# CHRONICLES OF THE ZIMBABWE ELECTION SUPPORT NETWORK SINCE 2000:

## In Pursuit of Democratic Elections in Zimbabwe

Zimbabwe Election Support Network

Promoting Democratic Elections In Zimbabwe

Edited by:
Prof. Gideon Zhou
Dr. Tinashe Gumbo
Rekai Rusinga
Rindai Chipfunde Vava

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## PROFILES OF THE FOUNDING BOARD OF THE ZIMBABWE ELECTION SUPPORT NETWORK

**Phillitat Matsheza** is the founding (interim) Chairperson of the ZESN and the founding Director of the Human Rights Trust of Southern Africa (SAHRIT), which initially hosted the ZESN Secretariat. He holds an LLB from the University of Zimbabwe and a Master of International Law in Human Rights from the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) at the University of Lund, Sweden. Phillitat served as a Zimbabwean diplomat from 1981 to 1989 before transitioning to senior bureaucratic roles. He was Deputy Director of Information in the Ministry of Information, Posts and Telecommunications, and later Under Secretary for Policy and Legislation in the Ministry of Home Affairs, from 1989 to 1997. In 1998, he founded SAHRIT and played a key role in the formation of ZESN from around 1999. Since leaving SAHRIT in 2005, Phillitat has worked as an anti-corruption expert with the United Nations. His work has seen him contribute to various initiatives around the world, including Southern and Eastern Africa, Asia and the Pacific, Latin America, the Arab States, Eastern Europe, and Central Asia, through agencies such as UNODC and UNDP.

**Rindai Chipfunde-Vava** is one of the ZESN Co-Founders and Executive Director from its formation in 2000. She is Host Director for Electoral Support Network of Southern Africa (ESN-SA), a network of domestic observer groups based in Southern Africa covering 14 countries. She is an Electoral, Civic society and Capacity building expert with 25 years of experience. She is the Executive Director of the Zimbabwe Election Support Network (ZESN). Rindai is a Building Resources in Democracy, Governance and Elections (BRIDGE) Accrediting Facilitator and worked in many countries like Nigeria, Zanzibar, Kenya, Rwanda, South Africa, Botswana, Malawi, Sudan, Somalia, Liberia, Ethiopia, Nauru and Zimbabwe. She has observed over 20 elections in several countries. She is a holder of BSC in Political Science, Master's Degree in Policy Studies and Post Graduate Diploma in Peace and Security (Uppsala University, Sweden) a Stanford University fellow and Commonwealth Fellow.

**Perpetua Vera** Bganya is a highly skilled and experienced senior human rights, gender, and Zimbabwe development expert with over 20 years' experience in senior leadership and management positions in Zimbabwe. She is a trained lawyer with advanced project managerial qualifications of senior level management. She is married with two children and resides in Zimbabwe. At the time of the ZESN formation, Perpetua was working for the Zimbabwe Council of Churches (ZCC) under the Justice Peace and Advocacy Unit.

**Sarah Chiumbu** is an academic and media/communication specialist with over 20 years of experience. She holds a PhD and MA in Media Studies from the University of Oslo, a BA in English Literature and Psychology, and a Postgraduate Diploma in Media Studies from the University of Zimbabwe. Sarah is currently an Associate Professor in the Department of Communication and Media at the University of Johannesburg. She previously served as a Senior Research Specialist at the Human Sciences Research Council and as a Senior Lecturer in the Media Studies at the Department at the University of the Witwatersrand. Sarah also worked as a teaching assistant at the University of Oslo and as Research Officer and National Director at the Media Institute of Southern Africa (MISA) from 1997 to 2004. She joined the ZESN from MISA.

**Doreen Nelson** (deceased) was a co-founder of the Foundation for Democracy in Zimbabwe (FODEZI), a watchdog organisation established in July 1997 to support independent candidates in elections.

***PROFILES OF THE FOUNDING BOARD OF THE ZIMBABWE ELECTION SUPPORT NETWORK(Cont...)***

**Goretti Mudzongo** is a democratic governance, gender equality and human rights expert, with 30 years' experience. Key aspects of her work have included strengthening Government and CSO human rights and gender equality capacities to discharge their mandates. Her expertise covers strategic and policy leadership, advice, guidance and coordination in programme direction, management and implementation, curriculum development, strategic planning, partnership development, training, material development, research and monitoring and evaluation. Goretti has worked in various Agencies in the United Nations, Government, International, Regional and National NGOs, Development Partners, National Human Rights Institutions and Academic Institutions. Her experience covers work in various countries in Africa, Europe and the Middle East.

## ACKNOWLEDGMENTS

ZESN is deeply grateful to everyone who contributed to the creation of this book, chronicling our institution's journey from 2000 to 2023. Our heartfelt thanks go to the dedicated former and present Board Members, former and current Secretariat members, and Development Partners, whose hard work and commitment have been the cornerstone of our success. We are indebted to the Board Members for their visionary leadership. To electoral stakeholders and partners, your unwavering belief in our Mission and Vision has been invaluable. Finally, to the Authors and the Editor, your continuous support and engagement have made this journey possible.

## PREFACE

Zimbabwe's electoral history underscores the crucial need for election monitoring and observation, civic and voter education, and advocacy for electoral reform. Since its inception, the ZESN has been dedicated to these areas, driven by its vision of "a Zimbabwe where a democratic electoral environment and processes are upheld". Despite notable achievements, the journey has been fraught with challenges.

The ZESN engaged two authors to help document its story of the past 23 years. Thus, this book provides a chronicle of the ZESN from its formation to 2023. It explores the motivations behind the Network's creation, the process of the formation of the Network, and presents an overview of its work, focusing on its mission, the main purpose being to bring to the attention of its audience the efforts of the Network in pursuit of its mission "to promote democratic elections in Zimbabwe". In part to manage space and time constraints, the book is purposefully far from exhaustive, instead highlighting key interventions and challenges faced by the ZESN, thus offering insights into the Network's operational context.

While the story told in the book is certainly not exhaustive, the authors thoroughly reviewed reports and other documents produced by the ZESN over the past 23 years. The narrative is enriched by the voices of those who have had direct involvement with the ZESN. Interviews with past and current leaders, including Founding Members, the Secretariat, and representatives from member organisations of the ZESN Network, provide a first-hand perspective. In total, 38 individuals were interviewed. The authors also reviewed other sources of information, such as newspapers, to help the reader understand some of the responses to the work of the ZESN from stakeholders who, importantly, include policymakers.

The responses given to the authors of this book during interviews when they asked interviewees what their own version of the story of ZESN sum up what the reader will find in the pages throughout the whole book, essentially that the ZESN was formed by a group of stakeholders who were yearning for electoral democracy in Zimbabwe.

Noel Kututwa, a former Chairperson of the ZESN, reflects:

> *ZESN is a story of people coming together, wanting to promote democracy in their country, from all walks of life, signified by civil society organisations that came together, realising that there is a need for a neutral body which is home grown, which has the interests of the country at heart, for democracy to be achieved in Zimbabwe.*

Barbra Nyangairi, a former Programmes Coordinator of the ZESN, adds:

> *The story of ZESN is a story of patriotism. Unfortunately, the word patriotism has been bastardised in our country to mean that when you are patriotic you do not oppose, you do not confront things that are happening that are bad. Patriotism is the love for country, and so the story of ZESN is the story of patriotism, people who love their country, people who want to see a better Zimbabwe, a future in which Zimbabwe is able to have the legitimacy it needs, whoever is governing should have the legitimacy, should understand that they are there because they are the will of the people and the choice of the people. So, for me, it is the story of patriotism.*

***PREFACE (Cont...)***

Despite a challenging operational environment, the ZESN's endurance and resilience are evident. In the words of a former Media and Information officer for the ZESN, Kevin Maenzanise, "*That ZESN is in its 23rd year is testament to its relevance, agility, and professionalism in the murky waters of elections in Zimbabwe… I see a strong institution that has weathered many storms…*".

Kututwa notes that the story of ZESN is the story of people:

> *…..who did their best, despite insurmountable odds, to achieve what they have achieved, because I think we should never lose sight of the odds that ZESN was working, and continues to work, against. It was and is operating in a very very restrictive environment... So, I think we should never lose sight of that immense contribution that has been made despite all the odds that the organisation faced.*

Barbara Nyangairi describes the journey of the ZESN as:

> *A story of courage. It's a story of boldness. It's a story of tenacity even in the midst of adversity. ZESN stands out for me as a resilient organisation that is able to bounce back from adverse events that have happened, because there have been many adverse events that have happened to ZESN… The story of ZESN is a story of bravery, but, to a very large extent, I would think that the story of ZESN is a story of excellence; excellence that is continuously practised, aspiration for excellence, aspiration to do better.*

Heather Koga, Senior Advocacy for Electoral Reform Officer for the ZESN, observes:

> *ZESN has remained a very formidable force to reckon with in the elections and democracy space. This is despite the shrinking civil space and the direct attacks against the institution in recent times. From its inception ZESN has been consistent in playing a critical role in the elections and democratisation of Zimbabwe.*

Maintaining its principles of independence and non-partisanship, the ZESN has achieved significant milestones. Komborero Nkomo, the Monitoring, Evaluation, Accountability, and Learning Officer for the ZESN says, "*ZESN is one of the few organisations that fearlessly pursues interventions aimed at the democratisation of Zimbabwe without any external influences and hidden agendas*". A Regional Officer for the ZESN, Ndodana Ndhlovu, is of the view that the "*ZESN has become a reputable organisation acknowledged by major electoral stakeholders in the country, feared for its consistency and truthfulness in articulating electoral issues*".

Emilia Bundo, the Media and Information of the ZESN, states:

> *The institution is the leading independent domestic observer group, has grown in strength and stature... ZESN is universally acknowledged and respected as the most important civil society organisation electoral actor in Zimbabwe as it contributes in the democratisation of the country through its various civic and voter education, observation and advocacy initiatives. In its quest to promote democratic elections in Zimbabwe, the journey traversed so far has not been easy, but has yielded some positives...*

***PREFACE (Cont...)***

Despite challenges, the ZESN remains committed to its mission, As the Programmes Director of the ZESN, Ellen Kandororo-Dingani, asserts:

> *Despite these challenges, our commitment to democracy and electoral transparency is unwavering… we understand that forging a path toward a better democracy requires determination and hard work. ZESN is prepared to invest the necessary time and effort to bring about meaningful democratic electoral processes.*

These selected views expressed in interviews that were conducted by the authors essentially encapsulate the story of the ZESN - a narrative of unwavering dedication, perseverance, and a collective aspiration for a more democratic Zimbabwe. This book aims to provide readers with an understanding of the ZESN's journey, challenges, and significant contributions to Zimbabwe's electoral landscape.

# **CHAPTER 1:** ZIMBABWE ELECTION SUPPORT NETWORK: A VEHICLE FOR ELECTORAL DEMOCRACY IN ZIMBABWE

## INTRODUCTION

The Zimbabwe Election Support Network (ZESN) was conceptualised in the late 1990s as a Network of Civic Organisations, consisting of Non-Governmental Organisations (NGOs) representing youth, women, students, churches, labour, Persons with Disabilities (PwDs), and other sectors. The rationale was to coordinate civil society election-related activities, standardise methodologies, and ensure wider geographical coverage. The broad aim of the Network is to promote democracy and good governance in general and free and fair elections in particular. The vision of the ZESN is "a Zimbabwe where a democratic electoral environment and processes are upheld" and its mission is "to promote democratic elections in Zimbabwe" (ZESN, 2000). This chapter introduces the book that tracks the ZESN work since inception. The story is told directly from the perspectives of the members and the Network stakeholders. The chapter shares the book outline, the methodology used to develop the book as well as a reflection on elections and democracy broadly.

At inception, the ZESN's work was organised into five subcommittees: Election Monitoring; Violence Monitoring; Civic and Voter Education (CVE); Research and Advocacy; and Media. Over time, these areas of focus have remained largely unchanged, with ZESN's work currently organised into the following departmental programmes: Electoral Education and Capacity Building (EECB); Election Monitoring and Observation (M and O); Advocacy for Electoral Reform; and Media and Information. The ZESN also has a Monitoring, Evaluation, Accountability, and Learning Unit (MEAL). To effectively achieve the Network's objectives, member organisations are grouped into task forces that implement activities all over the country, with the secretariat facilitating the work[1]. Explaining how the model works, the former Chairperson of the ZESN, Noel Kututwa, said in an interview:

> *So, the model that was used was, you know, because it was a coalition of NGOs, each NGO had its strength, and each NGO would join the particular taskforce that they wanted. So, for example Zimbabwe Lawyers for Human Rights would be part of Research and Advocacy and would be dealing with legal issues. The Zimbabwe Council of Churches would join the civic education and the voter awareness part… So, each NGO or CSO would join whichever taskforce where they could contribute and, together, working collectively we would come under that same umbrella and ensure to do our best work as one.*

The task force has been found to be particularly helpful in widening the reach of the ZESN. In an evaluation of the ZESN's programming, Christoplos et al. (2019: vii) found that in terms of reaching the grassroots, "Via its task forces, ZESN has been quite effective in overcoming geographic and political barriers. The breadth and size of the ZESN membership, and the efficient and effective support provided by the secretariat have enabled outreach to isolated grassroots areas".

This book chronicles the ZESN's journey from 1999 to 2023 in the area of elections. The aim is not to exhaustively detail the ZESN's activities over the years. A fuller treatment of the Network's activities and experiences can be found elsewhere, including in specific election reports that the ZESN has published for all its major activities from 2000 to date.

[1]Member organisations in each province constitute a taskforce that primarily leads the localised implementation of the Network's activities. Organisations (including non-ZESN members) are grouped into different *ad hoc* clusters (introduced much later) based on the nature of work and areas of specialisation of their own organisation (e.g., media, women, youth, people with disabilities, etc).

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These experiences, including online annual reports, have been extensively consulted in the process of writing this book. The book tracks the historical contexts of the formation of the organisation, its strategic interventions in pursuit of democratic elections in Zimbabwe, the challenges faced and how the Network responded, up to 2023. It further highlights the main achievements (again, not exhaustively) of the ZESN, and the key recommendations suggested by key informants.

In large part, the ZESN's story is a tale of resilience, navigating a complex landscape while facing real and perceived threats of violent reprisal. It is about striving to strike a delicate balance in fulfilling its mandate of promoting democratic elections while satisfying all stakeholders' perceptions about its neutrality, impartiality, independence, professionalism and non-partisanship in a highly politically polarised context. Regarding the demands on it, ZESN fully understands that democracy promotion is difficult work that requires a lot of perseverance, commitment, resources, and social capital. As Dr Baffour Agyeman-Duah[2] aptly remarked at the Stakeholders' Roundtable on Elections and Democracy in Southern Africa held from 15 to 16 March 2007 in Harare:

> *... democracy is a process of continuous growth and a journey that never ends because the search for its fulfilment is perpetual. The democratic journey has a definite beginning but uncertain and oftentimes torturous trajectories. Not surprisingly, the Americans and British who pride themselves as purveyors of democracy continue to struggle to stay the course, despite centuries of democratic practice. Not to be seen as an event but a process, advancing democracy requires tact and persistence, and every gain, no matter how marginal, ought to be consolidated and deepened. Hence, cautioning patience is acceptable, but tenacity and vigilance should never be compromised, particularly in emerging democracies where the possibility of democratic reversal or even truncation could be real because of fragile institutions and systems*[3].

To date, the ZESN has registered considerable achievements, though more remains to be done. Importantly, the role and contribution of the ZESN should be properly understood in the context of the legal and institutional frameworks as well as the political environment, among others, in which the Network was operating at any given time. The achievements of the ZESN are majorly explained by its ability to create and utilise the social capital that comes with the Network model. As a 2019 evaluation process found, “the diversity and strength of the membership are central to ZESN's commitments to, 'leave no one behind' in the electoral process” (Christoplos et al, 2019: vi). In the early 2000s, the ZESN was still pushing for its recognition in the area of electoral democracy. The ZESN has continued to perfect its engagement with key stakeholders and build the capacity of members in election-related work. Its tentacles have spread across Zimbabwe and the organisation has also become a major player in elections regionally and globally. However, while the ZESN has contributed in terms of subjecting electoral processes to transparency, the Network's participation in electoral processes in the region and beyond has mainly been for learning purposes, as a way of enriching its work in Zimbabwe.

[2]Dr Agyeman-Duah is the co-founder of the Ghana Center for Democratic Development (CDD-Ghana). CDD-Ghana is an independent, not-for-profit research and advocacy think tank, working to advance, among other things, democracy and good governance. It works to complement the broader objectives of strengthening democratic governance, the principles of popular participation and the demand for public accountability, seeking to secure and increase the integrity and credibility of the institutions and processes of democratic representation and accountability that include elections. Dr. Agyeman-Duah was UN's Senior Governance Advisor, UNDP Tanzania.

[3]https://www.zesn.org.zw/electoral-systems-and-processes-in-africa-towards-reform/research-papers/4704/39/56/13/24/09/2020/tinashe/

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## The Centrality of Elections in Democracy

This book focuses on the ZESN contribution to democratic electoral processes in Zimbabwe. Thus, it is critical that the concept of "electoral democracy" be fully understood from the beginning. Elections are often regarded as the heart of the political process (Mvundura, 2020 citing, Heywood, 2007: 247). Mvundura (2020) argues that, "in principle, elections are mostly viewed as democracy in practice – a means through which the people can control their government and keep it in check". Thus, the elected leaders will have to be alert to the fact that only a satisfied electorate can sustain their stay in power. Elections are a central feature of any democratic political system (Makumbe, 2006, cited in Mvundura, 2020). Yet, elections are closely linked to constitutionalism; together, the two become the key elements of democracy in any given jurisdiction.

There is an urgent need to ensure that elections are done in a way that guarantees acceptance of the outcomes by the citizens. Regrettably, elections in several countries in Africa continue to produce contested outcomes. Zimbabwe has not been spared from such a scenario. Zimbabwe's electoral system before 2000 can be appreciated well through an analysis of the prevailing economic and political contexts of the day. The role of civic movements in responding to social, economic, and political developments in Zimbabwe in the late 1990s became fertile ground for the establishment of a specialised organisation working on elections and other related matters.

The work of ZESN remains key to the democratisation agenda in Zimbabwe. Yet, democracy has been so widely defined and understood that it is difficult to reach a consensus on its meaning. However, the main idea of democracy is generally accepted to have originated in Athens in the 5th century BC (Nwogu, 2015). Nwogu further cites The Webster New Encyclopaedic Dictionary (1995) which defines democracy as a government in which supreme power is invested in the people and exercised by them directly or indirectly through representation. Becker and Raveloson (2008) indicate that "the word 'democracy' is a term that comes from Greek and it is made up of two other words demos= People and kratein= to govern, to rule". Thus, democracy can then be literally translated by the following terms: "government of the people or government of the majority. Democracy, as a State form, is to be distinguished from monarchy, aristocracy, and dictatorship" (Becker and Raveloson, 2008).

Abraham Lincoln is often associated with the famous statement 'the government of the people, by the people, and for the people' which has become the defining statement for democracy (Mielder,n.d.). The emphasis is that governmental power comes from the people; it is exercised by the people, and for the people's interests (Becker and Ravloson, 2008). Javie (2006) in Nwogu (2015) defines democracy in contrast to dictatorship or tyranny. The emphasis is on the availability of opportunities for the people to control their leaders without recourse to a revolution. Larry Diamond (2004:131) in Nwogu (2015), gives an overview of what in his opinion is democracy, describing it as a system of government with four key elements:

- A system for choosing and replacing the government through free and fair elections;
- Active participation of the people, as citizens, in politics and civic life;
- Protection of the human rights of all citizens; and
- A rule of law in which the laws and procedures apply equally to all citizens.

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Literature has generally shown that there are key elements of States that are run under democratic principles. Nwogu (2015) lists them as fundamental freedom and fundamental rights; elections (regular); rule of law, and separation of powers, among others.

Linked to the discussion is the concept of constitutional democracy. Bulmer (2017) indicates that, "modern democratic constitutionalism is based on two principles: (a) representative government, enabling citizens to participate in public affairs and hold their government to account; and (b) the protection of rights, through which citizens are insulated from abuses of power". It is outside the scope of the current book to discuss in detail the concept of constitutional democracy. The focus is mainly on democratic elections that the ZESN works on. The book only briefly touches on the concept in an attempt to contextualise the establishment of the ZESN. As noted later in the book, from the beginning, the ZESN adopted a human rights approach to elections. This was underscored by the former Chairperson of the ZESN, Noel Kututwa, who said in an interview, "Human rights are at the core of elections. The right to participate in national and local processes that affect humanity, right to vote, freedom of assembly, association, expression, choice, etc., remain key in elections"

## ZESN Telling Own Story

In developing the ZESN story for this book, qualitative and quantitative data were collected through multiple methods, including documentary search, desktop research, and key informant interviews (KIIs) with 38 interviewees. The authors of this book also utilised their personal experiences with the ZESN. One of them directly worked for the organisation for six years, while the other was directly associated with the ZESN through the Zimbabwe Council of Churches (ZCC), a founding member organisation of the Network. Thus, "insider-outsider" perspectives from the authors also shaped the content of the ZESN story.

The story is, however, largely informed by the ZESN's reports on electoral processes as well as annual reports and the raw voices of members and stakeholders. The study was also informed by secondary data collected from the internet, media reports, regional and international electoral instruments, and academic materials on some key concepts such as electoral democracy and social capital. Key informant interviews were conducted with the ZESN leadership, members, secretariat, and stakeholders (locally, regionally, and globally). Interacting with the former and current Chairpersons, Board Members, staff members, task force representatives, academics, public officials, and Development Partners created a very rich ZESN story. Specific direct voices are shared in this book while in most cases, they are paraphrased.

Generally, the KIIs were requested to share their specific roles in the ZESN, opinions about the Network model and democratic elections, the ZESN achievements, challenges faced as well as key lessons learned through participation in the Network's programs. The KIIs further shared their recommendations for the ZESN going forward. Going through the ZESN story, one notes that the former and current members have remained committed to electoral democracy. One of the KIIs who has closely worked with the ZESN in various capacities, Taona Mwanyisa emphasised that:

> *The narrative of ZESN must be recounted by those currently engaged, as well as those who were present during its inception. This comprehensive account will provide valuable insights and inform the organisation's future direction. The ZESN should continue to harness the expertise within its membership and external partners to identify innovative strategies for navigating the challenging political environment that hinders its work. By leveraging this collective knowledge and expertise, the ZESN can effectively adapt and refine its approaches to maintain its crucial role in Zimbabwe's democratisation process. Moreover, the ZESN should prioritise documenting its history and experiences to provide a valuable resource for future generations and contribute to the broader understanding of civil society's role in promoting democracy. The story of ZESN serves as an inspiration to other organisations striving to uphold democratic principles and advocate for positive change.*

In terms of the ZESN resource materials such as reports and statements, the book tracks the major highlights of the Network's work. They also provided some quantitative data that show the ZESN programmatic achievements.

## The Journey in Three Parts

Broadly, the book is divided into three major parts: The first part (chapters 1 to 3) covers the ZESN journey from 1999 with a special focus on the introduction of the book, the contextual background of the Network's formation as well as the adoption of the Network model. It discusses the main contextual events that informed the establishment of the Network. These include the social, economic, and political developments of the late 1990s. Specifically, the sections cover the role of civic movements in the constitutional reform processes, the history of elections in Zimbabwe, and other political developments of the time. The discussion also focuses on the ZESN's conceptualization of electoral democracy, its strategic focus since inception as well as an analysis of the Network model that the organisation adopted.

The second part of the book (chapters 4, 5, 6, 7, 8, 9, and 10) shares the challenges that the ZESN has encountered in its work and some highlights of the Network's achievements. Chapters 4; 5; 7 and 8; and 9 are on the ZESN's Electoral Education and Capacity Building (EECB), Election Monitoring and Observation, Advocacy for Electoral Reform, and Media programmes, respectively. Focus is on the legal framework, administrative challenges, as well as those stemming from the political environment, faced by the ZESN in the course of doing its work over the years. The chapters also discuss coping strategies and what the Network was still able to achieve. Chapter 6 is on selected learning missions the ZESN embarked on, observing elections in other countries, in large part to learn about good practices that can inform advocacy in Zimbabwe. Chapter 10 briefly presents some of the achievements in spite of a difficult operational context. The third and final part (chapter 11) offers some specific recommendations to the ZESN membership including the Secretariat, based on key informant interviews conducted by the authors.

For Dr. Frances Lovemore of the Counselling Service Unit (CSU), the ZESN story has been a long and difficult journey, fraught with internal and external setbacks, many betrayals, and disappointments, but the resultant structures, reports, and achievements are testament to collaborative development. As she explained "*it has not been an easy 20-plus years, but the institution remains intact and credible*".

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Before embarking on the specific journey of the ZESN, it is critical to discuss broadly the concept of democracy as well as the key contextual events that informed the formation of the organisation in the late 1990s. While there were some social and economic developments that also directly influenced the establishment of this election watchdog, this book focuses mainly on the political, constitutional, and electoral contexts. Without further elaboration, an outline of the social and economic developments is, however, made.

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# CHAPTER 2: THE MOTIVATION FOR THE FORMATION OF ZESN

## INTRODUCTION

This chapter tracks the ZESN's historical development from the late 1990s to the formalisation of its work in 2000. The ZESN was not formed overnight as the ideation process had started a couple of years earlier. The political, electoral, and legal contexts highlighted in subsequent sections of this chapter provided a fertile ground for the need to establish a specialised Network on elections in Zimbabwe. The formation of the ZESN was a collective project involving many organisations and individuals who directly responded to the prevailing political, economic, and social contexts of the day. The chapter starts with a brief historical overview of the emergence of a civic movement in Zimbabwe, mostly to deal with other issues apart from elections. The discussion moves on to focus on an overview of elections in Zimbabwe from 1980 to 2000, to provide the context for the need of an election observation group. The chapter notes that there were individual civil society leaders who had been involved in election work at regional and national levels who became instrumental in the establishment of the ZESN. Furthermore, the chapter highlights the key moments in the history of Zimbabwe that motivated the standardisation of election work.

### Emergence of a Vibrant Civic Movement in Zimbabwe

The ZESN was formed at a time when there was a need for a strong and more specialised civil society organisation (CSO) to monitor elections and report independently. The Registrar General (RG's) Office was responsible at the time for the voter registration. The fact that the RG was both a player and a referee, generated concerns among stakeholders. It was both a player and referee, resulting in stakeholders raising concerns. In the following sections, the chapter tracks the key internal historical and contemporary contextual issues that motivated the formation of the ZESN.

The ZimFact (2018) tracks the types of Civic Organisations in Zimbabwe from the 1930s. It notes that from the 1930s to the 1970s, such organisations mainly took the form of burial societies, Trade Unions, and women's clubs. During the 1980s, women's rights, income-generating activities as well as policy and human rights issues characterised civic programs. The 1990s saw the emergence of organisations responding to poverty and economic challenges as well as environmental matters. From the late 1990s into the 2000s, the focus shifted to governance, constitutionalism, and policy matters.

Of particular significance to this book, the early 1990s saw the emergence of, “Labour and Students Unions from an ideologically and materially linked relationship with the ruling party during the Willowgate scandal and the one-party State debate” (Dorman, 2003). The amplification of other independent voices such as those from the Church (ZCC) forced the State to introduce laws meant to weaken such civic movements. In 1995, the Private Voluntary Organisations (PVO) Act was brought in to regulate non-state actors (Dorman, 2003). However, the Zimbabwe Congress of Trade Unions (ZCTU) remained very vocal against the economic challenges that were affecting labour, particularly from the mid to the late 1990s. The National Association of NGOs (NANGO), an umbrella body for non-governmental organisations (NGOs) also remained visible as it coordinated the work of non-state actors.

*The Motivation for the Formation of ZESN (Cont ...)*

Zimbabwe adopted the Economic Structural Adjustment Program (ESAP) whose effects were felt at all levels of society, from formal workers to students, and ordinary citizens (Gumbo and Mutizwa, 2023). The ESAP was a neo-liberal approach to economic growth that was mainly motivated by the International Monetary Fund (IMF) and the World Bank pushing capitalism as the dominant ideology following the end of the Cold War. The focus of the ESAP was on economic growth, increased income, and employment creation (not necessarily productive employment) and less on poverty and inequality reduction (Gumbo and Mutizwa, 2023). Thus, the government was forced to implement cost recovery measures in the social sectors, resulting in a reduction in public expenditure on social services such as education, health, and others. The retrenchments from official employment through the "down-sizing" program further relegated the former workers into serious poverty as they could no longer be able to meet the new education and health fees (ibid).

In 1998, the ZCTU led food riots that were a direct response to the effects of the ESAP, but also to the impact of the government's move to compensate the veterans of the liberation struggle, as well as the unilateral participation of the country in the war in the Democratic Republic of Congo. These developments further plunged the country into social and economic challenges. Meanwhile, the call for constitutional reforms was growing louder, culminating in the formation of the National Constitutional Assembly (NCA) in 1997, with the ZCC as the convener. Mhandara et al. (2013) refer to the NCA as a political pressure group with a particular interest in rewriting the constitution.

In the period before the 2000 elections, particularly following the formation of the NCA, civil society in Zimbabwe displayed strength and vocalised its criticisms of the existing 1979 Constitution of Zimbabwe. Civil society also disapproved of the constitutional reform process pursued by the government through the Constitutional Commission established by the late former President Robert Mugabe at the time. It was within this context that the civic movement focusing on constitutional matters emerged, playing a significant role in the overall political landscape of Zimbabwean society by raising political awareness and fostering a culture of critical political discourse.

Zimbabwe eventually adopted its new Constitution in 2013, having been running under the 1979 negotiated Constitution since 1980. The 1979 Constitution had essentially been "imposed" upon the country by the British during the Lancaster House Conference that eventually led to Zimbabwe's independence (Hatchard, 1991). Mhandara et al. (2013) also agree that at independence in 1980, "Zimbabwe adopted a compromised constitution, a result of political negotiation between the colonial establishment and the nationalists". Mhandara et al. cite Sachikonye (2011:4) who notes that, "the Constitution was negotiated under the conditions of duress. Presided over by Britain, the constitution reflected the 'balance of forces' involved in independence negotiations as well as the power balance within the Southern Africa region at that particular juncture".

The Westminster-style Constitution provided for a non-executive President with a Prime Minister as the Head of the government, a bicameral legislature as well as an independent judiciary, and an entrenched and justiciable Declaration of Rights (Hatchard, 1991). Yet, the Constitution also contained some special protections for the white minority. These included the provision of 20 seats reserved for voters on the white roll. The provisions of the Declaration of Rights and white roll seats would be in existence for ten years and seven years, respectively, from 1980. Any changes to these provisions required the affirmation of all the Members of Parliament. However, after the expiry of the provisions as indicated above, they would require the affirmative votes of not less than two-thirds of the total parliamentary membership.

*The Motivation for the Formation of ZESN (Cont ...)*

From the early 1990s, constitutional debates dominated the public space in Zimbabwe. Two major competing processes of constitutional reform occurred in Zimbabwe between 1997 and 2000. The first was led by the NCA which, led by churches, NGOs, and unions, initiated a constitutional debate (Dorman, 2003). The formation of the Movement for Democratic Change (MDC) in 1999, a new political party opposed to the status quo, added more currency to this cause (Mhandara et al., 2013). By December 2001, the NCA had come up with a constitutional draft it subsequently sold to the public. Due to the pressure put on by the NCA, other civic organisations, and the newly formed party, the MDC, the government hurriedly attempted to address the matter of constitutional reform, bringing about the second process. Hatchard (2001, cited in Mhandara et al., 2013) argues that the government's apparent intention was to maintain control over both the review process and the contents of the new constitution. However, the electorate went on to reject the government-sponsored draft in a February 2000 referendum.[4]

Dorman (2003) argues that the NCA premised its work on a critique of the Lancaster House constitution, emphasising the multiple amendments subsequently made by the Zimbabwe African National Union-Patriotic Front (ZANU-PF) government. The development provided a window through which one could examine the "ambiguity and complexity of state-society relations" (Dorman, 2003). The various political and legal processes that led to the constitutional referendum in February 2000 catalysed a significant shift in rhetorical and coercive politics (Dorman, 2003). An understanding of the politics surrounding the constitution at that moment helped in giving context to the formation of the ZESN and other civic organisations later in the 2000s. More importantly however, the history of undemocratic elections and other key developments such as the formation of a new and, up to that time, strongest opposition party, made the upcoming 2000 elections more competitive, and increased interest to participate in elections on the part of citizens, largely motivated the formation of the ZESN.

## A Brief Historical Overview of Zimbabwe's Elections: 1980-2000

Dorman (2005:157) indicates that, "between 1980 and 2000, levels of contestation and of voter participation in elections in Zimbabwe changed dramatically. As the ruling party's domination of the electoral process increased, turnout and participation decreased". In the 1980 elections, Robert Mugabe (ZANU-PF) won a majority of seats in the Parliament, 57 out of 80; Joshua Nkomo's Zimbabwe African People's Union (ZAPU) won 20 seats, mainly in the Matabeleland region; and Bishop Abel Muzorewa's United African National Council (UANC) won only three. The ZANU-PF reinforced its dominance in Zimbabwean politics in 1985, as it won 64; ZAPU got 15 seats, and Rev. Ndabaningi Sithole's splinter group ZANU-Ndonga won just a single seat.

The 1987 Unity Accord[5] merged ZAPU and ZANU-PF, thereby, 'eliminating the thorniest source of opposition' (Nkiwane, 1998 as cited in Dorman, 2005). It would appear that Zimbabwe was almost drifting into a single-party State. In the 1990 elections, the ruling party was challenged by the Zimbabwe Unity Movement (ZUM), led by a former ZANU-PF top member, Edgar Tekere, who had been expelled from ZANU-PF over his criticism of the one-party State model. The ZUM eventually won only two seats in the parliamentary election which constituted 20% of the overall vote, with Tekere himself winning 22% of the presidential vote, and his party averaging about 30% in the urban areas, although they won no seats in that territory (Dorman, 2005).

[4]The government sponsored draft was rejected by the public. This was the first time that the ZANU PF was defeated in a national process since independence. The outcome of the referendum marked the beginning of a high contested political space in Zimbabwe.

[5]Just after independence, there were political challenges in Matebelenand and the Midlands provinces between the government and the ZAPU led by Joshua Nkomo. The government went on to unleash state security that killed an estimated number of 20,000 people. This period is often known as Gukurahundi. This created animosity between the two major groups of the Shona and the Ndebele. However, on 22 December 1987, a Unity Accord was signed marking the end of the government-led process in that region. This also marked the emergence of an Executive Presidency.

*The Motivation for the Formation of ZESN (Cont ...)*

Nevertheless, having actively participated in the 1990 election, the ZUM could not survive the next election. It fragmented, and a splinter regrouped as the Democratic Party. The Fragments of the party were involved in the formation of the Forum Party in 1993, which was expected to provide a strong challenge to ZANU-PF in the 1995 elections, but was also weakened due to factional divisions (Dorman, 2005). Therefore, in the 1995 election, ZANU-PF faced the least contest in the history of the country's elections. It won 55 seats uncontested; adding these seats to the 30 directly appointed by the President. This means that it was assured of the parliamentary majority before Election Day. The United Parties (UP), which was a combination of the UANC, Forum, ZUM, and ZANU-Ndonga, provided the challenge but made very little impact in the parliamentary elections of 1995. The coalition boycotted the 1996 presidential elections at the eleventh hour.

Since that time, the only viable election contestation was visible in the ZANU-PF itself during primary elections. The case of Margaret Dongo who later became an Independent Member of Parliament in Harare is a clear manifestation of fierce internal contestation for parliamentary seats within ZANU-PF. Dongo went on to mobilise other disgruntled members under the Zimbabwe Union of Democrats (ZUD) which was expected to pose serious challenges to the ruling party in the 2000 general parliamentary elections. The in-fighting within the ZUD led to the formation of a splinter group calling itself the Zimbabwe Union of Democrats-Transparency Front, hence no major impact was further felt from ZUD. Zachariah Godi, a long-time ZESN member who served in many capacities in the Network, shares that the ZCC monitored the Sunningdale by-elections in 1995 hence such an experience later became handy within the Network.

In an interview, Noel Kututwa, the former Chairperson of the ZESN, indicated that when the ZESN was then formed, the NCA also had intentions to do election observation. It was strategically agreed to have the NCA and the ZESN as separate organisations focusing on different mandates. Yet, there remained a connection between the MDC and other nonstate actors in the sense that a number of individuals left civil society to join the MDC. Furthermore, both the civic organisations and the MDC were pushing some critical reforms to the Constitution, politics, and elections as well as the economy. This "relationship" between the opposition and the civil society organisations (CSOs) has continued to be manipulated by the ZANU-PF, even when organisations such as the ZESN have lived up to their avowed non-partisanship commitment. As argued by a key informant, Noel Kututwa during the interview, "*During election time, for instance, CSOs are always accused of being in support of the opposition political parties. In fact, in 2000, the government's position on the Constitution was that it had lost, mainly as a result of the efforts of the CSOs and the newly formed MDC*".

## Imperative for Civic Organizations' Involvement in Elections

The worsening economic and social conditions following the implementation of the ESAP, along with the amendments to the Constitution that bolstered Executive power (and the problems it created) and, notably, the formation of an opposition party under such circumstances, set the stage for more competitive elections in 2000. The ruling party's hold on power – a party that had previously expressed a desire for a one-party State - was now under serious threat. The treatment of organisations like the NCA and ZCTU, particularly during the 1998 riots led by the latter, for example, became strong indicators of what could be expected to happen in impending elections, especially as the ZCTU had played a seminal role in the formation of the MDC. Given this background, the monitoring of the next elections became even more critical than before. This was confirmed by the founding members of the ZESN who served as the key informants for this book.

***The Motivation for the Formation of ZESN (Cont ...)***

Speaking about the formation of the ZESN, Philliat Matsheza, the founding interim Chairperson of the ZESN, said "this was more of a realisation that the elections were going to be very challenging and, from the analysis talking to stakeholders, everybody expressed anxiety that the elections that were going to be held in 2000 were going to be hotly contested" (ZESN 10th Anniversary Documentary, 2013). Confirming these motivating concerns for the formation of the Network, Rindai Chipfunde-Vava, the Director of the ZESN, said retrospectively:

> *The elections held upon its (ZESN's) inception were very contestable and the stakes were very high. The elections were very critical and competitive because, for the first time, there was a very strong opposition – the Movement for Democratic Change. This made election observation very relevant. Had the election observation not happened, I think most of the irregularities would have gone undetected (ZESN 10th Anniversary Documentary, 2013).*

Similarly, other ZESN members at various levels confirmed the same sentiments about the 2000 elections. In the 2000 parliamentary and 2002 presidential elections, the MDC was able to capitalise on the ZANU-PF's visible declining legitimacy emanating from the deterioration in the socio-economic conditions. This forced the ruling party into rhetorically contested and physically violent elections. This, as argued by most of the key informants, was also characterised by the land reform exercise that saw white farmers being driven away from farms. The MDC won 57 parliamentary seats in 2000 and provided an unprecedentedly viable alternative Presidential candidate in 2002. Although the ZANU-PF "won" the two elections, Zimbabweans had tested the possibility of electing into office an alternative political party. These were the first two major elections to be observed by the ZESN as a newly formed organisation. Thus, they provided the ZESN with the foundational lenses in its work on elections in Zimbabwe. Subsequent elections were, similarly, contested. An appreciation of the history of Zimbabwe's contested elections going back to 1980 helps one to understand the basis of the formation of the ZESN to get involved in election monitoring. The section below defines and discusses election observation.

The Southern African Development Community (SADC) Lawyers Association (2013) as cited in Gumbo and Sadziwa (2023), defines election observation as the process of information gathering, eye-witnessing, and on-site fact-finding and making an informed judgement about the credibility, legitimacy, and transparency of an electoral process. The SAIIA (2002), also cited in Gumbo and Sadziwa (2023), offers a more comprehensive but confusing definition by indicating that the term 'election observation' is used in popular speech to mean a variety of activities including monitoring, mediation, technical assistance, supervision, and inspection. Thus, for this book, a general definition of election observation is adopted that defines election observation as the systematic gathering of information on an electoral process and the making of an informed judgement on that basis.

Election observers can take note of anomalies in the voting process but they are not authorised to intervene in the process as they cannot approach electoral officials to point out an anomaly or seek its rectification (Gumbo and Sadziwa, 2023). The process of observing elections is fulfilled against set international and national (for the host country) standards to ascertain whether the elections conform to accepted guarantees of democratic participation, identifying flaws and challenges, and also making recommendations on how the process can be improved in the future (SADC Lawyers Association, 2013 as cited in Gumbo and Sadziwa, 2023).

*The Motivation for the Formation of ZESN (Cont ...)*

Election observation is done by accredited people who have experience in the area and can make an objective judgement based on a standard tool. The following is what election observers do:

- Observation of processes and activities organised before, during, and after elections - (the period to be covered depends on the length of the mission);
- Accurate collation of facts and observations;
- Interpretation of the facts gathered against the laws governing elections as well as basic international and regional democratic standards, to see whether or not the elections conform to these standards; and
- Putting the findings and their interpretation into a report (preliminary and final reports).

The observers are deployed to polling stations throughout the country to make some determination on whether the election was free and fair and met set standards. While generally, election observers are sent to polling stations on Election Day as Short-Term Observers (STOs), some organisations with adequate resources send Long-Term Observers (LTOs) weeks or months before an election to ascertain election preparation processes and the prevailing environment.

Election observation involves the analysis of legislation, media, and other relevant documents, holding meetings and discussions, interviews with stakeholders, and observation of the conduct of various stakeholders in an election. A preliminary statement immediately after the polling day is issued before a full report is developed, weeks or months after an election to express the findings of its observers. Election observation can be done by Governments and international organisations such as the European Union (EU); Commonwealth, and Pan African Parliament; Regional organisations such as the SADC; CSOs such as the Electoral Support Network of Southern Africa (ESN-SA)[6]; SADC-Lawyers' Association) or national organisations such as the ZESN.

Election observation has since been recognized as one of the most transparent and methodical ways to encourage commitment of state to democratic standards. The process allows stakeholders to contribute toward promoting human rights, democracy, and the rule of law. It is a valuable tool for improving the quality of elections.

## Election Observation

International, regional, and national observers have come to play important roles in enhancing the transparency and credibility of elections and democratic governance and the acceptance of election results (SADC Lawyers Association, 2023). Election observation allows citizens to interact with the electoral process, scrutinise, and enhance the transparency of elections. It leads to the acceptance of election outcomes among all parties concerned and contributes to political stabilisation.

## Frameworks of Election Monitoring and Observation

The standards for elections are drawn mainly from human rights law which is enshrined in international, regional, and national legal instruments. These instruments establish legal and political commitments for states to meet specific standards about elections. Observers work to see if the electoral processes meet the set standards (SADC Lawyers Association, 2013). The following are the key instruments that guide both local and international electoral observation:

[6]The Election Support Network of Southern Africa (ESN – SA) is a regional network of fifteen non-governmental organisations working in the area of elections in the Southern African Development Community (SADC) region. The ESN-SA (formally known as Southern African Development Community –Election Support Network (SADC-ESN) was established in January 1998 at a launching conference held in Dar-es-Salaam, Tanzania.

*The Motivation for the Formation of ZESN (Cont ...)*

- Universal Declaration of Human Rights (1948);
- International Covenant on Civil and Political Rights (1968);
- The United Nation Convention on the Political Rights of Women (1952);
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003);
- African Union's Declaration on the Principles Governing Democratic Elections in Africa (2002): Though not a legally binding instrument, the declaration presents a comprehensive aspiration of the African Union (AU) regarding the standards for holding free, fair, and democratic elections. Article II (4) states that; Democratic elections should be conducted: freely and fairly; under democratic constitutions and in compliance with supportive legal instruments; under a system of separation of powers that ensures in particular, the independence of the judiciary; at regular intervals, as provided for in National Constitutions; and by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;
- SADC Principles and Guidelines Governing Democratic Elections (2004): On the 17th of August 2004, in Mauritius, the SADC adopted the principles and guidelines which provide for five main issues which are; Principles for Conducting Democratic Elections; Mandate and Constitution of SADC Observers Mission; Guidelines for the Observation of Elections; Rights and Responsibilities of SADC Election Observers; and Responsibilities of the Member States Holding Elections;
- The African Charter on Democracy, Elections and Governance (2007);
- Other International legal instruments on Elections: Universal human rights treaties which provide for the principle of equality and non-discrimination which should be observed in electoral processes. These include the International Covenant on the Elimination of Racial Discrimination (1966), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006);
- National legislation on the election: For Zimbabwe, in the Electoral Act, Section 40G to 40K, the role of observers is explained including the procedures involved in the whole process of engagement of election observers. However, as discussed below, the concept of election monitoring and observation was not well spelled out in the national laws by 2000. The Statutory 161A of 2000 became a major tool of reference for election monitoring and observation; and
- The Principles for Election Management, Monitoring and Observation in the SADC Region; International frameworks such as the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations); Citizen Organizations and Code of Conduct for Nonpartisan Citizen Election Observers; and other international standards and best practices.

## Methodologies of Election Monitoring and Observation

The existence of the ZESN is to coordinate election work in Zimbabwe thereby standardising election observation. Before the formation of the ZESN, election observation in the country had been concentrated in urban areas. Thus, in a way, as will be seen later, the ZESN aimed to ensure that its members fulfil election observations in all the corners of the country. Decentralised election observation creates a range of opinions about a particular election so that, in the event of some disputes, at least some observers can declare that a proper exercise has taken place. The decentralised election observation has continued since the 1980 Commonwealth mission in Zimbabwe. The local observation has also taken similar approaches thereby fulfilling the ZESN aim of national coverage.

*The Motivation for the Formation of ZESN (Cont ...)*

Many election observation tools are used by various missions, both local and international. Formal checklists that allow observers to score for different aspects of electoral conduct are key in election observation. For instance, observers will have to tick some boxes answering questions such as: whether special assistance for the elderly and people with disabilities was available; whether the presence of party agents; availability of key electoral documents; ballots, and ballot boxes were in place on time; whether voters' rolls were accessible and many more. In 1980, Zimbabwe did not use such formal tools per se but, largely, the observers sought to assess such indicators of good election practices. The story of the ZESN helps one to have a full appreciation of the election observation methodologies in Zimbabwe.

It is critical at this stage to discuss the main concepts that guide electoral observation. One such concept is the term or phrase "free and fair" which is believed by Chan (2019) to have been first used at the Zimbabwean elections in 1980. Chan (citing Namusoke, 2016) argues that the phrase was repeated, "albeit in a qualified way, to scepticism and criticism in Uganda". In an attempt to avoid a repeat of the violence and 'electoral cleansing' of Kenya's 2007 election, the United Nations (UN) Secretary-General, Ban Ki-Moon, indicated on 27 February 2013, that elections now need to be "credible and peaceful" (Chan, 2019). Ban Ki-Moon probably did not intend to devise a lower standard of election observation, argues Chan. By 2013, the credibility of elections had become the key motif in election observation. A detailed section is dedicated to the discussion of the concept of "electoral democracy" from the ZESN perspective in the next chapter.

## The History of Election Monitoring and Observation in Zimbabwe

Election observation by international players in Zimbabwe dates back to 1980. Chan (2019) indicates that Zimbabwe's election observation by the Commonwealth marked the first large-scale mission by that institution. For Chan, since Zimbabwe's 1980 independence mission, election observation became a regular worldwide feature as many international organisations, official agencies, and non-state actors deployed observers in various countries. The missions are said to be using similar observation methodologies, largely derived from the original 1980 model implemented in Zimbabwe.

The Secretariat of the Commonwealth played a critical diplomatic role leading to the Lancaster House negotiations in late 1979 that established the pre-conditions for Zimbabwe's independence (Chan, 2019). Chan, who was part of that Secretariat in the 1970s and 1980s, shares that the pre-conditions included the holding of elections, free campaigning by all contestants, and an agreement between the nationalists and the whites. Of particular importance for this book is the provision infused by the Commonwealth Secretary General, Shridath Ramphal, which called for the observation of the elections and campaigns by independent players. Therefore, a few weeks before the elections, the Commonwealth deployed observers to Southern Rhodesia (now Zimbabwe). Chan (2019) contends that electoral observation had not been attempted before on the scale fulfilled in Zimbabwe. Thus, Zimbabwe played a major role in the development of election observation methodology in the world.

## Call for Standardised and Coordinated Election Work in Zimbabwe

Though it was not the first organisation to monitor elections in Zimbabwe, the ZESN has become the country's prominent domestic election observer group. Prior to the formation of the ZESN, there had been a few CSOs that were directly involved in election work in the 1990s. These included the Zimbabwe Human Rights Association (ZimRights), ZCC, and the Catholic Commission for Justice and Peace (CCJP). One major limitation of their effort was the fact that they did not cover the whole country and their approaches were not systematic.

*The Motivation for the Formation of ZESN (Cont ...)*

Their election observation was not decentralised such that certain areas were not being covered. Rindai Chipfunde-Vava (ZESN 10th Anniversary Documentary, 2013) indicates that the organisations were focusing their election monitoring in the urban areas. Yet electoral malpractices were rampant across the country. Confirming Rindai Chipfunde-Vava's observation, Philliat Matsheza reveals that 15% to 20% of people in each constituency were dead people who still appeared in the voters' roll. Commenting on the same, then MDC's Secretary General, Tendai Biti, averred that "Those non-existent voters would then be used to vote come Election Day" (ZESN 10th Anniversary Documentary, 2013).

With election monitoring confined to urban areas, rural areas were left more prone to electoral malpractices that would go unnoticed. Coordination, broadening the geographical scope of election monitoring, and standardising methodologies were thus important. Summarising the background to the formation of the ZESN, Rindai Chipfunde-Vava, the ZESN Director says:

> *The motive behind the formation of the Zimbabwe Election Support Network was the lack of an institution that was focusing more on elections. There were human rights Organisations, and church organisations, like the ZCC and ZimRights, and I was working with ZimRights by the end of the 90s. So, every time there was an election we realised that there were observers in urban areas, leaving out the rural areas. So, for us, the idea of the Network was to standardise the approach and methodologies in terms of election observation (ZESN 10th Anniversary Documentary, 2013).*

The need for coordination and standardisation of methodologies was echoed by another ZESN founding board member, Perpetua Bganya, who said, "We had been observing elections in Zimbabwe. We had done it before, but we realised that we needed a collaborative effort, that we also had one guiding principle; what are we looking at when we are monitoring elections?" (ZESN 10th Anniversary Documentary, 2013). In a later interview, Perpetua Bganya, elaborated on the role that the ZCC had been doing in the area of election monitoring. She indicated that the Church had its own core business thus, election work was secondary, hence the need for a more specialised Network that would lead in this regard.

## The Process of the Formation of the ZESN

The formation of the ZESN was not an event but a process that stretched from the late 1990s into the early 2000s. While the actual formal and public work began when it observed the parliamentary elections in 2000, the process of forming an election civic organisation in Zimbabwe started at the end of the 1990s (Chipfunde-Vava, in Conectas Human Rights, 2009). Philliat Matsheza, the founding Chairperson of the ZESN confirms the process when he indicates that, "the formation (of ZESN) took quite some time. It wasn't just the formal inauguration process that took place in early 2000. We started in 1999…" (ZESN 10th Anniversary Documentary, 2013).

The ZESN model was directly influenced by the Election Support Network of the Southern African Development Community (also known as SADC Election Support Network). The SADC Election Support Network as a regional Network was hosted by the Electoral Institute for Sustainable Democracy in Africa (EISA) and got funding from the Danish International Development Agency (DANIDA). Country-level Networks (chapters) were supposed to be set up in the region. The Zimbabwe Country Chapter was first hosted by the ZCC, with Pepetua Bganya being the point person.

***The Motivation for the Formation of ZESN (Cont ...)***

The Chapter became involved in the SADC Network's processes. Funding proposals were written on election observation. Yet, initially, the responses were generally negative as development partners indicated that they could not fund church-based organisations on election work. Thus, the ZCC, which hosted the Country Chapter of the SADC Election Support Network, was not qualified to receive the resources for elections.

The founding Director of the ZESN, Rindai Chipfunde-Vava, and Perpetua Bganya, and some other individuals from Zimbabwe, including from the ZANU-PF, had been invited by the National Democratic Institute (NDI)[7] to observe elections in Malawi. The NDI's Director of Elections Programs, Richard Klein, recounted:

> *So, the NDI had a programme around the 1999 elections in Southern Africa. There were elections in many countries; there were elections that year in Namibia, in Mozambique, in Malawi, and South Africa, they were all having elections. ... and NDI was looking to do programming in Zimbabwe..., there were also many positive sides. There had been this very impressive constitutional reform process undertaken by the Speaker of Parliament, Cyril Ndebele, and so there were a lot of positive things happening in Zimbabwe. But one of the things that had not happened in Zimbabwe is that Zimbabwe's elections were very out of step with the rest of the region... There had been all this electoral reform that had taken place. These countries had largely inherited UK Westminster's type systems, and they underwent reforms to try to make elections more transparent, more inclusive, and more accountable. And Zimbabwe's practices were still very much out of step... So, we had a programme that brought Zimbabweans from civil society to see the preparations for elections in Mozambique and Malawi.*

In Malawi, Rindai Chipfunde-Vava and Perpetua Bwganya witnessed a consortium of churches observing elections. The Malawi Observation Mission considerably motivated the replication of the same model in Zimbabwe. At the time, in Zimbabwe, churches were working on elections on an ad hoc basis since they had their own core business, and they were observing elections independently, for example, as the ZCC and CCJP, rather than a consortium. About this, the Executive Director of the ZESN, Rindai Chipfunde-Vava, said in an interview:

> *We were invited by NDI, me and Perpetua, to Malawi to observe elections, and what we saw there was a Network under the umbrella of church organisations observing elections. So, for me that's what also motivated me to say, look, there is nothing like that in Zimbabwe. We had churches working separately but not as a Network. So that was the biggest drive.*

In 1999, several CSO leaders came together and decided to participate in the electoral processes in Zimbabwe in a more organised and systematic way. The inaugural team involved in the early stages of the formation of the ZESN included Philliat Matsheza, Rindai Chipfunde-Vava, Perpetua Bganya, Doreen Nelson, Sarah Chiumbu (MISA), and Goretti Mudzongo (working as a Project Officer in SAHRIT). They came together under the Election Support Network, the Zimbabwe Chapter, and they wrote a funding proposal to the Danish Embassy, which got a positive response. Thereafter, other funding partners also came on board, including the British Embassy, the Norwegian Embassy, and the Finish Embassy. Their support was mainly focused on election observation. The first funding came in March 2000 and elections were expected in June of that year. Summarising the factors that led to the formation of ZESN, Noel Kututwa, the former Chairperson of the ZESN had this to say:

[7]According to its own description, the National Democratic Institute (NDI) is a non-profit, non-partisan, non-governmental organisation that works in partnership around the world to strengthen and safeguard democratic institutions, processes, norms and values to secure a better quality of life for all. NDI envisions a world where democracy and freedom prevail, with dignity for all. Over the past 41 years, NDI has partnered with civic organisations in 70 countries to promote and protect the integrity of more than 250 elections. For more information, visit www.ndi.org.

***The Motivation for the Formation of ZESN (Cont ...)***

> *So, the history of the ZESN, 1999, several CSO leaders came together and decided that we need to do something about elections and the way elections were done. I think at the time, the key organisations that were doing some election work, including election observation, ... it was the Zimbabwe Council of Churches mostly. But, from about 1999, it was realised that there is now need for proper, systematic monitoring of elections. And so quite a number of organisations came together... So, from 1999 that's when things started... If you recall, back in 1999 that's when we also had the creation of the MDC. So that was the first time that we had a strong opposition, an opposition that really challenged the status quo. So, ahead of the referendum that took place, ... that's also when the ZESN came into being. Many other things were happening at the time. I think 1999/2000 was probably the time when there was a lot of political activism, a lot of developments around the politics in Zimbabwe, civil society coalescing and coming together, realising that there is need for us to play a bigger and more important role, that it was not enough to simply monitor the situation, write commentaries, ... but that we needed to do a lot more than just looking at things from the sidelines. So, that is when civil society came on board. At the same time, at the SADC level, the SADC principles of democratic elections were also being developed. So, there were a lot of things. And there was a civil society aspect, the role of civil society in elections, monitoring and observing elections, that was also happening... So, there was a lot of agitation, a lot of activism... it was also the days of ESAP. So, all those things were taking place, right? It was just a time when there was so much activism. So, civil society then came together and said what can we do, how can we contribute and what should we be doing in order to play a critical role?*

This was confirmed by the Executive Director of the ZESN, Rindai Chipfunde-Vava, who said in an interview:

> *... But also, as I indicated, there was that referendum issue and the NO vote issue. There was the formation of the MDC and, also, economically, things were going down in Zimbabwe. So, there was, you know, like many people wanting to actively participate and some pushing for change. And so, the elections were now becoming very competitive, as you know, from 1980 to 2000 there wasn't really a very viable opposition as compared to the MDC. So, the interest was so high among the citizens to take part in elections, taking part as voter educators, as observers. So, that I think was happening around that particular time, that no one wanted to be left out... And ZimRights, as I said, at that time was having lots of challenges. So, besides the churches, there was no significant organisation on the ground doing election monitoring. So, it was also coming in to fill in that particular gap... So, those who were not partisan and wanted to participate in elections, and the only way was to create an avenue so that they could participate also as observers and voter educators.*

It can thus be concluded that the ZESN was formed in line with the regional models of election work. However, while this can be true about the modelling of the initiative, strong motivation for the formation of the ZESN came from within Zimbabwe itself. Internal political, economic, and social developments called for the standardisation of election work, and the ZESN became the solution.

Generally, the organisations that formed the ZESN represented churches, students, activists, community-based organisations, women and youth, disability, policy, and advocacy on governance matters. The Human Rights Trust of Southern Africa (SAHRIT), a regional Organisation working on human rights in Zimbabwe, was at the centre of the formation of the ZESN, working with other organisations. The SAHRIT hosted the ZESN at its inception and provided the first (Interim) Board Chairperson (Philliat Matsheza) and later Noel Kututwa.

*The Motivation for the Formation of ZESN (Cont ...)*

Philliat Matsheza was the Director of SAHRIT. Noel Kututwa was a Board member of the SAHRIT then, became its Deputy Director, and later the Deputy Chairperson of the ZESN, and eventually, the Chairperson of the Network (ZESN). Philliat Matsheza facilitated the creation of the ZESN secretariat, working closely with other key organisations at the moment, including the ZCC and the ZimRights. At the time, the ZimRights was the most known election observer NGO outside the church-based institutions.

Rindai Chipfunde-Vava became the first Coordinator of the ZESN, having been involved in some EU-supported election observation work as a Programs Coordinator at the ZimRights. At the ZimRights, she had been involved in the development of election manuals, among other relevant election observation-related issues. Rindai Chipfunde-Vava left the ZimRights when it experienced some governance crisis in 1999, a development that enabled her to fully focus on the new initiative that later became a household name on election matters in Zimbabwe.

*Founding Chairman Philliat Matsheza & Founding Director Rindai Chipfunde-Vava*

The Amani Trust, now CSU, was also a founding member of the ZESN. Dr. Frances Lovemore, the Director at CSU shares that Amani Trust contributed significantly toward both structure and strategy in the early formative days. Tony Reeler, as Director of Amani Trust, worked tirelessly to get donor support and confidence in the concept and was influential in identifying like-minded organisations in South Africa to assist in the first few election observation projects. The Amani Trust was also a key player in response to the challenges related to the violence in the first elections and contributed regularly and substantively to election monitoring reports. The CSU staff members have continued to actively work with the ZESN in training election observers and have also worked as observers. The role of the CSU within the Board of the ZESN (for more than 10 years) has remained key in the development of the Network to this day.

