



CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE (CCJPZ)

Africa Synod House 2nd Floor, 29-31 Selous Avenue, P.O. Box CY 284, Causeway, Harare, Zimbabwe; E.Mail: ccjp@zcbc.co.zw; Web page: www.zcbc.co.zw/ccjp.html; Phone:+263242797163 Blog: catholiccomforjusticeandpeaceinzimbabwe; Facebook – Justice Peace Zimbabwe

ZIMBABWE 2018 HARMONIZED ELECTION REPORT

1. Executive Summary

The Catholic Observer: Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ) Report for 2018 Zimbabwe Harmonized Elections analyses Zimbabwe's 2018 Harmonized Elections using a combination of CCJPZ's long term and Elections Day observation reports - and the *Constitution of Zimbabwe Amendment (No. 20) Act 2013*, the *Traditional Leaders Act (Chapter 29:17)*, the *Electoral Act (Chapter 2:13)* and the *Social Teachings of the Church* as baselines. The long term observation reports were produced every two months since 2013 Harmonized Elections by 240 CCJPZ's long term situation monitors or observers from Zimbabwe's eight Dioceses. Election Day observation reports were produced by 850 men and women deployed by CCJPZ and Inter-regional Regional Meeting of Bishops of Bishops of Southern Africa (IMBISA) at marginalised and hot spot polling stations in all dioceses on the Election Day. Following the Electoral Cycle, this report tries to take a holistic approach to deduce an objective verdict of Zimbabwe's 2018 Harmonized Elections. It makes an evidence based analysis of the pre-election environment - beginning soon after 2013 Harmonized Elections - the Election Day and the Post-Election Day. In both respects, the report tries to reveal positive experiences before, during and after the Harmonized Elections - and what could have been done better. It ends with a tabulated profile of matters that arise from the observation process, conclusions and recommendations.

1.1. Positives of the 2018 Harmonized Elections

- There were minimum levels of physical violence during the Pre-Election period to the 2018 Harmonized Election. There was recognition by almost all contesting political parties that elections have been a source of Zimbabwe's violent conflicts. Commitment was made by all contesting political parties to avoid violence by signing the Peace Pledge facilitated by the National Peace and Reconciliation Commission. The pre-election environment was therefore relatively peaceful.
- There was a minimum use of oppressive legislation such as Access to Information and Protection of Privacy Act and Public Order and Security Act as all political parties were relatively allowed relatively free outreach and mobilization of voters.
- The government opened up to external election observers. International observers were invited to observe for a longer period. They completed their observation missions without confrontation with the government.
- There were some improvements in election administration and legal framework. The Zimbabwe Electoral Commission assumed full responsibility of voters' registration and voters' roll previously done by Registrar General. The introduction of biometric voter registration was a milestone. The gazetting of the Electoral Act (Chapter 2:13) signifies a promising future for Zimbabwe's electoral processes.
- ZEC's deliberate collaboration with organisations that have mass mobilization authority such as Churches - and the use of electronic, print and social media - for

voter education and communicating voter messages was an effective strategy that reached a significant number of voters across the country.

- There were some commitments by ZEC to dialogue and engage on electoral issues with Political Parties, Faith Based Organisations and Civil Society Organisations through the Multi-stakeholder dialogue initiative. ZEC organized several meetings where stakeholders were invited for discussions and input into the electoral processes.
- The opening of polling stations, counting and announcement of 2018 Harmonized Elections was done on time and in accordance with the Electoral Act (Chapter 2:13).
- The use of return forms such as the V11 and V23 for summarizing and documenting results - and displaying them in public even before the announcement of results – showed some levels of transparency and openness.

