**ELECTION WATCH 45/2018**

**13th November 2018**

**Observers’ Reports on General Election:
IRI / NDI Zimbabwe International Election Observation Mission Report**

In Election Watches 43 and 44 of 2018 of the 4th and 6th November we summarised the reports and recommendations made by the Eminent Persons and EU Observer Missions on the recent general election.  In this Election Watch we shall do the same for the third international observer group to issue a report, namely the IRI/NDI Zimbabwe International Election Observation Mission

**Who are the IRI and the NDI, and Who were their Observers?**

The International Republican Institute (IRI) and the National Democratic Institute (NDI) are organisations based in the USA that work to promote democracy throughout the world.  They are non-partisan, though as their names suggest each is loosely affiliated to one of the main American political parties.

The Mission which the two organisations deployed in Zimbabwe was large and impressive:

* a team of election analysts were based in the country throughout the election and post-election period, from April until October
* a high-level pre-election delegation arrived in June
* 14 long-term observers were deployed across all 10 provinces from June to August
* an Election Day delegation comprising 60 observers was deployed across the country, and
* a high-level post-election delegation arrived in October.

The Election Day delegation was led by former Liberian President Ms Ellen Johnson Sirleaf and by a former Interim President of the Central African Republic, Ms Catherine Samba-Panza.  The other delegations were led by distinguished former politicians and officials from the United States, Africa and elsewhere.

**Methodology**

The Mission was guided by the UN Declaration of Principles for International Election Observation and Code of Conduct (2005), the AU Declaration on the Principles Governing Democratic Elections in Africa, and the SADC Principles and Guidelines Governing Democratic Elections.  The various delegations gathered information in accordance with those international instruments and observed the electoral processes to the extent permitted by the Zimbabwe Electoral Act.

Before polling day the Mission deployed 60 observers to all 10 provinces to witness the electoral administration, voting, counting and the overall atmosphere.

On polling day itself the Mission’s observers visited more than 210 polling stations.  The Mission issued a preliminary statement the day after polling and produced its final report on the 29th October.

**The Mission’s Final Report and Conclusions**

The final report is a comprehensive and carefully worded document running to some 90 pages, and is available on the Veritas website *[*[*link*](http://veritaszim.net/node/3320)*]*.  It outlines the electoral system and its legal framework, then describes the pre-election environment including election administration, voter registration, nomination of candidates, voter education, the misuse of State resources, and the roles played by traditional leaders, the security sector, the media and civil society.  It covers voting on polling day, the counting of votes and the processing of results, and the events of the post-election period.  It concludes with a series of recommendations grouped under 10 broad headings.

The report begins by setting a high standard of acceptability for the elections:

*“The 2018 harmonized elections took place against a backdrop of an 18-year political crisis.  During that period, political space was severely limited and a series of fundamentally flawed elections were characterized by widespread violence and weakened public confidence in governing institutions and the electoral system.  Extraordinary steps were therefore required to break with the country’s past, restore public trust, and set the country on a new trajectory.  For the 2018 harmonized elections to be broadly viewed as inclusive, transparent, and accountable, the election process needed to do more than adhere to the letter of the law, show more than just incremental improvements, and result in more than a generally peaceful outcome.*”

The report concluded that the elections had not met these high standards:

*“Zimbabwe’s 2018 harmonized elections presented the country with a historic opportunity to break with the past 18 years of political crisis and mark the beginning of a genuine democratic transition.  [The Mission] notes several improvements to the electoral process compared to Zimbabwe’s past elections, though equally important shortcomings give rise to deep concerns that the process has not made the mark.  Incremental improvements in the electoral environment during the pre-election period were insufficient to establish broad confidence among the political competitors and Zimbabwe’s sharply divided populace.”*

The shortcomings mentioned in the report’s conclusion are apparent from the Mission’s recommendations.

**Recommendations**

The Mission’s recommendations are the following (those marked with an asterisk the Mission considers should be prioritised):

**Legal Framework**

* \*Continue to align the Electoral Act with the 2013 Constitution and secure the status of ZEC as a fully independent constitutional commission.

