



Promoting Credible Elections and  
Democratic Governance in Africa

# ELECTION UPDATE 2005

## ZIMBABWE

number 2 31 March 2005

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Published with the assistance of  
New Zealand High Commission



### Introduction

This *Update* covers the election preparation stage that includes analysis from constituency delimitation to setting of the election date. It also covers the voter registration, political party registration, candidate nomination, the campaign process, voter and civic education as well as the role of the security forces. The merits and demerits of each process is covered and tentative conclusions made in order to enable an analysis of this stage of the electoral process in Zimbabwe. The period between January to February 2005 was riddled with problems including the late appointment of the ZEC, an institution mandated to run the elections in Zimbabwe. This development

had a spill-over effect as the institution was unable to supervise and coordinate the voter registration, inspection of the Voter's Roll and the delimitation of boundaries. Logistical problems were evident as the newly appointed body assumed its functions.

The period from March 2005 saw the active participation of the ZEC as it took the leading role in accreditation of observers and monitors and engaged in extensive voter education. The previously held suspicions that the institution might not be independent were dispelled as the body instituted impartial and extensive voter education. The public and private media, especially the electronic media, engaged in covering all political parties

and independent candidates who were to compete in the electoral process, although the coverage was heavily tilted in favour of the ruling party. The print media gave insignificant coverage to the opposition and independent candidates. Although there were disturbances and violence on a small scale (relative to the 2000 and 2002 elections) in the period before February 2005, March saw the opposition, ruling party and independent candidates engaging in extensive campaigns in both the rural and urban areas. Although fear was still present amongst the electorate, all parties were able to campaign freely with minor problems.

It should however, be pointed out that the Voter's Roll is in shambles and a fair electoral

process is not possible. The opposition parties and independent candidates were denied an electronic copy of the Voter's Roll as mentioned in *Update No. 1*, this development was negative in the sense that using an electronic copy of the roll enables both a quicker and easier programme to be installed and a thorough analysis of the Voter's Roll. Duplicated names, names of the deceased as well as names in wrong constituencies would be easily picked up using an electronic Voter's Roll. The MDC had to send the hard copy of the Voter's Roll to South

Africa to enable a digitalisation of the voter roll and then carried out a door-to-door survey which was time consuming, costly and laborious. This *Update* covers both the challenges and the merits of all the electoral processes described in the previous *Update*.

### **Delimitation of Boundaries for the 2005 General Election**

The Delimitation Report was submitted to the President of Zimbabwe in September 2004 as per Section 60 (1) sections 1-5 of the Constitution of

Zimbabwe. The total number of registered voters was 5 658 637, an increase of 608 822 from the year 2000. The average number of registered voters per constituency is 47 147 given that the country was divided into 120 constituencies and 10 administrative provinces. Below is a diagrammatic illustration of number of constituencies, registered voters and polling stations.

#### **Constituency Delimitation**

PROVINCE	CONSTITUENCIES	REGISTERED VOTERS	POLLING STATIONS
Bulawayo	7	339 990	161
Harare Chitungwiza	18	832 571	236
Manicaland	15	686 767	433
Mashonaland Central	10	490 181	351
Mashonaland East	13	610 715	339
Mashonaland West	13	593 354	455
Masvingo	14	675 234	427
Matabeleland North	7	342 745	280
Matabeleland South	7	341 258	318
Midlands	16	745 822	582
<b>TOTAL</b>	<b>120</b>	<b>5 658 637</b>	<b>3 582</b>

Source: Delimitation Report 2005

It should be noted that election bodies are still not considered to be inclusive, impartial, competent and accountable in terms of the clause 7:3 of the SADC Principles and Guidelines governing democratic elections. With only three weeks before the elections ZEC had not yet been housed in proper offices with telephones and vehicles to carry out their own investigations. Currently most of the functions of the ZEC, as provided in the Electoral Act are still scattered between the Registrar General Voters and the ESC. The ZEC which is supposed to be the active, independent, impartial and competent electoral body put in place to conduct free and

fair elections did not appear to be visible in the electoral process. Most of its functions in the initial stages were carried out by the ESC and the R.G Voters because the ZEC had not been put in place. Opposition political parties and civil society organisations claim that they were not consulted at all in the entire delimitation process. In a highly charged and polarised society such as Zimbabwe, it may have been prudent on the part of the Delimitation Commission (D.C.) to solicit views and objections of such bodies. There is an obligation which is placed on government to ensure that all electoral bodies including the D.C. are

seen to be impartial and inclusive. The government however responded to the critique of the ZEC by highlighting that input from a parliamentary committee was sought which included members of the opposition who actually made their own recommendations, a development in line with SADC provisions.

The previous Delimitation Commissions requested more than six months to finish the delimitation assignment yet the current Commission was reported to have said that two months would suffice (*The Daily Mirror*, September 2004). The D.C. reports of

1990, 1994, 2000 noted and registered complaints with the President that the three months period allocated to it to complete the delimitation process was too short. Previous Commissioners had to work long hours and even during the weekends. It is noted with concern that the 2004 Delimitation Commission was quoted as saying that it would finish the process in two months. Such a comment could give rise to fears that the exercise had not been given due attention. The Commission may not have made field trips to visit and gather enough information from the stakeholders in the 120 constituencies as outlined in the Electoral Act and Section 60(4) of the Constitution. Allegations that the Commission conducted

a desk research may be valid given the short time taken to carry out the exercise. It is also suspicious that the urban areas such as Harare lost quite a significant number of voters while the rural areas by and large gained registered voters. This development is alleged to be a misrepresentation of demographic facts since the general trend is that people especially the youth are migrating from rural to urban areas in search of employment and tertiary education. The 2002 census results are not consistent with findings of the D.C.