Having secured funding, the ZESN accommodated more players such as the NCA (which is also a founding member of the ZESN) to serve as election observers in 2000. A total of 20,000 observers were deployed under the ZESN. After it campaigned for the NO Vote, during the referendum of that year, the NCA probably feared that the government would not allow it to observe elections, hence brought its observers under the ZESN.

*The Motivation for the Formation of ZESN (Cont ...)*

It was, however, agreed that the ZESN and the NCA should operate separately. In total, the Network went into the election with about 30 organisations. Soon after the election, the ZESN moved out of SAHRIT to its first offices in Belvedere, Harare. Rindai Chipfunde-Vava as the Coordinator of the Network, worked with the Board to set up the administrative infrastructure that include recruitment of staff, fundraising, as well as liaison with development partners and other stakeholders.

The membership of the ZESN has ranged between 30 and 40 organisations over the years. The members have closely been kept together in the Network because of their common belief in electoral democracy. The ZESN has spread its presence in all the provinces through its membership. Its work has also been felt beyond the borders of Zimbabwe. In addition to its Harare offices, the ZESN has a regional office in Bulawayo that covers Matebelenand and the Midlands Provinces. However, some members have continued to recommend the establishment of province-specific offices.

## Personal Connectivity was Critical for ZESN Growth

The ZESN story is one characterised by personal sacrifices and commitment, collaborative efforts, suspicion and trust, triumph in challenges, and motivation for electoral democracy. Yet, the ZESN has continued to excel in the context of a fierce politically polarised society. Thus, establishing and running a Network in such a situation required personalities with strong social capital. Noel Kututwa, former Chairperson of the ZESN noted that there were many personalities that were involved in the formation, growth and sustainability of the ZESN who may remain 'unsung heroes and heroines' in the Network's story. The list of such people cannot be exhausted, ranging from those who served in the Board, Network members, or in the secretariat. The first hurdle was obviously to deal with the state-civil society relations that could easily derail the growth of the ZESN. In this regard, the Network significantly benefited from the links of the first (interim) Board Chairperson's (Philliat Matsheza). Philliat Matsheza had had contacts in government (having been a senior bureaucrat), civil society, and the diplomatic community. However, this is just one example of several of the ZESN founding and current members who played central roles in the formation, growth and sustenance of the Network.

ZESN FOUNDING STAFF MEMBERS YEAR 2000
From left: Peter Mandikutse, Emma Chiseya, Belinda Musanhu, Betty Gumbo, Sphiwe Mapfumo and Rindai Chipfunde- Vava

***The Motivation for the Formation of ZESN (Cont ...)***

Philliat Matsheza was the Director of the SAHRIT when the ZESN was conceptualised and subsequently formed, becoming its Interim Chairperson, before voluntarily stepping down, paving way for Dr. Reginald Matchaba-Hove. Speaking to Philliat Matsheza, one will be convinced that the ZESN remains at his heart, years after he relinquished the Chairperson position. He has remained one of the ZESN Trustees, together with Perpetua Bganya, Sarah Chiumbu, and Goretti Mudzongo. Philliat Matsheza, a Human Rights Lawyer, worked in the government, firstly as the Deputy Director of Information and later as the Under Secretary for Policy Legislation in the Ministry of Home Affairs. He is also a veteran of Zimbabwe's liberation struggle, a unique history that also became handy when the ZESN was formed.

When the idea of forming the ZESN was muted, Philliat Matsheza immediately became the centre of the initiative. As apparent from the preceding section, two ladies were also instrumental in the formative stages of the ZESN, Rindai Chipfunde-Vava and Perpetua Bganya, having been motivated by what they had observed in Malawi. The initiative started with Perpetua Bganya approaching Philliat Matsheza for possible assistance. In an interview, Perpetua Bganya confirmed the fruitless efforts to fundraise for the ZESN under the banner of the ZCC. The ZESN initiative required moral, political, technical, and financial support for it to succeed. Philliat Matsheza's contacts with various sectors were handy in an environment where there were suspicions, particularly between the state and the civil society leaders. He was strategically located to facilitate trust-building among the civil society, government, and the diplomatic community. As he recounted in an interview:

> *What happened was an issue of a lot of coincidences, as always happens in life. I had no intention of being involved in elections… So, what happened was one day there was this small meeting that was arranged, I think it was Perpetua Bganya, she was working for the churches, the ZCC, and she had gone to some donors which were encouraging the observations of elections, so that civil society should play an active role in the process. But they didn't have the money. And it just happened by accident that there was a Professor from Sweden who had just come, and he was interested in elections, and had some resources. So, I then shared the opportunity with Perpertua and said, okay, I can check from my sources, but we might actually have access to some resources to help. So, I went back and said there is this new initiative, can we really help and support it? So, at that time they also wanted to know, of course, for those backing us knew me, so I was their bet, that yeah, okay, if you are involved, yes, then we have no problem… because I was being funded by the Swedes already and I was participating in the Raoul Wallenberg Institute activities.*

As an 'insider-outsider' in government structures, Philliat Matsheza was in a privileged position to know what the government wished for in terms of electoral reforms. He knew the electoral gaps that existed in the policy and legal frameworks. Therefore, the formation of the ZESN was an opportune time for the government to address some long-standing electoral gaps in the system. During Philliat Matsheza's tenure in the Ministry of Home Affairs, he also personally noted some gaps that characterised the election work in the RG's Office. Philliat Matsheza made direct contact with the Minister of Home Affairs at the time, Dumiso Dabengwa, who was receptive to the idea and advised Philliat Matsheza to go and talk to the then RG, Mr. Tobaiwa Mudede about it. Philliat Matsheza then engaged then RG, Mr. Tobaiwa Mudede, selling the idea of the government working with civil society, capitalising on his insider-outsider position. Around that time, there was a Danish Consultant who was working with the RG's Office in view of the 2000 elections. As Philliat Matsheza remembered:

***The Motivation for the Formation of ZESN (Cont ...)***

> *Now, what happened was, then, I knew that from some meetings we had had in the Ministry of Home Affairs, that there were challenges in the Registrar General's Office to do with those things. In the meetings that we had had whilst I was in government, they had something like a proposal they wanted. So, I had to go and see VaMudede. If you have worked with VaMudede, he wasn't always the easiest person. So, I went in and said okay, there was that thing that we were working on, there is a civil society initiative that is coming up which could be helpful... why don't you bring in civil society so that it gets its share for advocacy and you can get something for technical support for what you want to do?*

However, it appeared as if in buying the idea, some in government were motivated by what they had seen as a potential opportunity for financial or material benefits, such as cars, more than the idea of technical support that the civil society would offer to the government. On its part, civil society was interested in getting access to the voters' roll and Philliat Matsheza was aware of this and other specific advocacy issues that the sector was pushing concerning the elections in Zimbabwe.

Philliat Matsheza was also connected to Sobuza Gula-Ndebele who had replaced Bishop Peter Hamutendi as the Chairperson of the Electoral Supervisory Commission (ESC), to whom he also introduced the ZESN idea, which was positively received. This relationship also helped ease engagement beyond the formation of the ZESN. Philliat Matsheza also engaged Mrs. Elaine Raftopoulos, a Commissioner of the ESC whom he said had a "very good relationship" with his own "close personal friend", Isaac Maphosa, who was involved in the NCA initiative. Furthermore, Philliat Matsheza was closely linked to some development partners and strategic embassies because of his previous role in government and his academic background having benefited from a Swedish scholarship for his studies in Sweden.

However, as early as then, there emerged some 'Network dynamics'. Within civil society, some people were uncomfortable working with Philliat Matsheza. As Philliat Matsheza himself put it:

> *But also, the dynamics were personal in the sense that because I was working in government, a lot of the people in civil society weren't coming from that side. They were also uncomfortable with me, but I was very comfortable with myself, because I felt I had gone through the hot fires and all that. And I was capable. So, I didn't see myself as a liability, but others did.*

On the funding partners' side, the Scandanavians and the United States Embassy, having been funding Philliat Matsheza's organisation already, were comfortable working with him. However, the United States Agency for International Development (USAID) had its own preferred candidate. Philliat Matsheza insisted that he had only joined the Network on an interim basis to help set it up:

> *So, the only way then, a compromise was that I would come in on an interim basis. But there is a difference between declaring that you are interim and the reality. Some people felt that no...., a person who has been Under Secretary in the Ministry of Home Affairs heading civil society was not something that they tolerated. So those were mostly the dynamics that were in the early days. But for me really, it was to try and use that strategic position I had and bring in the resources. It was never to be Chairperson of the ZESN, because that was going to be really too much for me. I was working on anti-corruption in SADC, working on the SADC Protocol Against Corruption... So, I didn't have the time.*

***The Motivation for the Formation of ZESN (Cont ...)***

Phillliat Matsheza's main strength was his connectedness. As he said:

> *So, now in terms of those divisions that started showing, I was obviously, because everything was new and personal contacts were the most important thing, and since I had those, that was the biggest strength I had... So, within the Commission itself, you also ended up having the Gula-Ndebele's views and the Raftopoulos views. And then another group also in civil society was mostly talking to Mrs. Raftopoulos and I was talking to my former colleagues in government and the donors. Okay we got money. So, I had both those areas. And then I had to say, I don't have the time for this... So, we did that, and my role became clear that I was interim Chairman. And as soon as we started feeling that we were moving, I then notified the Board that I think I had done what I volunteered to do: set it up, get money for it, and establish the necessary networks and the relations that were needed, and now we had Rindai and company.*

Phillliat Matsheza, who acknowledged the contribution of his colleagues to the success of the ZESN indicated that he tried to use the privileged position he had for the good of the Network:

> *It's not as though I wasn't aware that I was privileged to do that. I think I could say certain things which other people could not say, and I could walk into certain offices other people could not do. But I was using it constructively and also using the Network, since the ZESN was a Network, we would go as a group, I would lead the delegation.*

Having joined the Network in the capacity of interim chairperson, Phillliat Matsheza did not take long before voluntarily resigning. He indicated that, "*obviously, since I was so busy, the only other person who had the credibility to coordinate people in Zimbabwe at that time in civil society was Dr. Matchaba-Hove. So, we talked, and Dr. Matchaba-Hove agreed that he could take over*". Dr. Matchaba-Hove was subsequently elected to replace Phillliat Matsheza. However, Phillliat Matsheza, who then remained an ordinary Board member, would still occasionally be called upon to help, which he would do, including doing negotiations for resources for the ZESN.

## Conclusion

It can thus be concluded that the ZESN was formed mainly in response to the internal social, economic, political, and legal issues that affected the citizens at the moment. While the modelling of the initiative was aligned with similar frameworks in the regions, internal needs in Zimbabwe pushed for a more coordinated approach to election work. It was also noted that contacts within the government, Diplomatic Community, and Civil Society also facilitated the growth of the ZESN. Yet, the history of election monitoring and observation can also be traced back to Zimbabwe's first elections post-independence. The 2000 and 2002 Parliamentary and Presidential elections respectively, shaped the ZESN's election observation lense.

*The Motivation for the Formation of ZESN (Cont ...)*

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# CHAPTER 3: SOCIAL CAPITAL FOR ENHANCED ELECTORAL DEMOCRACY

## INTRODUCTION

The ZESN's strength lies in its Network approach which cultivates the social capital that is key in the promotion of electoral democracy. The Network has continued to be run by the members through some specific governance and operational structures. This approach has enhanced transparency and accountability within the ZESN. However, the ZESN achievements can largely be explained by the maximisation of the social capital that comes through collective efforts in electoral processes. The idea of a Network was driven by the Election Support Network of SADC as noted earlier. The Zimbabwe players were already working under that Network, hence it was easier to pick it up from there when they formed the ZESN. Development partners also encouraged such models for coordination, inclusivity, and amplification of civic voice in elections. A Network model ensures a standardised methodology in election work. Lessons that had been picked from membership organisations such as the ZimRights also motivated such a model. For instance, to avoid internal fights that characterised membership organisations, a network model becomes a good option. A Network allows members to focus on their core work and only converge during an election moment. This lessens the possibility of competition and infighting among members. This unique model of election work in Zimbabwe has since been replicated in other countries such as Malawi, South Africa, Nigeria, and many other countries.

### Sustained ZESN Identity

The ZESN works to standardise CSOs on election-related activities and methodology, as well as to ensure wider geographical coverage of activities. The major focus of the ZESN has been to promote democratic processes in general and free and fair elections in particular as captured in the Network's first election observation report (ZESN, 2000). In its 2022 annual report, the ZESN indicates that, "the broad aim of the Network is, therefore, to enhance the election process in Zimbabwe to promote democracy and good governance in general as well as free and fair elections in particular whilst adhering to internationally acceptable standards", Scanning through the key documents of the organisation from 2000 to 2023, it is clear that there has not been any major change to the original aim of the ZESN of promoting democratic elections in Zimbabwe through a coordinated and standardised election observation methodology.

The ZESN vision has not changed over the period of twenty-three years either. The Network envisions, "a Zimbabwe where a democratic electoral environment and processes are upheld" (ZESN Annual Reports, 2011). Evaluating the ZESN work in 2019, Christoplos et al., explain the vision further by saying that the Network envisioned:

> *a Zimbabwe where principles of free and fair elections are upheld in a transparent, credible, and non-partisan electoral process. ZESN works to deepen democracy through strengthening electoral processes and advocating for electoral reform in Zimbabwe. It works together with its members and other stakeholders to develop support systems for enhancing the conduct of elections, with a mission to enhance a democratic, transparent, free, and fair electoral process and environment through coordinating activities of member organisations.*

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The sustained mission of the ZESN has been "to promote democratic elections in Zimbabwe" (ZESN Annual Reports, 2013). Christoplos et al. (2019) add that the ZESN, "facilitates the participation of civil society in local authority, parliamentary, presidential elections and by-elections to promote democratic values, transparent, free and fair electoral environment, and processes by set international standards". Therefore, the ZESN has continued to guard jealously the principles of electoral democracy and other best practices through its work. Its members have also aligned their election work with the Network's vision and mission. The provincial and national task forces are the vehicles toward the realisation of the ZESN vision in the respective provinces. The Network's strategic aim, vision, and mission are guided by the key values which are: democracy; mutual respect for human rights; transparency and mutual accountability; gender equality; integrity; and non-partisanship.

## Specific Objectives

In line with the need to coordinate and standardise election work, the ZESN came up with some specific objectives that members were to pursue. With some minor adjustments over the years, the objectives remained as:

- To enhance citizens' participation in issues of governance and democracy;
- Promote democratic, free, and fair electoral processes through objectively and impartially monitoring and observing elections;
- To promote the creation of a legal framework and election culture for free, fair, and credible elections; and
- To effectively gather, disseminate, and communicate objective information about elections and democratic processes.

The specific objectives correspond to the ZESN programmatic areas that focus on: Monitoring and Observation; Advocacy for Electoral Reform; EECB; and Media and Information. These programmatic pillars have basically been maintained since 2000 with the MEAL subsequently added and some minor changes emanating from the need to respond to some specific key electoral contexts nationally, regionally, and globally. This was reflected in the interview responses given on the occasion of the ZESN celebration of its 10th anniversary as well as the KIIs conducted for this book.

The former Chairman of the ZESN (2001-2005), Dr. Matchaba Hove, noted that:

> *... it was very clear we had certain areas that we would concentrate on. One, of course the major one, being election monitoring. And electoral reforms was one major theme we certainly felt we had to add on board. It is fine to observe elections and then report that there were problems here and there but changing the playing field I think was a major issue that we, all of us, were trying to aim at (ZESN 10th Anniversary Documentary, 2013).*

Dr. Matchaba-Hove particularly noted the Network's focus on election monitoring, observation, and advocacy for electoral reform. The ZESN Media and Information Officer at the time, Ellen Kandororo-Dingani, said concerning her programme area, "… it is the one which disseminates information from all the programs …" (ZESN 10th Anniversary Documentary, 2013). The ZESN also focused from the outset on civic and voter education, with the work acknowledged by Phillip Pasirayi, then with the Center for Community Development in Zimbabwe, who said,"… you look at the kind of work that the ZESN does, you know, the training of observers, providing electoral rights civic education. This work is very important when you are looking at the democratisation of the country" (ZESN 10th Anniversary Documentary, 2013). The work under these programmatic areas feeds into each other towards the realisation of the ZESN goals in pursuit of its mission.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The sections below summarise the key programmatic areas of the ZESN. The achievements of ZESN to date under each of the pillars are discussed in the ensuing chapters, together with the key challenges faced by the Network.

## Fostering Active and Informed Participation

Through its EECB programme, the ZESN seeks to promote active and informed citizen participation in electoral processes. The overarching goal of the programme is to enhance citizen participation in governance and democracy. The programme has specific objectives including informing citizens to vote on an informed basis and increasing citizens' knowledge about democracy and electoral processes. The Network also aims to foster active citizenship participation in democratic processes and elections, while facilitating the participation of youth and other marginalised groups in political processes.

The key result areas of the programme encompass the following:

- increased voter turnout during local authority, parliamentary, and presidential elections;
- increased citizen participation in social, economic, and political affairs;
- increased confidence of citizens in the electoral process;
- fewer voters turned away on Election Day;
- reduced incidences of political violence;
- fewer assisted voters;
- an increase in the number of registered voters;
- reduced incidents of papers rejected by nomination courts;
- reduced number of spoilt ballot papers;
- peace, development, and economic prosperity in Zimbabwe; and
- improved relations between Zimbabwe and the international community.

To achieve the stated objectives, the ZESN works through task forces constituted by its member organisations, as well as clusters whose membership is not necessarily confined to the ZESN's own member organisations. The ZESN secretariat coordinates the activities of the Civic and Voter Education Cluster, which consists of organisations conducting civic and voter education in Zimbabwe.

The main purpose of the cluster is to create a platform for the CSOs to share information and develop strategies aimed at improving coordination in civic and voter education interventions. Through the cluster, members share the training of facilitators, methodologies, information education, and communication materials. This coordinated approach in civic and voter education enhances broader reach and coverage, thereby contributing to increased citizen participation in electoral and governance issues.

The task force brings together members of the ZESN and provincial coordinating teams. It aims to discuss and utilise methods and strategies for carrying out an effective grassroots-based civic and voter education outreach programme, ultimately enhancing citizen participation in governance and democracy issues.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The activities carried out by the taskforce include training of trainers; production of training manuals, materials such as posters, flyers, and calendars; community theatre; videos; public meetings; print media inserts; and radio and television programmes. The programme targets various groups, including the electorate, youth, students, media, women's groups, political parties, influential community leaders, the disabled, and other marginalised groups.

## Enhancing Transparency in Elections

The ZESN's Monitoring and and Observation programme's overall aim is hinged on promoting democratic and fair electoral processes by conducting objective monitoring and observation and providing relevant recommendations to electoral stakeholders. The basis for the ZESN's monitoring and observation efforts as well as the benchmarks for its assessments of the electoral processes and environment lie in domestic laws such as the Constitution of Zimbabwe, the Electoral Act, and other pieces of legislation; regional and international frameworks such as those discussed earlier. The specific objectives of the programme include:

- enhancing confidence in the electoral system;
- deterring electoral irregularities;
- fostering participation in elections; and
- systematically gathering and providing accurate information about electoral processes to various stakeholders.

The key result areas of the Monitoring and Observation include improved participation in electoral processes, a reduction in electoral irregularities, a decrease in election-related violence and intimidation, and a more informed citizenry regarding electoral matters. By successfully implementing monitoring and observation initiatives, the ZESN aims to promote greater adherence to the electoral law by stakeholders and enhance transparency while deterring electoral malpractices.

The programme focuses on all elections and processes associated with elections at all levels, that is, presidential, parliamentary, local government, and referenda. It also covers all phases of the electoral cycle, from pre-election activities such as intra-party primary elections or candidates' selection processes; voters' roll inspection; delimitation; the sitting of the nomination courts; voter registration (which is continuous around the electoral cycle); and the political environment.

It further focuses on potential malpractices such as vote buying and the abuse of State resources; violence and intimidation; and the partisan conduct of Traditional Leaders and other actors. During the electoral period, the ZESN monitors and observes campaigns and the political environment, polling processes (from setting up and opening of polling stations through to the closing and announcement of results), and results collation. The post-election phase involves monitoring and observing election disputes; post-election violence and intimidation; and the overall political environment.

The programme activities also involve conducting voters' roll audits and reporting through the compilation of reports. The ZESN monitoring and observation methodologies are designed to ensure focus on all phases of the electoral cycle. The Network employs three observation methodologies namely, LTO, STO, and Sample Based Observation (SBO). The observation methodologies of the ZESN changed over time as deliberate efforts were made to ensure focus on all problematic issues and areas in all phases of the electoral cycle.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The LTOs are embedded in constituencies and conduct observations throughout the electoral cycle, while the STOs are deployed closer to voting days and focus on polling stations and collation centres (covering wards, constituencies, and national collation centres). At polling stations, the STOs will be present from the setting up and opening of polling stations through to the counting and posting of results at the polling station.

The observers are expected to be present, by the time results get to the collation centre until they are officially announced at their respective level of observation. In addition to the polling station-based STOs, the ZESN deploys teams of roving observers to constituencies on Election Day who monitor the environment by moving around in the areas of their deployment. The SBO is a specialised form of STO that involves randomly sampling polling stations to provide an accurate nationwide assessment of the electoral process and project election results.[8]

To achieve its objectives under the Monitoring and Observation programme, the ZESN recruits, trains, and deploys observers, mainly from its broad network membership and, in some cases, from outside the membership. The role of the observers is to report on electoral processes and the environment, using standardised checklists, to enable the ZESN to make an assessment of compliance with democratic standards. The target groups of the programme include the government, election management bodies, political parties, and the electorate, including marginalised groups such as the women, youth, and persons with disabilities (PWDs). Thus, the ZESN contributes to promoting transparency, deterring electoral malpractices, and building stakeholders' confidence in electoral processes. The programme's activities aim to foster increased citizen participation and enhance the credibility and legitimacy of electoral processes in Zimbabwe. Since its formation, the Network has observed all major elections; presidential and parliamentary, as well as most by-elections at the National Assembly and local government levels including referenda.

## Advocating Reforms for Democratic Elections

The overall objective of the Advocacy for Electoral Reform Programme is to promote the adoption of a legal framework and an election culture that fosters free and fair elections in Zimbabwe. The specific objectives of the programme include:

- promoting and engaging in peaceful dialogue on election-related issues;
- providing fair and objective information and analysis on election-related matters;
- increasing the capacity of local, regional, and international stakeholders to understand election issues in Zimbabwe; and
- equipping citizens with the information and skills necessary to enhance their knowledge of election issues in the country.

The activities of the programme encompass various areas, including research. The Network produces research papers, opinion polls and surveys, shadow reports, simplifies election legislation, makes reform recommendations, and conducts compliance audits based on regional and international standards. It advocates and lobbies through meetings, workshops, conferences, thereby making reform recommendations on specific electoral issues. The analysis of election finances and advocating for equitable distribution (through budgetary monitoring, etc.) are also key activities of the ZESN under this programme. The Network further embarks on publicity activities (public meetings, debates, lectures, workshops, seminars, conferences, interactive forums). Lastly, the programme also promotes a code of conduct for election activities.

[8]As is the case in any data gathering effort, targeting an entire population for observation (all polling stations in this case) is inefficient and very difficult if at all possible for a number of reasons. The SBO helps deal with these challenges through the random drawing of a representative sample of polling stations to which observers are deployed which is used for the projection of results for all polling stations.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The key result areas of the programme include:

- increased community awareness;
- a vibrant, active, and responsible citizenry resulting in good governance;
- increased public participation in deliberating and advocating for electoral reforms;
- adoption of meaningful electoral reforms; and
- improved electoral systems, practices, and processes.

The target groups for this programme include the electorate, women, youth, students, labour organisations, and religious organisations, government officials and policymakers, electoral management bodies, Parliament, local leadership, Traditional Leaders, political parties, researchers, and other relevant stakeholders.

## Communicating for Electoral Democracy

The Media and Information programme's overall goal is to gather and disseminate electoral information to various stakeholders and encourage the media to play a constructive and objective role in strengthening the electoral process in Zimbabwe. It aims to address issues such as partisan reporting, unequal access to the media for stakeholders like political parties, and a lack of transparency and information dissemination to the electorate through different media channels. The Media and Information programme has specific objectives that include promoting fair and accurate media coverage of elections and establishing the ZESN as a non-partisan and independent organisation in the field of elections. The target groups for this programme are media practitioners, the electorate, youth, students, policymakers, researchers, political parties, election management bodies, the ZESN members and partners, and the international community.

The programme's activities involve collecting, storing, and disseminating information about elections and related issues through various means such as statements, reports, alerts, op-eds, supplements, monographs, and books, among others. Capacity-building workshops and meetings are conducted to enhance media practitioners' ability to provide fair and accurate coverage of elections. The programme also utilises the Resource Centre, newsletters, annual reports, community newspapers, websites, email, and alternative media for information dissemination. Special efforts are made to package information for media consumption.

The key result areas under the programme include increasing awareness of the ZESN work and advocacy on elections among the public, reducing self-censorship by journalists covering elections, generating public enthusiasm for election-related issues, and improving media coverage of electoral issues. Furthermore, the ZESN enhances communication during election periods, ensuring well-documented and easily accessible electoral information in Zimbabwe, and fostering positive interaction with important stakeholders such as the media and the electoral commission through information sharing.

Through the relevant task force, the programme focuses on conducting research on electoral issues, particularly electoral reforms and the voters' roll, which has been identified as a significant problem area in the electoral process in Zimbabwe. The task force also works to promote and advocate for good practices throughout the entire electoral process in the country.

Besides observing harmonised general elections and by-elections at the National Assembly and local government levels, the ZESN seeks to support and widely promote a culture of democratic electoral practices. To this end, the ZESN offers balloting services to organisations such as the CSOs and schools, among others, that hold elections for positions in their governance bodies.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

## Lesson Drawing for Improved Effectiveness

The ZESN has a MEAL Unit that plays a cardinal role in relation to the Network's overall goal, mission and vision. The Unit is key in the development of a strategy from which various programmatic goals are then drawn as well as their indicators. On the basis of the indicators, the MEAL Unit tracks progress of the implementation of interventions, helping the Network stay on course and ensure movement towards targets. Importantly, the Unit seeks to enhance the effectiveness of the ZESN by learning from the evaluations it conducts. The functions of the MEAL Unit are as follows:

- defines realistic expected results based on appropriate analysis;
- clearly identifies programme beneficiaries and assist in the design of programmes to meet their needs;
- monitors progress toward results and resources consumed with the use of appropriate indicators;
- identifies and manages risk while bearing in mind the expected results and necessary resources;
- increases knowledge by learning lessons and integrating them into decisions, and
- reports on the results achieved and resources involved.

Some of the activities under each programme and the key challenges faced are discussed in the next chapters including specific achievements made to date.

## ZESN's Governance and Operational Structure

To facilitate conducive conditions for the conduct of credible elections in Zimbabwe, the ZESN organised itself into governance and operational structures that further enhanced the maximisation of the social capital that exists in the network. The governance and operational structures guarantee the fulfilment of the principles of transparency and accountability. The policy-making body of the ZESN is a Board. The following are the ZESN Chairpersons since inception: Philliat Matsheza, Dr. Matchaba-Hove, Noel Kututwa, Rev. Dr. Solomon Zwana, Mr. Tinoziva Bere, Ms. Irene Petras and Advocate Andrew Makoni.

Under the Board, is the general membership of all organisations. The current members of the Network are diverse organisations that in one way or another work towards ensuring that civic society plays an important role in achieving free and fair elections in Zimbabwe and developing a democratic political culture in the country. The ZESN membership is controlled hence one has to fulfil a checklist that covers governance, reporting, capacity, and work on governance issues that align with the ZESN work. The membership is focused on networks and not individual organisations.

The ZESN further introduced a cluster model, an innovation mainly meant to accommodate nonmembers. This model was motivated by development partners to allow nonmembers to access some resources for their work within the Network. The model is a capacity-building process that guarantees the sustainability of the election work at the grassroots level. In an interview, Rinadai Chipfunde-Vava, the Executive Director of the ZESN, indicated that this is an ad hoc arrangement that was initiated in 2013. Yet, it is not an official structural arm of the ZESN. Some of the cluster members had applied to be members of the ZESN but did not qualify. The development partners and stakeholders also influenced the cluster model for easy coordination of the election work. Related to the cluster model, was the sub-guaranteeing model that was also introduced at the ZESN to allow for more sector-specific election work. Thus, youths, women, the disability sector, and other interest groups would receive resources from the ZESN during the election period where they contribute to the main election reporting for a particular election. The arrangement promotes an inclusive electoral process within the ZESN while also guaranteeing the sustainability of the emerging grassroots organisations.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

Thus, the ZESN is currently championing the coordination of five distinct CSO clusters working on the development of electoral democracy in Zimbabwe. These include the Elections Monitoring and Observation Cluster, Media, Oversight and Advocacy, Legal and Medical Services, and Civic and Voter Education, constituted by the Network members of the ZESN and non-members alike.

The ZESN Board members show commitment, and engagement with the network and can think critically about the work of the organisation (Christoplos et al., 2019). The fact that the Board members are committed, meant that a fertile ground for the membership to, in turn, engage well with the Secretariat was created. Christoplos, et al. (2019:15) further note that:

The Board members are well aware of the constitutionally designated systems and norms governing Board participation and succession and they apply these norms in practice. They are also aware of the challenges in representing such a diverse and dispersed membership, while also achieving consensus on priorities. Overall, the evaluation team judges that the ZESN Board has achieved a level of professionalism that is rare in CSOs internationally.

The ZESN current and former Board members who participated in this book project confirmed their commitment to the Network during their tenure. A former Board Chairperson who presided over the Network during the 2008 Harmonised Elections, Noel Kututwa, had this to say, "ZESN was and remains in my blood". Advocate Andrew Makoni, the ZESN Chairperson at the time of writing this book, narrated his story that saw him becoming an observer under the ZESN, its lawyer in some specific cases, and eventually its leadership. He remains passionate about the work of the ZESN.

It was noted that there have not been any major changes from the original structure of the ZESN that existed at its formation. At the top is the Annual General Meeting of members when the Board is elected. Thus, the Board is the highest structure outside the General Meeting. Then some Committees are established such as the Human Resources and Finance; ad hoc Disciplinary Committee, Advocacy and Research, Civic Education, and others. The Secretariat is meant to facilitate the work of the Network while the implementing arms and task forces are visible in all the provinces. The network model has also allowed for the engagement of Volunteers from member organisations who act as election observers. The ZESN is directly networked to other networks such as the NANGO, Zimbabwe Human Rights NGO Forum, and others. Each structural organ brings its strengths and sub-networks into the ZESN. The ZESN directly works with other stakeholders including the Constitutional bodies: Zimbabwe Electoral Commission (ZEC), Media Commission, Gender Commission, Zimbabwe Human Rights Commission, and other public institutions. It further collaborates with Government Departments and Parliament.

## ZESN Perspective on Electoral Democracy

From the beginning, the ZESN adopted a human rights approach to elections. The ZESN's founding values: are transparency, accountability, human rights, and honesty, among others. Human rights are at the centre of elections hence their promotion, protection, and defence by the ZESN. The right to participate in national and local processes that affect humanity, the right to vote, freedom of assembly, association, expression and choice, among others remain key in elections. The ZESN demonstrated what democratic elections look like at national and international levels through compliance with best practices and standards.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

The UN and AU guidelines on elections were followed and became the yardstick to do election work in Zimbabwe. The SADC guidelines were still being developed when the ZESN was formed and were only adopted later in 2004. The UN and AU as well as SADC guidelines emphasise pre, during, and post-election situations. Each of the three stages has clear issues that need to be focused on.

First, is the legal framework that makes elections democratic- that is the elections have to be constitutional. The Constitution must guarantee the right to vote. This can only be guaranteed if other rights are also being enjoyed such as sufficient knowledge about a particular election. Second, there must be an Independent Electoral Body to run the elections. The body must be separate from the political parties, government, and any other player. It should have a separate budget.

Thus, elections are both political and legal. The legal aspect includes the constitutional issues together with the relevant electoral laws of an individual country. The politics of elections manifests the selection of leaders, namely, Presidents, Members of Parliament, and Councillors. The democratic elections must meet the political and legal requirements. The electoral body should be accountable to the people and not government and political parties. Since the body is constitutional, politics come in issues of voters' roll that are always contentious, a census that is also a political process that is expected to determine delimitation processes. In an interview, Noel Kututwa, the former Chairperson of the ZESN, argued that, "Democratic elections should be about the contestation of ideas and not the contestation of force". Yet, in Zimbabwe, the police have been banning opposition parties' meetings allegedly for not complying with the Public Order and Security Act (POSA) and Access to Information and Protection to Privacy Act (AIPPA). Selective application of the law has also been noted in the role of the Traditional Leaders, and the military during election time.

According to the ZESN, the Zimbabwe 2000 Parliamentary elections were historic in that they exposed serious governance, development, and democracy limitations. They were characterised by political violence, generalised lawlessness, and anarchy (ZESN, 2000). That being the first major task of the ZESN in the democratisation of electoral processes in Zimbabwe, it shaped the organisation's perspectives on democracy.

The ZESN (2000) therefore recognises that, 'democracy' "as the word's etymology suggests is the role of the people in governance". Thus, the right to electoral democracy is one's right to participate in political processes that affect him or her. The right to democracy also involves consultation of the citizens on political choices by the leadership. The right to electoral democracy is enshrined in Zimbabwe's Constitution as well as in the United Nations Covenant on Civil and Political Rights (UNCCPR). The right to electoral democracy gives citizens the entitlement to free, fair, and open participation in whatever democratic process of governance they choose. Citing Article 25 of the UNCCPR, ZESN (2000) also recognizes that:

> *periodic and genuine elections are a necessary element of sustained efforts to protect the rights and interests of the governed. Therefore, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment of all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights.*

***Social Capital for Enhanced Electoral Democracy (Cont ...)***

For ZESN (2000), the right to electoral democracy:

> *entails not only free elections at reasonable intervals but also a national legislature in which at least one chamber's membership is freely contested in a popular vote; a system of universal and equal adult suffrage; secret ballot; free, non-discriminatory candidature for the office; freedom to form political parties that compete based on equal treatment before the law and by the authorities; free and fair campaigning; and absence of legal administrative obstacles to media access. This right must be available on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process with a guarantee that the candidates who obtain the necessary number of votes required by law are duly installed in office and permitted to remain in office until their term expires or is otherwise terminated by the law.*

The primary organs of the state that were empowered to deal with the elections as of 2000 (according to the 1979 Constitution, Sections 58-61) were the President, the ESC, the Election Directorate (ED), the Delimitation Commission (DC) (Section 59) and the RG's Office. The framework had serious gaps according to ZESN (2000), as it provided significant overlaps and duplication of efforts among electoral authorities. While the ESC received much positive appraisal from many independent players during the 2000 elections, alleged interference by the Office of the President, the Election Directorate, and the RG was cited by some anonymous communications to ZESN (ZESN, 2000). Dorman (2005) is not generous in describing the ESC that she says was not effective as a watchdog of elections in Zimbabwe.

The establishment of the ZESN came against the backdrop of a legal framework that did not officially recognise election monitors and observers. The Electoral Act did not provide for either election monitors or observers (ZESN, 2000). Nowhere in the country's legislation was the term defined to fulfil the aspirations of electoral democracy. This means that the laws did not envisage the role of election monitors and observers in Zimbabwe's electoral system (ZESN, 2000). Though the law empowered the Minister of Justice, Legal, and Parliamentary Affairs to make regulations about elections, this did not apply to the roles of monitors and observers as the law did not provide for such in the first place (ZESN, 2000).

The political and electoral systems in Zimbabwe have always been hinged on the concept of 'one man one vote' which was mainly popularised during the war of liberation in the 1960s and 1970s. Everyone has a democratic right to vote hence the need for periodic elections. The 'one man one vote' became a slogan that galvanised the people around elections. It continued to guide civic processes in the late 1990s. The now-late leader of the MDC, Morgan Tsvangirai would say then, that, “People have to control their destiny through their will” (ZESN 10th Anniversary Documentary, 2013).

In an interview, Dr. Frances Lovemore, who has been a key member of the ZESN for a long time, argues that:

> *Democratic elections are elections clearly defined in the many observation standards through which elections are observed in Zimbabwe. ZESN contributed substantially to influencing the development of regional electoral observation standards and toward influencing electoral reform in Zimbabwe. ZESN has written and published substantively on elections both within Zimbabwe and regionally and has produced regular reports throughout the electoral cycles which serve as references.*

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

## ZESN's Strength Lies in the Network Model

It can be concluded that the ZESN membership has a clear understanding of the concept of electoral democracy. All the KIIs who participated in this book project showed that they hold similar perspectives regarding their role in the pursuit of the electoral democracy agenda. The ZESN is part of the Building Resources in Democracy, Governance, and Elections (BRIDGE) process and Rindai Chipfunde-Vava, as Director, is a core facilitator of the same. The BRIDGE is a 23-module course that covers all aspects needed for the training of practitioners involved in democracy, governance, and election processes, of which civic education is a major component. Two modules, voter registration and civic education have remained critical for practitioners in civil society in Zimbabwe. They are designed to equip members of the ZESN with advocacy skills and also to identify and design projects that can benefit communities that they work with to understand and be fully involved in participatory democracy. The members of the ZESN spoke highly of the training sessions they have attended under the BRIDGE. Their appreciation of the concept of electoral democracy was enhanced through such sessions.

The strength of the ZESN to this day, lies in the Network approach that it adopted at inception. It was revealed in several interviews that the decision to settle for a Network was motivated by the need to manage potential fights/infights that had been observed to plague single organisations; to accommodate as many possible of those who wanted to participate at a time when interest was very high; and to take advantage of the comparative advantage each organisation brought into the Network. The interviews also revealed that the Network model has enabled the ZESN to speak with authority, in unison, as a grouping of many organisations and harness and capitalise on the expertise of the varied membership. For an organisation that needs large numbers of volunteers to observe elections, the ZESN has also immensely benefited from the wide membership bases of some of its members such as church, teacher, women, and youth organisations. Yet, the Network model has equally benefited individual member organisations. For example, in an interview, Tabani Moyo, the Director of MISA said:

> *Throughout the electoral cycle… We have been part of the committee that articulates media related issues and leads in terms of contribution and shaping strategy around how the Network responds and mainstream media-related interventions. And, specifically, media and elections; that interplay during and after an election, we have been a critical cog in the achievements of the ZESN in that regard.*

On the flip side, indicative of the benefits that the MISA has gotten from its membership in the ZESN, he said:

> *Our work is founded on common values, the ZESN is a Network and as MISA we found the value in that our articulated issues gain traction when you are part of a Network that deals with elections because elections are a critical issue as they anchor the political leadership of the country. So, if you are part of that broader Network that stimulates conversations and policy proposals, then you are part of the broader conversation about Zimbabwean democratic existence. And to that regard, our work as the MISA has been through contributing expertise on media and elections, and the governance of the same. And to that regard what we have seen is that the ZESN has shown beyond doubt their ability to galvanise membership submissions into actionable policy proposals and policy briefs that better inform the legal environment during and after the electoral cycle. Further, it has allowed us to contribute our monitoring findings during election into the broader report that the ZESN produces, thereby forming the basis upon which to engage the government of Zimbabwe, the region, and the global order.*

***Social Capital for Enhanced Electoral Democracy (Cont ...)***

Working as a Network has enhanced the social capital that is required in electoral democracy. Waters (2022, p. 23, cited in Gumbo, 2023) defines social capital as the, "capital or resources we gain from existing within a social network". The concept was derived from social science and is centred on humanity's ability to leverage social connections to solve problems, improve well-being, pursue shared objectives, and take collective action. Bourdieu (1986, in Gumbo, 2023) emphasises that social capital is the aggregate of the actual or potential resources that are linked to the possession of a durable network of more or less institutionalised relationships of mutual acquaintance and recognition. Membership in a group provides each member with the support gained from collective belonging. Bourdieu further holds that the relationships in a group may exist only in the practical state, materially or through the symbolic exchange of ideas. Robert-Putman (1995) as cited in Gumbo (2023) has become the modern face of social capital theory through his work, "Bowling Alone: America's Declining Social Capital".

Social capital is hinged on social relationships and is characterised by social networks, civic engagement, norms of reciprocity, and generalised trust (Gumbo, 2023). Thus, social capital is a collective asset manifesting through shared norms, values, beliefs, trust, networks, social relations, and institutions that facilitate cooperation and collective action for mutual benefits. Yet, social capital is a complex multidimensional concept that has various dimensions, types, and levels of measurement. Some of the types of social capital are structure and cognitive, bonding, bridging, and linking, strong and weak; and horizontal and vertical.

While the current book does not directly engage the many debates surrounding the use of social capital in different disciplines, it argues that the work of the ZESN has benefited a great deal from the collective approaches implemented since its formation. The approach is hinged on the need to coordinate members and clusters to enhance transparency and accountability in the electoral process.

With better and clearer coordination and standardisation of electoral work in Zimbabwe, the ZESN and its members hope to realise democratic elections. The thematic cluster system allows the members to take ownership of the Network processes. Thus, transparency and accountability which are key elements of democracy are promoted while the collective voice on electoral issues has also amplified the strength of the ZESN. The members of the Network are also able to share ideas and resources thereby easing the election work. The ownership of the Network by members further motivates them to be innovative and creative in their specific areas of expertise that affect electoral processes. The ability of the ZESN to allow individual members to implement their specific mandates while still contributing to the broad Network goal is the most unique part of the organisation. This approach has ensured the sustained connectivity of the members. Inclusivity is one key element of an effective network and the ZESN has done well in that regard.

A member of the ZESN based in Masvingo, argues that a Network approach has more advantages to the members in terms of the exchange of ideas, and material, financial, and moral support to each other. A network or a coalition of organisations can win on more fronts and increase the potential for success. The 2000 ZESN Parliamentary Election Observation Report describes the organisation, "as a coalition of non-governmental organisations formed to coordinate activities about elections". Thus, the notion of a network also carries elements of a coalition of players around a specific matter. A network or a coalition enjoys similar advantages in terms of social capital. The ZESN has fully utilised the social capital that exists in a network. In an interview, Bruce Nyoni, a board member of the ZESN, holds that "*ZESN is an unstoppable Network on election work*".

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

A Network can bring more expertise and resources to bear on complex issues, where the technical or personnel resources of any one organisation would not be sufficient. The ZESN is made up of different specialised organisations, a character that has continued to allow the Network to adequately address the interests of specific groups about electoral issues. Agreeing on this matter, Alois Chaumba of the CCJP indicates that, "ZESN is a specialised organisation in election observation. Our association with it helped my organisation a great deal" (ZESN 10th Anniversary Documentary, 2013). In the same documentary, Irene Petras, former Director of the Zimbabwe Lawyers for Human Rights (ZLHR) and former ZESN Chairperson, shows that her organisation offered (and still offers) legal assistance to the ZESN, does litigation, and helps with capacity building on legal matters. She appreciates the collaboration that manifests within the ZESN membership based on each one's social capital. The ZCC, Evangelical Fellowship of Zimbabwe (EFZ), and other ecumenical bodies that are part of the ZESN have also been providing much-needed credibility in electoral work. The Church is often regarded as a trusted and credible institution in nation-building processes. That credibility tag associated with the Church continues to benefit the ZESN.

In an interview, Rindai Chipfunde-Vava, the Executive Director of the ZESN, also noted that there are instances when some Network members directly compete for resources in elections. In another interview, Ellen Dingani, the ZESN Programme Director, also noted the vulnerability of the Network to infiltration by those with a malicious intent, joining through the Network member organisations. Fortunately, as a learning organisation, the ZESN continued to review its approaches especially those associated with infancy, thereby addressing most of the limitations noted above. The ZESN thus utilised its strategic platforms such as the annual general meetings to respond to the constructive criticism that came from its stakeholders as it was still perfecting its operational and governance model. This explains the adoption of some innovations such as the cluster systems, the sub-grantee model of supporting members and nonmembers as well as deliberate collaborations with specific stakeholders such as ZEC, parliament, and other public institutions.

## What they said about the Network Model

Christoplos et al. (2019:11) summarise the views of the members of the ZESN about the Network approach as follows:

> *The provincial task forces are not only peer review structures for the Network, but they are also an accountability mechanism through which we successfully ensured that the ZESN Secretariat and the Board cannot do as they wish but respond to the needs and aspirations of the people through the members (Board members).*
>
> *The task force is an inclusive policy-implementing arm of the Network. In the province, we regularly convene the task force members to plan and execute ZESN Secretariat-initiated programmes such as the Biometric Voter Registration (BVR) awareness ahead of the registration process or our programmes during the 2018 elections, such as holding manifesto meetings in communities and organising sports tournaments between security agencies and the communities as a way to inculcate trust because the security agencies have always been seen as partisan during elections in Zimbabwe (Bulawayo task force member).*
>
> *One of the benefits of being a ZESN Network member is the capacity provided to the network members through task forces. As task force members, we are trained as trainers for the Network and for our organisations. The capacity building is ongoing and there is also a WhatsApp platform where task force members from Bulawayo, and Matabeleland North provinces discuss electoral developments in our regions (Bulawayo task force member).*

***Social Capital for Enhanced Electoral Democracy (Cont ...)***

> *The task force has contributed to the Biometric Voter Registration (BVR) process and continues to mobilise citizens to register because registration is continuous. Individual Network members who are also in the task force such as the faith-based organisations used to invite the ZEC to register people at the churches. We also invited the ZEC to our events such as roadshows and ensured that people were registered while also having fun (Bulawayo task force member).*

In an interview, Rindai Chipfunde-Vava, the Executive Director for the ZESN highlighted the following about the Network model:

- The Network model has advantages such as wider geographical coverage of events;
- A wider pool of volunteers, that allow activities to be fulfilled simultaneously in different places;
- One voice on elections;
- Sharing of notes and experiences by members, leading to strengthened reporting on election work, hence there is strength in numbers.

In the same interview, Rindai Chipfunde-Vava highlighted that there is however, a spirit of competition for election resources among members. She indicated that some members get the information from the network and use it against the ZESN. Thus, according to Rindai Chipfunde-Vava, it calls for focus, principled behaviour, and sustained dedication by the ZESN leadership and Secretariat to the mission and vision of the network to remain professional.

In an interview, Mavis Kalumbu of the Zimbabwe Civic Education Trust (ZIMCET), also argued that the Network model has allowed for comprehensive input of different stakeholders into the crafting of frameworks on how to monitor and observe elections in Zimbabwe. Mavis Kalumbu highlighted the following advantages of the model:

- The Network model led to a better-coordinated effort to the processes which in an environment such as Zimbabwe is necessary to ensure more effective lobbying and advocacy of electoral issues.
- It has also ensured that no member is left behind in terms of participation in electoral Monitoring and Observation since the ZESN has ensured a level playing field in terms of recruitment of observers.

Mavis Kalumbu added that in an environment where resources for voter education and capacity building have become scarce, the model has made it possible for members to continue contributing under the ZESN banner. Advocacy around electoral reforms has also been made effective as a result of a collective front that the network model has presented.

In separate interviews, Rev. Dr. Solomon Zwana and Noel Kututwa, both former Chairpersons for the ZESN argued that the Network benefits from the diversity of the member organisations in several ways that include, specialisation, experience, community and national reach as well as international networks. The two former chairpersons held that each NGO has its special area of strength, and this becomes the unique character of the ZESN.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

In an interview, Dr. Tendaiwo Maregere, who worked with the ZESN as a consultant and development partner argued that the ZESN uses an authentic partnership model that worked magnificently with both NDI and the Carter Center as well as regional networks like the Electoral Support Network of Southern Africa (ESN-SA) in a mutually reinforcing way. He added that the model is premised on working together to accomplish agreed results and accepting joint responsibility for achieving them. For him, the ZESN has proved to be a competent partner with unquestionable commitment and clarity in the implementation of programs.

In another interview, Marvellous Kumalo, a ZESN former board member, held that the sense of belonging to a family of members working on promoting democratic elections in Zimbabwe and working with a network of CSOs doing similar work on promoting democratic elections has been a great opportunity for his organisation. Marvellous Kumalo further indicated that his organisation that focuses on issues affecting residents, believes that most of the service delivery challenges in local authorities emanate from the nature of the country's elections. Access to capacity-building programs on promoting democratic elections in Zimbabwe has been facilitated by the ZESN. All the taskforce members who participated in this book project argued that the ZESN enhances networking, collaborations among members, capacity building of members, skills and experience sharing, as well as identification of gaps and opportunities in governance work.

In another interview, Zachariah Godi, of the CSU argued that the ZESN pushes for collective enhancement of democratic election, enjoyment of the right to freedom, and voting by the ordinary citizens. He further indicated that initially, the ZESN worked mainly with the ZCC, EFZ, CCJP, and the ZimRights which are also membership-based national organisations. Zachariah Godi shared that the network model allowed members to be on the Board, and Sub Committees (e.g Human Resources, ad hoc Disciplinary, Election Monitoring Sub Committee).

Taona Mwanyisa, who worked with the ZESN in different capacities summarised the significance of the Network model as follows:

> *The ZESN's journey has provided an invaluable learning platform for like-minded organisations in the region, demonstrating an unprecedented model of network resilience. ZESN exemplifies the power of collaboration, showcasing how organisations can pool their resources and collective influence to advocate for shared interests. Individual institutions may face limitations in achieving their goals independently, but uniting with organisations that share their objectives has proven instrumental in driving effective electoral oversight. This collaborative approach is particularly crucial for issues like elections, where a strong, unified voice is essential to be heard. Networks can sometimes be hindered by institutional structures and power struggles, which can derail advocacy efforts and lead to stagnation or even dissolution. ZESN's enduring existence stands as a testament to the leadership and unwavering commitment of its members, who have driven the institution forward despite these challenges.*

The ZESN story has been characterised by collective actions, planning and decision making; collaborations, team work, and collective accountability by members. The network model adopted at the inception of the ZESN remains the defining factor for the organisation's quest for electoral democracy in Zimbabwe. The social capital created by the network model has allowed the ZESN to utilise the varying experiences, expertise, skills, and sub networks resident among members for the success of its work on elections. The members who participated in this book project spoke highly of the approaches that the ZESN adopted in terms of coordination of members and stakeholders. The strength and volume of the ZESN voice on election issues is hinged on the network model adopted.

*Social Capital for Enhanced Electoral Democracy (Cont ...)*

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# CHAPTER 4: EDUCATING FOR ELECTORAL DEMOCRACY

## INTRODUCTION

This chapter highlights the activities of the ZESN under the Electoral Education and Capacity Building Programme over the years, starting from 2000. It also traces the changes in the operational environment and governing frameworks bearing on the work of the ZESN. Further, it discusses challenges faced by the ZESN with regard to the EECB Programme and how they were dealt with. The discussion is largely organised by election years[9].Recognizing the importance of democracy education in ensuring informed citizen participation in democratic electoral processes, the ZESN established a Civic and Voter Education (CVE) subcommittee right from its inception. The Network perceived voter education as one of the cornerstones of free and fair elections (ZESN, 2002). The ZESN believes that voter and civic education are essential parts of empowering the electorate to vote from an informed position (ZESN, 2002) and indispensable in the preparation for democratic elections (ZESN, 2005).

In terms of programming, the name of the CVE programme of the ZESN has changed several times in strategic reflections over the years. The evolution of the name entailed changes in how the ZESN was doing its work. Initially, CVE was provided under the CVE subcommittee. Later, the 'capacity building' component was added, with the broadening of the programming of the ZESN to also build the capacities of its members and other CSOs, Faith Based Organisations (FBOs) and Social Emerging Groups (SEGs) and Community Based Organisations (CBOs).

### 2000: The Beginning and Obstruction of the Quest for Informed Citizen Participation

In a context of the absence of state-sponsored voter education (VE) programmes ahead of the 24 to 25 June 2000 parliamentary elections, civic society took the lead in facilitating the voter education program (ZESN, 2000). Intensive VE training was conducted both through the coordination of the ZESN and directly by other CSOs (ZESN, 2000). However, the civic society-led VE programme faced significant disruptions due to the outbreak of political violence in February 2000, which coincided with the ruling party's defeat in a referendum for a new constitution that was opposed by civil society, led by the NCA (ZESN, 2000).

The war veterans initiated acts of intimidation and launched a propaganda campaign against opposition political parties in many areas (ZESN, 2000). In this context, despite maintaining impartiality and not favouring any party, civic organisations involved in VE programmes were impeded from reaching outlying areas and farms occupied by war veterans (ZESN, 2000)[10]. These circumstances made it extremely challenging to conduct meaningful VE ahead of the 2000 elections and the effect of the inadequacy of VE was evident in the elections (ZESN, 2000).[11] Nevertheless, it should be noted that monitors' reports showed that voters were generally able to move through all the steps of the voting procedures on election day (ZESN, 2000).

[9]While work under this Program is not confined to election years, the discussion in this book is largely organised according to election years, with focus not on the activities per se, but the experiences of the ZESN in the course of doing its work.

[10]The government held a referendum on a new constitution on 12–13 February 2000. On 26–27 February 2000, the pro-Mugabe Zimbabwe National Liberation War Veterans Association (ZNLWVA) organised several people (including but not limited to war veterans; many of them were their children and grandchildren) to march on white-owned farmlands, initially with drums, song and dance. The predominantly white farm owners were forced off their land along with their workers, who were typically of regional descent. This was often done violently and without compensation.

[11]For example, on Election Day, reports from election monitors in urban constituencies indicated that while polling stations were easily accessible to the majority of the population, there were instances where they were not well advertised. As a result, there was heavy concentration of voters at some particular polling stations compared to others. In some cases in rural areas, voters were turned away as they went to wrong constituencies. ZESN also received reports relating to inconsistent parties' information on ballot papers. The space provided for photographs for all the opposition was left blank. Information from some voters, especially the illiterate, indicated that they found the blank spaces confusing and had to ask for help from the polling authorities in casting their vote. Other voters complained that they might have spoiled their votes by affixing the 'X' in the space meant for the photograph.

*Educating for Electoral Democracy (Cont ...)*

## 2002: The Genesis of Legislative Hurdles in Civic and Voter Education Provision

Zimbabwe's 2000 parliamentary elections were followed by the Presidential election of 9 to 11 March 2002. In the intervening period, several developments occurred, with implications for the role and contribution of the ZESN in the provision of CVE. Starting from around June 2001, the government announced plans to ban civil society from providing VE, giving the ESC monopoly over VE provision. The then Minister of Information, Professor Jonathan Moyo, indicated that the government was considering banning civic groups, churches and aid agencies from conducting VE programmes accusing them of having "hidden agendas".[12] The Minister said:

> *It is not only NGOs that are being used in this game. Some churches have also joined the fray, invoking the name of God, making God partisan and turning the Bible into a political manifesto, using foreign money to subvert our hard-won independence under the guise of voter education. People's thinking should not be compromised by an individual non-governmental organisation, because some are violating the laws. If voter education is about neutral information which affects who governs us, why should it be done by every Tom and Dick? Is there anyone who believes Pius Ncube[13] can give neutral voter information? Is there anyone out there who believes Reverend Tim Neill[14] can offer neutral voter information?* [15]

The regulation of VE provision was justified in reference to other countries, with NGOs and churches accused of having used funding from foreign sources to subvert democracy in the 2000 elections. Moyo argued:

> *In many countries, there is a law that regulates voter education and bars NGOs from carrying out voter education. Why should we be different? We know from experience during the parliamentary elections that there are some foreign donors and governments that have poured money into dubious NGOs and churches to subvert our democracy. These foreign donors will be wrong, if not foolish, to think that the government will stand by and just watch while money is being used to hijack our democracy.*

Concerned about the indications in parliament in August 2001 that the CSOs would be prohibited from providing VE, the Director of the ZESN, Rindai Chipfunde-Vava, said that the ZESN would continue in dialogue with the government, lobbying for the "constitutional right to educate our people about why voting is important". Later that year, the government passed pieces of legislation that severely curtailed the lawful activities of civic organisations. These laws included the General Laws Electoral Amendment Act (GLAA); the POSA, which resembled the oppressive colonial-era Law and Order Maintenance Act of 1960; and the AIPPA.

The GLAA gave the ESC monopoly to provide VE, with a provision that the commission could appoint and register persons who could assist in this regard (ZESN, 2002). Therefore, going into the election, the CSOs could not provide VE unless they were approved by the ESC. The foreign funding of VE was banned, except through the ESC. This was done through a provision in the law that "made it impossible for NGOs to consider registering to provide voter education under the ESC" (ZESN, 2002: 28). The then Minister of Justice, Legal, and Parliamentary Affairs explained that the rationale for the provisions on VE was that the previous situation had been discovered to be undesirable, because most NGOs were allegedly partial, foreign-funded, and loyal to their funders (The Herald, 7 November 2001, cited by ZESN, 2002).

[12] https://www.thenewhumanitarian.org/news/2001/10/04/civic-groups-want-independent-poll-and-right-educate-voters

[13] Pius Ncube was a Catholic Bishop and a vocal critic of the government who had been accused of campaigning against the ruling ZANU-PF party in the 2000 parliamentary elections.

[14] Tim Neill was a former Vicar-General of the Anglican dioceses of Harare who was now involved in human rights work and was a critic of the government.

[15] 15https://allafrica.com/stories/200107160387.html

*Educating for Electoral Democracy (Cont ...)*

However, there seemed to be confusion as some media reports quoted the Chairperson of the ESC stating that the NGOs could continue with their VE programmes (ZESN, 2002). Further, the ban on VE violated Section 20 of the Constitution that was in force at the time (ZESN, 2002). With the ZESN membership considering the regulations to be unconstitutional, the Network resolved to continue with VE, especially as its materials had initially been examined and approved by the ESC (ZESN, 2002).

The POSA imposed restrictions on the free movement of the public and civic educators from NGOs and required notifying the police four days in advance of any public meeting. Empowered by the POSA, the police used their authority to ban meetings to obstruct civic society's VE programmes. As a result, on numerous occasions, the ZESN was requested by the police not to hold some of its public meetings (ZESN, 2002).

Owing to the numerous changes to electoral laws and subsequent court challenges, the ZESN found it difficult to conduct a comprehensive VE drive (ZESN, 2002). The tense political climate proved to be an impediment, though VE and training of trainers' workshops were, nevertheless, held in several provinces. For example, activities of the ZESN were questioned by war veterans, and in many instances, there was a need to consult local traditional leadership for permission to proceed with workshops (ZESN, 2002). Some public meetings had to be cancelled in provinces such as Mashonaland West, East, and Central, and the ZESN resorted to decentralised dissemination of information materials through collaborations with localised organisations such as churches (ZESN, 2002). The hostile political environment also resulted in acts of violence against voter educators, with two ZESN voter educators assaulted near the Cranborne military camp in Harare (ZESN, 2002).

Yet, on its part, the ESC did not have sufficient time to conduct voter education after the enactment of the empowering legislation (ZESN, 2002). By restricting voter education to the ESC and political parties, the GLAA also denied the electorate the opportunity to receive independent voter education (ZESN, 2002). In its report on the 2002 elections, the Southern African Development Community Parliamentary Forum (SADC-PF) observer mission recommended that the government recognize the right and need for civic organisations to promote civic awareness and educate voters.

## 2005: Providing Civic and Voter Education Under the "Hanging Sword of Damocles"

The role of non-state actors, particularly NGOs, in voter and civic education was more restricted during Zimbabwe's 31 March 2005 parliamentary elections, despite some notable improvements in the political environment (ZESN, 2005). For civil society, the 2005 elections marked the beginning of the provision of CVE under the 'hanging sword of Damocles'.[17] An NGO Bill was introduced in 2004 which, while it had not been signed into law, would be strategically 'touted' at different points in time with the effect of creating anxiety and uncertainty among the NGOs.[18] Had the Bill been passed into law then, it would have curtailed the activities of NGOs. In addition, laws such as the POSA and AIPPA that were controversial were also still in place. This situation was despite Zimbabwe being a signatory to the SADC Principles and Guidelines for Democratic Elections agreed upon in August 2004. Among other things, the Principles and Guidelines recommended the

[17]This phrase generally refers to an imminent and constant threat or danger that looms over someone or something. It is used metaphorically to describe any impending danger or threat that could strike at any moment, creating a sense of anxiety or insecurity. As used here in this book, it refers to the constant threat posed by the NGO Bill that would have negatively affected the operations of NGOs.

