

**AFRICA UNIVERSITY**  
(A United Methodist-Related Institution)

**ANALYSING THE IMPACT OF THE ELECTORAL FRAMEWORK  
ON VOTER EDUCATION AND REGISTRATION IN ZIMBABWE: A  
CASE STUDY OF THE 2013 HARMONISED ELECTIONS**

**BY**

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**A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS OF THE EXECUTIVE MASTER DEGREE IN PEACE AND  
GOVERNANCE TO THE COLLEGE OF BUSINESS, PEACE, LEADERSHIP  
AND GOVERNANCE**

**2017**

## **Abstract**

The study sought to analyse the impact of voter education and voter registration in Zimbabwe and how the framework influenced the 2013 harmonised elections. The motivation of the study was the rising phenomenon of voter apathy in Zimbabwean elections. Over the years voter turnout has slowly been decreasing. It was 94 per cent in 1980, 84 per cent in 1985, 47 per cent in 1990, 52 per cent in 2000, 40.81 per cent in 2008 and 46.16 per cent in 2013. The electoral system has over the years failed to counter voter apathy chiefly due to inadequate voter education and restrictive voter registration requirements. These explain the high level of voter apathy amongst the youthful and urban population of Zimbabwe. This phenomenon has undoubtedly had a negative impact on the conduct of credible elections in Zimbabwe. The study used a mixed methodology for collecting, analyzing, and integrating quantitative and qualitative data. The research target population consisted of individual citizens, Civil Society Organizations and government institutions. Key informants were selected for their knowledge, experience and expertise on the research area. The study noted the strengths and weaknesses of the electoral laws and concluded that, in general the electoral law on voter education and registration is to a greater extent progressive but is not being implemented due to the absence of any political will. For example, the failure by the state to realign laws that are pivotal to the holding of elections with the constitution, and its failure to address the weak institutional capacity of the electoral body. This has resulted in citizens losing confidence in the electoral system hence the apathy. Lastly the study concludes that for a free and fair election, ZEC must be fully capacitated and given the space to act independently without any hindrances.

Keywords: free and fair elections, voter registration, voter education, citizen participation, social contract, democracy

## **Declaration**

I declare that this dissertation is my original work except where sources have been acknowledged. The work has never been submitted, nor will it ever be, to another University for the award of a degree.

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Student's Full Name

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Student's Signature (Date)

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Main Supervisor's Full Name

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Main Supervisor's Signature (Date)

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## **Acknowledgements**

This work would not have been possible without the patience and elastic tolerance of my supervisor, Ms K.Jiri for her tutelage and guidance. I am especially indebted to Dr.P.Sithole for the continued encouragement to academically emancipate myself; my colleague Vengai Shoko for his ‘second opinion’ contributions and to all the participants who took time off to entertain my sensitive questions.

I am grateful to Africa University for enlightening me a great deal on scientific research.

## **Dedication**

I dedicate this study to my mentor and guardian angel, Ziyambi Ziyambi for the infinite inspiration and guidance, to my son, Munashe, my mother and my present (Chipu).

## **Acronyms and Abbreviations**

AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
BSA	Broadcasting Services Act
BVR	Biometric Voter Registration
CCJP	Catholic Commission for Justice and Peace
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CSO	Civil Society Organisation
CCZ	Constitutional Court of Zimbabwe
EC	Electoral Court
ERN	Election Resource Network
GPA	Global Political Agreement
GNU	Government of National Unity

ICCPR	International Covenant for Civil and Political Rights
ICERD	International Covenant on the Elimination of Racial Discrimination
IFES	International Foundation for Electoral Systems
MDC	Movement for Democratic Change
MDC-T	Movement for Democratic Change-Tsvangirai
MP	Member of Parliament
NERA	National Election Reform Agenda
OSCE	Organisation for Security and Cooperation in Europe
POSA	Public Order and Security Act
RAU	Research and Advocacy Unit
SADC	Southern African Development Community
SAPST	Southern Africa Parliamentary Support Trust
WOZA	Women of Zimbabwe Arise



ZANU	Zimbabwe African National Union
ZANU PF	Zimbabwe African National Union Patriotic Front
ZAPU	Zimbabwe African Peoples' Union
ZBC	Zimbabwe Broadcasting Corporation
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZHRC	Zimbabwe Human Rights Commission

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## **CHAPTER 1: INTRODUCTION**

### **1.1 Introduction**

In terms of the social contract as enunciated by Rousseau, Locke and other classical theorists, the social contract between the state and men came into being as a way of preserving human freedoms and security. This justified the existence of governments. Thus, the whole process of electing a government must be transparent and fair so as to truly reflect the will of the people. In this regard, elections should be a direct way for citizens to decide who governs them. Any imposition of leaders or electoral malpractices vitiates the very essence of the social contract and citizen participation.

