



POLICY BRIEF

Elections and stability in SADC: the Zimbabwe case

Ringisai Chikohomero

Five Southern African Development Community member states held general elections in 2018; another six will go to the polls in 2019. Elections in SADC are a source of instability and conflict. The regional body's track record in laying down the law and reining in member states has not been encouraging. This policy brief takes Zimbabwe's 30 July 2018 elections as a test case, looking at the challenges of implementing the SADC Principles and Guidelines and curbing errant member states.

Key findings

- ▶ Elections in SADC are a source of instability and human insecurity. SADC member states are reluctant to take ownership and internalise the Principles and Guidelines Governing Democratic Elections.
- ▶ SADC is hamstrung by functionally weak institutions at both national and regional levels. The institutional weakness contrasts sharply with strong statesmen in leadership positions whose interests are inimical to entrenching democratic values and practices in the region.
- ▶ Without a full-fledged regional parliament, it is impossible to break the ‘brotherhood’ solidarity of member states, which militates against the democratisation of the regional bloc.
- ▶ SADC suffers from a crisis of leadership, with no single member taking up the anchor and leadership role for the bloc.

Recommendations

The recommendations focus on instruments that can be used to apply pressure on SADC member states to adopt, implement and act on the revised Principles and Guidelines:

- ▶ Strong national ownership. SADC member states need to take effective ownership of and internalise the Principles and Guidelines. This can be achieved through aligning national electoral laws and moving away from instituting instruments based on valueless lip service to international best practice. The Principles and Guidelines must have local in-country champions. Platforms such as Zimbabwe’s parliamentary Interparty Liaison Committee on elections could play a key role in this regard.
- ▶ In addition to domesticating the letter and spirit of the Principles and Guidelines, progressive member states like South Africa could build coalitions within the bloc to push for transformation. The recent past has seen member states taking lone positions in defence of democratic values. Building coalitions within the bloc has the potential to tip the scale towards enforcing reforms.
- ▶ SADC internal institutions, including its secretariat, need to be strengthened and capacitated to design programmes to accompany member states in electoral reform processes.
- ▶ Transform SADC into a democratic and inclusive body where citizens have representation. This can be done through approving the SADC Mechanism of Engagement with Non-State Actors and transforming the SADC Parliamentary Forum into a full-fledged regional parliament. Political pressure from such a structure is likely to provide the incentive for both reforms and strict enforcement.

Introduction

This policy brief looks at the electoral processes in Zimbabwe as a mirror to Southern African Development Community (SADC) shortcomings with regards to entrenching democratic values. Though not the only measure of democratisation, elections remain a key component with which to measure the extent of a country's embracing of political freedoms and citizen participation. Contention over elections in SADC must be understood in the broad historical context of an unfinished democratisation project and the political economy of democratic elections. It pits a demand for radical, far-reaching and fast-paced reforms against SADC's measured and incremental approach. The latter emphasises the consolidation of gains (reforms taking place in member countries), no matter how marginal.

For SADC, electoral processes are seen in the broader context of regional development and not as an end in themselves. It thus takes a more strategic, multitiered developmental approach to elections. However, this should not obscure institutional weakness and anti-developmental, anti-democratic solidarity by member states. The SADC Troika and the SADC Electoral Advisory Council play a key role in this strategic approach, working directly with member states and accompanying reforms processes between elections.

Elections remain a key component to measure the extent of a country's embracing of political freedoms

The result of this approach is that SADC cannot coax member states into instituting comprehensive and democratic electoral reforms. The slow pace of reform has been frustrating for citizens and activists. Electoral integrity and credibility have been elusive in most SADC member states. Elections and electoral processes have been a source of contestation and, in some instances, instability, leading to open conflicts in Southern Africa and elsewhere in Africa.

Five SADC member states went to the polls in 2018 and by December 2019 six more will have done so. The resolve of SADC to promote participatory democracy faces an important test. There is dissonance between the body's interpretation of what constitutes a free, fair and credible election and the aspirations of citizens of the region, as well as international norms and standards.