**Levelling the Playing Field**

* \*Create enforcement mechanisms for ensuring that government resources do not serve partisan interests.
* Give ZEC power to enforce statutory provisions prohibiting the politicisation of food aid and other welfare benefits.
* Ensure that land titles, farm inputs and food aid are allocated through administrative means divorced from political campaigning and partisanship.
* Educate the public about the limits of traditional leadership in the political environment.
* \*Introduce effective statutory provisions penalising traditional leaders and government employees who breach the constitutional prohibition against engaging in partisan activities.

**Transparency**

* \*Adopt more transparent and consultative procedures to build public trust in the ZEC and ensure ZEC is widely perceived to be a credible institution.
* In sharing information with political parties and other groups, ZEC should go beyond what it is legally required to do, and must give information proactively.
* Amend the Political Parties (Finance) Act to ensure transparency in the funding of political parties.

**Universal suffrage**

* \*Complete a constituency delimitation exercise not less than one year prior to the next election.
* Ensure regular cleaning and de-duplication of the voters rolls.
* Publish preliminary and final voters rolls in analysable format that allows timely audits.
* Make it easier for voters to identify their polling stations on polling day, by for example posting the voters rolls outside each polling station.
* Align domestic law with the Convention on the Rights of Persons with Disabilities to ensure that all citizens can participate in political life.
* \*Foster a national debate on the issue of voting by Zimbabweans living outside the country.

**Elections Management**

* Ensure that the design of ballot papers is consistent with the Electoral Act and regulations.
* Prevent the misuse of assisted voting.
* Develop a voter education strategy which loosens ZEC’s control of civil society’s voter education efforts, in line with international covenants on citizens’ right to information.
* Clarify the voting processes for those on electoral duty.
* ZEC should provide data on the participation of marginalised groups such as women and the disabled in the election process.
* \*Adopt and publicise transparent procedures for the tabulation, transmission, and announcement of results.
* Foster an independent judiciary that tries to adjudicate fairly and justly with due process, in accordance with the Bangalore Principles adopted in 2002.
* Establish time-limits for deciding pre-election disputes so that they are finalised before polling day and allegations of malpractice are investigated promptly, thoroughly and effectively.

**Complaints Mechanisms**

* \*Prosecute perpetrators of violence and other forms of political coercion, including those responsible for the shooting of protestors on the 1st August.  The independent complaints mechanism envisaged by section 210 of the Constitution should be established.
* Strengthen the complaints mechanisms in the Electoral Act so that citizens can file election petitions and lodge administrative complaints with ZEC.

**Media Environment**

* \*Foster a diverse, independent media environment representing a variety of political perspectives.
* Repeal laws such as AIPPA and POSA which limit freedom of assembly and access to information.

**Party Conduct**

* \*Create an environment for women to participate equally in the electoral process, free from intimidation and harassment.
* Enforce the new Electoral Code of Conduct for Political Parties and Candidates.
* \*Institutionalise Multi-Party Liaison Committees as forums for dialogue and dispute resolution among and between political parties and ZEC.  Officials with authority to make decisions should attend their meetings.
* Build the capacity of political parties to monitor elections, to compete in them and to participate in governance processes, to ensure that all political parties fulfil their roles as democratic institutions.

**Conclusion**

The Mission’s report is comprehensive and balanced, as shown by its recommendations which are also comprehensive and balanced.  In addition they are clear precise and practical which makes them easy to implement – if the political actors have the will to do so.

It is important that we implement the recommendations, for two reasons:

1. Implementation would give effect to the Constitution, enhance democracy and give politicians more incentive to accept the validity of election results.  In other words, implementation would be beneficial in itself.
2. The organisations which sent the Mission, the IRI and the NDI, both have close links to the US Congress and government.  Their assessment of the political situation in Zimbabwe will resonate in Washington and is likely to influence whether we get access to international finance and the foreign direct investment we so desperately need.

Remember the Mission’s conclusion:  there are “deep concerns” that the 2018 electoral process “has not made the mark”.  In the Mission’s view therefore the Government lacks democratic legitimacy.  That view will be shared in Washington and probably in other western capitals.  The best way to regain that legitimacy is to implement the Mission’s recommendations as quickly as possible.

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