According to the *Sunday Mirror* (13 February 2005), a Minister is reported to have visited a police recreation club bragging that the Delimitation

Commission did a “splendid job” to ensure that many voters have been included in the police, army, prisons and other security arms which fall within the area by virtue of residing in military and quasi-military camps. Available statistics show that compared to previous boundaries, Harare Central has grown in size with a substantial population from the uniformed forces added to the constituency. This raises questions of the independency of the Commission as an impartial electoral institution. After the delimitation of boundaries in 2005, Harare, Bulawayo and Matabeleland South provinces each lost a constituency while Manicaland, Mashonaland East and West provinces each gained one.

PROVINCE	VOTERS ROLL 2000	VOTERS ROLL 2002	VOTERS ROLL 2004	INCREASE/DECREASE SINCE 2002
Bulawayo	357 281	361 790	339 101	(22 689)
Harare	795 059	878 715	831 935	(46 780)
Manicaland	577 398	667 419	684 155	16 736
Mash Central	418 277	485 498	490 222	4 724
Mash East	506 817	596 989	605 390	8 401
Mash West	502 964	581 740	593 021	11 281
Masvingo	593 778	662 599	676 686	14 087
Mat North	317 405	341 988	341 228	(760)
Mat South	319 015	345 647	340 709	(4 938)
Midlands	658 422	731 800	746 046	14 246
<b>TOTAL</b>	<b>5 046 416</b>	<b>5 654 185</b>	<b>5 648 493</b>	<b>(5 692)</b>

SOURCE: Delimitation Reports of 2000, 2002 and 2004

It is interesting to note that there was a decrease in the number of voters in areas that were strongholds of opposition political parties. For example, Bulawayo, Harare, Matabeleland North and South all had a decreased number of voters and the same provinces voted for the opposition in 2000 and 2002. In 2005 they field the highest number of opposition political parties. For example, results of the 2000 elections in Matabeleland Province were as follows:

- Binga: ZANU-PF 11.5%; MDC 85.9%; balance 2.6%.
- Bubi/Umguza: ZANU-PF 30%; MDC 58%; balance 10.9%.
- Hwange East: ZANU-PF 18.4%; MDC 77.9%; balance 3.7%.
- Hwange West: ZANU-PF 13.6%; MDC 84%; balance 2.4%.
- Lupane: ZANU-PF 17.6%; MDC 77.2%; balance 5.2%, the results were the same in the rest of the

province (*The Standard*, 13 March 2005).

Mashonaland East and West voted for the ruling party in the years under discussion and the current election has the least number of independent and opposition parties. The Delimitation Report recorded substantial increases in the number of voters and the *status quo* is expected to continue. Whether this is by coincidence or not, critics continue to be suspicious given

the partisan nature of election bodies in Zimbabwe.

### Voter Inspection

Inspection of the Voter's Roll took place between 17 January and 4 February 2005, after it was extended because of low turnout to inspect the Voter's Roll. The extension was awarded to the district and provincial offices only but closed to all other centres, inspection of the Voter's Roll was only open to less than 150 centres while more than 5000 were closed. This raised much suspicion among voters and political parties as to why the extension was awarded to the few centres and not to the rest. The Voter's Roll was conducted by the Registrar General Voters and not by the ZEC as stipulated in the ZEC Act. Actually the inspection of the Voter's Roll was conducted during the specified time frame and ZEC was only appointed on 1 February, three days before the Voter's Roll was closed for inspection by the R.G Voters (*Interview with MDC Directorate*).

### Voter Registration

Voter Registration is the first stage of the electoral process in Zimbabwe. Voter registration is conducted by the Central Registry as well as mobile voter registration; the Central Registry conducts an ongoing voter registration while mobile voter registration was conducted between May and June 2004 in various centres. This means that registration of voters in Zimbabwe is done on a continuous basis, updated every day as long as people register as voters, when registering deaths of relatives and change of information

concerning their personal details. It should be noted that voter registration by the Central Registry receives very little publicity and basically unknown to most voters. There is need for substantial voter education to enlighten voters on Central Registry activities. The opposition parties have alleged that it is a deliberate attempt by the ruling party to maintain the *status quo*. There is a theory among the opposition that high voter registration opposes the *status quo* (*Interview with an MDC Electoral Directorate member*). However mobile registration is known and easily accessible to most voters because it is announced in the media. Opposition parties have complained that in the urban areas there are about 3 to 5 registration centres per constituency while the rural areas have 40 to 50 registration centres. The MDC have alleged that the rural areas benefited from the rural constituencies because they are strong-holds of the ruling party while the opposition enjoys support in the urban areas. Moreover the emphasis in towns was the registration of birth certificates and acquisition of national identity cards while in the rural areas there was door-to-door voter registration. This strategy was seen as a gimmick to disenfranchise urban voters who are for challenging the *status quo* and increase rural voters who are for the ruling party.

*The Independent* (24 February 2005) reported that the Voters Roll is said to have glaring errors which are likely to disenfranchise thousands of voters particularly in the urban areas. An audits of the Voters Roll unearthed thousands of

ghost voters with some names entered twice. Details of a sample analysis of the Voters Roll in Harare North and Uzumba Maramba Pfungwe could be the tip of an iceberg. The diagram below shows the glaring anomalies. These cannot be ignored.

Door-to-door Survey	Total Checked	Errors	% Error
Inst Agricultural Engineering - part of Block 60409	462	82	17.7
Pomona Stone Quarry Block 110709	52	43	82.7
Hatcliffe Extension Block 80409	2612	1773	67.9
Hatcliffe One Block 20409	210	144	68.6
Emerald Hill Block 110609	74	9	12.2
Avonlea Block 80609	112	50	44.6
Tynwald Westlea Block 11009	95	11	11.6
Mabelreign Block 20509	71	11	15.5
Marlborough Block 50609	180	18	10.0
Mt Pleasant Block 80709	670	97	14.5
<b>Total</b>	<b>4538</b>	<b>2238</b>	<b>49.3</b>

Source: A door-to-door survey conducted by the MDC, 2004-5

It was concluded that 49, 3% of the persons registered on the Voters Roll on the Harare North are not known at the addresses indicated. Below is a door-to-door voter verification exercise of the roll for Uzumba, Maramba, Pfungwe( UMP).

