The Role of International Election Observers in the 2023 Zimbabwe Harmonised Elections



Picture credit- T E Mwanyisa. Observing voter registration in Lofa County LIBERIA 2023

Can they help Ensure a Credible Election?

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Introduction

As Zimbabwe primes itself for the 2023 Harmonized Elections, the country continues to face innumerable political, economic, socio-cultural, and environmental challenges that will continue to haunt the conduct of credible elections in the country. This is against the backdrop of the contested July 30, 2018, harmonized elections, which, despite being supported and observed by international observers still failed to meet the required international, regional, and local standards governing the conduct of elections. Add to this, the elections were held against the background of a "soft/boardroom coup" culminating in the demise of President Mugabe's 37-year rule. Following the contested election, Emmerson Mnangagwa was declared the winner in a disputed election, and the matter was brought before the Constitutional Court which made a ruling in favour of the incumbent. The conduct of the election itself was queried by several international, regional, and local observers with most, including the then main opposition political party, questioning the independence of the Zimbabwe Electoral Commission. Further, the Commission was accused, mostly by opposition political parties, of being biased in favour of the ruling party in its conduct of the election thus bringing its independence into question.

The election and post-election events have triggered numerous commentaries with a significant number of these questioning the importance and the role of international observers in Zimbabwe's elections. Key and central to this is whether anything has changed resulting from the recommendations of observers since 2018. Key electoral reforms have not been implemented and the playing field remains more skewed in favour of the ruling party. Yet again, the country is going into another election without key electoral reforms in place. The government decided to cherry-pick reforms that do not alter the electoral playing field at all. The government focussed on cosmetic reforms such as whether a driver's licence can be used for voting or not against tenacious issues such as reforming the results transmission process as recommended by the Mothlate Commission.

Reflecting on Road to 23 August 2023

Against this background, the country is going into another harmonized election on August 23, 2023. Several international and regional observers have been invited to observe the election, including those from "friendly countries". Most of these will only be able to deploy with only a month to go before the election. The question being asked is whether their presence will make any difference to the already muddied election environment. The perception is preparations for the elections have been opaque up to now and are likely to produce an outcome that does not reflect the will of the Zimbabweans. Ideally, they should have been in the country to observe some of the critical electoral processes/phases but through no fault of theirs, they were not able to. The invitations to observe the elections were extended to international missions once the election date was proclaimed by the President a few months to go before the elections. This is one of the enigmas haunting the Zimbabwe elections, the uncertainty that surrounds the election date. The determination of the exact election date, notwithstanding the general period by which elections must be conducted known, is left to one man. To this end how will international observers make a judgment of the processes that have already taken place and they were not able to observe them? Will their work or presence assist in providing oversight of the electoral process this far into the electoral period given the delays in deployment?

If anything, these past events buttress the importance of international election observation and at the same time provide an apt case study and opportunity to review and revise international election observation methodologies. There are several take-ups from these events about international election observation that needs to be unpacked and understood within the Zimbabwe context. Given the nature and historical evolution of elections in Zimbabwe the need for closer scrutiny of the election not only by locals but also by the international community is imperative. The election will have, inter alia, three independent election oversight mechanisms, international election observers, local observers, and political party agents. How they corroborate and share information will be critical in providing oversight of the process. Important to note is that international election observation on its own will not succeed in providing confidence in the electoral process if its efforts are not complemented by efforts of domestic election observers and political parties. Domestic election groups in Zimbabwe, have over the years, provided oversight of the electoral process, and have enhanced their expertise in the area over the years. Consequently, they have complimented the efforts of international observers in the past and must continue to do so in these elections. In most cases, international election observers rely on

information provided by local observers to inform their reports since they are on the ground for longer periods compared to the time spent observing the electoral process by international observers.

That said, the upcoming harmonized elections will also allow the review of the work of the international election observers in the country. International election observation is usually undertaken as close to the election as possible to cut costs on the deployment of long-term observers. As a result, this limits their observation of the entire electoral process. The danger in this is they may end up making pronouncements on the electoral process based on limited information. Observing the voting, counting, tabulation, and announcement of the results does not give one an overall impression of the entire electoral process. Given the delays in the deployment of international observers, there must be strong collaboration between international and local observers. It's also essential that international observers make pronouncements on the outcome of the election based on information collected from the entire electoral process and more importantly after the conclusion of appeals processes.

Likewise, the success or failure of the international election observation in these elections is predicated on the level of corroboration among the different missions. Missions tend to be identified by groupings, those from the region such as SADC, and the AU, and those outside the region such as the EU and the Carter Center. Challenges faced by these groupings include the lack of complementarity/coordination among the various missions in the areas of deployment, non-use of common observation tools, and a lack of formalized and coordinated follow-up on recommendations. Furthermore, there is a dearth of information on regional election observation findings, especially from missions from the Southern Africa region, partly due to the highly limited publication of observation mission reports which consequently makes it challenging to track missions' implementation of recommendations. It should be highlighted at this stage that some of the SADC observer missions do not share their reports publicly only releasing preliminary statements. Preliminary statements are limited in their findings and are not as detailed as the final election observation reports. Besides, preliminary statements are usually written for a specific audience, the media.

