

**Minority Report on the 2008 Zimbabwe elections**  
**Democratic Alliance**  
**April 2008**

**1. Introduction:**

As per our previously stated intention, the Democratic Alliance hereby presents its minority report on the Zimbabwe 2008 harmonised elections. The decision to submit such a report arises from the fact that the SADC observer mission preliminary report either ignores or downplays material defects in the conduct and organisation of the poll, which resulted in the transgression of 9 of the 10 SADC election guidelines. The DA refused to be a signatory to the report which found out that, "despite a number of concerns, the elections were peaceful and credible expression of the will of the people of Zimbabwe."

The DA's mandate was not to favour any political party, but rather to determine whether the electoral process lived up to the universal standards used to measure the conduct of an election - whether or not it was free and fair. The DA fully abided by the code of conduct for election observers in observing the Zimbabwe election. Although our observers performed their duties as part of the SADC team, they maintained, as emphasised prior to their departure, a critical and independent approach in undertaking their duties.

The DA subscribes to the generally accepted view that an election is not a once off event but rather a process. The primary focus of the party's observers was therefore to determine whether the political climate in the country was conducive to the holding of free and fair elections, both prior to the election, on the actual voting day, and up until the announcement of the results - which the SADC guidelines indicate must be accepted by all parties that participated in the election.

In order to help reach such an assessment, the SADC Election Principles and Guidelines (based on the SADC Protocol on Politics, Defence and Security Cooperation) that govern the holding of democratic elections were used as the primary tool with which to measure the relative freeness and fairness of the elections. Furthermore, to help reach their conclusions the DA observers were informed by, reports from credible Zimbabwean election monitoring NGOs, interactions with broader Zimbabwean civil society, and Zimbabwean citizens and personal observations while in the country.

**2. Measuring the Zimbabwe election against SADC principles for democratic elections**

All SADC countries' elections are governed by the SADC principles for conducting democratic elections. According to the SADC guidelines, an election

will only be deemed free and fair if it complies with all its electoral provisions. Below are the SADC principles for a free and fair election.

- 2.1 Full participation of citizens in the political process;
- 2.2 Freedom of association;
- 2.3 Political tolerance;
- 2.4 Regular intervals for elections as provided for by the representative national Constitution;
- 2.5 Equal opportunity for all political parties to access the media;
- 2.6 Equal opportunity to exercise the right to vote and be voted for;
- 2.7 Independence of the judiciary and impartiality of the electoral institutions;
- 2.8 Voter education
- 2.9 Acceptance and respect of the election results by political parties to have been proclaimed free and fair by the competent National Electoral Authorities in accordance with the law of the land.
- 2.10 Challenges of the election results as provided by the law of the land.

Evidence from the above mentioned sources indicate that only one of the SADC's electoral principles was properly adhered to in the Zimbabwe election. There were clear violations of the majority of the SADC principles, particularly with regard to the access to media, freedom of association, political tolerance and the impartiality of the Zimbabwe Electoral Commission.

The failure to uphold these principles resulted in the election being unfairly skewed in favour of the ruling party and meant that any opposition victory would be achieved despite overwhelming odds stacked against it.

Below is a summary of how the majority of the SADC electoral principles were violated.

### **•2.1 Full participation of citizens in the political process:**

An inaccurate and out of date voter's roll disenfranchised thousands of Zimbabweans. This was compounded by numerous instances of Zimbabwean citizens being denied the right to vote due to the application of a stricter standard for proving citizenship; this led to a number of citizens with a parent who is a foreign national being denied the right to vote. The recent operation Mutambatsira, which involved the mass bulldozing of houses, led to large numbers of boarders losing their documents and were subsequently turned away when attempting to register.

### **2. 2 Freedom of association and 2.3 Political tolerance:**

Although there seemed to be some consensus about a marked decrease in the number of opposition members and supporters being subjected to political violence compared to previous elections, there were still several incidents of

intimidation and political intolerance. The ZANU-PF youth, or the Green Bombers as they are known, was at the heart of opposition intimidation, mostly against, the MDC. In the Makonde constituency in Mashonaland West for example, ZANU-PF youth were witnessed intimidating MDC activists by calling them 'sell outs' and threatening that they will 'deal' with their candidates after the election.