[18]The NGO Bill was gazetted in August 2004 with a stated objective "to provide for an enabling environment for the operations, monitoring, and regulation of all non-governmental organisations." It was intended to repeal the PVO Act. Among other things, it sought to significantly extend government control over organisations provided for in the PVO Act, which it sought to repeal. Like the PVO Act, the Bill gave the Minister of Public Service, Labor and Social Welfare absolute control over the appointment of the NGO Council, which would decide on registration and de-registration. However, the Minister and the NGO Council would acquire new powers that they did not have under the PVO Act. Further, the Bill would have denied local NGOs involved in "issues of governance" access to foreign funding.

*Educating for Electoral Democracy (Cont ...)*

Voter education and information provision for the 2005 election started late and, though the ESC had an ongoing VE programme, its reach was limited (ZESN, 2005). The ZEC, appointed less than two months before the elections, started its own VE only about two weeks before the election itself (ZESN, 2005). Section 12 of the ZEC Act prohibited foreign contributions or donations for voter education, except to the ZEC which had discretion in the onward allocation of such contributions. Furthermore, the pending NGO Bill, which banned foreign funding for human rights and governance work, affected the running of VE programmes by the CSOs relying on external funding. On a positive note, however, ZESN sought and obtained approval from the ZEC to continue providing VE, complementing efforts by the ZEC (ZESN, 2005).

Yet, regardless of the approval of the ZEC, the VE programme by the ZESN still encountered difficulties (ZESN, 2005). For example, in Chitungwiza, the ZESN was not allowed to conduct voter education in Unit F, Zengeza, and St Mary's. Further, civic organisations were completely shut out in Mashonaland Central Province, where the movement of newcomers was closely monitored, and limited VE was provided by civic organisations in Mashonaland West Province (ZESN, 2005). In the Midlands Province, workshops conducted by the CSOs required sanctioning from local traditional and political leadership; the same applied for Masvingo Province, with the exception of Mwenezi constituency (ZESN, 2005). In Manicaland, the conduct of workshops was not possible in the three Makoni constituencies, which had allegedly been declared one-party constituencies by political and traditional leaders (ZESN, 2005). As a result of these difficulties, the amount of VE provided to potential voters before the 2005 election was quite limited (ZESN, 2005).

The ZESN noted that a considerable proportion of voters were turned away from polling stations due to changes in constituency boundaries. There were also a significant number of spoiled ballot papers in the 2005 parliamentary elections (estimated at 60,427 by the ZLHR). Given the demanding nature of the task to provide VE and the persisting gaps observed in successive elections, the ZESN strongly felt and recommended that the main electoral body develop confidence in those local NGOs with the necessary expertise to provide continuous VE (ZESN, 2005).

## 2008: Sharp Vicissitudes in Civic and Voter Education Provision

Zimbabwe's 2008 elections were unique in many ways. Among other things, it was the first time that local government, parliamentary, and presidential elections were harmonised, that is, held together at the same time. In addition, the ZEC conducted the delimitation of electoral boundaries for the first time, with the Delimitation Commission having last conducted the process in 2005. Against such a background, VE was critical. . However, the year presented even more challenges for the ZESN in the provision of VE and its overall work, compared to previous years. That said, it is important to note that despite later controversies surrounding the 2008 elections, the electoral framework reflected a significant departure from past elections in some important respects (ZESN, 2008). Unlike the overly restrictive electoral frameworks of previous elections, the 29 March and 27 June 2008 elections were conducted under a reconstituted electoral framework following the Electoral Laws Amendment Act [2008] and amendments to the POSA and AIPPA, among other things (ZESN, 2008).

*Educating for Electoral Democracy (Cont ...)*

The ZEC was empowered to a greater extent, with its role encompassing functions that were traditionally undertaken by other entities such as the ESC and RG's Office (ZESN, 2008). The Electoral Act mandated the ZEC to conduct an accurate and unbiased VE programme, starting no later than 90 days before the polling day of an election (ZESN, 2008). The Commission was also required to ensure that its employees had a sound understanding of electoral laws and processes and that they remained impartial (ZESN, 2008).

However, the electoral framework still had several gaps and required urgent intervention (ZESN, 2008). For example, amendments to the POSA and the AIPPA were piecemeal and lacked citizen input (ZESN, 2008). Furthermore, the Electoral Act still prohibited foreign funding of VE (ZESN, 2008). Also, civic organisations interested in providing VE had to submit all proposed materials to the ZEC for approval. Additionally, VE could only be conducted by citizens or permanent residents domiciled in the country operating through authorised organisations.

For the 29 March elections, VE started late, and reports indicated that the ZEC had conducted limited VE by the time of the elections (ZESN, 2008). VE efforts were reportedly hindered by resource constraints, inadequate training of voter educators, insufficient and incorrect information on the electoral process, and contradictory information on how voters requiring assistance would be treated (ZESN, 2008). The NGOs, with the ZESN playing a leading role, filled the gap. The ZESN conducted VE public outreach workshops nationwide and also utilised radio, television, and newspaper adverts. However, adverts by the ZESN deemed as direct VE were removed from electronic and print media following a letter from the ZEC stating that only institutions authorised by the ZEC were allowed to conduct VE (ZESN, 2008).[20] The ZEC wrote to the ZESN in a letter that was copied to media houses and the ZBC:

> *We note with concern that the Zimbabwe Election Support Network has been conducting voter education through the medium of the print and electronic media, although the voter education material was never sanctioned by the commission. Be advised that the current advertisements being flighted by yourselves are in contravention of the law and you are therefore requested to stop any further publications forthwith, until authority to publish or broadcast the same is obtained from the Commission.*

***ZESN voter educators***

[20]http://www.archive.kubatana.net/html/archive/elec/080217zimstand.asp?sector=HR&year=2008&range_start=12

***Educating for Electoral Democracy (Cont ...)***

The Commission argued that in terms of Section 15 (1) of the ZEC Act (Chapter 2:12), no other person other than the Commission, or a person appointed in terms of Section 14 (3), or a political party, was allowed to provide VE unless such person conducted VE in accordance with a course or programme of instruction furnished or approved by the Commission (ZESN, 2008).

In contrast to the lead-up to the 29 March elections, there was no active voter and civic education in the weeks following the announcement of the run-off date (ZESN, 2008). Yet, this was a crucial time to educate voters about the reasons for a second round of the presidential election and how the election would be conducted. The ZEC only began VE on the radio at the end of the week ending 20 June 2008 (ZESN, 2008).

Politicians and members of the ZANU-PF, including the then Minister of Justice, Legal, and Parliamentary Affairs, Patrick Chinamasa, and now President Emmerson Mnangagwa (the Minister of Rural Housing and Social Amenities at the time), made statements alleging that the ZESN was a pro-MDC organisation that had campaigned for the opposition under the guise of VE (ZESN, 2008). In May 2008, the offices of the ZESN and the home of the Director of the ZESN were raided. Recounting the raids in 2010, the Director of the ZESN, Rindai Chipfunde-Vava, stated:

> *I was detained at the airport and most of the questions were around ZESN's supporters, funding, and also, in terms of the 2008 elections, how we contributed towards that particular election, and the role of observers. Then in May, my home and ZESN offices were raided at the same time and, in my view, even the attacks that followed thereafter show the visibility and impact of the ZESN's work. The government was affected to the extent that there was an attack on the ZESN, and ZANU-PF in particular also said they lost because of ZESN's contribution in terms of civic and voter education on the ground (ZESN 10th Anniversary Documentary, 2013).*

Subsequently, in a circular dated 4 June 2008, a decision was made to suspend the PVO and NGO field operations, allegedly due to breaches of the terms and conditions of their registration (ZESN, 2008).

Despite these, the ZESN made strides in providing CVE over time. One strategy that helped in terms of penetrating previously inaccessible areas was engaging local traditional leadership, as expressed by the VE Programme Officer of the ZESN, Emmaculate Chiseya, in an interview in 2010 at the occasion of the organisation's 10th anniversary:

> *Over the past 10 years, my department has mainly been involved in carrying out activities whose main goal is to enhance citizen participation in issues of governance and democracy and, in particular, election-related issues. We were easily accepted in communities, for example, I can give provinces like Mashonaland East, West, and Central which were previously seen as no-go areas, but we have managed to carry out many workshops for traditional leaders. I think the strategy of using traditional leaders made it easy for us to get into these areas. So, after carrying out workshops for the traditional leaders, they would then go into the communities and mobilise the people… (ZESN 10th Anniversary Documentary, 2013).*

Thus, dedicated to ensuring the informed participation of citizens in elections, the ZESN tenaciously continued to find ways of continuing to provide CVE.

*Educating for Electoral Democracy (Cont ...)*

## 2013 Constitutional Referendum: ZESN Caught in a Technical Dilemma

During the 2013 Constitutional Referendum which preceded the 31 July Harmonised Elections, the ZESN and other civic organisations faced significant challenges. The 2009 to 2013 Inclusive Government[21] failed to amend laws such as the POSA and AIPPA, and human rights defenders and their organisations were targeted for persecution. Polling for the Referendum happened on 16 March 2013. When the date was announced, 30 days earlier, the ZESN noted that there was inadequate time for the ZEC to prepare for the Referendum, including educating voters about the contents of the Draft Constitution (ZESN, 2013a).

The ZESN's offices were invaded again, and materials were confiscated (ZESN, 2013a). The first invasion was at the Network's Masvingo field office on 19 February 2013. On the following day, the head office in Harare was invaded by plain-clothes police officers who knocked down a section of the durawall forcing their way in. Following the head office invasion, the Masvingo field office was raided again on 21 February 2013, this time at gunpoint. In that year, several activists from organisations that include the ZESN, were arrested, leading to concerns about the clampdown on the CSOs (ZESN 2013a). Commenting on the clampdown, a private radio station, Short Wave Radio Africa, said, "The clampdown is clearly meant to instil fear and discourage CSOs from conscientizing the masses on voter registration and the voting process …" (ZESN, 2013a: 6).

For the Referendum, ZEC deployed two voter educators per ward between 6 and 13 March 2013. Approximately 15 CSOs, excluding the ZESN whose application was not approved without any explanation from the Commission, were trained to assist the ZEC in providing VE for the Referendum. The Constitution Parliamentary Select Committee (COPAC) responsible for drafting the new Constitution ran a parallel accreditation process, inviting the CSOs to sign a Memorandum of Understanding and assist in voter education. The ZESN found itself in a dilemma as the COPAC explicitly stated those it accredited would have to campaign for a 'Yes' vote, which conflicted with the Networks' values of neutrality and independence (ZESN, 2013a). Consequently, the ZESN did not participate in this process. There were complaints that the voter educators seemed to have been hastily trained and deployed and that they were not competent enough to answer some queries from the public (ZESN, 2013a). Reports also indicated that the public was unable to access the actual Draft Constitution. To enhance understanding of the electoral law and environment during the constitution-making process, the ZESN commissioned and published expert papers and opinions on various aspects of the electoral cycle (ZESN, 2013).

## 2013: Criminalized and Delayed Civic and Voter Education

Following the March constitutional referendum, the 31 July 2013 Harmonised Elections took place a few weeks after the adoption of a new constitution. However, while the legal framework had been changed by the new Constitution and other legislation such as Electoral Amendment Act 3 of 2012 and various Statutory Instruments (SIs), there were still gaps in the electoral architecture.

In terms of the actual rollout, voter education for the 2013 elections was delayed, and 'voters received inadequate information and education' (ZESN, 2013b). Mobile voter registration was conducted in two phases, from 29 April to 19 May and then extended from 10 June to 9 July, due to criticism of its initial inadequacy. During the first phase of voter registration, the CSOs were not accredited, and VE remained inadequate (ZESN, 2013b). In the second phase, the ZEC deployed two voter educators per ward, which was an improvement compared to two per district in the first phase (ZESN, 2013b). However, having only two voter educators per ward limited the reach and quality of VE.

[21]This was a government constituted by ZANU-PF and two MDC formations following the disputed second round of the presidential election in 2008.

*Educating for Electoral Democracy (Cont ...)*

On 28 May 2013, the field office of a member organisation of the ZESN, the Legal Resources Foundation, was raided and VE materials were confiscated by police who did not have a search warrant (ZESN, 2013b). In preparation for the 2013 elections, the ZEC announced the finalisation of a manual for voter education in September 2012 (ZESN, 2013b). The civic organisations interested in conducting VE were invited to register with the Commission within a four-day period in early October 2012 (ZESN, 2013b). However, most of the CSOs were not permitted to conduct VE and the process was delayed (ZESN, 2013b). Ahead of the elections, civil society activists were harassed and arrested, often on charges of conducting VE without authorization (ZESN, 2013).

Those few organisations, including the ZESN, that were granted permission, were informed just two weeks before the elections, which did not allow sufficient time for effective VE (ZESN, 2013b). Consequently, on Election Day, many voters lacked a clear understanding of the procedures involved in the electoral process.

## 2018: Towards the Ideal

The 2018 harmonised elections in Zimbabwe were held on 30 July. Commendably, these elections were conducted in a relatively peaceful environment, with greater respect for human and political rights, compared to previous elections, including freedoms of speech, assembly, and association. Between 2014 and 2018, several legislative reforms were introduced to electoral laws and related legal frameworks through parliamentary amendments to the Electoral Act, the introduction of a GLAA, and through Presidential Powers. However, these reforms were piecemeal and some repressive laws such as the POSA and the AIPPA were not further reformed.

In a positive development, the law was amended to remove the requirement for the CSOs to disclose their sources of funding and to reverse the requirement for funding for CVE to be channelled through the ZEC. The ZEC was mandated by law to initiate a VE programme within a week of the proclamation of election dates. In contrast to previous elections, the ZEC conducted a robust VE campaign, although there were still challenges such as limited Information, Education, and Communication (IEC) materials in some areas, especially in local languages (ZESN, 2018).

The ZEC's VE for the 2018 harmonised elections was guided by a five-year VE Strategy developed in March 2016. The strategy emphasised the use of multimedia and a multi-sectoral approach, as well as continuous rather than periodic VE efforts (ZESN, 2018). The Commission provided early accreditation to over 79 organisations to support its VE efforts (ZESN, 2018). The ZESN and the other CSOs were invited and participated in workshops organised to develop VE materials and messages by the ZEC.

The ZESN, coordinating the cluster of the CSOs working on elections, democracy, and governance, played a significant role in CVE. The Network engaged with various stakeholders to produce materials that were widely distributed through outreach programmes. These programmes aimed to be inclusive, ensuring representation for PWDs, women, youth, and the elderly. The ZESN and CSO partners conducted vibrant VE campaigns using various methods such as road shows, popular artists, video skits, door-to-door campaigns, billboards, and information kiosks at public places such as churches and shopping centres, radio and television programmes, print media adverts, and social media (ZESN, 2018).

*Educating for Electoral Democracy (Cont ...)*

The ZESN also produced a CVE Manual and other materials, including fliers, posters, t-shirts, hats, caps, and mugs, which were shared with the other CSOs conducting VE (ZESN, 2018). The Manual served as the principal tool guiding the planning and content of the VE efforts, emphasising principles of accuracy, non-partisanship, and inclusivity. It focused on conveying messages related to citizens' civic and political rights, political participation, the secrecy of the vote, demystification of the BVR process, and elections.

CSOs ran various campaigns, such as the ZESN's 'VIP - Vote in Peace,' ZCCs' 'I Pray I Vote,' and Youth Empowerment and Transformation Trust's (YETT) 'Ballot Buddies'. Both the ZCC and the YETT were members of the ZESN and the former had received some sub-grant resources to run VE programmes from the Network.

These campaigns targeted specific groups, including women, youth, church congregants, and the PWDs, and made deliberate efforts to convey VE messages in local languages. Public and candidate debates were also organised by several CSOs to educate the electorate about candidates' manifestos. The ZESN, for example, conducted a series of public debates titled “Making Elections Make Sense” that covered various electoral issues.[22]

The pre-election period to the 2018 elections therefore witnessed more visible and comprehensive CVE initiatives by the ZEC and the CSOs. These VE campaigns and information dissemination efforts contributed to a comparatively high turnout for both the voter registration process and the harmonised elections (ZESN, 2018).

## 2023: Undoing Hitherto Progressive Developments

As noted in the previous section, the ZEC worked considerably well with stakeholders, including the ZESN, in the provision of CVE for the 2018 harmonised elections. While some further improvements are notable, in the post-2018 period, going towards the 2023 harmonised elections, a number of developments occurred whose effect was to undo the positives that had been previously registered. Sadly, the regression also affected the ZEC itself. On the positive side, there was an improvement in the quality of information that the ZEC published, mostly through the use of online methods. For example, the ZEC extensively used infographics, which made it easier for information to be assimilated by all age groups (ZESN, 2023). The ZEC also significantly used radio programmes, which was strategic considering that radio is one of the most effective communication mediums in Zimbabwe because of its reach. In addition, the ZEC conducted many roadshows, distributed the IECs materials in all the country's ten provinces, and embarked on a nationwide VE campaign through door-to-door canvassing (ZESN, 2023). The use of multiple languages and targeting of specific groups such as women and youth by the Commission was also notable (ZESN, 2023).

However, several developments marked a regression in the provision of CVE. For example, the tolerance shown to the ZESN in 2018 gave way to intolerance by the ruling party. In one incident, on 8 February 2022, the ZESN's voter educators were 'arrested' by ruling party functionaries before being handed over to the police in Mbare, Harare. The ruling party functionaries said that the ZESN ought to have informed them of its voter educators' visit beforehand. On its part, the ZEC's involvement of stakeholders left a lot to be desired. For the 2023 Harmonised Elections in particular, the Commission approved the ZESN and the other CSOs' applications for accreditation to provide CVE very late, responding to the application by the ZESN on 5 August 2023, when the election was scheduled for 23 August (ZESN, 2023).

[22]The details of the various campaigns that were run by the ZESN members can be accessed on the member's websites

*Educating for Electoral Democracy (Cont ...)*

Thus, the ZESN VE efforts were hampered by the late accreditation. Similarly, most CSOs only received their accreditation certificates two (2) weeks before Election Day. Thus, though the ZEC had developed a VE Handbook, the Handbook was not widely shared amongst stakeholders, particularly the CSOs, owing to their late accreditation (ZESN, 2023). As a result, the CSOs were only able to engage in very minimal to no VE.

The organisations interested in providing CVE were also required to be Associations or Trusts registered as such with the Deeds Registry or PVOs registered in terms of the PVO Act [Chapter 17:05] (ZESN, 2023). Further, the ZEC requested that the organisations be mandated by their constitutions or Trust Deeds to provide VE. In addition, applicants had to furnish the Commission with all the names, addresses, citizenship or residence status and qualifications of the individuals who would conduct VE, who were supposed to be citizens or permanent residents of Zimbabwe.

The ZESN complied with the requirements, submitting its application for accreditation with a list of names, residential addresses and education qualifications of its 76 voter educators from all the 10 Provinces, for example. The Network was further requested to submit written proof of registration as the documents were said to be missing at the Government Deeds Offices.

In spite of the foregoing challenges, the ZESN still managed to conduct a robust CVE campaign in the run-up to the 2023 Harmonised Elections. The CVE programme was informed by the CVE Strategy developed by the CSOs with the coordination of the ZESN. The launch events of CVE campaigns under the theme “Vote in Peace", on 24 June 2023 in Cowdray Park in Bulawayo, and on 1 July 2023 in Hopley in Harare, were attended by over 5,000 people (ZESN, 2023). After the launches, there were other campaigns in Mashonaland West, Mashonaland East, Masvingo, Manicaland, Matabeleland South and North, as well as Midlands. The campaigns in all the other provinces, which featured famous artists who provided edutainment, attracted large crowds (ZESN, 2023). The ZESN also distributed the IEC materials such as anti-violence flyers, branded caps, wrappers, and T-shirts during the roadshows (ZESN, 2023). In addition, there were outside broadcasting and radio crossovers during roadshows, which gave the ZESN and its members an opportunity to disseminate peace messages live on radio. There were also video skits by popular comedians who worked with the ZESN to promote the 'Vote in Peace' campaigns. The ZESN could however not manage to carry out the 'Vote in Peace' campaign in Mashonaland Central owing to failure to get police clearance for the roadshow campaign (ZESN, 2023).

The ZESN also conducted community meetings in all the country's 10 provinces and disseminated flyers and posters with messages on the effects of political violence in six languages (ZESN, 2023). The Network also produced 97 videos and jingles urging people to vote in peace (ZESN, 2023). The videos were circulated on social media platforms while the jingles were circulated on social media; television stations, including the Zimbabwe Broadcasting Corporation Television (ZBC TV); and national and community radio stations (ZESN, 2023). Further, the ZESN conducted a series of radio programmes with national and local radio stations, providing a platform for the voices of people from different backgrounds calling for peaceful campaigns to be heard (ZESN, 2023). The people interviewed included the members of the ZESN and non-members from the PWDs, women, and youth (ZESN, 2023). The ZESN used social media to disseminate adverts of its radio programmes, still images, and posters on various aspects of the electoral processes. The discussions focused on the effects of violence on electoral processes and suggested ways to address it (ZESN, 2023).

*Educating for Electoral Democracy (Cont ...)*

The individual member organisations of the ZESN also targeted their respective constituencies with CVE campaigns, guided by the CSOs CVE Strategy. These CSOs included the YETT, Women in Leadership and Development (WILD), the ZimRights, and Women's Coalition of Zimbabwe (WCoZ), among others. The WILD and the WCoZ pursued CVE activities that aimed to strengthen women's participation in electoral processes not only as voters but as engaged citizens who have an interest in governance issues in their communities and within the nation as a whole (ZESN, 2023). The youth-focused YETT had very little time to conduct comprehensive VE targeting young people because of the late VE accreditation by the ZEC, though it did implement some activities, nevertheless, including distributing information through community meetings, door to door campaigns, roadshows, IEC materials, radio programmes, print, electronic and social media (ZESN, 2023).

Thus, overall, in spite of the noted challenges, the ZESN still contributed to citizen participation through CVE. The ZESN secretariat indicated that the Network's efforts contributed an increase in the number of citizens who turned out to register to vote or to amend their details during the voter registration blitz in February 2022, with about 76, 661 citizens registering, compared to 2,000 who had registered since the ZEC resumed registration of voters in March 2021, and 50,486 amending their registration details during the Biometric Voter Registration (BVR) blitz. Clearly, challenges remained, including the inaccessibility of some areas, especially remote and marginalised rural areas and artisanal mining communities and limited accessibility of VE to first-time voters.

Those challenges probably explain, in part, the huge figure of 92,000 rejected votes during the August 2023 Harmonised Elections. Nevertheless, the ZESN believes that it still contributed considerably through CVE efforts, to the high turnout of over 69% in the elections, though this was lower than that of 2018.

## Conclusion

This chapter has shown that the provision of CVE by the CSOs was resisted right from the early years, misperceived as disguised efforts to campaign for the opposition. This set the stage for the challenges that the ZESN would subsequently face at different points in time in seeking to ensure the informed participation of voters in elections. First, the ZESN had to contend with the regulation of the provision of CVE through the use of the law, threatening to ban the CSOs or limiting their provision of voter education. Second, the actual content of CVE needed to be approved by the Election Management Board (EMB). Third, the Network was, in some cases, accredited too late in the process to meaningfully provide VE. Fourth, some places were sealed from access by voter educators, particularly in rural areas. Fifth, voter educators were in some cases victimised; suffering violence or arrests. Sixth, the Network was accused of campaigning for the opposition under the guise of providing VE. Lastly, there were instances where State security agents pounced on ZESN in raids, confiscating VE materials in the process. However, the ZESN continued to play its role, complementing the efforts of the EMB in the understanding that no institution can singularly provide adequate CVE. Harmonious partnerships with the EMB have been critical for the successes that the ZESN has registered in the provision of CVE to date, despite the fact that the provision of CVE has been marked by instances of moving forward and stepping back.

*Educating for Electoral Democracy (Cont ...)*

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# CHAPTER 5: ENHANCING TRANSPARENCY AND CONFIDENCE IN ELECTIONS

## INTRODUCTION

The formation of the ZESN was largely inspired by the need to monitor and observe elections in Zimbabwe. Thus, the Network established the Election Monitoring and Violence Monitoring subcommittees, as they were called then, from the outset. Election observation has continued to be central to the activities of the Network, now under the Monitoring and Observation Programme. Election observation in Zimbabwe remains risky. The ZESN has encountered numerous challenges along the way as will be shown in subsequent sections of this chapter. However, the ZESN has sustained its interest in election observation, with members manifesting unwavering commitment regardless of the challenging context. The members have continued to play critical roles in the mobilisation, recruitment, training, and deployment of the LTOs and the STOs. In every election, the ZESN strives to deploy observers at all levels, although it has been challenging to deploy observers to every polling station. To manage this challenge, the ZESN utilises the SBO methodology,[23] which enables the Network to confidently comment on Election Day processes and project presidential election results with considerable accuracy. Through its multipronged monitoring and observation efforts, the ZESN believes it has contributed to confidence-building in the electoral processes in Zimbabwe.

### 2000: Initial Efforts at Frustrating Election Monitoring

Perhaps the most striking feature of Zimbabwe's 2000 general elections was that they brought issues of governance, development and democracy into sharp focus against a background of political violence, generalised lawlessness, and anarchy (ZESN, 2000). Against this background, and the emergence of the hitherto strongest opposition in the form of the MDC, the 2000 elections were sure to be fiercely contested. Election monitoring was thus critical. As noted earlier, prior to the formation of the ZESN, the CCJP; ZCC; and ZimRights had been involved in some form of election observation. This election observation by the church-based organisations was done without official accreditation by the government. There was no clear legal and institutional framework providing for and governing election observation.

As of 2000, the structure of the State electoral authorities exhibited significant overlaps and duplication of functions, creating problems for the monitoring and observation of elections (ZESN, 2000). In accordance with the Constitution that was in force at the time, the ESC had the mandate to oversee voter registration and the conduct of elections for both Parliament and the President. It was therefore evident that the Constitution reposed the ESC with the responsibility for election supervision and monitoring (ZESN, 2000). By implication, if there were to be any election observers and monitors, their role was plausibly envisaged to be under the oversight of the ESC and, in this regard, the ESC was not to be subordinated to either the Election Directorate or the RG's office (ZESN, 2000).

Yet, under the Electoral Act (Chapter 2:01) that was in force then, the RG was designated as the primary agency responsible for overseeing all aspects of the electoral process. Whereas Section 14 of the Act obligated the RG to report to the ESC and not the other way, Section 15 emphasised that the RG would not be subject to the direction and control of any other person or authority except for the Election Directorate and required the RG to just take into consideration any reports and recommendations provided by the ESC. Established in terms of the Electoral Act, the Election Directorate was granted the authority in Section 4 (1) to provide instructions and recommendations to the RG concerning the exercise of his functions. The Election Directorate had the responsibility of generally ensuring that elections were conducted properly, freely, and fairly.

[23]More about the SBO, also called Parallel Vote Tabulation, later in this chapter.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Prior to the formation of ZESN in 2000, owing to pressure from civic society, the Electoral Regulations [Electoral (Amendment) Regulations 1/95, S.I 70/95] had been introduced in 1995, to give civic society a role in election monitoring.[24] However, it is important to note that until the year 2000, the specific terms "monitor" and "observer" had not appeared in any legislation, creating the impression that the legislation did not envisage the role of election monitors and observers (ZESN, 2000).

In terms of Section 157 of the Electoral Act (Chapter 2:01), as amended by Act 21 of 1997, the Minister of Justice, Legal, and Parliamentary Affairs had the authority to make and amend regulations. The authority was in regard to regulations pertaining to all aspects mandated or allowed by the Electoral Act to be prescribed or that the Minister deemed necessary and convenient to give effect to, or for the proper execution of, the Act.

Some days before the parliamentary elections of 2000, a new legal instrument, the Electoral (Amendment) Regulations 7/2000 S.I 161A/2000, was introduced. Rather than being a mere amendment, the new S.I was an addendum to S.I 158 of 1992, augmenting the existing legislation by providing definitions for the terms "monitor" and "observer" (ZESN, 2000). Section 15B (1) of S.I 161A granted the ESC the authority to appoint "monitors" who could not be members or officers of any political party participating in the election being monitored or persons who were not citizens of Zimbabwe. The limited responsibilities of monitors would be monitoring polling conduct, verifying statements of presiding officers, and overseeing the vote-counting process. The term 'observers' designated those from foreign countries or representatives of international observer organisations. The roles of observers would be to observe the polling process and be present during the vote counting.

To observe elections, monitors and observers needed to be accredited. While Section 15B (1) of S.I 161A granted the ESC the authority to appoint local "monitors", Section 15B (2) of the S.I assigned to the Election Directorate the power to accredit "observers" from foreign countries or representatives of international observer organisations, based on the Ministry of Foreign Affairs' recommendation (ZESN, 2000). In terms of Section 15B (3), both the ESC and the Election Directorate were obliged to promptly inform the RG in writing about the names of appointed monitors and accredited observers.

According to the ZESN (2000), S.I 161A was problematic for the following reasons. Firstly, the Electoral Act did not mandate the Minister to create regulations concerning election monitors and observers, which the S.I did. Since the Act did not initially envision any role for election monitors and observers, it raised questions about the necessity and legality of such regulations. It could be argued that the regulations dealing with monitors and observers were not essential or convenient for implementing the Electoral Act. Secondly, regardless of treating them as playing essentially the same role, the S.I provided for separate accreditation processes for monitors and observers. Ideally, the legislation should have provided clear and distinct criteria for accrediting both monitors and observers, streamlining the process under the supervision of a single authoritative body, the ESC, which was constitutionally charged with the supervision of elections.

[24]https://www.zesn.org.zw/submission-to-the-public-hearing-of-portfolio-committee-on-public-service-labour-and-social-welfare-on-the-ngo-bill/research-papers/4713/55/03/14/24/09/2020/tinashe/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

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Thirdly, the S.I introduced a duplication of functions between the RG and the ESC concerning the appointment and supervision of monitors, blurring the lines of authority and responsibility. By granting the RG oversight, not only of the election process but also the supervisory functions related to elections, the S.I effectively subordinated the monitoring function of the ESC to the RG's discretion. This compromised the effectiveness of the ESC in monitoring elections and eroded the autonomy of monitors in carrying out their assigned roles. The provisions of S.I 161A not only violated the clear separation of functions between the ESC and the RG as enshrined in both the Constitution and the Electoral Act, but also deviated from the established reporting hierarchy. The Electoral Act mandated the RG to report to the ESC, not the other way around. Thus, any attempt to reverse these roles through subordinate legislation, such as the S.I 161A of 2000, was undoubtedly ultra vires the Principal Act, undermining the intended governance structure (ZESN, 2000).

The last problematic issue with the S.I 161A was the imposition of unreasonably high penalties for electoral monitoring. The S.I subjected monitors, observers, election agents, and polling agents to a Code of Conduct, with violations of the Code attracting a fine of $10,000.00. The fine was excessive and unjustified, especially when compared to the general penalties for other offences in the Principal Act, such as illegal practice, betting, or bribery. This raised concerns about potentially deterring individuals from participating as monitors due to the fear of severe financial repercussions.

Apart from the problematic legal framework, election monitors also encountered significant administrative hurdles as they sought to observe elections in 2000. The accreditation office requested for names in different formats causing confusion and leading to the duplication of names, further complicating the accreditation process (ZESN, 2000). The government declined civil society's offer to help in sorting the names to expedite the process, only to accept when it became evident that the process would not be completed on time (ZESN, 2000). The process, which had been agreed upon with the ESC beforehand, was changed by the government through regulations. This sudden shift created confusion, uncertainty, and made it exceedingly challenging for accreditation to happen promptly, further exacerbating an already delayed process (ZESN, 2000).

Further, during the elections, the Election Directorate and RG issued arbitrary directives, circulars, and instructions, causing disruption and confusion (ZESN, 2000). Initially, the use of two accreditation cards was approved for local monitors: a green card issued by the ESC and a white plastic one from the Election Directorate (ZESN, 2000). However, just hours after the polls opened, instructions were given to deny access to polling stations for those monitors with the green cards (ZESN, 2000). Instead, only the accreditation cards signed by an official of the ED identified as Mr. Jonga, were recognized (ZESN, 2000). As a result, numerous monitors were turned away, leaving polling stations unattended. The widespread nature of this problem was evident from communications received by the ZESN from across the country.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Due to the accreditation challenges, by the end of the first day of elections, less than 8,000 monitors out of the 24,000 trained had been accredited (ZESN, 2000). Initially, the plan was to have six (6) monitors per polling station, totalling 24,000 monitors for the 4,000 polling stations. However, subsequent changes reduced the figure to 4 000 monitors before increasing it to 8,000 (two per polling station), and finally raising it to 16,000 (ZESN, 2000). These constant adjustments posed serious problems for the ZESN in compiling their database (ZESN, 2000).

By the end of polling on the first day, a considerable number of monitors had not been accredited (ZESN, 2000). In addition, accreditation cards were also issued late, making it difficult to distribute them to all monitors before the actual voting process began. At some polling stations, voting started before monitors could be allowed into the polling stations on account of not having the required accreditation cards (ZESN, 2000). Consequently, the monitoring efforts were sparse and ineffective, limiting the number of monitors who could access polling stations.

Despite the accreditation problems, the ZESN managed to have monitors present in every constituency, providing some level of coverage across the whole country (ZESN, 2000). In fact, the ZESN was arguably the only organisation that achieved total nationwide coverage (ZESN, 2000). However, some monitors were barred from observing the election process either because they were not accredited or because there were multiple monitors assigned to a single station (ZESN, 2000). A concerning number of accredited monitors faced harassment and obstruction in the performance of their duties during the elections (ZESN, 2000). In particular, the monitors in outlying areas of the Midlands, Mashonaland Central, Mashonaland West, and Mashonaland East Provinces were severely affected (ZESN, 2000). There were allegations that war veterans were denying monitors access to polling stations or chasing away most of the monitors in these regions. In some places, monitoring had to be discontinued as monitors were baselessly accused of being agents of the MDC and chased away from polling stations, in disregard of the observers' neutrality and compromising their ability to carry out their duties effectively (ZESN, 2000). In some cases, monitors faced physical assaults within the polling stations, and the authorities, including the police, showed reluctance in taking action against the perpetrators of the violence (ZESN, 2000).

The ESC commendably demonstrated innovation by accrediting domestic monitors to oversee Election Day procedures, fostering a sense of ownership and ensuring the election's integrity through the participation of Zimbabwean citizens themselves (ZESN, 2000). However, while the ESC was professional in discharging its mandate, its effectiveness was compromised by continuous interference from the Election Directorate and the RG (ZESN, 2000). The interference and lack of cooperation from other authorities led to the resignation of the Chairman, Bishop Peter Hamutendi, of the ESC in February 2000 (ZESN, 2000).

In order to amplify the voice of civil society during the 2000 election period, the ZESN's Election Monitoring Sub-Committee set up a Public Liaison Desk whose task was to coordinate activities for the actual polling (ZESN, 2000). The ZESN National Command Centre was located in Harare and was operational two days before the start of polling, remaining open 24 hours a day until all the votes had been counted and the results announced (ZESN, 2000). The Public Liaison Desk would receive and disseminate information on the polling process from around the country and provide an interface among civil society, international observers, and other stakeholders in the country for the purpose of monitoring the elections (ZESN, 2000).

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Information was collected through telephone hotlines, facsimile transmission, e-mail and oral reports from the country's constituencies (ZESN, 2000). The deployed monitors continuously supplied either the Provincial Command Centre or National Command Centre with information shared in the form of occasional reports. A Legal and Ethics Committee was established that was primarily tasked with the verification of reports of electoral incidents before such information was recorded as correct (ZESN, 2000). The Committee scrutinised all communications to the National Command Centre.

Overall, election monitors faced significant obstacles in carrying out their responsibilities impartially and effectively in 2000. Nevertheless, election monitors played a crucial role in the controversial 2000 elections. As Rindai Chipfunde-Vava, the Director of the ZESN, said, "Had the election observation not taken place, I believe many irregularities would have gone undetected" (ZESN 10th Anniversary Documentary, 2013).

## 2002: From Monitors to Observers

Despite a sustained nationwide campaign of violence and intimidation against its supporters and the electorate in general, the 2000 parliamentary elections witnessed an expression of substantial countrywide support for the MDC (ZESN, 2002). In the aftermath, going into the 2002 presidential election, increasing levels of State-sanctioned violence were witnessed throughout the country. Against this background, the ZESN's election monitoring and observation role became all the more crucial. In the circumstances, the early deployment of observers was critical. Thus, the ZESN deployed 240 LTOs to observe the electoral processes from November 2001 to 28 February 2002 (ZESN, 2002).

Like in 2000, the issue of election monitors and observers was controversial in 2002. As the year 2001 ended, the government indicated plans to amend the Electoral Act, with some of the proposals touching on the roles of election monitors and observers. In October 2001, an unidentified government Minister was cited in a newspaper as having said, "As for election observers, we do not have problems with them, but we will put in place rules to monitor their conduct so they will not interfere with the electoral process".[25] The government was planning to give civil servants the monitoring role in elections. This prompted the Chairperson of the ZESN, Dr Reginald Matchaba-Hove, to issue a statement[26] on 7 November 2001 which read in part:

> *We note that it would be highly irregular for civil servants to monitor themselves. This would be equivalent to a candidate marking his/her own examination script. Further, it could be reasonably argued by other contesting candidates that some civil servants could be under some pressure to side with the candidate from the ruling party.*

In January 2002, the Parliament passed the GLAA which made a number of changes to the Electoral Act. The GLAA was proclaimed unconstitutional by the Supreme Court on 27 February 2002. However, this proclamation did not influence major changes on the ground for civic society monitors because on 4 and 5 March 2002, the provisions of the GLAA were brought back under the Presidential Temporary Powers (ZESN, 2002).

[25]https://www.thenewhumanitarian.org/news/2001/10/04/civic-groups-want-independent-poll-and-right-educate-voters

[26]http://archive.kubatana.net/html/archive/demgg/011107zesn.asp?orgcode=ZIM006&year=2001&range_start=1

*Enhancing Transparency and Confidence in Elections (Cont ...)*

In January 2002, the Parliament passed the GLAA which made a number of changes to the Electoral Act. The GLAA was proclaimed unconstitutional by the Supreme Court on 27 February 2002. However, this proclamation did not influence major changes on the ground for civic society monitors because on 4 and 5 March 2002, the provisions of the GLAA were brought back under the Presidential Temporary Powers (ZESN, 2002).

The fast-tracked GLAA introduced restrictions with far-reaching and worrying implications for civic society's monitoring of elections. First, it redefined the terms, and roles of, 'monitors' and 'observers'. Unlike in 2000, individuals representing the local CSOs could no longer be deployed as 'monitors'. Individuals representing local organisations, together with eminent persons from within the country, joined foreigners in the 'observer' category. The term 'monitors' now referred to members of the Public Service who would be appointed, accredited, and deployed by the ESC that was responsible for administering elections. The S.I 41B/2002 introduced provisions for the ESC to accredit observers from CSOs through an Accreditation Committee.

Second, under the GLAA, the power of an observer was substantially reduced compared to that of a monitor. To begin with, it was not mandatory that an observer be at each polling station. In addition, an observer who detected an irregularity could only inform a monitor, or the ESC or constituency registrar, and he or she had no entitlement to inspect or follow any vehicle transporting ballot boxes. The idea of having civil servants as monitors raised impartiality concerns as civil servants would now monitor themselves. Furthermore, the restriction of the role of CSOs in election monitoring went against the norms and standards recommended by SADC countries, including Zimbabwe itself (ZESN, 2002). These standards emphasised the involvement of independent monitors from civil society in overseeing the conduct of polling and counting processes (ZESN, 2002).

Third, both monitors and observers had to be invited by the Minister of Justice, Legal, and Parliamentary Affairs. This condition placed the crucial task of election monitoring and observation at the discretion of the Minister (ZESN, 2002). The effect of this development was not only to restrict the role of civil society in elections, but also to leave the final decision of whether they could observe the election to the government (ZESN, 2002).

There was a lack of transparency on the part of the Ministry of Justice, Legal, and Parliamentary Affairs and the ESC on their selection criteria for local monitors and observers (ZESN, 2002). Invitations to observer groups by the government were selective and arbitrary (ZESN, 2002). The government published a list of 70 organisations in the local papers, inviting names of observers for the election and the ZESN observers were not accredited until about two days before Election Day (ZESN, 2002). When accreditation was finally granted, only 420 local observers, out of the 12,500 names submitted by the ZESN members and affiliates, were accredited, making the deployment of observers difficult and the role of observers futile in an election that had about 5 000 polling stations countrywide, including many more mobile polling stations than in previous elections, the total number of the latter being 600 (ZESN, 2002).

The last-minute decision by the government to deny accreditation (and thus entry into the polling and counting centres) to more than 12 000 trained observers of the ZESN negatively affected the quantity and quality of data gathered (ZESN, 2002). Unaccredited observers were not allowed into the polling station, and, in some instances, the ESC monitors assisted the police and polling agents in sending away observers from the polling stations and the environs of polling stations (ZESN, 2002). Cases of groups of youth militia observed in and around the polling stations interrogating those deemed to be strangers in the locality were also reported.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Observers who eventually documented their observations mostly did so from a 100-metre distance from the polling station and at a very high risk to their personal safety (ZESN, 2002). This was confirmed by Takesure Musiiwa, the Chairperson of the Taskforce of ZESN for Mashonaland West Province who said in an interview, "*I still remember vividly that there was a point when we were even not allowed to get into polling stations to do the work of the ZESN. We were observing from a distance of 100 metres*". In some cases, the hostile political environment resulted in some of the ZESN observers being barred even from the 100-metre radius that they were legally allowed to observe from (ZESN, 2002). As a result, the majority of observers, especially in more politically volatile provinces such as the Mashonaland Central, Mashonaland East, and Mashonaland West, ended up observing from a 200-metre radius (ZESN, 2002). Despite being allowed into the polling stations, most of the accredited observers were not tolerated but received the same intolerant and fierce harassment from polling officials (ZESN, 2002). Some however managed to get information from friendly officials.

The polling officers in Mashonaland West Province were the most uncooperative and arrogant, exhibiting a greater degree of intolerance towards observers than in any other province (ZESN, 2002). Consequently, nothing really significant was reported from the province. In the Midlands Province, observers experienced the most hostile attitudes from the polling officers in Gokwe North, but this could probably be attributed to the fact that some of the observers had been seen riding in the cars of the MDC party (ZESN, 2002). The discrimination, impatience, and intolerance of polling officers toward observers also manifested in the Matabeleland North Province (ZESN, 2002).

In general, most observers deployed by the ZESN and its members were harassed through beatings, torture, arrest and detention, and confiscation of their monitoring tools and/or identity cards (ZESN, 2002). The perpetrators included party agents and supporters of the MDC and ZANU-PF, although harassment was harsher from the latter; polling officials; ESC monitors; youth militia; and members of the police force (ZESN, 2002). Several observers ended up being harassed, arrested, beaten up, or tortured making it impossible to get reports on the election from them (ZESN, 2002).

Mashonaland Central Province was particularly troublesome as observers were victimised by hostile groups of youth militia, resulting in many observers having to flee from home after being attacked by the youth (ZESN, 2002). In Mashonaland West Province, Minister Mombeshora, in the company of a ZANU-PF militia known as the 'Top Six', chased away election observers and party agents from the Mhangura counting centre at the time of vote counting (ZESN, 2002). In the same province, one observer took refuge in a mountain, running away from persecution by police officers at a polling station after they had accused him of being an MDC activist (ZESN, 2002). There were widespread arrests of observers whose charges and offences were not made clear in Mutare of Manicaland Province (ZESN, 2002). Some observers were detained for a period amounting to 72 hours without the offences which they were purported to have committed disclosed to them, with some later charged with contravening the POSA (ZESN, 2002). At Denza Primary School in Makoni East in the same Province, the police confiscated the observers' observation forms, accusing them of belonging to the opposition (ZESN, 2002).

In the Mashonaland East Province, although most of the observers were not able to enter polling stations, they were generally still able to observe (ZESN, 2002). The same applied in the Masvingo Province where observers who were not accredited were not allowed in the polling station but were able to observe from a distance of 100 metres from the station (ZESN, 2002). In the Midlands Province, before the election day, 14 observers of ZESN from Gokwe were detained for a whole night on their way to an observers' training workshop in the same province (ZESN, 2002).

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Further complicating election monitoring and observation in the 2002 elections, the RG and ESC did not provide clear and adequate public information on the location of polling stations, which negatively affected the deployment of independent local observers (ZESN, 2002). Similarly, the late announcement of substantial increases and decreases in rural and urban polling stations, respectively, jeopardised the deployment plans of domestic observer groups (ZESN, 2002). In addition, owing to limited and inaccurate information about the number and location of mobile polling stations, it was difficult for observers to identify them (ZESN, 2002). Some published polling stations did not appear on election day while others were opened unannounced (ZESN, 2002).

Due to the reasons noted, most observers could not adequately execute their functions. The observers' reports pointed to a generally uniform experience as the observers attempted to carry out their observation duties and were hindered by the fact that they were not accredited (ZESN, 2002). The detail provided by the few observers afforded the opportunity to be inside the polling stations was mostly scant, and therefore vital information for purposes of assessing the freeness and fairness of the election was mostly not available (ZESN, 2002). In spite of the challenges, summary reports were generated from the available data to give a picture of the voting and counting process countrywide. Most of the observers deployed by the ZESN and its members were harassed through beatings, torture, arrest and detention, and confiscation of their monitoring tools and/or identity cards (ZESN, 2002). The Commonwealth Observer Group (2002) noted, among other things, that independent local observers had suffered restrictions. The SADC-PF recommended that the role of civil society in election monitoring be recognized by all stakeholders, including the governing political party. It also recommended that there be a mutually agreed code of conduct for election monitors and observers.

## 2005: Defying Regional Frameworks for Democratic Elections

The 2005 elections were unique in a number of important respects. They were held within the framework of the SADC Principles and Guidelines for Democratic Elections formulated and agreed upon by Member States in August 2004. Zimbabwe was a signatory to the Principles and Guidelines. Other key legal frameworks included the Constitution, the Electoral Act [2004], and the ZEC Act [2004].

Until 2004, key electoral institutions included the ESC, the RG, and the ED as the preceding discussion shows. The 2005 elections were the first to be organised by the newly set up ZEC. The appointment of the ZEC in January 2005 paved the way for it to carry responsibilities previously carried out by the RG and the ED. The ESC was, however, still one of the principal electoral institutions. There was an overlap between the functions of the ZEC and the ESC. Under Section 67 of the Constitution that was in force then, the functions of the ESC included supervising voter registration and local government, parliamentary, and presidential elections. The other functions were establishing and chairing the Observers Accreditation Committee (OAC) for accrediting observers and inviting persons representing bodies in the SADC region that exercise similar functions to observe Zimbabwe's elections. The situation in Zimbabwe was in some sense going against the grain. In other SADC countries, the functions that the ESC performed were undertaken by an Independent Electoral Commission of the status of the ZEC. It remained a conundrum that the ZEC and the ESC had to coexist with overlapping functions (ZESN, 2005).

*Enhancing Transparency and Confidence in Elections (Cont ...)*

At the time, there was a growing realisation that the presence of the observers (local, regional, and international) generated confidence in the electoral process and the international standing of the country (SADC, 2004, cited by ZESN, 2005). Accordingly, in Zimbabwe's 2005 parliamentary elections, there were an estimated 500 regional and international observers. The deterioration of relations with the Zimbabwe government resulted in the Commonwealth and EU that had issued critical reports on previous elections being barred from sending observers. However, like other countries that had diplomatic missions in Harare, including the United States of America, most of the EU countries were allowed to accredit contingents of their staff as observers (ZESN, 2005). From the region and the African continent, friendly observer missions were invited (ZESN, 2005). The largest observer teams were from the SADC and the South African government and parliament (ZESN, 2005). Other teams were from the AU and those sent by governments such as Malawi, Botswana, and Iran (outside Africa). Formerly critical observer groups such as the SADC-PF were not allowed to come as independent entities to observe the elections (ZESN, 2005). Similarly, the regional EISA was also barred (ZESN, 2005). Among local observers, the ZCTU was not accredited to undertake observation (ZESN, 2005).

The ZESN fielded the highest number of observers. The Network deployed 260 LTOs to cover the pre-election environment. For the election period, it deployed 6,000 observers nationwide, 240 of whom were mobile observers who managed to cover most of the country, covering 87% of the country's 8,265 polling stations (ZESN, 2005).

In observing the 2005 parliamentary elections, the ZESN had to contend with a number of challenges (ZESN, 2005). First, though it had not been signed into law, an NGO Bill had been introduced, as discussed earlier, whose effect would have been to curb the activities of the NGOs. This created anxiety and uncertainty. Second, the costs of accreditation were too exorbitant, and the accreditation exercise was centralised. Third, about the actual observation, 16 observers of the ZESN were denied access to certain polling stations. Lastly, observers were denied unfettered access to vote counting at polling stations and some were unnecessarily 'detained' at polling stations when counting had been completed. Yet, under the Electoral Act that was in force in 2005, the role of an observer was to observe the conduct of polling in an election, to be present at the counting or collating of the votes cast, and to bring any irregularity in the conduct of the poll or vote counting to the attention of the monitor on duty or the ESC (ZESN, 2005).

## 2008: ZESN's Sampled Based Observation Results Projections Spell Disaster

The year 2008 is, to date, the worst in the monitoring and observation experiences of the ZESN since 2000. This is specifically the case in connection with the bloody 27 June 2008 presidential run-off election. It appears that the projection by the ZESN of results of the presidential election held on 29 March 2008, indicating that the ruling party candidate had emerged second to the opposition challenger, elicited the State's heavy-handed treatment of the Network. The projections were based on the Sample Based Methodology that the ZESN used for the first time in this election.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

In a continuation of what had been observed in the 2005 elections, the 29 March 2008 harmonised elections were held in a relatively peaceful environment. In addition to the Constitution of Zimbabwe No. 18 of 2008 and the Electoral Act [Chapter 2:11], the elections were held under a reconstituted legal framework that included the ZEC Act [Chapter 2:12] as amended by the Electoral Laws Amendment Act [2008], and amendments to the POSA and AIPPA (ZESN, 2008). Similarly, the electoral administrative framework had been reconstituted. The Constitution of Zimbabwe No. 18 of 2008 had provisions amending the Electoral Act, placing most functions traditionally undertaken by the ESC and the RG under the ZEC (ZESN, 2008). The ESC, and other bodies, had been dissolved and the RG of Elections and the ED were placed directly under the ZEC (ZESN, 2008). The ZEC was a constitutional body (rather than a creation of an Act of Parliament) whose functions included preparing for, conducting, and supervising all elections and referendums and ensuring that such elections were conducted freely, fairly, transparently, and following the law. It was also the responsibility of the ZEC to supervise voter registration conducted by the RG and to accredit observers of elections and referendums.

However, several gaps remained. For example, the ZEC still heavily relied on Public Service employees. The Ministry of Foreign Affairs and that of Justice, Legal, and Parliamentary Affairs wielded veto powers on which groups would be accredited, with the ZEC having no decisive say in this regard (ZESN, 2008). Under the new provisions of the Electoral Laws Amendment Act of 2008, all observers had to be accredited by the electoral commission's OAC. Whereas, previously, the Minister of Foreign Affairs was responsible for the invitation of foreigners as observers, in the 29 March 2008 elections, foreign observers needed to apply to the Electoral Commission and OAC for accreditation, but the Commission could not accredit a person if the Minister of Foreign Affairs objected to such a person observing the election (ZESN, 2008). Many credible international organisations that were signatories to the Declaration of Principles for International Observers were refused accreditation (ZESN, 2008). Local organisations and eminent persons from Zimbabwe needed to be invited by the Minister of Justice, Legal, and Parliamentary Affairs who also had veto powers (ZESN, 2008).

In terms of the actual observation, the ZESN fielded observers in all venues for the Nomination Court when it sat on 14 and 15 February 2008 (ZESN, 2008). For the Election Day observation, the Minister of Justice, Legal, and Parliamentary Affairs approved 11,808 observers of the ZESN but, due to logistical challenges, only 8,667 observers were accredited by the ZEC which had announced 9,111 polling stations (ZESN, 2008). On 8 March 2008, the ZEC published a list of 9 132 polling stations that contained significant errors (ZESN, 2008). The ZESN called on the Commission to urgently print a corrected list of polling stations to ensure that voters would know their polling stations on the Election Day (ZESN, 2008). The ZESN deployed observers, all of whom had been accredited by the ZEC and signed a ZESN Code of Conduct obliging them to observe elections in a non-partisan manner.

Importantly, for the first time, the ZESN added the Sample Based Observation (SBO, also known as the Parallel Vote Tabulation) to its observation methodology. This was meant to deal with the challenges associated with having to comprehensively deploy observers to cover every polling station. In an interview, Noel Kututwa, a former Chairperson of the ZESN, pointed out that, “I remember when we did the PVT in 2008, our aim was to have an observer in each and every polling station. That was not going to be possible because of funding”. With its focus on the election day processes and vote data, the SBO is particularly useful in ensuring transparency and building stakeholders' confidence in election day processes and official results announced by the EMB, one area that had been and remains highly contentious in Zimbabwe's elections.

***Enhancing Transparency and Confidence in Elections (Cont ...)***

Talking about the adoption of the SBO as part of the ZESN's 2008 activities in a 2009 interview[27], the Director of ZESN, Rindai Chipfunde-Vava, said:

> *In the 2008 election, we went beyond general observation. Most election observation groups do "parallel vote tabulation", but for Zimbabwe, we decided on doing "sample-based observation". Sample-based observation works in the following way: statistically based, a sample of polling stations is chosen, and an observation team is deployed. As soon as the results are counted at the polling station, they are transmitted to the main communication centre, where they are tallied and the projection is calculated, taking into consideration the margin of errors, confidence levels, and so forth. In addition to using this method, we had ten thousand observers at nine-thousand polling stations all over the country. So, we were physically present in almost all polling stations. This alone built confidence in the Zimbabweans, even in terms of our projection. After we released the results of our projection, the electoral commission could not release results for a month. Finally, when the results were released, they fit into our margin of error and, therefore, the official results were within our projection. This was the first time that ZESN used 'sample-based observation' so we hired consultants to guide us. A lot of research was conducted, and it was very successful. Many countries have used this methodology, ...*

Thus, the adoption of the SBO made the monitoring and observation efforts by the ZESN more complete with the LTO and STO, including the SBO covering all, but focusing on different, aspects of the electoral process around the electoral cycle to help build confidence in respect of all areas that stakeholders had hitherto raised concerns about.

## The 2008 Retributive Raid on ZESN

The ZESN conducted the SBO for the first time in the first round of the 2008 harmonised elections held on 29 March. Observers were deployed to a representative sample of 435 polling stations.[28] The Network announced the findings of the SBO on 31 March 2008. When the ZEC finally announced the results officially on 2 May 2008, after a five-week delay, they were within the margins of the ZESN's predictions. While the SBO accurately projected the results of the presidential election, owing to the margins of error, it could not rule out the possibility of a run-off election. Table 1 below presents the projections of the presidential election results from the SBO of the ZESN.

[27] https://sur.conectas.org/wp-content/uploads/2017/11/sur11-eng-interview-with-rindai-chipfunde-vava.pdf
[28] https://www.zesn.org.zw/wp-content/_protected/publications/publication_169.doc

*Enhancing Transparency and Confidence in Elections (Cont ...)*

**Table 1: ZESN's SBO Presidential Poll Projections - 29 March 2008 Harmonized Elections**

| Candidate | Projected % Vote (Announced 31 March) | Margin of Error (%) | 95% Confidence Interval | ZEC Announced Official Results (2 May) |
|---|---|---|---|---|
| Makoni, Herbert Stanley Simba | 8.2 | ± 1.1 | 7.1 to 9.3 | 8.3 |
| Mugabe, Robert Gabriel | 41.8 | ± 2.6 | 39.2 to 44.4 | 43.2 |
| Towungana, Langton | 0.6 | ± 0.1 | 0.5 to 0.7 | 0.6 |
| Tsvangirai, Morgan | 49.4 | ± 2.4 | 47.0 to 51.8 | 47.9 |

**Source: Adapted from ZESN Report on Zimbabwe's 29 March 2008 Harmonized Elections and 27 June Presidential Run-off**

As can be seen in table 1 above, the projections indicated that Mugabe had come second to Tsvangirai. However, owing to the margins of error, it was not possible to tell using the SBO data whether or not there needed to be a run-off. In other words, it is possible that Tsvangirai really did not get 50% + 1 of the vote-share and it is also possible that he did, given the upper limit of the confidence interval which is 51.8%. In sum, what the projections indicated about the officially announced results is that they were either accurate or, if manipulated, altered to fit within the margins of the ZESN's projections.

The announcement of the SBO estimates of the ZESN broke the silence on election results. The ZEC had told the electorate that presidential election results would be announced in due course (ZESN, 2008). This obviously raised questions. The results were only announced after five weeks. In the interim, the ZANU-PF had made claims about the election having been rigged by the opposition, raising suspicion that the ruling party was privy to the results before their announcement by the ZEC (ZESN, 2008). When the results were finally announced by the ZEC, the ZANU-PF was quick to accept them while the opposition appeared reluctant (ZESN, 2008). On the role that the SBO possibly played in the 2008 Harmonised Elections, the Director of the ZESN, Rindai Chipfunde-Vava said in a 2010 documentary:

> *We see the importance of election observers in terms of issuing statements and in some cases mitigating election irregularities. We have also achieved, in 2008, the parallel vote tabulation where we produced results that made it difficult for ZEC to announce results contrary to our own. When the results were announced by ZEC they were within our margins (ZESN 10th Anniversary Documentary, 2013).*

The claim was also made by the former Chairperson of the ZESN, Noel Kututwa, who held that it is always critical to have scientific data in election work as the ZESN did in 2008 through the SBO. Kututwa noted the ZESN first SBO of 2008 as one of the Network's major achievements that happened during the time when he was the Chairperson of the ZESN. As he recounted:

*Enhancing Transparency and Confidence in Elections (Cont ...)*

> *But through the PVT, we were able to demonstrate that ZANU-PF did not win. But because it was a sample size, we did not have people in every polling station, it was not possible to definitively say this is the result. But our sampling was sound, and we were able to produce a report which even to this day the government has not been able to refute and has not been able to challenge. In fact, they used our report as the basis for calling for the runoff which was then done in June 2008.*

Slain ZESN Observer Elliot Machipisa

For the ZESN, the announcement of the SBO estimates appears to have stirred up a hornets' nest, landing the Network into trouble as it found itself "under siege" ahead of the run-off presidential election held on 27 June 2008 (ZESN, 2008). In the aftermath of the announcement of the SBO projections, the members, staff, management, and leadership of the ZESN became victims of violence and intimidation perpetrated by the State or supporters of the ruling party, the worst case resulting in a fatality of an observer, Elliot Machipisa who was murdered in cold blood in the presence of his family (ZESN, 2008). A number of other observers of the ZESN were reportedly beaten while some had their houses torched (ZESN, 2008).

Apart from the saddening fatality, by the time of the 27 June 2008 run-off election, 74 observers had moved in with relatives; 113 had been displaced and had sought and got assistance in Harare, 12 had been assaulted; 16 had their homes burnt, four had their property damaged while 71 were reportedly harassed and intimidated (ZESN, 2008).

