls upon the Government to ensure that all allegations of partisan behaviour on the part of these agencies are quickly investigated and publicly dealt with through the courts.
- The complete absence of voter education, especially when these elections are being run under a new dispensation, is a near-fatal flaw, and underlines the reasons for the NCA repudiating these elections.
- The allegations of partisan access to food are deeply disturbing, especially in the context of a serious humanitarian crisis. The NCA calls upon the Government to immediately take steps to ensure that no political party has any access to the possibility of providing food relief, and to publicly demonstrate to all that food relief is non-partisan.

It is doubtful that the election climate described above can change much in the coming weeks, but the NCA will withhold its judgement that the "freeness" component of the forthcoming election has been fatally damaged. The NCA will issue a final pre-election report immediately prior to the poll, which will summarise the developments during March 2005, as well as the whole pre-election climate.

### **A note on methodology**

As is indicated below, the NCA is a national network of member organizations and members. This national network allows the NCA to sample opinion around the country, and this has allowed the NCA to develop the methodology behind the Election Climate Reporting system.

A standardized reporting format was developed for this system, which consists of the 8 areas, or "election atmospherics" that are indicated at the beginning of the report:

- *Freedom of Association;*
- *Freedom of Assembly;*
- *Freedom of Movement;*
- *Freedom of Expression;*
- *Incidence of Political Violence;*
- *Disputes over electoral procedures and electoral irregularities;*
- *Occurrence of voter education;*
- *Use of food as a political weapon.*

These “atmospherics” were developed from the SADC Principles and Guidelines Governing Democratic Elections. These “atmospherics” are assumed to give a good indication of the “freeness” of the election climate during the pre-election period. The intention is not to examine the more formal aspects of the election, the “fair” component”, but to look at the experiences of ordinary citizens. The NCA has already made its own position clear on the legal and constitutional framework, the “fairness”, governing these forthcoming elections.

Each “atmospheric” is defined by a number of questions. These questions have been developed through previous experience with the kinds of election irregularities seen in recent elections in Zimbabwe. From the questions defining the “atmospherics”, an Election Irregularity **EI** score can be derived, and, in the current system, 18 scores or measures are derived. This can then be summed to give an indication of the scale of the Election Irregularities occurring or not in any given constituency.

The value of this system is that it directly samples the views of ordinary citizens during the pre-election period, and hence gives a good feel for their confidence in the “freeness” of the prevailing election climate.

The NCA will attempt to provide reports on a weekly basis, where possible, but will nonetheless issue reports on the Provinces as the data comes in. The individual Province [and constituency] reports will then be summarised in a number of consolidated reports.

Copies of the reports will be placed on the NCA website [[www.nca.org.zw](http://www.nca.org.zw)], but copies can also be requested from the NCA directly [[info@nca.org.zw](mailto:info@nca.org.zw)].