There were five political parties that took part in the elections – Zimbabwe African National Union Patriotic Front (ZANU PF), Movement for Democratic Change (MDC), Zimbabwe People’s Democratic Party (ZPDP), Zimbabwe African National Union-Ndonga (Zanu-Ndonga) and Zimbabwe Youth Alliance (ZIYA) and 17 independent candidates. They were contesting for 120 of the 150 seats in the National Assembly.1 This paper will focus mainly on the two major political parties, the MDC which is the main opposition and ZANU-PF, the ruling party. From time to time we will raise issues relating to other smaller parties and independents.

Introduction

This paper covers the campaign process during the 2005 Zimbabwe parliamentary elections. These elections in Zimbabwe were aimed at offsetting controversies that occurred in the 2000 parliamentary and 2002 presidential elections. Notwithstanding, as campaign issues are not legislated in the Zimbabwe Electoral Act, it was the SADC Principles that provided the basis in creating a peaceful process.2 The SADC Principles and Guidelines give clear guidelines on how campaigning in any SADC country should be conducted. They clearly articulate that “there should be freedom of assembly, freedom of expression, political tolerance, voter education and equal access to media.”3 This article seeks to examine whether the campaign in the recent parliamentary elections in Zimbabwe conformed to these regional guidelines.

Issues on which both ZANU-PF and MDC Campaigned

President Robert Mugabe officially launched ZANU-PF’s election campaign under the “Anti-Blair” slogan at the Harare International Conference Centre (HICC) on 11 February 2005. The MDC launched its campaign, based on economic issues, on 20 February in the Masvingo’s Mucheke stadium. The MDC slogan "New Zimbabwe with jobs and food"4 was intended as a reaction to the economic crisis that is currently prevailing in Zimbabwe. ZANU-PF’s anti-imperialist rhetoric was intended to discredit the MDC as a puppet of western powers. ZANU-PF banners were clear in this regard: "2005 election – time to bury Blair and his puppets, MDC; 2005 anti Blair election – Blair keep your England, I’ll keep my Zimbabwe; and Zimbabwe will never be a colony again"5. The MDC instead promised to restore macro-economic stability and provision of free basic socio-economic services, such as education and health.6 On the land issue, both parties pledged extensive reforms, ZANU-PF promised agricultural support mechanisms and long term financial assistance.7 Similarly, MDC

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1 EISA Election Update 2005: Zimbabwe, No 2, 31 March 2005 p. 6
2 Sokwanele, “Zimbabwe Electoral Legislation: Checklist against the SADC Principles Governing Democratic Elections”.
3 Preamble to SADC Principles and Guidelines.
5 Banda, C. “Mugabe Sets for Ugly Campaign”. Institute for War and Peace, Africa Reports: Zimbabwe Elections No 6, 12 February 2005
promised the “recovery of the agriculture sector” and promotion of security of tenure in order to improve the viability of farming to stimulate investment and boost production.8

Both ZANU-PF and the MDC campaigned extensively, in a violence-free environment. However a level of mistrust and suspicion between the two parties was ever present.

Constraints and Obstacles to an Easy Campaign

Legislation during campaign

The 2005 election campaign was free from the intimidation, coercion and political violence that characterised prior elections in Zimbabwe.9 The level of political tolerance was heightened by an appeal by the two leaders - President Robert Mugabe of the ZANU PF and Mr. Morgan Tsvangirai of the MDC - to their supporters to stay clear from violence or else face the wrath of the law.10 However there were still incidents of intimidation that occurred, especially in the rural areas with chiefs and police ‘harassing and barring’ oppositions’ party’s candidates and supporters from freely campaigning.11 In addition, the Public Order and Security Act (POSA) in force during the election, deprived opposition parties and independents from holding meetings without prior police clearance. POSA regulates that if more than five individuals intend holding a meeting, they must apply for a written authorisation from police four days in advance.12

Political funding and election campaign

An effective election campaign requires sufficient funds. In Zimbabwe the law, Political Parties (Finance) Act stipulates that political parties with at least five percent of total votes from the most recent election qualify for state funding. This meant that only ZANU-PF and MDC parties obtained funding during the 2005 parliamentary elections.

