

## **Role & Powers of Election Observers**

Election observation is a process “of information gathering or fact-finding aimed at reaching an informed judgement about the credibility, legitimacy and acceptability of the electoral process and its outcome.”The Principles for Election Management, Monitoring and Observation in the SADC Region (“Pemmo”)(2003:30).

Election observers will consider the various factors impinging on the credibility of the electoral process as a whole and to make a judgment whether or not the elections have been conducted according to the standards for democratic elections to which the country has committed itself, making reference to national election-related legislation and relevant regional and other international commitments. Their reports will also contain practical recommendations to help improve electoral arrangements for the future.

Pemmo provides further details on the nature and purpose of election observation. It points out that election observation is conducted by national, regional and international organisations and individuals. These observers “play an important role in enhancing transparency and credibility of elections and the acceptance of the results.”

Election observation may be short-term, covering mainly the polling process. It can also be long-term covering all phases of the electoral process, including voter education, registration of voters, political campaigning, media coverage of elections and.Election observation is an important “instrument for evaluating and assessing whether or not the conditions exist for a free expression of the will of the electors and the electoral process in any given country has been conducted in a free, fair, transparent and credible manner and the election results reflect the electoral wishes of the people. In addition, observation can assist a country holding elections to prevent, manage or transform election-related conflicts through impartial and timely reporting as well as identifying strengths and possible weaknesses of the election process as a whole”.Observer missions may deploy in advance of the polling process to assess the pre-election conditions and then later follow up with missions to assess the polling process itself.

Observer missions must perform their duties professionally and on a strictly non-politically partisan basis. They are expected to prepare for such missions by familiarising themselves with the legal regulatory framework for elections in the countries to which they will be going. They must not come with pre-conceived judgments relating to the electoral processes but must fairly assess the electoral process. They must refrain from actions that could lead to a perception of sympathy for a particular candidate or political party and must not wear any party symbols or colours.

In Zimbabwe local and foreign observers must be accredited by the Accreditation Committee of the Zimbabwe Electoral Commission and will be bound to observe the Code of Conduct applicable to election observers. (See link to this Code of Conduct.) In terms of the Electoral Act an election observer commits an offence if he or she contravenes any of the provisions of the Code of Conduct. In terms of the Code of Conduct if an observer considers that there has been any irregularity in the conduct of the poll or the counting of the votes, the observer must bring such irregularity or apparent irregularity to the attention of the presiding officer or constituency elections officer at the polling station, constituency centre or ward or council centre concerned.

The Code of Conduct also provides that observers must obey lawful instruction of electoral officers and must not obstruct or accost any voter at a polling station or on his or her way to the polling station, nor may they interview any voter at a polling station. They must also not do anything that compromises the secrecy of the ballot. In terms of the 2005 electoral regulations limits were placed on the number of observers allowed into a polling station. The limit was one per observer group provided that the ward elections officer, the constituency elections officer or the Chief Elections Officer may in his or her discretion permit a greater number per observer group, subject to a maximum of 20 observers at any one time.