	May 2000	March 2002	Oct 2004	Delim 2004
Total Voters UMP	44 077	56 734	58 070	55 249
Voters migrated into UMP	-	-	3 459	-
New voters into UMP	-	-	9 648	-

Source: Door-to-door Voter's Roll verification exercise in the UMP by the MDC, 2004-5

Cases of duplication have been reported and a list of 723 voters

with suffix 00 have been incorrectly classified. One name appeared 4 times in the UMP Voters Roll and had 4 different identification numbers; two of European or alien origin denoted by the 00 suffix, the address for the two identification numbers are from the same village, and yet the person is unknown in that village. The said voter's name was entered into the Voter's Roll as follows:

Name	ID No	Address
Chipika Maggie	15 82 424 N-00	Manyika Village, Chief-Nyajina Murehwa
Chipika Maggie	47- 020483-V-47	Village Manyika, 2, Headman-Muskwe, Chief-Nyajina U
Chipika Maggie	47-056184-A-47	Manyika 2, Headman, Muskwe, Chief-Nyajina

Source: Door-to-door Voter's Roll verification exercise in the UMP by the MDC, 2004-5

The name of a deceased person appears twice in the UMP Voters Roll with two different identification numbers as follows:

Name	ID No	Address
Kabudura Moses	47- 51705-G-00	Manyika School
Kabudura Moses	63-309467-M-47	Manyika 2 Village, Muswe, Headman-Nyajina-Chief-UMP

Source: Door-to-door Voter's Roll verification exercise in the UMP by the MDC, 2004-5

The following identification numbers were on the Voter's Roll and yet these people were unknown in the constituency:

Name	ID No	Address
Sasa Monica	47-028852-R-00	Rukariro School UMP
Sasa Monica	47-027 645 -E-47	Village Takawira, Headman Chimhaga, Chief-Nyajina
Kadzinga Usayi	47-053162-Q-00	Kraal Nyamhuru, Chief-Nyajina UMP
Kadzinga Usayi	47-53 162 Q 00	Kraal Nyamhuru, Chief-Nyajina UMP

Source: kubatana.net-Voter's Roll audit-preliminary roll 2005 general elections

From a sample of three constituencies analysed, it can be deduced that there are gross and chronic errors in the Voter's Roll. Civic society organisations have noted that the Voters Roll is in a shambles and needs urgent attention. The R.G Voters responded by saying the situation would be investigated. Three weeks before the election date, the Voter's Roll had not been rectified. The errors are too gross to be ignored, especially in Harare North where 49.3% voters are incorrectly entered. In UMP the errors also need urgent attention as in two years 3 459 voters migrated to the area while there are 9 648 new voters. Overall, the door-to-door survey indicated that 800 000 deceased voters remain on the roll, 300 000 voters have their names duplicated and 900 000 voters are not known at the addresses given, a total of 2 300 000 voters have mistakes thus inflating eligible voters and voter turnout. It will be very hard to convince Zimbabweans that there can be a constituency where there are such massive movements of voters. Unknown people, deceased people who

are still on the Voter's Roll as well as multiple entries are unlikely to be rectified before the election day. This could lay the foundation for conflict in the post election period as losing parties will use such information to allege vote rigging.

Margret Dongo, an independent candidate claims that the discrepancies are a deliberate tool to be used by the ruling party to rig the elections. SADC Principles and Guidelines governing the conduct of democratic elections call for impartial electoral institutions, the existence of an updated and accessible Voters Roll and lastly the need for government to take all the necessary measures to prevent the perpetration of fraud, rigging or illegal practices throughout the whole electoral process.

### Political Party Registration

Registration fees for aspiring Members of Parliament were raised a few days before registration by about 2000%. For every candidate being fielded, \$2 000 000 had to be paid in comparison to \$100 000 in the previous election. For a political party to buy a copy of a constituency Voter's Roll, it had to pay \$5 000 000 and \$600 000 000 for the national Voter's Roll. For a party to field candidates in all the 120 constituencies, it had to pay \$240 000 000.

Most of the opposition parties aired dissatisfaction with the fee hikes considering the short notification. Some opposition parties indicated that the country may not be enthusiastic about opposition participation

in the poll. The MDC has indicated that it has been struggling with legal bills for contesting both the parliamentary and presidential elections as well as treason charges against their presidential candidate. Another opposition party, ZAPU, had to reconsider its decision to field candidates in all of the 120 constituencies due to financial constraints.

Given that the increases were gazetted on 10 February and the Nomination Court sat on 18 February, this gave political parties about a week to fund raise, an almost impossible situation. An independent parliamentary candidate regretted that representative democracy was so expensive in Zimbabwe. She also noted that elections are not occasions for fundraising for the state. Most opposition parties are not financially stable and this compromised elections since most candidates withdrew, given the short notice prior to the Nomination Court and illegality of sourcing funds from outside Zimbabwe.

### Nomination Courts

Nomination Courts sat in all of the country's ten administrative provinces on 18 February 2005, to accept nomination papers from aspiring candidates. The Zimbabwe Electoral Commission convened the courts for the first time since they were set up to run election and referenda in the country. The nomination process was previously the responsibility of the Registrar-General's office. The ZEC appointed 10 Constituency Officers to receive the papers; this was in line with the ZEC Act.

For an aspiring candidate they must fulfil the following requirements:

- Be a registered voter
- Attained 21 years of age
- Resident in Zimbabwe in the last 5 years
- Have nomination papers signed by at least ten people who are registered voters
- Election agents must countersign these papers and if the candidate is representing a political party a signature of the office bearer must endorse the papers (*The ZEC Act*).

The Electoral Act stipulates that political parties wishing to contest in an election are allowed to lodge their nomination papers as soon as the proclamation has been made. This took place on 31 January 2005 and political parties brought their papers to the ZEC thereafter. They were turned away however as the ZEC indicated that they were not ready to accept their nomination papers.

