



SADC ELECTION OBSERVATION MISSION

TO THE REPUBLIC OF ZIMBABWE

STATEMENT

BY

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AND

HEAD OF THE SADC ELECTION OBSERVATION MISSION

TO THE

CONSTITUTIONAL REFERENDUM IN THE REPUBLIC OF
ZIMBABWE

HELD

ON 16 MARCH 2013

- The Zimbabwe Electoral Commission(ZEC);
- Esteemed Leaders of the Political Parties;
- The Select Committee of Parliament on the New Constitution(COPAC);
- Honourable Ministers;
- Honourable Members of Parliament;
- The Executive Secretary of SADC;
- Members of the SADC Electoral Advisory Council;
- The SADC Facilitation Team;
- Members of the Diplomatic Corps;
- Religious Leaders;
- Members of Civil Society;
- Esteemed Members of various Election Observation Missions;
- Esteemed Members of the Media;
- Distinguished Guests;
- Ladies and Gentlemen

It is indeed an honour and pleasure to welcome you all to this important event, the presentation of the SADC Election Observation Mission (SEOM) Statement on the Constitutional Referendum in the Republic of Zimbabwe.

1. INTRODUCTION

SADC being one the Guarantors of the Global Political Agreement (GPA) has noted with appreciation the implementation of Article 6 of the GPA which outlines the processes and timeframes leading to the holding of the Referendum.

It is against this backdrop and in accordance with the SADC *Principles and Guidelines Governing Democratic Elections* that the Southern African Development Community (SADC) was invited by the Government of the Republic of Zimbabwe to observe the Referendum held on 16 March 2013.

In light of the above, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, officially constituted the SEOM to the Republic of Zimbabwe and mandated the SADC Executive Secretary, Dr. Tomáz Salamão to facilitate the administrative and logistical support for the Mission.

The Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed me, Bernard Kamillius Membe, Minister of Foreign Affairs and International Cooperation of the United Republic of Tanzania, to head the Mission.

The SEOM was officially launched in Harare, Zimbabwe, on 10 March 2013.

After days of intensive work, the SEOM has the honour to deliver its statement on the outcome of its observation of the Constitutional Referendum in Zimbabwe.

2. THE ROLE OF THE SADC REFERENDUM OBSERVATION MISSION

The Mission derives its mandate from the *SADC Principles and Guidelines Governing Democratic Elections*, which emanate from the *African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa* and the *AU Guidelines for African Union Election Observation and Monitoring Missions*. The Mission also worked within the legal framework of the Republic of Zimbabwe.

In developing the nature and scope of our observation, the Mission sought to determine the existence of the following pre-conditions for a credible referendum:

- (i) Constitutional and legal guarantees of freedoms and rights of citizens;
- (ii) Conducive environment for free, fair and peaceful elections;
- (iii) Timely announcement of the referendum date;
- (iv) Neutral location of the polling station;
- (v) Counting of the votes at the polling stations

During the launch of the SEOM, Observers were directed to adhere to the *SADC Principles and Guidelines Governing Democratic Elections* in the performance of their duties. Emphasis was placed on the following:

- That the Observers must comply with the laws and regulations of the Republic of Zimbabwe and relevant international instruments governing democratic elections;
- That they should maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and organisations in the Constitutional Referendum;

- That they will base all reports and conclusions on well documented, factual and verifiable evidence from a multiple number of credible sources as well as their own eye-witness accounts; and
- That they should work harmoniously with each other and other election observation missions/organisations in their areas of deployment.

3. DEPLOYMENT OF SEOM OBSERVERS

Guided by the *SADC Principles and Guidelines Governing Democratic Elections*, the Mission deployed twelve (12) teams of observers across all ten (10) provinces of the Republic of Zimbabwe. Observers were given the responsibility to observe the Constitutional Referendum and to give comprehensive accounts of their findings in their areas of deployment in order for the Mission to provide an informed assessment.

The SEOM deployed seventy eight (78) observers drawn from various sectors of SADC Member States including Members of Parliament and civil society.

4. CONSULTATIONS WITH STAKEHOLDERS

In discharging its duties, the SEOM interacted with the relevant stakeholders in order to gather information on various aspects of the referendum. The stakeholders included *inter alia*:

- Parties to the Global Political Agreement
- Other political parties
- Zimbabwe Republic Police (ZRP);
- Zimbabwe Electoral Commission (ZEC);

- The Constitutional Parliamentary Select Committee (COPAC);
- Non-Governmental Organisations;
- The European Union Diplomatic Mission and the Embassies of the USA, Australia, Canada and Norway;
- The SADC Parliamentary Forum; and
- Other Observer Missions

These interactions have assisted the SADC Election Observation Mission to understand the prevailing political environment in the country.