ZANU-PF received Zim$3.5 billion ($578,608) and the MDC, Zim $3 billion ($495,949) for their campaigns.13 Small Zimbabwean parties and independents complained that 'unfair legislation' froze them out of the elections by denying them access to government funding for political campaigns. Other smaller parties such as the Democratic Party (DP), ZAPU a former liberation movement; the National Alliance for Good Governance (NAGG); and the Multi-racial Christian Democrats failed to register due to critical shortage of money to finance their campaign.14

Media and election campaign

The importance of the media in the election campaign is to link parties to citizens and educate voters to make informed choices. In terms of access to the media and contrary to what was witnessed in the 2002 election, the public media devoted a great deal of time to the opposition.15 However, the MDC viewed the electoral “playing field”, especially the access to the media as still “not level.”16 Indeed, while opposition parties were allowed access to the state broadcast for the first time during an election, the media coverage was extensively biased in favour of ZANU-PF. The National Public Broadcasting Corporation, (ZBH) failed to provide “balanced, fair, complete and accurate” coverage during campaigns - 85% airtime focused on ZANU-PF, whereas only 15% was allocated to the MDC.17

Use of state resources during campaigning

Equally important during the 2005 elections was the use of state resources. There are reports that , ZANU-PF was involved in vote buying gimmicks including giving food (maize meal) to its “supporters” and donation of computers to schools “that did not even have reading material”,18 President Mugabe used Air force helicopters as transport during campaign and this was clear violation of electoral laws which forbid competing parties from using government resources during campaign without reimbursement.19

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8 Sifelani Tsiko & Caeser Zvayi. Manifestos show policy congruence; 23 February 2005
10 Caiphas Chimhete, Violence: Zanu PF’s poll trump card, The Zimbabwe Situation, 21 March 2005
11 Op cit, 21 March 2005. p15
12 Ibid, p. 31
14 Ibid, 24 February 2005
15 EISA election Update 2005 Zimbabwe Number 2 31 March 2005
16 Ibid, 21 March 2005
18 Ibid, 21 March 2005
19 EISA election Update 2005 Zimbabwe Number 2 31 March 2005. p 7
Conclusion

The 2005 elections went well in a relatively peaceful environment. No major incidents of intimidation and violence were reported. This contributed to a remarkable improvement in the electoral processes in Zimbabwe. Zimbabwe however, still needs much improvement in certain areas of its electoral process. These include the abandoning of draconian laws such as POSA and AIPPA which severely limit freedom of association and political tolerance during election campaign, monitoring of the use of state resource which will require that Zimbabwe puts in place a truly independent Electoral Commission, and an impartial public media. However, from a regional perspective, Zimbabwe election was a landmark since it was organised within the framework of the SADC Principles and Guidelines which were confirmed in Mauritius during 2004.20

DEMOCRATISING ACCESS TO THE MEDIA IN THE 2005 ELECTIONS IN ZIMBABWE. Bertha Chiroro

The struggle for a much more pluralistic society in Zimbabwe has moved from a different magnitude - starting with the demand for a new constitution, a transparent electoral process and access to the media by all political parties. In the 2005 elections, the opposition clamoured for a free media environment in compliance with SADC Principles and Guidelines, which stipulate that all contesting parties and candidates should have access to the public media. The media can play a more specific role in enabling full public participation in elections, not just by reporting election results but also by providing a platform for the political parties to communicate their message to the electorate in an environment where the parties are allowed to debate with each other. This does not often happen in Zimbabwe where the government has an absolute monopoly on the electronic media. After immense pressure, locally and regionally, to level the electoral playing field the ZANU-PF government opened up the airwaves to opposition parties. This paper examines the attempts by the government of Zimbabwe to democratise media access for the parties during the March 2005 elections and whether the media really fulfilled their democratic role in those few days, regarded as the “election period” from 26 February – 29 March 2005.

Is There a Free Media Environment in Zimbabwe?