The Director of ZESN was detained for a 45-minute period at Harare International Airport on 15 April 2008. The Director's home and the national offices of the ZESN were raided on 25 April 2008 as noted earlier in this book. A Programme Manager of the ZESN, Tsungai Kokerai, was subsequently detained for six hours at the Harare Central Police Station for questioning. With regards to the ZESN monitoring and observation work in particular, when the ZESN Chairperson[29] and Director[30] were required to present themselves to the police, they were questioned extensively specifically on the ZESN election monitoring and observation of the 29 March 2008 harmonised elections.[31] Particular focus was on the Network's projections of the presidential results. Among other things, the ZESN was asked to explain its relationship with the NDI and its relations with the ZEC before and after elections.

The announcement of the SBO estimates of the ZESN broke the silence on election results. The ZEC had told the electorate that presidential election results would be announced in due course (ZESN, 2008). This obviously raised questions. The results were only announced after five weeks. In the interim, the ZANU-PF had made claims about the election having been rigged by the opposition, raising suspicion that the ruling party was privy to the results before their announcement by the ZEC (ZESN, 2008). When the results were finally announced by the ZEC, the ZANU-PF was quick to accept them while the opposition appeared reluctant (ZESN, 2008). On the role that the SBO possibly played in the 2008 Harmonised Elections, the Director of the ZESN, Rindai Chipfunde-Vava said in a 2010 documentary:

[29] https://www.zesn.org.zw/zesn-chairperson-hands-himself-to-the-police/press-statement/5261/39/49/21/28/04/2008/tinashe/
[30] https://www.zesn.org.zw/police-requests-to-see-zesn-director/press-statement/5257/34/48/21/29/04/2008/tinashe/
[31] https://www.zesn.org.zw/police-request-zesn-chairperson-and-director-to-submit-documents/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

> *We see the importance of election observers in terms of issuing statements and in some cases mitigating election irregularities. We have also achieved, in 2008, the parallel vote tabulation where we produced results that made it difficult for ZEC to announce results contrary to our own. When the results were announced by ZEC they were within our margins (ZESN 10th Anniversary Documentary, 2013).*

It has already been noted that the senior figures in the ZANU-PF made several statements against the ZESN in relation to its role in the 2008 election. The Network was accused of being a pro-MDC organisation that, among other things, had been used by the opposition to bribe the ZEC officials during the 29 March 2008 harmonised elections (ZESN, 2008). The ZESN vehemently rejected the accusations, dismissing them as unfounded and bent on discrediting it. The Network perceived the attacks as a response to its announcement of the projections of the presidential election results. In a Press Statement of 2 May, the Network called for the respect for the rights of non-partisan independent election observers as well as the will of the people of Zimbabwe.[32] It further indicated that in observing the 2008 election and previous ones, it had broken no Zimbabwean law and had conducted its electoral observation efforts in accordance with regional and international standards. The statement concluded by noting that the one-month delay in the announcement of results was causing a waning of confidence in the ZEC and calling for, at a minimum, the immediate release of polling station level vote counts along with overall results for the presidential election.

For the run-off that was held following the inconclusive first round of the elections, the observers were required to apply again for an invitation from the Minister of Justice, Legal, and Parliamentary Affairs before seeking accreditation (ZESN, 2008). Accreditation was centralised, only done in Harare and Bulawayo, and civil society was invited late (ZESN, 2008). Twenty days before the 27 June run-off, most local observers had not received invitations for accreditation (ZESN, 2008). By 11 June, only international observers and the media had been accredited (ZESN, 2008). The late invitation of the CSOs and centralization of accreditation negatively affected the accreditation and deployment of observers by the CSOs. In addition, whereas the accreditation of foreign observer missions was extended, the same was not done for local observers, preventing local observers from observing some processes such as postal voting (ZESN, 2008).

The Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, reduced the number of the ZESN observers from 8,667 during the 29 March Harmonised Elections to 500 for the run-off, ostensibly because, if the number was not reduced, domestic election observers would disrupt the smooth running of the electoral process.[33] . This was against the law that provided for up to three static domestic observers per polling station per observer group and one per observer group at constituency tabulation centres. Further, the ZEC had published more than 9,231 polling stations for the election. As a result, the ZESN did not field any accredited observers for the rerun. The ZEC announced at an observers' briefing held on 23 June 2008 that as of Sunday 22 June 2008, they had only accredited 84 local observers.[34]

In spite of the hurdles along the way, a decade after its formation, the ZESN was happy with the achievements of its election monitoring and observation efforts over the years. Reflecting on the work under the Programme in 2010, Barbra Nyangairi who was the Programme Manager at the time said:

[33]https://www.zesn.org.zw/zesn-will-not-observe-the-27-june-run-off/press-statement/5237/25/38/21/24/06/2008/tinashe/
[34]https://www.zesn.org.zw/zesn-will-not-observe-the-27-june-run-off/press-statement/5237/25/38/21/24/06/2008/tinashe/

> *ZESN has been monitoring and observing elections since 2000 and it has grown in its capacity to train and deploy observers since then. Over the years, ZESN has been able to deploy observers for local government elections, parliamentary elections, senatorial elections, and presidential elections (ZESN 10th Anniversary Documentary, 2013).*

The Director of the ZESN, Rindai Chipfunde-Vava was equally satisfied, asserting that 'In terms of election observation, I can safely say we became very visible and important from 2000 up to now' (ZESN 10th Anniversary Documentary, 2013).

## Muddling Through - 2013 Referendum's Forced Modified Deployment

As noted earlier, Zimbabweans voted in a referendum for a new constitution in 2013. During the constitutional referendum, the ZESN monitored the pre-referendum period and referendum day procedures. A total of 9,456 polling stations were identified and set up, as well as command centres at provincial, district, and constituency levels (ZESN, 2013a). The OAC for the accreditation of observers who would observe the referendum was established by the ZEC in terms of Section 40 H (1) of the Electoral Act Chapter [2:13]. In terms of Section 192 of the Electoral Act (Chapter 2:13), ZEC made regulations on accreditation, cited as S.I 26A of 2013 (ZESN, 2013a). The regulations set accreditation fees to be paid by an observer in terms of Section 401 (6) (c) of the Act. Accreditation fees for local observers were $10.

For the first time, ZEC added a third accreditation centre in Masvingo (adding to the traditional centres in Harare and Bulawayo). Yet, in a negative departure from the norm, the ZEC refused to accredit all members of the ZESN as observers under the umbrella body, requiring member organisations to separately resubmit their applications, thus unbundling the membership (ZESN, 2013a). Not only was this administratively burdensome, but it also violated the ZESN members' fundamental right to association (ZESN, 2013a). Further, the accreditation process appeared discriminatory as, despite being coalitions, other Networks were accredited as single entities (ZESN, 2013a). A member of the Board of the ZESN and also Director of the Zimbabwe Peace Project (ZPP), Jestina Mukoko, was arbitrarily refused accreditation by the ZEC. similarly affected was a member organisation of the ZESN, the ZimRights. The reason given for the denial of accreditation was that they were “under police probe” (ZESN, 2013a). This was despite the ZPP and the ZimRights not having been found guilty of any crime, thus violating their constitutional right to be presumed innocent until proven guilty (ZESN, 2013a).

The timing of the announcement of the date of the referendum left the ZESN with only one month to prepare for the plebiscite, forcing the Network to modify its methodology by reducing the number of observers it planned to deploy from about 2, 500 to less than 600 (ZESN, 2013a). To observe polling, 210 polling station-based observers were recruited (one per constituency). In addition, 210 constituency observers were recruited to observe the collation of votes at the constituency level. A total of 118 supervisors, who were also mobile observers, were deployed, and some observers were also present at the national level. Deployment covered all the country's 10 provinces, including rural and urban areas.

The ZESN also set up a National Communication Centre (NCC) as a focal point for all communications with observers, the media, other civic organisations, regional observers, and other external and international stakeholders, relating to observation (ZESN, 2013a). Several activities were organised at the NCC, including press briefings, one-on-one interviews on the referendum, incident alerts, and press statements. The NCC also housed the Situation Room (SR).

*Enhancing Transparency and Confidence in Elections (Cont ...)*

The SR initiative served as a platform for the CSOs to share information on referendum day, providing the ZESN and other civil rights groups with easy accessibility to organisations offering legal and medical services, such as the ZLHR and the CSU, respectively, whose representatives were actively present in the SR. The SR platform enabled the ZESN to undertake its leadership role of coordinating election-related activities. This greatly enhanced the ability of the CSOs to respond promptly to any election-related incidents during the voting process.

## 2013 Harmonized Elections: The "Messy Business of Monitoring Elections"

The ZESN observed and assessed events in the electoral cycle between the signing of the Global Political Agreement (GPA)[35] in 2008 and the 2013 Harmonised Elections. From 2010, the Network deployed the LTOs who provided monthly updates on the political situation in their constituencies, particularly in relation to election-related developments in each of the country's 210 constituencies. The 2013 elections were held in a relatively peaceful environment.

S.I 85 broadened the aspects of elections that accredited observers could observe to include observing "equal access by contesting political parties to the State media and other national resources" (ZESN 2013: 39). The Electoral Act also now provided for observers to "measure the degree of impartiality shown by ZEC" in the discharge of its duties (ZESN 2013: 39). The amended law also provided for an OAC to be constituted by the Chairperson and Deputy Chairperson of the ZEC; one person from the Office of the President; and persons from various government ministries, including the Ministry of Foreign Affairs, the Ministry of Justice, Legal and Parliamentary Affairs, and the Ministry of Home Affairs (ZESN 2013). The purpose of the OAC is to consider and vet applications from those interested in observing elections.

In the 2000 to 2008 elections, accreditation was only conducted in Harare and Bulawayo, and, in the 2013 Constitution referendum, an observer had to appear in person at one of only three accreditation centres in the country before they could be accredited. This centralization of accreditation created enormous logistical and financial challenges for observer groups because they had to finance travel and accommodation for their members requiring accreditation. Commendably, in 2013 accreditation was further decentralised to the 10 provincial capitals. This made accreditation easier by enabling the organisation of observers by local groups, facilitated easier processing by the ZEC, and lowered the overall costs of deploying observers (ZESN, 2013b). All observer lists were approved at the ZEC head office, but the actual accreditation took place at the provincial centres. However, while there were noteworthy improvements in the accreditation process, the ZEC headquarters did not send the lists swiftly to the provincial centres, thereby delaying the accreditation of observers (ZESN, 2013b). This process differed significantly from party agents' accreditation where mere submission of the agent's names was enough for accreditation by ZEC (ZESN, 2013b).

For the short-term observation of the 2013 Harmonised Elections, the ZESN deployed 7,099 observers, 6,519 being static observers; 359 mobile observers; and 221 supervisors (ZESN, 2013b). The observers were deployed at all levels from the polling station up to the ZEC National Command Centre to observe the collation of votes and the announcement of results. The ZESN also operated an Information Centre and SR where the CSOs gathered, collected, and shared information on the polling process (ZESN, 2013b). Like in 2008, the ZESN conducted the SBO, though for reasons discussed below it decided not to publicise the projections.

[35]The GPA was the negotiated power-sharing agreement, signed on 15 September 2008 by the late former President Robert Mugabe, the late president of the MDC (later MDC-T), Morgan Tsvangirai; and Arthur Mutambara who was leading the MDC after after the split of the original MDC in 2005 that resulted in the Tsvangirai-led MDC adding a 'T' to the party's name. The GPA ushered in a Government of national Unity (also known as the inclusive government) of ZANU-PF and the two MDC formations following the disputed and inconclusive elections of 2008.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

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As noted earlier, Zimbabweans voted in a referendum for a new constitution in 2013. During the constitutional referendum, the ZESN monitored the pre-referendum period and referendum day procedures. A total of 9,456 polling stations were identified and set up, as well as command centres at provincial, district, and constituency levels (ZESN, 2013a). The OAC for the accreditation of observers who would observe the referendum was established by the ZEC in terms of Section 40 H (1) of the Electoral Act Chapter [2:13].

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## 2013: The Limits of the SBO

In the first round of the 2008 elections, the political environment considerably allowed for relatively fair competition and the free expression of voters' choice. In such cases, the SBO is particularly useful in enabling a more complete assessment of an election. Where serious questions are raised about the pre-election phase, the SBO is less useful and likely to be more easily misconstrued in the highly emotive game of the elections.

Prominent scholar on the subject of electoral authoritarianism, Andreas Schedler, asserts that, "Anyone familiar with the often-messy business of monitoring elections knows that vote fraud can be a very complicated, shadowy, and slippery affair that causes domestic and international observers to pull their hair out by the handful" (2002: 38). For Zimbabwe, this is particularly true for the 2013 elections in respect of which a local academic observed:

> *In the 2013 elections many, both inside and outside the country could 'feel' that the elections were not right, that something was amiss, but could not proffer tangible evidence to support the suspicion... As for the 2013 elections, few contested their freeness, but many disputed their fairness, though even those in the latter group could not pinpoint with certainty and confidence the source of the unfairness. They could 'sniff' it in the air but could not lay their hands on it* (Masunungure, 2013: 100).

The foregoing conforms to ZESN's observation expressed in its 2013 Harmonised Elections Report that, "The July 2013 elections have become as disputed as previous polls. There is consensus from several groups that the elections were free and that they were peaceful. Questions remain about whether the polls were fair and credible" (ZESN, 2013b: 53). This statement sums up the reasons the ZESN decided in 2013 not to release its SBO projections. There was concern about the risk of being misconstrued as having endorsed the election results as a true reflection of the will of voters when a lot had gone wrong with the 2013 elections, leading the ZESN to state one of the lessons learnt as that, "The entire electoral process is important as well as the other processes feeding into the actual voting, as the Election Day alone does not determine the quality and credibility of the electoral process" (ZESN, 2013b: 53).

The ZESN's fear of being misconstrued was compounded by the media situation obtaining at the time, in respect of which the ZESN shared yet another lesson, "A polarised media gives rise to differences in the interpretation of electoral outcomes and raises subjective debates on the freeness, fairness, and credibility of elections. This could lead to violence and chaos" (ZESN, 2013b: 24). This was the case in 2013 as discussed in chapter 5. The 2013 Election Report of the ZESN shows that the pre-election environment significantly could not enable the ballot to reflect the genuine will of the people.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Releasing the SBO projection would probably have been misconstrued as validating the outcome of the election when in actual fact a lot of irregularities had been observed prior to election day. Consequently, to avoid misconceptions, the ZESN strategically decided not to publicise its SBO projections.

Confirming the considerations that were made regarding whether to publicise or not the SBO projections in 2013, the Executive Director of the ZESN, Rindai Chipfunde-Vava, said in an interview in 2023 *"... Then 2013 when we did it (the SBO), it was speaking more to the results, not necessarily the process*". As shall be evident from the discussion of the reception of the ZESN's 2018 SBO projections, the Network was arguably right in its considerations on whether to publicise its SBO projections. Nevertheless, as an indication of the reliability of the methodology, the estimates were accurate in terms of projecting the official results. This shows that the SBO is not totally detached from but compliments other election observation methodologies that focus on pre- and post-election periods in allowing for a full picture about a particular election.

## Observing Biometric Voter Registration: 2017-2018

Zimbabwe used the Biometric Voter Registration (BVR) system for the first time in 2017 to produce a new voter's roll. The switch from manual voter registration to BVR was necessitated by challenges associated with voter registration and the integrity of the voters' roll and access to it in previous elections. In line with Section 36A of the Electoral Act Chapter 2:13, the late former President Robert Mugabe announced in September 2017 through the SI 109 of 2017, proclamation 6 of 2017, that BVR would commence in that month of September. The ZEC went further to issue the SI 85 of 2017 'Electoral (Voter Registration) Regulations' to set out the voter registration regulations and procedure. This was also the first time that the ZEC conducted voter registration, having assumed this role from the RG. The ZESN observed the BVR starting with processes that preceded the conduct of the actual exercise, and phase one through to the mop-up exercise.

The BVR exercise commenced at the ZEC's 63 District Centers in September 2017 and ran in four phases, from 10 October to 19 December 2017, before being extended in a mop-up exercise from 10 January to 8 February 2018. Registration was extended to all wards, in phases, starting from 10 October 2017, marking the beginning of a BVR "blitz" that ended on 19 December 2017. There was an apparent need for the extension of the process as the ZEC had only registered 65 % of the targeted voting population by the end of the fourth and last phase. The ZEC extended the process, conducting a mop-up voter registration exercise from 10 January to 8 February 2018. At the same time, the ZEC also introduced mobile registration centres, to make them more accessible to citizens for continued registration. By the end of the BVR mop-up exercise, the ZEC had registered approximately 5 325 631 people (about 73.5% of eligible voters surpassing the ZEC's target of 70%) (ZESN BVR Report, undated).

First, the ZESN observed pre-BVR processes including the polling station mapping exercise, BVR site validation tests, BVR tender processes, and Automated Fingerprint Identification System tender processes. For the observation of the actual BVR process, the ZESN deployed 2 012 observers composed of static observers at selected centres across the country as well as roving observers from the onset of the process (ZESN, 2018). The Network had at least one observer per ward. A total of 263 static observers were deployed for the mop-up exercise. Static observers were deployed at district registration centres as well as at randomly selected centres across the country. In addition, mobile observer teams were also deployed in all the country's 10 provinces.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Observers' accreditation was problematic. First, the ZEC shifted the dates for observer accreditation a few days before the BVR blitz began, leading to serious logistical challenges for organisations that found themselves under pressure to train and deploy observers. The ZESN had to appeal to the ZEC to make special considerations for alternative arrangements, which the ZEC, to their credit, agreed to. However, some challenges were still encountered. These included the missing of the ZESN lists of names that it had submitted to the ZEC; power cuts affecting some accreditation centres; the lack of some necessary equipment such as lamination machines and the malfunctioning of equipment such as printers.

These logistical challenges delayed the accreditation of some observers, increasing costs on the part of the ZESN to accommodate the observers for extended periods. This was adding to the already high cost of $10 that was paid to the ZEC for the accreditation of each observer. As a result of the challenges, some observers failed to commence observation by the time the BVR blitz process started on 10 October 2017.

Further, the ZEC's inability to explicitly state the position of observers and party agents left discretion in the hands of voter registration officials, who dealt with this matter in different ways, with the ZESN and the other CSOs having to appeal for observers to be allowed to monitor the process in some cases (ZESN BVR Observation Report, undated). There were numerous cases of observers being harassed, intimidated, and obstructed from observing. During the BVR process, the ZESN recorded reports of accredited observers being intimidated for observing or denied access to the centres. Perpetrators included ward Councillors and suspected ruling party members (ZESN BVR Observation Report, undated). Many observers of the ZESN were also denied registration statistics at registration centres.

## 2018: Projecting Results of a Tight Contest in a Polarised Context

Zimbabwe's 2018 harmonised elections were held on 31 July. Like 2005, first round of the 2008, and 2013 elections, the 2018 elections were held in a relatively peaceful environment (ZESN, 2018). The legal framework included, first and foremost, the Constitution of Zimbabwe Amendment Number 20. In addition, several legislative reforms to the electoral laws and other related legal provisions were introduced by Parliament (through amendments to the Electoral Act and the introduction of a GLAA) and through Presidential Powers in 2014, 2015, 2017, and 2018. On 28 May 2018, an Electoral Act Amendment was adopted. A more comprehensive Code of Conduct for the Political Parties, Candidates, and other Stakeholders with provisions applicable to election observers was added to the Electoral Act.

Sections 40G to 40K of the Electoral Act provided for the accreditation of observers. Whereas domestic observers had to apply to the ZEC for accreditation, regional and international observers needed to be invited by the Ministry of Foreign Affairs. The invitation of observers was extended to many, including previously excluded observer missions such as the European Union (EU), the NDI, Commonwealth, and the International Republican Institute (IRI). President Mnangagwa extended invitations to 46 countries, 15 organisations, and two Eminent Persons. The accreditation centres were decentralised to 10 provincial centres and applications for accreditation closed four days before the Election Day in accordance with the electoral law.

Apart from observing the BVR process between 2017 and 2018, the ZESN observed the other processes that include election preparations by the ZEC; the training of the ZEC polling officials; and VE campaigns. It also observed the Nomination Court proceedings (on 14 May 2018); inspection of the voters' roll (from 19 to 29 May 2018); political parties' primary elections; campaigns; Election Day processes; and post-election developments.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

The ZESN's 210 LTOs who were involved in the observation of these processes between 18 May and 30 August 2018 would also meet with key stakeholders, including political parties and voters, in their respective constituencies.

For the observation of the inspection of the voters' roll, the ZESN deployed 210 LTOs to 693 inspection centres where the inspection took place. The 210 LTOs were also deployed to observe the Nomination Court proceedings in a total of 116 Nomination Courts for the ward-level, National Assembly, and the presidential nomination elections in all the country's 10 Provinces.

The ZESN coordinated a cluster of the CSOs on election monitoring and observation. Two months before the harmonised elections, the CSOs working on elections established the Election Situation Room (ESR),[36] with the ZESN as the convener (ZESN, 2018). The main objective of the ESR was to enhance coordinated and effective information sharing of electoral processes to promote free, fair, and credible electoral processes in Zimbabwe. Members of the ESR were strategically identified from the broader Zimbabwean Civil Society sector.

The ESR project enhanced monitoring of the political environment and rapid response to and advocacy around challenges during the pre-election, Election Day, and post-election periods of the elections (ZESN, 2018). The CSOs working on elections, governance, and human rights issues were able to work together, coordinate their efforts, and collect, share, and disseminate information on different aspects of the electoral cycle (ZESN, 2018). This enabled near real-time redress of electoral malpractices and disputes by the relevant government institutions and the broader community (ZESN, 2018). This also helped avoid incoherence and duplication, and ensured that CSOs spoke in unison. In escalating incidents presented to the ESR, the project engaged with the ZEC, Zimbabwe Human Rights Commission (ZHRC), ZRP, Zimbabwe Gender Commission (ZGC), and the National Peace and Reconciliation Commission (NPRC) (ZESN, 2018). The CSOs that had worked in partnership with the named Commissions leveraged those relationships to facilitate near real-time redress in the ESR.

Through the ESR project, the foundation for collaborative practice was built, albeit with a few challenges such as confidence in sharing information amongst key stakeholders (ZESN, 2018). The ESR was identified by citizens as an objective platform that shared credible information with citizens through Short Message Service (SMS), toll-free numbers call centres, print, and radio and social media avenues (ZESN, 2018). It became a primary source of information to citizens, Commissions, observer missions, and concerned stakeholders and was known as a medium that escalated election-related information to stakeholders and provided near real-time redress (ZESN, 2018). In the post-election period, LTOs of the ZESN also made efforts to verify social media reports of human rights abuses in their constituencies, confirming some incidents of violence and intimidation (ZESN, 2018).

## 2018: Subjective Dispositions Toward the SBO

On Election Day, the majority of the ZESN general observation observers were permitted to observe at their respective polling stations (ZESN, 2018). A total of 7,240 observers, including the 210 LTOs were deployed for the STO on the day of the election (ZESN, 2018). STOs were deployed in each of the country's 1,958 wards and at different Results Collation Centres (Ward and Constituency Collation Centers), as well as at the ZEC Provincial and NCCs (ZESN, 2018).

[36]A model borrowed from West African countries that allowed organisations to share information and collaborate on election-related matters.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

The ZESN also deployed 420 mobile observers who observed the environment around polling stations (ZESN, 2018). As part of the 7,240 observers, 750 were deployed to observe a randomly drawn weighted and nationally representative sample of 750 polling stations under the SBO project (ZESN, 2018).[37] By 12 noon, on 31 July, the ZESN had received reports from all 750 sampled polling stations and had verified and analysed the data. Therefore, the SBO report was based on a 100% response rate. Like in 2008, the ZESN accurately predicted presidential election results through its SBO in 2018 as shown in table 2 below. On 3 August 2018, the ZEC announced the results that fell within the projections of the ZESN SBO, even after the downward revision of the winner's votes by the Commission. The ZESN announced its projections immediately after the official announcement of the results by the ZEC so as to comply with Sections 60A and 66 (a) and (c) of the Electoral Act.

**Table 2: ZESN SBO Estimates and ZEC Official Results for the 2018 Presidential Election**

| Presidential Candidate | SBO Estimate | Margin of Error | SBO Estimate Range | ZEC Announced Official Results (3 August) |
|---|---|---|---|---|
| Nelson Chamisa (MDC Alliance) | 45.8% | +/-2.0% | 43.8% to 47.8% | 44.3% |
| Emmerson Mnangagwa (ZANU-PF) | 50.7% | +/-2.0% | 48.7% to 52.7% | 50.8% |
| All other 21 candidates | 3.5% | +/-0.2% | 3.3% to 3.7% | |
| Rejected Ballots | 1.4% | +/-0.1% | 1.3% to 1.5% | |

**Source:** ZESN Report on the 2018 Harmonized Elections

The opposition, most noticeably the rank and file, emotionally rejected the projections, though one senior leader of the MDC-Alliance at the time, David Coltart, had cited ZESN pointing out some irregularities in the results management process. The Network was vilified a great deal by opposition sympathisers, with some falsely accusing ZESN of having been paid by the ruling party to announce projections that favoured the ruling party.

Clearly, some of the criticism levelled against the SBO report evidenced a lack of understanding of the methodology and what the SBO can and cannot do, intent to advance self-serving narratives, and emotional reactions. For example, critics wrongly extended the verification and endorsement of the official results by the ZESN to mean an endorsement of the entire election (an election being a process rather than an event), with some alleging that the ZESN had passed a judgement on the election, adjudging it 'free and fair'.[38]

[37]This random sample was representative in terms of the geography of the country, distribution of polling stations, and the distribution of registered voters across Zimbabwe, https://www.zesn.org.zw/wp-content/uploads/2018/08/ZESN%E2%80%99s-Presidential-Results-Projection-from-Sample-Based-Observation.pdf.
[38]The SBO has nothing to do with the assessment of the freeness and fairness of an election. It helps in the assessment of polling day processes and the verification of official results. ZESN's LTOs observe right round the electoral cycle and, on election day, ZESN has many other observers apart from SBO observers who observe in and around polling stations. The SBO estimates are given as part of a fuller report that includes ZESN's assessment of the political environment, the legal framework, and the administration of electoral processes, highlighting any malpractices or problematic issues that adversely affect the freeness, fairness, credibility, etc of elections.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

In the midst of the attacks, a fake notice of an emergency meeting of the ZESN Board was circulated, mostly on WhatsApp.[39] The notice, titled "Press Statement", purported to have been authored by the Board of Trustees, dated 19 August 2018, and denoted "for urgent release", stated the agenda as including, "review of the 2018 elections programmatic report with special emphasis on the contentious Parallel Voter (sic) Tabulation results", "Leadership renewal in the Secretariat", and "Review of the 2018 financial report". It claimed that the Board wanted to "consider the controversial report on the 30 July 2018 harmonised elections" as it had "come to the attention of the Board that members of the secretariat and the Director, Rindai Chipfunde Vava have been working with state elements to cover up election fraud committed by ZEC". It further said that, "We further have credible evidence that Ms Rindai Chipfunde Vava has been promised to be substantive Chief Elections Officer (CEO) at ZEC after Mnangagwa's inauguration". The ZESN had to respond, dismissing the fake Board meeting message.[40]

Perhaps one of the things that also contributed to how the SBO report was received and determined reactions is the manner in which the media reported on it. This is best exemplified by the difference between how the Herald correctly reported, in terms of the title specifically, on the report, as opposed to what other newspapers did.

An article published in *The Herald* on August 4, 2018, was titled 'ZESN endorses ZEC results'.[41] By contrast, *The Chronicle* clearly politicised the report, with its headline reading 'ZESN endorses Mnangagwa's victory'. While there is no ambiguity with regards to what it means to 'endorse ZEC results', the same cannot be said with 'endorsing Mnangagwa's victory', especially considering that the SBO is Election Day-focused, with the focus only on polling day processes and results while endorsing one's victory might be taken to relate to the whole electoral process, including the pre-election and post-election periods. Even some independent (non-State) media sensationalised the ZESN report. *The NewsDay*, for example, cited the report in an article titled 'ZESN throws Chamisa under the bus'.[42] Owing to the extent of the misunderstanding and the resultant outcry, the Chairperson of the ZESN, Mr Andrew Makoni, had to clarify what the SBO projections meant.[43]

Below are excerpts from the interview:

> **Q:** ZESN released its 2018 Presidential election projections based on its Sample-Based Observation (SBO). Can you explain what this entails?
>
> **A:** ZESN trained and deployed over 6,500 election observers to every ward and constituency in Zimbabwe. Out of these, 750 were Sample Based Observers.
>
> By way of definition, SBO is an advanced and proven election monitoring methodology employed around the world that allows non-partisan citizen observers to systematically assess the quality of opening of polls, voting, closing and counting processes.
>
> Using this methodology, an SBO can accurately project a range of the possible outcomes of the presidential elections, serving as an independent check on the official election result. SBOs can confirm the accuracy of official results, or expose manipulation during the tabulation process if it occurs. SBOs use direct observations by trained observers and do not ask voters for opinions.

[39] https://zimfact.org/zesn-targeted-in-misinformation-campaign/
[40] https://www.pindula.co.zw/2018/08/19/full-text-zesn-refutes-claims-of-meeting-to-discuss-controversial-elections-report/src=/#google_vignette
[41] https://www.herald.co.zw/zesn-endorses-zec-results/
[42] https://www.newsday.co.zw/politics/article/64379/zesn-throws-chamisa-under-the-bus

*Enhancing Transparency and Confidence in Elections (Cont ...)*

**Q:** How is an SBO different from traditional Election Day observation?

**A:** For the 2018 harmonised election, ZESN used both the SBO and general observation methodologies as part of election observation.

The major difference between the two methodologies is that under the SBO, observers are deployed to a nationally representative sample of polling stations carefully selected by expert statisticians.

Observers make use of mobile phone technology to transmit observation data quickly and completely to a central database enabling observers to provide the public with more accurate and comprehensive information about the conduct of an election for the entire country.

The findings of the SBO are then released based on sound and systematic data and not anecdotal information or opinions.

**Q:** Why did ZESN conduct an SBO?

**A:** Elections in Zimbabwe have since the early 2000s become highly contested with disputed electoral outcomes sometimes leading to injury and death of political supporters.

In this context, ZESN decided to conduct an SBO in order to remove uncertainty over presidential election results by independently validating or invalidating the official presidential election results.

The objective was to assess the results management process and provide an alternative view and thereby reduce any potential political turmoil that might have arisen.

**Q:** In your statement, you mentioned that there was a margin of error, can you explain what this is and to what extent can it compromise your data?

**A:** While statistics are a proven tool to draw accurate conclusions about a larger population, all sample-based statistics have a margin of error.

When a sample is drawn and stratified well, distributions should reflect the same distributions in the population at large.

The SBO sample demonstrates a sound distribution of the rural and urban divide and the distribution of polling stations and registered voters across the country. In simple terms, the margin of error can be thought of as a window on either side of the estimate in which there is uncertainty.

**Q:** What methodology did you use during SBO and the criteria used for selecting the polling stations?

**A:** Strictly applying random selection methods and by sampling with probability proportional to population size (PPPS), 750 polling stations were chosen as a national representative of approximately 10 800 polling stations at random.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

This approach removes bias since every polling station had the exact same chance of being selected.

The SBO sample is stratified so it covers every district, province and constituency in the country, and the distribution of observers is proportionate to the percentage of polling stations and registered voters in each province. This approach makes it representative.

**Q:** The neutrality and credibility of ZESN has been questioned following the SBO projections, what is your comment on those questioning your credibility and neutrality?

**A:** ZESN is a Network of non-governmental organisations with a long history of promoting peaceful democratic electoral processes in Zimbabwe. In terms of recruitment, there is a strict requirement for recruiting observers, including that they cannot be an official member of any political party nor publicly support one.

The observer must sign and adhere to a strict code of conduct and pledge of nonpartisanship which if not adhered to results in the observers being recalled. These observers are adequately trained to ensure that they accurately observe and report their findings.

**Q:** Some allege that ZESN endorsed the presidential election results, what's your take on that?

**A:** ZESN as a non-partisan and impartial organisation did not endorse any election result; in addition no voters were asked whom they voted for.

The SBO is not an exit poll and its findings simply revealed that the official results as announced by ZEC are consistent with our projections, which some may call validation. Since the SBO is based on a sample of polling stations it produces estimated ranges within which the results announced by an electoral management body should fall.

SBO projections on the presidential results were misinterpreted as an endorsement of the Zec results and some took the SBO as counter to claims by some of the contesting candidates that the election results had been tampered with.

It is important to note that the ZESN SBO could not confirm whether or not there should have been a run-off and did not pass a judgement on other electoral processes as we are still observing the post-election period.

In addition, it is important in future for the media to acquaint themselves well with the numerical and sampling methodologies and seek expert views on these to enable them to report accurately.

**Q:** Are there any instances where the SBO projections have been wrong?

**A:** We cannot say that there are instances where the SBO methodology has been wrong; the question should be whether there have been instances where there has been a mismatch.

*Enhancing Transparency and Confidence in Elections (Cont ...)*

> In 2015, a mismatch occurred in Nigeria. The SBO detected inflated votes for Goodluck Jonathan in the south of the country.
>
> The projected range for votes for Goodluck Jonathan was between 37 percent 41,4 percent and yet the electoral commission announced 45 percent, which meant that what was announced by the electoral commission showed slightly more votes for Goodluck Jonathan and slightly less votes for Buhari.
>
> The group alerted the Commission of the discrepancy and they agreed that the results in the south had been tampered with.
>
> However, since it didn't ultimately change the outcome, the electoral commission let it slide. The SBO tends to validate or invalidate results and it has been successful in doing so.

On the other hand, the ruling party, ZANU-PF, embraced the projections. In seeking to defend itself in Court against a court application by the MDC Alliance seeking the nullification of the announcement of Emmerson Dambudzo Mnangagwa as the winner of the 2018 presidential election, the ZANU-PF cited the ZESN, including the Network's SBO project report.[44] When the Court upheld the declared victory of ZANU-PF, a tweet was posted on a Twitter handle that is under the name of the President of Zimbabwe, Emmerson Dambudzo Mnangagwa, on 24 August 2018, reading, "We were not surprised by the court's decision. The election results were firmly in line with all the pre-election polling *and were entirely consistent with the final tally of ZESN, the largest body of independent observers* (emphasis added)".

A number of things are clear from the reception of the ZESN's 2018 SBO estimates. First, projecting election results in a tight contest has implications for the acceptability of the estimates where there is a lack of trust in the EMB. Second, in a polarised context, the SBO estimates will be accepted or rejected based on subjective or partisan inclinations. Third, emotions trump objectivity and rationality in the reception of election results. Lastly, the role played by the media is critical, particularly for the last two.

## False Allegations Against ZESN: A Harbinger of What Was to Come

After the 2018 elections, most notably from around 2021, false allegations were repeatedly made against the ZESN, which later proved to have been a harbinger of what was to befall the Network. The claims that had been made in the media, such as newspaper stories and tweets, at least from 2021.[45] The culmination was that on the night of the election, on 23 August 2023, the ERC-ZESN datacenter for the SBO project was raided by State security forces. It started with the familiar vilification of civil society. For example, at a time he was ZANU-PF's Acting Political Commissar in 2021, Patrick Chinamasa said:

[44] https://www.veritaszim.net/sites/veritas_d/files/mnangagwa-opposing-papers_Part1.pdf

[45] The threats in the form of statements have always been there, dating back to the early 2000 (see, for example: https://reliefweb.int/report/zimbabwe/zimbabwe-mugabe-party-calls-crackdown-hostile-ngos). The late former president Robert Mugabe had also threatened to ban NGOs from observing the 2018 elections (see: https://www.newtimes.co.rw/article/145447/News/mugabe-says-west-funded-ngos-banned-from-observing-2018-elections).

***Enhancing Transparency and Confidence in Elections (Cont ...)***

> *Zimbabwe has a record of something like 3 500 NGOs in this country, none of them, very few of them helping to contribute to the economic development of the country. Very few of them are helping to build schools, clinics, to give livelihoods to our people through irrigation schemes. All of them are employed to achieve regime change in Zimbabwe and we condemn it as they are calculated to undermine the orderly evolution of our political, economic and judicial systems and must be condemned. NGOs, we are at the moment just understanding what they are doing and if we see that they are on a regime change agenda, we will request their deregistration. Clearly, that is our responsibility as a country. We cannot allow, internally, any organisation which we register under our statutes to subvert the sovereignty and integrity of Zimbabwe.*[46]

On 27 August, 2021, in a tweet on a handle identified as that of Patrick Chinamasa, at the time ZANU-PF's Treasurer General, who had also acted in other capacities including the Political Commissar and Spokesperson since the 2018 elections, ZESN was listed as the first on a list of CSOs that were accused of being" foreign funded regime change agents solely created to babysit the disintegrating, sanctions-seeking MDC-Alliance & delay its total collapse".

Later, following the 26 March 2022 by-elections, on 6 April 2022, the same twitter handle carried a message that mentioned the ZESN twice in a Twitter thread, describing it as one of the "prominent ones", accusing the Network and other organisations as seeking to "separate the people from ZANU-PF". It further read "there are reputed to be in excess of 1500 NGOs plying their nefarious agenda in Zimbabwe at the beck and call of sanctions imposing countries…". These accusations were akin to the false 2008 accusations of the ZESN having campaigned for the opposition 'under the guise of voter education'.

On 30 October 2022, a story was published on *NewsdzeZimbabwe* and other several online media platforms that ran under the title, "CCC Rural Push Alarms ZANU-PF".[47] The story quoted a ZANU-PF Central Committee report that was released at the party's 7th National People's Congress. It was alleged in the ZANU-PF Central Committee report that:

> *....Zimbabwe Election Support Network (ZESN) and the Election Resource Centre (ERC) are planning to conduct Parallel Vote Tabulation during the 2023 Harmonised Elections. In pursuit of that, they will deploy election observers at all polling stations that will double as Citizens Coalition for Change (CCC) agents, who will send results to their established command centres and have consolidated results before ZEC announces.*
>
> *If ZEC announces what is different from what they have, they are planning to start violent protests. This plan is a recipe for chaos, mayhem as well as a serious security threat. The same organisations are sponsoring the Defend Your vote operation where all CCC members will vote and remain at polling stations until results are announced and awaiting further instructions from their leadership.*

[46] https://www.herald.co.zw/stern-warning-for-errant-ngos/
[47] https://www.zimbabwesituation.com/news/zanu-pf-alarmed-by-ccc-rural-gains/
[48] https://www.pressreader.com/zimbabwe/newsday-zimbabwe/20221102/281530819968831

*Enhancing Transparency and Confidence in Elections (Cont ...)*

This prompted the ZESN to issue a press statement (one of many such over the years) dismissing the allegations and reasserting its apolitical stance. Importantly, the ZESN stated that, in compliance with Sections 66A and 66 (3) (a) and (b) of the Electoral Act, it would not announce election results (a point that will become important later). The ZESN's Press Statement [48] was reproduced in a number of newspapers, including the NewsDay of 2 November 2022, under the heading 'Zesn sets record straight on voter tabulation'. [49]

Closer to the election, on 20 June 2023, the ruling party's (ZANU-PF) Finance Department levelled accusations against the ZESN alleging that the Network was training polling agents that would participate in the upcoming 23 August 2023 elections.[50] In a press statement that was issued and signed by Chinamasa, it was stated that:

> *It has come to the notice of the ZANU-PF Department of Finance that the UK, France, Australia, USAID, Sweden, Japan, the US Embassy in Harare, the US-based National Democratic Institute (NDI) and the EU, USA and the UK funded Zimbabwe Election Support Network (ZESN) and Election Resource Centre (ERC) have announced that they are putting together a donation of US$10m for the training of 12,500 election agents for each of the political parties participating the forthcoming harmonised elections. I wish it to make it abundantly clear that such offer of funding is illegal and in direct violation of Section 6 of the Political Parties (Finance) Act chapter 2:11 which provides that 'no political party, member of a political party or candidate shall accept any foreign donation whether directly or from a donor or through a third person'. For this reason, ZANU-PF will not accept any donor funding towards the training of its polling agents as that would be illegal and in violation of our laws. ZANU-PF calls upon all political parties in Zimbabwe including CCC and MDC-A not to accept this offer of funding as that will be in violation of the Political Parties (Finance) Act.* [51]

On the day of the election, there was a raid on the ERC-ZESN's data centres which was clearly a culmination of the attacks that had been directed at the organisations as indicated above.

## 2023: Sample Based Observation gets ZESN Raided Again

The ZESN experienced considerable challenges in its efforts to observe electoral processes for the 2023 harmonised elections. First, the ZEC did not extend an invitation to local observers who had requested to be accredited to observe the voter registration blitz that was conducted before the boundary delimitation exercise as well as the voter registration blitz and inspection of the voters' roll that were conducted ahead of the elections themselves (ZESN, 2023). For the harmonised elections, the government invited about 46 countries, 17 organisations and two prominent individuals to observe the 2023 Harmonised Elections. The accreditation process was very cumbersome and expensive, requiring each of the domestic observers to present themselves at designated centres in person and to make payment of USD$10 (ZESN, 2023). While the accreditation fee for local observers and local media practitioners remained the same from the previous elections, it significantly increased for other classes of observers. For foreign observers from African countries, it rose five-fold, from US$20 to US$100, and for foreign observers from non-African countries it rose six-fold, from US$50 to US$300 (for embassy staff).

In addition, the accreditation process was not smooth at various accreditation centres. In some instances, approved accreditation lists were missing from the provincial accreditation centres, despite assurances that the lists had been sent from the ZEC headquarters (ZESN, 2023).

[49] https://www.newsday.co.zw/opinion-analysis/article/200002898/letters-zesn-sets-record-straight-on-voter-tabulation
[50] https://www.herald.co.zw/no-free-lunch-for-us-neo-colonial-agenda-doesnt-allow-for-such/

[51] https://www.herald.co.zw/us10m-for-training-election-agents-illegal-zanu-pf/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

In other instances, the rather slow accreditation process resulted in observers requiring an additional night in the provinces or to make a separate trip back to the accreditation centres, resulting in significant increase in the costs for accrediting observers (ZESN, 2023).

For the observation of the 2023 harmonised elections, the ZESN trained and deployed a total of 6,500 observers (ZESN, 2023). These accredited observers were deployed to every Province, District, Constituency, and Ward across the country. In addition, the ZESN partnered with the Election Resource Centre (ERC) and deployed observers under the SBO project to observe on the Election Day. The observers who were working at the data centres of this project fell victim to State-security raids on the night of the Election Day.

## The 2008 Office Raids

Barely a month after observing the 29 March elections, ZESN offices were raided on 25 April 2008 at 10 am by five (5) police officers from the Zimbabwe Republic Police's Criminal Investigations Department (CID). The police had a search warrant signed by the officer in charge of CID Homicide authorizing them to search for "subversive material likely to cause the overthrow of a constitutionally-elected government". Police took Tsungai Kokerai, the ZESN's Programme Manager "to assist with investigations."

The police also launched a manhunt for Mrs Rindai Chipfunde-Vava, National Director, and Mr Noel Kututwa, the Chairperson. Mr Kututwa went to the police station on April 28, 2008, in the company of lawyer Harrison Nkomo. He was questioned and released. However, the police indicated that they would call them again "should the need arise".

The police officers also raided the home of the ZESN Director. The officers presented a similar search warrant in both cases which entitled them to search for "subversive" materials including desktop and laptop computers. Materials and office equipment were seized. Subsequent to these two searches, the police insisted that all ZESN board members report to the Harare Central Police Station, Law and Order Section, on April 25, 2008, for questioning in connection with allegations of "supporting or assisting any group to overthrow or attempt to overthrow the Government by unconstitutional means or usurp the functions of Government or to coerce or attempt to coerce the Government" under section 22 (2) b of Zimbabwe's Criminal Law (Codification and Reform) Act. The alleged offence provides a 20 years' imprisonment sentence.

## The 2013 Office Raids

In 2013, ZESN offices were raided by law enforcement agencies and ZESN issued an alert regarding the incident on 19 February 2013.[52]

[52] chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.zesn.org.zw/wp-content/_protected/images/statements/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

**ZESN Harare head offices raided**

**Alert: 19 February 2013**

The Zimbabwe Election Support Network (ZESN) head offices in Harare have been raided by 7 police details from the Law and Order section. The officers led by detective Assistant Inspector Mudyirwa had a search warrant looking for any subversive material, documents, gadgets or recordings and any illegal immigrants raided the offices around 10 am this morning.

The police broke down a durawall panel and went on to search all offices after which they took documents pertaining to ZESN's projects and plans for observing the referendum. This follows a break-in at ZESN Masvingo office around 2 am this morning where boardroom chairs, one computer and 60 T-shits were taken by unidentified assailants.

The Zimbabwe Lawyers for Human Rights (ZLHR) lawyer has deployed lawyer Mr Harrison Nkomo to monitor the search.

ZESN expresses concern over the intensified crackdown on civil society actors especially as the country prepares for the referendum and elections.

ZESN remains resolute in its work to promote democratic elections in Zimbabwe.

**For comments and further details on this contact the Chairperson or Vice Chairperson on 0773434169 or 0774 044213**

## The 2023 Pre-emptive Raid on ZESN

Adding to the disturbing case where an observer of the ZESN was assaulted upon arriving at a polling station in the Gutu West Constituency of the Masvingo Province (ZESN, 2023), later, during the night of the Election Day, 23 August 2023, the staff members and volunteers of the ZESN were arrested. AK-47 rifles-wielding State security agents who had canines stormed the ZESN data centres in Harare, seizing computers and materials that were being used in receiving reports from its deployed observers (ZESN, 2023). Personal devices such as phones were also seized in the process. The arrested comprised a team that was working under the joint ZESN-ERC SBO project. A total of 39 people, including the ZESN staff members and data clerks were arrested and held in detention for the next two days at the Harare Central Police Station before they appeared in court on 25 August 2023. Speaking on the day that followed the night of the raid, Police Spokesman Assistant Commissioner, Paul Nyathi, said:

> *A raid was conducted last night (Wednesday) at Holiday Inn in Harare, and at a location in Belgravia, Milton Park and also in the Grange area where several communication gadgets were recovered which include laptops, phones, thirty-nine suspects arrested. These were coordinating the alleged release of election results by some civic organisations which are linked to the Zimbabwe Election Support Network, the Election Resource Centre and others.*[53]

The arrested persons were held in detention incommunicado until the ZLHR which had previously tried without success to have access to them threatened legal action against the police. Talking about this, the Executive Director of the ZHLR, Roselyn Hanzi, said:

[53] https://www.zimlive.com/police-raid-2-election-organisations-arrest-39-to-stop-parallel-vote-tabulation/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

> *They are being held incommunicado since 9 PM last night. The more time passes without access to lawyers, it will become an enforced disappearance. This is a clear sign that the police have arrested the ERC and ZESN personnel to investigate. Police should investigate first and arrest after they have established a reasonable suspicion that a crime has been committed. Why have they not been afforded a phone call? They need to be fed and be treated with dignity. How safe are they? Incommunicado detention is unconstitutional.*[54]

In a detailed statement where alleged crime was mentioned, Nyathi said:

> *... civic organisations such as the Zimbabwe Election Support Network, Election Resource Center, and Team Pachedu in relation to the ongoing electoral process in the country. This follows the raid, in actual fact, the Zimbabwe Republic Police received information and then subsequently conducted a raid at Holiday Inn in Harare and also number 44 Downie Avenue in Belgravia, and number 27 Milton Park in Harare, and number 501 The Grange, Harare. What was happening was that the institutions had people who were coordinating the collection of information, the tabulation of information in relation to the voting statistics and also the counting of the votes. And this information was being fed, particularly at Holiday Inn, by somebody who was locked in a room whilst the other person was in another room, and then it was being fed to a house in the Grange which was then supplying this information through VPN for people to see whilst others were also in Milton Park, others in Belgravia ... and in the process we have arrested 41 suspects who include a minor who are currently assisting the Zimbabwe Republic Police with investigations. And we also want to appeal to Zimbabweans, we want to appeal to individuals, to syndicates or civic organisations to conduct lawful activities as per their registration. If an organisation is registered to conduct a particular activity then they must conduct that activity in terms of the country's laws.*

> *We are also aware that this was also part of some politicians' strategy, like what was announced by the CCC leader that they were going to announce results by the 24th of August 2024, and this was part of the strategy. And we are also aware that the information which they were receiving was being coordinated through some observers and also some political party agents who were deployed at the polling stations. As the police, we have a constitutional mandate to protect the country's internal security...*[55]

Responding to a follow up question that had been asked by one journalist seeking clarity in the exact offence that had been committed, the Assistant Commissioner said:

> *If you go according to the provisions of the Electoral Act, anyone who does anything which is intended towards announcing the election results when they are not part of the Zimbabwe Electoral Commission, definitely they will be committing an offence. So, we conduct investigations, we are finalising the charges which the suspects will be facing.*

Asked why exactly at the point in time accredited observers who would obviously collect information on election results had been arrested: collecting information on the results or announcing the results, Nyathi said:

> *I'm not speaking on behalf of the Zimbabwe Electoral Commission, but as for the country's laws, anyone who does anything has to do with that particular activity according to the country's laws, and, as the police, once a report has been made we have to conduct investigations and ensure that the due processes of the law are followed. And there are no negotiations to that effect.*

[54] https://www.zimlive.com/police-raid-2-election-organisations-arrest-39-to-stop-parallel-vote-tabulation/

[55] https://www.youtube.com/watch?v=Ev9fYbkRdUA

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Probed further on the exact offence for which the arrests had been made, Nyathi said:

> *You will see when they appear in court. You will see the charges. Definitely, the charges are there, you will see when the charges are being revealed in court, but as far as I am concerned, they have contravened the country's laws so the due process of the law must be allowed to take effect.*

The journalist who had asked the question followed up with a question on whether the police had arrested first so as to investigate later and establish a case rather than the other way round. The journalist also sought clarity on what exactly those arrested who were at a hotel, away from polling stations and not interacting with voters, were doing that amounted to 'interfering with the election' yet the Forever Associates Zimbabwe (FAZ) had observers at polling stations where polling was happening. In response, the Assistant Commissioner responded with a

> *In terms of the Electoral Act, who is supposed to announce the election results, who is supposed to collate the voting statistics? So, with regard to that may I duly refer colleagues to the Zimbabwe Electoral Commission if you want to seek further clarity in terms of how the voting is handled. But as far as we are concerned as the police, if a report is made, we will certainly investigate and effect arrest. As far as we are concerned, a crime has been committed and the due process of the law, the laws of the country, must be allowed to take effect. We have not arrested to investigate, but we have conducted investigations because we have got credible information. Are you aware that some of the people, for example in Milton Park, are registered as medical institutions, not as observers. So that is why I'm saying let's avoid using emotions, let us look at what has happened and allow the due process of the law to be followed.*

Whereas the Police Assistant Commissioner referred to the ZEC, the ZEC Chairperson had actually asked the ZESN, "on record", to conduct the PVT in 2023. Speaking directly to the Monitoring and Observation Manager of the ZESN at a political parties' multi-party liaison committee meeting, Justice Priscilla Chigumba said:

> *Is it a possibility that if political parties can talk about uniting to bring about the Zimbabwe that they want, could CSOs also unite and set a Parallel Voter (sic)Tabulation centre, a PVT, not only for the by-elections, but for 2023. You know how that enhances the ZEC process? Because if all of you have V11s, the V11 is the primary, the certificate of primary evidence, isn't it? If you have them and you do tabulation based on them, it's very easy for you to tell whether or not ZEC has stolen something or it hasn't, isn't it? And ZESN you did that in 2018, confirm? Can you confirm to this room that you actually called ZEC and you said your figures are not tallying with ours and ZEC looked and found a mathematical error and corrected it, can you confirm that? Can you confirm that you had all of your V11s ... So, in 2018, any CSO could have called ZEC and said listen, we are of the view that there is a problem with your tabulation because our tabulation is giving us this. So, listen ZESN, because you did that in 2018, can we ask you to set up a panel of 10 CSOs and come up with your own Parallel Vote Tabulation so that in 2023 you can tell us, ZEC, we have all the V11s, the figures are mathematically correct or mathematically incorrect. I want to say this on record, and I'm challenging CSOs that instead of repeating the narrative that there were errors in calculation, do Parallel Vote Tabulation and then come out and have a press conference after we announce our declaration and say ...*

*Enhancing Transparency and Confidence in Elections (Cont ...)*

While the ZEC Chairperson was mistaken in talking about the PVT as involving the use of all V11s from all polling stations in an election, she clearly acknowledged the value of the ZESN SBO, which ZESN explained is based on a sample of polling stations in a report submitted to the Commission in 2018 in accordance with the requirements of the law. More importantly, Chigumba called on the ZESN to do the same in 2023.

While the ERC-ZESN election observers were arrested for, ostensibly, intending to announce election results in violation of Section 61 of the Electoral Act that makes the announcement of results the sole responsibility of the ZEC, the ZANU-PF announced its election results projections before the official announcement of results by the Commission. The announcement was made by Patrick Chinamasa who, in a press statement on 24 August:

> *... As you may be aware, the party ZANU-PF had three polling agents at each polling station, of the total 12 000 or so polling stations we were represented by three polling agents, well trained I must say. And these polling agents have been sending to our command centre here, V11 results. As you know outside each polling station, the results of that polling station for presidential and also for local authority and for National Assembly are pinned outside. Now we have these results, we have these results, and I want to say that on the basis of what we have, we are on full target with our projections, with our predictions. We are on full target to achieve a two-thirds majority in the National Assembly, already we are there. We are also on target to achieve our target of 60 to 65% for our president in this election, that's what we set out to project. So, I'm very grateful to the electorate that in fact this has been achieved.*[56]

Regarding the contesting of the election results by the CCC president, Nelson Chamisa, Patrick Chinamasa said:

> *The electorate, the population, the public is advised strongly not to listen to the rantings of Chamisa. We all are privy to what he has been saying, basically seeking to disturb the peace that has characterised the conduct of these elections. He has been claiming that he won, that is a lie, a falsehood that he is perpetrating. He has also been saying that he will not accept the results, he can be entitled to his opinion. What is important is what ZEC has announced. He has also been, clearly, he is a stranger to facts. I don't think he knows what a fact is. He is daydreaming. The results we have, apart from what we have received from the polling agents, as you know ZEC is also announcing the National Assembly results and we have got those results as well and they are tallying with what our polling agents have given us...*

When asked about the statement made by Patrick Chinamasa, the Police Spokesperson, Assistant Commissioner Paul Nyathi, reportedly said:

> *I cannot interpret what Chinamasa's statement meant. Talk to ZANU-PF and ask him what he meant. Just because some observers were arrested, the public expects the same to happen to Chinamasa! The police do not operate like that. We did not just pounce on them (observers) for the sake of pouncing. We received a report and acted upon it. If there is an issue with what Chinamasa allegedly said, then they should come and file a report.*[57]

Due to the disruption of the ZESN's observation and data collection efforts, the Network could not verify the results announced by the ZEC. Some of the ZESN observers did not manage to observe the whole ballot counting process. The news about the raids sent many observers into panic mode leading them to abandon polling stations where they were deployed before the conclusion of the counting and collation of results processes in fear of their

[56] https://www.youtube.com/watch?app=desktop&v=YkMk8_chKJE

[57] https://www.newsday.co.zw/2023-elections/article/200015802/police-under-spotlight-over-zanu-pf-breach-of-electoral-law#google_vignette

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Many observers, especially in urban areas where information moved faster through social media, did not manage to observe polling on 24 August, the second day of polling. The flow of information in the reporting system was disrupted by the confiscation of the computers. The ZESN was also not able to subsequently follow up on observers whose reports were missing.

This was unfortunate considering that an independent verification of the official results could help instil confidence and potentially elicit the consent of the losers that is critical for democracy, legitimacy, and stability. In an interview, the Programmes Director, Ellen Kandororo-Dingani, emphasised that the ZESN was not going to announce its projections before the announcement of results as alleged by the police. The ZESN had also indicated this in a press statement well before the election.[58] As it did in 2018, the ZESN was only going to publicise its projections after the official announcement of results by the ZEC to comply with the law. Kandororo-Dingani said:

> *The events of August 23 were a significant blow to our work. The unjustified arrest of our colleagues who were simply collecting data as election observers disrupted our entire operation. Despite our firm commitment to obeying the law and refraining from pre-empting official results, our observers were forced to abandon their posts, resulting in a compromised report. Moreover, under section 40G, observers are expressly permitted to observe all electoral processes, including collation of results.*

Kandororo-Dingani further contrasted Zimbabwe to other countries noting that in Malawi and Nigeria, for example, after tabulating results, the commission engages organisations that conduct PVT to compare the results and their projections before making an announcement. The Rapid Response Project (RRP) in Zambia's 2011 elections discussed in chapter 6 would be another example. Kandororo-Dingani also expressed the view that apathy is likely to be witnessed in future elections owing to the fact that no one verified the results of the August elections.

Reflecting on the challenges related to the PVT, the Executive Director of the ZESN, Rindai Chipfunde-Vava, said:

> *So, PVT in our context, especially projections in Africa, statistics; people don't really understand it. What they would want to see is comprehensive coverage and then maybe if you are to collect the results, 100%, and compare with ZEC is what people would understand, the V11s. but to say it's based on a projection, it seems there is less understanding of statistics in this part of the world, and therefore receiving different responses; backlash, attacks, and criticism.*

Several observers reported being victims of post-election retribution. The cases were reported to the Police and were being investigated as of the time of the writing of this book. The ZESN staff and volunteers who were arrested were still on remand, out of custody, and reporting to the Police. There had been several court appearances on routine remand with no trial date set as the State continued to report that it was still gathering evidence. The purported crime is the contravening of Section 66A of the Electoral Act which prohibits the unofficial or false declaration of results, read together with Section 189 of the Criminal Law (Codification and Reform) Act which is "intention to announce the election results before the ZEC".

[58] https://www.pressreader.com/zimbabwe/newsday-zimbabwe/20221102/281530819968831

*Enhancing Transparency and Confidence in Elections (Cont ...)*

Yet, the ZESN had indicated before the election that it would not publicise the SBO projections before the official announcement of results.[59] Further, the data centres were set up as part of the ZESN efforts to analyse publicly available information and direct observations from accredited observers as recognised in Zimbabwe's electoral law. The operations of the ZESN were well within the law and gathered information on all the key electoral processes on the Election Day, including counting and collation of results as provided for in Section 40G of the Electoral Act; the SADC Principles and Guidelines on Conducting Democratic Elections; Article 22 of African Charter on Democracy, Elections and Governance (ACDEG); as well as international fundamental obligations. The raid also went against the Declaration of Global Principles for Election Observation and Monitoring by citizen organisations which sets standards for the conduct for observers and underscores the importance of independent, professional and credible election observation.

The rights of citizen election observers are also recognised by the United Nations Special Rapporteurs on Human Rights Defenders who explicitly urges Member States to "take all necessary steps to establish conditions that allow national and international election observers to effectively do their work, and to protect them from any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of their rights and freedoms" (ZESN, 2023). Owing to the raid, the ZESN ability to promote transparency and accountability of the election was severely undermined.

It did not help matters that efforts by the ZESN were disrupted midstream through the raid in a similar fashion to 2008 when the announcement of results was delayed by over a month with the ruling party making claims of rigging by the opposition, thereby raising suspicion that they knew the outcome before the ZEC announced the results. In 2018 when the ZESN's estimates confirmed official results, nothing similar happened despite threats that had been made in 2017 by the late former President Robert Gabriel Mugabe that that NGOs would not be allowed to observe the elections.[60] Perhaps this was because the ZANU-PF was sure or, at least, confident, of its victory which the SBO would confirm, or there was a felt need to create a semblance of transparency at a time when the new government that replaced that led by the late former President Robert Gabriel Mugabe was promising a break from the past.