It therefore follows that elections must promote direct and meaningful citizen participation, as opposed to token participation exercised in most African countries. It is a universal truth that for one to be able to fully participate in electoral processes, they must have sufficient information about the voter registration exercises, the available choices of candidates, and must ultimately have the opportunity to choose freely, without being intimidated by force or other means.

Implicit from the above is that an election is not an event but a process which starts from voter registration, voter education, delimitation of constituencies right up to the polling day. As a result, electoral processes that precede an election affect the ability of voters to make a choice. It is within this context that this study analyses the effect

of the electoral legal framework on voter registration and voter education in Zimbabwe and uses the 2013 harmonised elections as a case study.

## 1.2 Background to the study

One of the major causes of the second chimurenga was the need to have majority rule. This could only be achieved by extending the right to vote to everyone regardless of their race, colour, educational or property qualifications. During the colonial period, the right to vote was a preserve of a few elites who met certain property and educational qualifications (Linington, 2001). These restrictions effectively barred the majority of blacks from voting because only a few blacks who had access to missionary education qualified to vote. Even the few blacks who qualified to vote were registered under a separate roll for Africans.

The advent of independence in Zimbabwe in 1980 guaranteed political rights and the right to vote for every citizen. Be that as it may, the electoral and institutional framework have been a highly contested areas within the general populace, civil society and academia. A cursory look at all the elections since 1980 reveals the contestations surrounding electoral processes. The 1980 elections were generally the least contested in terms of voter education and registration. The reason being that the country was not divided into any constituency for voting purposes and no registration was required as everyone above 18 years could use their national identity card to vote. In the 1985 elections, the country was divided into constituencies and voters

had to register and vote in designated constituencies. However due to the civil unrest in Midlands and Matabeleland provinces, these elections were held in the context of an armed conflict, in which environment it was difficult if not impossible to hold free and fair elections. The reason being that voter education and registration was not possible in Matabeleland and Midlands provinces.

Further, in 1990 there were less contestations due to the reason that the previously warring parties, that is ZANU and ZAPU had merged in 1987 in terms of the Unity Accord to form ZANU PF. Out of 120 parliamentary seats that were contested, ZANU PF won 117 seat. The merging of ZANU and ZAPU somehow was perceived by many as an attempt at creating a one party state along the Chinese model of the Chinese Communist Party. As years passed, many were vindicated as the government became more unresponsive to people's needs and even aggressive towards anyone with alternative political opinions. Dissentions were brutally purged.

This attitude by the government together with the catastrophic consequences of the economic structural adjustment programme imposed by the World Bank provided ready ingredients for the emergence of a vibrant opposition in the form of the Movement for Democratic Change (MDC). In a bid to stifle the growth of the MDC, and consolidate its stranglehold on power, the government enacted a plethora of laws. These laws informed the electoral contestations that have endured even to this day (Eagleton & Chitsike, 2013). Further, the most contested elections in the history

of Zimbabwe were the 2008 elections. Mapuva (2013), notes that these elections were marred by many irregularities right from the pre-election stage to the post-election phase. Opposition party members were beaten up to vote for the ruling party or not to vote at all. In most instances, perceived opposition strongholds were visited with onerous requirements to register as voters. The many contestations and the refusal by the electorate and the international community of the 'rigged' results led to several negotiations which culminated in an agreement between the parties. Consequently, the Global Political Agreement (GPA) was reached and gave parameters for power sharing, a timeline for electoral reforms and a new constitution, of which the 2013 constitution is the most visible achievement of the Government of National Unity (GNU).

It is under this constitution that the 2013 harmonised elections were held. The 2013 Constitution brought in far reaching electoral reforms and fundamental freedoms. Political rights are now entrenched in the Declaration of rights under section 67, and Chapter 7 which sets out principles for the electoral system and processes. The State is now enjoined to take all appropriate measures, including legislative measures, to ensure that all eligible citizens qualified under the fourth schedule of the Constitution of Zimbabwe are registered as voters. The other requirement is for the state to provide all political parties and candidates contesting an election or participating in a referendum with fair and equal access to electronic and print media, both public and private. Section 239 of the Constitution, establishes an independent commission, the

Zimbabwe Electoral Commission, which is charged with conducting and supervising elections. Among its other functions are voter registration, compilation of voters roll and registers and conducting and supervising voter education.

