



**ZIMBABWE ELECTION  
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## **FACTSHEET**

### **ACCOUNTABILITY DEFICITS: THE PROBLEMATIC ROLES OF THE SECURITY FORCES, TRADITIONAL LEADERS AND CIVIL SERVANTS IN ZIMBABWE'S ELECTIONS**

#### ***Background Information***

Elections should be conducted in a transparent manner that yields credible and indisputable results. However, election administration in Zimbabwe has in practice been marred by malfeasance from political incumbents and state institutions. Among the most contentious issues are the roles played by three critical state/national institutions: traditional leadership, the security sector and the civil service which have an obligation to be accountable to the Constitution which forbids them from being aligned to any political party. The parties have however displayed a lack of accountability to laid down electoral regulations which has sparked demands for both electoral law reforms and tighter enforcement of existing constitutional rules. On a global index of electoral quality, Zimbabwe is ranked 144<sup>th</sup> out of 165 countries and the quality of its elections is judged to be “very low.” The three parties continue to operate as though in a vacuum, displaying little to no responsibility for their actions, backed by lack of retribution which has resulted in Zimbabwean elections being characterised by violence and ultimately being disputed.

#### ***Constitutional Framework***

- Section 208 (2) of the Constitution bars members of the security forces from furthering the interests of any political party or violating people's fundamental rights.
- Section 281 (2) of the Constitution requires traditional leaders not to be members of any political party or further the interests of any political party or cause.

- Section 200 (3) of the Constitution explicitly prohibits members of the Civil Service from taking part in partisan political activity.

#### ***Main issues under the theme 'accountability'***

Security forces, traditional leaders and civil servants have a codified obligation to adhere to set rules and regulations governing elections. However, these three institutional actors have consistently violated the legal precepts and done so without accountability and with impunity. The lack of accountability by these parties and their embeddedness in partisan electoral activities (e.g. rendering logistical and campaign support to ZANU-PF) in breach of constitutionally enshrined nonpartisan and impartiality clauses, has adversely affected the quality of the elections and their outcome as evidenced by electoral disputes before, during and after the 2018 harmonised elections.

#### ***The security forces***

- The security forces have a legal and constitutional obligation to remain impartial and nonpartisan in the conduct of their duties at all times. However, since independence, the security sector has acted in aid of ZANU-PF's power retention agenda and without being held to account by either ZEC or law enforcement agencies.

- The security forces, chiefly the army, who facilitated the removal of former President Robert Mugabe in November, 2017 have repeatedly interfered in political and electoral processes by promoting the interests of the ruling party e.g. being deployed in rural areas where they intimidate villagers (ZDI, 2018)
- Senior Government and ZANU-PF officials – e.g. then deputy Finance Minister Terence Mukupe and Masvingo Minister of State for Provincial Affairs, Josiah Hungwe - publicly declaring that the army would not allow the party to lose power.
- The heavy-handedness of the security forces culminated in the politically-motivated shooting of six civilians in the 1 August 2018 post-election violence.
- Security forces were deployed in some Harare high-density suburbs before the presidential election results, wantonly beating up and harassing civilians (ZHRC, 2018)

### ***Traditional leaders***

- Traditional leaders reportedly forced villagers to attend political rallies throughout the 2018 election campaign. They also ensured that food and other aid were distributed along partisan lines (ZESN, 2018)
- These leaders were also observed intimidating people by demanding serial numbers of their voter registration slips (ZHRC, 2018)
- The President of the National Council of Chiefs, Fortune Charumbira openly declared support for the incumbent, boasting that all traditional leaders would follow suit. He rejected, with impunity, the High Court order to retract his statement.

### ***Civil servants***

- The Constitution mandates civil servants to be impartial and nonpartisan and this is especially important during the electoral period as civil servants are employed by the Zimbabwe Electoral Commission (ZEC) to help with the running of the election.

- Civil society has continuously raised concerns over the employment of some sections of the civil service during elections and their impartiality as some of them were recruited via the partisan National Youth Service (ZESN, 2018).
- Senior government officials including district administrators, rural district council officials and heads of government departments routinely attended political rallies in their areas in the run up to the 2018 elections.
- In June 2018, Veritas together with the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) took ZANU-PF to court, case number (HMA 37-18, HC 297/18) over the misuse of schools and abuse of schoolchildren and their teachers for political rallies (Veritas:2018). The High Court granted the interdict which the party appealed against but meanwhile continued with its abuse while ZEC looked the other way.