Political parties were only allowed to lodge their papers on 16 February 2005. There were problems pertaining to a provision that was gazetted a day before the Nomination Court sat. This stated that aspiring candidates were required to produce long birth certificates. The Minister of Justice Legal and Parliamentary Affairs indicated that this requirement was to enable the courts to verify the citizenship status of the candidates.

ZAPU FP, an opposition party, noted that all candidates were dissatisfied with this condition

citing that it was gazetted too late for them to do anything about it. This provision could have been made in January when the election date was announced. Some candidates were about to drop out of the race given that it takes more than 3 months for one to acquire a long birth certificate given the fact that the Registrar-General's office is a very busy; however this requirement was later removed.

A salient problem faced by small opposition parties was failure to access the registration fees which were gazetted 10 days before the sitting of the nomination courts. ZAPU PF requested the postponement of the sitting of the Court so it could raise the prerequisite registration fees needed for nomination. Their request was turned down and as a result, they failed to field a single candidate. Two hundred and sixty six candidates were nominated at the Court. Among them were independent candidates who had defected from ZANU-PF and the MDC after they were unable to enter the primary election. The following political parties fielded candidates in the 2005 parliamentary elections.

- Zimbabwe African National Union Patriotic Front (ZANU-PF)  
120 candidates
- Movement for Democratic Change (MDC)  
120 candidates
- Zimbabwe African National Union (ZANU)  
12 candidates
- Zimbabwe Youth Alliance (ZIYA)  
3 candidates
- Independents  
17 candidates

Source: *The Herald*, 19 February 2005

### Candidate Nomination

As previously mentioned, initially aspiring candidates were requested to produce long birth certificates when lodging their nomination papers. This provision was announced by the Minister of Legal and Parliamentary Affairs on 16 February 2005, two days before the sitting of the Nomination Court. The Minister justified this position by indicating that they had to verify the citizenship status of aspiring candidates. The decision was later reversed when political parties and civil society organisations noted that the decision would disqualify most candidates.

### The Campaign Process

For the MDC, the official election campaign commenced with the launching its Manifesto at Mucheke stadium in Masvingo. The campaign launch was well attended and the ZBC covered the launch as stipulated in the SADC Principles and Guidelines governing the conduct of democratic elections. The MDC leader and his campaign team also took their campaign to rural Masvingo provinces such as Zaka, Gutu and Chiredzi. This is a new development in a way, since in previous elections the MDC was barred from entering rural areas which were declared no go areas for the opposition.

On national television on the 28 of February, ZANU represented by Gideon Chinogurei was given a five minute prime time slot to present the party's manifesto. The following day, the ZBC programme line up

indicated that an independent candidate would present his manifesto after the main news at eight. Shortly after this, the ZBC decided to show the MDC Secretary General presenting his party's manifesto. Reservations were expressed regarding their sudden decision to change the programme line-up to show the MDC instead of the independent candidate, D. Makuvaza. Given the alleged partiality of the electronic media, it could have been a deliberate ploy by the state broadcaster to mislead the electorate.

The country's two major political parties intensified campaigning ahead of the elections. MDC president, Morgan Tsvangirai addressed three rallies in the Midlands and Mashonaland West. They were held at Sanyati, Gokwe, Nembudziya and another at Gokwe centre. The MDC had another rally in Mabvuku which was extensively covered by the ZBC.

President Robert Mugabe addressed a rally in Highfield on 5 March where he urged people in Harare to vote for the ruling party and he donated 80 computers to eight schools. The President has been donating computers to schools around the country as the campaign for the March general election intensified. At another event, the President noted that computer donations were not a vote buying gimmick but part of the ruling party's strategy to empower schools and ensure technological development. This was largely seen by opposition political parties and some segments of the civil society as a vote buying gimmick as the President

donated more computers in one month than he did since independence.

The ruling party received a consignment of bicycles from a local businessman which its supporters are using to carry out a door-to-door campaign in the rural areas. The bicycles are used as a cost saving measure to reduce fuel costs for campaigning purposes.

The public media is grossly biased in favour of the ruling party. For example, of 33 campaign stories carried by the national public broadcaster, ZBH, 24 (73%) focused on ZANU-PF, six (18%) were about the MDC, one (3%) was a neutral report on the Liberty Party of Zimbabwe's campaign launch and the remainder were announcements by the United African National Congress (UANC) that it was withdrawing from the election citing as its reason, an uneven playing field. The ruling party's four-hour launch was covered live in its entirety with ZTV's presenters wearing ZANU-PF T-shirts. This was a disturbing development. The state media is required to be impartial and unbiased and yet they openly supported one political party by wearing its regalia. The pro-ZANU-PF coverage was also apparent in the government press. Of the 28 stories it carried on the topic, 19 (68%) reported positively on ZANU-PF. 32% (mostly negative) covered MDC's activities. The campaign activities of the other opposition parties were completely ignored between January and February (*Media Monitoring Project Zimbabwe, 20 February 2005*).

A presentation of the campaign activities of political parties was covered in the private press, which carried 29 stories on the matter, 17 of them on ZANU-PF, where in most cases it was negatively portrayed and 11 on the MDC, hailing its policies. For example an independent newspaper, *The Zimbabwe Independent* (18 February 2005) carried four stories, which questioned the capacity of the ruling party to deliver on its promises.

However, coverage on the activities of the other opposition parties remained thin. Only the *The Daily Mirror* covered them twice. Beginning of March, the media changed its editorial and started to feature more balanced coverage of political activities of independent and opposition candidates. The public media should be commended for taking this stance although it is still heavily tilted in favor of

the ruling party. Although ZTV carried interviews with all candidates, the journalists on the interview panel were openly biased, harassed and humiliated all candidates who were not for the ruling party.