The provisions contained in the Access to Information and Protection of Privacy Act (AIPPA) are alleged to be antithetical to a free media environment. AIPPA has been used to close down independent newspapers, The Daily News, The Daily News on Sunday, The Tribune and The Weekly Times. Under the Act it is a serious criminal offence for a newspaper to operate and for a journalist to practice without being registered or accredited by the Media Information Commission (MIC). It is also an offence under the Act for a journalist to publish false information. Whilst this is important for responsible journalism, it has led to self-censorship and stifled freedom of speech, as independent newspapers are afraid of the threat of closure by the MIC. The MIC is considered a partisan body because it consists of ministerial appointees who are given wide-ranging powers to decide which newspapers may operate and which journalists may practice their profession. The Act has also been used to stop most foreign journalists from operating inside the country since only permanent residents of Zimbabwe are entitled to be accredited as journalists for longer than 30 days. During the 2005 elections two British journalists from the Sunday Telegraph were arrested for trying to cover the elections without accreditation, an offence that carries a fine and up to two years in jail. However other foreign journalists and media outlets such as Sky News were given accreditation and they covered the elections.

How Accessible was the Public Media?

Government owned media, funded out of public money should be required to give fair coverage and equitable access to the opposition. Under the Broadcasting Services (Access to radio and television during an election) Regulations 2005 (Statutory Instrument 22 of 2005), the government of Zimbabwe gazetted regulations permitting opposition parties “reasonable access” to the state controlled media and the advertising rates for both radio and television on 16 February 2005. Radio was much cheaper ranging from Z$500.000 for 30 seconds to Z$1.4 million depending on whether it was prime time rate or weekend prime time rates. Advertising rates on television ranged from an average Z$1.4 million to almost Z$4 million21.

The Media Monitoring Project Zimbabwe observed the news and current affairs coverage both prior to and after the start of the 26 February “election period”. The Broadcasting Services Act defines 33 days before polling day

20 Op-cit, ZESN April 2005

21 http://www.kubatana.net
as the election period. MMPZ observed that from 1 January to 29 March, the main stations of Zimbabwe Broadcasting Holdings (ZBH) television and radio carried a total of 408 election campaign stories covering the MDC and ZANU-PF. 346 (85%) stories covered ZANU PF, whilst 62 (15%) of the stories were on the MDC. The two parties were also allocated 12 hours 23 minutes campaign time on ZTV from 6pm to 8pm from 1 January and 29 March. The national broadcaster gave ZANU-PF 11 hours and 29 minutes (93%) while 54 minutes (7%) were given to the MDC. Furthermore, it is reported that when ZANU-PF launched its campaign on 11 February, ZTV allocated 18 minutes of its 8 pm News bulletin to covering the launch. In addition, the ZANU-PF launch was covered live with ZTV’s presenters wearing ZANU-PF T shirts. On the following days, 12 and 13 February, further bulletins covered the ZANU-PF launch in huge contrast to the launch of the MDC campaign on 20 February, which was given only 2 minutes 35 seconds.

Furthermore, during what is regarded as the election period (26 February- 29 March) where the ZBH is allowed by law to give fair coverage to all parties, 4 hours 44 minutes (87%) were allocated to ZANU-PF whilst only 41 minutes (13%) were allocated to the MDC. The MDC in their preliminary report on the 2005 elections, released to the public on 31 March 2005, allege that in cases where they were given airtime coverage, viewers were either misinformed of the time or the MDC’s position on a range of issues, such as resettled farmers, was completely misrepresented. A particular case in point concerns one of the MDC legislators, Tendai Biti, who had an interview on television but the programme was only clear for viewing in Harare while there was a blackout in Bulawayo and the broadcast was not clear in Gweru and Mutare area which are MDC strongholds. The MDC considered this as deliberate sabotage and made a formal complaint to the ZBH chairperson but they never had a reply. On the print media, the MDC alleges that all state controlled newspapers refused to carry MDC adverts.