The arrest of the ZESN-ERC observers received condemnation and/or attracted solidarity messages from several quarters, including from ZimRights; Zimbabwe Human Rights NGO Forum; Team Pachedu; and regional networks of citizen observers in Africa, namely the African Election Observers Network, Eastern and Horn of Africa Election Observers Network; and the West Africa Election Observers Network. Others are the USAID; CIVICUS; the Carter Center; the UN Special Rapporteur on Human Rights Defenders, Mary Lawlor; the Secretary-General of the UN; the World Movement for Democracy; Amnesty International; the British Embassy in Harare; the EU; the Southern Africa Human rights Defenders Network; the Asian Network for Free Elections; and the Global Network of Domestic Election Monitors.[61]

[59] https://www.pressreader.com/zimbabwe/newsday-zimbabwe/20221102/281530819968831

[60] See 'Timeline of Persecution of NGOs', ZLHR Newsletter: https://kubatana.net/wp-content/uploads/2022/02/LM-PVOs-Amendment-Bill-Edition.pdf

[61] https://x.com/MaryLawlorhrds/status/1694683969390858602
https://twitter.com/zimrightslive/status/1694790120614805804?s=46&t=eZItSTXfqqcTlJ3pwsn4HA
https://x.com/PacheduZW/status/1694675294529995170
https://www.usaid.gov/news-information/press-releases/aug-24-2023-usaid-calls-immediate-release-detained-members-zimbabwe-civil-society
https://www.un.org/sg/en/content/sg/statement/2023-08-27/statement-attributable-the-spokesperson-for-the-secretary-general-elections-zimbabwe%C2%A0
https://www.movedemocracy.org/democracy-alert-the-future-of-zimbabwes-democracy-in-question-concerning-reports-on-intimidations-and-harassments-of-independent-civil-society-activists-during-and-after-elections
https://www.amnesty.org.zw/2023/08/zimbabwe-elections-marred-by-arbitrary-arrests-and-fears-of-internet-shutdown/
https://www.gov.uk/government/news/statement-from-the-british-embassy-in-harare-on-elections
https://gndem.org/tag/waeon/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

## GNDEM Statement of Solidarity with ERC and ZESN in Zimbabwe (August 24, 2023)

In response to the unlawful detention of election observers during the 2023 Zimbabwean elections, the Global Network for Domestic Election Observers (GNDEM) issued the following statement:

> *The Global Network for Domestic Election Observers (GNDEM) strongly condemns the raid and arbitrary detention of staff and volunteers of the Election Resource Centre (ERC) and the Zimbabwe Electoral Support Network (ZESN). On the night of the 2023 harmonised elections, shortly after polls closed and right as the counting of results at polling stations was underway, armed security officials raided the observation data center of ERC and ZESN. Staff and volunteers were rounded up and taken, while additional staff staying at a nearby hotel were also targeted and seized. Data center and office equipment were also confiscated. In total, nearly 40 staff and volunteers, most of them young Zimbabweans, have been unlawfully taken, and their whereabouts, at the time of this statement, remain unknown.*
>
> *ERC and ZESN are independent nonpartisan organizations comprised of principled and diverse civic organizations which have long histories of promoting peaceful elections in Zimbabwe. Both organizations are signatories of the Declaration of Global Principles for Election Observation and Monitoring by Citizen Organizations, which sets standards for the conduct of observers and underscores the importance of independent, professional, and credible election observation. They undertook a sample-based observation to systematically assess the quality of opening, voting, closing, and counting processes using publicly available data and their own observations at the polling station. ERC and ZESN are duly registered organizations in the country and were themselves accredited by the ZEC, who was aware of their observation efforts.*

https://x.com/ZimHRNGOForum/status/1696430336962359303
https://www.zimeye.net/2023/08/25/eu-condemns-harassment-of-zesn-erc-officials/
https://www.eeas.europa.eu/eom-zimbabwe-2023/curtailed-rights-and-lack-level-playing-field-compounded-intimidation-election-day-largely-calm-0_en?s=410326
https://anfrel.org/anfrel-statement-of-solidarity-with-zimbabwean-citizen-election-observer-groups/
https://wademosnetwork.org/2023/08/waeon-condemns-arrest-of-citizen-observer-groups-during-zimbabwes-general-elections/
https://southerndefenders.africa/2023/08/26/stop-harassing-election-observers-they-are-hrds/
https://acfim.org/african-observer-networks-condemn-the-arrest-of-observers-in-zimbabwe/
https://gndem.org/stories/solidarity-zimbabwe/
https://www.voanews.com/a/rights-groups-condemn-arrests-of-election-observers-in-zimbabwe-/7241526.html

https://monitor.civicus.org/explore/arrests-abductions-and-violent-attacks-against-critics-and-opposition-surround-election-period/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

*This brazen action by the government is a clear violation of the freedom of association and civil rights, and contravenes the rights of observers, recognized as human rights defenders by the UN Special Rapporteur. The government's effective termination of the sample-based observation at a critical point in the electoral process was a clear attempt to limit transparency of the electoral results and ultimately undermines the credibility of the entire election and its subsequent outcome.*

*GNDEM is joining Zimbabwean human rights defenders and international election observers in calling for the immediate release of all detained staff and volunteers. GNDEM also asks the international community and regional bodies to demonstrate support for the rights of Zimbabweans to associate freely, as part of - and in support for - democratic elections.*

*The statement is endorsed by:*

- *Election Network in the Arab Region (ENAR)*
- *Red de Observación e Integridad Electoral - Acuerdo de Lima (RedOIE)*
- *Al Hayat Center - RASED for Civil Society Development*

Welcome to the United Nations

27 August 2023 New York

**Statement attributable to the Spokesperson for the Secretary-General - on elections in Zimbabwe**

Stéphane Dujarric, Spokesman for the Secretary-General

The Secretary-General is closely following developments in Zimbabwe's elections. He is concerned about the arrest of observers, reports of voter intimidation, threats of violence, harassment and coercion.

The Secretary-General calls on political leaders and their supporters to reject any and all forms of violence, threats of violence, or incitement to violence, and to ensure that human rights and the rule of law are fully respected.

The Secretary-General calls on political actors to peacefully settle any disputes through established legal and institutional channels, and urges the competent authorities to resolve any disputes in a fair, expeditious, and transparent manner to ensure that the results are a true reflection of the will of the people.

## ANFREL Statement of Solidarity with Zimbabwean Citizen Election Observer Groups (August 27, 2023)

In response to the detention of citizen election observers in Zimbabwe, the Asian Network for Free Elections (ANFREL) released the following statement:

*The Asian Network for Free Elections (ANFREL) strongly denounces the recent incident involving the raid and the arbitrary detention of both staff and volunteers associated with the Election Resource Centre (ERC) and the Zimbabwe Electoral Support Network (ZESN) on the 23rd of August. This transpired shortly after the closure of polls and during the commencement of vote counting at polling stations.*

***Enhancing Transparency and Confidence in Elections (Cont ...)***

*ANFREL urges the authorities in Zimbabwe to unconditionally release all detained citizen observers who have been subject to arbitrary detention, along with the confiscation of their possessions during the aforementioned raid. It is incumbent upon the authorities to safeguard the freedom and entitlements of these citizen election observers, as stipulated by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Democracy, Elections, and Governance, and the constitution of Zimbabwe.*

*ANFREL reiterates the critical role that election observers play within any electoral process. Their presence is indispensable in ensuring transparency and preserving the integrity of electoral proceedings. A governmental assault on election observers not only jeopardizes the integrity of the electoral process but also undermines the broader human rights landscape within the nation.*

*In this context, ANFREL stands united in solidarity with citizen observer groups in Zimbabwe. Their relentless pursuit of free and fair elections in the nation resonates with ANFREL's commitment to these principles.*

## Conclusion

In its efforts to enhance transparency in electoral processes, the ZESN had to contend with a number of challenges right from the outset, some of which it is grappling with to date. First, the Network has suffered legal hurdles relating to the regulation of the role of poll watchers. Second, the ZESN has had to deal with the prohibitively high cost of obtaining accreditation to be able to observe elections. Third, the Network and its observers have not always been provided with timely and relevant information by the EMB that is necessary for them to be able to effectively play their role in enhancing transparency in elections. Fourth, the ZESN has suffered violence targeted at its observers on the ground as well as its leadership. It is however important to acknowledge the positive change with regard to violence meted out to the ZESN, particularly post 2008. The ZESN had been able to carry out its activities with only a few isolated incidents of violence affecting its observers until the raid on the ZESN-ERC SBO data centre on the night of the Election Day for the 2023 Harmonised Elections.

The SBO has particularly posed challenges to the ZESN as the cases of 2008 and 2023 have shown. Yet, through the SBO, the ZESN has accurately predicted presidential election results, in all harmonised elections held in Zimbabwe to date, except the 2008 run-off when the SBO was not conducted and the 2023 elections when the SBO project was violently disrupted. In 2008, both the ruling party and the opposition, the MDC-T, reacted negatively to the SBO estimates. In 2018, they both cited the SBO estimates in seeking each to support their case, with the ZANU-PF claiming victory while the opposition sought to point to some irregularities. It was however the ZANU-PF that sought to make the most with the SBO estimates while many on the opposition's side, particularly supporters (as opposed to leaders) severely criticised the ZESN for siding with ZANU-PF, alleging the endorsement of a flawed election. In 2023, the ruling party, through the State machinery, violently disrupted the SBO, preventing the verification of results.

On its part, the opposition condemned the raid on the ZESN, even without knowing what the SBO predictions were going to be, possibly hoping that a favourable outcome would be verified by the SBO. As the chapter also showed, some of the criticism that the ZESN has received in relation to the SBO clearly stems from a lack of understanding of the SBO methodology, polarisation, and sensationalised media reportage.

***Enhancing Transparency and Confidence in Elections (Cont ...)***

The ZESN's experiences with the SBO have to date presented the Network with the most serious challenges it has encountered. Yet there are clear indications of how the SBO can potentially enhance the integrity of an election, by verifying official results. One example is the citing of the SBO estimates by politicians from across the political divide. As a complementary observation methodology, the SBO is particularly helpful where elections are not significantly flawed (which the 2013 elections were, by many accounts) and the margin of victory is large compared to tightly contested elections (which was not the case in 2008 and 2018 in Zimbabwe). Even in tight contests however, the SBO projections should be expected to provide useful information where there is a considerable level of trust in the EMB.

However, the usefulness of the SBO critically depends on the commitment of the EMB and political actors to transparency, honesty, and objectivity in elections. It depends on the goodwill of electoral stakeholders. This point is apparent in the variation in the contribution that the SBO has been allowed to make in different countries. Most of the countries where the SBO has been conducted have not had problems with it. The case of Nigeria's 2015 SBO cited in the *Daily News* interview with the ZESN Chairperson shows how useful the SBO can be. However, this has not been the case everywhere as in Sierra Leone (2023), for example, the SBO projections indicated that the ruling party would not win but the EMB announced the ruling party as the winner, nevertheless.[62]

Overall, in spite of some improvements, there were issues in the 2018 Harmonised Elections. The Electoral Act of 28 May 2018 did not address the issue of a framework to guide the operations and accreditation of LTOs. The OAC was perceived as exerting undue influence on the ZEC. Concerns arose from the fact that applications for accreditation are submitted to the ZEC and approved by the OAC only if none of the members of the OAC raised an objection. The OAC would be composed of the Chairperson of the Commission; Deputy Chairperson; three Commissioners; nominees from the Office of the President and Cabinet; the Ministry of Foreign Affairs and International Trade; the Ministry responsible for immigration; and the Ministry of Women's Affairs. The independence of the Executive-dominated OAC is questionable.

While the ZESN recognizes and commends the effort of the Commission in accrediting domestic observer groups, the Network was concerned that the accreditation process remained cumbersome and very expensive. Domestic observers were required to pay US$10 each for accreditation fees and to physically present themselves at the ZEC provincial accreditation centres for the process. Transport and, in some instances, accommodation costs were incurred making the costs for the accreditation exorbitant thus stifling efforts to comprehensively deploy domestic observers at all polling stations.

62 https://nationalelectionwatchsl.org/prvt-methodology/

*Enhancing Transparency and Confidence in Elections (Cont ...)*

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# CHAPTER 6: REGIONAL AND CONTINENTAL LEARNING MISSIONS

## INTRODUCTION

Regional observation has been instrumental to the ZESN's work since its formation. To restate, the Executive Director of ZESN, Rindai Chipfunde-Vava's observation of elections in Malawi in 1999 significantly inspired the formation of the ZESN. Since then, the observation of elections in other countries in the SADC region, on the continent, and beyond, has been a critical component for both the Network's lesson drawing and its contribution to the conduct of transparent and democratic elections at home and abroad. This chapter shares the ZESN's key lessons drawn from specific regional and continental missions. The chapter is based on selected learning mission reports written by ZESN personnel who went on different learning missions and press statements, all cited as ZESN publications. The ZESN continued to participate through its membership and secretariat in regional and continental election observer missions. Lessons learned from such missions directly informed particular ZESN advocacy issues in Zimbabwe. While the ZESN has participated in a lot of observer missions, the chapter focuses on a few cases in which specific lessons were picked and applied in Zimbabwe.

Indicating the importance of observing of elections in other countries outside Zimbabwe to ZESN, what the Network calls learning missions, the Founding Interim Board Chairperson of the ZESN, Philiat Matsheza, avered:

> *I think we came in also with expertise. We were very good students, we learnt… And we helped the nurturing of the electoral commissions. They would come and we would give them ideas, because nobody had a degree in these things, we were self-teaching. So we would come back after observing missions and start sharing information and that also made people realise the importance of what we were doing.*

Relatedly, the Programmes Director of the ZESN, Ellen Kandororo-Dingani, also said in an interview:

> *We have also undertaken observations beyond Zimbabwe, in other countries where we think we can learn something, and this has also helped us enhance our knowledge and capacity to push for what is best for our country and also to copy some of the best practices that we have observed in the region.*

Citing specific examples of reforms that the ZESN was motivated to advocate from some of the learning missions, Kandororo-Dingani continued:

> *I will give you an example of how we started using translucent ballot boxes. So, wooden ballot boxes were being used in Zimbabwe when I joined ZESN in 2002. The first election that I observed with ZESN, the major one, was 2005, I think that was parliamentary, if I'm not mistaken. And it was the election in which I saw these big ballot boxes being used… and we were voting over two days. Thereafter, there was an observation mission, more like a study tour, to Malawi, where the team that went brought in lessons. And that's when we started pushing for the use of translucent ballot boxes, we started pushing for voting in one day, we started pushing for the posting of results outside polling stations. So, this was from the lessons that had been learnt by the team that went to Malawi.*

***Regional and Continental Learning Missions (Cont...)***

Adding an example relating to a learning mission that she personally participated in, Kandororo-Dingani said:

> *We also did observation in Zambia, that one I was involved, where we observed polling station-based voting, which we also thought was very good, especially given the issues and allegations that continued to come from opposition political parties, civic society. Allegations around stuffing of ballot boxes, bussing in of voters from other constituencies and ward, and so forth. So, we then pushed and advocated polling station-based voting and polling station-based voter registration. Of course, there was some resistance over some time, but at last it was adopted, and it was legislated.*

This was also confirmed by the former Monitoring and Observation Manager of the ZESN, also former Programmes Coordinator, Barbra Nyangairi who asserted that, "*We had been observing elections in other countries and we saw that it was manageable to do a polling station-based voters' roll. And I think ZESN advocated for that for a number of years and, eventually, that was done, a polling station-based voters' roll was adopted*". The above examples are a few of many of the reforms that the ZESN has pushed for being informed observation in other countries. A few of the lessons learnt are discussed below. Importantly, Kandororo-Dingani and Nyangairi also spoke about how reforms were eventually adopted in spite of initial resistance, signalling the importance of keeping pushing. The sections below present selected learning missions that the ZESN embarked on, highlighting lessons learnt. The information presented is based on the ZESN reports on each of the observation missions.

## Sierra Leone 2007: Independent and Professional EMB Key for Democratic Elections

In August 2007, the ZESN observed Sierra Leone's first post-conflict elections managed by a local EMB after the 2002 election which was managed by the United Nations. The ZESN shared its experiences in a statement,[63] some of which are presented here. Most importantly, the Sierra Leone elections exhibited the gateway to electoral credibility in a country whose previous elections were littered with irregularities.

The ZESN observation team was impressed by the level of trust that the electorate, the political parties, civil society, and the government had in the National Electoral Commission (NEC), the body tasked with running the elections in that country. There was a strong sense of independence of the Commission. That the NEC was headed by a person whose public profile attracted approval and contentment from all sectors of the society was also helpful. Dr Christiana Ayoka Mary Thorpe, the head of NEC was a nun and a devout Christian - attributes that made her acceptable, and that her vision of bringing credibility into whatever she did weighed heavily towards her universal acceptance in the electoral process is never in doubt.

The Sierra Leone experience showed the need for a truly independent electoral commission headed by a credible individual whose moral aptitude is beyond reproach if elections are to be credible. The NEC chairperson was a trust-worthy professional whose appointment was acceptable to all electoral stakeholders. This was important for a country that had had a history of disputed elections that needed a transparent, people-driven electoral process that could suddenly bring trust where there was mistrust, satisfaction where there was suspicion, and credibility where the norm had always been fraud and post-election litigation. This underscores the significance of the appointment of a truly independent EMB whose secretariat is professional, and which abides by the terms of reference of non-partisan conduct.

[63] https://www.zesn.org.zw/sierra-leone-elections-an-example-of-the-elections-we-want/research-papers/4663/18/34/13/24/09/2020/tinashe/

*Regional and Continental Learning Missions (Cont...)*

Dr Christiana Ayoka Mary Thorpe ensured credibility in electoral processes by cultivating a sense of transparency and that everyone who had a role to play was included. In one of the interviews, she had with the press in her country, she clearly spelt out her vision, quoted in the ZESN's report on the Sierra Leone observation mission, "At NEC we're doing our best to establish credibility in all that we do. Our approach has been to get everybody in the process and let the nation know that collectively we all have a role to play in ensuring that the elections are credible and acceptable".

The ZESN contends that, clearly, fostering credibility is what Dr Christiana Ayoka Mary Thorpe did. Party activists and polling staff involved in irregularities during the local elections in 2004 were purged during the staffing of the NEC for the 2007 elections. The NEC officials numbering 1500 who were implicated in electoral fraud-related accusations in 2004 or those who were found to be party activists were dismissed in the chairperson's attempt to come up with a truly independent and professional team that would ensure the elections are credible and acceptable.

Furthermore, the ZESN report on the Sierra Leone learning mission states that in its endeavour to "get everybody into the process", the NEC created a platform through which political parties interacted with it to input suggestions and recommendations for electoral reform that was in tandem with its goal of ensuring a credible, free, and fair election. Consequently, the NEC supervised the establishment of the Political Party Liaison Committees (PPLC) at national and district levels to register, regulate, monitor adherence to the code of conduct, and mediate disputes among political parties. In addition, it provided political parties with opportunities to request additional information and challenge the NEC's decisions on various aspects of the electoral process.

Despite the logistical challenges the political campaigns were visible and vigorous. The ZESN officials were impressed by the scheduling of campaign activities for different political parties on different days to reduce political clashes and tensions. They did not witness incidents of violence. Furthermore, no campaigns were observed after the 24 hour-deadline before and on the Election Day.

The process of voter registration that the NEC embarked on was another major stride towards ensuring that a lot of people participated in the election process. A high of 91% of the total number of people eligible to vote in the country were registered to vote. Having total figures of people eligible to vote in a country and making them public so that when the percentage of people registered to vote is announced stakeholders have a benchmark to refer to is helpful. That the 2.6 million registered to vote in the Sierra Leone election constituted 91% of the total number of people eligible to vote gave the voter registration exercise credibility as an exercise that sought to ensure everyone eligible to vote was registered. Apart from people participating as voters, 35 domestic organisations and 5,400 local observers were deployed to observe the election covering 87% of the polling stations open on the Election Day. The same observers were also accredited to observe the voter registration and delineation of boundaries exercises.

For an election to be credible, it is key that there is constant communication between the electorate and the EMB through different media available in the country. In Sierra Leone, that communication was always available. The ZESN notes in its Sierra Leone observation mission report that the NEC regularly and effectively communicated information about the process to voters, political parties and polling staff. The NEC also established a permanent two-way dialogue with political parties through the PPLC to inform them of the process and incorporate their feedback. There were instances when the NEC made important changes to the electoral procedures a week before the polls in response to concerns raised by political parties during a PPLC meeting.

*Regional and Continental Learning Missions (Cont...)*

The NEC also pressured Parliament for reforms and urgent positive changes to the Electoral Laws Act were passed in June 2007. This was an important lesson for the ZEC which appeared to be reluctant to put pressure on parliament to institute such reforms. The ZESN team was motivated to continue advocating for critical reforms through the strategic institutions such as the ZEC and parliament.

The NEC also ensured the whole voting process was people oriented as special treatment was accorded to groups of people with special needs during voting. According to the ZESN Sierra Leone learning mission report, tactile ballot guides for the visually impaired were available in polling centres. Provisions were also made for the old and illiterate voters to cast their votes without assistance. Voters could indicate their choice in more than one way in Sierra Leone: by marking an 'X' on the choice or putting a tick or using ink that was provided in the booth to mark their ballot papers. This meant that the aged and illiterate were able to cast their votes without assistance from polling officials. This is particularly important for Zimbabwe.

The ZESN noted that the NEC chairperson succeeded in coming up with a professional team to run the elections is manifest in the litany of eulogies that different observer groups showered the NEC with. As reported by the ZESN in its Sierra Leone observation report, the AU Observer Mission concluded that, "NEC organised the elections in an open, impartial and competent manner. Most stakeholders expressed satisfaction with the office especially faced with infrastructural challenges in transport and communication." The ZESN also notes that the Economic Community of West African States noted that the NEC administered the elections with "commendable professionalism, fairness and firmness," while the EU observed that the NEC had organised the elections "transparently and impartially." The NDI expressed that the way the NEC conducted the elections, "established Sierra Leonean ownership over the process" while the National Election Watch, a coalition of civic and non-governmental organisations lauded the NEC for an electoral process that, "was uniquely open and participative" which has "fostered an atmosphere of positive expectations for the next political dispensation". [64]

The Sierra Leone elections showed that given enough political will, the enactment of a wholly independent, impartial and competent electoral management body is not only possible but also very important in restoring the electorate's confidence in the way elections are run. It also gives credibility to the whole electoral process. The Sierra Leone case also motivated the ZESN's efforts to engage the ZEC for further collaborations that would help strengthen the EMB's image.

## Zambia 2011: Election Administration and Media Operation Lessons

The ZESN observed Zambia's tripartite elections encompassing Presidential, Parliamentary, and Local Government polls, held on September 20, 2011, as an observer. The ZESN mission yielded several lessons, some of which still carry relevance for present-day Zimbabwe.[65] Through the use of BVR, for the election day, voters received identification cards with their images and pertinent details, similar to those present on the voters' roll. This effectively curtailed the likelihood of duplicate voting and confusion regarding polling streams and stations on the Election Day.

[64] https://www.zesn.org.zw/sierra-leone-elections-an-example-of-the-elections-we-want/research-papers/4663/18/34/13/24/09/2020/tinashe/

[65] https://www.zesn.org.zw/wp-content/_protected/publications/publication_305.pdf

*Regional and Continental Learning Missions (Cont...)*

Notably, copies of the voters' rolls were conveniently accessible to both the public and political parties. At each polling station, all political party representatives possessed a copy for verification. Owing to printing capacity constraints, ballot papers were produced in South Africa. While this sparked controversy, the Electoral Commission of Zambia (ECZ) mitigated concerns by inviting political parties and the CSOs to witness the printing process and accompany the ballot papers back to Zambia. This practice assuaged apprehensions of tampering and bolstered confidence in the transparency of the process.

Despite media polarisation, with state media favouring the incumbent and private media showing bias toward the main opposition parties, attempts were made to maintain balance. Both private and public media facilitated election debates that encompassed all parties. This observation helped shape the ZESN media engagement strategies in Zimbabwe.

The ECZ streamlined the voting process by dividing polling stations into smaller polling streams to expedite voting, and the voters' roll was organised alphabetically to prevent confusion about which polling stream voters should use. This was yet another major innovation that the ZESN mission noted for possible application in Zimbabwe.

Zambian civil society's coordinated efforts were instrumental in advocating for fair elections, promoting peace, and nurturing political tolerance among opposing parties. Over 9,000 monitors were deployed, and the RRP was employed to ensure vote security. The RRP, utilising a random sample of polling stations and results tabulated officially at polling stations, closely approximated the final results announced by the ECZ, with a margin of error of 1.4%.

Additionally, the ZESN mission observed the decentralised accreditation process, which unfolded smoothly and efficiently. There existed a substantial degree of trust in the ECZ among the electorate, fostered by a belief in the commission's independence, integrity, and capacity to manage the election. This trust was cultivated through an array of confidence-building mechanisms employed by the Commission.

## Uganda 2016: Establishing Trust, Enhancing Capacity, and Fostering Transparency in the EMB

In 2016, Rindai Chipfunde-Vava, the Director of the ZESN, observed Uganda's presidential and parliamentary elections. These elections marked Uganda's first use of the BVR system. It was at a time when ZESN had been consistently advocating for the adoption of BVR in Zimbabwe. This call was eventually heeded, leading to the implementation of the BVR exercise starting in 2017. The insights gained from the Ugandan learning mission proved invaluable.[66] They empowered the ZESN to engage in more informed advocacy for the adoption of BVR in Zimbabwe. Additionally, the ZESN shared the observations from Uganda with the public, contributing to a better understanding of how the BVR system operates.

Perhaps the most significant lesson for Zimbabwe was the importance of establishing trust, enhancing capacity, and fostering transparency in the EMB. A key aspect involved engaging crucial stakeholders at every stage of the voter registration process. It was evident that the introduction of the Information and Communication Technologies (ICTs) alone would not suffice to increase trust levels and confidence in electoral processes if stakeholder trust was lacking. In totality, the investment in BVR proved considerably rewarding for Uganda's 2016 elections, underscoring its effectiveness in enhancing the electoral process.

[66] https://www.zesn.org.zw/wp-content/uploads/2015/10/Lessons-from-Uganda-Biometric-Voter-Registration.pdf

*Regional and Continental Learning Missions (Cont...)*

## Kenya 2017: Voter Registration Lessons

In early 2017, ZESN observed Kenya's Mass Voter Registration (MVR) process, in which the BVR system was used.[67] This was particularly significant for Zimbabwe, which was poised to adopt the same BVR system for the 2018 elections. The learning mission to Kenya proved highly enlightening, especially considering that Kenya was implementing the BVR exercise for the second time before a major election, having previously utilised BVR before their 2013 elections.

The Independent Electoral and Boundaries Commission (IEBC) of Kenya conducted a baseline study, enabling the Commission to establish clear targets in terms of the estimated number of registrants per county. Alongside census data, the Commission utilised data from the National Registration Bureau to identify the number of Kenyan adults possessing identification cards yet to register for voting. This information is readily available on the IEBC's website, broken down by county for easy stakeholder access.

Despite the relatively smooth progression of the 2013 voter registration exercise, challenges emerged on the Election Day itself. These challenges included the malfunction of a majority of the verification kits on polling day, as well as breakdowns in the mobile phone transmission of results due to server system failures. On the Election Day, the Kenyan CSOs reported that the Electronic Voter Identification Devices (EVID) utilising fingerprint biometrics to identify voters failed to function in more than half of polling stations. This failure led to allegations of election manipulation and contributed to the losing candidate, Raila Odinga, rejecting the election results. Nevertheless, the Supreme Court ultimately dismissed Odinga's case.

In 2013, multiple voters' rolls were utilised, resulting in criticism of the Commission. At the conclusion of the 2017 MVR process, local observer groups reported instances of double registration. The IEBC published a report indicating many cases of double registration, some of which involved individuals sharing ID numbers and names. The Kenyan CSOs called for continuous scrutiny of the issue to enhance public confidence. The Commission also introduced an online platform for voters to check their names on the roll.

Unlike Zimbabwe, which solely employs biometrics for voter registration, Kenya has incorporated the ICTs and biometrics into three critical electoral processes: registration, voter verification, and results transmission. The IEBC in Kenya employs three electronic systems for election management: BVR, EVID, and the Result Transmission and Presentation System. The BVR captures fingerprints, facial biometrics, and other information using BVR kits. The EVID, used on polling day, identifies voters. While the 2013 elections exposed issues with the results transmission machine, in 2017 efforts were directed at ensuring sustainable, cost-effective, and transparent technology usage.

In Kenya, the election date is constitutionally determined. Unlike the past practice where only the President could set the General Election date and decide when to dissolve Parliament, Kenya's supreme law designates elections to take place on the first Tuesday of August during the fifth year of a reigning regime. Whereas Section 144 (3) of the Constitution of Zimbabwe states that the President fixes general election dates after consulting with the ZEC, the Kenyan Constitution provides a specific day and date. The IEBC website displayed a countdown of hours, minutes, and seconds remaining before the August 8, 2017, elections. Notably, the provision of clear timelines for all electoral processes is specified in Kenya's legal framework and administrative regulations—an area from which Zimbabwe could draw insights. The ZESN learning mission also received reports of political interference in the MVR exercise, pointing to a need to have and enforce codes of conduct. Zimbabwe can glean lessons from Kenya's experiences, especially in terms of technology integration, timeline clarity, and ensuring a level playing field for all stakeholders.

67 https://www.zesn.org.zw/wp-content/uploads/2017/02/Lessons-from-Kenya-Article-1.pdf

*Regional and Continental Learning Missions (Cont...)*

## Kenya: Political Will as a Critical Ingredient for Electoral Reform

The ZESN also learnt important lessons relating to electoral reform from the Kenya mission.[68] In general, the critical factor often missing in successful electoral reform is political will - a notable concern for Zimbabwe and many other African countries. However, in Kenya's case, the intent to amend the Electoral Act was evident in the active participation of members from various political parties in the Parliamentary Select Committee. Despite this bipartisan approach, ensuring political inclusivity, the resulting Election Laws Amendment Act 36 of 2016 had significant gaps that required prompt attention, as indicated by electoral stakeholders in Kenya. The 2016 electoral amendments mostly lacked input from a range of stakeholders and were not subject to public hearings. For instance, the amended law failed to address the proposed Integrated Election Management System, which encompasses one electronic device for voter registration, polling day voter verification, and results transmission. Moreover, it lacked clarity on contingency plans or alternatives in case of electronic equipment malfunction. Additionally, while the new law established a polling station threshold of 500 people, the Commission favoured a threshold of 700 people to establish an appropriate number of polling stations.

Subsequent revisions were necessary for the 2016 Electoral Amendment Act, leading the Kenyan Senate to subject the Act to public scrutiny and input through public hearings. This led to the passage of the Elections Laws Amendment Act 1 of 2017, which further amended the Electoral Law. These amendments offer clarity on checks and balances to mitigate rare instances of technological failures or the inability of machines to read voters' biometric features. A key lesson for Zimbabwe lies in the necessity for the Commission to have a well-defined contingency plan in case of technology failure throughout the electoral process. This backup plan must be clearly communicated to electoral stakeholders to reinforce confidence in the electoral process.

Importantly, the amendment also mandated an independent audit of the voter register. The Commission was directed to engage a reputable firm for this purpose, aiming to verify the register's accuracy, propose mechanisms for enhancement, and update the register. This provision for an independent audit could significantly bolster trust in Zimbabwean stakeholders regarding the integrity of the voters' roll, especially if the Commission discloses the audit findings and addresses raised concerns.

The issue of prisoners' voting rights has been contentious in Zimbabwe. In Kenya, prisoners - considered citizens over 18 years of age - have the right to vote. Similarly, the Zimbabwean Constitution grants voting rights to all citizens aged 18 and above. However, Zimbabwean prisoners are currently denied this right. Efforts should be made by the ZEC to facilitate voting for incarcerated individuals and prison staff, even those on duty during elections.

The diaspora presents another electoral challenge. Kenya's Constitution extends voting rights to its diaspora citizens. The Supreme Court further directed the electoral Commission to register Kenyans abroad for all six sets of the 2017 general election, not solely the presidential poll. Kenya has taken steps to ensure diaspora participation through registration and voting facilities in select East African countries and South Africa.

Kenya's Electoral Commission exhibited commendable transparency in publicising electoral details, ensuring vital information reaches stakeholders through multiple media platforms, including an interactive website, traditional and social media outlets. Zimbabwe should similarly enhance the accessibility of key electoral information to all stakeholders. Thus, electoral reforms must be timely and inclusive, integrating contributions from various stakeholders to address unique concerns effectively. Cautious technology rollout, considering hardware and software solutions at optimal costs, is vital, as is the procurement of versatile equipment adaptable beyond a current electoral cycle.

[68] https://www.zesn.org.zw/wp-content/uploads/2017/03/Lesson-from-Kenya-on-Electoral-Reforms_-Article-2.pdf

*Regional and Continental Learning Missions (Cont...)*

## Zambia 2021: Election Administration During Crises and Election Results Management

Following the invitation of the Zambian Government, the ZESN deployed a learning observation mission comprising three persons to observe the Zambian general elections which took place on the 12th of August 2021.[69] The ZESN was accredited by the ECZ to observe polling day processes and those at the National Tally Centre during the results tabulation exercise. In the period leading to the elections, the ZESN Mission interacted with various stakeholders including the domestic election observer groups in Zambia (ZESN Zambia Statement, 2021). After the elections, the ZESN shared the key lessons drawn from the Zambian experience with key stakeholders in Zimbabwe in its effort to contribute to the democratisation agenda.

The key lessons as captured in the ZESN Preliminary Statement (2021) helped shape the Network's advocacy agenda. For instance, it was learnt that elections could be successfully conducted amid a pandemic such as COVID-19. This would involve the development and application of appropriate health protocols. The ZESN triggered the discussions on Zimbabwe's failure to hold by-elections during the COVID-19 era. Thus, the ZESN's participation in Zambia strengthened its advocacy drive on electoral reforms in Zimbabwe.

Moreover, it was also noted that mobilising voters to register and to vote in their number can assist in clearly determining winners in an election and also consequently support acceptance of election results by those who would have lost. The ZESN's CVE was enhanced through the adoption of some lessons from Zambia. As indicated earlier, the Network has continued to contribute to the voter registration drive through its programmes conducted by its provincial task forces.

It was further learnt from the Zambian case that the time between the closing of polling stations and the announcement of results remains a very sensitive period within an electoral cycle. Thus, results need to be announced as soon as they are verified by the Commission to ease tensions that inevitably build up when the announcement of the election outcome announcement is delayed. This was a key lesson that resonated well with the aspirations of the Zimbabweans following the 1 August 2018 incidents when purported delays in the announcement of Presidential elections led to violent reactions from the public and subsequent death of many people. Thus, from Zambia, the ZESN had a clear case study to use in its engagement with the ZEC and other key electoral stakeholders. Finally, the ZESN also confirmed the impact of PVT in elections. The PVT can contribute toward enhancing electoral integrity by providing quick updates on ongoing electoral processes and also by verifying the election result.

## Conclusion

In its quest to contribute to a democratic electoral environment in Zimbabwe, the ZESN has sought to learn from other countries in the region and beyond. The idea of the formation of the ZESN itself traces its origins to the participation in a learning mission in Malawi of some individuals who would be part of the inaugural team when the ZESN was formed. Since then, the Network has been participating in learning missions, drawing important lessons that have informed its own programming intervention as discussed in this chapter, with notable progressive changes in the conduct of elections in Zimbabwe registered as a result. The specific examples shared in this chapter are not exhaustive. The ZESN has been very active in the continent and beyond through active participation in specific elections of the concerned countries.

[69] https://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-EOM-Report-_-Zambia-2021-General-Elections-.pdf

*Regional and Continental Learning Missions (Cont...)*

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# CHAPTER 7: ELECTORAL REFORM: THE ARDUOUS JOURNEY SINCE 2000 AND THE MISSED GNU OPPORTUNITY

## INTRODUCTION

This chapter sheds light on the challenging context in which the ZESN has been advocating electoral reforms. As the discussion shall show, electoral reform is a deeply polarising subject in Zimbabwe, with the ruling party and the opposition holding starkly opposing views. While the latter has long been calling for electoral reforms, the former consistently argues against the need for such reforms. Agyeman-Duah observes that this polarisation is not a unique phenomenon to Zimbabwe but is prevalent in African countries.[70] He notes the lack of 'democratic consensus' which he argues while necessary for electoral reforms, is "a commodity that unfortunately is in short supply in emerging democracies where political divisiveness and polarisation are rife".[71] In such a context, advocating electoral reforms, as the ZESN does, some of which will inevitably align with the opposition's positions, presents a significant challenge. The ruling party ZANU-PF in Zimbabwe has at times taken electoral reform calls to be synonymous with attempts to effect regime change as shall be shown in this chapter.

The chapter begins by showing that the ZESN was formed at a time when the need for electoral reforms was apparent. The subject of electoral reform in Zimbabwe gained attention at the regional level, with the SADC intervening following the disputed elections of 2008. Under the facilitation of the regional body, with the former President of South Africa, Thabo Mbeki playing a leading role, a Global Political Agreement (GPA) led to the formation of a Government of National Unity (GNU), also known as an inclusive government. The tasks of the inclusive government included "implementing legal and constitutional reform" and "creating an enabling environment for the conduct of credible elections" (ZESN 2013b: 4). However, parties in the inclusive government failed to achieve this during the GNU period and a Constitutional Court ruling compelled the holding of the 2013 elections before the implementation of electoral reforms and against the advice of SADC. Against this background, the chapter concludes by noting that the GNU period in particular was a missed opportunity of the implementation of electoral reforms.

This chapter does not primarily focus on the details of the ZESN's electoral reform proposals, which are detailed in the recommendation sections of the ZESN's election reports, statements, research and position papers, as well as proposed alternative Bills that the Network has produced and, in some cases, submitted to Parliament for consideration. The chapter does not also delve deeply into the research component of the ZESN's Advocacy for Electoral Reform Unit, which is critical to the Network's advocacy work. The ZESN strength in this regard was acknowledged by key interviewees, including the Director of the MISA Zimbabwe, Tabani Moyo, who said:

> *I think ZESN has done super well in terms of being the go-to institution that has led in terms of anchoring of our epistemic existence, that is, our knowledge products, in terms of research, in terms of linkages with academia in further probing the electoral question in the country. But also, the convening power of bringing together stakeholders who are dealing with elections in Zimbabwe and articulating their issues while they are on ZESN's platforms.*

Instead, the chapter majors on the ZESN's engagement with various stakeholders and the inclinations of key stakeholders toward electoral reform as indicated by direct statements (verbatim quotes) of interest presented in this chapter. The major point that the chapter shows is that there is a lack of political will to institute electoral reforms in Zimbabwe. This was confirmed in an interview by the ZESN's Senior Advocacy for Electoral Reform Officer, Heather Koga, who noted that:

[70] https://www.zesn.org.zw/wp-content/_protected/publications/publication_105.doc
[71] https://www.zesn.org.zw/wp-content/_protected/publications/publication_105.doc

> *The single most serious challenge with the implementation of electoral reform has been political will. Despite some vested investment in the different programme goals through various interventions and approaches, the lack of political will has meant that there is very little or no consideration of the various recommendations for electoral reform in all its different ways.*

As a caveat, stating electoral reforms implemented over the years in this book as ZESN's achievements is not meant to attribute to ZESN the credit of solely or singularly influencing those reforms. Rather, it is based on a more modest belief that, as a Network of many organisations, the ZESN had a significant contribution in influencing the reforms. It is worth emphasising that the ZESN acknowledges the equally important role of other players outside its Network.

## 2000 - 2008: Resistance to and Intractability of Electoral Reform

By the year 2000, there had been documented evidence of the need for electoral reform as would be found in election observers' reports and academic papers on hitherto elections. This is also evident in the ZESN's assessment of the 2000 parliamentary elections. In relation to the ZESN's observation of the 2000 elections, "the most striking feature of the elections was that issues of governance, development and democracy came into sharp focus against a background of political violence, generalised lawlessness, and anarchy" (2000: 10). Broadly, problematic issues with elections in Zimbabwe, from the early years, relate to the legal framework, the political environment, and election administration. Sachikonye's (2007) observation illustrates how topical electoral reform was around the time the ZESN was formed. He notes:

> *It was an admission that both constitutional and electoral reforms were imperative and indeed overdue that a state-appointed Constitutional Commission (CC) was set up in 1999 after a civil society-driven one, the NCA had been founded earlier in 1998 (Sachikonye 2007).*

Indeed, the resultant draft constitution, which was rejected by the majority of the voters in the 12 to 13 February 2000 constitutional referendum had provisions on the reform of the country's electoral system (ibid).

In its advocacy for electoral reform, the ZESN would be guided by its understanding of electoral democracy vis a vis its observations as elections were being held. Key to ZESN was the right to electoral democracy, fundamentally the right of the people to participate and to be consulted in the process by which political choices are made, as it was enshrined in Zimbabwe's constitution and in the UNCCPR (ZESN, 2000). As viewed by the ZESN, the citizens are entitled to free, fair, and open participation in democratic processes of governance. To ZESN, periodic and genuine elections were, and remain, a sine qua non of sustained efforts to protect the rights and interests of the governed. The Network views the rights of every person to participate in the governance of their country as crucial for the effective enjoyment of a wide range of other human rights and fundamental freedoms. To recap, the key attributes of electoral democracy that the ZESN lists in its 2000 election report which were referred to in earlier chapters of this book, and some of which the Network continues to do advocacy work around, include:

- free elections at reasonable intervals;
- a national legislature in which at least one chamber's membership is freely contested in a popular vote;
- a system of universal and equal adult suffrage;
- secret ballot;
- free, non-discriminatory candidature for the office;

*Electoral Reform: The Arduous Journey Since 2000 and the Missed GNU Opportunity (Cont ...)*

- freedom to form political parties that compete on the basis of equal treatment before the law and by the authorities;
- free and fair campaigning;
- absence of legal administrative obstacles to media access; and
- the enjoyment of rights on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process, with a guarantee that the candidates who obtain the necessary number of votes required by law will be duly installed in office and permitted to remain in office until their term expires or is otherwise terminated by the law.

It was noted at a roundtable that was hosted by the Goree Institute at Goree Island, Senegal in the early life of ZESN in January 2005 that Africa has challenges upholding the above stated tenets of electoral democracy. The theme for the roundtable was "The Electoral Reform in Africa - Exploring Regional Responses". Presenting at the ZESN's Stakeholders' Roundtable of 15 to 16 March 2007, Takawira Musavengana (SADC Parliamentary Forum's Democracy & Governance Officer at the time), noted that in summing up the challenges facing the electoral process in Africa at the time, the Gore Island 2005 Roundtable had observed that:

> *The fact that elections are conducted in most post-colonial African countries regularly is of no real consequence if electoral competition is undermined by an uneven playing field, i.e., the incumbent has access to and uses State resources as his own cheque book, State media is biassed towards the ruling party, the electoral process is in the hands of the dominant party because of the composition of the electoral commissioners and the way they are nominated, limited resources for citizen education programmes about why it is important to participate in elections and how to keep the political parties accountable; no real possibility for power alternation, and limited participation by an ever-increasing sceptical and disaffected citizenry.*[72]

As discussed earlier, the parliamentary elections of 24 to 25 June 2000 were held under a legal framework that was replete with deficiencies that caused confusion and anxiety, including to voters (ZESN, 2000). As detailed in the ZESN 2000 parliamentary elections report, there were problems around the entire electoral cycle. All these made electoral reform necessary to ensure the subsequent conduct of democratic elections. For example, there was rampant pre- and post-election political violence, generalised lawlessness and anarchy, and key election administration institutions had a lot of overlaps in their roles. This implies that even going into the 2000 parliamentary election, there was a lot on the electoral reform agenda, and the same applied going into the 2002 presidential elections.

Post 2000, the electoral reform was urgent with the country having a presidential election that was due in 2002. In this regard, the adoption of the Norms and Standards for Elections in the SADC region by the SADC PF on 25 March 2001 in Windhoek, Namibia, was an important development. [73] In its effort to promote plural multiparty democracy, the SADC PF's immediate objective was to determine the openness, freeness, and fairness of elections held in the SADC region (ZESN, 2002). The ZESN adopted the 2001 SADC PF electoral principles for assessing the acceptability, freeness, fairness, and legitimacy of the Zimbabwe's 2002 presidential elections.

[72] https://www.zesn.org.zw/wp-content/_protected/publications/publication_104.doc

[73] https://www.eods.eu/template/default/compendium/Part%206/029_Norms_and_Standards_for_Elections_in_the_SADC_Region.pdf

*Electoral Reform: The Arduous Journey Since 2000 and the Missed GNU Opportunity (Cont ...)*

In spite of the critical development in the form of the SADC PF Norms and Standards, Zimbabwe witnessed the worsening of the situation ahead of the 2002 presidential election. For example, the period leading to the 2002 elections saw an increase in the level of State-sanctioned political violence (ZESN, 2002).[74] The promulgation of the Clemence Order of 2000 political violence perpetrators sent the message that political and election-related violence was acceptable (ZESN, 2002). The situation was exacerbated by the introduction of, "repressive and anti-democratic laws and determined efforts by the government to undermine the fairness and transparency of the electoral process" (ZESN, 2002: 1). These laws that were fast-tracked through parliament and, in some instances, passed into law in unconstitutional and unorthodox circumstances, include the Broadcasting Services Act (BSA), GLAA, POSA, AIPPA, amendments to the Citizen of Zimbabwe Act, and the Electoral Act (ZESN, 2002). The legislation subverted the democratic process, especially relating to electoral laws and institutions, and severely curtailed the lawful democratic activities of opposition parties and civic society (ZESN, 2002).

While the Supreme Court declared the GLAA null and void on the basis that it had been unconstitutionally reintroduced in Parliament after its initial defeat in the House, then President Robert Gabriel Mugabe re-enacted many of the GLAA's undemocratic provisions a few days before the elections using the SIs that the Electoral Act empowered him to make. Consequently, the 11 March 2002 Presidential election was, overall, conducted without even minimum democratic standards of transparency and fairness (ZESN, 2002). While observer groups' reviews of the election were mixed, the ZESN's view is that all of the SADC PF norms and standards were violated during the 2002 election on grounds detailed in the Network's election report for the election in question (ZESN, 2002). The ZESN (2002: 17) sums up what was wrong with the 2002 presidential election, pointing to areas that informed the electoral reform agenda:

> *The 2002 Presidential election was characterised by the implementation of an unprecedented systematic nationwide campaign of violence and intimidation aimed at terrorising the rural electorate and preventing the opposition MDC from mounting a serious public political; challenge to the ruling party anywhere in the country. For this to succeed, the police were strictly confined to the selective application of the law. The resultant breakdown in the rule of law allowed State-sponsored paramilitary militias and other ruling party supporters to act with impunity, terrorising entire communities in many urban centres as well as among the rural population. To complement this anarchic environment, the government introduced repressive and anti-democratic legislation that seriously undermined Zimbabweans' constitutional rights to their freedom of expression, assembly, and association. Other legislation further compromised the independence of electoral institutions and processes and disenfranchised thousands of voters through a flawed registration process and bureaucratic obstruction.*

The Network took seriously the violations of conditions for democratic elections and the need for electoral reform in the 2002 presidential election that it recommended an election-results auditing process or a fresh election to, "be held after an agreed transitional period during which constitutional and electoral reforms guaranteeing a free and fair election are put in place" (ZESN, 2002). The problems with more or less the same issues, in one form or the other, and with varying degrees of intensity, have continued to be experienced in Zimbabwe's elections to date.

[74] Through Clemency Order No.1 of 2000, president Mugabe granted a free pardon to people liable to criminal prosecution for any politically-motivated crime

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On 19 March 2002, owing to the Commonwealth Observer Group's negative assessment [75]of the election, and upon the recommendation of a troika comprising the President of Nigeria Olusegun Obasanjo; the President of South Africa, Thabo Mbeki; and the Prime Minister of Australia, John Howard, Zimbabwe was suspended from the Commonwealth for a year (ZESN, 2002). In December 2003, Zimbabwe abruptly withdrew from the Commonwealth (ZESN, 2013b).

When the government proposed to amend the Electoral Act in March 2004, the Chairperson of the ZESN at that time, Dr. Reginald Matchaba-Hove, expressed the view that:

> *The planned changes to the Electoral Act will result in the tightening of the operations of the government-appointed Electoral Supervisory Commission (ESC) and, unless there are fundamental changes to the process of holding elections, next year's elections would be easily declared not free and fair."*[76]

Dr. Matchaba-Hove said "the proposed amendments were similar to those sanctioned into law by President Robert Mugabe just before the 2002 March presidential election" and "… in clear violation of the Southern Africa Development Community, (SADC) Parliamentary Forum on norms and standards for holding elections…".

In August 2004, a SADC Summit agreed upon the Principles and Guidelines for Democratic Elections that were adopted by member States in Mauritius. This was ahead of Zimbabwe's parliamentary elections scheduled for 2005. Following the adoption of the SADC Principles and Guidelines, which Zimbabwe became a signatory to, the MDC's spokesperson then, Paul Themba Nyathi, made the following pronouncement:

> *We have suspended participation in any election process until such time as the government of Zimbabwe implements in full the Mauritius protocols ... It's not a question of timing, it's a question of political will. The Zimbabwe government has all the instruments of the State to do the right thing, which is to respond to the Mauritian declaration. They should begin now to respond to the Mauritian declaration and protocol.*[77]

The MDC's position attracted a response from the ruling party. Then Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, responded "It's very clear that they (the MDC) have lost the confidence of Zimbabweans and will not win elections. It is their democratic right not to be embarrassed and we will not lose sleep over that".[78] Chinamasa also dismissed charges that the government was not prepared to enforce the SADC Principles and Guidelines saying, "It's not true that we are not adhering to the guidelines. Even before the guidelines were adopted, we had already initiated moves to reform our electoral system". The ZESN Chairperson, Matchaba-Hove, cited by Kagwanja (2005: 2), argues that while President Robert Mugabe endorsed the SADC Principles and Guidelines, "the ruling party refused to open the reform door wide enough to liberate Zimbabwe's heavily restricted political space. Instead, the government remained overtly reluctant to introduce substantial changes to the electoral system, let alone fully restore democracy".

[75] http://archive.kubatana.net/docs/elec/commwrep0203.pdf
[76] https://www.thenewhumanitarian.org/news/2004/03/23/proposed-electoral-act-amendments-questioned
[77] https://www.voanews.com/a/a-13-a-2004-08-25-15-1-67507717/283389.html
[78] https://www.abc.net.au/news/2004-08-26/zimbabwe-opposition-scared-of-losing-election/2033244

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In the same month of August 2004, the ZESN, together with the EISA, successfully hosted a regional meeting on electoral reforms that was attended by representatives of Electoral Commissions, Civil Society, and political parties from all the SADC countries. The ZESN also proposed an Electoral Act Amendment Bill[79] and also shared its assessment of the ZEC Bill (HB 18, 2004).[80] At the time, there was the proposed legislation known as the NGO Bill that had been introduced the previous year. While not yet signed into law, the Bill aimed to curtail the activities of the NGOs. On 7 September 2004, the ZESN made submissions to the Public Hearing of the Portfolio Committee on Public Service, Labour and Social Welfare relating to the NGO Bill.[81]

*Speaker of Parliament E.D. Mnangagwa (3rd from left) making remarks at the Regional meeting on electoral reforms in Victoria Falls*

*MDC Mps Priscilla Misihairabwi-Mushonga (Glenorah) & Thokozani Khupe (Makokoba)*

*Former Information & Foreign Affairs Minister Nathan Shamuyarira*

*Attendees of the Regional meeting on electoral reforms in Victoria Falls*

[79]

[80] https://www.voanews.com/a/a-13-a-2004-08-25-15-1-67507717/283389.html

[81] https://www.zesn.org.zw/submission-to-the-public-hearing-of-portfolio-committee-on-public-service-labour-and-social-welfare-on-the-ngo-bill/

[82] According Heather Chingono (2014), in *Zimbabwe sanctions: An analysis of the "Lingo" guiding the perceptions of the sanctioners and the sanctionees*, this is the Lingo used in a majority of Western policy documents on Zimbabwe sanctions, describing the embargo imposed on Zimbabwe as either "targeted", "smart" or "restrictive" in nature.

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The 2005 elections came at a time when attempts to resolve the Zimbabwean crisis, for example, through 'smart' sanctions[82] and the SADC-brokered negotiations appeared to be failing, with a stalemate in the SADC-brokered talks that had started in 2004 between the ZANU-PF and MDC (ZESN, 2008). The Zimbabwean crisis had assumed a beyond country-level status. The 2004 SADC Principles and Guidelines made up the framework that Zimbabwe was expected to use as a basis for its electoral reform and conduct of the 2005 Parliamentary election (ZESN, 2005). The ZESN lobbied for the adoption of these Principles and Guidelines. While there were some positive electoral reforms that had been introduced when the election was held in 2005, there were clearly shortfalls in both areas of reform and conduct (ZESN, 2005). Thus, with the 2008 Harmonised Elections approaching, electoral reforms remained on the agenda.

Yet, at an August 2007 SADC Summit in Zambia, the then Minister of Justice, Legal and Parliamentary Affairs, Patrick Chinamasa, dismissed the need for reforms, arguing that, "political reform is not necessary in my country because we are a democracy like any other democracy in the world". Acknowledging some notable positive changes that Constitutional Amendment No.18 of 2007 ushered in relating to electoral law reform, the ZESN issued a communiqué expressing disquiet over the Act's adoption (ZESN, 2008).[83] For the ZESN, like several other civic groups[84], the agreement to the amendment amounted to a "climb-down" on the part of the MDC (ZESN, 2008). The ZESN devoted a good part of its Magazine, Issue no.2 of September 2007, to discussions on the interpretations and implications of the Constitutional Amendment Bill Number 18 for the 2008 elections.[85] The view of the ZESN was that the amendment was silent on many critical issues. The ZESN was among CSOs that met with the South African mediation team on 18 September 2007 to express the position of CSOs on the talks between the ZANU-PF and the MDC.[86] On 28 November 2007, the ZESN shared its analysis of the Electoral Laws Amendment Bill, 2007.[87]

In a continuation of what had been observed in the 2005 elections, the 29 March 2008 harmonised elections were held in a relatively peaceful environment. In addition to the Constitution of Zimbabwe No.18 of 2008 and the Electoral Act [Chapter 2:11], the elections were held under a reconstituted legal framework that included the ZEC Act [Chapter 2:12] as amended by the Electoral Laws Amendment Act [2008], and amendments to POSA and AIPPA (ZESN, 2008). Similarly, the electoral administrative framework had been reconstituted. The Constitution of Zimbabwe No.18 of 2008 had provisions amending the Electoral Act, placing most functions traditionally undertaken by the ESC and the RG under the ZEC. The ESC, and other bodies, had been dissolved and the RG of Elections and the ED were placed directly under the ZEC (ibid). However, several gaps remained. For example, amendments to pieces of legislation such as POSA and AIPPA were piecemeal and lacking in citizen input. The ZEC also still heavily relied on Public Service employees.

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[83] http://www.zesn.org.zw/docs/pdf/Constitution_amendment_18_zesn_comments.pdf
[84] https://www.zimbabwesituation.com/old/sep21a_2007.html#tocPos
[85] https://www.zesn.org.zw/wp-content/_protected/biannual/newsletter_7.pdf
[86] https://www.zimbabwesituation.com/old/sep21a_2007.html#Z3
[87] https://www.zesn.org.zw/electoral-laws-amendment-bill-2007/research-papers/4659/50/32/13/24/09/2020/tinashe/

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From 30 to 31 July 2008, the ZESN convened a national workshop on Conflict Management Mechanisms where recommendations were proffered.[88] On 24 October 2008, the Network responded to an announcement by the ZEC relating to preparations for the conduct of by-elections.[89] Besides noting that this would go against a clause in the agreement between the GPA partners, the ZESN expressed concerns about the inhospitable environment that was a product of the traumatising experiences of voters in the violent June runoff election as well as unconducive electoral laws that needed to be reformed first. The Network highlighted some of the critical reforms that needed to be instituted.[90]

## GNU Era (2009 - 2013): Missed Opportunity

That Zimbabwe's June 2008 election was internationally discredited clearly evidenced the need for electoral reforms. The inconclusive March 2008 presidential elections and the ensuing violent run-up to the June 2008 presidential run-off election deepened Zimbabwe's crisis. The SADC was prompted to intervene. Thus, a SADC negotiating team, headed by then President of South Africa, Thabo Mbeki, facilitated the signing on 15 September 2008, of the Global Political Agreement (GPA) which mandated the formation of a tripartite Government of National Unity (GNU). When the ZANU-PF, MDC-T, and MDC parties entered the 2009-2013 negotiated inclusive government (also known as GNU), they signed a GPA that contained provisions for constitutional and electoral reforms. Whereas the broad unity of purpose among the country's political parties might have been expected to contribute to an environment conducive to the holding of a peaceful election referendum, it was not entirely the case (ZESN, 2013b).

A fairly peaceful environment existed in 2009. Hoping to take advantage of a rare opportunity presented by the prevailing dispensation, on 16 September 2009, the ZESN indicated priority areas for electoral reform ahead of by-elections due to be held following the expiry of a moratorium on the holding of by-elections on 15 September 2009 and the impending constitutional referendum.[91]

In the following year, 2010, democratic space somewhat opened, largely due to some level of political tolerance brought about by the GNU. However, the GNU remained shacky for the greater part of the year, with the situation made more complex by pronouncements of an early election in 2011. The pronouncements came at a time when there were tensions within the GNU, especially relating to the slow pace of the implementation of outstanding reforms. The ZESN was prompted to react to the pronouncements by some principals of the GPA suggesting the holding of early elections in 2011.[92]

The ZESN noted that substantive reforms had not yet been implemented, making necessary concerted efforts to address outstanding issues that would have a bearing on the quality of the elections. In the same communication, the Network exhorted all Zimbabweans and key stakeholders to make the call for critical reforms. Furthermore, the ZESN urged Zimbabwe to sign the African Charter on Democracy and Elections.

[88] https://www.zesn.org.zw/wp-content/_protected/publications/publication_221.pdf
[89] https://www.zesn.org.zw/timing-for-by-elections-inappropriate-zesn-2/
[90] https://www.zesn.org.zw/timing-for-by-elections-inappropriate-zesn-2/
[91] https://www.zesn.org.zw/zesn-sets-priority-areas-for-electoral-reform-ahead-of-by-elections-and-referendum/press-statement/5225/56/31/21/16/09/2009/tinashe/
[92] https://www.zesn.org.zw/wp-content/_protected/publications/publication_256.doc

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The ZESN press statement of 24 March 2010 highlighted, 'minimum conditions for free and fair elections' that the election would at least need to satisfy.[93] The intensification of the early election debate saw the SADC intervening and instructing the President of South Africa, Jacob Zuma, to come up with a road map for Zimbabwe's elections.

At a time when the proposed reforms to the Electoral Act that had been agreed on by political parties were expected to be brought before the Legislature, the ZESN highlighted on 8 July 2010, issues that needed to be thought through. [94] The Network also noted that with Zimbabwe having signed many international, continental, and regional instruments for greater electoral democracy, as part of the expected reform, the instruments needed to be adopted and domesticated.

On 18 August 2010, the ZESN responded to an article that had appeared in the Zimbabwe Independent on 13 August 2010 relating to the opposition to electoral reforms by the Police Commissioner General at that time, Augustine Chihuri.[95] This followed an earlier agreement between political parties on restricting the role of the police in electoral processes to maintain law and order outside the polling stations as per international standards.

In its Ballot Update of 15 September 2010, the ZESN noted the use of sanctions by the ruling party as a scapegoat to prevent the full implementation of provisions of the GNU.[96] Whenever there were hitches in the implementation of the GPA, the issue of sanctions was raised as an excuse for the non-implementation of reforms by the ZANU-PF. This led to the stalling of reforms in critical sectors. The ZESN continued to call upon all parties in the inclusive government to exhibit political will in implementing the GPA signed in 2008.