### Media Access

There was much reluctance on the part of government to give equal access to opposition parties on the state owned media. This is provided for in the Electoral Act as reasonable coverage. The Broadcasting Act is worded in such a way that it can be interpreted to suit the interests of the *status quo*. As such, the Minister of Information and Publicity chose to interpret it in a way that was biased against opposition parties. The Minister indicated that opposition parties had no right to demand access to public media. He said it was at the discretion of the

government to allow them reasonable access. This was in direct contravention of the SADC Principles and Guidelines Governing Democratic Elections. Most of the publicity concerning opposition parties is negative. After much pressure on the government to allow opposition parties access to the media, the government made an announcement that fees would be levied for broadcasting services.

On 17 February 2005, a *Government Gazette* announced that the Zimbabwe Broadcasting Holdings was mandated to allocate airtime on television and radio to political parties during the election campaign. Below is a breakdown of fees for political parties.

	Radio Zim	Sport FM	National FM	Power FM	TV Advert
Prime Time rates 60 seconds	\$1 400 000	\$1 155 000	\$871 710	\$1 362 130	\$3 780 000
Prime Time rates 30 seconds	\$ 700 000	\$577 500	\$435 855	\$684 250	\$2 956 134
Off Prime Time rates 60 seconds	\$1 260 000	\$690 545	\$531 699	\$980 781	\$2 956 134
Off Prime rates 30 seconds	\$630 000	\$345 271	\$265 850	\$490 356	\$1 478 065
Late Night Listening 60 seconds	\$774 962	\$523 654	\$425 992	\$698 600	\$1 241 615
Late Night Listening 30 seconds	\$387 481	\$261 828	\$213 003	\$349 215	\$620 808
Weekend Advertising Prime Time rates 60 seconds	\$1 400 000	\$1 065 381	\$871 710	\$1 362 130	\$3 780 000
Weekend Advertising non Prime Time rates	\$1 260 000	\$646 133	\$531 699	\$980 781	\$2 956 134

Source: *The Herald*, February 17, 2005

Regulations prohibit the broadcasting of adverts that incite or perpetuate hatred against or vilify any group or persons on the basis of their political affiliation. Under the new regulations, the ZBH should give the Broadcasting Authority of Zimbabwe (BAZ), a broadcasting schedule for election programmes and recording dates for all pre-recorded programmes for its stations at least 15 days before an election period. No broadcast of any election shall

be allowed on polling day. ZBH shall ensure that all broadcast meet its standards. The regulations also stipulate that each station should allocate 4 hours of available purchasable time during the election period for election advertisements which shall be distributed equally to all interested parties and candidates. ZBH is compelled to take into account the number of constituencies each party is contesting. The regulations forbid ZBH from altering or

editing any advertisement submitted for transmission but allows the ZBH to reject an advert submitted for transmission provided that it indicates the reason within 24 hours to the party or candidate. Presenters of such programmes are tasked not to present their personal views. All broadcast material should be accompanied by name and address of representative, transmission date, time, duration of programme and other information deemed

necessary by the ZBH. There is provision in the regulations for aggrieved parties to appeal to BAZ within 24 hours of being notified of ZBH's decision. BAZ is compelled under the new regulations to attend to any appeals within two working days, failure of which should be deemed to have been in favour of the appellant. These regulations are part of the Electoral Act which provides for reasonable access to radio and television.

Political parties in Zimbabwe welcomed efforts by the government to allow air and TV access to political parties for their broadcasts. This was viewed as a positive development in opening up the political field. However there are problems still prevalent in the interpretation and implementation of the broadcasting regulations as informed by the Electoral Act. Regulations prohibit adverts that incite or perpetuate hatred against or vilify any group on the basis of their political affiliation.

This regulation has been flaunted by ZANU-PF in their broadcasts as they label the MDC party and their supporters as enemies of the state and stooges of the west imperialists. The regulation that forbids ZBH to alter or edit an advert has a clause that allows it to reject an advert. Questions are raised on who determines the unsuitability of an advert and the grounds for rejection are not specified. These are left to the discretion of a government employee who is likely to promote the *status quo*.

Provision is also made in the regulations for a fair, complete, accurate and balanced reporting on news and current affairs programmes. However it has been noted that reporting on issues has been far from the prescribed values.

Most reporting on television and radio as well as state owned print media which has the widest readership has cast opposition political parties, especially the MDC in a very negative light, citing that to vote for MDC would be tantamount to allowing Zimbabwe to be colonised once more. The news is usually filled with glowing accounts of the achievements of the ruling party. While on the other hand, MDC parliamentarians were not given the same platform to air their achievements by the end of February 2005.

Another issue that has caused dissatisfaction has been the issue of fees levied for a party to access media. Opposition parties expressed that the fees levied for broadcasts were exorbitant and beyond their reach since most of them did not qualify for funding as provided for in the Political Parties (Finance) Act. Leader of an opposition political party thought the fees were prohibitive given their already strained financial resources.

Following is a breakdown of media coverage of political parties' campaign for the 2005 parliamentary election as of February.

**Voice distribution in the private press**

Media	No. of Voices
Government and ZANU-PF	9

MDC	3
Foreign voices	0
Alternative voices	10
Lawyers	1
Other opposition parties	4

Source: Media Monitoring Project Zimbabwe, February 2005

**Political coverage in the government press**

Political Party	Coverage (%)
ZANU-PF	73
MDC	18
Liberty Party	3
Other	6

Source: Media Monitoring Project Zimbabwe, February 2005

Of the 28 stories on elections on the public media, 19 (68%) reported positively on ZANU-PF activities while the remaining 9 stories (32%) were used to malign MDC activities.

When the President of Zimbabwe hands out computers to schools, this event turns into a campaigning platform but ZBH has not questioned this. There is an apparent lack of balanced reporting on the part of state owned media. Songs produced by ZANU-PF senior party members including funerals are all turned into campaign platforms while the same privileges are not extended to opposition parties. The sources of information for state owned media are not very credible and this seriously impacts on the impartiality of the broadcasts. Private media is also tilted towards opposition parties, both public and private media appear to be partisan. Freedom of the media is still curtailed as evidenced by the raiding by police of well known journalists writing for international media organisations.