1.2. What could have been done better?

- Political and traditional leaders' sincerity to the *Constitution of Zimbabwe (No. 20) Act 2013* especially Chapter 4 and Chapter 15 - and other statutory frameworks such as the *Traditional Leader Act (Chapter 29:17)*.
- As a largely Christian nation, adherence to the Social Teachings of the Church, especially respect for human life and dignity and respect for freedom of participation. Zimbabwe's 2018 Harmonized Elections could have been more interesting if political diversity, inclusion and cohesion were appreciated as positive values.
- Inclusive and universal access to common goods by depoliticizing agriculture inputs and food handouts provided by the state – giving out food or humanitarian aid to everybody in need despite their political affiliation.
- Depoliticizing and demilitarizing of state institutions, especially from the provincial to the village levels where some political party functionaries have replaced the state. The state should have continued to take charge of, for example, livelihood provisions such as access to land and local resources, local employment opportunities, among others. These livelihood endowments should have been accessed by all Zimbabweans without political favours - rather than being used to coerce voters to support certain political parties.
- A comprehensive national peace and reconciliation process to help voters recover from electoral violence and trauma experienced in previous elections. This could have improved voters' confidence and freedom of expression.
- Inclusive, agreeable rules, code of conduct or more procedural ways for distributing political party regalia. This could have averted loss of life during scramble and minimized community grudges or violent conflicts between those who receive (political party regalia) and those who didn't. A systematic allocation could also have minimized voter apathy or "voter protest", especially by some youth who concluded voting was just for the elderly because "they are given the regalia."
- Comprehensiveness by political parties in planning and preparing for their primary elections. Timely availability of primary election voters' rolls and voting materials and democratic selection of candidates could have minimized violent conflicts experienced during primary elections.
- Equal media access to all contesting political parties could have provided voters with critical information for informed political choices. The "new dispensation" should have liberated the air waves and make broadcasting licenses easily accessible to other

broadcasters. Alternative media other than one television station and several radio stations controlled by the state could have provided fair competition ahead of 2018 Harmonized Elections.

- More and sufficient voter education adapted and translated to all the country’s 16 languages including sign languages and Braille - voter education that also targeted first time voters.
- More swiftness in bio-metric voter registration - and availability of ablution facilities at bio-metric voter registration centres and other open spaces where electoral processes took place.
- Availing the voters’ roll to all political parties and the public before the sitting of the Nomination Court and Election Day for transparency and accountability purposes.
- Consistency in the announcement of the number of votes obtained by the two top presidential candidates to exhibit transparency, efficiency and reliability. This could have created more trust and reduced legitimacy questions for the subsequently declared presidential candidate.
- Avoiding the use of live ammunition on demonstrating civilians as happened on 1 August 2018 - and making apologies for the loss of lives, injuries and damages caused.
- Utilisation of Zimbabwe’s independent commissions under Chapter 12 of the *Constitution of Zimbabwe Amendment (No. 20) Act 2013* such as the Zimbabwe Human Rights Commissions (ZHRC) and the National Peace and Reconciliation Commission (NPRC) to inquire into the Post Election Violence that took place on 1 August 2018 in Zimbabwe because of their familiarity with the environment. The ZHRC and NPRC could have exercised their constitutionally given mandates and independence. They could have reported their findings to parliament (and not to an individual) and would have been less expensive since they are resident with functional Secretariats.
- Electoral reforms could have started soon after 2013 Harmonized Elections and taken as a process with adequate inclusivity, dialogue, engagements and time for implementation.

2. Arising Issues, Conclusions and Recommendations

No.	Arising issue	Conclusion	Recommendation
1	Trust deficit in value of elections / democratic processes	<ul style="list-style-type: none"> - Democratic value of elections among Zimbabwean men and women is in jeopardy - voter apathy likely to increase ahead - Relevance of elections to day to day lives of many Zimbabweans, especially the poor and the marginalised, is farfetched or non-existent: what do [these] elections bring on the table? Or how do they eradicate poverty, bring medication in hospitals, better roads, employment or clean water? 	<ul style="list-style-type: none"> -Strengthening and enhancing legislation on horizontal and vertical accountability and responsiveness of elected leaders - Legislative and capacity strengthening of parliamentary portfolio committees and Auditor General to have more “teeth” to effectively demand accountability, better governance and responsiveness from duty holders - Transformative civic reflection and learning experiences for voters on constitutional rights / responsibilities and social teachings of the Church to