5. MAJOR ISSUES RAISED BY STAKEHOLDERS

The SEOM wishes to highlight some of the issues of concern expressed by some Stakeholders in the Constitutional Referendum. These include, *inter alia*, the following:

- Timeous availability of resources to ZEC for preparation of the Referendum;
- Concern about possible apathy;
- Insufficient copies of the Draft Constitution distributed to the electorate;
- Inadequate time allocated for the electorate to acquaint themselves with the Draft Constitution;
- Inadequate time for some stakeholdersto conduct campaigns/civic education;
- Non accreditation of some local Observers;
- Poor signage and identification of some polling stations;
- Inaccessibility of polling stations in some areas;
- Polarised media
- Isolated reports of intimidation and harassment

THE SEOM pursued some of these concerns in a systematic manner by conducting further investigations and at times sought clarification from relevant parties. Some of the responses provided regarding the abovementioned concerns were as follows:

- On timeous availability of resources for preparation of the Referendum, the Mission gathered that ZEC had received the bulk of their funding just before the Referendum. However, the Mission observed that the funding challenge did not hamper the overall Referendum.
- Regarding insufficient copies of the Draft Constitution distributed to the electorate; the Mission was informed by COPAC that 90,000 copies of the Draft Constitution, including audio and braille versions, were distributed across the country. Furthermore, the Mission learned that there were some existing mechanisms in place to access the Draft Constitution such as the COPAC website and regional offices.
- With respect to inadequate time allocated for the electorate to acquaint themselves with the Draft Constitution; the Mission noted that the electorate had between (15th of February being the proclamation of the date of the Referendum to the 15th March 2013) to acquaint themselves with the Draft Constitution. The Mission observed that the Referendum took place within the provisions of the GPA Article 6 and the Referendum Act, Articles 3 and 4.
- Regarding inaccessibility of polling stations in some areas; the Mission observed that due to inaccessibility of some areas, the transportation and distribution of polling materials as well as the polling officers was airlifted by ZEC.

- The SEOM noted reports of isolated cases of intimidation and harassment in some areas and in particular in Mbare, Harare. The SEOM condemn these acts of violence and pledge to law enforcement agents to objectively deal with these matters as they arise.

6. PRE-REFERENDUM PHASE

The Mission observed that the pre-referendum phase was characterized by a largely tolerant and peaceful civic atmosphere. In general, ZEC, COPAC and other relevant stakeholders conducted their work in a transparent, orderly and professional manner without any hindrance.

With regards to the eligibility of voters, the Mission noted that according to the Referendum Act, voters are not required to register for the Referendum and only those who are at least eighteen (18) years old and have a national ID card, waitingpass or valid passport can vote at any polling station across the country.

7. POLLING PROCESS

The Mission observed that most polling stations were opened by polling officers at the official time of 07:00 and closed at 19:00 in the presence of security and Observers. Furthermore, special arrangements were made for voters with special needs, such as priority queue for the elderly, expectant and/or nursing mothers and people with disabilities. The Mission observed the professional conduct of the polling staff.

8. COUNTING PROCESS

The Mission observed that the counting process began immediately after the closing of the polling stations. The counting process was conducted procedurally. Furthermore, procedures for secure counting of votes were adhered to. In addition, the Mission witnessed and followed closely the counting of votes together with the polling officers without any hindrance.

9. BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT

In the course of observing the Referendum, the Mission noted that over and above, general adherence to the relevant national legal instruments and the SADC Principles and Guidelines Governing Democratic Elections. The following best democratic practices and lessons in the Zimbabwean Referendum were observed:

- Provision of adequate logistical and material support by the ZEC to ensure that all citizens of voting age were able to participate in the referendum;
- Prompt accreditation of Observers;
- Provision of several polling streams that expedited the voting process;
- Use of indelible ink to prevent double voting;
- Use of translucent ballot boxes;
- High state of preparedness by the Zimbabwe Republic Police, by providing adequate security that facilitated a peaceful environment for the Referendum;

10. SADC ELECTION OBSERVATION MISSION RECOMMENDATIONS

Upon completion of the observation exercise, the Mission is pleased to share the following recommendations with the citizens and the stakeholders of the Republic of Zimbabwe:

- Encourage the establishment of a mechanism through which funds for elections could be timely availed;
- Encourage the update of the voters' roll in time for elections;
- Encourage continuous voter education;

11. CONCLUSION

The Mission is pleased to share its findings and observations with the people of Zimbabwe and all relevant stakeholders. In general, the Mission observed that the polling process was conducted in a peaceful, transparent and smooth manner.

The Mission has come to the conclusion that although some of the concerns raised are pertinent, they are, nevertheless, not of such magnitude as to affect the credibility of the overall Referendum.

We also wish to commend ZEC for the professional and dedicated manner in which they delivered a successful referendum to the people of Zimbabwe.

On behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and on behalf of the entire SADC family, I wish to sincerely congratulate the Government, ZEC and the people of Zimbabwe for holding a peaceful and credible Constitutional Referendum on 16 March 2013.

This is a major step in the implementation of the GPA and I therefore would like to take this opportunity to encourage the political leadership and all the people of Zimbabwe to uphold peace and stability.

Thank you very much.