There was consensus that the environment was not conducive for holding democratic elections when the ZESN convened a conference of organisations and partners working on elections to deliberate on electoral issues in light of the possible referendum on the new constitution and elections in 2011. This was expressed in a 29 October 2010 statement.[97] Thus, the ZESN was firmly convinced that conditions on the ground by the end of the year were not conducive for the holding of free and fair elections (ZESN, 2010 Annual Report).

While in 2011 the operating environment was generally peaceful, it remained volatile and polarised. The squabbles amongst the three parties in the GNU continued. In this context, the contestation for political space and legitimacy appeared to take precedence over reforms. There was also uncertainty and tension arising from incessant talk of the holding of elections in that year. However, the ZESN remained resolute, maintaining that the country was not ready for an election. The Network thus consistently maintained the call for electoral law and institutional reforms before the next elections, lobbying local and regional stakeholders. These lobbying efforts successfully contributed to keeping Zimbabwe in SADC's agenda. Together with the other CSOs, the ZESN kept lobbying the SADC to pressure the political parties to commit to ensuring that there were wholesome constitutional and electoral reforms as had been agreed at the signing of the GPA.

[93] https://www.zesn.org.zw/zesns-position-on-the-call-for-elections/press-statement/5217/27/28/21/24/03/2010/tinashe/
[94] https://www.zesn.org.zw/wp-content/_protected/publications/publication_265.pdf
[95] https://www.zesn.org.zw/wp-content/_protected/publications/publication_270.pdf
[96] https://www.zesn.org.zw/wp-content/_protected/publications/publication_273.pdf
[97] https://www.zesn.org.zw/civic-society-statement-on-the-impending-referendum-and-elections/

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On 20 January 2011, the ZESN launched its report on the voter registration observation project it had conducted in 2010. On 25 January 2011, the Network met with African ambassadors for the presentation of the report's findings and a discussion on the minimum conditions for free and fair elections. A similar meeting was held with non-African ambassadors the following day. Between 25 January and 11 February, the Network held dissemination meetings that were attended by political parties, legislatures, Councillors, CSOs, media, academia, and other interested stakeholders in several cities.

The Network went for a lobbying meeting in Botswana on 18 February 2011 where focus was on the minimum conditions for free and fair elections. Cluster meetings under the Political Advocacy, Research and Protection of the Vote resulted in the production of a CSO's statement in support of the 'Livingstone position'.[98] The Network sent a delegation for pre-lobbying meetings before the Extraordinary SADC Summit of 20 May 2011. In Namibia, two press conferences, a meeting with the Namibian NGOs Forum and CSOs, and the European Commission were held. The statement supporting the 'Livingstone position' was used as an advocacy tool during the SADC Summit in Namibia. Between 6 and 12 June 2011, the ZESN attended two other regional lobby meetings; one in Botswana for the Zimbabwe Week, organised by the Botswana Civil Society Solidarity Coalition for Zimbabwe (BOCISOZ), and the other one, a pre-lobbying meeting in South Africa before the Special SADC Summit on Zimbabwe. The Network also took part in the Annual People's Convention in South Africa - an annual event organised by the SADC Council of NGOs, the Southern African Trade Union Coordination Council (SATUCC), and the People's Convention.

On 16 June 2011, as the discussion of the holding of elections in that year continued and with campaign activities observed, the ZESN called upon the SADC to urgently ensure the finalisation of an election roadmap. [99] The Network noted reforms that needed to be implemented before an election could be held. The GNU principals agreed on an election roadmap whose timelines were reported in *The Herald* on 7 July 2011. In response, the ZESN issued a press statement on 12 July 2011, expressing its concerns about the timelines which it thought were unrealistic and did not take into account some pertinent issues that were essential to address before the country could hold an election.[100] To this end, the ZESN proposed an alternative to tackling the issue of timeframes in the implementation matrix for the negotiators. The Network also noted that the parties in the GNU had failed to agree on essential reforms that were fundamental to the creation of an environment suitable for credible, free, and fair elections. On 20 July 2011, the ZESN shared its assessment of the draft Electoral Amendment Bill which had been gazetted on Monday 27 June 2011, suggesting further improvements.[101]

Throughout 2011, the SADC facilitation team kept the momentum, mediating among the political parties which were part of the GNU. Though slow progress was made, an election roadmap was crafted. In addition, two Bills, the Electoral Amendment Bill, and the Zimbabwe Human Rights Commission Bill were gazetted, though progress on them stalled. This was the fate of a lot of other processes in the troubled life of the GNU. Accordingly, the Bills had not been passed into law by year-end. The constitutional reform process was also hampered by bickering and power struggles and, as of year-end, drafting had commenced but the progress was worrisome, especially the timing for completion. The GNU's failure to see through the completion and adoption of agreed reforms displayed a lack of political will, mutual mistrust, and self-preservationist tendencies among the parties.

[98] The Livingstone position refers to the resolutions of the SADC troika meeting in Livingstone, Zambia, at the end of March 2011.
[99] https://www.zesn.org.zw/wp-content/_protected/publications/publication_292.pdf
[100] http://www.archive.kubatana.net/html/archive/elec/110712zesn.asp?sector=HR&year=2011&range_start=451
[101] https://www.zesn.org.zw/zesn-preliminary-statement-on-zimbabwes-electoral-amendment-bill-2011/press-statement/5191/32/14/21/20/07/2011/tinashe/

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The ZESN took advantage of the generally peaceful environment in 2012 to lobby for the creation of a conducive environment for the Referendum and subsequent election. The year began with some promise of the finalisation of the outstanding GPA issues which would hopefully facilitate the establishment of a conducive electoral framework for the holding of the Referendum and the general elections. However, as the year wore on, haggling among the political parties stalled progress on key reform issues. The draft constitution took much longer than expected to be finalised and only got the nod in the last quarter of the year, pushing the referendum further in the timelines. Continuous talk of elections in 2012 also heightened tensions in the country, plunging it into election mode. In this context, the operating environment changed and the CSOs suffered continuous vilification.

There were indications that the constitutional referendum and Harmonised Elections would be conducted in November 2012 and March 2013, respectively. On 27 September 2012, the ZESN expressed concern that this was coming against a backdrop of a constitution-making process that had remained unclear and stagnated.[102] In the view of the ZESN, the timelines were also unrealistic given the need to deal with many outstanding issues that included implementing some technical changes in the Electoral Bill if it was gazetted into law. The Network reiterated caution about rushing into elections before addressing critical preconditions and made a call for fundamental reforms that would result in a conducive electoral environment for the conduct of democratic elections.

The year 2013 was the last in the life of the GNU, and electoral reform progress within the GNU context fell way below expectations. One of the most contentious reform issues in the GNU was security sector reform. The parties in the GNU differed on this and many other issues. In his remarks while presenting a paper on Zimbabwe's Defence Policy at the National Defence College in Harare, then Minister of Defence, Emmerson Mnangagwa was quoted as having said:

> *As long as we are here in leadership, we will make sure the Defence Forces of the Republic of Zimbabwe will continue to defend the national interests and safeguard our values and ideals which our people died for. The current Government is anxious to reform you, anxious with security sector reforms. They do not want to have a Defence Force that is knowledgeable, focused, and revolutionary. We are against it. The defence forces are an element of national power, but the Inclusive Government does not want to hear that. They would want a kind of defence force that is pliant to foreign interests, that allows the expropriation of national resources without question. They want to hear that you are compliant and that you accept security sector reforms. What does that mean? It means having NGOs and trade unions operating in the defence forces. Pasi nazvo! They would want you to say you are non-political, and you must serve any Government (The Herald, 4 February 2013).*[103]

Mnangagwa reportedly added that it was ironic that the United States of America was part of those calling for security sector reforms yet, "every American civil-military says America first. The national interests of America come first. They are taught in their childhood to die for America, but they come and teach you differently to uphold international best practices, what nonsense is that?"

[102] https://www.zesn.org.zw/zesns-comment-on-election-dates/press-statement/5170/39/05/21/27/09/2013/tinashe/
[103] https://www.herald.co.zw/no-security-sector-reforms-mnangagwa/

*Electoral Reform: The Arduous Journey Since 2000 and the Missed GNU Opportunity (Cont ...)*

The ZESN observed that during the GNU era, there had been a failure to amend laws that had been regularly used to severely curtail Zimbabweans' basic civil and political rights (2013a: 2). Yet, against this background of the non-implementation of electoral reforms, the ZANU-PF was insisting on the holding of elections. Initially, the MDC-T (the MDC led by Morgan Tsvangirai after the 2005 split of the MDC) supported the idea of holding elections by the end of June while the smaller Welshman Ncube-led MDC insisted on delaying the holding of elections to allow for the completion of various political reforms, including the revision of the electoral laws in line with the GPA provisions (ZESN, 2013a: 2).

In June 2013, a citizen, Jealousy Mawarire, approached the Constitutional Court seeking to compel then President Robert Gabriel Mugabe to proclaim an election date by 29 June 2013 when the term of the Seventh Parliament was lapsing.[104] The Court ruled in favour of Mawarire, ordering the holding of elections before 31 July. Subsequently, on 13 June 2013, then President Robert Gabriel Mugabe then proclaimed 31 July 2013 as the Election Date. Following the passing of the Judgement, Civil Society, the ZESN included, issued a joint petition ahead of the 9 June SADC Heads of State Special Summit on Zimbabwe in South Africa.[105]

While acknowledging the ruling of the Constitutional Court of Zimbabwe on the elections date, a SADC Extraordinary Summit held on 15 June 2013 in Maputo agreed on the need for the Government of Zimbabwe to engage the Court to seek more time, beyond 31 July 2013 deadline, for holding the elections (SADC Communique, 2013: 30). The Summit urged the three parties to the GPA, "to undertake immediate measures to create a conducive environment for the holding of peaceful, credible, free and fair elections" (ibid).

In response, the then Minister of Justice, Legal, and Parliamentary Affairs, Patrick Chinamasa, said that he would approach the Court seeking the extension, but the Court could just as well refuse to honour the request. Stating the position of the ruling party, he said, "As ZANU-PF, we are contesting the idea that there is any need for reforms, whether its media reforms. We made it clear at the summit (in Maputo)". [106]

The opposition was of a different view. Then MDC's Secretary General and Minister of Finance in the GNU, Tendai Biti, insisted that there was a need for media and security reforms, arguing "we will attend to those amendments of the media, security, and reform the security sector. This is the hard message coming from SADC and Chinamasa must stop misleading people".[107] On his part, then President of Zimbabwe Robert Gabriel Mugabe said, "The other parties do not want elections, they are afraid of elections. They know they are going to lose and it's a sure case that they are going to lose". [108]

In response to the President of South Africa's, Jacob Zuma's, international relations advisor, Ms. Lindiwe Zulu, who had been quoted in the media in Zimbabwe saying that with or without the Constitutional Court ruling, harmonised elections would be decided by a roadmap, some politicians raised national sovereignty and territorial integrity arguments. One was the then GPA principal, Professor Arthur Mutambara, who called on all, including those who were not happy with the judgement of the Court to, "unite, oppose, and reject this patronising and illegitimate posturing by our neighbours".[109] Then Minister of Information, Professor Jonathan Moyo, concurred and said of Zulu's sentiments that it was "preposterous", "scandalous", and something that "can only come from someone with a subversive intention or agenda against our country because the most important fundamental is the rule of law, and in this case, the only competent authority is the Constitutional Court".[110]

[104] https://www.veritaszim.net/node/316
[105] http://www.archive.kubatana.net/html/archive/cact/130607zcsos.asp?sector=HR&year=2013&range_start=601
[106] https://www.reuters.com/article/zimbabwe-elections/zimbabwes-mugabe-says-rivals-scared-of-sure-defeatidINDEE95F04P20130616
[107] https://www.reuters.com/article/us-zimbabwe-elections/zimbabwes-mugabe-says-rivals-scared-of-sure-defeatidUKBRE95F08920130616
[108] https://www.reuters.com/article/us-zimbabwe-elections/zimbabwes-mugabe-says-rivals-scared-of-sure-defeatidUKBRE95F08920130616
[109] https://en.igihe.com/news/zimbabwe-warns-against-foreign-interference
[110] https://en.igihe.com/news/zimbabwe-warns-against-foreign-interference

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The then President of Zimbabwe, Robert Gabriel Mugabe, who had pulled the country out of the Commonwealth in 2003, threatened to pull out of the SADC while addressing a rally where the ruling party, the ZANU-PF's 2013 election manifesto was launched "SADC has no power to command what our courts have ruled. Let it be known that we are in SADC voluntarily and if SADC decides to do stupid things, we can move out. No outsider is allowed to intervene in a situation where our courts have made a ruling".[111]

Mugabe's sentiments were in spite of the Memorandum of Understanding between the ZANU-PF and the two MDC formations that provided that, "the implementation of the GPA that the Parties will conclude shall be underwritten and guaranteed by the Facilitator, SADC and the AU".[112] Further indicating disregard of the GNU arrangement, President Mugabe proceeded to say, "I am given the authority to make proclamations and I did not have to consult anyone". Responding to Lindiwe Zulu, the international relations advisor of the ANC of South Africa, he said, "Make no mistake, we cannot take heed of stupid and idiotic utterances from street women saying things against our courts. We are a fully independent country, and we will defend our rights, sovereignty, against any interference from any quarter".[113]

While the coalition government partners had drawn up a, "roadmap towards elections" under SADC facilitation that comprised issues to be addressed before elections (ZESN, 2013a: 10), the then Minister of Information, Professor Jonathan Moyo, argued that Zimbabwe did not need a roadmap but a Constitution and it had one. He added that the President's position that he would abide by the Constitution Court's ruling put to rest any plans to delay the holding of elections. Moyo further said that election dates in Zimbabwe were not fixed by an agreement between anybody but are based on the law and that the SADC, through its Executive Secretary, Dr. Tomaz Salomao, was on record saying that it was waiting for the Constitutional Court ruling on elections, otherwise Zimbabwe was ready for polls.

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In support of the SADC Extraordinary Summit's position, on 18 June 2013, the ZESN released a press statement.[114] The Network made the call for meaningful reforms, reiterating the need for the impending elections to be conducted under SADC Principles and Guidelines Governing Democratic Elections and other regional and international principles to avoid a repeat of the inconclusive 2008 elections.

If Professor Agyeman-Duah[115] was right, then the GNU era is a missed golden opportunity with regards to electoral reform. In Agyeman-Duah's prescription:

[111] https://www.thezimbabwean.co/2013/07/mugabe-threatens-sadc-pullout/

[112] http://www.archive.kubatana.net/html/archive/demgg/080721mou.asp?sector=DEMGG&year=0&range_start=1

[113] https://www.thezimbabwean.co/2013/07/mugabe-threatens-sadc-pullout/

[114] https://www.zesn.org.zw/wp-content/_protected/images/statements/Comment%20on%20the%20election%20date.pdf

[115] Dr Agyeman-Duah is the co-founder of the Ghana Center for Democratic Development (CDD-Ghana) and was UN's Senior Governance Advisor, UNDP Tanzania.

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> *How to achieve consensus in a divisive and polarised polity is not a simple matter, but democratisation is difficult without it. Consensus requires the political elite to put aside parochial interests and agree and commit to a common national agenda toward democratisation. Stimulating the collective consciousness of the elite to this realisation is a complex matter: political weariness, resurgent civil society, external pressure, and enlightened leadership – all combine to bring this about. Arguably, this is what eventually compelled the South African elite to end apartheid. Also in Ghana, Mali, and Nigeria, the protracted instability helped to forge the national consensus to democratise. Suggestively, chances could be brighter for achieving political consensus in countries that suffer prolonged political repression and civil strife, once the breaking point for fatigue is reached. The point here is that a prerequisite for reforming the legal (constitutional) framework for political and electoral conduct is elite consensus.*[116]

The calls by the ZESN for the GPA Principals to set aside political differences for the larger good by instituting reforms that would usher in a democratic dispensation were not heeded. Even regional efforts to intervene were scuttled as the case of the SADC interventions during the GNU era and in advance of the 2013 elections indicate. However, despite the challenges that threatened the viability of electoral reform efforts, for example, the intense political rivalry and bitter contestation within the GNU, the ZESN was able to continue with advocacy for electoral reform interventions as planned during the constitution-making process and ahead of the impending 2013 Harmonised Elections.

## Conclusion

This chapter showed that electoral reform was necessary by the time the ZESN came into being. It has highlighted some of the areas where the reforms were necessary. The chapter has also presented a sample of the interventions of the ZESN in its advocacy for electoral reform work. As evident in the chapter, electoral reform is polarising in Zimbabwe, with political parties having starkly opposing dispositions. The stern resistance of electoral reforms is evident in statements made by politicians, specifically from the ruling party, cited in the chapter, as well as the disregard for SADC's advice regarding the need for the implementation of reforms before elections could be held in 2013. Most importantly, the chapter makes the point that an opportunity was missed to implement electoral reforms when political parties that had been opposing each other for close to a decade formed an inclusive government. This was, to different degrees, a result of the bickering and haggling between parties in the GNU and the complacency of the opposition that had been clamouring for electoral reforms for long before getting into the inclusive government.

[116] https://www.zesn.org.zw/electoral-systems-and-processes-in-africa-towards-reform/research-papers/4704/39/56/13/24/09/2020/tinashe/

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# CHAPTER 8: ELECTORAL REFORM: DASHED POST-GNU ERA EXPECTATIONS IN THE CONTINUING ARDUOUS JOURNEY

## INTRODUCTION

Electoral reform proved to be arduous beyond the pre- and GNU era. Continuing from what was witnessed during the GNU era, the period from 2013 to 2018 clearly demonstrates the politics of electoral reform, revealing how polarising the subject is between political parties, with CSOs such as the ZESN caught in the crossfire. While opposition parties perceived the context in which elections are held to be in need of reform to allow for democratic elections, the ruling party insisted that there was no need for electoral reforms, with some ruling party politicians characterising the opposition's calls for electoral reforms as tantamount to asking the ruling party to reform itself out of power. In spite of the seemingly stern resistance of the ruling party to electoral reform, increased engagement in the post-2018 election period between the ZESN and stakeholders that include the Parliament, the ZEC, political parties (the ruling party ZANU-PF included), and the Ministry of Justice, Legal and Parliamentary Affairs, among others, raised expectations for the heeding of the long clamour for the implementation of electoral reforms in Zimbabwe. These expectations were, however, dashed, resulting in the 2023 elections still being held without major changes with regard to electoral reform. Continuing from the previous chapter, this chapter presents the sharply contrasting views expressed by ruling party and opposition politicians on electoral reform. The chapter also presents the engagement efforts of ZESN, concluding by noting little progress in the implementation of the electoral reforms as of 2023.

### 2013 - 2018: The Politics of Electoral Reform

The new electoral framework in the form of the 2013 Constitution necessitated various amendments to the Electoral Act and other legislations to bring them in conformity with the supreme law of the land. In 2014, the ZESN analysed the Electoral Bill to provide an independent and objective assessment and enhance citizens' knowledge of its provisions. The ZESN's analysis of the Bill attracted a response from the then Deputy Minister of Justice, Legal and Parliamentary Affairs who invited the Network to engage with his Ministry in connection with the Bill. A 13 to 14 March 2014 post-2013 Harmonised Elections conference convened by the ZESN and attended by more than 100 CSOs noted the need for expedited alignment of the current laws with the Constitution.[117] On 3 April 2014, the Network expressed concerns about the hurried deliberations on the Electoral Amendment Bill in the Senate, which had not been taken through the public hearing process first.[118] Based on its analysis, the ZESN noted that the Bill needed to be strengthened further before being passed into law.

Following the passing of the Electoral Amendment Bill into law during the week of 17 August 2014, on 2 September 2014, the ZESN commended the new law, acknowledging the positive elements in it, at the same time raising some concerns.[119] The Network also urged the government to demonstrate sincerity and political will by crafting legislative frameworks that conformed with constitutional provisions and reiterated the call for comprehensive electoral reforms in its pursuit of democratic elections in Zimbabwe. Throughout 2014, the ZESN continued with some success to pursue its three broader strategic pillars: to engage, collaborate, and to have an oversight role in electoral processes. The Network's engagement strategy resulted in a number of decisive engagements with the ZEC and parliament in a bid to ensure that the electoral reforms agenda was targeted and able to bear the desired results.

[117] https://www.zesn.org.zw/wp-content/uploads/2015/10/Post-election-review-statement.pdf
[118] https://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-COMMENTS-ON-THE-PASSING-OF-ELECTORAL-AMENDMENT-BILL-IN-SENATE.pdf
[119] https://www.zesn.org.zw/wp-content/uploads/2015/10/Signing-of-the-Electoral-Bill.pdf

***Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)***

In 2015, the ZESN continued to advocate for the alignment of electoral laws with the Constitution and consensus building around electoral reforms. The Network engaged a group of the CSOs, who worked on refining the key reforms discussed on the various platforms. In the same year, opposition parties, including the main opposition, the MDC-T, boycotted by-elections citing the lack of reforms. Again, whereas the opposition argued that there was a need for electoral reform, the ruling party had a different view. Then Vice President and Minister in government, Emmerson Mnangagwa, reportedly said at a campaign rally in June in Mutare that the ruling party would not be moved by the reform mantra but would instead go ahead with the elections and continue to rule forever. Some opposition parties came together to form the "National Electoral Reform Agenda" (NERA) under which they pushed for electoral reform.[120]

On 24 June 2015, the ZESN and the ZLHR convened a CSOs workshop to build consensus on electoral reforms ahead of the 2018 harmonised elections.[121] Noting the piecemeal approach to electoral reform and the prevailing political environment in the country that did not guarantee credible electoral processes and outcomes, the CSOs reiterated the need for comprehensive reforms to the electoral framework to ensure that critical institutions whose mandates impacted on the delivery of democratic elections were reformed and capacitated. The call was in relation to four broad areas: electoral administration and operations, political environment, the electoral architecture, and the media.

On 15 September 2015, the ZESN and ZLHR made an appeal to the government to ratify, domesticate and implement the African Charter on Democracy, Elections and Good Governance ahead of the 2018 elections.[122] The Charter, which came into force in 2012, sought to promote adherence by African States to the universal values and principles of democracy and respect for human rights premised upon the supremacy of the constitution and respect for the rule of law. The ZESN and ZLHR expressed grave concern over the deafening silence and lack of significant progress towards accepting the Charter through ratification and domestication of the same. The year 2015 was therefore a year in which the CSOs and opposition political parties continued to lobby for comprehensive electoral reforms. While the ZEC tried to engage stakeholders through consultative meetings, the lack of political will on the government side remained an issue of concern.

Between January and July 2016, the ZESN engaged in a nationwide citizen consultative process through focus group discussions (FGDs) to gain insights into the general public priorities for electoral reforms before the 2018 elections. The process reached out to participants from the political parties; CSOs; Community Based Organisations (CBOs); Faith Based Organisations (FBOs); and Emerging Social Groups (including vendors, artisan miners, and representatives of farmers associations) across the country's 10 provinces. Women and youth who were in the majority and had historically been marginalised were particularly targeted in Harare and Chitungwiza. This process culminated in a report on Priorities for Electoral Reforms that was shared by ZESN.[123]

[120] https://www.voazimbabwe.com/a/zimbabwe-politics/3084529.html
[121] https://www.zesn.org.zw/wp-content/uploads/2015/10/csoscallforreforms.pdf
[122] https://www.zesn.org.zw/wp-content/uploads/2015/10/AfricanCharterJointStatement1.pdf

[123] http://www.zesn.org.zw/wp-content/uploads/2016/11/TOWARDS-DEMOCRATIC-ELECTIONS-PRIORITY-AREAS-FOR-REFORMS.pptx

***Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)***

Following the gazetting of the GLAA which was intended to amend some laws that included the Electoral Act, with a view to bring them into alignment with the Constitution, on 4 August 2016 the ZESN expressed its view about the inadequacies of the Amendment.[124] Prior to the enactment and passage of the GLAA's in Parliament, the ZESN had made submissions specific to the portions relating to the amendment of the Electoral Act. The GLAA offered piecemeal reforms and failed to align the most substantive provisions related to the Electoral Act to fully comply with the Constitution. The ZESN assessment was that the GLAA fell short of expectations.[125]The Network reiterated the position that there was a need for a comprehensive process of amending all the electoral laws to bring them into conformity with the Constitution as well as regional guidelines on good governance and elections.

Yet, ruling party politicians remained adamant in asserting their position that there was no need for electoral reforms in Zimbabwe. To quote Professor Jonathan Moyo[126] in September 2016, legislature for Tsholotsho North, Cabinet Minister, and the ruling party's Politburo member at the time:

> *They want to say, put in place electoral reforms that will ensure that you lose and we win. And we're saying no. That will never happen anywhere in a modern constitutional democracy; that a political party that has come into government on the back of a new negotiated constitution, on the back of a new negotiated Electoral Act, comes up with reforms that will reform it out of power. Because the reforms they're talking about are clear codes to say come with reforms that will ensure that you're out. Let us be clear. For a long time since 1999, the opposition said the most important reform in the country is a new constitution. They were saying 'no new constitution, no elections' for a long time. We got that in 2013, and it was a negotiated constitution among those in the GPA. And it was supported by the majority of the electorate through the referendum.*

Professor Moyo reportedly said that the new constitution was adopted by the parties that were in government working on electoral reforms together, arguing that anyone who was unhappy with the Electoral Act would have to approach the Constitutional Court:

> *Those who made these laws should be the ones who know about the provisions of Section 2 of our Constitution. They can't keep saying that there are practices that are this and that. Go to the Constitutional Court, that's why you have the new Constitution. The Electoral Act is a product of GPA parties. Then they figure 'no we must still talk about electoral reforms.' It's totally unacceptable and we should not be in doubt about that because the fundamental law of the country has changed and there is no law, conduct, practice or custom that supersedes the law or that is above the Constitution. Any aspect of our practice, political practice, custom, conduct or law that is inconsistent with this new constitution is a nullity.*

Again, the opposition had a different view. Addressing a press conference, the then Spokesperson of the NERA, Douglas Mwonzora, said that, "simply put, what NERA's case is we want those reforms that guarantee the secrecy of the vote, the security of the vote and the security of the voter and this includes amendments to the Constitution, amendments of laws that facilitate free and fair elections."[127] In remarks more or less similar to those of Jonathan Moyo, then ZANU-PF Legal Affairs Secretary and Finance Minister in government, Patrick Chinamasa, said:

[124] https://www.zesn.org.zw/wp-content/uploads/2016/08/THE-GENERAL-LAWS-AMENDMENT-ACT-FALLS-SHORT-OF-EXPECTATIONS-ZESN.pdf
[125] https://www.zesn.org.zw/wp-content/uploads/2016/08/THE-GENERAL-LAWS-AMENDMENT-ACT-FALLS-SHORT-OF-EXPECTATIONS-ZESN.pdf
[126] https://www.chronicle.co.zw/zanu-pf-will-never-reform-itself-out-of-power-prof-moyo-declares
[127] https://www.herald.co.zw/the-problem-is-not-electoral-laws/

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

> *MDCs have no basis to demand any electoral reforms ... I want to emphasise that through the collaboration of ZANU-PF and all MDC formations - and before their own splintering and before Zimbabwe People First because that one was also part of us as we were negotiating levelling of the political ground - electoral reforms were done and there is no validity, no basis whatsoever to be demanding electoral reforms. The problem is not the Constitution; the problem is not the electoral laws. The problem is that none of these parties have viable alternative policies to those pronounced by ZANU-PF. The demand for President Mugabe to go is not a policy; and I think they should be told that it is for them to worry about their own leadership and not concern themselves with a leadership that is not leading their parties.*[128]

On 8 September 2016, the ZESN expressed concern about these utterances.[129] While it acknowledged government efforts to implement electoral reforms, noting the GLAA of 2016, the Network reiterated its position that reforms had been piecemeal, selective, and inadequate. ZESN repeated its call for the full alignment of electoral laws to the Constitution as well as for the creation of an enabling political environment. It highlighted a number of pertinent reforms that needed to be implemented in line with its own recommendations and those of the 2013 elections AU and SADC observer missions.

Following the sharing of timelines for the rolling out of a polling station-based BVR exercise, on 17 October 2016, the ZESN called for adequate time, inclusivity, and comprehensiveness to avoid the disenfranchisement of any potential voters.[130] Importantly, the Network also noted some other key electoral reforms that needed to be implemented for the full realisation of the benefits of the adoption of polling-station-based BVR in Zimbabwe. The Network also called for measures to allay fears and address misconceptions and other problems that would possibly arise from the use of the ICTs in elections as well as the polling station-based registration given the country's political environment.

In addition to using the existing platforms in calling for electoral reforms before the 2018 elections, the ZESN spearheaded the formation of the Electoral Reform Working Group (ERWG), which consisted of a group of 13 CSOs[131], to give permanency and continuity to the debate on sustainable electoral reform in Zimbabwe. The ERWG would meet regularly to discuss priority areas and strategies for electoral reform. At the end of the year, the ERWG convened an All-Stakeholders Conference on 31 November and 1 December 2016. The Conference to discuss the priorities for electoral reform gathered through the ZESN's FDGs earlier in the year. It came up with a Communique that was endorsed by 56 organisations expressing concern about half-hearted attempts and lack of political will to reform the laws and institutions governing the conduct of elections in Zimbabwe.[132] The Communique stated the reforms that needed to be implemented.

In addition, the Conference provided a platform for a multi-stakeholder discussion aimed at identifying specific steps that would guide the CSO stakeholders in advocating for sustainable electoral reforms in Zimbabwe. An advocacy strategy document, the 10 Point Plan,[133] was launched. The CSOs agreed to implement activities guided by the 10 Point Plan starting in 2017. On 6 December 2016, the ZESN and the 15 other CSOs met with the ZEC at a ZEC-CSOs forum where a number of electoral reform issues were discussed. The ZEC facilitated the formation of side committees to engage it on the various electoral processes and the ZESN was chosen by the other CSOs to coordinate the ZEC-CSOs Steering Committee which tentatively came up with four-side committees, viz, Voter Education, Monitoring and Observation, Conflict Management, and Legal Committees.

[128] https://www.herald.co.zw/the-problem-is-not-electoral-laws
[129] https://www.zesn.org.zw/wp-content/uploads/2016/09/ZESN-Calls-for-Comprehensive-Electoral-Reforms.pdf
[130] https://www.zesn.org.zw/wp-content/uploads/2016/10/ZESN-CONCERNS-ON-THE-PROPOSED-TIMELINES-FOR-NEW-VOTER-REGISTRATION.pdf
[131] Namely Habakkuk Trust, Research and Advocacy Unit, ERC, MISA-Zimbabwe, YETT, Veritas, Radio Dialogue, ZLHR, ZPP, WCoZ, Plumtree Development Trust,the National Association of Societies for the Care of the Handicapped.
[132] https://www.zesn.org.zw/wp-content/uploads/2016/11/ZESN-and-CSOs-Communique-Towards-Democratic-Elections.pdf
[133] http://www.zesn.org.zw/wp-content/uploads/2015/10/Ten-Point-Plan-Document.pdf

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

Despite efforts by the CSOs and other political players, pronouncements by government Ministers showed the absence of political will to institute electoral reforms ahead of the 2018 elections. The statements indicated that the government was not willing to accept electoral reform demands by civic society and opposition political parties. Stakeholders working on electoral laws reform however sustained the agenda. The push for reforms also received a boost from the UN Universal Periodic Review that recommended the government undertake comprehensive electoral reforms before the 2018 elections. The ZESN continued to advocate for electoral reforms ahead of the 2018 elections with a number of advocacy activities. A number of successes were recorded in terms of influencing policy holders to effect administrative reforms in Zimbabwe's electoral framework.

The year 2017 ended with a change of leadership in government following the resignation of the late former President Robert Gabriel Mugabe amid a military-assisted transition" and intended impeachment process in parliament. Mugabe's former Vice President, Emmerson Mnangagwa, assumed the presidency. While addressing a gathering at the ruling party's headquarters ahead of his inauguration as the next president, President Mnangagwa declared, "today we are witnessing the beginning of a new unfolding democracy for our country".[134] This raised hopes that Zimbabwe had turned a corner. At the end of the year, the ZESN and the other CSOs lobbied for the extension of the BVR exercise, which the ZEC heeded and extended the exercise in 2018.

However, contrary to expectations, in the first week of January 2018, the then Minister of Justice, Legal and Parliamentary Affairs, Ziyambi Ziyambi, was quoted as having said about calls for electoral reform:

> *Everything that they are complaining about is clearly covered within our constitution and our laws. Our constitution clearly stipulates that ZEC is an independent body, not subject to the control of anyone. In so far as we are concerned, we believe that we should not just waste resources doing cosmetic changes to the legislation that are already materially covered by the existing legislation.*[135]

The Minister reportedly argued that the country's electoral laws were compliant with the guidelines of the AU and SADC.

On 9 January 2018, the ZESN met with Minister Ziyambi as part of its advocacy interventions to push for the implementation of its "Five Key Asks" [136]for electoral reforms. The meeting gave the ZESN an opportunity to clarify and explain in detail its call for electoral reforms, the gaps in the legal framework, political environment and administrative reforms. On 11 January 2018, the ZESN called for a clear electoral roadmap for the success of the 2018 elections.[137]

When he went on a tour to apprise the SADC Heads of State and Government on political developments in Zimbabwe in January 2018, President Mnangagwa promised democratic elections:

> *Zimbabwe is going for elections in four to five months' time and we have to preach peace, peace and peace because we know it is good for us and we have no doubt that we will have peaceful elections. I assure the regional leadership that the forthcoming harmonised polls will embrace the tenets of democracy, fair play and standards set by us in the SADC. We will ensure that Zimbabwe delivers free, credible, fair and indisputable elections to ensure Zimbabwe engages the world as a qualified democratic state (Prosper Ndlovu, The Herald, 18 January 2018).*[138]

[134] https://www.independent.co.uk/news/world/africa/zimbabwe-president-robert-mugabe-emmerson-mnangagwa-harare-speech-new-democracy-a8070326.html
[135] https://www.newsday.co.zw/news/article/71756/minister-says-no-electoral-reforms-needed
[136] https://www.zesn.org.zw/wp-content/uploads/2015/10/The-Key-Asks.pdf
[137] https://www.zesn.org.zw/wp-content/uploads/2018/01/A-CLEAR-ELECTORAL-ROADMAP-ESSENTIAL-FOR-SUCCESSFUL-2018-ELECTIONS.pdf
[138] https://www.herald.co.zw/elections-in-five-months-president/

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

Encouraged by the President's pronouncement, the ZESN produced a document that stipulated the conditions for free and fair elections.[139] On the same tour, President Mnangagwa addressed one of the electoral reform issues that the ZESN has been raising for a long time. He noted that though the idea of diaspora voting was desirable, the government did not have the capacity to facilitate voting outside the country.

On 26 January 2018, the ZESN made a presentation before the Parliamentary Portfolio Committee on Peace and Security on its assessment of the preparedness of the ZEC for the conduct of the 2018 harmonised elections. The ZESN presented its "Five Key Asks" for free, fair, and credible elections emphasising the importance of alignment of electoral laws with the Constitution, effective electoral administrative arrangements and a political environment that allows citizens to make free and informed choices.

On 17 April 2018, the Network called for the finalisation of comprehensive electoral law reform, expressing concern about the delays by Parliament.[140] The Network called upon legislators and the Ministry of Justice, Legal, and Parliamentary Affairs to urgently consider the proposed amendments to the electoral laws as further delays would only serve to jeopardise the credibility of the 2018 elections. The ZESN reiterated its position that the country's electoral laws were significantly inadequate and therefore there was a need for urgent reform to create an enabling framework for the holding of free, fair, peaceful, and credible elections. In the same month, the MDC-T Secretary General, Douglas Mwonzora, argued that amendments that had been made to the Electoral Act might go a long way in levelling the playing field, but did not touch the 'real fundamentals' in terms of election management:

> *The proposed amendments to the Electoral Act do not touch the real fundamentals in terms of election management. They do not provide for the external auditing of the voters' roll or allow stakeholder input into the printing of ballots. Most importantly though, ZEC's logistics committee remains in the hands of the State, run by officials seconded from the military, the police and Central Intelligence Organisation. This is the most important committee yet ZEC staffers do not have control over its operations. There is a need to demilitarise this committee if our elections are to be truly credible, free and fair.*[141]

The opposition's view was not shared by the ruling party. The ZANU-PF's Secretary for Legal Affairs, Paul Mangwana, who said:

> *ZEC is running its business without interference from ZANU-PF or the government. We are happy and all we wait for as ZANU-PF is for ZEC to provide all necessary logistics that will allow Zimbabweans to freely choose their leaders. The MDC will always complain because they do not have support on the ground. They can certainly smell an electoral defeat and are already looking around for reasons to explain their impending loss. They are looking for excuses to explain their perennial failure to win elections (ibid).*

Closer to the election, when the opposition marched on 4 June 2018, demanding electoral reforms, President Mnangagwa who had signed the 28 March 2018 Electoral Amendment Act responded by saying:

> *They are enjoying democracy which exists in this country. I think they are so happy that there is an environment where they can express themselves right, left and centre. But, of course, in relation to the forthcoming harmonised elections, already, less than two weeks ago, I signed into law the reforms relating to the Electoral Act, so the playing field is perfectly level.*[142]

[139] https://www.zesn.org.zw/wp-content/uploads/2018/01/Free-and-fair-elections.pdf
[140] https://www.zesn.org.zw/wp-content/uploads/2018/04/FINALISATION-OF-ELECTORAL-LAW-REFORM-CRITICAL-TO-CREDIBLE-ELECTIONS-ZESN.pdf
[141] https://www.newsday.co.zw/news/article/68082/electoral-laws-reform-remain-superficial

[142] https://www.herald.co.zw/let-them-march-says-president-the-playing-field-is-perfectly-level/

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

On 4 July 2018, the ZESN and other members of the ESR were invited to an ambassadors' meeting with the SADC Ambassadors accredited to Zimbabwe. The Civil Society representatives of the ESR had an opportunity to provide an update to the Ambassadors on the electoral preparedness of the country ahead of the Harmonised Elections.

## Post -2018 Elections to 2023: Dashed Electoral Reform Expectations

Despite some progressive electoral reforms acknowledged in the 2018 Election Report by the ZESN, the 2018 Harmonised Elections still fell short of satisfying the standards for democratic elections. Perhaps nothing illustrates this point more than the number of recommendations proffered by independent election observer missions to Zimbabwe's 2018 Harmonised Elections. The ZESN put together these reforms in a Compendium of Election Observers Recommendations.[143] The main purpose of the compendium was to facilitate consideration of the recommendations by the Zimbabwean authorities and organisations, including the government, Parliament, the ZEC and other independent commissions, political parties, CSOs, oversight and regulatory bodies, and the media, by making them available in a single document (ZESN, 2023 Pre-Election Update 1).[144] Based on this Compendium, the ZESN then produced a tracking tool to monitor the implementation of these recommendations.

The Compendium reviewed the legislative and electoral framework against the Zimbabwean Constitution, regional and international principles, and standards governing the conduct of democratic elections. In the Compendium, of the 223 recommendations that were proffered by the various local, regional, and international EOMs that observed the July 30 2018 Harmonised Elections, 115 were streamlined into 15 thematic areas to cover several themes that include: electoral and legislative framework, election administration, media coverage, the conduct of civic and voter education, holding of inclusive elections, polling, election observation, results management and electoral justice.

On 24 August 2018, a post was made on a Twitter handle of the President of Zimbabwe, Emmerson Dambudzo Mnangagwa, reading, "... Just as with the insights received from the international monitors, *we will accept and implement all recommendations* (emphasis added) to further improve our democratic processes". On 17 September 2018, the ZESN called upon the ninth Parliament to prioritise comprehensive electoral reforms. Having been selected as an NGO with African Union Observer status, the ZESN attended the 63rd Ordinary Session of the African Commission on Human and People's Rights in Banjul which ran from 24 October to 7 November 2018. The Network took this opportunity to scale up its advocacy at a continental level, escalating its post-election recommendations.

Towards the end of the year, the Network submitted a petition to Parliament on 3 December 2018, briefly highlighting areas in respect of which electoral reform was needed.[145] More elaborate position papers on the electoral reform issue were produced in the next year covering: mechanisms to increase the representation of women in elections and governance in Zimbabwe; the participation of the PwDs in elections; the independence of the ZEC; delimitation ahead of 2023; coverage of elections by the media; political parties financing; diaspora voting; youth participation in governance processes; election results management; and the role of traditional leaders in elections.[146] On 10 December 2018, the ZESN presented its 2018 harmonised elections observation Report to the ZEC, highlighting the key observations and recommendations and emphasising, among other things, the need for further amendment of the Electoral Act.

[143] https://www.zesn.org.zw/wp-content/uploads/2019/06/ZESN-Compendium-of-Election-Observers-Recommendations.pdf
[144] https://www.zesn.org.zw/wp-content/uploads/2023/07/Pre-Election-Updates-January-to-May-2023.pdf
[145] https://www.zesn.org.zw/wp-content/uploads/2018/12/Electoral-Petition-to-the-Parliament-of-Zimbabwe.pdf
[146] https://www.google.com/search?q=ZESN+position+papers&sca_esv=561694184&rlz=1C1CHBF_enUS1040US1040&sxsrf=AB5stBgwGnfG_VTTjUZ0YLcRWrZG8p4dfA%3A1693506732953&ei=rNzwZKygOey9kPIP_v2TwAo&ved=0ahUKEwispveZxIeBAxXsHkQIHf7-

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On 25 January 2019, the ZESN joined other voices in calling for an inclusive national dialogue to find solutions to prevailing political and socio-economic challenges that had resulted in violent protests and the heavy-handed response by the security forces resulting in deaths and injury of civilians.[147] Among other things, the ZESN called upon the government to invest in efforts that would promote national healing, peace and justice in light of the residual mistrust amongst some election stakeholders as a result of contested electoral outcomes that had played out through violent post-election demonstrations. The Network urged the government to set up an Electoral and Political Reforms taskforce comprising parliament, political parties, CSOs, and churches to closely monitor the implementation of recommendations by local, regional, and international election observers to ensure that they were implemented timeously before the 2023 elections.

On 7 February 2019, the ZESN reiterated the call for dialogue in light of President Mnangagwa's call for dialogue with political parties that had participated in the 30 July 2018 Harmonised Elections.[148] The Network emphasised the need for the dialogue to be inclusive of all electoral stakeholders, beyond political parties and noted the imperative for the dialogue to culminate in an electoral and political reforms taskforce that would expeditiously spearhead much needed reforms for future electoral processes. The ZESN also called on the ZEC to convene an all-inclusive Electoral Reforms Working Group that could include all institutions supporting democracy listed in Chapter 12 of Zimbabwe's Constitution, Parliament, Political Parties, CSOs, and Eminent Persons, to strengthen the integrity of electoral processes. The Network emphasised the importance of the pathway to the next election to be defined by a comprehensive electoral and political reform process established and implemented by all key stakeholders to ensure that future election processes are devoid of disputes that have bedevilled previous elections.

The ZESN intensified its efforts in advocating electoral reforms. The Network held post-election meetings in all the countries' 10 Provinces, the first in Harare which was intended to gather CSOs' views on the 2018 Harmonised Elections, establish consensus on key electoral reform areas and to collect input in preparation for the ZESN all-stakeholders' conference which was subsequently held in March 2019. In the same month of March, following an invitation from Parliament, the ZESN made oral submissions on the petition. After the March conference, nine more consultative discussions were held in the remaining nine Provinces between May and June 2019. These meetings brought together provincial stakeholders to discuss various issues pertaining to the different components of the previous electoral cycle, including electoral reforms. The ZESN managed to engage critical stakeholders on the outstanding electoral legislative framework, political, and administrative reforms that need to be instituted ahead of 2023.

On 17 May 2019 President Mnangagwa launched the Political Actors Dialogue (POLAD) bringing together leaders of 17 out of 23 Presidential candidates that had participated in the 2018 Harmonised Elections. Among other things, the President said that, "this journey we are embarking on, must ultimately lead us towards improving our democratic practices and culture."[149] The President reiterated that he was willing to take on board views from any Zimbabwean as he said during his inauguration in 2017.

BKgQ4dUDCBA&uact=5&oq=ZESN+position+papers&gs_lp=Egxnd3Mtd2l6LXNlcnAiFFpFU04gcG9zaXRpb24gcGFwZXJzMgUQIRigAUj3JlCKBliZJHABeACQAQCYAZUBoAGxDqoBBDEuMTS4AQPIAQD4AQHCAgQQIxgnwgIHEAAYDRiABMICCBAAGAUYHhgNwgIIEAAYCBgeGA3CAgYQABgeGA3iAwQYASBBiAYBB&sclient=gws-wiz-serp#ip=1

[147] https://www.zesn.org.zw/wp-content/uploads/2019/02/Inclusive-national-dialogue-key-to-finding-solutions-to-prevailing-political-and-socio-economic-challenges-ZESN.pdf

[148] https://www.zesn.org.zw/wp-content/uploads/2019/02/National-Dialogue-must-result-in-comprehensive-electoral-and-political-reforms-ZESN.pdf

[149] https://www.herald.co.zw/just-in-president-launches-polad/

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The ZESN again reiterated the call for dialogue on 23 May 2019.[150] This was at a time when some political parties which had participated in the Harmonised Elections were not participating in the political dialogue raising issues around the legitimacy of the dialogue, which issues, in the view of the ZESN, merited consideration by the conveners of the dialogue, so that no political player was left out. The Network reiterated the position that the dialogue needed to be inclusive of all electoral stakeholders, particularly as the CSOs continued to be excluded in the National Dialogue process.

The ZESN acknowledged the establishment of an inter-ministerial taskforce to address recommendations and issues raised by the various election observer missions as well as the Motlanthe Commission. The Network, however, encouraged that the dialogue culminated in an Electoral and Political Reforms Taskforce or a Working Group comprising of Parliament, Institutions supporting democracy, Political Parties, CSOs and FBOs and other key stakeholders to closely monitor the timeous implementation of recommendations proffered by local, regional, and international election observers ahead of the 2023 elections. To the ZESN, the national dialogue needed to ensure inclusive and comprehensive discussions on electoral and political reforms so that future electoral processes would not be disputed and would comply with domestic, regional and international standards that govern the conduct of democratic electoral processes.

Following up on the March 2019 oral presentation on the petition before Parliament by the ZESN, the Network facilitated a workshop for the Justice Committee, held on 4 June 2019, at which experts spoke on the issues contained in the petition. Addressing the Parliamentary Portfolio Committee on Justice, Legal and Parliamentary Affairs and Civic Society, including the ZESN, Speaker of Parliament, Honourable Advocate Jacob Mudenda, said the petition had come at an opportune time to strengthen the country's democratic processes, urging urgency in dealing with electoral reform:

> *Let us be mindful of some sense of urgency on this matter of trying to achieve free, fair, transparent and credible elections in 2023. Thus, the time to start the process of electoral reforms is now, before the lapse of the First Session of the Ninth Parliament. Within two months, we must produce a prototype electoral law that will satisfy our aspiration for free, fair, transparent and credible elections in 2023.* [151]

Mudenda hailed the ZESN for the work it was doing in the electoral law reform process, noting that the ZESN's petition was an important pillar in democracy:

> *This petition, therefore, comes at the most vital moment in that it creates thorough leverages to interrogate and take stock of our electoral laws, identify gaps and shortcomings in our electoral system that can be refined in order to promote and enhance democracy, transparency and an effective democratic electoral system. It is, therefore, appropriate and salutary that the petitioners are now desirous of seeing electoral law reforms which beckon Zimbabwe to embrace and implement its commitments under the African Charter on Democracy, Elections and Governance as well as the SADC Principles and Guidelines for Democratic Elections so that the electoral law creates clear voting related rights.*[152]

[150] https://www.zesn.org.zw/wp-content/uploads/2019/05/Final-ZESN-Press-Statement-on-National-Dialogue-PDF.pdf

[151] https://www.herald.co.zw/poll-reforms-complete-in-two-months/

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In the same remarks, Hon. Advocate Mudenda also said that while desirous of strengthening democracy, there was need for caution about what constitutes international best practices, "We have to be really guarded because who are these people who define international best practices? I think here they talk of democracy in the mould of Western countries, but elections do take place in Eastern countries also. Some under one-party State, some if they are lucky under a two-party State and for some it's a family affair".[153] He added that the same Western countries that pose as paragons and advocates of democracy do immeasurable trade with some of the countries with the worst human rights records, with the template and benchmarks changing when it comes to Africa. Mudenda added that democracy evolved in Western countries over 300 years in some cases, often with gory tales of murder and coups. Africa and Zimbabwe in particular, Mudenda said, were being criticised for lagging in terms of implementing gender parity, yet the movement started way back in England around 1919. The Chairperson of the ZESN, Andrew Makoni, pointed out that it was important for legislators to look into the issue of electoral reform now when they had sufficient time before the 2023 elections.

This was followed up by an All-Stakeholders meeting held from 27 to 28 July 2019 organised by Parliament and the Southern African Parliamentary Support Trust (SAPST) to provide an opportunity to more stakeholders to deliberate on the petition.[154] This meeting was attended by Speaker of Parliament, the Minister of Justice, Legal and Parliamentary Affairs, legislators from the Parliamentary Portfolio Committee on Justice and Legal Affairs, the President of the Chiefs' Council, ZEC Chairperson and representatives from the ZEC Secretariat, members of the Zimbabwe Gender Commission, Zimbabwe Media Commission and the ZEC, ZRP Deputy Commissioner General and CSOs working on democracy. At the meeting, the Minister of Justice, Legal and Parliamentary Affairs, Ziyambi Ziyambi, noted that the government was committed to political and electoral reforms to enhance democracy in Zimbabwe, adding that an Inter-Ministerial Committee had been set up to deal with electoral reforms and a report would be presented to the President and Cabinet for approval. He also noted that the government was currently reviewing the AIPPA and POSA and would extend the gender quota system in Parliament.

*Participants at the all stake holders meeting in Kadoma*

[152] https://www.herald.co.zw/poll-reforms-complete-in-two-months/
[153] https://www.herald.co.zw/poll-reforms-complete-in-two-months/
[154] https://kubatana.net/2019/07/30/activity-highlight-on-the-all-stakeholders-conference-on-the-zesn-electoral-reforms-petition-held-in-kadoma/

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The workshop resolved that there was a need to strengthen the country's democratic processes and the credibility of elections through electoral reforms and that these would instil public trust and confidence in electoral processes and ensure that the country attracted investment. One of the resolutions of the all-stakeholder conference was that the ZESN would coordinate the CSOs in crafting and submitting to Parliament a Draft Electoral Amendment Bill proposal or Model Law in order to expedite the reform process. Pursuant to the request by Parliament, the ZESN worked on drafting the Draft Bill, widely consulting stakeholders in the process, particularly the CSOs, going beyond its Network members. The ZESN submitted the first Draft Electoral Amendment Bill to Parliament on 24 October 2019.

Acknowledging the wide reach of radio, 43% of the national audience in all 10 provinces of the country, the ZESN capitalises on this communication channel to reach out to a wide audience. For example, in 2019, ZESN used radio programmes to disseminate information on electoral reforms through national and local radio stations such as Star FM; ZiFM; Radio Zimbabwe; Capitalk FM; VOA; Alpha Media's Heart and Soul; Community Radio Harare; and Diamond FM in Manicaland. Among other things, the programmes focused on discussing the electoral reforms that ZESN was calling for and the related interventions that the Network was engaged in, for example, in 2019 a 65-seconder bi-lingual jingle on electoral reforms was produced for the Shona and Ndebele communities.

The jingle was played on air three times a day during peak, semi-peak and off-peak time. The ZESN also flighted a 90-second English promotional jingle on electoral reforms during peak and semi-peak time. These are just a few examples of the several ways in which the Network utilised the radio platform for communicating on electoral matters to the public.

On 25 June 2020, the Chairperson of the Portfolio Committee on Justice, Legal and Parliamentary Affairs Honourable Misheck Mataranyika presented a report before the 9th Parliament on electoral reforms, based on the ZESN's petition. The report proffered a number of recommendations and implored the Executive to urgently review the electoral law in compliance not only with the government's national and international undertakings, but also with the provisions of the Constitution.

On Thursday 24 September 2020, the ZESN launched the Draft Comprehensive Electoral Amendment Bill proposal.[155] The virtual launch was attended by a total of about 140 participants, including Members of the Parliamentary Portfolio Committee on Justice and Legal Affairs, ZESN members, other CSOs, CBOs, ZEC Commissioners, representatives from other Chapter 12 Commissions, political parties' representatives, ZESN partners, electoral experts from the region, and members of the public. The then Acting Chairperson of the Portfolio Committee on Justice, Legal and Parliamentary Affairs, Hon. Dr Joshua Murire highlighted that after the Committee received a petition from the ZESN, it undertook public consultation as required by the Constitution. He also informed the meeting that the Committee would continue to engage the Minister of Justice on the Draft Bill, until the debate on the Draft Bill was concluded.

Moving beyond the compilation of recommendations proffered by the EOMs that observed the 2018 Harmonised Elections to produce a Compendium of Election Observer Missions Recommendations, the ZESN started tracking the implementation of electoral reforms. The thematic assessment adopted was based on desktop research, the Bill tracker shared by the Inter-Ministerial Taskforce on the Alignment of Legislation to the Constitution, and information gathered from both formal and informal meetings with key policymakers such as MPs, representatives of various Ministries and Chapter 12 Institutions, among others.

[155] https://kubatana.net/2020/09/28/launch-of-the-draft-comprehensive-electoral-amendment-bill/

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

In this vein, the first report on implementation progress was published at the end of the year 2020, covering the period after the 2018 Harmonised Elections to the end of 2020.[156] This was followed by one that covered the period from January to July 2021. Similar reports have been published covering subsequent periods. The process of the tracking of reforms implementation progress led the ZESN to express concern over the slow implementation pace and its assessment of Constitutional Amendment Number 2 that had been introduced. [157]

In the years 2020 and 2021, much of the engagement on the Comprehensive Electoral Amendment Bill proposal was done using virtual platforms in compliance with the COVID-19 protocols. The ZESN identified a team of "ZESN Bill Champions" which was a group of 11 Members of Assembly and five support from the Parliament of Zimbabwe who were identified to have a vested interest in electoral reform issues. The Network engaged with this group virtually and physically in order to continue strengthening the provisions of the proposed Bill.

On 28 May 2021, the ZESN attended an ERC facilitated meeting with the POLAD principals to discuss the draft Electoral Amendment Bill proposal submitted to Parliament by CSOs.[158] All 18 political parties that constituted the POLAD were represented at the meeting. Talking about the meeting, Paul Mangwana who represented the ZANU-PF said most of the proposals by the civil society were progressive and highlighted some areas of agreement and disagreement:

> *We are looking at the whole election management system, interrogating the proposal from ZESN. There are areas where we are agreeing; some areas need further consultations within our political parties and there are also areas where we do not agree. We are looking at areas where we can have consensus and then make a joint proposal on the Electoral Act. When vote counting is taking place political party agents must be there so that they can all agree on the outcome. But there are areas in which we think they have gone a bit too far. For example, the government should play a role when it comes to the invitation of foreign election observers. We have disagreed with the proposal in which they say ZEC should approve the foreign observers who come into the country. We said no, this is a security matter and the State must play a key role in admitting or denying them entry into the country.* [159]

Another member of the POLAD, the president of the NCA party, Professor Lovemore Madhuku, said the deliberations on electoral and political reforms were meant to ensure an improved environment by 2023:

> *We are going through the whole Electoral Act and all other laws that are related to elections, proposing the reforms that we would want to see. For example, we have already agreed that blind voters can use braille and must no longer be called assisted voters. We should have braille ballots that are accessible by blind voters.* [160]

Yet another member of the POLAD, the People's Rainbow Coalition (PRC) president, Lucia Matibenga, said the proposed electoral and political reforms were meant to ensure that the 2023 elections outcome would be undisputed. She said, "A disputed election has negative effects on the country. When noise is coming from inside our country, it gives a picture out there of a country that is in turmoil, a country in dispute with itself". [161]

[156] https://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-Tracking-tool-report.pdf
[157] https://www.zesn.org.zw/wp-content/uploads/2015/10/ZESN-CONCERNED-WITH-THE-SLOW-PACE-OF-IMPLEMENTATION-OF-ELECTORAL-REFORMS.pdf
[158] https://kubatana.net/2021/05/31/erc-holds-electoral-reform-workshop/
[159] https://www.sundaymail.co.zw/polad-discusses-electoral-reforms
[160] https://www.sundaymail.co.zw/polad-discusses-electoral-reforms
[161] https://www.sundaymail.co.zw/polad-discusses-electoral-reforms

***Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)***

Between 13 and 16 December 2021, the ZESN participated in an Electoral Amendment Bill Write-shop organised by the Ministry of Justice, Legal and Parliamentary Affairs.[162] An All-Stakeholders Workshop on the ZESN Petition on Electoral Reforms was held between 28 and 31 May 2022. In his keynote address during the workshop, Hon. Advocate Mudenda said he was disappointed by delays in amending the country's electoral laws which were mooted in 2021.[163] Extracts from the Speaker of Parliament, Advocate Jacob Mudenda, lengthy remarks are reproduced below:

> *... We are gathered here because it is morally right in accordance with the constitutional dictates that Parliament is there to make laws for peace, order and good governance of Zimbabwe as provided for in Section 117 (2) (b) of the Constitution of Zimbabwe. One such law which has prompted us to meet here is the electoral law that has to be refined in order to achieve peace, order and good governance in the context of our political electoral processes, more so as we beckon the 2023 harmonised elections. We indeed also gather here as kinsmen who are Zimbabwean citizens desirous of coming up with a robust electoral law whose legal vigour and vitality should stand the test of time in ensuring that our elections, at any given time, are peaceful, free, fair, and credible to us Zimbabweans and the election observers. However, the key constitutional factor that we have to peremptorily adhere to as we reform our electoral law is provided in Section 157 (4) of our Constitution which provides that: 'No amendments may be made to the Electoral Law, or to any subsidiary legislation made under that law, unless the Zimbabwe Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered' (emphasis in the original). To that extent, I implore ZEC to be extremely candid and brutal in the consultative process such as this one we are undertaking through the auspices of this workshop. The ultimate law which must emerge as an output of this workshop should measure up to ZEC's expectation and that of Zimbabwe citizenry. In other words, the law must have the integrity of its purpose and intent...*

In language that raised hope for the final resolution of the electoral reform conundrum, the Speaker of Parliament, Honourable Advocate Jacob Mudenda, continued:

> *... allow me to extend my profound commendations to the Portfolio Committee on Justice, Legal and Parliamentary Affairs and ZESN for organising this All-Stakeholders Workshop to conclude the journey on reforming our Electoral Law which began in 2019 (emphasis added). As such, we meet against the backdrop of the several consultative meetings between the Committee and ZESN which has culminated in the Draft Electoral Amendment Bill here before us today... I am, therefore, emboldened by the belief that our workshop today and tomorrow will foster an effective and meaningful interface which will lead to the tabling of a polished Electoral Bill in parliament much earlier before the 2023 harmonised elections do take place. However, since the Ministry of Justice, Legal and Parliamentary Affairs and ZEC are not present because of unforeseen circumstances, I direct the Committee to conduct an oral session with the two key stakeholders to validate or invalidate some of the conclusions of this workshop output.*

The Speaker of Parliament, Honourable Advocate Jacob Mudenda, emphasised the need to bring the Electoral Act into conformity with the Constitution, noting that, "The primacy of this law lies in creating an enabling electoral environment which allows the electorate to choose who should govern them and how they should be governed after assessing the manifestos of contending political parties". He also spoke about the need to, "introspect on how we have been adjudged the international community in the way we have previously conducted our elections as demonstrated in the reports by various Observer Missions".

[162] https://www.zesn.org.zw/alignment-of-the-electoral-act-to-the-constitution/eu/6392/42/00/18/19/11/2023/tinashe/
[163] https://zwnews.com/parly-speaker-jacob-mudenda-not-happy-with-delays-in-amending-electoral-laws/

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

Advocate Mudenda equally emphasised the need for the resultant electoral law to be in alignment with the protocols of the AU and the SADC, bodies that Zimbabwe as a member State of.