			demand accountability and fulfilment of election promises by elected official
2.	AIPPA and POSA as inhibiting, colonial laws that are not relevant in a democratic context	- Zimbabwe can flourish and operate well without AIPPA and POSA. - AIPPA and POSA contradict the freedoms given by the Constitution of Zimbabwe Amendment (No. 20) Act 2013 - and the principles of Association and Participation which the Church promotes.	- Repealing POSA and AIPPA, or at least, aligning them to the Constitution of Zimbabwe Amendment (No. 20) Act 2013
3.	ZEC's Multi-party / stakeholder liaison and engagement process	There is power in dialogue, inclusivity and responsiveness. Dialogue builds trust, co-existence and mutual understanding: "Do not regard him as an enemy, but warn him as a sister/ brother" (2 Thes. 3:15)	Dialogues and engagements between ZEC and political parties, CSOs and FBOs should continue and become more commonplace without "anger, wrath, malice, slander, and abusive speech from your mouth" (Colossians 3:8).
4.	- Roles of traditional leaders in Zimbabwe - Relationship of traditional leaders to state and political parties and their influence on voters	Insincerity or lack of adherence to <i>Traditional Leaders Act</i> (Chapter 29:17), Chapter 15 of the <i>Constitution of Zimbabwe (No.20) Act 2013</i> and Social Teachings of the Church	- Principled and actioned judicial judgements - Transformative civic reflection and learning experiences for traditional leaders on <i>Traditional Leaders Act</i> (Chapter 29:17), Chapter 15 of the <i>Constitution of Zimbabwe (No.20) Act 2013</i> and Social Teachings of the Church (including reflections on ethics and conscience)
5	Partisan distribution of humanitarian aid (food, agriculture input, livestock etc)	Traditional and political structures have been used to distribute humanitarian aid in the community. However, they have not been rational. Political opponents - even if they are vulnerable - have been denied until they change or denounce their political affiliations or choices	- Formulation of a policy or legislation with guidelines or framework for humanitarian distribution. - Food is fundamental human right. Those who would deny others their right to food on the basis of political affiliation - and therefore right to life - should be prosecuted.
6	Failure to recognize political diversity and differences between and among political parties and their	Intra and inter-party conflicts have downplayed human life and dignity; freedom of expression and equal participation of men and women in electoral or democratic processes	Facilitated horizontal and vertical national peace, dialogues and reconciliation process amongst members of the same political parties; and national peace and reconciliation between political parties and their supporters; the same amongst and between state institutions such as Defence Forces...

	supporters - death wishing political campaigns, threats and intimidations		
7	Reliving fear accrued from previous electoral violence; promising post-election violence similar to the one experienced in 2008	- Zimbabwean men and women have genuine fear of elections, especially when they are promised a repeat of violence (and sometimes much worse) experienced in previous elections.	- Comprehensive, victim friendly national peace and reconciliation process for Zimbabwean men and women in line with Section 252 of the Constitution of Zimbabwe Amendment (No. 20) Act 2013 - Facilitated, evidence based dialogues for political parties, traditional leaders, war veterans and security forces on constitutional values and Social Teachings of the Church
8	Scramble for political party regalia	Voters have not seen the immediate benefits of elections or participating in democratic processes. Political party regalia has become the only tangible and visible gain for voters. Thus voters contestation for political party regalia has been clumsy - and sometimes violent	- Political parties should establish legal, guiding frameworks for distributing political party regalia - Elected duty holders should deliver their election promises to so that the voters would enjoy the fruits of participation, democracy and better governance rather than seeing access to political party regalia as an end in itself.
9.	Chaotic and volatile primary elections conducted by contesting political parties	Administrative and logistical challenges such as late delivery of ballot papers, logistical challenges, missing candidate names on some ballot papers, excess ballot papers, staffing of ballots, imposition of candidates, vote buying and gender insensitivity undermined the freeness, fairness and transparency of political parties' primary elections	- Political parties should have legal frameworks for candidate nomination and processes for conducting primary elections. - Political parties' legal frameworks or guidelines for conducting primary elections should have provisions for women's quota since many were elbowed out after failing to withstand the volatile situation - Political parties should have voters' rolls for primary elections - For transparency purposes, political parties could invite "external" observers to observe their primary elections
10	Unequal media access by contesting political parties, especially to	The media was closed to other political parties - save for the ruling party and to some extent, MDC Alliance. This minimized voters rights to hearing other political views and therefore minimizing their political choices	- Review of Zimbabwe's media laws and freedom of electronic media to allow establishment of more audio/visual transmission stations, especially in poor and marginalised communities. - Legislative opening of, for example,

