

Zimbabwe: A New Era in Election Management

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Historical Background

After independence in 1980, the new government of Zimbabwe introduced a new electoral system (First Past the Post) and established an electoral management structure, which included the Delimitation Commission (DC), responsible for the delimitation of electoral districts, and the Electoral Supervisory Commission (ESC), charged with supervising the conduct of elections. Elections would be managed by the Registrar-General of Elections (RG), who was responsible for registering voters, compiling the electoral registers, conducting the voting and the vote-counting, and the announcement of the results, with the logistical support of the Election Directorate, a committee made up of representatives of several government ministries. The RG's department fell under the Ministry of Home Affairs.

This structure was criticized because of its perceived partisanship. The two commissions – the DC and the ESC – were appointed by the president, who, although he was required to consult the chief justice and the Judicial Services Commission (JSC), was not compelled to abide by their recommendations. The RG and Election Directorate are both part of the executive, and included officials who had a vested interest in the outcome of the elections.

In late 2004, bowing to internal and external pressure, new legislation was adopted that introduced the Zimbabwe Electoral Commission (ZEC), the Registrar-General of Voters and the Electoral Court. Constitutional Amendment no. 17 finally abolished the ESC in 2005.

The Legislative Framework

The legal framework for elections in Zimbabwe consists of the 1979 constitution, as amended in 2005, and the Electoral Commission Act (chapter 2:12) and the Electoral Act, both promulgated in 2004. The legislation provides for the conditions under which elections are to be held as well as the electoral system to be used. The Electoral Commission Act provides for the operation of the ZEC, while the Electoral Act provides for the conduct of the electoral process, including the operations of the Registrar General of Voters.

Institutional Structure, Powers and Functions

Three bodies are charged with managing election-related activities in Zimbabwe:

1. The *Delimitation Commission* is appointed by the president. The chairperson is the chief justice or another judge of the High Court or Supreme Court recommended by the chief justice. In addition to the chairperson, three other members are appointed on the recommendation of the chief justice. The DC is responsible for the establishment of electoral district boundaries at least once every five years. The president may also request a revision of the boundaries before the end of a five-year period.
2. The *Zimbabwe Electoral Commission*. In addition to a chairperson who must be qualified to be a judge of the High Court or Supreme Court, and is appointed by the president in consultation with the JSC, six other commissioners, of whom at least three must be women, are appointed from a list of nine nominees submitted by the Parliamentary Committee on Standing Rules and Orders.

The ZEC is responsible for:

- preparing for, conducting and supervising all parliamentary and presidential elections and national referendums;
 - directing and supervising the registration of voters, and the compilation and storage of the electoral register;
 - designing, printing and distributing ballot papers and other election material, and establishing and operating polling stations;
 - conducting voter education and voter information campaigns; and
 - accrediting election observers.
3. The *Registrar-General of Voters*. The RG is responsible for registering voters and for compiling and maintaining the electoral register.

The structure is completed by the Electoral Court, which consists of judges and former judges. It is appointed by the JSC and has the same status as the High Court. It is responsible for adjudication of election-related disputes.

Funding

Historically, elections in Zimbabwe have been adequately funded, through the executive branch. This has, however, now changed, as the amended section 61 of the constitution states that the ZEC will be funded from the Consolidated Revenue Fund. The ZEC may also receive funding from foreign sources to conduct voter education in conjunction with non-governmental organizations. In the March 2005 parliamentary elections, as well as in the September 2005 elections for the Senate, there was an evident shortage of election material and election staff. Nevertheless, it is important to note the achievements of the ZEC in increasing the number of polling stations and purchasing the translucent ballot boxes that were used in March 2005.

Accountability

According to subsection 5 of section 61 of the constitution, the ZEC shall not be subject to the direction or control of any person or authority in the exercise of its duties and functions, or in the organization of its staff procedures and processes. This is a welcome change from the previous arrangements when the law did not explicitly grant the former ESC this autonomy.

The lines of accountability have also become clearer as the RG reports to the ZEC in all matters related to voter registration and the electoral register. The involvement of Parliament in the appointment process introduces an element of transparency which was lacking in the past, and compensates to some extent for the fact that final appointment is still done by the president.

Professionalism

From the technical and administrative points of view, voting and counting have always been conducted efficiently, and Zimbabwean election officials have been applauded for their knowledge of their duties. However, successful legal challenges have exposed flaws in the electoral register which can only be attributed to administrative inefficiency or deliberate fraud. Following the March 2005 elections the ZEC was criticized for announcing differing results at different times, without being able to provide a clear explanation.

Relations with the Media

In the past, a good relationship existed between the EMBs and the state-controlled public media, while relations with the private media were poor. During the March 2005 elections, for the first time in a long time, the EMBs' election-related advertising and voter education material were placed in both the public and the private media. This is prompting a new era of cooperation between the EMBs and the private media.

Relations with Other Institutions

Relations between the EMBs and with non-state actors, including NGOs and opposition political parties, have in the past been strained at best and hostile at worst. However, there was a discernible thaw in relations in the run-up to the March and September 2005 elections. The ZEC displayed openness to discussing issues and cooperating with key electoral stakeholders. It should be noted, however, that problems remained, such as the failure to allow political parties access to the electoral register, which has been a perennial sore point in the EMBs' stakeholder relationships.

Sustainability

Election processes have always been well funded in Zimbabwe. The key challenge has been institutional funding. For many years, members of the former ESC complained of inadequate funding for administrative and staffing costs. According to section 61 of the constitution, the ZEC should receive sufficient funds from the Consolidated Revenue Fund to enable it to carry

out its functions properly. This and the streamlining of the electoral management system lay down good grounds for the future sustainability of the current arrangement. It should, however, be noted that voter registration and delimitation of boundaries still take place outside the ZEC – a situation that may need to be reviewed from the point of view of cost-effectiveness.

Electoral Reform Management

The management of the electoral reform process in Zimbabwe used to be poor. At one point the reforms actually added to the multiplicity of EMBs which had necessitated the reforms in the first place. For the March 2005 elections, the ZEC was expected to be accountable for some processes which had already taken place before it was appointed, such as the key stages of voter registration and boundary delimitation. The latest round of reforms, and particularly Constitutional Amendment no. 17 of 2005, mean that the ZEC has become a constitutional body funded by a separate budget, which will improve its stature and efficiency. There is still room for further reforms, possibly giving the ZEC the responsibility for the demarcation of electoral district boundaries as well as bringing voter registration and the management of the electoral register under the commission's full control.

Local authority elections and regular by-elections will both be opportunities to put the new electoral management system to the test before crucial presidential and parliamentary elections in 2008 and 2010, respectively. These elections will allow the ZEC to assess its own preparedness for the logistical and administrative requirements of national elections as well as giving the different EMBs time to rationalize their relationships.

More significantly, however, these elections will be useful in assessing the impartiality and independence of the EMBs. In the past, criticism of the EMBs stemmed from the fact that they were appointed by the president and from their lack of financial autonomy. The new reforms have changed this situation, with a process of appointment that now involves Parliament, and the provision of institutional funding. It will remain a constant challenge for the ZEC to protect itself from actual and perceived political manipulation, particularly in the highly polarized political environment in Zimbabwe.