Be that as it may, voter education and registration exercises conducted by ZEC were inadequate in the 2013 harmonised elections. The reason being that according to the Electoral Act, the education programme must begin within 90 days before polling day in each election. During the 2013 elections and spurred into action by the Constitutional Court ruling in the case of *Jealousy Mawarire v Robert Mugabe N.O and others* CCZ 1/13 , ZEC only deployed voter educators on 5<sup>th</sup> June 2013 with the election date set for 31 July 2013. This was already outside the mandatory 90 day period. In addition to the above, despite the new constitution making it clear that only Parliament can enact primary legislation, the President used the Presidential powers (Temporary Measures) Act (Chapter 10:20) to make amendments to the Electoral Act (Chapter 2:12) due to time constraints. The proclamation reduced the chance for effective voter education and registration in the run to the 2013 elections. After the 2013 elections, the main opposition party, the MDC has been boycotting all by- elections citing the need for electoral reforms. These boycotts have culminated in the conglomeration of opposition political parties and CSOs under the banner of NERA calling for immediate electoral reforms.

A synopsis of their grievances reveals that the major areas of concern have been voter education and registration. Voter education is the primary responsibility of

ZEC as well as voter registration and maintenance of the voters' roll. The lack of funds has been cited by ZEC as the main reason why voter education exercises have been inadequate which incapacity has disenfranchising many eligible voters. The failure by ZEC to conduct adequate voter education and registration especially in the 2013 elections means that the result might not have been reflective of the true wishes of the citizens thus casting aspersions on the legitimacy of the electoral process for the 2013 harmonised elections.

In addition to the above, registered voters could not verify easily if their names were on the voters' roll prior to voting due to the unavailability of the voters' roll to the public. This resulted in a significant number being turned away either for turning up at the wrong polling station or for not being on the voters roll at all on voting day.

Further, statistics on voter turnout since independence reveal that not enough has been done to educate the voters. Elections have been held at least every five years since independence and in one instance (2008) after three years due to the harmonization of all electoral processes in the country. Yet over the years the voter turnout has slowly been decreasing. It was 94 per cent in 1980, 84 per cent in 1985, 47 per cent in 1990, 52 per cent in 2000, 40.81 per cent in 2008 and 46.16 per cent in 2013 ( International Institute for Democracy and Electoral Assistance,2013). According to these statistics, it is clear that the electoral system is crying out for reforms that would motivate citizens to vote. It is also instructive to note that voter

registration and the accessibility of the voters' roll were arguably two of the most controversial and highly contested issues relating to the first harmonized elections under the new constitutional dispensation.

In a nutshell, Zimbabwe's elections have always been contentious due to *inter alia*, allegations of violence and intimidation by ZANU PF, electoral fraud, inadequate and partisan voter education and registration. This has been attributed mainly to the legal framework which critics feel does not create an enabling environment for the conduct of free and fair elections in Zimbabwe.

### 1.3 Purpose of the Study

The study seeks to analyse importance and impact of voter education and registration on the conduct of elections in Zimbabwe. The reason being that the electoral and institutional framework have been a highly contested areas within the general populace, civil society and academia. Thus the study looks at the extent to which voter education and registration enhance the conduct of credible elections. The reason for this approach is to find out if the new constitution together with subordinate legislation set out conducive conditions for the conduct of credible elections, in the event that they do not, to find out practical and pragmatic solutions towards more efficient electoral reforms that allow for the conduct of free and fair elections in Zimbabwe.

#### 1.4 Problem Statement

While violence and intimidation have been cited as the major impediments to having free and fair elections in Zimbabwe, token attention has been given to the electoral framework as a whole. Salient factors such as voter education and registration have been negated. The 2013 elections for instance were significantly violence free but the voter turnout did not improve giving credence to calls to look at voter education and registration. The reason being that despite the absence of violence some observers during the 2013 elections noted that ‘subtle’ strategies to disenfranchise potential voters were employed. These were under registration of potential voters especially in urban areas, inadequate voter education and in some instances partisan voter education. Also, some observers noted the impediments at conducting voter education and voter registration occasioned by the current legal framework, which they believed was also used to deny some voters their right to vote.

