

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

October 2014

INTRODUCTION

The period under review has been largely peaceful with the exception of intra-party conflicts that continue to be reported on in the media. The government continues to align the country's laws to the new constitution. Appropriation (Supplementary) Act and Finance (No. 2) Act were gazetted this month bringing to 11 the number of Acts that have been gazetted since the passing of the new constitution. The economy on the other hand remains depressed, with unemployment increasing as a result of company closures.

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ISSUE	COMMENT
<p>Intra-Party Democracy</p>	<p>The two major political parties in Zimbabwe, The Zimbabwe African National Union – Patriotic Front (ZANU–PF) and the Movement for Democratic Change – Tsvangirai (MDC–T) are preparing to hold their elective congresses. ZANU-PF will hold its congress during the first week of December 2014, while the MDC-T congress will be held during the last week of October 2014. Thus the month of September 2014 falls within the two political parties’ campaign periods where candidates who were nominated during primary elections are now campaigning so that they may be voted into influential positions within their respective political parties. Regrettably the campaign period has been marred by a significant rise in intra-party violence, which stems from the undemocratic nature of the primary elections that were held and the nature of the campaigns that preceded these elections. The media has extensively reported on how internal discord, leadership wrangles, party splits (in the case of the MDC-T), and in some cases open violence has weakened these political parties.</p> <p>During the ZANU-PF and MDC-T primary elections a number of serious electoral irregularities were cited by both contesting candidates and those candidates whose nomination were unsuccessful. These ranged from intimidation, cohesion of voters, vote buying, inflammatory language, hate speech, sometimes outright violence, ballot stuffing, and tempering with the vote tabulation processes. This surge in intra-party violence has been well documented by Civil Society Organisations working on human rights issues and has also been widely reported on by both the private and public owned media.</p> <p>ZESN is convinced that political parties have a responsibility to model democracy and that political parties should strive to be exemplary in the manner in which they abide by basic democratic tenets within their operations and practices. Unfortunately political parties in Zimbabwe, repeatedly fail to adhere to their own established systems, rules and regulations for democratic practice. This often resulted in numerous intra-party conflicts.</p> <p>The situation is further compounded by the fact that both ruling and opposition political parties are weakened by internal squabbles fuelled by factionalism and imposition of candidates. As a consequence the same undemocratic trends identified in political parties primary elections and congresses are in many instances replicated in the national elections. It imperative that political parties’ internal elections be conducted in manner that is free, fair and credible, because political parties cannot support the conduct of democratic elections at the national level if they fail to establish the same culture within their own political parties.</p>

	<p>ZESN believes that intra-party democracy will only be established and institutionalised when parties strive for efficient, transparent and accountable management of their party’s affairs. These changes in turn can only be sustained if political parties establish them from their village structures/branches right up to the national structures of the parties.</p>
<p>Chitungwiza Mangwe and, Matobo By-elections</p>	<p>The Zimbabwe Election Support Network (ZESN), at the invitation of the Zimbabwe Electoral Commission (ZEC) observed the three local government by-elections in in Chitungwiza Municipality ward 25, Mangwe RDC ward 13, and Matobo RDC Ward 13, on 4 October 2014.</p> <p>ZESN observers reported a peaceful electoral process in all three wards.</p> <p>Voting: All polling stations opened on time and voting started on schedule. There were generally short queues outside the polling stations at the time of opening, and voters essentially trickled in after the opening of polling stations. The voting process was peaceful and orderly throughout the day. This demonstrates that ZEC polling officers had received adequate training.</p> <p>Compliance with the Electoral Law: every political party was allowed to have one agent inside the polling station, and to have an additional agent stationed within the vicinity of the polling station. This was consistent with provisions of the electoral amendment act. However one of the political parties failed to deploy party agents to cover all the polling stations.</p> <p>Disaggregated Data: ZESN commends the compilation data on voters that is disaggregated by age and gender. ZESN however recommends that these statistics be shared with relevant stakeholders including political parties and civil society to aid their programming especially in the promotion of women’s participation in elections. ZESN encourages ZEC to ensure that such data is available freely via public platforms such as the ZEC website.</p> <p>Custody of the Voters’ Roll: ZESN encourages the government to urgently address the issue of Voter Registration. The existing electoral legislation does not provide the power to register voters to either ZEC or the Registrar General. This disenfranchises potential voters who may have wanted to register or transfer their vote since 10 July 2013 as there is currently no statutory body with the mandate to process such requests. This category of voters will not be able to participate in any by-elections that may occur before the necessary Voter Registration provisions are created. ZESN strongly recommends the implementation of the Constitutional provisions which give ZEC full control of the voter registration process and custodianship of the voters roll.</p>