	the electronic media		community radio stations would help in fulfilling Section 52 of the <i>Constitution of Zimbabwe Amendment (No.20) Act 2013</i>
11	Inadequate voter education: "My people are destroyed for lack of knowledge" (Hosea 4:6)	A generalised voter education was fairly provided across the country. Nevertheless, it was scarce in the so called minority languages such as Tonga, Nambya, Kalanga, Venda, sign language, Braille and other languages illustrated in the constitution. More could have been done to enable voters access voter education in the languages they best understood. There was no specific voter education targeting, especially of first time voters (who are also the youth) and women.	- ZEC should open space for more organizations to complement voter education and should do away with voter education content approval and restriction as it is against Section 52 of the <i>Constitution of Zimbabwe Amendment (No.20) Act 2013</i> - Voter education should be carried out throughout the electoral cycle in order to have enough time to consider the necessary gender, generational and lingual dimensions
12	Inadequate/lack of ablution facilities on open space/tent voter registration /voting spaces	Voters frustration and sometimes withdrawal (not coming back again) from participating in electoral processes if the call of nature force them out of "queue" to go back home or any other place to use the toilet.	Mobile ablution facilities should be placed in open spaces on tents where the voting processes would be taking place for voters' convenience and health purposes.
13	Inadequate lighting in polling stations	Voting took longer and voters' waiting period increased at some polling stations as both election officials and voters struggled to read documents in poorly lit polling stations.	- ZEC should invest more in lighting polling stations, especially those usually located in tents on open spaces
14	Excessive use of force and live ammunition on demonstrators	The excessive use of the security forces, especially on 1 August 2018 which resulted to the death of at least six people, will not help in building the Zimbabwe we all want. Rather, it amplifies the inherent fear in Zimbabwean men and women that have been induced in successive elections since 2008. The fear will increase citizens' passive participation, apathy and disengagement with democratic and electoral processes	- Demilitarization of civic processes and avoiding the use of live ammunition in controlling civic expressions. - Violence should not be condoned, but there is no one who has the power to end people's lives in whatever circumstance except God [who] is both the author and sustainer and terminator of life (Acts 17:25, 28; 1 Timothy 6:13; 2 Samuel 6:7).
15	Commission of Inquiry to Inquire into the Post Election Violence that took place on 1 August 2018 in Zimbabwe	The Presidium concern for the post-election violence was noted. Nevertheless, it was not necessary to invest Zimbabwe's scarce resources into a new commission dominated by foreigners. Zimbabwe already has constitutional commissions with relatively better understanding and appreciation of the context that could have performed the same task. The terms of reference of the <i>Commission of Inquiry to Inquire into the Post Election Violence that took place on 1 August 2018 in Zimbabwe</i> resonate well with the functions and responsibilities of at least two	- For future inquiries, the government should initially consider local, independent commissions established under Chapter 12 of the <i>Constitution of Zimbabwe of Zimbabwe Amendment (No. 20) Act 2013</i>