**Did the Media Play that Democratic Role?**

Did the media function freely without hindrance, and was there balanced fair, complete and accurate coverage? The reports that are coming from Zimbabwe show an improvement in the electoral climate which was peaceful, but still the media remained an area that required improvement. For example, the Electoral Commissions Forum of SADC Countries, (SADC ECF) in their interim statement, reiterated the importance of the media in the electoral process and called for further equitable coverage of all political contestants in the public media. The head of the SADC Observer Mission, Minister Mlambo-Ngcuka, also stressed improved access to the state media by the opposition. Whilst a number of people and analysts had welcomed the opening up of the airwaves they did not believe in the sincerity of the ZANU-PF government. The MMPZ who monitored the media coverage, stated that the ZBH failed to fulfil its public mandate to provide balanced and fair coverage. They argue that from the allocation of time to the news coverage, it was clear that the broadcaster was biased in favour of the ruling party. Furthermore they argue that most of the coverage was used to denigrate the MDC and to positively portray the ruling party. They conclude their findings by stating categorically that the ZBH made no attempt to disguise their gross bias in favour of the ruling party at the expense of other contesting parties, thereby violating the spirit of SADC Guidelines and depriving Zimbabweans their right to access information.

The MDC, in their report, concluded that the party’s attempts to use the state media as an effective means to communicate their policies to the electorate was constantly frustrated and there was no equal or reasonable access to the electronic media. The Zimbabwe observer mission, which is a consortium of groups comprising the South African Council of Churches, SANGOCO, IDASA, the Centre for Policy Studies, and the Institute for Justice and Reconciliation in their report, concluded that the MDC had some space but it was too little and much too late.

However the private press is said to have given greater and more positive coverage to the MDC and its activities and also carried a critical examination of the ZANU-PF claims in its manifesto. Some of the private press also followed up on issues of ZANU-PF vote buying. They also raised questions about the government’s list of foreign observers and speculated on those that were left out (MMPZ Weekly Media Update, 14 February - 20 February 20 2005). Such is the nature of the private press in Zimbabwe that it tends to be the opposition mouthpiece and very critical of government. The private press tends to be for the consumption of the urban population and also to a large extent, it is elite oriented, whilst 70% of the rural population listen to the radio, which is also the ruling party’s propaganda mouthpiece. This points to the polarisation of the media in Zimbabwe, where the independent press highlights the opposition policies and the public media is characterised by state party control. This is not peculiar to
Zimbabwe alone, but in most African countries the government has absolute monopoly of the electronic media.

**Conclusion**

Zimbabwe’s society is not characterised by media freedom and diversity. A major obstacle is some provisions of AIPPA. Without media freedom and pluralism, democracy is not possible; media freedom is impossible in countries where authoritarian rule is rampant. In the 2005 elections, media access was not democratised and it remains an arena of political struggle. There was unequal access to the public broadcaster and there is evidence that access was skewed in favour of the ruling party. The electronic media needs to be put under the full control of a truly independent broadcasting regulatory authority. There should be a well-developed regulatory framework for media activities during election periods to facilitate media freedom and a press complaints body such as ICASA in South Africa. There is a greater need for the Zimbabwe government, the ruling party, the opposition parties, and civil society to revisit the issue of democratising communications, broadcasting access and the relevant bodies.

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**POLITICAL VIOLENCE AND INTIMIDATION IN ZIMBABWE’S 2005 PARLIAMENTARY ELECTIONS**

*Grant Masterson, with Maureen Moloi*

**Introduction**

Democratic practice is substantively undermined by political violence and intimidation. Political violence negatively impacts on voters’ rights to freedom of association, freedom of expression, freedom from intimidation and freedom of choice, amongst others, which are all vital to the practice of free and fair elections. An absence of politically motivated violence and intimidation are therefore necessary in order to conduct democratic, free and fair elections22.

**Election Conflict Management**

The very nature of elections is to contest political power in a country, and therefore, it is naïve to expect conflict of some nature to be entirely excluded from an election.

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balances to ensure that the contestation of power between different parties does not turn to violent means. Ensuring that credible means of dealing with conflicts that may arise are put in place is an essential requirement for the success of any election. Where such means are absent, or where they are not considered credible by all parties, the potential exists for the fermentation of political violence and intimidation.