The regional bloc adopted its revised SADC Principles and Guidelines Governing Democratic Elections in 2015 in what was stated to be a bid to enhance the quality of elections in the region and foster democracy.¹ The Principles and Guidelines have been received positively and celebrated for being forward-looking and moving in tandem with continental and international best practices regarding democratic participation, political freedoms and governance.

The Principles and Guidelines move away from being mere suggestions and moral commitments as they are tied to the SADC Treaty. One of their key features is the institutionalisation of long-term observers as a core part of the SADC Electoral Observation Missions (SEOMs). This allows SADC to observe a significant part of the electoral process beyond the event itself. The Principles and Guidelines enjoin the bloc's observer missions to be dispatched at least three months before the elections as well as to remain in the country after the elections.

Other key elements of the Principles and Guidelines include:

- A clear compliance and enforcement channel through the SADC Summit and the Organ on Politics, Defence and Security.
- The introduction of long-term observer missions.
- Improved definition of what constitutes free and fair elections in the region and how to objectively measure this. They further enjoin member states to ensure transparency and credibility through safeguarding key freedoms such as the right to information, access to state media and free access to the voters' roll.
- The inclusion of non-state actors such as civil society organisations in the SEOM. Previously, teams were composed purely of state designates.

The Principles and Guidelines also reflect an alignment with African Union principles governing democratic elections, as well as with the Principles for International Election Observation.² However, a closer look at actual implementation and practice in the region reveals that the Principles and Guidelines are largely a mimicry of norm-making processes. They expose SADC's efforts to be seen to be in line with other progressive international blocs, rather than a serious intention to transform electoral processes in the region. They thus remain only a persuasive mechanism.

Multiple factors impinge upon operationalising the Principles and Guidelines and, ultimately, advancing democracy in Southern Africa. Many countries in SADC have very strong political elites and weak political institutions. The ‘big men’ in SADC tend to control these institutions. Developing and entrenching a culture of democracy and participatory politics undergirded by free, fair and credible elections remains a daunting task and an elusive aspiration in most SADC countries.

Zimbabwe’s July 2018 harmonised elections

The case of Zimbabwe is one of habitual non-compliance and impunity, revealing the inherent institutional weaknesses in SADC. Both the 2013 and 2018 preliminary SEOM reports for Zimbabwe reveal a pattern of minimalist implementation of the SADC Principles and Guidelines and a lack of willpower to act on member states’ delinquency. These reports further expose the disjuncture between SADC as an entity and the aspirations of individual member states. The failure to act and follow through on its own Principles and Guidelines defeats the stated objective of entrenching democracy among member states and inculcates a culture of impunity.

Zimbabwe’s elections provide an acid test of the Principles and Guidelines. The 30 July 2018 harmonised elections can safely be adjudged to have been mostly free but the same cannot be said for fairness and credibility. The elections generated extensive hype and raised expectations in the general population, as well as cautious support from the international community hopeful of a positive outcome. However, a critical look at the electoral playing field, electoral preparedness and the events of November 2017 might have suggested a less sanguine approach.

Violations and impunity

In the 2018 Zimbabwe elections, SADC neither sanctioned nor reprimanded Zimbabwe for choosing a path of solidarity and stability over democracy. This was revealed in its response to Zimbabwe’s violations of its own electoral law as well as the Principles and Guidelines, including media access laws and regulations pertaining to the voters’ roll. A few of these violations and SADC’s lacklustre response are discussed as examples.

The Zimbabwe Electoral Commission (ZEC), the body responsible for administering elections in Zimbabwe, has long suffered from credibility and integrity issues. A pre-election survey by Afrobarometer revealed that about

one-third of Zimbabweans believe the ZEC is biased.³ This is corroborated by a pre-election report by the Zimbabwe Council of Churches. The report revealed that ZEC is the least trusted state institution, with only 36% of survey respondents having confidence in ZEC discharging its duties professionally and impartially.⁴ ZEC did very little to allay the fears of citizens. It made scant effort to build a relationship and improve interaction with the voting public, thus exacerbating existing negative perceptions.

ZEC and the government of Zimbabwe continue an approach of minimal compliance with electoral law. They provide piecemeal reforms that do not institutionalise the spirit of the SADC Principles and Guidelines, especially with regard to civic and voter education, transparency of procedures and equal access to public media.