The Speaker of Parliament expressed disappointment at the lack of progress on electoral reform, saying:

> *Flowing from the above constitutional provisions and pursuant to the need to enhance and expand the democratic dispensation in Zimbabwe, Parliament is currently seized with completing the alignment of laws to the constitution and Electoral Law reforms. These efforts are meant to ensure that the 2023 harmonised elections are free, fair, transparent and credible to the extent that they reflect the true democratic will of the people of Zimbabwe. Free, fair, transparent and credible elections do create a positive investment environment which normally attracts both domestic and foreign investors… It is my contention that the law is not static, and defects ought to be corrected, amended and reviewed in order to accord the populace good laws under which they ought to be governed… I must commend the Zimbabwe Electoral Commission which has not been sitting idly. I was pleased to learn of the amendments they intend to make to the electoral law during the Post Legislative Review Workshop hosted by the Parliamentary Legal Committee and the Law Development Commission held in Kariba in June 2021. However, to my utter disappointment, it is now almost 12 months and no purported amendments have been tabled before Parliament. We must move from mere talk shows and take further steps to make sure that Parliament is seized with these reforms before the 2023 harmonised elections....*

At the workshop, among other things, Mudenda said, "should the diaspora vote take currency, there is a need to amend the Constitution to encapsulate the diaspora vote. Further, amendments to the Electoral Act should clearly specify the procedures and mechanisms for registration and voting for citizens in the diaspora". In the aftermath of the workshop, the ZANU-PF's Spokesperson, Christopher Mutsvangwa, was quoted as having said:

> *It's okay for Parliament, as the electorate of the sovereign people of Zimbabwe to express their certain views. We also belong to a party and we have the majority. It's unbecoming when some of our members express views in Parliament about certain issues. We have a caucus at the party. Why would somebody from the ruling party want to go and express things about the diaspora … Under the current legislative framework, Zimbabweans living abroad cannot vote… We should discuss them here. To go out and start talking out of turn is not the ZANU-PF way. There is no problem in having variant views, but let's discuss them if you are a party member. As the spokesperson of the party, I appeal for discipline from our party members.*[164]

***Hon.Adv. J.F.N.Mudenda, Speaker of Parliament***

[164] http://www.newsdzezimbabwe.co.uk/2022/06/zanu-pf-attacks-mudenda.html

*Electoral Reform: Dashed Post-GNU Era Expectations in the Continuing Arduous Journey (Cont ...)*

Subsequently, media stories claimed that the Speaker of Parliament was barred from attending the ZANU-PF's politburo meeting because of his sentiments on (in part) the diaspora vote.[165] On the contrary, the ZANU–PF Political Commissar and Acting Spokesperson, Mike Bimha, reportedly said the Speaker was excused by the President to attend the question-and-answer session in Parliament. The newspaper story claimed that the Speaker was cautioned by the President:

> *We are a party united by our shared ideology and common values. All of us are subject to the collective wisdom of the party. The correct party line must be adhered to once a collective decision has been made. Personal views and opinions must never be smuggled to assume the status of being a party policy.*

According to the newspaper story, when contacted for comment, Mudenda curtly said before dropping the call, "That's nonsense".[166] The final version of the Draft Bill was submitted to Parliament in September 2022.

In spite of the hopes that had been raised by the trajectory the Draft Electoral Amendment Bill proposal had followed, the 2023 harmonised elections were held without the adoption of meaningful electoral reforms. On 14 July 2023, the President signed into law the Criminal Law Codification and Reform Bill (infamously dubbed the 'Patriotic Bill') introduced in 2022. The Act, whose feared effect is silencing criticism, might adversely affect how the ZESN conducts its advocacy, particularly with external and diplomatic stakeholders. The Act introduces a new offence of wilfully injuring the sovereignty and national interest of Zimbabwe. A law that is that vague and generalised can easily entrap an innocent person without a warning. Moreover, the vague law delegates policy matters to law enforcement authorities and judges to apply them on ad hoc subjective grounds. As a result, citizens, politicians, activists and CSOs members in particular are vulnerable to any interpretation of this law.

In addition, the proposed amendments to the PVO Act affected the ZESN in a major way as they were already being implemented before assent in some areas, for example, the Mashonaland West Province. The problematic provisions related to the need to seek consent before implementing activities, which is cumbersome and often slowed down implementation. The proposed amendments to the PVO Act gagged the CSOs and limited their ability to reach the citizens as part of the electoral reform discourse owing to self-censorship and the dwindling of resources that resulted from the risks associated with funding unregistered entities. As the Executive Director of the ZESN, Rindai Chipfunde-Vava, confirmed in an interview, "*and now in view of the PVO Bill, we don't know the future of most organisations in Zimbabwe. And with cyberspace, the Patriotic Bill, the other threat now is self-censorship...*".

An Electoral Amendment Act of 19 July 2023 introduced some changes in the legislation governing the conduct of elections. The ZESN believes that while the Bill resulted in some administrative reforms, it was largely nominal, ignoring pertinent reforms that had a direct bearing on the transparency and credibility of elections. Further, some of the amendments were not implemented because they were passed after the proclamation in line with Section 157 (5) of the Constitution. As noted earlier, the ZESN started tracking the implementation of electoral reforms using its tracking tool. From 2018 to 2023, only 14 out of 115 reforms were instituted, which is testament to the lack of political will to reforms. The gaps still remain in respect of all areas: election administration, the gal framework, and the political environment in which Zimbabwe's elections are held. The Chairperson of the ZESN, Andrew Makoni, expressed disappointment with electoral reform progress as of 2023. He lamented that the ZESN had put in a great deal of effort, engaging the Parliament and other key stakeholders, but there was a lack of political will to implement the necessary reforms. Makoni strongly felt that the country lost an opportunity to do better in its election processes in 2023.

[165] https://nehandaradio.com/2022/06/11/mudenda-barred-from-zanu-pf-politburo-after-diaspora-vote-comments/
[166] https://nehandaradio.com/2022/06/11/mudenda-barred-from-zanu-pf-politburo-after-diaspora-vote-comments/

## Conclusion

Electoral reform is a contentious and polarised subject in Zimbabwe. This has been particularly so since the advent of more competitive electoral politics following the formation of the MDC in 1999. Since then, while the opposition has been perpetually calling for electoral reforms, the ruling party has been resisting, dismissing the need for any further reforms. In this context, electoral reform has been very intractable for the ZESN and Zimbabwe at large. The journey has been arduous, with some missed opportunities and marked by instances of moving forward and stepping backwards in respect of some reform issues. As is evident from this chapter, ZESN made a lot of efforts in advocating electoral reforms, engaging stakeholders in the country and the region. With continued efforts, the Network made notable headway as testified by the progress made with the proposed Comprehensive Electoral Amendment Bill, only for high expectations that arose from seemingly fruitful engagements to be dashed. Nevertheless, over the period of its existence, the ZESN has considerably contributed to progressive electoral reforms that have been adopted and implemented, fundamentally transforming for the better the manner in which elections are held in Zimbabwe.

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# CHAPTER 9: COMMUNICATING FOR ELECTORAL DEMOCRACY

## INTRODUCTION

This chapter focuses on the ZESN's Media and Information Programme. The programme's objectives include providing citizens with timely, important, accurate, and credible information about elections and the integrity of the electoral process in Zimbabwe. This is imperative against the background of high media polarisation on two extreme ends in the country, dating back to the colonial era. In independent Zimbabwe, the polarisation was fueled by the formation of the MDC in 1999 which made electoral politics more competitive. This, in part, motivated the formation of the ZESN. As the Network states in its 2000 report:

> *The information flow on some issues has been so massive and opinions have become polarised. Yet, on some equally pertinent issues there has been a massive dearth of information. Sensation and ignorance are fertile fields for the flourishing of inaccuracies. In such a situation, it is imperative to have a non-partisan, neutral and professional body not only possessing monitoring functions but also investigator capacity enabling it to verify facts on the ground. Indeed, this was one of the considerations behind the*

The Network collects, stores, and disseminates election-related information. Through its Media and Information Programme, ZESN strives to disseminate factual, accurate, and verifiable information about elections. In addition to directly disseminating credible electoral information, the ZESN's Media and Information Officer, Emilia Bundo, indicated that, "The Programme Media and Information provides capacity building for media practitioners, through training workshops and meetings, among others, to provide fair and accurate coverage of elections". Bundo also said that the Programme also serves to raise the Network's visibility through media liaison and the use of both traditional and social media, and support all other Programmes in the implementation of their activities, especially helping them to maintain online presence.

In line with the Network's Communication Policy, the Programme seeks to serve communities of interest and geographical communities with targeted information packaged in easily understandable formats. Accordingly, the ZESN uses different communication channels and means, disseminating information via email; by posting on the website; press statements; position papers; annual reports; alerts; advertorials; op-eds; supplements; monographs; books; and activity updates. The ZESN also shares information through social media platforms such as X (formerly Twitter), Facebook, and WhatsApp; radio programmes; and physically distributing printed materials such as the Ballot Newsletter (also distributed in electronic format) and other publications. The utilisation of social media platforms has particularly enabled ZESN to interact with the stakeholders, local and abroad, and through online polls and questions.

On the impact of social media, the former Media and Information Officer for the ZESN, Kevin Maenzanise, remarked:

> *When I set up the social media platforms around 2011, I would not have imagined that by the time I left (in 2019) we would have garnered more than 60,000 followers on Twitter and Facebook. The level of interaction and engagement on social media was a noteworthy achievement for the purposes of having a more engaging media strategy. My top achievement has to be the BVR campaign, where I worked with popular dancehall artist Winky D to produce the Usasare jingle whose purpose was to galvanise voters, especially the youth to register to vote under the new system. I once went to Mataga in deep Mberengwa and saw youths watching the video at the growth point – that was the highlight for me – we did it!*

*Communicating for Electoral Democracy (Cont...)*

The current Media and Information Officer, Emilia Bundo, indicated that since 2019, the ZESN has gained more followership on Twitter (now X), with the number of followers rising from 32 000 on to over 54 000 now. On Facebook, the number of followers rose by more than 1 000 more, from 33 000 to over 35 000 now. Furthermore, the use of Twitter Spaces also created a platform for two-way communication with audiences who gave their thoughts on pertinent issues raised during discussions. In 2021, the ZESN also created a feedback platform to enable citizens to send WhatsApp and short message service (SMS) giving their insights on radio programmes, flyers/posters/newsletters; the status quo, challenges communities faced.

## Ballot Newsletter

The Ballot Newsletter contains analytical articles about the political environment and other electoral issues, as well as information about the ZESN's activities and positions on specific issues. The Newsletter is translated into local languages, mostly Shona and Ndebele, which are the two major local languages by share of the population. Copies of the Newsletter are widely distributed throughout the country with the ZESN taskforce playing a critical role in the process working with public transport drivers and vendors, among others. In the early days of the ZESN, the Ballot Newsletter was printed as a magazine, later becoming a tabloid to increase print run and reach.

One example is the ZESN Ballot News Magazine, Issue no. 2 of September 2007 which covered various issues relating to the 2008 elections.[167] The intended objective of the Issue was that of 'providing a constructive platform for the exchange of viewpoints and to develop ideas about the prospects for Zimbabwe ahead of 2008 elections'. The major focus was on interpretations and implications of Constitutional Amendment Bill Number 18, a major development at the time, with very important aspects addressed, such as voter registration, the proposed 'harmonisation' of elections, the proposal to increase the number of House of Assembly and Senate seats, and 'most disturbingly', the clause that sought to allow a joint seating of the Parliament to elect a head of State in between general elections.

The ZESN's Ballot News publications elicited engagement with some readers. For example, below are two feedback letters that the ZESN received in response to Ballot News Magazine, Issue no. 1 that were published in Issue no.2:

Dear ZESN

Your ballot news (Issue No.1) of 1 March 2007 made interesting reading in more than one respect: the diverse and divergent views and interpretations of the coined operative term “harmonisation” (of the 2008 elections). Your contributors, in spite of their different interpretations of the term, are, generally, agreed that the synchronisation of the electoral process is not a bad idea after all. I would like to applaud Eldred Masunungure for his forthright article, not least of all, his definition of the term harmonisation. Personally, I hold that “harmonisation” is not the most appropriate term, given the array of the other more suitable synonyms, to readily choose from. Using other terms, the 2008 elections will be synchronised or rationalised. In business parlance, to rationalise is to reform by re-organizing industry so as to get rid of waste. Rationalisation can also mean to take place concurrently or simultaneously. I am happy to observe that Eldred, in his contribution, explained harmonisation in different ways and words to the advantage of the general public. I profess that those who came up with the term harmonisation have the unenviable task of convincing me that their definition of the term is the most appropriate one. I would want to acknowledge my respect for the views expressed by your contributor Peter Tendaiwo Maregere in the same issue of the ballot news. I like people who offer their views impartially and in a non-partisan manner.

Anonymous Lupane

[167] https://www.zesn.org.zw/wp-content/_protected/biannual/newsletter_7.pdf

***Communicating for Electoral Democracy (Cont...)***

Dear ZESN

I was excited to read your issue of the Ballot News, March 2007, in particular the different ways in which your contributors tackled the issue of 'election harmonisation'. It was refreshing to note that the debate varied from legal understanding of the proposed harmonisation to social implications of the Bill. It was also very important that some of your contributors argued that harmonisation was not even part of the 'Zimbabwean problem'. Instead of paying particular attention to the Bill that seeks to bring the harmonisation, some of your contributors were analytical enough to seize on the current discussions around the Bill and bring out the real problems bedevilling the country. They brought out important issues that the Bill does not address but are very pertinent in the Zimbabwean crisis. Some pointed on issues like curtailing of the freedoms of assembly, expression and movement, the issue of political intolerance, the impartiality of electoral management bodies' staff and unequal access to the media which are issues I believe are very important and highly inimical to efforts aimed at promoting democracy in the country. I urge you to continue looking for such diverse and informative contributors. I look forward to reading your next issue.

S. Paratema, HARARE

As noted earlier, the ZESN also makes attempts to use local languages rather than just English to cater for some audiences in providing information about elections. In this regard, Ballot Newsletter, Issue 8 of September 2012 carries a story in Shona and Ndebele on the ZESN views relating to the holding of elections in March 2013.[168] In the Newsletter, the ZESN highlighted issues that it thought needed to be attended to first before the holding of the election. The use of the two local languages was meant to benefit those in Zimbabwe's two largest ethnic groups who may not understand English. Issue 10 of 2012, provided information on progress and gaps with regards to electoral reform in 2012, again with versions in Shona and Ndebele.[169]

In a January 2013 Ballot Update Bulletin, Issue 1 of its Newsletter, the ZESN addressed the subject of the importance of political parties' funding.[170] Ballot Newsletter, Issue 3 of 2022 addresses the critical topic of delimitation through a question-and-answer presentation to inform the electorate about the process.[171] The Issue addressed the following important issues: what the process was all about; why the process was conducted; whose responsibility it was to conduct the process; key considerations and principles in the process; the link with voter registration; how citizens could participate in the process; and the outcome of the process.

In its *Ballot Newsletter, Issue 2* of 2023, during the commemoration of the National Youth Day (21 of February), the ZESN implored youth to actively participate in electoral processes in line with Section 67 of Zimbabwe's Constitution ahead of the 2023 harmonised elections. The National Youth Day was established to recognize youths and their contributions to different areas in the country. Recognizing the Youth Quota in Parliament, the ZESN called for more measures to ensure representation of youth in all public office and leadership positions from local up to the national levels. The same *Newsletter* addressed the topic of election violence, answering questions such as what it is; how it manifests; when it occurs; how it affects electoral processes; and what must be done to deal with it and the responsibilities of different stakeholders. The Newsletter also carried a story on the disputed delimitation process that was conducted by the ZEC ahead of the 2023 elections.

[168] https://www.zesn.org.zw/wp-content/_protected/images/ballots/ZESN%208th%20Edition.pdf
[169] https://www.zesn.org.zw/wp-content/_protected/images/ballots/ZESN%2010th%20Edition.pdf
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[171] https://www.zesn.org.zw/wp-content/uploads/2022/08/Zimbabwe-Election-Support-Network-Ballot-Newsletter-Elections-Bulletin-Issue-03.pdf

*Communicating for Electoral Democracy (Cont...)*

In its *Ballot Newsletter, Issue 2* of 2023, during the commemoration of the National Youth Day (21 of February), the ZESN implored youth to actively participate in electoral processes in line with Section 67 of Zimbabwe's Constitution ahead of the 2023 harmonised elections.[172] The National Youth Day was established to recognize youths and their contributions to different areas in the country. Recognizing the Youth Quota in Parliament, the ZESN called for more measures to ensure representation of youth in all public office and leadership positions from local up to the national levels. The same *Newsletter* addressed the topic of election violence, answering questions such as what it is; how it manifests; when it occurs; how it affects electoral processes; and what must be done to deal with it and the responsibilities of different stakeholders. The Newsletter also carried a story on the disputed delimitation process that was conducted by the ZEC ahead of the 2023 elections.

*Issue 4* of the 2023 *Ballot Newsletter* provided information relating to different aspects of elections, including access to information by the PwDs.[173] The Issue addressed the issue of access to electoral information by the PwDs in terms of inclusivity requirements, tying it to constitutional provisions under which State institutions and agencies of government are obligated to "encourage the use and development of forms of communication suitable for persons with physical and mental disabilities." These Ballot Newsletters have been very impactful, especially as they are also available in hard copy version, which helps cater for audiences that would not be able to access them online. The number of Ballot Newsletters produced per year varies, ranging from 1 000 to 125 000 copies between 2009 and 2023 for example.

## Media Practitioners' Reporting Capacity Building

One of ZESN training workshops for media practitioners was conducted from 26 to 27 August 2010, targeting editors and journalists. The objectives were to equip media practitioners with election reporting skills and make them understand more the work of the ZESN. This workshop provided a platform to review the 2008 elections and reflect on specific issues relating to electoral reforms in the country. A range of stakeholders were invited with the aim of making the workshop informative. Among others, this workshop was attended by the then ZEC Chairperson, Justice Simpson Mutambanengwe; the late prominent academic, Professor John Makumbe, and directors of several CSOs. The workshop, the issues discussed, and positions reached, received wide coverage in both public and private media.

From 13 to 14 December 2012, the ZESN conducted another workshop for journalists in Kadoma which was attended by media practitioners from both the State and private media as well as freelance journalists. The workshop was a platform for the interrogation of the Electoral Amendment Act, 2012 and examination of election-related issues in the draft constitution. Importantly, the workshop also addressed the role of the media during election time, with political parties sharing their views based on their experiences. Journalists were capacitated for safe, effective and comprehensive election reporting, covering the whole electoral cycle, and an election toolbox was also discussed.

[172] https://www.zesn.org.zw/wp-content/uploads/2023/03/February-Newsletter-Issue-02.pdf
[173] https://www.zesn.org.zw/wp-content/uploads/2023/06/Newsletter-Issue-04-web.pdf

*Communicating for Electoral Democracy (Cont...)*

On 13 June 2022, the ZESN convened a virtual training workshop for freelance journalists to strengthen their capacities on election reporting as well as raise awareness on key electoral processes.[174] The main objective was to equip journalists with knowledge of aspects of the whole electoral cycle and ensure reportage beyond polling day activities only. The ZESN resource persons presented on the roles of the media in setting the agenda and informing the public; the importance of election observation and different observation methodologies and their focus, strengths, and shortcomings; and the role of the media with regards to electoral reform as well as the importance of the familiarisation of journalists with the country's electoral history and governing frameworks at and beyond the country level. Emphasis was put on the importance of properly considering elections as a process rather than an event.

From 1 to 2 September 2022, the ZESN held a Media academy on electoral processes for media content producers to inform and educate media practitioners on the delimitation of electoral boundaries in Zimbabwe. The academy was also intended to examine challenges and opportunities in election reporting and proffer recommendations. The academy brought together 44 participants, including 35 print, broadcasting, online media practitioners and freelancers from across the board in Zimbabwe. The media practitioners were from the ZBC, Zimbabwe Newspapers (both print and radio division), Alpha Media Holdings, AB Communications, Voice of America, Sly Media, 263 Chat, *The Mirror*, *The Sun*, Yes Trust, Tell Zim and Open Parly. The academy was also attended by the Chairperson of the Zimbabwe Media Commission, Professor Ruby Magosvongwe, and the Acting Secretary, Academy Bvumayi Chinamhora, as well as the Chief Executive Officer of the Gender Commission, Mrs. Virginia Muwanigwa. Commenting on the importance of the media capacity building workshops, and in reference to the 2022 one, the Media and Information Officer for the ZESN, Emilia Bundo, said in an interview:

> *The media training which provided effective engagement on key electoral processes, such as electoral reform discourse, by-elections, voter registration, and boundary delimitation saw improved understanding of electoral processes by the media in their reportage or coverage, leading to unbiased electoral reportage.*

The ZESN hosted a one-day Media training workshop on Violence Against Women in Elections (VAWIE) and Gender Sensitive Reporting on 29 June 2023. The objective of the workshop was to inform, educate as well as raise awareness among media practitioners on the VAWIE and to build capacities on gender sensitive media coverage. The workshop was attended by about 75 participants, including representatives from the ZMC and the GC; a member of the Board of ZESN; the Editor-in-Chief and correspondents of the ZimFact; the Programming and News and Current Affairs team of the ZBC; editors and reporters from the Alpha Media Holdings, Zimpapers, Jester Media, AB Communications, Zimbabwe Daily, and New Ziana; journalists from 263Chat, Sly Media TV, SABC News, and The Observer; Freelance Journalists; and CSOs.

## Press Statements and Activity Highlights

Press statements and alerts cover various electoral issues and are widely disseminated through the ZESN mailing lists, including to daily newspapers, to ensure wider coverage. Each year between 2014 and 2023, the ZESN produced an average of 22 press statements. Activity updates help keep the ZESN members, the media and partners informed on the activities of the organisation. Like press statements and alerts, the ZESN activity-updates have been widely circulated, cited and referred to by various media houses and, in some instances, prompted follow up interviews. Detailed features and news articles have also been written by various media houses. Between 2017 and 2023, the ZESN was cited in newspaper articles ranging from 81 to 269.

[174] https://www.zesn.org.zw/wp-content/uploads/2022/08/Zimbabwe-Election-Support-Network-Ballot-Newsletter-Elections-Bulletin-Issue-03.pdf

*Communicating for Electoral Democracy (Cont...)*

Apart from regularly issuing press statements in response to specific developments as they happen, the ZESN also strategically uses special days and holidays to send out important messages that relate to elections in some way. One of these press statements was produced on 3 May 2012 in commemoration of the World Press Freedom Day with the year's theme being "Media Freedom has the Power to Transform Societies".[175]

In the statement, the ZESN highlighted repressive media legislation that continued to exist in Zimbabwe and noted with concern the continued harassment of journalists, especially those from the private media, as an attempt to muzzle divergent and dissenting voices in the media space. The persistence of media polarisation was in spite of provisions under the GPA intended to end biassed media reportage and allow the participation of more players in both the print and broadcast media. While a number of publications and radio stations had been given the green light to operate, the ZESN expressed the view that more still needed to be done to open the media environment.

Through another press statement, the ZESN joined the 8 March 2021 commemoration of the International Women's Day, calling on all electoral stakeholders, the government and traditional leadership to end the exclusion and marginalisation of women and girls in governance processes in Zimbabwe.[176] The Network noted the gap in the realisation of equal gender representation in public offices in Zimbabwe in spite of supportive constitutional provisions, noting several barriers to women's participation. The ZESN commended the work of women organisations and the other CSOs in ensuring that women remain engaged in electoral, governance and democracy issues and implored the government to sincerely promote gender balance and to take positive measures to rectify gender discrimination and imbalances that continued to exist.

In a press statement issued on the International Day of Peace, 21 September 2022, the ZESN called upon all stakeholders to engage and work together in fostering peace building initiatives.[177] The Network noted the need for the strengthening of institutions and the importance of conflict resolution through peacebuilding education and teaching; early warning; mediation; emergency relief and support; information and data collection as well as advocacy.

Press statements have also been used to fend off attacks on the Network or address disinformation, misconceptions, misrepresentations, all not uncommon and a result of the polarisation that characterises the country's political and media milieu. On how polarisation has wrought challenges for the ZESN related to the Network's coverage in news, Ellen Kandororo-Dingani said:

> *Despite our efforts, we have encountered challenges, particularly in dealing with negative coverage of our issues by the State media. While we have endeavoured to provide training to journalists from both the State and private sectors, there have been instances where representatives from the State media have been reluctant to engage. We are dedicated to fostering collaboration with journalists from both State and private media, striving to ensure balanced and comprehensive coverage of our activities and initiatives.*

This was also echoed by the former Media and Information Officer for the ZESN, Kevin Maenzanise, who said:

> *During my tenure, issues of media freedoms were always topical, there was a clear divide between public and private media based on the political environment. The struggle was always to get favourable coverage from the public-owned media which mostly portrayed the work of ZESN as a trojan horse for Western countries. The result was a lot of firefighting on negative reports about alleged funding received to engineer a change of government.*

[175] https://www.zesn.org.zw/wp-content/_protected/publications/publication_320.pdf
[176] https://www.zesn.org.zw/zesn-statement-on-international-womens-day-commemorations/press-statement/5315/28/45/19/15/03/2021/tinashe/
[177] https://www.zesn.org.zw/wp-content/uploads/2022/09/ZESN-COMMEMORATES-INTERNATIONAL-DAY-OF-PEACE.pdf

*Communicating for Electoral Democracy (Cont...)*

For example, on 16 February 2015, the ZESN responded to allegations made in *The Herald* that the Network was under investigation for the alleged abuse of donor funds.[178] The ZESN dismissed as unfounded, malicious and highly prejudicial those claims made against the organisation without the reporter even seeking a comment from the Network. The ZESN categorically stated that it was not under any investigation whatsoever with regards to the allegations and reaffirmed its resoluteness in supporting and advocating for the creation of a more conducive environment for the holding of democratic elections in Zimbabwe. In the ZESN view, the unfounded claims were intended to tarnish its image. The Network stated its consideration to take legal action against *The Herald* in the event of the continuation of the publication of similar unfounded articles in such an unethical and unlawful manner. The Patriot has historically carried many such stories too.

In response to allegations by the ZANU-PF's Department of Finance that it was part of an arrangement where a donation was being made to train agents for each of the parties contesting in the 2023 elections, the ZESN issued a press statement refuting the false allegations.[179]The ZESN stated that it does not train party agents and had not received donor funding for the purposes of training any political party agents or candidates. The Network restated its mandate making reference to the laws of the country as well as regional and continental frameworks in line with which it conducts its work. Its press statements usually make it into daily newspapers. For example, the press statement in question was picked up for a 23 June 2023 story in the *NewsDay*.[180]

Through its Media and Information Programme, the ZESN also clarifies its positions whenever the need arises. A 6 June 2017 article in the *NewsDay* titled, "Zesn backs Chinese firm Laxton for BVR" claimed that the ZESN had, "come up in full support of a Chinese firm, Laxton Group Limited, which won the bid to supply BVR kits to the ZEC, saying the Asian company had a reputable track record".[181] In response, the ZESN issued a press statement clarifying its position.[182]

## Serving Specialised Communities

The Media and Information Programme has also served some specialised stakeholder groups such as academia. Ellen Kandororo-Dingani who formerly served as the Media and Information Department's Officer then Manager said that the Department serves as the focal point of the ZESN, with the responsibility of disseminating information from all programmes to the electorate, the public, and other key stakeholders. She noted the achievement of the ZESN by 2010 to centralise information within the organisation, positioning the Network as the primary source of information on elections in Zimbabwe. Ellen Kandororo-Dingani added that the Media and Information Department also proved to be a valuable resource for researchers and students from the University of Zimbabwe, who have conducted their research within our facilities. Beyond academia, the Department's Resource Centre also attends to information enquiries from people within Zimbabwe and beyond. The Resource Centre keeps new books, journals, and reports on governance and democracy.

[178] https://www.zesn.org.zw/wp-content/uploads/2015/10/allegedabuse1.pdf
[179] https://www.zesn.org.zw/wp-content/uploads/2023/07/ZESN-RESPONSE-TO-ALLEGATIONS-ON-TRAINING-POLITICAL-PARTY-POLLING-AGENTS-1.pdf
[180] https://www.newsday.co.zw/local-news/article/200013093/we-dont-train-party-agents-zesn
[181] https://www.newsday.co.zw/news/article/78663/zesn-backs-chinese-firm-laxton-for-bvr
[182] https://www.zesn.org.zw/wp-content/uploads/2017/06/ZESN-DID-NOT-BACK-LAXTON-GROUP-LIMITED-IN-BVR-EQUIPMENT-SUPPLY-TENDER-PROCESS.pdf

*Communicating for Electoral Democracy (Cont...)*

## Conclusion

Biased and unbalanced media reportage is common in Zimbabwe and over the years there have been determined efforts to muzzle and prevent diversity in the media. The ZESN has sought to address issues such as partisan reporting, unequal access to the media for stakeholders such as political parties, and promoting fair and accurate media coverage of elections, among other things. Capacity building workshops and meetings are conducted to enhance media practitioners' ability to provide fair and accurate coverage of elections and special efforts are made to package information for media consumption. The Media and Information Department is also key in sharing and publicising the work of all other departments of the ZESN; it provides the interface between the ZESN, and all stakeholders interested in election-related information. Many of the department's activities are conducted in conjunction with other departments of the ZESN. The ZESN has directly and indirectly provided accurate, factual, and objective information with the aim of keeping the citizenry informed on electoral issues. The utilisation of a wide range of means and information and communication technologies, as well as different languages, has enabled the Network to effectively communicate with a diverse audience across the country.

*Communicating for Electoral Democracy (Cont...)*

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# CHAPTER 10: TRIUMPH IN CHALLENGE

## INTRODUCTION

This chapter highlights the achievements of the ZESN despite the various challenges experienced both at strategic and operational levels. The ZESN challenges manifested through different moments in its history but mainly during election years. It can be argued that the fact that the ZESN always became the centre of discussion during key moments in the electoral cycle, confirms its sustained significance and relevance in Zimbabwe's electoral processes. Besides registering several significant programming achievements, the Network has considerably managed to overcome perceptual and operational challenges. The resilience shown by the ZESN can, in part, be explained by its adoption and utilisation of the Network model as discussed earlier in this book. Today, the Network has grown to be the main player in electoral matters in Zimbabwe. The ZESN has managed to keep its members together and sustain their interest in election work despite the risks associated with that.

### Remaining Standing and Resolute

Perhaps the first noteworthy achievement of the ZESN that has to be stated is that the Network remains in full operation, 23 years later albeit a very difficult terrain. One key informant, Taona Mwanyisa, an Elections Consultant with a long history of working with the ZESN, summed up the challenging terrain the ZESN has been operating on and the implications for the work of the Network:

> *The political environment in the country presents a significant challenge to effective electoral oversight. Despite having some of the best electoral laws in the region, their implementation is hampered by a lack of political will to adhere to these rules and regulations. Organisations such as ZESN possess the capacity to drive electoral oversight processes, but the toxic political environment hinders their ability to fulfil this role. Specifically, certain provisions of the law make it difficult for ZESN to operate effectively. These include restrictive accreditation conditions, the closing of space for CSOs through oppressive legislation such as the PVO Bill, and the use of cyber security laws and specific provisions under the MOPA. Furthermore, the funding of ZESN and other electoral oversight organisations is often seasonal, coinciding with election periods. This lack of consistent funding restricts their ability to carry out essential work such as following up on observation findings and international observers' recommendations.*

The success of the ZESN in spite of its operational context was also acknowledged by Solomon Bobosibunu, a former Regional Officer of the ZESN, who described Zimbabwe as an "*extremely difficult context*" to do election work in, which he said made it difficult, "*to look at ZESN's mission and vision and say, yes, we have done it*". Bobosibunu emphasised that the success of the ZESN work depends upon many actors and factors, including those that are beyond the ZESN control and that, judging by what is within its and capacity to do, the Network has "*performed exceptionally*". Consistently, Richard Klein, the Director of Elections for the NDI, said in an interview:

> *ZESN has been incredibly effective. Zimbabwe is one of the most polarised environments in the world, not just in Africa, in the world. And they (ZESN) have managed to continue to be able to operate in a very difficult environment, to be able to navigate and stay true to their principles of being non-partisan and independent. Not everyone has been happy with ZESN, but they have managed to navigate very difficult political waters.*

***Triumph in Challenge (Cont ...)***

Klein added that, "*It (ZESN) is also in a difficult position because it is trying to navigate and still be able to operate and not have the regime shut them down, but also keeping the support of civil society, and that is a very difficult needle to thread*".

The ZESN has not only managed to survive the challenges that face any organisation, leading some into entropy, but has also conquered the challenges that are unique to organisations of its form as a Network. On this, Taona Mwanyisa holds that:

> *Networks can sometimes be hindered by institutional structures and power struggles, which can derail advocacy efforts and lead to stagnation or even dissolution. ZESN's enduring existence stands as a testament to the leadership and unwavering commitment of its members, who have driven the institution forward despite these challenges.*

More specifically, in terms of its programming as guided by its objectives, vision, and mission, the ZESN has registered considerable successes, making an indelible mark in Zimbabwe's electoral arena. The MEAL Officer for ZESN, Komborero Nkomo, said in an interview:

> *In my tenure, ZESN programmes have been very effective in the attainment of their results. This is owing to the sound theory of change that has informed them. In addition to this, ZESN's robust MEAL framework has facilitated the quick detection of implementation bottlenecks and the facilitation of remedial actions.*

Specifically talking about the success of the ZESN programmes implemented through the regional office that targets mostly the Bulawayo Metropolitan, Matabeleland North, and Matabeleland South Provinces, the ZESN Regional Officer, Ndodana Ndhlovu indicated that, "*The programmes have been very effective because they have been implemented through member organisations dotted across the region. The strategy is simple, transparent and cascades faster in a short space of time*".

Asked about what he thought have been the ZESN successes since inception, Richard Klein, the Director for Elections of the NDI, was of the view that the ZESN has registered achievements in critical areas such as the electoral reform, independently verifying election results, and identifying anomalies on the voters' roll. Time and space constraints would not allow for the documentation of all of the ZESN achievements over the past two decades, and a sample of Network's programmatic achievements would suffice for purposes of illustrating the point. The sample of achievements is presented by programme area, below.

## Ensuring Informed Citizen Participation in Elections

As discussed in chapter 4, the ZESN has had to provide CVE in an inhospitable context characterised by legal hurdles and the inaccessibility of some areas, and the additional challenge of inadequate resources. However, the ZESN has employed several coping mechanisms, and, thanks to the ICTs, the Network has been able to utilise social media, in addition to community radios and other means, to reach out to a wide spectrum of citizens, especially the younger generation. The ZESN's Network model, but also going beyond the Network, has been particularly helpful with regards to CVE provision. In spite of the challenges, through its CVE programme, the ZESN has registered the following successes, among others:

***Triumph in Challenge (Cont ...)***

- The ZESN was formally accredited by the ZEC to run the CVE. Thus, the ZESN is viewed as a key stakeholder by the EMB and participates and contributes to the ZEC voter education strategies' development as well as material and message production processes. This has seen the ZESN collaborating with the ZEC in the implementation of activities, including roadshows for example, to ensure that citizens get comprehensive CVE.
- The ZESN has managed to build the capacity of over 400 CBOs, FBOs, SEGs, including members and non-ZESN members. The organisations now run CVE programmes and cascade the same to their respective constituencies.
- Related to the achievement above, the 31 CSOs under the CVE cluster have been capacitated to deliver CVE specifically around key electoral events such as raising awareness of the BVR, mobilising citizens to register to vote, inspect the voters' roll, participate in delimitation, vote, and vote in peace. With the BVR for example, the ZESN contributed through its 2017 and 2018 "Go out and Register" mobilisation campaign to the registration of 5,695,706 million people against a target of 7 million.[184] In terms of voting, a record turnout of 82.5% was achieved on election day in 2018 and for 2023, turnout was over 60%.
- Improved access to communities that were previously hard to reach or 'no-go areas', for example the Mashonaland East, West, and Central provinces, including through the utilisation of social media. The utilisation of radio, television, and other mass media platforms such as social media, led to the ZESN reaching out to more than 6 million people with CVE. The use of various social media platforms by the ZESN has increased its presence and public engagement on electoral issues in all geographical areas.
- The Network successfully targeted women, youths, and other marginalised groups to increase their knowledge and awareness of their rights to participate in elections and other governance processes. In the 2018 Harmonised Elections, 56% of registered voters were 39 years old and below whilst women constituted 54% of the voters that turned out to vote.

Speaking on some of the above achievements in CVE that the ZESN has registered working as a Network and with other organisations, the Programmes Director of the ZESN, Ellen Kandororo-Dingani, said:

> *... So, we have changed the way we do things over the years, focusing more on CVE as an organisation, but also capacity building other organisations to help us with imparting information in order to mobilise citizens to go out and vote. Why did we do so? Because we realised that Zimbabwe is very very huge, we cannot be in every corner of the country as an organisation, given the resources we normally have and that we can mobilise. We thought it's better to capacitate more organisations so that our voter education, civic education, is standardised. And we emphasise on why it is important to give citizens impartial information as civic organisations, because we are not political parties. So we have been doing capacity building: CBOs, other CSOs, and they have really benefited. And one thing we realised is that we have managed, through them, to reach more numbers, and the effectiveness I think is really shown in the turnout. Turnout in 2018, of course there were other factors that increased turnout, but also voter education, civic education by ZESN and those it had capacity built, was about 84%, the highest after 1980, the highest in the history of Zimbabwe. And then we also had a very good turnout in the last elections, I think above 60%, which was good. So, I think it's because of those organisations that are working with us that we have capacitated and that are really pushing to increase turnout.*

[184] ZEC has since openly acknowledged the support and partnership in mobilisation and provision of CVE by CSOs during the BVR blitz and mop-up exercises and voters' roll inspection and voter mobilisation drives ahead of the 2018 harmonised elections.

***Triumph in Challenge (Cont ...)***

Kandororo-Dingani's assessment is consistent with the discussion in chapter 4 on the more inclusive approach to voter education employed in 2018 and the changes that occurred going into the 2023 elections. In an interview, the Senior Electoral Education and Capacity Building Officer for the ZESN, Emmaculate Chiseya, said overall:

> *The CVE programme has contributed to increased access to electoral information by citizens and continues to enhance citizen participation in electoral processes in Zimbabwe. Despite the fluid environment that we operate in, which sometimes is not conducive, ZESN has managed to keep the electoral discourse on the agenda.*

The impact of the ZESN CVE interventions was confirmed by other key informants. For example, the Chairperson of the Mashonaland West Province Task Force of ZESN, Takesure Musiiwa, noted that:

> *The ZESN does not only participate during elections. We do convene training and workshops. The training and workshops have made people understand what elections are, what democracy is all about. The programs we carry out with ZESN have actually made some people who did not believe in voting develop an interest in voting. So, ZESN's programmes contributed in terms of encouraging people to go and register, encouraging people to go and start voting. Some of them did not even want to vote. When elections were held, they were not interested. But through the training, people started knowing that it is their democratic right to register, their democratic right to then go and do the actual voting. So, ZESN played, and is still playing, a big role in helping people understand democracy*

Overall, the ZESN believes that it has managed to reach out to the electorate on citizens' civil and political rights to political participation and has significantly contributed to increased informed citizen's participation in electoral processes. A ZEC official who participated in this book project also confirmed the contribution made by the ZESN in the area of civic and voter education. Collaboration between the ZESN and the ZEC in this regard was also noted. Through its EECB Programme, the ZESN plans to continue engaging Zimbabwe's citizens on the importance of meaningful participation in electoral processes for democracy to flourish. In the process, the Network will continually conduct critical reflection exercises and review CVE curriculum methodologies so as to apply new and innovative methodologies to address challenges such as voter apathy and electoral conflict, among other issues. At the same time, the ZESN will continue to build the capacity of other organisations and stakeholders so that they are able to implement election-related programmes from an informed basis.

## Continued Oversight on Electoral Processes in Spite of Security Threats

The ZESN has managed to continue observing elections in Zimbabwe. The Network's role in this regard was appreciated by key informants, with Tabani Moyo, the Director of the MISA Zimbabwe, saying about one of the ZESN major achievements:

> *ZESN has managed to perform checks and balances on the electoral processes in Zimbabwe. As you are aware, ZESN deploys its observers and produces a comprehensive report from the ground, and this is quite critical in terms of how elections are conducted. So as local observers they have played that significant role of capturing the processes and articulating them through expertise.*

***Triumph in Challenge (Cont ...)***

The ZESN has achieved this despite being affected by security threats. The ZESN observers have been subjected to threats, torture, and deaths. Surveillance by State security has also characterised the story of ZESN as its leadership has been tracked, especially after the SBO results of 2008. As Rindai Chipfunde-Vava, the Executive Director of the ZESN, said in an interview:

> *It's a risky job. While election observation seems to be an ordinary task, easy going, this is not the same in our case in Zimbabwe. The State is not happy that we monitor and write reports in terms of what is happening on the ground. So, we have become a target, and somehow because of the opposition speaking the same language as ours, we have always been accused of working for the opposition. So we are under scrutiny, under surveillance*

Despite the security challenges that ZESN has experienced from its inception to date relating to its monitoring and observation efforts, the Network has continued to provide oversight on electoral processes. Jestina Mukoko, Director of the Zimbabwe Peace Project and also a Board member of the ZESN who faced serious security challenges after the 2008 elections, confirmed the sad experience observers went through in the name of electoral democracy in Zimbabwe. Barbra Nyangairi, a former Monitoring and Observation Manager and Programmes Coordinator of the ZESN argued that the continued oversight role of Network under difficult conditions is one of the ZESN's major achievements, with specific reference to 2008 when the Network experienced serious security threats:

> *I think for me the most incredible thing that happened was that post-2008 into 2013, ZESN was able to maintain its credibility with regards to the data that came from the observers. The ability to recruit en masse…. It was like a whole army at work, especially … election observation. It was a feat to mobilise, to train, to deploy, and we achieved it. For me, I salute the staying power of the ZESN team, those that have gone and those that are still there, to be able to just continue in the trenches to ensure that democratic elections are held.*

In the election observation endeavour of the ZESN, volunteers have particularly played a critical role, risking their lives. In an interview, the former Chairperson of the ZESN, Noel Kututwa, commended the ZESN's volunteers who would do the risky job of observing elections on the ground:

> *… these were very brave people who would put their lives at risk. Remember there is no insurance, there is no medical cover, the only thing that they got from ZESN was probably transport to go to the polling station and maybe some money for lunch, that's all. And that's the strength of ZESN, the network approach, to get people to buy in and people to risk their lives. And we would always remind ourselves about that reality as we were sitting in our offices. So, we were a bit protected because we were in Harare, we were known because our names were out there. But what about the guy who is in a polling station in Uzumba Maramba Pfungwe? He is walking to that polling station, he is part of the community, but he is taking the chance to say I'm going to be a ZESN observer and I'm going to take these notes for ZESN, and I will submit this information.*

***Triumph in Challenge (Cont ...)***

So serious was the security challenge at some point that, according to Noel Kututwa, people were reluctant to serve as observers. Singling out ZANU-PF's strongholds in particular, for example, the Mashonaland Central and West Provinces, Kututwa said, "*really it was a matter of life and death at one time, especially during the 2008 election*", further noting that hat the CSU did a lot of work in response to political violence through the provision of counselling and medical services. Election observation in Zimbabwe is a risky task, yet the ZESN members still participate because they have faith in their Network. For this key informant, therein lies the strength of the ZESN, that is, its ability to sustain interest in civic processes.

The treatment of the ZESN by the State has been taken to be testimony to the impact that the Network's work has had in the electoral arena. Taona Mwanyisa, an Elections Consult who has a long history of working with the ZESN had the following to say:

> *Their unwavering commitment to exercising strong oversight of the electoral process has inevitably led to persecution by the authorities. If ZESN's work were insignificant, we would not have witnessed the harassment of its staff in 2008 and 2023. In a way, one could say that the harassment is a tacit acknowledgment of its unwavering efforts towards fostering democratic elections in the country.*

The Executive Director of the ZESN, Rindai Chipfunde-Vava, shared a similar view:

> *And if you look, even the attacks which we got, the recent raids, if you are just a useless organisation, I don't think they would have done it that way. And there is no other entity that was dealt with in that manner in Zimbabwe. So, I think it's a result of the work that we do, our mission and vision, which seems to be very visible and with far reaching results which disturb the status quo.*

On the impact that the ZESN has had, the Programmes Director of the ZESN, Ellen Kandororo-Dingani, was of the view that the Network's observation of elections has helped instil confidence in the electorate. In her view:

> *...and also the presence of independent observers serves as a powerful tool to prevent any form of electoral malpractice. While our primary role is to scrutinize and evaluate the electoral process, the fact that we are there, watching and documenting every step of the way, acts as a strong deterrent. Our mere presence can discourage those involved in the election from engaging in illegal or unethical behavior, such as ballot tampering, voter intimidation, or other irregularities. This not only protects the integrity of the voting process, but also instills confidence in the electorate that their voices and votes are being heard and respected.*

Indeed, the impact of the ZESN's monitoring and observation efforts seems to be evident in areas where it matters the most in Zimbabwe's elections, that is, rural areas. According to the Chairperson of the Taskforce of the ZESN for Mashonaland West Province, Takesure Musiiwa, who sees the killing of an observer in the Hurungwe area Mashonaland West Province, as an indication of the impact of the observation work of the ZESN:

> *ZESN as a Network has contributed so much. When you get to some rural areas, there is a lot of fear, there is a lot of intimidation. The presence of ZESN during the election made a number of people have confidence to say I'm going there to vote; I will not be intimidated because there are observers from ZESN who are there to record and document anything that disturbs us as voters. So, the presence of ZESN during an election gave confidence to the electorate from the 2000s up to now.*

*Triumph in Challenge (Cont ...)*

Musiiwa's sentiments were also supported by other task force members, David Mutambirwa of the Manicaland Province and Vincent Ndlela of the Matabeleland South Province. In sum, as the views presented above indicate, the ZESN has played a significant role in providing oversight on electoral processes against the odds.

## Electoral Reforms Despite the Lack of Political Will

As apparent in this book, the lack of political will has been the single most formidable challenge with regards to the implementation of electoral reforms in Zimbabwe. This was confirmed by many of the key informants who were interviewed. In Heather Koga's, Senior Advocacy for Electoral Reform Officer for ZESN, view:

> *The single most serious challenge with the implementation of electoral reform has been the lack of political will. There has been so much investment in process for electoral reform including Bills submitted to Parliament with proposed reforms, as well as the Inter-Ministerial Taskforce on the alignment of electoral law with the Constitution but recommendations from all these processes have not been adopted or have only been minimally adopted into law.*

Indeed, the ZESN has submitted a number of proposed pieces of legislation to guide the amendment of electoral laws in Zimbabwe, the most recent one being the Comprehensive Electoral Amendment Bill. However, owing to the lack of political will which is a key ingredient for electoral reform as evidenced from the case of Kenya discussed in chapter 6, comprehensive and substantive reforms are yet to be adopted and implemented. Koga further noted that:

> *The Electoral Amendment Bill of 2018 introduced only minor amendments to the Electoral Act. The same applies to the latest Electoral Amendment Bill which is quite nominal in nature and does not address the substantive electoral reform issues in the country.*

However, the gloomy picture painted by the foregoing does not mean that the ZESN has not been effective in advocating for electoral reform. The first noteworthy achievement of the ZESN is keeping electoral reforms on the agenda. In addition, over the years, a number of critical reforms that the ZESN has advocated for have actually been implemented and positively impacted on the conduct of elections in Zimbabwe. To note a few examples that were mentioned in several interviews for this book:[185]

- The introduction of translucent ballot boxes to replace wooden ones;
- Voting in one day as opposed to over a number of days;
- Counting of ballots after polling at polling stations rather than at a Constituency-level centre;
- Having one institution, the ZEC, administering elections rather than multiple bodies as used to be the case with functions divided and duplicated among the ESC, ED, the RG, and the DC;
- The adoption of polling-station based voters' rolls;
- The affixing of voters' roll outside polling stations ahead of elections, thereby reducing the number of turned away and redirected voters;
- The affixing of results outside polling stations after counting and results collation, with party agents getting copies, to increase transparency in results management;
- The adoption of the Women's Quota in the National Assembly, and its extension in the former by another 10 years from 2023;

***Triumph in Challenge (Cont ...)***

- The adoption of the 30% Women's Quota in Local Authorities;
- The adoption of the Youth Quota;
- PWDs provisions and the National Disability Policy;
- The adoption of BVR which resulted in an improved voters' roll;
- Successfully lobbying for the election observers not to sign the Official Secrecy Act.

Even the Electoral Act Amendment of 28 May 2018 was noted as a significant achievement to which the ZESN contributed. In the view of Taona Mwanyisa, an Elections Consultant who has worked with the ZESN for long:

> *ZESN has played a pivotal role in shaping the electoral landscape of the country, drawing upon its observation findings and advocacy for crucial electoral reforms. The substantial changes witnessed in the electoral framework are, in part, a direct result of ZESN's unwavering interventions from 2000 to the present day... The Electoral Amendment Act of 2018, which introduced biometric voter registration, extended the allowable period for individuals residing outside the country to remain on the voters' roll from 12 months to 18 months, repealed the requirement for channelling foreign funding for voter education through the ZEC, and established multi-party liaison committees at both national and local levels, reflects the successful advocacy efforts of ZESN and its partners. These changes represent significant advancements in Zimbabwe's electoral framework and demonstrate the importance of civil society engagement in influencing legislative reforms.*

The reforms noted above, and many others not stated here, have significantly changed for the better the way elections are conducted in Zimbabwe. As the Programmes Director for the ZESN, Ellen Kandororo-Dingani, underscored when asked about the Network's noteworthy achievements, "*... the reforms that we have pushed for and have been implemented over the years, especially in terms of the administration of elections. They are little milestones, but you can really feel that this is an improvement ...*" Solomon Bobosibunu, a former Field Officer for the ZESN, shared Kandororo-Dingani's view, noting reforms that were implemented even before 2008 that were informed by observation of elections in other countries by the ZESN.

Like Mwanyisa, in an interview, the Programmes Director of the ZESN, Ellen Kandororo-Dingani, expressed the view that even the Electoral Amendment Act of 2018 was a considerable improvement. She also beamoned the lack of political will as a drawback in terms of the implementation of electoral reforms, adding that:

> *... of course, the last election, last electoral cycle, being a big disappointment when it comes to electoral reform. We were expecting much more but you know that there are things that we cannot really push especially if there is no political will. So, it was a disappointment, but we can actually count a number of successes in terms of the effectiveness of the Network, from the administrative reforms that we have seen, legal reforms that we have seen, especially the Electoral Act that we are currently using which we see not as a bad Act but a progressive one which needs to be further amended. When we were doing our last draft Electoral Bill, we did not do a completely new Electoral Act because we believe that the current Electoral Act is good, but it needs to be improved. So having that legal framework I think on its own is a great achievement that we have achieved over the years as an organisation.*

***Triumph in Challenge (Cont ...)***

The Executive Director of ZESN, Rindai Chipfunde-Vava, added her voice:

> *... there are many changes which we can count. It's piecemeal changes but of course we can point to some of those in our reports. Even BVR, at some point the Minister of Justice said he got to know of it from ZESN, he wasn't aware of that... Some (reforms) are still pending, it's still unfinished business.*

Other key informants concurred. For example, the former Monitoring and Observation Manager and former Programmes Coordinator of the ZESN, Barbra Nyangairi, indicated that:

> *When you compare the reform agenda that after 2002/2006, when you look at ZESN's reform agenda, and you look at it now, you would see that a lot of the issues were ticked as achieved, this done, this done, you know. The SADC declaration on free and fair elections became that benchmark for what good elections must look like and I think there has been a lot of movement in the legislative framework and practice, in the way elections are done as a result of the work of ZESN. So, I would say on effectiveness, definitely the Network was very effective, the way that the work was done. And the results are there for all to see, notwithstanding the insecurity, I think for me that's the biggest challenge that ZESN confronted, and I think continues to confront even to date.*

Consistently, the former Research and Advocacy Officer for the ZESN, Runyararo Munetsi, had the following to say:

> *So, you see when it is advocacy, advocacy is always incremental because advocacy is always about give and take, it is always about persuading. But ultimately when it's about advocacy it's about influence and who has power at the end of the day. So, when you speak of influence and power then you understand that as ZESN, we could influence certain things, but we did not have power to change certain things, that's the first. Secondly, advocacy is incremental, so we need to understand incrementalism; that where we started from in 2000 is totally different from where we are today. If I'm to tell you that a lot of reforms have been put in place and for most of those reforms ZESN contributed, we spoke about this, we did that. And that is actually quite true.*

Overall, ZESN believes that it has done considerably well in keeping alive the dialogue around electoral reform. In the words of the Programmes Director of the ZESN, Ellen Kandororo-Dingani, "*So in terms of evidence, impact, and effectiveness, if you look at the number of reforms that Zimbabwe has adopted since ZESN was formed, it's evident that we have been on a good trajectory...*". Solomon Bobosibunu, a former Field Officer of the ZESN, emphasised that on its part, the ZESN has done well in advocating electoral reforms, including at the regional level. He singled out the case of the 2013 elections which the SADC had decided would be postponed to allow for the addressing of key electoral reform issues, something he attributed to the ZESN's advocacy efforts. Bobosibunu said that the ZESN however had no power over some other forces such as the Jealousy Mawarire Court challenge that then compelled the holding of the elections without the implementation of reforms.

Besides the reforms that have been implemented in Zimbabwe over the years, the view was also expressed that through its advocacy efforts, the ZESN has played a critical role in drawing the attention of regional and international actors to the problematic issues with Zimbabwe's elections. For the Programmes Director of the ZESN, Ellen Kandororo-Dingani, the impact of the ZESN's advocacy were also evident in the recent reports by several election observer missions to Zimbabwe's 2023 elections such as the SADC, AU, EU, and the Commonwealth observer missions. She emphasised that through advocacy, the ZESN and other CSOs managed to convey a message to regional and international players that "*things are not okay in Zimbabwe*".

*Triumph in Challenge (Cont ...)*

In her view, considering that they were deployed days before the election day, the observer groups, notably the SADC, would not have been able to comment on many of the issues that they focused on in their reports if it was not for the information they managed to gather from the CSOs such as the ZESN.

Going into the future, the ZESN will continue pushing for electoral reform. The need to continue is clearly evident in the fact that as of the time of writing, only 14 out of 115 reforms have been implemented since the ZESN started tracking the implementation of reforms proffered by observer missions to the 2018 harmonised elections as discussed in Chapter 8. In addition, the Network's advocacy work will also address any relevant emerging issues. In continuing to push electoral reform, the ZESN is emboldened by the understanding that electoral reform is continuous and cumulative. In the words of the Senior Advocacy for Electoral Reform Officer for the ZESN, Heather Koga, "*Advocacy is not a one day or once off event. It is a continuous process where some issues are resolved as others emerge*". On the recurrent intractable issues of security sector reform, changes relating to the role of traditional leaders in elections, media reforms, among others, this key informant was of the view that rather than reflecting the "*efficiency or inefficiency of advocacy*", those issues reflected "*deeply entrenched issues that can only be resolved by a shift in political will*". However, she emphasised the need to find newer and different methods of advocacy to deal with those recurring issues in Zimbabwe's elections.

## Keeping the Citizenry Informed about Elections

In a visibly divided society, the ZESN has managed to keep the nation objectively and accurately informed about electoral processes. Importantly, the Network has managed to engage with and bring together critical media stakeholders such as those working for State controlled media, independent media practitioners, and representatives of constitutionally established media regulatory Commissions such as the ZMC. This is a noteworthy achievement in Zimbabwe's context of sharp media polarisation. As the Media and Information Officer for the ZESN, Emilia Bundo, put it:

> *The convergence of journalists from the public, private, online media and freelancers in an affable environment under one roof is an achievement on its own given the fact that most CSOs prefer to deal with the private and online media and also the public media snub meetings with CSOs.*

The ZESN is equally recognized by the media stakeholders. For example, as testimony that the Network has managed to forge synergies with the ZMC, the ZESN was invited to participate at an Election Reporting Manual validation workshop in December 2022 and the launch of the Elections Reporting and Peace Journalism Manual in March 2023. In July 2023, ahead of the August 2023 Harmonised Elections, the Network was also invited by the Commission to make a presentation on "Expectations of Stakeholders in Reporting the 2023 General Elections" at the ZMC National Indaba. The ZESN ran a training session for the ZMC under the theme "Election Observation Framework: An Overview of Issues to Consider". Such participation is a sure sign of the recognition of the ZESN's centrality in the media with regards to electoral issues. This is a noteworthy achievement against the background of virtually no engagement between the ZMC during the tenure of Dr. Tafataona Mahoso and the CSOs, particularly the ZESN.

The former Media and Information Officer for the ZESN, Kevin Maenzanise, acknowledged the important role played by the ZESN's task force members in disseminating media and information outputs such as newsletters, pamphlets and brochures in a bid to inform the citizens about elections. The adoption and utilisation of digital media platforms has particularly facilitated two-way communication between the ZESN and its audience. As the current Media and Information Officer for the ZESN, Emilia Bundo, said:

***Triumph in Challenge (Cont ...)***

> *Through the feedback line, media engagements and the adoption of new digital media strategies; ZESN has been able to avoid a unidirectional communication path, thereby leaving no room for information distortion or misinterpretation. ZESN has managed to enhance the quality and credibility of media reporting leading to fulfilment of its mission of promoting the establishment and upholding of a democratic electoral environment and processes. ZESN also extended its reach in terms of geographically marginalised communities and communities of interest.*

Going forward, through its Media and Information Programme, the ZESN will pay attention to crisis management communication; strive to influence the publics' perception and safeguard the reputation of the Network in an effort to prevent or at least minimise misconceptions and avoid negative public ramifications; and continue to make credible electoral information available to the media, CSOs, the general public, and other stakeholders.

## Sustained Engagement

The ZESN has managed to sustain engagement with key electoral stakeholders in spite of this being a tall order. At some points, interaction with key institutions such as the ZEC has not been easy for ZESN. Some key informants lauded the engagement of the ZESN with the ZEC while others thought ZEC has made the level of engagement less than satisfactory. For example, Dr. Tendaiwo Maregere who has worked with the ZESN in various capacities, including when he worked with the NDI said that the, "*lack of independence of the electoral management body and its inability to openly interface with other electoral interlocutors, including civil society is a major hindrance to the credibility of the polls in Zimbabwe*". He further noted that other jurisdictions are way ahead in cultivating that symbiosis. However, the ZESN has continued to make efforts that have considerably paid off. On this, the former Research and Advocacy officer for the ZESN, Runyararo Munetsi, noted that:

> *During the time of the GNU, even before the GNU, what I noticed was relations with ZEC, we tried to build institutional relationships. They were not always the best, but you could tell that ZEC would be receptive to some issues and to some issues they would not be. We continued to knock on ZEC's door for quite a while, up to a stage, I believe, now they believe we are one of their partners, which is good. But it was not an easy road…*

The former Field Officer for the ZESN, Solomon Bobosibunu, was of the view that the ZESN has managed over the years to maintain good working relations with the ZEC. Zachariah Godi who works with the CSU also noted the same when he said, "*ZESN pushed for election observers to be viewed as partners and not enemies or agents of regime change. The Network influenced good working relationships with the election management bodies*". At the same time, the ZESN was able to harmoniously work with other institutions as well. As the former Research and Advocacy Officer of the ZESN, Runyararo Munetsi, noted:

> *We worked with parliament; with parliament our relationship was okay. We had the womens' caucus. The women came, they listened, we talked a bit, and we actually built their capacity in terms of just articulating electoral issues, which is why, I suppose, we ended up having the quota system, quotas for women. So that worked.*

***Triumph in Challenge (Cont ...)***

In a reversal of a positive development, the challenge of engaging with key electoral stakeholders reared its ugly head again in the lead up to the 2023 Harmonised Elections. This was also noted by Vimbai Zinyama of the ZCTU, Dr. Frances Lovemore of the CSU and other informants, including the Programmes Director of the ZESN, Ellen Kandororo-Dingani, who said:

> *2023 was hard in terms of everything, I think from the end of 2022, it was hard. I think the relationship that we had with key stakeholders just changed, we could feel some tension. We used to engage with ZEC, we used to walk into their offices, ask questions, get information, but everything just changed, it was not that easy. The open-door policy that they used to preach about, it was no longer there. You would get there to ask something or inquire about something like we used to do, it was not easy.*

This was also confirmed by the Senior Advocacy for Electoral Reform Officer for the ZESN, Heather Koga, who noted that unlike before the 2018 elections when it was fairly accommodative, holding regular stakeholder meetings with the ZEC, the EMB, "sort of shut off and would turn down requests for meetings or participation at crucial electoral workshops and conferences" towards the 2023 elections.