According to the Zimbabwe Electoral Act 2004, any person who uses “undue influence”\(^\text{23}\), including: the use or threat of force; inflicting injury, damage or harm on any person (including him/herself); or does or threatens to do anything to the disadvantage of another person “in order to induce or compel that person...to vote or refrain from voting”\(^\text{24}\) is guilty of undue influence and is subject to fines and possible imprisonment terms as well as other punishments described under penalties later in the act\(^\text{25}\). These punishments are subject to a conviction in the Zimbabwe High Court.

### Political Violence and Intimidation in the Build-up to the 2005 Parliamentary Elections

The political climate prior to the 2005 parliamentary election has produced less overt incidences of political violence than were apparent in previous elections in 2000 and 2002. The security forces were clearly visible in maintaining tight security and the rule of law despite allegations of isolated incidents of intimidation\(^\text{26}\). Some observers have suggested that this reduction in levels of political violence and intimidation reflects a desire in the ruling ZANU-PF party to clean up the country’s international image\(^\text{27}\). However, many observers are sceptical that the reduced levels of political violence reflect a substantively freer political campaign environment for opposition parties than it did in the past. Legislation such as the Public Order and Security Act (POSA) continues to restrict opposition campaign movements. POSA Section 24 requires notice of intention to hold public gathering. Section 25 regulates the public gatherings & Section 26 has power to ban any public gathering.\(^\text{28}\) This severely restricts the rights to freedom of assembly, movement and association and has been consistently used by the police to arbitrarily arrest those perceived to be critical of the government. The application of the POSA has appeared inconsistent; whilst the ruling party campaigns unhindered, opposition parties have been denied permission to campaign and hold rallies in public venues, casting doubts on the substance of the reduced levels of political violence that are being observed.

However, although levels of violence have come down since 2002, reports of violence remain at levels which are undesirable in an ideal election. In a report released in September 2004, the Zimbabwe Human Rights NGO Forum took a sample of reported cases of violence in Mvurwi, in the Mazowe West Constituency during July 2004, 8 months prior to the March 2005 election date\(^\text{29}\). The report details various allegations and statements made to the police, and sought to verify these reports through independent means. The report categorised the apparent/alleged motivations of incidences of violence in the district and concluded that by far, the greatest number of reported incidents appeared motivated by a desire to deny individuals the right to freedom of expression/assembly/speech or political discrimination/intimidation/violence. Other significant motivations listed in the report included assaults and torture, and a number of incidences of vandalism to property were also reported.

### Conclusion

Compared to the elections in 2000 and 2002, the pre-election conditions for Zimbabwe’s 2005 Parliamentary elections were characterised by less incidents of overt political violence and intimidation than in previous elections. Opposition parties continue to make allegations of political violence and intimidation by ruling party in the build-up to the 2005 elections, whilst ZANU-PF claims that the pre-election conditions in Zimbabwe were conducive to free and fair elections and comply with the SADC Principles and Guidelines for Election Monitoring and Observation. Although political violence appears to have been reduced since 2002, the election pre-conditions would unlikely satisfy the criteria for a peaceful campaign process, and thus allows for further improvements in future elections.

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\(^\text{24}\) Ibid. 2004.
\(^\text{25}\) Ibid. 2004.
\(^\text{28}\) POSA: Public Order and Security Act (No1 of 2002)
The use of public resources during election time has always been a thorny issue throughout the world, and Zimbabwe is no exception. The debate has centred on the notion that the use of public resources has been unfairly to the advantage of ruling parties. This article will look at the use of public resources in Zimbabwe with regard to the public media, public funding for political parties and other public-related resources that are and can be used. Furthermore, the article will critically focus on the relevant legislation that clearly stipulate on the conduct of political parties when using state resources.