The Zimbabwe Electoral Commission has long suffered from credibility and integrity issues

Lack of access to the voters’ roll is one component illustrating non-compliance and SADC’s failure to take action over repeated violations. Article 9.1.6 of the Principles and Guidelines states that there must be free access to the voters’ roll, which sits at the heart of the electoral process. Before the 30 July elections, ZEC had to be compelled through the courts to release the first draft of the voters’ roll. It took several court applications for the updated voters’ roll to be released. Even then, it was only released on the eve of the elections.⁵

The 2013 SEOM report noted the lack of transparency and of timeous access to an electronic voters’ roll for all parties and citizens. ZEC claimed it had faced technical challenges and as such was unable to comply with the law. In its 2013 recommendations, however, SADC took a conciliatory and minimalist approach: it passed a simple recommendation for ZEC to better communicate any technical difficulties it might experience in producing the roll. In 2018, ZEC again pleaded the same defence of technical challenges without clearly and timeously communicating this to the public. The 2018 SEOM preliminary report should have identified this as a repeat violation, as raised in the 2013 report. The matter was a clear red flag with no concomitant action to address the issue.

The Electoral Amendment Act of 2018 prescribes equal access to state media for all political parties. However, enforcement of the provision has been half-hearted, with little commitment from either ZEC or the government. ZEC has consistently failed to call out the Zimbabwe Broadcasting Corporation (ZBC) on media bias, demonstrating inherent institutional weakness and wilful disregard for both national laws and the SADC Principles and Guidelines.

The ZBC accorded extensive coverage to Zimbabwe African National Union Patriotic Front (ZANU PF) rallies as ‘national news’ items, in direct violation of the electoral law. The only extensive coverage that the Movement for Democratic Change Alliance (MDC Alliance) received was of the launch of its election manifesto. The public broadcaster’s coverage of ZANU PF extended outside the paid advertisement time slots. The party was given ‘free’ airtime, as its events and rallies were covered as main news bulletins extending to over an hour of airplay.⁶ Very few MDC Alliance or other political party events were covered as news items. If they got mentioned at all, it was briefly and mostly negatively. In its defence, the ZBC mentioned that as a measure of compliance it had made airtime available for political parties to buy. The Media Monitoring Project Zimbabwe records that ZANU PF was much more visible on public media platforms than any other political party: 77% of media coverage allotted to political parties went to ZANU PF, followed by the MDC Alliance at 11%.⁷ Both the 2013 and 2018 preliminary SEOM reports flagged this but without the latter highlighting that there had been no progress since the 2013 elections. Furthermore, the implied suggestion is that public media should give fair and equal access to other political voices only in the electoral period and not generally between elections. This practice does not effectively entrench citizens’ right to information.

Elections are a means to gain control over state power for many politicians in Africa

ZEC retains an absolute monopoly over voter education. However, the 2018 elections exposed the Commission’s limited institutional capacity to effectively carry out extensive and substantive voter education. ZEC only began intensive voter education two weeks prior to the elections. The voter education exercise was inadequate, however,

especially given that it was the first time the county did biometric registration. Several cases were reported of people being asked to surrender their voter registration slips to headmen.⁸ On the day of the election, many voters were still unclear about what to take with them and how the voting system worked. According to Article 11.4.1 of the SADC Principles and Guidelines, ‘civic and voter education are indispensable to democratic consolidation, as they allow for the electorate to make informed choices on who decides on their governance priorities’. The limited two-week voter education exercise flies in the face of the Principles and Guidelines and violates voters’ right to be adequately informed and prepared for elections.

Zero-sum politics

A key part of the SADC Principles and Guidelines relates to acceptance of election results. Section 4.1.13 of the SADC Principles and Guidelines states that SADC condemns the ‘non-acceptance of results, after due process, as announced by the legally competent authorities. The political economy of elections suggests that electoral contestations are not as straightforward as that. For many politicians in Africa and elsewhere, elections are a means not only to gain absolute control over state power but also to gain access to resources. This view intensifies electoral fights and recurrent contestations over results and process, jeopardising the spirit and intent of the SADC Principles and Guidelines. The huge stakes involved make it almost impossible for losing candidates to accept defeat and very few winning candidates are genuinely magnanimous.