Three journalists were raided by the police in separate incidents without search warrants. These are Angus Show of Associated Press, Jan

Raath correspondent for *The Times* of London and Brian Latham, correspondent for the Bloomberg News Agency. This was due to the fact that they were operating without accreditation from MIC. The government appointed Media and Information Commission (MIC) also warned *The Zimbabwe Independent* against allowing its staffers to moonlight for foreign media houses as they risked having the newspaper license as well as the staffers accreditation revoked. MIC also threatened to block the importation of the weekly newspaper, *The Zimbabwean* on the grounds that it violated media ethics and business practice. This brings questions as to the extent to which government is complying with the SADC protocol on the conduct of elections when it displays intolerance for a free media. The government will not tolerate any criticism and anyone who does so is labelled an enemy of the state and an imperialist. Media freedom is one of the fundamental rights that should be guaranteed during elections and at all times to ensure that the electorate is given real choice and to enable them to make informed choices.

### **The Role of Security Forces**

The uniformed forces are playing an instrumental role in Zimbabwe's 2005 election. The police and some military and intelligence forces in particular, are actively involved in the elections. The former Chairperson of the ESC is a former military intelligence officer. An ESC Commissioner during an interview confirmed that there were several military personnel serving in the

election supervisory body. She reiterated that although soldiers will not be supervising elections in March, the ESC would continue to employ them at the secretariat level. She added that she could not deny that they are still employing soldiers in the ESC. The military in Zimbabwe is known for its allegiance to the ruling party and thus use of the military poses problems for impartiality and independence. The military should play the role of safeguarding the national borders and should not meddle in the internal politics of the country. It is the military's duty to serve any government in power and one wonders whether the military would be able to serve a different government from the one currently in power given its lack of impartiality (*Interview with Joyce Kazembe as quoted in the Daily Mirror, February 2005*).

The role of the police is to keep peace during election times. This is a prudent role given the fact that Zimbabwe has had violent elections since independence (*C. Ndoro, 1999*). The police force was the notorious element in the 2000 and 2002 elections and they were responsible for perpetrating violence, conducting arbitrary arrests and selectively applying the law in favour of the ruling party.

In the first few weeks after the Nomination Court sat, eleven calls were made for the uniformed forces, political parties and civil society to refrain from politically motivated violence. Calls were made by the President of Zimbabwe, the Commissioner of Police and various other

governmental and political structures to refrain from violence. The youths were educated by senior ZANU-PF figures on the importance of a violence-free election. If the same strategy had been employed in the last two elections, there would never have been such unprecedented violence.

However some police are still grappling with the new idea of a free and fair election. The police continue to invoke POSA to ban political meetings of the opposition thereby curtailing the basic right to expression, association and assembly. Under POSA, police must be notified of all political meetings of more than three people and have the right to refuse any political meetings on stipulated grounds. POSA makes it a criminal offense to intentionally make statements likely to provoke feelings of hostility towards or cause contempt or ridicule the State President whether in person or in respect of his office. The mentioned clauses have been invoked by the police to arrest opposition parties. It therefore means that opposition parties cannot criticise actions and policies of their competitor thereby derailing the whole essence of political campaigns.

It should be noted that the violence currently experienced is nothing compared to the violence witnessed in 2000 and 2002 elections. Levels of violence have drastically gone down in 2005 with political parties taking heed to refrain from politically motivated violence. Concern should also be expressed that although levels of violence have gone down, there appears to be a

slight increase in violence from the month of February. In early March, police forces forced the MDC to abandon a regional campaign strategic meeting for Members of Parliament in three provinces in Matabeleland. The police refused to sanction the meeting and insisted that they be let in the meeting; the MDC was forced to abandon the venue and utilised its headquarters. The MDC complained that some of their meetings were not approved for any reason at all and at times the police refuse to state the reasons for denying meetings (*Zimbabwe Independent*, 4 March 2005).

The police have insisted that they are impartial and that failure to approve a political meeting is on purely administrative grounds especially where venues are double booked. The police have insisted that they present at political meetings to protect citizens and not to harass or victimise political parties (Interview with a police detail, 8 March 2005).

In Nyanga on 8 February, members of the army allegedly attacked 15 MDC supporters as they departed from a rally. On 10 February, about 2000 members of the militia were allegedly deployed in Kamativi, Matabeleland area which is perceived as an opposition stronghold. The government has barred the opposition access to members of the uniformed forces, the police, army and the prison services where they can neither hold rallies nor distribute fliers (*The Standard* 27 February 2005). A training session for 120 MDC candidates ahead of the nomination court was allegedly

disrupted in February 2005 and ten MDC members were arrested for distributing fliers and putting up posters in Chino, Zima, Refigure, Mount Darwin, Matabeleland, Bindura, Hurungwe, Shamva and Mutare (*The Standard*, 27 February 2005). A judge in Bulawayo hearing a case against the police castigated the conduct of the police and noted that they were overzealous in implementing their duties.

The police have not spared the journalists either. Under AIPPA, all journalists and media organizations have to register with the MIC, a body perceived to be partisan and pro the *status quo*. The body has wide ranging powers to decide which newspapers operate and which journalists may practice.

All newspapers that were perceived to be against the *status quo* were banned. The *Daily News* and *The Daily News on Sunday*, *The Tribune* and *The Weekly Times* were banned after they revealed human rights abuses, corruption in government and campaigned against the ruling party highlighting governance issues which were negatively affecting citizens. The newspapers became so popular with the urban dwellers to the extent that the sales for the government papers plunged and threatened their viability. *The Tribune* was also banned after its owner fell out of favour with the ruling party and the paper launched a political attack against government. *The Zimbabwean*, a new newspaper launched by a journalist in self exile has been threatened by MIC and its owner labelled an enemy of the state. The *Daily Mirror* and the *Sunday Mirror*, owned by a

ZANU-PF apologist seemed to have taken advantage of the banning of the *Daily News* and revised its editorial with some sections critical of governmental policy, one of its editors were picked up by the police for questioning. A number of journalists were picked up for questioning or were arrested under AIPPA. The Police have repeatedly raided, without search warrants, offices of three well known local journalists on allegations that they were involved in spying and possessing illegal telecoms. Police are currently looking for a journalist they say is in possession of sensitive video tapes. The later had written for the BBC, a document that exposed human rights abuses by the militia (*The Daily Mirror*, March 2005).