Further, on its part, the State has given lip service to effectuate proper voter education and registration which in part has contributed to the outcry by opposition parties and civil society organisations. It is informative to note that during the run up to the July 2013 elections, voter registration centres in Harare and Bulawayo for the first phase were 12 and 18 respectively, and 36 and 44 respectively for the second phase (ZESN, 2013). Whilst in Mashonaland Central there were 113 centres during the first phase and 361 for the second phase; in Mashonaland West there were 77 centres during the first phase and 336 during the second Phase (ZEC, 2013). This



resulted in the slow processing of potential voters in urban centres as compared to rural areas and perceived ZANU PF strongholds which had many voter registration centres. The spectre of long queues discouraged many potential voters more so if regard is had to the fact that many potential urban voters go to work. In terms of the 2012 Census estimates availed by ZIMSTATS, 2 372 522 were eligible to register and vote in the 2013 harmonised elections (ZESN, 2013). However, 1 612 066 registered for the polls which translate to 67, 94% , whilst 99.97% of eligible rural voters were registered.

Taking into consideration the above statistics and the fact that more than 50 per cent of the registered voters did not vote and the 30 per cent non-registered voters who did not participate in the 2013 elections, the conclusion that comes out is that the majority of Zimbabweans did not exercise their constitutional political rights (SADC Parliamentary Report on Zimbabwe's 2013 Harmonised Elections, 2013). That aside, ZEC only deployed 2 voter educators per ward due to financial constraints. Despite the incapacity of ZEC, some and not all CSOs were accredited just two weeks before the elections (ZESN, 2013). There was thus more reason to accredit CSOs timeously if regard is had to the fact that ZEC had deployed two voter educators per district. This failure to accredit civil society organisations to conduct voter education and observe the voter registration exercises disenfranchised many potential voters thus compromised the legitimacy of the election. An environment that allows civil and voter education as well as encouraging voter registration will ultimately result in popular participation.

## 1.5 Significance of the Study

Adequate voter education and registration ensure that free and fair elections are held as the outcome reflects the general will of the population. Full and informed participation by the electorate gives rise to a stable government that has the mandate of the majority of the people. Situations where elections have not been conducted freely and fairly have largely witnessed civil unrest and sometimes anarchy. In a constitutional democracy this study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. In addition, opposition parties have often cried foul and allege violence and intimidation of the electorate yet fail to see beyond the veil of manipulation of the voters roll and disenfranchising many voters. The study is therefore a pragmatic approach to the Zimbabwean situation and aims to recommend practical solutions towards more efficient electoral reforms.

## 1.6 Research Assumptions

A hypothesis is a statement that predicts a relationship between two or more variables. Hypothesis states the expected relationship between the independent and dependent variables. In this study the following hypothesis specify the expected relationship between voter education, voter registration and voter participation.

### **1.6.1 Assumptions**

1. Proper and adequate voter education increases citizens' participation in the electoral processes.
2. Inadequate voter education has impeded the holding of free and fair elections in Zimbabwe.
3. The state has selectively supported initiatives for voter education and registration thus impeding the holding of free and fair elections in Zimbabwe.

### **1.7 Research Objectives**

1. To identify the strengths and limitations of the electoral legal framework on voter education and registration in Zimbabwe.
2. To examine how voter education and registration influence voter participation.
3. To analyse the views of Zimbabweans on the electoral framework on voter education and registration.

### **1.7 Research questions**

- (a) What are the strengths and limitations of the electoral law on voter education and registration in Zimbabwe?

- (b) How do voter education and registration influence voter participation?
- (c) What are the views of Zimbabweans on the electoral framework on voter education and registration?

## 1.9 Delimitations

Firstly, the study analysed the electoral legal framework on voter education and registration that was employed during the 2013 elections. Thus the primary legal documents analysed in the study are the Constitution of Zimbabwe (2013), the Electoral Act and the Zimbabwe Electoral Commission Act. These basically outline the current electoral framework. Further, although there are many key informants that could have been interviewed for this study, the researcher limited himself to twenty key informants most of whom comprise of Civil Society Organisations (CSOs), academics, Members of Parliament, the Ministry of Justice, Legal and Parliamentary Affairs and state institutions. These are located in Harare and Bulawayo.