The current political situation in Zimbabwe, with the MDC Alliance refusing to accept the results, should be read in the broader context of an unfinished democratisation process. The MDC Alliance alleges manipulation of figures by ZEC, which prejudiced their presidential candidate. However, they have not amply substantiated the allegations with evidence. Through such claims before the announcement of the results, the MDC Alliance was already building a political narrative in preparation for a ZANU PF victory. These actions by the MDC Alliance go against the edicts of the SADC Principles and Guidelines. SADC failed in this regard to strongly chastise the MDC Alliance and steer them towards observing both the national constitution and the Principles and Guidelines. This reflects badly on SADC and points to an institution without the political muscle and capital to rein in errant political players.

SADC's failure to rein in Zimbabwe

The Zimbabwean political conflict has been ongoing for nearly two decades and, at each turn, SADC has failed to act on principle. Instead, it has sacrificed its own rules for political expediency in the name of solidarity and stability. The 2013 elections clearly showed a deliberate disregard of the SADC Principles and Guidelines.⁹ However, the response from the regional body was understanding and conciliatory and merely suggested cosmetic improvements. SADC displayed neither force of conviction nor determination to guide Zimbabwe towards alignment with its own constitution and the Principles and Guidelines. The failure by SADC to enforce its own rules against a 'strong' member state like Zimbabwe over the last few decades partly contributed to its inertia during what some might refer to as a coup in November 2017. The failure to act consistently on principle has compromised SADC's position and is a serious threat to democratisation processes in the region. SADC has become a discredited body in Zimbabwe's political quicksand.

Zimbabwe's political conflict has been ongoing for nearly two decades

SADC's inability to be forthright is detrimental and works against the letter and spirit of the Principles and Guidelines. SEOM failed to condemn the immediate post-election violence and killing of seven civilians by the military in the streets of Harare. Instead, it reduced the grave situation to 'unfortunate challenges of the immediate post-election period'.¹⁰ There is little connection between what SADC aspires to as an entity, what its individual member states can live up to and, indeed, what SADC is prepared to do in defence of its Principles and Guidelines.

SADC lethargy versus ECOWAS decisiveness

While SADC seems to be struggling to encourage its member states to take ownership of its revised Principles and Guidelines, the Economic Community of West African States (ECOWAS) offers some valuable lessons. Further SADC seems to be trailing behind its regional counterpart, for instance ECOWAS had already elevated its electoral guidelines to a protocol status in 2001. The ECOWAS Protocol on Democracy and Good Governance of 2001 was informed by a set of shared 'constitutional convergence principles'.¹¹ The Protocol has clear incentives to promote

democracy and stringent mechanisms for sanctioning errant states. ECOWAS is emboldened by strong leadership and ownership of the values espoused by the bloc with regards to entrenching democracy and ensuring regional stability. SADC, on the other hand, is handicapped by a lack of governance and democracy champions within the region. There is a crisis of leadership with no strong member state playing a leadership and guiding role in the manner that Nigeria plays the leadership role in ECOWAS. Nigeria has been described as an anchor and solid champion for democratisation¹² and does not shy away from acting decisively. It mobilised the region towards sanctioning an errant member state, The Gambia, in January 2017. Such strong leadership has a salutary effect in inculcating a culture of solidarity, accountability and adherence to agreed guidelines. South Africa, beyond being the regional economic powerhouse, is also comparatively advanced in terms of democracy, governance and upholding citizens' rights and freedoms. However, to date, South Africa has been reluctant to take up the anchor role and provide decisive leadership. As a result, SADC has not been able to muster its member states against violators of its Principles and Guidelines, there is no coordinating point for action and most often the reaction of the bloc is ad hoc.