## Coping With Funding Challenges

Funding has been a challenge to the ZESN in many ways: first, the source of funding has set the ZESN on a collision course with the State; second, the funding constraints (inadequacy) has to some extent adversely impacted the effectiveness of the ZESN work; third, it might have prevented the development of potentially beneficial collaborations between the ZESN and the government. As noted elsewhere in this book, election work is expensive. Human, financial, technical, and material resources are required for recruitment, training and deployment of observers as well as for engagement processes. Thus, the ZESN has had to find ways of mobilising resources for the sustenance of its key programmes.

In the process, the ruling party has appeared to have problems with some of the ZESN sources of funding. As the Executive Director of the ZESN, Rindai Chipfunde-Vava, put it, "*Then the source of funding is also another issue. That you are funded by the West and therefore you are pushing their agenda*". This view was also shared by the Programmes Director for the ZESN, Ellen Kandororo-Dingani, who indicated that the suspicion and lack of trust that the State has toward the ZESN, arising from the source of the Network's funding, have inhibited the development of a complementary relationship between the two as is the case with CDD-Ghana and Ghana. While the common criticism has been that, 'he who pays the piper calls the tune', Ellen Kandororo-Dingani, the Programmes Executive, underscored that the ZESN is not told what to do by its funding partners:

> *... and I think because of the source of funding there is always that notion that you are being told what to do, which is not the case because we also sit down with donors, we tell them what we want to do, they also tell us how we can improve or how we can strengthen our programming. ZESN's activities, since time immemorial, since I joined, we have been doing the same things, of course different activities, different methodologies, but we have always been doing observation, we have always been doing voter education, we have always been doing media and information dissemination, we have always been doing research and advocacy. But probably how to tweak it now is where we get ideas from other stakeholders, and the government can even do that, help us tweak our programming, but there is no rapport, there is no interaction, to even go there, discuss such things.*

***Triumph in Challenge (Cont ...)***

A key informant, the founding interim Chairperson of the ZESN, Philliat Matsheza, was of the view that the issue of the source of funding of the ZESN was really not as serious as the impression that is created by some stakeholders. He said, "*The challenges of donor funding, to be honest, just get exaggerated when people want to get nasty. Something will have already gone wrong somewhere*". The key informant gave an example of how the government would always participate in the donor-funded programmes of the SAHRIT when he was the Director of that organisation. Similarly, Richard Klein, the Director of Elections of the NDI, noted the participation of the ZANU-PF in the SADC Anti-Corruption Protocol and the work that the NDI did with SAHRIT. In addition, he indicated that in the NDI's history of working with ZANU-PF as a partner, he has personally trained election agents for the party at some point in the past. Furthermore, the key informant indicated that some individuals representing the ZANU-PF party participated together with those from Zimbabwe's Civil Society in the study missions that the NDI organised in 1999, observing elections in the Southern African region as noted in chapter 2.

Funding has also presented challenges to the ZESN in the sense of being inadequate. According to the Programmes Director of the ZESN, Ellen Kandororo-Dingani in an interview:

> *….. the major challenge has been securing adequate funding and retaining key staff members who possess specialised knowledge and expertise. For instance, our organisation offers training programmes that equip people with skills and knowledge, but due to limited resources, these staff members may receive more lucrative offers and choose to leave. This turnover results in a loss of institutional knowledge, hindering our ability to carry out our mission effectively.*

Funding constraints have also had negative implications for the ZESN's activities. The key informant indicated that if ZESN had adequate funding, it would implement more impactful activities by maintaining a structure similar to that of the ZEC, with provincial and district level and even more localised officers. She also gave an example of how the inadequacy of resources might inhibit the implementation of more impactful CVE interventions by limiting activities to the provincial level rather than the more desirable townships and growth points.

However, working through its taskforce, a critical implementation arm, the ZESN has done considerably well in the implementation of localised activities. In the words of Chipfunde-Vava, Kututwa, and other informants, ZESN works through the task force scattered all over the provinces where they assist us in terms of the implementation of activities. Regarding the role of the task force in the recruitment and training of observers for example, the Executive Director of the ZESN, Rindai Chipfunde-Vava, said:

> *There is no way you can mobilise observers when you are based in Harare and Bulawayo where most head offices are. You need to have those structures at that level. So they are the link between us and the volunteers on the ground… We can implement activities in one day throughout the country using those task forces because we do training of trainers and cascade the training down to the lowest level.*

In addition, the key informant also noted the important contribution of the ZESN's volunteers, the LTOs at the constituency level. She said, "*And also for us it's through LTOs. We realised that they are critical in terms of being our eyes and ears… Our structure, which goes down to LTOs at the constituency level, makes it easier for us to mobilise*".

*Triumph in Challenge (Cont ...)*

Therefore, the ZESN has managed to work with the resources available, financial and human, to cope and still make considerable strides as indicated in the discussion on some specific program achievements.

## Maintaining Impartiality

Zimbabwe is a highly politically polarised country, especially in the post-MDC formation period. In this context, issues that are political or of public interest tend to be commonly viewed from partisan lenses. Further, as a matter of fact, in spite of constitutional commitments, Zimbabwe's democracy is not up to measure, and this extends to electoral democracy. Against this background, taking a non-partisan stance that is understood for what it is across the political divide and amongst the generality of the public is difficult. Regardless of this, the ZESN has maintained a non-partisan stance as per the motivation and guiding principle of those who took the initiative to form the organisation. Non-partisanship was a deliberate founding principle of the ZESN as noted by the former Chairpersons of the ZESN, namely, Philliat Matsheza, Noel Kututwa, and Dr. Solomon Zwana, as well as the Executive Director of the ZESN, Rindai Chipfunde-Vava. Talking about the motivation for the formation of the ZESN, Chipfunde-Vava indicated that, *"... and there was also that political interest during the formation of the MDC, so those who were not partisan and wanted to participate in elections, and the only way was to create an avenue so that they could participate as observers and voter educators*".

In an interview, the former Chairperson of the ZESN, Noel Kututwa, confirmed the deliberate formation of a nonpartisan Network:

> *So, civil society then came together and said what can we do, how can we contribute, and what should we be doing in order to play a critical role? ... you will find that quite a number of people who were in civil society left and joined the MDC, quite a number of people stayed. I remember myself and the first Chairperson, Phil Matsheza, we even debated about this. That we need to keep some people in civil society, we all cannot go into the MDC. So, civil society lost a lot of activists, a lot of important players who went into politics, and others stayed... And again, that's the time when the NCA was also formed... But it was agreed to have those two separate entities... So, those guys stayed in civil society along with some of us. We stayed in civil society and said, you know politics is not our game, let those who want to do politics go and do politics and then those of us in civil society can stay.*

Nevertheless, right from the time it was formed, the ZESN has been beset by the challenge of being accused of supporting one party or the other, with the ruling party being the one that makes such accusations the most. The problem seems to stem from the fact that since the ZESN was formed against the background of elections that were falling short of passing the test of democracy as discussed in chapter 2, there were bound to be inevitable similarities between issues raised by civil society and the opposition. In response to one of the frequently asked questions: What about your members who are politically affiliated? The ZESN states on its website that, "The organisation does not prohibit members to be politically affiliated but when doing ZESN activities all members should be non-partisan when working under the banner of ZESN".[186]

[186] https://www.zesn.org.zw/faq/#1600718371878-f32e0284-04d1

***Triumph in Challenge (Cont ...)***

Noting State attacks as the ZESN's biggest setback, the Executive Director of the ZESN. Rindai Chipfunde-Vava said, "*So, we become a target and somehow because the opposition is speaking the same language, we have always been accused, and most NGOs, that we are working for the opposition*". The manner in which Zimbabwe's elections have been conducted, failing to meet domestic, regional, and international standards, has made it difficult to avoid being attacked by the State and the ruling party for merely factually and objectively reporting on the situation. With regard to this, the former Chairperson of the ZESN, Tinoziva Bere said in 2010:

> *When I took over the challenge was that ZESN was under attack, vilified and subjected to lots of hate language in State media. Politicians from some of the political formations were also hostile to the ZESN because we had observed the elections and told the truth about what we saw. The anger even increased when we condemned the sham election of June 2008 which found no credible organisation praising (ZESN 10th Anniversary Documentary, 2013).*

The perception of the State toward the ZESN has remained a challenge to date. The Programmes Director of the ZESN, Ellen Kandororo-Dingani, expressed concern over this in an interview:

> *The other significant challenge has been gaining genuine acceptance for our work, especially from the government. Overcoming this hurdle has been an uphill battle, as we have been met with mistrust and unfounded accusations. We have been accused of supporting opposition political parties, of being puppets of the West, and much more. These baseless allegations have impeded our ability to carry out our mission without prejudice.*

Yet, it is not only the ruling party ZANU-PF that has criticised the ZESN with accusations relating to its work. In 2008 when the SBO projections of the ZESN indicated that Morgan Morgan Tsvangirai, who was in the lead, may not have met the 50%+1 threshold required by the law to make him winner in the presidential race, the MDC expressed unhappiness with the ZESN. Asked about the SBO, the Executive Director of the ZESN, Rindai Chipfunde-Vava, said, "*We started doing it in 2008 and at that time there was backlash even from Morgan Tsvangirai himself. He thought he won and, we, ZESN, were the spoilers because we indicated that he didn't reach the adequate percentage to make him a clear winner*". Similarly, as shown in earlier chapters, when the ZESN released projections within which the results announced by the ZEC fell for the 2018 Presidential elections, showing Emmerson Mnangagwa in the lead, the ZESN received a lot of vilification from the opposition circles.

In it all, the ZESN has remained true to its mandate, Vision, Mission, and, importantly, its Values, including non-partisanship despite attacks from different political parties that expected the Network to directly support their positions. In fact, the ZESN is vindicated by the fact that both sides of the political divide are, or have at one point or the other, been critical of it. The ZESN's non-partisanship was asserted in many interviews. In an interview, Noel Kututwa, former Chairperson of the ZESN, further said about the ZESN's impartiality:

> *So, that was a very very strong thing of ZESN, and I hope they have managed to maintain that neutrality and managed to maintain their balanced approach. Of course, we were criticised by some people, especially the opposition, saying you should lambast ZANU-PF, you should do this and that, and so on, but we couldn't because we needed them and we needed the government, because the government is the one that controls the election, it's the one that has levers. So at least we would meet with them, and they would invite us. I remember a meeting we had with the government in Kariba which was a very difficult meeting where we told them point blank that what you are doing is unlawful and [Minister's name withheld] will be laughing about it, uhh, that's politics, that's politics, you know, and laugh about it and they would continue doing what they would do.*

*Triumph in Challenge (Cont ...)*

For the most part however, the ruling party ZANU-PF and pro-State media have labelled the ZESN as a pro-opposition agent of regime change or a puppet of the West.[187]

On its part, the opposition supporters alleged that the ZESN was working with the ruling party in 2018. Yet, they appeared to sympathise with the ZESN on social media platforms such as the X when the ERC-ZESN data centre was raided in 2023, most probably because they thought that their party was going to win the election and the SBO projections were going to show it. Had the SBO project not been disrupted, and the projections revealed otherwise, the same supporters of the opposition were likely to reject the SBO indications and make allegations similar to those of 2018. At the official party level, in a conversation unrelated to this book's project, one opposition MP (MDC Alliance at the time) told one of the authors of this book that when they would do stakeholder mapping as a party, they would colour code organisations using green to indicate allies and red for those they deemed to be against them. The MP indicated that they would colour code the ZESN orange as an indication of the fact that they could neither say the ZESN was for nor against them. The ZESN regards this as a strength when the opposition could not classify it as either its ally or otherwise, which it could do with some CSOs. This is testimony to the Network's neutrality and impartiality.

That ZESN has managed to maintain impartiality in the execution of its work was also noted in a 2019 evaluation where it was indicated that, "Ensuring impartiality in electoral efforts requires a strong secretariat that can undertake due diligence while not stifling the passion of the members in the field – this is not an easy balance to maintain, but the ZESN shows that it is possible" (Christoplos et al., 2019: vii). This was also confirmed by three former Chairpersons as well as the current Chairperson who were interviewed. In addition, almost all the task force members who participated in this project also argue that the ZESN has maintained its impartiality. Importantly, the evaluation found that:

> *Conflict sensitivity prevails across the ZESN approach. A tacit 'do not harm' awareness is strong in the secretariat and among the members as they work to find ways to shift conversations from political positions to facts about the electoral process. These are extremely difficult tasks in the acutely polarised Zimbabwean political context, but ZESN has performed in a nimble, strategic, and effective manner in this regard (Christoplos et al., 2019).*

Not only political parties had negative perceptions about the ZESN. The 2019 evaluation report further noted that:

> *Of particular importance to understanding the electoral landscape, ZESN has made a gradual shift in its relations with ZEC from a perception in the past of being biassed against the government, to what has more recently become a significant and steady improvement in quality and effectiveness of relations. ZESN is now seen as having a critical but constructive role as both a watchdog and technical support institution. Although some hold the view that this could represent a loss of independence, most see this as a positive way to enhance ZEC's effectiveness and maintain its independent role (Christoplos et al.,*

The same observation was noted by the ZEC official who was interviewed for this book project. However, the above has not been achieved easily. As the report notes:

[187] See this article which is an example of many similar newspaper articles: **https://www.herald.co.zw/zesn-the-wests-trojan-horse/**

***Triumph in Challenge (Cont ...)***

> *Due to political polarisation, these shifts in relations with the ZEC have required constant and careful efforts to maintain perceptions of impartiality. In the view of the evaluation team, this has been managed well, but some observers stated views indicating that the ZESN has sometimes been 'too cautious' in its calls for electoral reforms, where a stronger position has been warranted. The relationship between ZESN and ZEC is complex, so a divergence of views about the stance and roles of the two institutions is to be expected. ZEC representatives have expressed some reservations, but largely acknowledge the very strong support ZESN provides that enhances the quality and reach of their work. The relationship with ZESN may also enhance ZEC's credibility since, as one observer stated, "people would rather listen to a CSO (Christoplos et al., 2019: 10).*

The ZESN is universally acknowledged and respected as the most important CSO electoral actor in Zimbabwe. In the past, it was often perceived as being biassed against the government (together with CSOs in general), but in recent years the ZESN has come to be seen as having a critical but supportive role, most notably in its relations with the ZEC.

## Unparallelled Resilience

In spite of the challenges faced over the years, especially the unconducive political environment, the ZESN members have remained committed to the work of the Network. A key informant, Mavis Kalumbu of the ZIMCET holds that:

> *The ZESN has stood the test of time and established itself as a transparent and credible force concerning election monitoring in Zimbabwe and the region. In an environment where several Networks have struggled to find common ground to move forward, the ZESN has continued to grow and respond to environmental requirements concerning meeting the needs of marginalised groups and ensuring the inclusivity of these groups. This has seen the Network growing and strengthening. Despite several attacks from the State, the ZESN has continued to carry out its mandate and all Network members continue to benefit from the support of the ZESN secretariat in their organisations.*

Mavis Kalumbu's view on the resilience of the ZESN in the face of many challenges was shared by other Informants. As Takesure Musiiwa, the Chairperson of the taskforce of the ZESN in the Mashonaland West Province, put it, "*ZESN is very strategic in the area of elections. In this whole drama it has lived more than nine lives; in this election they are labelled, the other election they are praised. So, that alone is a balance in terms of the work that ZESN is doing*".

The theme of resilience flows in all the ZESN narratives as shared by different members and stakeholders. In an interview, Richard Klein, the Elections Director of the NDI, said:

> *I think that the ZESN is an incredibly courageous organisation that has and continues to endure some of the most difficult conditions anywhere in the world that citizen observers face. In other places, groups would have given up or they would have gone underground, or they would have left the country. And the ZESN continues to operate, to strive to be activists for meaningful democratic reform and for credible elections.*

*Triumph in Challenge (Cont ...)*

The ZESN's resilience can be fully appreciated when one considers the various challenges that have been discussed throughout the book.

## Coordination of Members and Stakeholders

An important part of the rationale for the formation of the ZESN was the coordination of election related activities and methodologies. The ZESN governance structures hinged on the Network model have remained strong. A key informant, Zachariah Godi who works with the CSU, commented on the ZESN ability to convince varied members (labour, students, churches, youth, academia, and others) to go for election work under one umbrella, from as far back as 2000. Sharing the key lessons picked from the ZESN story, Dr. Frances of the Counselling Services Unit indicated in an interview that, "*Consensus is not easy to build or keep, and civil society actors often lose sight of the 'big picture' and chase self-interest within activities*". Yet, the ZESN managed itself well such that members continue to cultivate the unity that is critical for achievements of the Network's aims.

Members of the provincial task force members of the ZESN who participated in this project, including David Mutambirwa and Vincent Ndlela, celebrated the ZESN's achievements in coordinating election work in Zimbabwe. They further indicated that the ZESN members are committed to election work because they directly own the Network and have control in the mobilisation, recruitment, and deployment of election observers. Some of the task force members shared their experience in the training of observers and the development of election reports at local and national levels.

The 2019 evaluation cited earlier notes that the ZESN has been effective at maintaining strong engagement in electoral processes, while not overstepping its role when members choose to undertake initiatives individually (primarily in the broader democracy and human rights spheres). The founding interim Chairperson of the ZESN, Philliat Matsheza also indicated that from the beginning, it was emphasised that members were free to pursue their individual core businesses and only to converge on Network processes during key moments. In the assessment of the former Chairperson of the ZESN, Dr. Solomon Zwana, in an interview, the ZESN has impressively been able to manage the diversity of its members into a unified force. The ZESN's structure, discussed earlier on, has worked well. Regarding the Board, the Network member organisations, and the ZESN secretariat, an evaluation report had this to say:

> *Interviews with Board members have shown that they are very engaged, committed, and are thinking critically about the work of the Network. This has created fertile ground for the membership to in turn act innovatively and engage well with the secretariat. The secretariat has appropriate skills and provides an efficient management structure for the ZESN work. The leadership is widely respected (Christoplos et al., 2019).*

Explaining how the ZESN has served as a model for other CSOs beyond Zimbabwe's borders, that have been set up to do the same work as the ZESN. In the words of Taona Mwanyisa who has a long history of working with the ZESN:

***Triumph in Challenge (Cont ...)***

> *The ZESN journey has provided an invaluable learning platform for like-minded organisations in the region, demonstrating an unprecedented model of Network resilience. ZESN exemplifies the power of collaboration, showcasing how organisations can pool their resources and collective influence to advocate for shared interests. Individual institutions may face limitations in achieving their goals independently, but uniting with organisations that share their objectives has proven instrumental in driving effective electoral oversight. This collaborative approach is particularly crucial for issues like elections, where a strong, unified voice is essential to be heard.*

## Surviving Potential Competition

The Network model adopted by the ZESN from the outset was important in ensuring that the ZESN survived potential competition. On this, the interim founding Chairperson of the ZESN, Philliat Matsheza said in an interview:

> *So, we were able to sponsor more organisations, and for a Network, if you don't connect them very often, it can easily split but I think we managed to have credibility. Because it was a Network, everybody, everybody, would say if you need, if you want to do election work, why don't you go to the ZESN, we have already given the ZESN money, so they can give you a portion of that. And that's what we were doing; we paid the observers from all the organisations. So, that sort of reduced the desire to try to kill it. It was a useful instrument for everybody.*

While, over the years, several organisations have been formed whose focus has been, like that of the ZESN, electoral work, the Network has continued to be recognized as outstanding in the area of elections. In an evaluation of ZESN's programmes conducted in 2019, it was noted that:

> *The ZESN is universally acknowledged and respected as the most important CSO electoral actor. One informant referred to them as "the big dog". Its work effectively dwarfs that of the other actors due to its extraordinary network across civil society and its operational capacity, both at the secretariat and among the task forces. For this reason, the ZESN is naturally well placed (despite some competition) in the overall range of electoral actors. Some observers noted that the Election Resource Centre (ERC) was able to act more quickly and therefore more innovatively, but even they acknowledged that this flexibility was due to their lack of accountability to such a broad network structure and that there is a need for both types of organisations. It has been noted that the ZESN strengths in being owned by its members and representing such a broad consensus are largely positive, but not without certain negative aspects and inevitable occasional dissonance among members (Christoplos et al., 2019: 10).*

Asked about what the emergence of a number of other organisations seeking to do election work means to, and where it leaves, the ZESN, Ellen Kandororo-Dingani, the Programmes Director of the ZESN, had this to say:

> *I welcome more players in this space. After all, our goals are aligned and we all strive for the same outcomes. However, it is crucial to ensure that our efforts are well-coordinated to maximise our impact. For instance, in the last electoral cycle, having multiple Draft Electoral Amendment Bills would not have been beneficial in our advancement for electoral reform. Instead, we should strive to present a unified front that reflects our collective vision. I believe that quality and impact are the best indicators of success, and that our work will speak for itself.*

*Triumph in Challenge (Cont ...)*

In her summary of the achievements of the ZESN, Dr. Frances Lovemore of the CSU emphasised the following in an interview: the establishment of a credible election observation entity that has been present for over 20 years, the creation of platforms of engagement for citizens on all electoral issues, remaining within its (the ZESN's) mandate of being apolitical and neutral and leadership within the region about the veracity of challenges of electoral outcomes in Zimbabwe.

## Involvement in the Founding of or a Model for other Organisations

The ZESN contributions have gone beyond the goals that the Network set for itself to achieve and, indeed, beyond its vision which is confined to Zimbabwe. The Network model adopted by the ZESN at inception has worked well to the extent of getting the ZESN involved in the formation of other organisations in other countries and serving as a model for the establishment of others. In a key informant interview in 2023, Rindai Chipfunde-Vava, the Executive Director of the ZESN said that:

> *Everyone is now copying the (ZESN) model. All these countries now: Malawi, South Africa are now in the process of trying to set up, and Nigeria too. When NDI came to know about us, they are now kind of replicating the same model all over the world. It's a model which has been tried and tested and everyone wants to emulate the same type of model.*

This was confirmed by Taona Mwanyisa, a consultant who works in the field of elections globally who said that that the ZESN's institutional framework and programming model have been successfully replicated in several countries, including the Christian Churches Monitoring Group in Zambia, the Malawi Election Support Network in Malawi, and also in Angola, among others. Mwanyisa added:

> *I have personally drawn upon the ZESN model to guide the setup and institutionalisation of Networks in Angola, Iraq, Malawi, Zambia, and Liberia. Leveraging the ZESN model, I have assisted organisations in designing and implementing methodologies to monitor various aspects of the election process, analyse and report on election monitoring efforts, and enhance capacity around conflict analysis and mapping to inform programme implementation.*

Mwanyisa also noted that the ZESN played a pivotal role in establishing the Election Support Network of SADC and is a cornerstone of African Election Observers Network (AfEONeT). The ZESN has also been involved, with its Executive Director, Rindai Chipfunde-Vava, as one of the founders, in the establishment of a continental Network, the Africa Observer Network, working with the East and Horn of Africa Election Observer Network (E-HORN) and the West Africa Election Observer Network (WAEON). Therefore, the ZESN has emerged as a critical player in election work in the world through its contribution to the establishment of key players in the sector.

## ZESN as a Training Ground

In the interviews conducted, the role that the ZESN has played in training individuals who have gone on to contribute in different spheres at different levels: national, regional, continental, and global was a recurring theme. Speaking about the ZESN's expertise in elections that it has accumulated over the years, the Executive Director of the ZESN, Rindai Chipfunde-Vava said, "*You become pace setters. Even if you look at all the election experts coming out of Zimbabwe, if you look at the names, most of them came from ZESN… Most of those who are called election experts in Zimbabwe in most cases started from ZESN; we are now a training ground*". This found confirmation in interviews with individuals who have a background of having worked with the ZESN at some point.

***Triumph in Challenge (Cont ...)***

Runyararo Munetsi, a former Research and Advocacy Officer for the ZESN, was particularly full of praise for the ZESN:

> *...But, I mean, that is what the ZESN does to you. You begin to love that job; you begin to have a passion for your job. There is something about just working there that, I don't know, you feel like you have to give your all to that job. And up to now, even when I meet people and I talk about my work experience, I worked in [name of country withheld] for five years, but I don't talk about it with so much passion as I talk about the ZESN. and what I like about the ZESN as well, it's like a builder of people's skills. You get there, you are not very confident, but when you leave, you are confident. When you leave you are surprised that oh I have gained all these skills! So that is what I love about it. I have never met anyone who left the ZESN, and they are not shining out there.*

Speaking figuratively, Solomon Bobosibunu, a former Field Officer of the ZESN, said about the story of the ZESN:

> *What I would say as a story, I would give it as a fruit tree, say a mango tree on the side of the road in a community. One, the story of this mango tree is that it provides shade, it provides comfort, it provides food for other people, it also food for animals, those that will come and eat the leaves. It also provides firewood for those that will come and cut a few and leave. This mango tree also, through fruits that have been taken, they are fruits that have been taken elsewhere and their seeds have dried, and they have germinated from wherever they are. This is symbolic of the different people that the ZESN has worked with either directly or indirectly that have attributed whatever they have done to the ZESN and they have been in different parts of the world, so these trees are planted everywhere and they are making impacts in those communities, in those different countries, in those different organisations.*

Solomon Bobosibunu continued:

> *If you look at it you can name a lot of people, I might not be able to name them on this, but there are people all who have worked with the ZESN, who have gone further to do extraordinary work again from the experience from the ZESN. There are organisations that have been started from the same institution, be it they are doing elections or they're doing other work. But the founders have learned a lot from what they have actually seen at the ZESN. So, in that regard, it's still impact… women, the youth. So, if you see most of the youth organisations that are saying elections, elections, elections and you try to trace those organisations, you see that at one point they are coming to this tree to get some fruits, get some firewood, to get this and that, and then they leave. So this is the story that I can tell, but the different trees might not come back to trace where they came from, but in those communities again, they start to produce further fruits that we are unable to account for, but this is important work that the ZESN has done, where you wouldn't mind what they took from you, what they're using, the researches, the papers ,the newsletters, the information, the capacities that they actually using in different communities to produce different results which they also share with their communities.*

The first interim Chairperson of the ZESN, Phillitat Matsheza, also appreciated the value of the experience he got from working with the ZESN, "*So, I would say that it was probably one of the best privileges I have had. I would not have joined the United Nations if it hadn't been the experience from the ZESN and from SAHRIT, I would not have made it, but I was already a household name in those sectors*".

*Triumph in Challenge (Cont ...)*

Similarly, Barbara Nyangairi, a former Manager of the M and O Department of the ZESN and former Programmes Coordinator, who is now the Director for Deaf Zimbabwe Trust, was equally grateful of the opportunity to have worked at the ZESN. Adding to the other things that she said go into the story of the ZESN, she said:

> *The story of ZESN is the story of excellence. Excellence that is continuously practised, the aspiration for excellence, the aspiration to be better. I think there are many many good things to say about the ZESN, and it's the place which groomed me. I would not be able to do the work that I'm doing today without the many lessons that I learnt from the ZESN. So, I totally appreciate the institution and the leadership of the institution.*

The ZESN has thus achieved much more, beyond what is directly related to its mission of promoting democratic elections in Zimbabwe.

## Recognition of the ZESN's Work

Overall, the contribution of the ZESN in Zimbabwe through its different programmes was acknowledged as important by a number of key informants. To quote Taona Mwanyisa, an elections consultant who works at the international level, with a long history of working with the ZESN:

> *The positioning of the ZESN as a leading election observation institution and the piloting of innovative processes of observing elections especially around data-driven election observation (PVTs). The shaping of the electoral reform discourse in the country and the advocacy around key electoral reforms through post-election reviews and position papers. Strong corroboration among national election observation groups through the development of Network strategies around election observation and CVE.*

Consistently, in an interview, the former Chairperson of the ZESN, Dr. Solomon Zwana noted the ZESN's achievements in election with regards to advocacy to influence electoral legislation, effective coordination and promotion of electoral programming as well as raising awareness on citizen participation in electoral processes. Zwana noted the ZESN's recognition locally, regionally, and internationally which raised its profile and reputation. Owing to the experience and expertise accumulated over the years, the ZESN has built itself into being a credible player and voice on electoral issues and practices, according to Zwana.

The ZESN was also recognised by the academia, Dr. Solomon Muqayi, a University of Zimbabwe lecturer who has worked with the Network on some book projects, acknowledged that, "*ZESN is contributing a great deal to the promotion of democratic elections in Zimbabwe through its publications*". He however advised that the ZESN should continue to link up with more local and international universities to disseminate the knowledge it has acquired on elections as this will be one of its greatest contributions to the academic sector.

Some of the achievements of the ZESN were noted in a 2019 evaluation report which states that:

> *ZESN has enhanced the democratic and human rights of a significant proportion of the population in an inhospitable environment. Many problems remain, but elections would have been significantly less transparent and voter awareness and engagement would have been more restricted without ZESN's Swedish-supported work (Christoplos et al. 2019: vi).*

***Triumph in Challenge (Cont ...)***

Further, apart from the foregoing achievements that directly relate to the daily programming and immediate goals and objectives of the ZESN in pursuit of its broader mission and vision, and contributions in the region, the Network has also made some other notable achievements, in addition to remaining standing and resolute.

However, the contribution of the ZESN has not only been limited to Zimbabwe. The Network has been recognized within Zimbabwe, regionally, and internationally, receiving several awards in recognition of its work. As the founding interim Chairperson of the ZESN, Philliat Matsheza, said:

> *First, we were able to actually have, thanks to the Network model, we were actually able to have a strong Network that would be recognized by both the opposition and the ruling party. There is no doubt that our presence was noticed. There was an attempt, of course, everybody wanted to influence us, everybody wanted us to hear their side and, of course, if you are not important, why would anybody bother? It (ZESN) also achieved international recognition. We became part and parcel of the international observers.*

In an interview, Vimbai Zinyama of the ZCTU, a long-time member of the ZESN also highlights the role of the ZESN in ensuring that civic society's voice remains strong and visible through advocacy for democratic the elections. She further argued that the Network enabled the internationalisation of the "Zimbabwe Case" and sustained the links regionally and globally. The former Chairperson of the ZESN, Noel Kututwa, argues that the greatest achievement of the ZESN has been its ability to grow its brand in Zimbabwe, the region, and globally on election work.

While, as discussed in chapter 6, the ZESN has embarked on learning missions, observing elections in other countries, this has also led the Network to contribute in terms of improving electoral processes in those same countries. In an interview, Tomsie Dlamini who has worked with the ZESN as a technical partner said that the contribution of the ZESN to electoral frameworks in Zimbabwe and beyond is huge. Dlamini said:

> *ZESN's participation in several election observer missions across Africa and their contribution to election reports; the content of which has influenced a review of electoral legal framework and policies – the participation of women in electoral processes, violence against women in elections and political leadership are examples where ZESN has made tangible contributions in sharing experiences and recommendations. ZESN has played a leading role in building the capacity of CSOs who are pivotal in enhancing electoral participation across the spectrum of citizens in Zimbabwe.*

Within the country, the ZESN has been recognized by the highest office in the land. It has already been noted that when he won the 2018 elections, President Emmerson Mnangagwa cited the ZESN's PVT whose projections were consistent with the results announced by the ZEC. Yet another indication of the recognition of the ZESN is that the Network is invited, as the only CSO, every year to present on its work at the Zimbabwe National Defence University. The ZESN was also invited by the Common Market for Eastern and Southern Africa (COMESA) through the Ministry of Foreign Affairs, as the only CSO, for early warning training.

Further indicating the recognition of the work of the ZESN, the Network has received several awards over the years. On 28 November 2008, the ZESN was conferred the *2008 French Republic's Human Rights Award*.[188] In an interview in 2010, the Director, Rindai Chipfunde-Vava, also shared that the ZESN former Chairperson Matchaba-Hove got a *Democracy Award* from the National Endowment for Democracy.

[188] https://www.zesn.org.zw/zesn-recieve-the-2008-french-republics-human-rights-award/press-statement/5229/53/34/21/01/12/2008/tinashe/

*Triumph in Challenge (Cont ...)*

In addition, the former United States of America President, Barack Obama acknowledged the work of the ZESN on his visit to Ghana in 2009. In his speech, Obama recognized the ZESN as, "an organisation that, despite the repression, has managed to fight for the vote of Zimbabweans".

In May 2012, the ZESN was granted Observer Status by the African Commission on Human and Peoples Rights (ACHPR).[189] The Observer Status was granted during the Commission's 51st Ordinary Session which was held from 18 April to 2 May 2012 in Banjul, Gambia. The new status enabled the ZESN together with other CSOs that also enjoy the observer status to directly interact with the ACHPR on various issues about the protection and promotion of human rights in the country. In addition, the status also allows the ZESN to report violations of human rights to the Commission through official communications and many other available mechanisms. The ZESN envisages that such communication and actions assist in the prevention of human rights abuses and the promotion of human rights in Zimbabwe.

In 2014, the Network received an Award for Outstanding Work in the Promotion of Democracy from the International Centre for Parliamentary Studies (ICPS).[190] The award ceremony which coincided with the ICPS's 9th International Electoral Affairs Symposium and the 2nd International Electoral Awards Ceremony was supported by the Independent Electoral Commission of South Africa (IEC), to mark the 20th anniversary of the inauguration of South Africa's first democratically elected president - the late Nelson Mandela. The event was held in December 2014 in Cape Town, South Africa. Such recognition is testimony of the growth of the ZESN brand.

To the ZESN, the foregoing vindicates it, conveying a message about the impact of its work. As the Executive Director of the ZESN, Rindai Chipfunde-Vava said about invitations that the ZESN gets from the region and internationally as well as the awards it has received over the years, "*So, that recognition, internally and also globally, shows that we are making a difference*".

## Conclusion

In the 23 years it has been operating so far, the ZESN has made numerous achievements amidst formidable challenges. This chapter only presented a sample of the ZESN's achievements that are evident in the changes in the conduct of elections in Zimbabwe since 2000. In spite of challenges that include security threats, administrative hurdles in working with the EMB, and funding-related difficulties, the ZESN has made an indelible imprint in Zimbabwe's electoral arena. Given the operational context, the Network's first and foremost achievement is remaining standing and resolute. Regarding its programming, the ZESN has continued to empower citizens for their informed participation in elections, provide oversight on electoral processes, engage in advocacy for electoral reform, and keep citizens informed on electoral issues. The Network has also continued to engage all relevant stakeholders in the course of doing its work. Further, the ZESN has coped with funding-related challenges, maintained its impartiality, and been resilient. It has effectively coordinated its members and other stakeholders, survived potential competition, and been involved in the setting up of similar Networks or used as a model elsewhere, outside Zimbabwe. As a result of its visible work, the ZESN has gained recognition at home and abroad, receiving awards along the way.

189 https://www.zesn.org.zw/wp-content/_protected/publications/publication_321.pdf

190 https://www.zesn.org.zw/wp-content/uploads/2015/10/icps.pdf

# CHAPTER 11

## Conclusion and Recommendations

This chapter summarises the ZESN story that has been covered in the book. The story was variously described by members, stakeholders and partners at different levels. The Network was formed in the late 1990s, in part, to directly respond to the call for the formation of a standardised election organisation in Zimbabwe. The ZESN was also formed at a time when the body that had the mandate to administer elections at the time was seeking to work with non-governmental actors in elections. The Network formally started election work with the observation of the 2000 parliamentary elections. That election thrust the ZESN into a critical role that it had to sustain for the next 23 years. By telling its own story, the ZESN has contributed to the broader discussion on election discourse in Zimbabwe and the world over. This is a unique, motivating and challenging story that will equip practitioners, academics, policy makers and activists with the rich history of the Network. The story is a major contribution that will amplify the position of the ZESN as a reference point on election discussions. Allowing the Network membership, stakeholders and partners to share their experience with the organisation, the ZESN has enhanced the principles of transparency and accountability in organisational operations. The book becomes an accountability tool that the ZESN has developed. As the members, stakeholders and partners participated in this book project, they also took time to reflect on their specific role in the democratisation of elections in Zimbabwe. Key lessons and recommendations were shared which will help to improve election work in the country.

The authors interacted with the key informants who included the founding members of the Network, former and current members, former and current leaders, stakeholders from the academia, civil society, the ZEC, as well as local and international technical partners. Critical voices were harvested from the task force members who have been directly leading the ZESN processes with regards to capacity building of members on election work, recruitment, training, and deployment of election observers to the reporting writing phase. It was noted that the ZESN has remained very strong at the grassroots levels. Voices from the founding leaders were also captured where they shared their vision, initial steps in the formation of the Network, the hurdles they had to break and the opportunities they utilised. It was noted that the ground was fertile for the formation of an election watchdog. While the ZESN model was directly informed by the regional networks that worked on elections, the local social, economic, political and legal environment provided the founders with enough justification to form the ZESN. Development partners and some elements in the government also believed in the vision hence, the ZESN was cultivated into a critical player on electoral democracy in Zimbabwe and beyond. Key lessons that one could pick from the founding leaders as they narrated the history of the ZESN was the need for one to be courageous, committed and remain focused on the goal when a new institution is being formed. It was further noted that there is a need for founding members to grow a sense of collective efforts as opposed to individualistic attitude. The founding leaders still believe that they made the right decision by forming the ZESN.

The current and former Board members of the ZESN exhibited strong attachment with the Network. While they shared the strategic issues that complimented the ZESN story, they emotionally told the authors that the Network remains in their blood. Indeed, they met some challenging situations as the leaders at specific moments in the history of the Network, but for the spirit of collectivism that characterised the life of the ZESN always motivated them to remain focused on the goal.

*Conclusion and Recommendations (Cont...)*

Their members and the secretariat were always exposed to security risks and as the leadership, they needed to provide that much needed political cover in such moments. They had to develop a thick skin to absorb all the pressures associated with leadership of a Network that was always in the spotlight because of the nature of the work. The four Chairpersons, that is, the current and former three who participated in this book project lamented that some of their aspirations are yet to be fulfilled because of the context in which the ZESN operates. However, they were largely happy because of the achievements realised by the Network to date. They are generally in a celebratory mode to be associated with the ZESN work.

The ZESN stakeholders from Zimbabwe, the African region and beyond, also added their voice in this project. It was fascinating to note that the ZESN technical partners who were involved in the initial capacity building of the Network are still well connected to the organisation. They narrated how they provided the ZESN with training skills on election work including the administration, election observation and reporting. It was further interesting to learn that some of the international technical partners who assisted the ZESN to set up also supported some government departments in the area of elections. The ZESN also groomed some individuals who worked as its staff members but became internationally acclaimed experts on election work. Voices of such partners were captured in the book. Utilising the expertise they gained while at the ZESN, the experts have managed to help set up similar networks in other African countries and beyond. As they told their stories, they credited the ZESN for having given them the opportunity to learn on election work. It was motivating to observe that all the former ZESN employees who were interviewed, spoke highly about their time at the Network. This also explains why they have remained technically connected to the ZESN.

Officials from public institutions that work with the ZESN also shared their stories with regards to the collaborative efforts that manifested over the years. The collaboration with the ZEC was particularly encouraging to hear about. The relationship between the ZESN and ZEC was not good during the early years of the Network's existence. However, as noted in the book, there were great improvements in this regard. By 2023, the ZESN was now being regarded as a legitimate and major player in electoral work by the ZEC. The officials from the ZEC who participated in this project indicated that through the ZESN, the EMB managed to cover huge ground in terms of civic and voter education. Other institutions that work with the ZESN such as universities also added their voice by arguing that the Network has contributed a great deal to knowledge on elections. It was noted that the ZESN has managed to collaborate with universities and produced academic work that will be useful as education materials.

To complement the voices from the members, stakeholders and partners of the ZESN, secondary materials were also useful in telling this story. In the last twenty-three years of its existence, the ZESN has managed to produce several educational (CVE materials), policy, and legal materials that tell the rich history of the Network. Scanning through the ZESN periodic reports, policy briefs, model bills, capacity building materials, books, media statements and newsletters, one would be convinced of the work that the Network has done in just over two decades of existence.

The ZESN is already a point of reference on elections in Zimbabwe. Thus, in producing this book, such materials were consulted. Yet, the ZESN story has also been told by other stakeholders such as the media, policy makers (as they make reference to the ZESN work), academia and others. While in some cases, the ZESN was portrayed negatively, as the story remains a story whatever the intention of the source.

***Conclusion and Recommendations (Cont...)***

The ZESN story was broken into chapters that focused on specific components of the life of the Network. Chapter 1 presented the ZESN as a vehicle for electoral democracy in Zimbabwe. The centrality of elections in democracy was discussed. Chapter 2 focused mainly on the motivation for the formation of the ZESN. It traced the emergence of vibrant civic movements, the history of Zimbabwe's elections since 1980 picking mostly their fault lines. The chapter also discussed the history and methodologies of election monitoring and observation. It then zeroed in on the specific social, economic, political and legal issues that led to the call for a standardised election work in the country. Thus, the processes and personalities involved were noted. Chapter 3 discussed the concept of social capital that informed the network model that ZESN adopted. It was noted that the ZESN chose the network model because of the several advantages it carries over other forms of organisations. The chapter noted that indeed, the ZESN has managed to sustain its identity since its formation. The vision, mission and values have largely remained the same hinged on the interests of network members. In this chapter, voices of members, stakeholders and partners were cited verbatim as they reflected on the identity of the ZESN and the network model that they adopted. The Network's perspective on electoral democracy was comprehensively covered while the operational and governance structures of the ZESN were also discussed.

The second part of the ZESN story covered from chapter 4 to 9 focused on the specific programmes that are implemented by the Network. It explained the objectives, activities and achievements of each of the programme pillars. Chapter 4 focused on education for electoral democracy. The legal and political hurdles that the ZESN had to break from 2000 to 2023 with regards to the provision of civic and voter education were noted. Challenges in accessing certain geographical areas marked as “politically no-go-areas", stiff accreditation conditions and others were noted. However, ultimately, the ZESN emerged as a major civic and voter educator by 2023. Chapter 5 focused on monitoring and observation of the elections as a way of enhancing transparency and confidence in the country's elections. The legal changes that the monitoring role being restricted to the EMB while all others became observers, the various governing laws that were introduced, the involvement of several offices in the election work and subsequently the emergence of the ZEC as the main player were noted. The chapter also assessed the extent to which Zimbabwe complied with local, regional, and frameworks that govern elections. The introduction of the harmonised elections model was also a major highlight of the chapter. The introduction of the SBO methodology and the subsequent harassment of the ZESN leadership and secretariat members was noted. Chapter 6 shared the ZESN experience with regard to involvement with regional election observation for learning purposes. Thus, case studies drawn from Sierra Leone, Zambia, Kenya and Uganda were discussed. It was noted that the ZESN continued to pick some lessons that informed its advocacy on specific electoral matters.

The chapter highlighted that ZESN learnt about the professionalism of EMBs in other countries, the factor of political will, and how elections could be held in a pandemic situation in other African countries. Chapters 7 and 8 traced the ZESN advocacy efforts informed by its observations and research. It was noted that from 2000 to 2008, electoral reforms were being resisted by the government. However, there were major changes in the 2008 elections. The GNU era was characterised in chapter 7 as a missed opportunity. The post GNU period saw the continued advocacy efforts of the ZESN towards electoral reforms. Chapter 8 notes the dashed expectations with regard to electoral reforms in this period. Chapter 9 that focused on communication reinforced the fact that the ZESN has emerged as a major communicator on electoral issues in Zimbabwe.

***Conclusion and Recommendations (Cont...)***

The third part of the ZESN story was told in chapter 10 and 11. Chapter 10 argued that in "challenges, the ZESN triumphed". It highlighted indicators of the ZESN achievements despite the huge challenges faced over the years. It was indicated that the ZESN kept the citizens informed on elections, it sustained critical policy engagements for reforms, coped with funding challenges, maintained impartiality in a polarised society, coordinated members well, and manifested unparalleled resilience. The ZESN also enjoyed recognition locally, regionally and internationally while it also helped in the establishments of similar networks in other countries. Thus, the Network faced several challenges, but it still achieved great things over twenty-three years of its existence.

The recommendations that were proffered to the Network broadly to sustain the achievements made so far by the participants during the interviews were captured in chapter 11 of this book. The ZESN is encouraged to continue drawing lessons and best practices from other countries through participation in regional and global election missions. Thus, such missions should remain one of the ZESN strategic focus as it strengthens the Network's advocacy approaches. While it was noted that the ZESN remains active in all electoral processes, there is a need to strengthen the long-term election monitoring framework. This will allow the Network to actively monitor all aspects of the electoral cycle. Almost all the participants indicated that the ZESN should maintain its impartiality approach in a polarised society of Zimbabwe. Collaboration with key institutions such as the ZEC, parliament, universities and others should remain on the ZESN plans so as to enhance its advocacy processes while also building its capacity. It was, however, encouraged that the ZESN should proactively initiate discussions on electoral reform without delay to ensure timely and effective reform implementation before the next general elections. The Network should fully embrace the utilisation of the ICTs in its observation methodologies to counter the shrinking space for civil society. This will further strengthen data-driven observation models that inform the electoral reform agenda, leveraging the expertise within its membership and external partners.

## Appendix 1: The Current Leadership of the ZESN

The current Board of the ZESN is made up of the following leaders:

1. Mr. Andrew Makoni - **Chairperson**
2. Pastor Trever Masuku – **Vice Chairperson**
3. Mr. Raphael Bareyi -**Treasurer**
4. Ms. Rosewita Katsande - **Youth Empowerment and Transformation Trust (YETT)**
5. Bruce Nyoni - **Albino Trust of Zimbabwe (ATZ)**
6. Mrs. Farisai Chaniwa **- Media Monitors Zimbabwe (MM)**
7. Reverend Useni Sibanda **- Christian Alliance of Zimbabwe (CAZ)**
8. Ms Roselyn Hanzi **- Zimbabwe Lawyers for Human Rights (ZLHR)**
9. Samukeliso Khumalo **- Women Institute for Leadership Development (WILD)**
10. Permanent Ngoma **- Bulawayo Progressive Residents Association (BPRA)**
11. Paul Muchena **- Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ)**
12. Mrs. Rindai Chipfunde Vava **– Ex Officio Member**

## Appendix 2: Board Members of the ZESN Since 2000

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|---|---|---|---|---|---|
| Philliat Matsheza<br>Chair | Philliat Matsheza<br>Chair | Reginald Matchaba Hove<br>Chair | Reginald Matchaba Hove<br>Chair | Reginald Matchaba Hove<br>Chair | Reginald Matchaba Hove<br>Chair |
| Sarah Chiumbu<br>**(MISA)**<br>Vice Chair | Sarah Chiumbu<br>**(MISA)**<br>Vice Chair | Sarah Chiumbu<br>**(MISA)**<br>Vice Chair | Sarah Chiumbu<br>**(MISA)**<br>Vice Chair | Rashweat Mukundu<br>**(MISA)** | Rashweat Mukundu<br>**(MISA)** |
| | | Tarcicius Zimbiti<br>**(CCJP)** | Alouis Chaumba<br>**(CCJP)** | Alouis Chaumba<br>**(CCJP)** | Alouis Chaumba<br>**(CCJP)** |
| | | Abigail Gamanya<br>**(FAMWZ)** | Abigail Gamanya<br>**(FAMWZ)** | Sinikiwe Msipa<br>**(FAMWZ)** | Sinikiwe Msipa<br>**(FAMWZ)** |
| | David Chimhini<br>**(ZIMCET)** | Nkululeko Sibanda<br>**(ZINASU)** | Emmanuel Samundombe<br>**(ZINASU)** | Promise Mkwananzi<br>**(ZINASU)** | Promise Mkwananzi<br>**(ZINASU)** |
| | | Anthony Reeler<br>**(Amani Trust)** | Frances Lovemore<br>**(Amani Trust)** | Frances Lovemore<br>**(Amani Trust)** | Frances Lovemore<br>**(CSU)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|---|---|---|---|---|---|
| | | Thandiwe Nkomo/ Norbert Dube **(ORAP)** | Norbert Dube **(ORAP)** | Wellington Mbofana **(CIVNET)** | Wellington Mbofana **(CIVNET)** |
| | | Tambudzai Zimbodza **(ZSCM)** | Admire Zaya **(ZSCM)** | Admire Zaya **(ZSCM)** | Admire Zaya **(ZSCM)** |
| Goretti Mudzongo **(SAHRIT)** | Goretti Mudzongo **(SAHRIT)** | Phillitat Matsheza **(SAHRIT)** | Phillitat Matsheza **(SAHRIT)** | Phillitat Matsheza **(SAHRIT)** | Noel Kututwa - Treasurer **(SAHRIT)** |
| Perpetua Bganya **(ZCC)** | Perpetua Bganya **(ZCC)** | Zacharia Godi **(ZCC)** | Gabriel Manyangadze **(ZCC)** | Gabriel Manyangadze **(ZCC)** | Gabriel Manyangadze **(ZCC)** |
| | Edna Zinyemba **(NCA)** | Edna Zinyemba **(NCA)** | Edna Zinyemba **(NCA)** | Edna Zinyemba **(NCA)** | Edna Zinyemba **(NCA)** |
| Doreen Nelson **(FODEZI)** | Doreen Nelson **(FODEZI)** | Doreen Nelson **(FODEZI)** | Doreen Nelson **(FODEZI)** | Doreen Nelson **(FODEZI)** | Doreen Nelson **(FODEZI)** |
| Selina Mumbengegwi **(WAG)** | Selina Mumbengegwi **(WAG)** | Ednah Masiyiwa **(WAG)** | Ednah Masiyiwa **(WAG)** | Ednah Masiyiwa **(WAG)** | Ednah Masiyiwa **(WAG)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|---|---|---|---|---|---|
| David Chimhini **(ZimRights)** | Munyaradzi Bidi **(ZimRights)** | Munyaradzi Bidi **(ZimRight)** | Munyaradzi Bidi **(ZimRights)** | Munyaradzi Bidi **(ZimRights)** | Dzikamai Machingura **(ZimRights)** |
| | | Albert Musarurwa **(LRF)** | Albert Musarurwa **(LRF)** | Albert Musarurwa **(LRF)** | Deborah Barron **(LRF)** |
| Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex– Officio)** | Rindai Chipfunde Vava **(Ex– Officio)** | Rindai Chipfunde Vava **(Ex– Officio)** | Rindai Chipfunde Vava **(Ex– Officio)** |

- 2000, 2002, 2005, 2007 were Election years. 2008 Chairperson – Noel Kututwa resigned and Tinoziva Bere was elected at the 2008 AGM.

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2006 | 2007 | 2008 | 2009 | 2010 |
|---|---|---|---|---|
| Reginald Matchaba Hove | Noel Kututwa – Chairperson | Noel Kututwa Chairperson (Jan – June 2008)<br>Tinoziva Bere – Chairperson (Sept 2008) | Tinoziva Bere – **Chairperson** | Tinoziva Bere – **Chairperson** |
| Noel Kututwa - Treasurer<br>**(SAHRIT)** | Emma Gweshe<br>**(SAHRIT)** | **(SAHRIT)** defunct | | |
| Rashweat Mukundu<br>**(MISA)** | Rashweat Mukundu<br>**(MISA)** | Takura Zhangazha<br>**(MISA)** | Nhlanhla Ngwenya<br>**(MISA)** | Nhlanhla Ngwenya<br>**(MISA)** |
| Frances Lovemore<br>**(CSU)** | Frances Lovemore<br>**(CSU)** | Frances Lovemore<br>**(CSU)** | Frances Lovemore<br>**(CSU)** | Frances Lovemore<br>**(CSU)** |
| Ernest Mudzengi<br>**(NCA)** | Ernest Mudzengi<br>**(NCA)** | Ernest Mudzengi<br>**(NCA)** | Ernest Mudzengi<br>**(NCA)** | Ernest Mudzengi<br>**(NCA)** |
| Promise Mkwananzi<br>**(ZINASU)** | Beloved Chiweshe<br>**(ZINASU)** | Clever Bere<br>**(ZINASU)** | **ZINASU** | **ZINASU** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2006 | 2007 | 2008 | 2009 | 2010 |
|---|---|---|---|---|
| Wellington Mbofana **(CIVNET)** | Wellington Mbofana Treasurer **(CIVNET)** | Wellington Mbofana Treasurer **(CIVNET)** ) | Wellington Mbofana - Treasurer **(CIVNET)** | Wellington Mbofana - Treasurer **(CIVNET)** |
| Alouis Chaumba **(CCJP)** | Alouis Chaumba **(CCJP)** | Alouis Chaumba **(CCJP)** | Alouis Chaumba **(CCJP)** | Alouis Chaumba **(CCJP)** |
| Admire Zaya **(ZSCM)** | Irene Petras - Vice Chairperson **(ZLHR)** | Irene Petras- Vice Chairperson **(ZLHR)** | Irene Petras - Vice Chairperson **(ZLHR)** | Irene Petras - Vice Chairperson **(ZLHR)** |
| Gabriel Manyangadze **(ZCC)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** |
| Ednah Masiyiwa **(WAG)** | Barnabas Mangodza **(CHRA)** | Barnabas Mangodza **(CHRA)** | Barnabas Mangodza **(CHRA)** | Barnabas Mangodza **(CHRA)** |
| Dzikamai Machingura **(ZimRights)** | Dzikamai Machingura **(ZimRights)** | Okay Machisa **(ZimRights)** | Okay Machisa **(ZimRights)** | Okay Machisa **(ZimRights)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2006 | 2007 | 2008 | 2009 | 2010 |
|---|---|---|---|---|
| Doreen Nelson **(FODEZI)** | | | Anastasia Moyo (co - opted) **(Bulawayo Agenda)** | Anastasia Moyo **(Bulawayo Agenda)** |
| Angela Makamure **(FAMWZ)** | | | | |
| Deborah Barron **(LRF)** | | | | |
| Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex – Officio)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2011 | 2012 | 2013 | 2014 |
|---|---|---|---|
| Tinoziva Bere – **Chairperson** | Tinoziva Bere – **Chairperson** | Dr. Solmon Zwana **Chairperson** | Dr. Solmon Zwana **Chairperson** |
| Nhlanhla Ngwenya **(MISA)** | Nhlanhla Ngwenya **(MISA)** | Irene Petras- **Vice Chairperson** | Irene Petras- Vice Chairperson |
| Wellington Mbofana - **Treasurer (CIVNET)** | Wellington Mbofana - **Treasurer (CIVNET)** | Jacob Mukamba **(Treasurer)** | Jacob Mukamba **(Treasurer)** |
| Ernest Mudzengi **(NCA)** | **(NCA)** | Farai Mukuta **(NASCOH)** | Henry Masaya **(NASCOH)** |
| **ZINASU** | **ZINASU** | Gladys Hlatywayo **(ZIMCET)** | Gladys Hlatywayo **(ZIMCET)** |
| Frances Lovemore **(CSU)** | Frances Lovemore **(CSU)** | Frances Lovemore **(CSU)** | Sibusisiwe Marunda **(WCoZ)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2011 | 2012 | 2013 | 2014 |
|---|---|---|---|
| Alouis Chaumba **(CCJP)** | Vitalis Gutu **(CCJP)** | Netsai Mushonga **(WCoZ)** | Frances Lovemore **(CSU)** |
| Irene Petras-Vice Chairperson **(ZLHR)** | Irene Petras-Vice Chairperson **(ZLHR)** | Roselyn Hanzi **(ZLHR)** | Roselyn Hanzi **(ZLHR)** |
| Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** |
| Barnabas Mangodza **(CHRA)** | Mfundo Mlilo **(CHRA)** | Mfundo Mlilo **(CHRA)** | Mfundo Mlilo **(CHRA)** |
| Okay Machisa **(ZimRights)** | Okay Machisa **(ZimRights)** | Chiedza Simbo **(ZWLA)** | Chiedza Simbo **(ZWLA)** |
| Anastasia Moyo **(Bulawayo Agenda)** | Thabani Nyoni **(Bulawayo Agenda)** | Thabani Nyoni **(Bulawayo Agenda)** | Mmeli Dube **(Bulawayo Agenda)** |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2011 | 2012 | 2013 | 2014 |
|---|---|---|---|
| Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex-Officio)** | Rindai Chipfunde Vava **(Ex-Officio)** | Rindai Chipfunde Vava **(Ex-Officio)** |
| **2015** | **2016** | **2017** | |
| Irene Petras **Chairperson** | Irene Petras **Chairperson** up to June 2016 | Henry Masaya **Chairperson** | |
| Henry Masaya **Deputy Chair** | Henry Masaya **Deputy Chairperson** then **Chairperson** from July 2016 | Mary-Jane Ncube **Vice Chairperson** | |
| Jacob Mukamba **(Treasurer)** | Jacob Mukamba (**Treasurer**) / Temba Munsaka | Temba Munsaka **(Treasurer)** | |
| Frances Lovemore **(CSU)** | Frances Lovemore **(CSU)** | Frances Lovemore **(CSU)** | |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

| 2015 | 2016 | 2017 | |
|---|---|---|---|
| Gladys Hlatywayo **(ZIMCET)** | Gladys Hlatywayo **(ZIMCET)** | Gladys Hlatywayo **(ZIMCET)** | |
| Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | Jestina Mukoko **(ZPP)** | |
| Sally Dura **(WCoZ)** | Sally Dura **(WCoZ)** | Sally Dura **(WCoZ)** | |
| Roselyn Hanzi **(ZLHR)** | Roselyn Hanzi **(ZLHR)** | Roselyn Hanzi **(ZLHR)** | |
| Mfundo Mlilo **(CHRA)** | Mfundo Mlilo **(CHRA)** | Mfundo Mlilo **(CHRA)** | |
| Abigail Matsvayi **(ZWLA)** | Abigail Matsvayi **(ZWLA)** | Abigail Matsvayi **(ZWLA)** | |
| Mmeli Dube **(Bulawayo Agenda)** | Mmeli Dube **(Bulawayo Agenda)** | | |
| Rindai Chipfunde Vava **(Ex – Officio)** | Rindai Chipfunde Vava **(Ex–Officio)** | Rindai Chipfunde Vava **(Ex–Officio)** | |

*Appendix 2: Board Members of the ZESN Since 2000 (Cont...)*

193The ZESN approach to leadership gives each member the opportunity to lead the Network at any given point. Section 33.4 and 33.5 of the ZESN Constitution states that:

The term of office for each Board member is a period of five years provided that three (3) or more years' service on the Board is deemed to be a full term. A Board member may hold office for a maximum of two (2) terms of five (5) years each provided that a person may become eligible for election as a Board member upon the lapse of one (1) term after the first two (2) consecutive terms provided that this shall not affect the eligibility to contest for the Chairpersonship of the person who has held the position of Deputy Chairperson.

**Zimbabwe Election Support Network**

Promoting Democratic Elections In Zimbabwe

**Zimbabwe Election Support Network**

Tel: +263 242 250735, 798193, 791803

**SMS/WhatsApp:**

+263 733 703 181

Email: info@zesn.net, zesn2011@zesn.net

**Facebook:**

Zimbabwe Election Support Network(ZESN)

**Twitter:**

@ZESN1

**Website:**

www.zesn.org.zw