Worsening political and socio-economic crisis ahead of 2023

Data-based Newsletter Issue 4

September 2022

Zimbabwe Democracy Institute

Introduction

Zimbabwe is headed for general polls in 2023 in the midst of a worsening political and socio-economic crisis. The last general elections in 2018 were won by the Zimbabwe African National Union-Patriotic Front (ZANU-PF), which promised to turn the economic fortunes of the country around. Unfortunately, Zimbabwe currently finds itself in a much worse position than it was in 2018, with the current highest inflation in the world and a near useless currency. Politically motivated violence is on the rise as is poverty, unemployment and crime. National institutions such as the Zimbabwe Electoral Commission, the army and the state media have become partisan which goes against the spirit of the Constitution. The governing elite has emasculated these institutions to a point that they have become disgraced in the eyes of the public and seen as an extension of the ruling party. Zimbabwe elections are often mired in controversy and this trend is expected to continue if electoral reforms are not enacted. For there to be a chance of a credible election being conducted in 2023, electoral reforms need to be enacted as soon as possible.

Gaps in Implementing Electoral Reforms ahead of 2023

For elections to be free and fair, they have to be administered by a neutral, fair and professional body that treats all political parties and candidates equally (Diamond, 2004, p.3)[1]. This is in line with SADC guidelines that call for impartiality of electoral institutions. The Zimbabwe Electoral Commission was established under Chapter 12 of the Constitution as an independent body to conduct and supervise elections; register voters and conduct voter education among other functions. As such, its independence from political interference is crucial for the conduct of free and fair elections. However, the impartiality of ZEC has long been questioned and is one of the major standout grievances raised by external election observer reports, civic society and the general public. In 2008, ZEC took over a month to announce the election results, a delay many believed facilitated ZEC's manipulation of the results in favour of the incumbent, Robert Mugabe. In 2013, ZEC was accused of preventing urban voters from registering to vote and failing to avail the electronic copy of the voters roll to stakeholders.[2] The same accusations were leveled against the body in 2018 and ultimately resulted in the

[1] Diamond, L.2004. "The Quality of Democracy: An Overview," *Journal of Democracy* Volume 15, Number 4, October 2004.

[2] Kubatana. 2020. "Harnessing Zimbabwe's Diaspora towards the National Settlement" SAPES Policy Dialogue Forum – Online Series Number 2 of 2020, Available at https://kubatana.net/2020/07/07/harnessing-zimbabwes-diaspora-towards-the-national-settlement/ (Accessed 17 June 2022).

opposition MDC Alliance taking the commission to the Constitutional Court to contest the results.

For a body that is meant to be independent and transparent, ZEC processes tend to be shrouded in secrecy with the printing of ballots and the transporting of ballot boxes highly contentious issues. Veritas (2018)[3] adds that there is an air of mystery around ZEC as it lacks transparency and often refuses requests to make its internal operations public and to publish its procedural manuals in time for stakeholder and observer scrutiny. The commission continuously refuses access to the voters roll despite Section 21 (3) of the Electoral Act stating that the roll should be made available to those who require it upon payment of the prescribed fee. In 2018 the High Court ordered ZEC to provide a copy to Election Resource Centre (ERC) but up to now the ERC has still not received the voters roll as efforts to get a copy have continually hit a brick wall.[4] In February, just before the March 26 by-elections, pressure group Team Pachedu obtained a voter's roll from ZEC that was to be used in the by-elections and showed massive irregularities. Instead of addressing the irregularities to gain public trust, ZEC instead chose to suspend its officials who had released the roll to Team Pachedu, claiming it was "issued without following proper procedure and without the authority or knowledge of the CEO."[5] In clearly contravening the law by refusing access to the voters roll ZEC, continues to discredit itself by proving its lack of independence. If the voters roll was in good shape, they would be no reason for ZEC to deny anyone access to it for auditing purposes.