Evidence was brought to the attention of DA observers of opposition meetings and rallies that were cancelled at the last minute by the police. Testimony on the ground further indicated that even though the police promised to take a tough stance against campaign transgressors, no arrests were made despite various complaints lodged by the opposition.

The DA observers were also handed extensive documentary proof of torture and physical abuse meted out to opposition supporters and members - this evidence was handed over to the relevant authorities during the mission.

There was also a great deal of evidence which pointed to the use of state resources by the ruling party to help further its campaign. Government officials used state vehicles to transport ZANU-PF supporters to rallies. Food parcels and medical supplies were distributed at a number of ZANU-PF rallies. Such instances were also directly witnessed by DA observers.

The ruling party's misuse of state resources even saw tractors and other forms agricultural assistance being dispersed at one of ZANU-PF's rallies.

Teachers' and doctors' salary increases were also announced on the verge of voting day.

It was also reported by various MDC party heads in the provinces that in order to access free food aid, citizens were forced to produce ZANU-PF membership cards. MDC members stated that they had not been able to access free food aid for over two months prior the election.

#### **2.4. Regular intervals for elections as provided for by the representative national Constitution:**

This principle was fully complied with.

#### **2.5. Equal opportunity for all parties to access the media:**

Any environment for a free and fair election must be accompanied by equitable access to the media for all parties and individuals contesting the polls. From the onset of the campaign there was gross media bias towards the ruling party. The Media Monitoring Project in Zimbabwe (MMPZ) reported that in the first week of campaigning ZBC, Zimbabwe's public broadcaster, dedicated 37 minutes of

news bulletin to ZANU-PF coverage while all opposition candidates shared a paltry four minutes amongst themselves.

In an extraordinary fashion, normal radio and television broadcasts were suspended to cover Mugabe's four hour long manifesto launch without any coverage of the three other presidential candidates. The public broadcaster shunned the opposition candidates throughout the campaigns. In one case, ZBC refused to cover an MDC rally but still covered two ZANU-PF rallies on the same day. The fact that almost the entire media is state-controlled meant ZANU-PF had the predominant and overwhelming share of media coverage.

The MMPZ Media Coverage Review shows that between the 5<sup>th</sup> and 29<sup>th</sup> March ZBC coverage of the election was as follows - 3hours 22 minutes to ZANU-PF electoral activities, 9 minutes for the MDC and 26 for Simba Makoni. Out of the 93 ZANU-PF related stories, 86 were positive and only 7 were neutral. The stories on the MDC and Simba Makoni's were mostly negative.

In the same period, Radio Zimbabwe reported 68 pro-ZANU-PF stories compared to only 3 for the MDC. Newspaper reports for the week ending 2<sup>nd</sup> March carried 51 stories about the election. 31 of them were pro-ZANU-PF hits while the remainder focused on the division between the two MDC factions.

Television, radio and the majority of print media are state owned, and the journalists reporting openly stated that there was only one vote to vote for, and that was Robert Mugabe. No opposition party advertising was allowed until the day after the election observers arrived in the country. The DA requested the SADC observers to investigate reports that ZANU-PF was given television, radio and print advertisements for free whereas opposition parties had to pay extremely high rates, but no report about the matter was ever received.

## **2.6 Equal opportunity to exercise the right to vote and be voted for:**

The right of voters to vote for their preferred candidates was infringed by the ZEC's decision to turn away some voters despite earlier confirmations that their names appeared on the voters roll.

The voters' roll's credibility was undermined by huge discrepancies. First, the full voters' roll was not issued to opposition parties prior to the election, inciting fears that opposition supporters were being deliberately removed from the roll to weaken the opposition. Secondly, there were reports about the appearance of 3 million ghost voters - these included a number of deceased individuals. There was further evidence that a significant number of voters' addresses were invalid. In one incident, the Save Zimbabwe Campaign found that 8 500 voters were registered in ward 42 in Harare, despite the fact that 1 500 addresses of those voters were in stands where houses were yet to be built.

Another problem came in the form of postal votes. Only 8 000 people applied for these vote but 600 000 postal ballots were printed. This massive overprint suggests the intention of vote rigging because it is unlikely that the ZEC did not have the accurate figures for the required postal ballots. ZEC also informed SADC members that it had printed 50% more ballot papers that would be needed - 3 million more than would be used on voting day. The DA checked at various polling stations, but the extra ballot papers were not there, and it was presumed that they had been stored in Harare.