Counting: the counting process was conducted in accordance with the relevant election procedures. The process took place in the presence of party agents and observers hence ensuring transparency. All party agents concurred that the process had gone well and signed the V11 form, which were in turn posted outside every polling station.

ZESN commends ZEC for continually updating their training of polling Staff. It is evident that some of the concerns raised by ZESN and other electoral stakeholders are being considered. For instance:

Secrecy of the Vote: In previous by-elections presiding officers insisted that voters show them the unique polling station stamp on their folded ballot papers before casting a vote. This system was done away with using the Electoral Amendment Act of 2013 which prescribed that the voter did not have to show the stamp to the Presiding Officer but simply place their ballot paper in the box after voting. ZESN raised this issue in its press statements for all the by-elections held this year. It appears that anomaly has been corrected, as Presiding Officers were not making this request.

Role of the Police: contrary to the provisions of the Electoral Act the police officers were closely involved in the process of verifying the authenticity of voting slips. ZESN observed that before a voter with a voting slip was permitted to vote the presiding officer would ask the police officer to verify the authenticity of the voting slip with their counterparts at the ward command centre. The Police were also transmitting hourly updates to their counterparts at the various ward command centres. It appeared as if there were two parallel results transmission channels, one utilised by ZEC and the other by the police. The situation has improved as this practice was only observed at only 2 of the 14 polling stations where by-elections were held on 04 October 2014. In the remainder of the polling stations, Presiding Officers used their own cellular phones to communicate with their counterparts at the various command centres.

ZESN commends ZEC for affording the eligible voters of Chitungwiza, Matobo and Mangwe an opportunity to elect councillors as provided for in the legislative framework governing the conduct of by-elections in Zimbabwe. This demonstrates the high importance ZEC places on local governance. ZESN believes that local authority by-elections help further strengthen democratic consolidation at the grassroots level and enhances citizen participation in electoral processes at all levels.

<p>Upcoming Elections</p>	<p>By ZEC will hold 3 by-elections on 22 November 2014. The by-elections will be held in Chimanimani RDC ward 15, Mberengwa RDC ward 33, and Zvishavane Town Council Ward 1.</p> <p>The following candidates will contest the by-elections:</p> <p>Chimanimani RDC Contestants: Chidambazina Innocent (independent), Chirengera Panganai (ZANU-PF), Mereta James Nyatwa (Independent), Mukwayo Prudence (NCA), Muchateera Joseph Matsekete-Beta (Independent).</p> <p>Mberengwa RDC Contestants: Dumbuseya Enock (ZANU-PF), and Moyo Dzingai (MDC-T).</p> <p>Zvishavane Town Council Contestants: Chihava Kupa (MDC-T), Dzvetera Panganai (Independent), and Kasiyapasi Rowayi (ZANU-PF).</p> <p>ZESN urges registered voters in these wards to go out in their numbers and vote. ZESN calls for the ZEC to ensure that citizens who are eligible and would like to register to vote should be able to do so. Currently, potential registrants are not able to register and this disenfranchises citizens from exercising their right to choose leaders.</p>
<p>Alignment of the Country's Laws to the Constitution</p>	<p>Although the government is making efforts to align the country's laws to the constitution ZESN laments the slow pace that this process is taking, considering the fact that 450 laws need to be aligned to the constitution. To-date only 11 Acts have been gazetted since the passing of the new Constitution in May 2013.</p> <p>Citizens had a legitimate expectation for more Acts to be gazetted and for more Bills to have passed through parliament, because Parliament's 2013-2014 legislative calendars had identified 27 Bills that should have been passed. Parliament, however, was only able to pass 3 Bills out of the 27 Bills that were put on its calendar. This seems to suggest that Parliament does not have sufficient capacity to fulfil its legislative agenda and its duty to implement the Constitution.</p> <p>15 additional Bills were put on the 2014-2015 legislative calendar, these Bills were identified in the President's speech during the opening of the second session of the Eighth Parliament. The President said that the major focus of the Eighth Parliament would include reforming existing laws and enacting new ones. It is however unlikely that a greater number of Bills will be passed during the current legislative calendar unless challenges that Parliament faced in the previous sessions are addressed.</p> <p>ZESN is also concerned with the manner in which Bills are dealt with in parliament. The absence of political will to consider the views of citizens in policy</p>