Another contentious issue is the alleged employment of military personnel within the commission. According to Malunga (2018)[6], there are various allegations that ZEC is staffed by security and intelligence operatives associated with the ruling ZANU-PF which eliminates the independence of the body as it is supposed to be impartial. In 2018, ZEC chairperson, Justice Priscilla Chigumba, disclosed that at least 15% of the elections administrator's staff were ex-service personnel (Pindula, 2022)[7]. ZEC independence is further hampered by a provision in Section 238 (1) which states that the chairperson of the commission and the other eight commissioners are appointed by the

[3] Veritas. 2020. CONSTITUTION WATCH 6/2020 18th March 2020. Constitution of Zimbabwe Amendment (No. 2) Bill: An Overview. Available at https://www.veritaszim.net/

[4] See: Bulawayo 24, 16 June 2022. "Mnangagwa scared stiff of Chamisa, Hichilema relationship," *Bulawayo 24,* 13 February 2022, Available at https://bulawayo24.com/index-id-news-sc-local-byo-214999.html

[5] See: Thandiwe Gurusa, "ZEC Suspends Executives for Leaking Deceitful Voters Roll," *New Zimbabwe*, 18 February 2022, Available at https://www.newzimbabwe.com/zec-suspends-executives-for-leaking-deceitful-voters-roll/.

[6] Malunga, S. (2018). "Zimbabwe: Six issues that must be fixed for elections to be free and fair" *African Arguments.* Available at https://africanarguments.org/2018/06/zimbabwe-election-2018-six-issues-fixed-free-fair/ (Accessed 17 June 2022).

[7] Pindula, "Do We've Laws Prohibiting Recruitment of Former Military Personnel? – ZEC," *Pindula,* 25 May 2022. Available at https://news.pindula.co.zw/2022/05/25/do-weve-laws-prohibiting-recruitment-of-former-military-personnel-zec/ (Accessed 18 June 2022).

President, a situation which is likely to create conflict of interests. This reduces the credibility of the commission especially when the President is also a candidate in elections managed by ZEC. This is more so when ZEC chairperson Priscilla Chigumba as well as its spokesperson Jasper Mangwana have been pictured wearing ZANU-PF regalia. Mangwana has also, through his official Twitter account, openly showed support for ZANU-PF.

ZEC has also been accused of poor voter education and making voter registration cumbersome especially in urban areas with the aim to disenfranchise the opposition strong holds[8]. In addition, the Freedom House Report (2020:2)[9] states that international monitors criticised parts of ZEC's management of the polls such as the secrecy surrounding ballot procurement processes and the irregular arrangement of the ballot papers which appeared to favour certain candidates and called for urgent redress of these issues before the next general election. Worryingly, at the moment there is no indication that ZEC's conduct in the 2023 election will be any different. Recently ZEC spokesperson Jasper Mangwana insisted that there was no law prohibiting the elections management body from being run by the military on a Twitter Spaces event organised by the Zimbabwe Election Support Network (Pindula, 2022). As it stands, ZEC independence remains unattainable which further casts doubts on the conduct of a free and fair election in 2023.

Interference of the securocrats in electoral and political affairs

In Zimbabwe, a strong alliance exists between ZANU-PF and the security forces. This is despite Sections 208, 211 and 218 of Zimbabwe's constitution, which govern the operations of security services, forbidding them from participating in partisan politics or interfering in electoral affairs. This has proved to be futile as the army has more often than not waded into partisan politics and has been used to settle political scores. Zimbabwe's military and other state security forces have for many years interfered in the nation's political and electoral affairs, adversely affecting the right of Zimbabweans to vote for the candidates of their choice. Since independence, the army has been used to further ZANU-PF interests to the point that in the eyes of the public, the two have become conflated. The police and the army have become heavily politicised to the extent that it's not clear if they are public servants or they work exclusively for the ruling party. The leadership of these forces have never hidden where their loyalties lie and are often seen in attendance at ruling party rallies and conferences. According to Ndlovu-Gatsheni (2006), in 2001 then overall commander of the Zimbabwe Defence Forces (ZDF), General Vitalis Zvinavashe, openly announced, at a televised press conference, their allegiance to ZANU-PF and that they would not allow the opposition to take over power. In 2017, then ZDF commander General Constantino Chiwenga also openly declared support

[8] See: Centre for Innovation and Technology (CITE), "ZEC Blamed for Low Voter Registration Turnout," *CITE,* 24 February 2022, Available at https://kubatana.net/2022/02/24/zec-blamed-for-low-voter-registration-turnout/

[9] Freedom House Zimbabwe Report 2021. Available at https://freedomhouse.org/country/zimbabwe/freedom-world/2022

for ZANU-PF and facilitated Mnangagwa's rise to the presidency through the toppling of Mugabe in the November coup. Since 2017, there has been a heavy military presence in government leading to Zimbabwe resembling a securocratic state (Mandaza, 2021). The close relationship between the security forces and the ruling party has been a major challenge to the conduct of free and fair elections and is likely to be ZANU-PF's muscle yet again in the upcoming elections.