In addition, some commentators and opposition political parties in Zimbabwe have accused some regional missions of lacking engagement at the political level. Brotherhood and comradery, especially within regional missions, were seen as stopping these missions from going the extra mile in resolving issues that are viewed or seen as politically sensitive in past elections in the country. Regional Missions tend to be diplomatic and geo-political stability considerations affect how their reports are couched. The mandates and relationships among regional SADC members with the incumbent may influence the way the missions report on elections. The composition of these missions, some made up of political activists and diplomats and non-election observation technical people, may affect the critical assessment of the elections. Some regional observer groups tend to be limited in scope, both geographically and in content. This has been compounded by missions not present and visible post-election. Some have been accused of not applying regional standards such as SADC Principles and Guidelines Governing Democratic Elections equally across the region when assessing elections opting instead, in some cases, for the adherence to national law as a criterion to assess the elections as opposed to the use of the principles and guidelines. This is premised on the notion that the supremacy of law means the law is the ultimate legislative authority of the land. Any law, decree, or instruction that contravenes the Constitution is invalid. Other schools of thought contend when assessing a country's election, the historical evolution and state of democracy should guide how the election should be assessed. The school argues you cannot use the same tools of assessment on, for example, South Africa and say Eswatini given their different state of development and democracy. This selective application of standards in elections cast doubt on some regional missions' ability to be a neutral player in elections and it is hoped the same principle will not be used on these elections.

Should we raise our hopes?

Notwithstanding the foregoing, the role international observers will play in this election must be acknowledged. International observation missions, in the short term, when deployed, may bring a sense of calmness in otherwise typical Zimbabwe volatile elections. The hope is the deployment of election observers may change the electoral field by bringing confidence to the electoral process. They may act as a deterrence to malfeasance during the election period and will hopefully minimize the chances of disputed election results. In addition, they may act as a watchdog and as well as a catalyst for electoral excellence if the environment in the country is conducive. The role the observers will play in these

elections tends to be facilitatory, and the missions' presence may inspire confidence in the electoral process. The behaviour of key electoral stakeholders, especially the ruling party, may change when missions are deployed. The missions will provide an avenue for stakeholders to raise key critical electoral challenges. In the 2018 harmonized elections, for example, CSOs and political parties raised concerns with regional observer missions regarding the position placement of the voting booth in the polling station. Engagement by the regional observer mission and other key stakeholders aided in convincing the electoral commission to abandon the placing of the voting booth facing the electoral officers and observers as this would have compromised the secrecy of the ballot. This is but one example of how they can intervene to ensure the credible conduct of elections.

Besides some shortcomings of SADC missions highlighted above it is worth acknowledging that the missions have also contributed immensely to conflict mitigation and resolution in the country. After the 2008 harmonized elections, SADC facilitated the roadmap for Zimbabwe leading to the formation of a Government of National Unit (GNU) and a new Constitution. These were positives that were seen arising from regional observation missions although this should not be solely attributed to elections observation alone. The role played by missions such as SADC who command authority and thus have a positive bearing on how member states respond to issues raised by its missions will be critical in this election.

Is it going to be an exercise in futility?

Some believe election observation in the context of Zimbabwe is often futile, and it is especially so when it's believed the incumbent is set on keeping power at all costs and creating some semblance of political contestation. However, from the foregoing, it's clear that international election observation, despite the challenges highlighted, will play a significant role in ensuring the healthy conduct of the 2023 harmonized elections. Admittedly, they have challenges, and these can be addressed by ensuring close collaboration between and among international observer missions especially around deployment and collaboration with local observer groups. Clearly, the lesson that can be drawn from this is international election observation will be relevant in the upcoming elections. Recommendations from the statements of these election observer groups, including local groups, must be harnessed to inform post-election review efforts and prepare stakeholders for post elections engagements. Coordination and sharing of experience and best practices will help to build stronger electoral processes in the country. The government will try and run smart elections; they do not want the peer review that comes with missions such as SADC to reflect badly on their elections. However, these are democratic gains that are obtained during the election period only. Long-term observation may impact positively the democratization process of the country. This should be accompanied by mission follow-ups to recommendations to aid the facilitation of the democratization process in the country. Election observation must be viewed as an integral part of the democratization process in the country. The credibility of these elections will be enhanced when observers are deployed, and the findings and recommendations inform the electoral reform agenda in the country post-elections.

Will they ensure a credible election?

The paper proffers the following recommendations to election observers deploying for the Zimbabwe 2023 harmonized elections. Observer missions must strengthen the coordination, and dialogue, between various like-minded observer missions in areas of planning and deployment to ensure that the entire country holding elections is covered. Developing a common reporting framework will allow for strong collaboration during the formulation of statements and recommendations. In addition, missions deploying in Zimbabwe for these elections must develop a framework for collaboration with citizen domestic observers or strengthen frameworks that are already in place. Additionally, they must work towards the harmonization of assessment tools and ensure that the same assessment criteria/standards are used to evaluate the conduct of the election. Missions must not just come in and leave after the elections, follow-up missions must be undertaken during the post-election period of the Electoral Cycle. It is a truism that will assist in providing the necessary technical support to follow through on observer mission findings and recommendations, especially those pertaining to legal reforms. The road to achieving credible elections in Zimbabwe remains daunting, but with concerted efforts from both domestic and international stakeholders, there is hope for a future where the democratic rights of Zimbabwean citizens are respected, and the electoral process serves as a true expression of their will.

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