It should be reiterated that political violence has gone down substantially but some police are still victimising opposition party supporters and journalists. One member of the MDC Election directorate said that he sees the police force in Zimbabwe as professional but the only problem is that they appear to be under intense political pressure to selectively apply the law (Interview with a member of the MDC Election Directorate).

The zero tolerance policy announced by the government has not been fully implemented as some police forces and the militia continues to harass and victimise the opposition and the journalists.

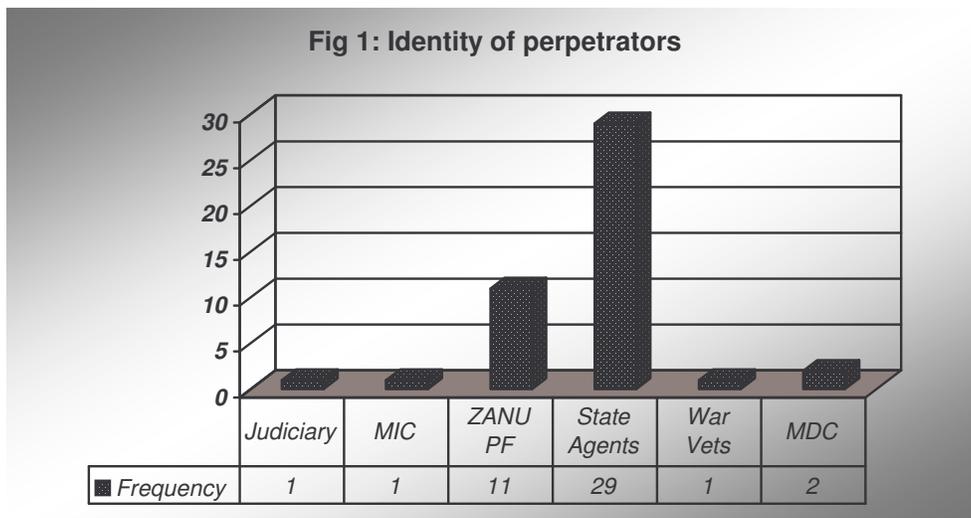
There appears to be confusion among police officers regarding the handling of public gatherings. The law directs that those wishing to hold meetings

should merely notify the police of their intention but, since the law came into force, they have been insisting that the law enforcers should authorise the meetings and not merely be notified.

However there has been general calm and peace in the country with police arresting only 109 people for politically related crimes ahead of the 31 March general election. The Police Commissioner noted that of the 109 arrests, 16 have been convicted of various offences which are largely not of a serious nature. The Police Commissioner reassured the public that it would continue to apply the law unfailingly on any transgressors irrespective of their political affiliation. He said 67 ZANU-PF supporters have been arrested while 42 MDC activists were arrested. This may dispel fears that the

police may be selectively applying the law by targeting opposition supporters only. Of the 16 people convicted, 13 are MDC supporters while three are affiliated to ZANU-PF. A total of 40 incidents of politically-related crimes have been reported since last month with the ruling ZANU -PF accounting for 23 cases and the MDC, 17. ZANU-PF supporters were arrested for breaching the Electoral Act, malicious injury to property, arson, common assault, conduct likely to breach peace and assault with intent to cause grievous bodily harm. MDC supporters were arrested for assault (both common and GBH), conduct likely to breach peace, contravening the Public Order and Security Act (POSA) and public violence. The Police Commissioner emphasised that the offences were minor, contrary to some media reports

claiming that heightened violence had flared ahead of the elections. He castigated media reports for exaggerating the magnitude of political violence in the country and commended POSA and the Electoral Act which he said assisted in the regulation of conduct among electorates. Five ZANU-PF candidates have accused the MDC youths of pulling down their posters and other campaign materials, harassing ZANU-PF supporters and causing mayhem. Below is a diagram to illustrate perpetrators of violence for the month of February 2005



Source: kubatana.net

The period under review was characterised by violations of freedom of expression and assembly, exposing government's lack of total commitment to regional and international laws to which

Zimbabwe is a signatory. State agents, particularly the police, were mostly responsible for these rights violations. They did this by consistently and effectively breaking up meetings and rallies and by

refusing to allow them to take place. The opposition MDC and civil society organisations were the major victims of such action. The police were responsible for more than half

the violations committed during this period.

POSA was the most frequently used law in suppressing freedom of expression and assembly, while AIPPA was used to close the weekly newspapers and *The Tribune*. These developments illustrate the urgent need to repeal these laws to retrieve the democratic space that encourages active participation of the public and the free and lively exchange of information. The police were also seen to be partisan in their response to dealing with reports of rights violations. For example, in some cases where the opposition MDC was the victim, there were no reports of arrests of the alleged perpetrators, even where the names of those allegedly responsible were supplied to the police. The only arrests reported in the media during this period occurred when the victims were ZANU-PF supporters.

There is a lack of transparency and accountability in respect of the activities of the Media and Information Commission (MIC) that makes it difficult to dispel accusations of favouritism with regard to its administration of AIPPA. In the period under review, it was found that the Commission had ignored cases in which the government press had blatantly abused its journalistic privilege which is a criminal offence under AIPPA.

MDC youths were also responsible for tearing posters of ZANU-PF candidates in Bulawayo. Reports were lodged with the police and this is perceived to be a detrimental development. In March, there

were fewer cases of arbitrary arrests and selective application of the law possibly because senior party and government officials continued to emphasise a violence-free election or perhaps it was due to the arrival of the South Africa observer mission.

### **Election Date Controversy**

Most of the minor political parties felt that the election date stipulated did not give them enough time to mobilise financial resources given the fees stipulated by the Nomination Court and the media.