Public Funding to Political Parties

An election is a fairly expensive endeavour in that it demands the investment of various kinds of resources throughout its three main phases, namely: pre-election; polling or election day; and post-election³⁰. Throughout the world, ruling parties have a tendency to set rules that are heavily favourable to them. EISA’s election instrument, the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) notes that the majority of SADC member states provide public funding to political parties for election purposes. However, in Zimbabwe, the Political Party (Finance) Act forbids any public funding for political parties with less than 5% parliamentary representation. Section 7 of the Act stipulates that no person who is a citizen of a foreign country domiciled in a country other than Zimbabwe shall, within Zimbabwe, solicit donations from the public on behalf of any political party of candidate. This Act (see Election Talk 19 for further details) has seen many parties and some independent candidates failing to contest the parliamentary elections. In this regard, political analysts and opposition parties argue that the playing fields are not level. In an effort to have a political environment that is conducive to credible elections, PEMMO has come up with following recommendations:

- Public funding should be extended to all parties (and independent candidates) contesting elections who can demonstrate a track record of support in the most recently held elections, based for example on their share of the popular vote;
- The Electoral Management Body (EMB) should be responsible for regulating the use of these public funds and beneficiaries of the funds must provide verifiable accounts to the EMB; and
- Consideration should be given to the establishment of rules governing the disclosure of all sources of funding of political parties.

Use of State Resources & Freedom of Assembly and Association

It is generally accepted that the main function of the police throughout the world is to maintain law and order. In an effort to maintain such, the Zimbabwean government has instituted the Public Order and Security Act (POSA). The Act has been seen as hindering freedom of assembly and association as it gives the police wide powers to control public meetings and demonstrations. This also applies to political rallies, gatherings and meetings that are conducted in any public place³¹. It has been argued by opposition parties that state resources, in this case the police, are mainly misused to curtail political freedom of association and expression. Section 24 of POSA stipulates that organisers of public gatherings, other than social gatherings, must give the police four days’ notice that they are going to hold them, and failure to give notice is a criminal offence punishable by up to six months’ imprisonment. To some extent, it has also been put forward that this Act stifles the freedom of the press.

Use of State Resources & Freedom of Expression

The media plays a crucial role in the democratic affairs of any given country. Whether state-run or independent, the fact remains that there is a need for objective analysis on the state of democracy, more especially around election time. In many Southern African countries and beyond, the painful reality is that the ruling parties dominate the public media. Chief of the argument is that in election time, the ruling party enjoys privileged

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³⁰ Matlosa & Mbaya, 2004: 12

³¹ Masterson, 2005: 2
access to the public media at the expense of the opposition parties. Though the emergence of independent media has had the effect of challenging this monopoly, there is still a perception that in some cases the public media is not sufficiently accountable to the populous, often resorting to sensational and bias reporting\textsuperscript{32}.

In Zimbabwe, the perception is no different. The state has passed the Access to Information and Protection of Privacy Act (AIPPA) which lays down the rules for the public media. Various stakeholders in the country object to this Act as infringing on freedom of expression. Section 79 of the Act mandates that no journalist shall exercise the rights of a journalist without being accredited by the Media and Information Commission. The credibility of this Commission has been a bone of contention because of the nature of its composition. The Commission consists entirely of ministerial appointees, who are partisan and ruling party sympathisers\textsuperscript{33}. Furthermore, Section 80 (1: A) of the Act mentions that it is an offence for a journalist to falsify or fabricate information. This Act has seen many independent newspapers being shut down.

Nonetheless, PEMMO has come up with the following recommendations regarding public media:

- All contesting parties and candidates should have equal access to the public media;
- Media regulations should be issued by an independent media authority responsible for monitoring and regulating the media on a continuous basis; and
- Media coverage of the elections should be subject to a code of conduct designed to promote fair reporting.

**Conclusion**

The article has reflected on the complexity of the usage of state resources in Zimbabwe, especially around election time. Furthermore, the issue on the use of state resources has not only been controversial in Zimbabwe alone, but also throughout the world. However, in Zimbabwe, the issue has fuelled tensions between the ruling party and the opposition parties. In an effort to balance the reportedly uneven playing fields, the article has also given the recommendations as stated in PEMMO.

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\textsuperscript{32} PEMMO, 2003
\textsuperscript{33} ZESN, 2005: 8