### ***Current state of affairs***

The top leadership of all three institutions has historically remained partisan and aligned to the ruling party with little or no accountability for past violations which the relevant enforcement authorities continue to overlook. This has created a manifestly skewed playing ground for other electoral competitors, a situation that demands urgent and comprehensive remedial interventions.

### ***Recommendations***

- Urgently and comprehensively reform and tighten the Electoral Act and any other Act affecting the three institutions and align them to the Constitution e.g. the Defence Act (Chapter 11:02), unlike the Police Act, does not prohibit members of the security forces from participation in politics as specified in Section 208 (2) of the Constitution. The Public Service Act (Chapter 16:04) should also be amended to ensure the political neutrality of civil servants as required by Section 200 (5) of the Constitution.

- Establish a mechanism for monitoring and timeously investigating electoral malpractices by election stakeholders.
- Security and law enforcement forces should avoid using disproportionate force to quell civil protests and perpetrators should face the rule of law.
- An Independent Complaints Mechanism as provided for in the Constitution should be set up, providing citizens with a pathway for recourse for any unprofessional conduct by the security forces.
- Robust legal mechanisms should be established to sanction partisan behaviour by traditional leaders, including suspension as established in section 7 of the Traditional Leaders Act.
- Statutory and Constitutional provisions requiring the political neutrality of civil servants should be strictly enforced and violators punished.
- There must be a legally binding Code of Conduct compelling traditional leaders and civil servants to be politically neutral and proscribing any activities that offend fundamental rights of citizens during the electoral processes e.g. through intimidation, involuntary 'assisted voting' or forcing prospective voters to queue behind their traditional leader.
- An Ethics Committee for monitoring and sanctioning electoral malfeasance especially partisan behaviour by traditional leaders, the security forces and civil servants should be established to help ensure the impartiality of state structures in elections.

### ***Conclusion***

The big fly in Zimbabwe's electoral ointment has been the flagrant and unpunished violations of the statutory and constitutional framework governing elections especially by the triad of security forces, traditional leaders and civil servants. If left unchecked, this will continue to erode the integrity and therefore the credibility of Zimbabwe's elections. There is urgent need to enforce the current regulations governing elections while also plugging any loopholes in the existing legislation. Aligning the Electoral Act to the supreme law of the country is the starting point otherwise, Zimbabwe will continue to be marked by procedural uncertainty and certainty of outcomes, typical features of electoral authoritarianism.

### ***References***

1. Veritas, Election Watch 30/2018. *Update on Court Case to Stop Abuse of Schools and Schoolchildren for Election Purposes*. Available at [www.veritaszim.net](http://www.veritaszim.net) (Accessed 16-09-19)
2. ZDI, 2018. ZANU PF/Military Deterrence of the Village Vote, Available at [http://kubatana.net/wp-content/uploads/2018/07/zdi\\_zanupf\\_military\\_village\\_vote\\_180710.pdf](http://kubatana.net/wp-content/uploads/2018/07/zdi_zanupf_military_village_vote_180710.pdf) (Accessed 16-09-19)
3. ZESN, 2018. *Final ZESN 2018 Harmonised Election Report*, Available at <https://www.zesn.org.zw/wp-content/uploads/2018/12/Final-ZESN-2018-Harmonised-Election-Report.pdf> (Accessed 16-09-19)
4. ZESN, 2018. *ZESN Parliament of Zimbabwe Form of Petition*, Available at <https://www.zesn.org.zw/wp-content/uploads/2019/06/ZESN-Electoral-Reform-Petition-Submitted-to-Parliament-of-Zimbabwe-1.pdf> (Accessed 16-09-19)
5. ZESN, 2019. *Zimbabwe Harmonised Elections 30 July 2018 Compendium of Election Observers Recommendations*, Available at <https://www.zesn.org.zw/wp-content/uploads/2019/06/ZESN-Compendium-of-Election-Observers-Recommendations.pdf> (Accessed 16-09-19)
6. ZHRC, 2018. *ZHRC Final Report on Zimbabwe 2018 Harmonised Elections*. Available at <http://www.zhrc.org.zw/download/zhrc-final-report-on-zimbabwe-2018-harmonised-elections/> (Accessed 16-09-19)

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