It was also felt that resources for campaigning needed to be mobilised and time was necessary to educate voters and remove the fear that had gripped electorates given previous political violence tendencies. The main opposition party felt that the date given by the President and the time frame was adequate to enable them to campaign. There were fears that if more time was allocated for campaigning there was a real risk that their supporters would be victimised.

The MDC noted that although they were participating in the election they were doing so under protest mainly because of the uneven playing field rather than the election date. Some civic society organisations called for political parties to boycott elections on the basis that the time period before the election was inadequate and the political playing field was heavily tilted in favour of the ruling party.

### **Civic and Voter Education**

Voter education is a vital element of any election. For people to be able to make informed choices they need to be educated. In Zimbabwe, voter education is the prerogative of the Zimbabwe Election Commission (ZEC), as informed by the Electoral Act. Civic organisations are not permitted to provide voter education unless given permission by ZEC. Up to 28 February 2005, voter education by the ZEC had not commenced.

The ZEC had to train the people who would be involved in the training process. Given the lateness its commencement there are questions as to whether ZEC is going to be able to conduct this process thoroughly. The fact that civic organisations were denied the right to give voter education constitutes an infringement of the people's right to information. ZEC is mandated to provide adequate accurate and unbiased voter education. It is obliged to ensure that voter education provided by any organisation other than political parties is not misleading or biased in favour of any political party. In their one day workshop on training of voter educators, the Chairperson of the Commission urged all those present to provide adequate, accurate and unbiased voter education guided by professional principles. The Chairperson went on to note that the independence of the Commission was provided for under Section 4 of the ZEC Act which states that "The Commission shall not be subject to the direction and control of any person or authority in the exercise of its functions..." He emphasized

the need to nurture democratic principles (*The Daily Mirror*, 10 March 2005).

Although it may appear as if the Commission is professional and democratic in its conduct, it is severely curtailed by its late appointment and lack mobility.

### Observers

The Ministry of Justice Legal and Parliamentary Affairs issued an invitation to individuals representing local organisations, 32 foreign organisations, political organisations and eminent persons from within and without Zimbabwe to observe the election. This is in line with the new laws that stipulate that only those invited will only be allowed to observe the election. Observers are required to submit their names together with their constitutions to the Ministry of Justice Legal and Parliamentary Affairs and are expected to meet their own expenses. Accreditation was done by the ESC upon the production of an invitation letter from the relevant ministry. Fees worth \$100 000 were levied on all interested individuals who were required to provide a contact person and telephone numbers. All accredited observers will be expected to submit a preliminary report after the closure of polls, before the counting of votes and a final report within 14 days after counting.

Observers were called upon to be professional and honest. They are tasked with analysing the conduct of the election and to determine whether they were free and fair. Observers invited from SADC countries were

asked to come with an open mind, to avoid being partisan and to do away with preconceived ideas. The Minister invited the following countries:

- 23 African countries
- The Caribbeans
- 1 Europe-Russia
- 3 Americas
- 5 Asian countries

Also invited were political organisations such as:

- the African National Congress (ANC);
- South West African Peoples Organization (SWAPO) of Namibia;
- Sudanese Peoples Liberation Army (SPLA);
- Front for the Liberation of Mozambique (FRELIMO),
- MPLA of Angola;
- Chama Chamapinduzi (CCM) of Tanzania;
- The African Union (AU);
- Community of Eastern and Southern Africa (COMESA);
- Non Aligned Movement (NAM);
- The United Nations (UN);
- Caribbean Community (CARICOM)

(*The Financial Gazette*, 10-15 March 2005).

An analysis of the countries invited to observe shows clearly that the Zimbabwean government did not invite those that were critical in previous elections such as the SADC Parliamentary Forum of South Africa, organisations such as the EU, Commonwealth and others were not invited. The government chose to invite only those countries that sympathised with them and their policies especially the

Land Reform programme. Critics have also raised concern as to the criteria used to choose 32 of 200 countries; the countries selected are termed 'cherry picked observers' because they are not known to give adverse reports. SADC Parliamentary Forum of South Africa as well as all other European countries were surprisingly not invited because the former issued a report that was critical of parliamentary and presidential elections in Zimbabwe while the later were considered enemies of the state and accused of trying to recolonise the country hence the dubbing of the ZANU-PF Manifesto as Anti Blair (The British Prime Minister).

Zimbabwe's elections have divided the world into its supporters, opposers and the neutral countries. The United States of America and the United Kingdom have already pre-judged the election and labelled it not free and fair while most African countries have said the elections will be free and fair and this mirrors the polarisation in the country. While the west is pitting itself against a black government which dared expropriated land previously owned by a white minority, the Africans cannot be seen to be deserting a fellow liberation movement in government hence the invitation to liberation movements.

The observers arrived three weeks before the election contrary to the stipulated 90 days by the SADC Principles and Guidelines governing democratic elections. The reasons for the late invitation of observers were not given and one can only speculate that

maybe it was the lack of preparation on the part of government that invitations were sent late. Election bodies had not been appointed and there was very little capacity provided by the government to enable the efficient and effective carrying out of their functions.

### **Establishment of the Senate**

The President of Zimbabwe announced at a campaign rally in Zvimba and Hurungwe constituencies that he intends to reintroduce an upper house, the Senate which was abolished in 1989 after the unity accord. The second chamber will accommodate mature politicians who would scrutinise legislation before it is passed. This would help in the stabilisation of the country. In 1999, Zimbabweans rejected the draft constitution particularly the recommendation of a second chamber stating that it was an unnecessary burden on the taxpayers and highlighting that the cost would outweigh the benefits.

If ZANU-PF wins a two-thirds majority, it would enable them to amend the constitution and reintroduce the Senate. Critics view this as a political gimmick to enable ZANU-PF to accommodate its political rejects and losers of both primary and parliamentary elections especially when the President announced that those who lost in the primary election would be accommodated in the Senate. Civil society organisations expressed concern at the composition of the Senate along these lines.

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