The key informants were chosen due to their extensive knowledge, expertise and experience in electoral issues in the country thus they gave a balanced and fair evaluation of the existing electoral laws on voter education and registration in Zimbabwe. ZESN, Zimrights, Abameli, Election Resource Network were particularly chosen because they are representative organisations for many CSOs whose objectives include electoral issues and human rights. To provide balance, and

to address the objective on perceptions on the electoral framework, the study also engaged 30 ordinary citizens selected using the convenience non-probability sampling approach.

### 1.9 Limitations

There were two major limitations in this study. The first one was the sensitivity of the subject matter. It was thus difficult to get sincere feedback from respondents due to the polarised political environment. The second limitation was the refusal by ZEC to be interviewed yet they are the election monitoring body charged with educating and registering voters. In addition to the above, the little time allocated to the study and the constraint on financial resources prevented the carrying of a wider research. However secondary data in the form of legislation and case law was used to fill in the deficiencies. Apart from the above limitations, there was scarce literature relating to the period under study. The reason being that the new dispensation has only been in existence for almost four years thus it might be too soon to formulate opinions on its effectiveness. Be that as it may, international best practices promulgated in international election instruments assisted in formulating opinions on the effectiveness of the electoral framework.

## 1.10 Chapter Overview

In order to achieve the study objectives, five chapters will be presented. Chapter 1 introduces the research topic, rationale, background to the study, the problem statement and research objectives and questions.

Chapter 2 will present literature review and the theoretical framework. Further, relevance of the theoretical framework to the study will also be discussed. In addition, the review of literature will demonstrate how electoral laws impact the holding of free and fair elections. The review will also focus on best practices and international benchmarks on voter education and registration and how these aid the holding of free and fair elections. The review will focus on three key areas which include; (a) citizens' participation, (b) democracy-supporting institutions and (c) the government. Key themes emerging from the review of literature will be also discussed.

Chapter 3 will present the research methodology, scope and limitations of the study. This chapter will also provide explanation on how the gathered data will be analysed.

Chapter 4 will answer the study's key research questions and will have data presentation, analysis and a synopsis of emerging findings

Finally, Chapter 5 will present research conclusions, recommendations and areas for further study.

#### 1.11 Chapter Summary

In this chapter the study was introduced. The problem was outlined and its setting was examined. The statement of the problem was pronounced as well as the objectives which the study sought to accomplish. The next chapter focuses on the review of related literature so as to put the study into context by examining what has already been researched by other scholars.

## **CHAPTER 2: REVIEW OF RELATED LITERATURE**

### **2.1 Introduction**

This chapter first sought to examine the theory within which this study is underpinned, and thereafter review and analyse the international and regional legal framework on voter education and registration, Zimbabwe's legal framework on voter education and registration, and to identify and evaluate the perceptions of Zimbabweans on the electoral framework on voter education and registration in Zimbabwe. This review of related literature revealed and determined research that has already been conducted in the area of study and thus avoided unnecessary repetition. In addition, it also synthesised the problem and offered insights into the methodology most appropriate for the study.

### **2.2 Theoretical Framework**

This study underpinned by the social contract theory as postulated and understood by Gauthier (1986) and Locke (1689).

#### **2.1.1 The Social Contract**

The theory came as a means of explaining and justifying the existence of governments, that is, governments should come from the people and not be imposed.



In essence the theory came about as a justification for challenging absolute rule (Nyamaka, 2011).

The generic meaning of the social contract theory according to classical theorists, is that it is a pact between men and the state whose aim is to do away with the arbitrariness, lawlessness and insecurity characteristic of the state of nature within which men live without government or written laws (MacPherson, 1980). This resonates mainly with John Locke's seminal work, the Second Treatise of Civil Government (1689) which basically informed the foundation of the modern government and propounds two major traits of the ideal modern government, namely, democracy and constitutionalism.

According to Locke, men in the state of nature are equal and independent, and it is incumbent upon an individual to defend his or her rights. The right to life, property and property among others. This state of affairs however is not easy to sustain thus Locke argues that the people established a civil society to resolve conflicts in a civil way with help from government in a state of society, which culminated in the consummation of a social contract in terms of which people relinquished some of their rights to the state for protection and self-preservation. However, this did not mean that the state could do whatever it wants with them but rather held that power in trust as a fiduciary. The state must govern within the confines and parameters of the social contract and any breach or arbitrariness justifies the government's removal

from power. The latter is aptly captured in the American Declaration of Independence of 1776 and also informed the French Revolution which toppled the French monarch 1789.