	<p>formulation is evident in that important bills are passed in parliament without considering the views of citizens. In some instances, Parliament convenes costly public meetings countrywide to solicit people’s views on bills but will not use the input. This happened when the Electoral Amendment Bill was passed by Parliament without incorporating any of the citizen’s submissions during the public hearings.</p>
<p>Electoral Reform</p>	<p>The Electoral Amendment Act failed to address critical gaps that had been identified by ZESN and other electoral stakeholders. This has compromised the ability of the Zimbabwe Electoral Commission (ZEC) to fulfil its mandate, which includes conducting voter registration and the management of the voter’s roll. The omission by the Electoral Amendment Act to provide ZEC the constitutionally guaranteed mandate of voter registration and maintenance of the voters’ roll, has left a vacuum where there is currently no legal framework that allows for any institution to either register or transfer voters. This has led to the disenfranchisement of countless number of voters who may need to transfer their vote, or register to vote in by-elections. Youths who have turned 18 after the June 2013 elections are also not able to register until the necessary reforms are made in the current electoral legislation.</p> <p>Parliament’s practice of passing Bills without considering input from the public is inconsistent with the provisions of the Constitution which acknowledge the importance of public engagement in policy making. Section 141 of the Constitution stipulates that “Parliament must facilitate public involvement in its legislative and other processes and in the processes of its committees”.</p> <p>ZESN therefore encourages parliament to comply with the constitution and provide platforms for meaningful participation in policy making processes as Parliament considers the remaining Bills.</p>
<p>Conclusion</p>	<p>Government should, to the extent possible, ensure that interested parties are consulted about bills being considered by parliament. This will enhance citizens’ recognition of their responsibility to take action to improve their lives and the provision of basic social services. Furthermore, public engagement can help improve the political position of marginalized or vulnerable groups, such as women, youth, and minorities that are often not taken into consideration.</p> <p>ZESN calls on the government to urgently resolve the stalemate on voter registration and management of the voter’s roll by ensuring that the legislative framework governing elections is revised to empower ZEC to assume full control over the management of the voters roll and voter registration. Government needs to demonstrate its commitment to holding free, fair and credible elections by creating an enabling environment that will allow for ZEC to be able to complete the process of creating a credible voters’ roll and conduct voter</p>

	<p>registration process which complies with the universally agreed principles of voter registration. In addition the government will need to avail timely and adequate resources to support these processes.</p>
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Political parties are essential institutions for the proper functioning of democratic societies. Hence ZESN hopes that ZANU-PF, MDC-T, and other political parties will conduct peaceful elective congresses and emerge from their respective congresses stronger and more united. ZESN calls for tolerance and for politicians to restrict themselves to the use of responsible language for the sake of peace in the Nation.

ZESN also urges political parties adhere to the provisions of their constitutions when conducting their congresses including availing credible dispute resolution mechanisms that can be utilised by losing candidates who may dispute the outcomes of elections.