		independent commissions established under Chapter 12 of the <i>Constitution of Zimbabwe Amendment (No. 20) Act 2013</i> namely Zimbabwe Human Rights Commission and the National Peace and Reconciliation Commission. The use of the local commissions could have made a double impact: investigative, redressing and closure. Zimbabwe's Chapter 12 Commissions report to parliament which enhances their transparency and independence. The <i>Commission of Inquiry to Inquire into the Post Election Violence that took place on 1 August 2018 in Zimbabwe</i> is accountable to an individual - the President. This might compromise their independence and objectivity.	
15	ZEC's changing and flip flopping of poll results for ZANU PF and MDC-Alliance presidential candidates	The lack of consistency shown in the changing of presidential poll results of the first two presidential candidates for 2018 Harmonized Elections after an Election Petition raised questions of trust, efficiency, capacity, transparency and - as spill over effects - (president) legitimacy. The latter is detrimental to the national's post-election rebuilding.	Capacity building for ZEC, especially on of Statistical/Data collation and Data Management in line with Section 110(3)(a-f) of the Electoral Act. - ZEC should (re)gain voters confidence of voters by proving that it is transparent and independent
16	"Freeness and "fairness" of 2018 Harmonized Elections	- The narrative of fear punctuated by promises of a return of 2008 political violence (or even worse); denying political opponents humanitarian aid (food, agriculture inputs, livestock etc) and everything else they need for livelihood - and the threats of evictions from the land - have been the common political life in most Zimbabwean rural communities for the last decade. - Since 2008, through 2013 to 2018, majority of Zimbabwean voters, especially from the rural areas have voted under duress, with fear and desperation as common denominators. It is under such circumstances where the "freeness" and "fairness" of 2018 Harmonized Elections become heavily compromised.	- Everything else recommended in this column with emphasis on creating platforms for stakeholders dialogues on constitutionalism - Promotion and public awareness of Constitution in all the 16 languages as stated in Section 7 of the <i>Constitution of Zimbabwe Amendment (No. 20) Act 2013</i> - Reducing poverty levels/vulnerabilities of poor and marginalised communities in Zimbabwe to be food secure and self-sustain to reduce their susceptibility to political manipulation.

3. Overall Conclusion

- ★ There were some improvements in the 2018 Harmonized Elections. The pre-election period was relatively peaceful with less incidents of overt violence. Political parties were given spaces to campaign and mobilize voters. There was a new, bio-metric voter registration process. This led to a completely new voters' roll administered by the election management body. The polling stations opened and closed on time. Counting and announcement of results was also done on time and according to the law. The use of return forms in collating results ensured efficiency and transparency.
- ★ However, the narrative of fear motivated by promises of a return of 2008 political violence (or even worse); denying political opponents humanitarian aid (food, agriculture inputs, livestock etc) and everything else they need for livelihood - and the threats of evictions from the land - have been the common - and 'normalized' -

political life in most Zimbabwean rural communities for the last decade.

- ★ This narrative is intriguing in that the intimidation, isolation and violence strategy has been similar and implemented almost at the same time across Zimbabwe. This points to a centre or cartel where the concoction of political and electoral intimidation, isolation and violence is brewed and delivered throughout the electoral cycle by complementary structures, institutions and individuals that are rewarded through a well-resourced patronage system.
- ★ Often, the state has ceased to exist beyond the provincial levels. Political party functionaries - some of whom have been recruited within the traditional leadership, civil and security service - take charge of all the state welfare and livelihood support interventions from the province to the village level. As such, some poor and marginalized citizens, who are the majority of voters, have been heavily squeezed to give up democracy and political independence to secure their residential places and benefit from welfare and humanitarian aid.
- ★ This means that since 2008, through 2013 to 2018, majority of Zimbabwean voters, especially from the rural areas have voted under duress. Fear and desperation have been the common denominators. This has happened in a context where lack of media reforms has prevented other political parties from effectively engaging with the electorate using the electronic media. This has also happened in a situation where the election management body has been casual in fulfilling some of the electoral reforms. These include continuous and adequate provision of voter education in all languages stated in the constitution and timely provision of voters' roll among others. It is under such circumstances where the "freeness" and "fairness" of 2018 Harmonized Elections becomes heavily compromised.