Policy options for SADC

Clearly, the impetus to act and enforce the revised Principles and Guidelines will not come from the heads of state who form SADC. Instead, the appetite for implementation and drive to change must come from outside. There must be incentives to enforce the Principles and Guidelines. As such, this paper recommends a multipronged approach which focuses on putting pressure on the bloc. For the SADC Principles and Guidelines to take root in member states, the following is required:

- Strong national ownership. SADC member states need to take effective ownership of and internalise the Principles and Guidelines. This can be done through aligning national electoral laws and moving away from instituting instruments based on valueless lip service to international best practice. The Principles and Guidelines must have local in-country champions. Platforms such as Zimbabwe's parliamentary Interparty Liaison Committee on elections could play a key role in this regard.
- Besides domesticating the letter and spirit of the Principles and Guidelines, progressive member states like South Africa could build coalitions within the bloc to

push for transformation. The recent past has witnessed member states taking lone positions in defence of democratic values. Building coalitions within the bloc has the potential to tip the scale towards enforcing reforms.

- SADC internal institutions, including its secretariat, need to be strengthened and capacitated to design programmes to accompany member states in electoral reform processes.
- Transformation of SADC into a democratic and inclusive body where citizens have representation. This can be done through approving the SADC Mechanism of Engagement with Non-State Actors and transforming the SADC Parliamentary Forum into a full-fledged regional parliament. Political pressure from such a structure is likely to provide the incentive for both reforms and strict enforcement.

SADC is weighed down by weak institutions, divergent aspirations and lack of strong representation of citizens at the SADC Summit level. This situation does not offer room for improved coordination and support for elections aimed at entrenching democracy in the region. The hold by heads of state on the SEOM and SADC Summit limits the possibilities for truly democratic processes. Heads of state might be more motivated to consolidate power than to improve citizen participation and expand freedoms through reforming electoral laws.

To balance the interests of heads of state and the aspirations of citizens, the SADC Parliamentary Forum needs to be elevated to the position of a full-fledged SADC parliament. The latter would directly represent citizens, with enough institutional mechanisms and authority to hold the SADC Summit accountable. The current SADC set-up leaves a very weak institution with structures that labour under the force of strong statesmen, who have unfettered discretion over what constitutes fairness, freeness and credibility. Such an arrangement would help the bloc with critical checks on the whims of political heads of state and provide independent oversight.

Conclusion

At the core of electoral challenges in SADC is the unfinished democratisation project. The contention around the pace of reforms runs deeper than electoral cycles and encompasses complex historical and political-economy issues in the region. However, SADC's weaknesses as an institution are not to be excused based on these

complexities. Zimbabwe's case is instructive in that it reveals the weakness of SADC against a 'strong' member state. It also shows the internal weakness of the regional body's structures and lack of resolve. Zimbabwe selectively complies with as little as possible of the SADC Principles and Guidelines, while unashamedly flouting their fundamental dictates. At the same time, SADC continues to go through the motions of election observation. It arrives at almost the same conclusion with nearly identical recommendations as those made previously, especially in the cases of the 2013 and 2018 elections. SADC appears to treat Zimbabwe differently, turning a blind eye to repeated non-compliance with the Principles and Guidelines, thus exposing the body's lack of a principled stand and moral conviction. This reduces the Principles and Guidelines to little more than statements of intent. They function as window dressing for the international community, with no real force or intention to act.

Notes

- 1 SADC, *Principles and Guidelines Governing Democratic Elections*, Gaborone: SADC Secretariat, 2015.
- 2 Declaration of Principles for International Election Observation, https://www.ndi.org/sites/default/files/1923_declaration_102705_0.pdf (accessed 29 April 2019).
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- 9 D Matyszak, State capture and elections in Zimbabwe, in M Meirotti and G Masterson (eds), *State capture in Africa: Old threats, new packaging?*, Johannesburg: EISA, 2018.
- 10 Statement of the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency H E João Manuel Gonçalves Lourenço on Zimbabwe's Harmonised Elections, 30 July 2018.
- 11 G M Khadiagala, *Regional cooperation on democratization and conflict management in Africa*, Washington, DC: Carnegie Endowment for International Peace, 2008.
- 12 Ibid.

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Acknowledgements



This policy brief was funded by UK aid from the UK government; however the views expressed do not necessarily reflect the UK government's official policies. The ISS is grateful for support from the following members of the ISS Partnership Forum: the Hanns Seidel Foundation, the European Union and the governments of Australia, Canada, Denmark, Finland, Ireland, the Netherlands, Norway, Sweden and the USA.

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Cover image: GCIS/Flickr

ISSN 2617-829X Print
ISSN 2617-8303 Digital



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