### **•2.7 Independence of the judiciary and impartiality of the electoral institutions:**

The judiciary has been severely compromised over the last eight year's by President Mugabe's decision to remove from the bench a number of judges who had previously handed down judgments against the ruling party. As a result of this policy, opposition challenges on the validity of results from the last Zimbabwean elections have yet to be resolved. This has rendered the prospect of using the electoral law to challenge violations of these provisions an exercise in futility.

Furthermore, the Zimbabwe Electoral Commission was appointed without consulting all relevant stakeholders in Zimbabwe, and populated with individuals with known and discernible links to the ruling party. The ZEC's failure to release the voters roll to all parties coupled with its inability to provide voter education created a legitimate perception that these links to ZANU-PF meant that it was intent on working to deliver a ZANU-PF victory.

### **•2.8 Voter education:**

Considering that for the first time Zimbabweans were faced with the complex task of electing representatives for four different levels of government simultaneously, it was essential to have an intensive voter education programme to familiarise the electorate with how such a process would work in practice. However, little or nothing was done by the Zimbabwean Electoral Commission (ZEC) to educate voters about the new voting regime.

In the few instances where the ZEC bothered to conduct voter education programmes, it only began on the eve of the elections and was mainly confined to ZANU-PF strongholds. This has led to the credible allegation that the ZEC and ZANU-PF withheld voter education in order to manipulate the situation to ZANU-PF's advantage.

Civil society groups were constrained from initiating any voter education programmes since the country's Electoral Act clause outlaws foreign funded NGOs from any involvement in voter education. In absolute contravention of the

SADC electoral principles, President Mugabe's spokesperson urged the ZBC to withdraw all Zimbabwe Election Support Network voter education adverts.

**•2.9 Acceptance and respect of the election results by political parties to have been proclaimed free and fair by the competent National Electoral Authorities in accordance with the law of the land:**

Sentiments expressed by senior government officials immediately prior to the election helped shape the perception that ZANU-PF and the security forces would not accept the results if the opposition were to win. The defence force's Chief General Constantine Chiwenga commented that, 'the army will not support or salute sell-outs and agents of the West before, during or after the election,' and President Mugabe's assertion that 'Tsvangarai will never ever rule Zimbabwe' were part of the ruling party's broader campaign to undermine the outcome of the election if it did not result in a victory for President Mugabe.

President Mugabe was quoted on election day saying at a rally the day before the election that he would take 'his' war veterans back to the bush to fight the MDC should ZANU-PF lose the election.

An election is not an event only measured by activities during voting day. It is a process which requires the existence of a political atmosphere conducive to free and fair elections prior to voting day, during voting day and throughout the vote-counting process, until the release of results.

As the accreditation of SADC observers only afforded them the right to remain in Zimbabwe until the 29<sup>th</sup> of March, this did not allow for an opportunity to properly monitor the vote counting process. This was a serious weakness in the observer mission's mandate, given accusations of past vote rigging.

It is of interest to note that the security forces held off until the morning after the last SADC observers left Mickle Hotel before they entered en masse to arrest journalists and invade the MDC office there.

## **5. Conclusion**

Ultimately, an election either lives up to the standard of being free or fair or it does not. In the case of the Zimbabwe elections the factors outlined above mean that there is no plausible argument to be made that these elections were free and fair. It is simply not enough for the SADC observer mission report to "note with concern" problems associated with the election, when these factors ensured that the elections failed to adhere to 9 out of 10 of the SADC guidelines and principles.

The report did not use the words 'free and fair' although it was quoted extensively in state-owned media as having stated exactly that. When the SADC mission

presented the report to the media, it also claimed that the report was accepted unanimously, which it was not, as the Democratic Alliance members rejected it.

The people of Zimbabwe along with all the other citizens of the SADC region deserve elections that meet the highest standard of democratic conduct and which comply with guidelines set by the SADC itself. Therefore any attempt to downplay or ignore the very real flaws in the Zimbabwe elections not only does a fundamental disservice to the people of Zimbabwe, but also to region as a whole. It is for these reasons that the DA reiterates its view that the Zimbabwean elections cannot be deemed free and fair, or indeed a 'credible reflection of the will of the Zimbabwean people'. Developments since the premature release of the SADC report have borne out the need for the DA to have taken the stand it has.