The security forces continue to be utilised by the ruling party to intimidate and perpetrate violence against its opponents. Despite promising to put an end to violence and torture in 2018, the Mnangagwa administration has continued with the system of violence and torture against government opponents through the use of the army, the police and the intelligence with cases of abductions, torture, arbitrary arrests, and other abuses against opposition politicians and activists on the rise (Human Rights Watch, 2021). The ruling party has enabled the continued cycle of security forces abuse through impunity as cases against them are not meaningfully investigated. The government is also stalling on the establishment of the independent complaints system as provided for in Section 210 of the Constitution. The Bill seeks to operationalise Section 210 of the Constitution by providing an independent and effective mechanism for members of the public to report human rights violations by members of the security services. Although the Independent Complaints Mechanism Bill was approved by Cabinet on 18th of November 2020, and gazetted by Parliament on the 23rd of November 2020, progress to enact the bill has been slow. With cases of human rights abuses perpetrated by the security forces continuing, the European Union and the United States extended some of their sanctions against Zimbabwe in a bid "to encourage a demonstrable, genuine and long-term commitment by the Zimbabwean authorities to respect and uphold human rights and the rule of law."[10]

Unequal Access to State Media by all political parties

[10] Human Right Watch .2022. "Zimbabwe Events of 2021", Available at https://www.hrw.org/world-report/2022/country-chapters/zimbabwe

For an election to be deemed as fair, there should be equal opportunities for all political parties to access the state media. All parties and candidates must have the right to campaign freely, to present their proposals to the voters both directly and through the mass media (Diamond, 2004, p.3). As such, Section 61(4) of the Constitution requires state media to "a. be free to determine independently the editorial content of their broadcasts or other communications; b. be impartial; and c. afford fair opportunity for the presentation of divergent views and dissenting opinions." However, accessing state media as the opposition is a near impossible task. Party access to the media, particularly at election time, is disproportional mainly because the government exercises complete control of the key public media. The state-run Zimbabwe Broadcasting Corporation (ZBC), has a monopoly over television and radio broadcasting and blatantly favours the ruling party. A Media Monitors Report (2020:7)[11] reveals that the government has a very strong presence in Zimbabwe's media landscape as it has the controlling stake in the largest media institutions in the country and as a result, the opposition rarely get any coverage, unless it's in a negative light. This gives the ruling ZANU-PF an upper hand over other parties thereby distorting the credibility of elections.

Recommendations

- There is urgent need to enhance ZEC independence. The executive should not interfere with ZEC operations and its commissioners should desist from actions that compromise its independence.
- There is urgent need for an independent audit of the voters roll. The voters' roll should be made accessible to those who require it.
- The security forces should stop engaging in partisan politics and interfering in electoral processes. The military leadership should publicly demonstrate its commitment to a fair election process and not interfere with the outcome of the vote.
- The Independence Complaints Bill should be fast tracked so that security forces can be held accountable for their actions.
- There should be balanced coverage of all political parties on state media that enables citizens to choose candidates of their choice without fear or favour.
- SADC should publicly call out its members who disregard the SADC principles on the conduct of democratic elections.
- Prolonged, consistent monitoring of the Zimbabwe political and pre-electoral processes by international observers is important considering the need for legal and electoral reforms.

Conclusion

The 2023 elections are fast approaching and the political and socio-economic landscape is in dire straits. After promising so much in 2018, the

[11] Media Monitors. 2020. A Media Landscape Study: Unpacking Ownership in Zimbabwe's Creation and Delivery of News Content. Harare: Friedrich-Ebert-Stiftung Zimbabwe

Mnangagwa regime has failed to deliver and the country finds itself in much worse conditions than those of five years ago. While Mnangagwa has been making moves to cement his victory in 2023 through controversial constitutional amendments and the enactment of repressive pieces of legislation, his main rival Nelson Chamisa has been using the socio-economic crisis to his benefit and acquiring regional support. In the absence of meaningful, sincere reforms, the 2023 election looks set to continue the disputed elections pattern experienced in previous elections. The Zimbabwe Electoral Commission needs urgent reform as its conduct will directly influence the outcome of the election. The security forces, particularly the army, should respect the Constitution and not interfere with civilian processes. These outstanding issues are central to the conduct of free and fair elections and the upcoming elections will be negatively affected again if these deficiencies are not addressed in time. Addressing the noted issues will go a long way in breaking the cycle of disputed elections in Zimbabwe and enhancing the quality of the polls.