Basically the social contract advocates for constitutionalism, and emphasises the notion of a representative government which does not exercise its powers arbitrarily but is limited in that it is regulated by the rule of law and not rule by law. Implicit from the latter, and as noted by Nyamaka (2011), the social contract is a solution to the problems under the state of nature because it provides a framework within which people agree to obey the state, let the state make and enforce laws and people pay the state for its services. The state sets up legislatures, impartial judges and enforcers. The government must therefore reciprocate the trust reposed to it by the people by protecting their rights, and anything short of that justifies its overthrow or removal from power. That is the purpose of elections. If the people are happy with the government, they will simply vote it back into office.

In the foregoing, it is clear that the Social contract is premised on one salient principle-that a government is a creature of the people in that its existence is based on the consent and will of the people. Thus since the government is exercising power as a fiduciary, it must be just, fair and transparency (Barker, 1960; Locke, 1689). Further, as rightly noted by Nyamaka (2011), despite the numerous variations and interpretations on some facets of the theory, it mainly focuses on the voluntary

consent that people give to the formation of the government (Burke, 1971: Wambali, 2006). It is from this premise that the concept of elections and all the attendant electoral processes ought to be understood and executed.

## 2.2 Voter Education

According the Uganda Project Implementation and Management Centre (2015) and Goodwin-Gill (2006) voter education is when voters are educated and given information regarding their rights and duties in a particular electoral process. The process enlightens voters to be able to take part in the electoral process well informed. Implicit from the latter is that voter education entails among other things disseminating information on the candidates being voted for, who is eligible to vote, where to register to vote, how one registers to vote, the election date and the polling stations.

## 2.3 Voter Registration

Voter registration is crucial for political participation in a democratic context. Every constitutional dispensation must guarantee this by entrenching the right to vote, and ensuring that its universal, equal, direct and secret (Pintor and Gratschew, 2000). Voting is the direct means through which the citizens delegate their authority to those who govern. Clearly therefore, voter education and registration are key electoral concepts which define the social contract between the governed and the state. Token

attention to these concepts compromises the legitimacy of the state as explained by the theory of citizen participation above (Parker, 2003).

## 2.4 International Best Practices on Voter Education and Registration: The International Legal Framework

### 2.4.1 Significance of voter education in the electoral process

The purpose of voter education is chiefly to reach out to everyone eligible to vote in an election. The intended effect of this is to encourage citizen participation in the electoral processes. Voter registration and actual voting therefore represent and reflect the extent of the effect of voter education. Thus, voter education exercises must always aim to promote democracy and reduce voter apathy. High voter turn outs are a reflection of a vibrant and representative democracy which adheres to the ethos of the social contract. This is only possible if voter apathy, which is a growing concern in many democracies, is reduced through voter education. The ultimate goal of voter education is to promote and build the confidence of citizens in democratic electoral practices leading to good governance. A credible election is one where voters are sufficiently knowledgeable and well informed to cast ballots that are legally valid and meaningful to the voting process (Mchomvu, 2015)

In addition to the above, voter education falls within the purview of state responsibilities with respect to free and fair elections. The state must ensure that everyone has access to electoral information. Most African states negate this duty for

differing reasons. Some for political expediency whilst some due to incapacity in the broader sense. For instance, during the 1991 Zambian elections which ushered in multi-party politics, the election management body and the state media did little to educate the citizens on the changed system. However, the 1992 Ghana elections provided a marked contrast (Commonwealth Secretariat, 1992).

There were many posters, with clear instructions on how to vote, the candidates, when and where to vote, encouraging citizens to exercise their right to vote and promoting democratic ideals of tolerance and peaceful political campaigning. Education posters, radio and television programmes and booklets were produced and widely distributed, targeting not just voters, but also candidates and political parties. This drive was supported by foreign government and non-governmental organisations as the state did not have enough resources.

Goodwin-Gill (2006), persuades governments to play an important role in encouraging activities through non-partisan voter education exercises that promote democratic values among those eligible to vote, and even the young ones by introducing the subject in general education curriculum. Political parties and civic organisations are also important stakeholders when it comes to voter education. The process of voter education must thus be inclusive and very transparent (Kenya Institute of Education, 2010).

#### 2.4.2 The importance of voter registration

Pintor and Gratschew (2000), point out that voter registration is a crucial exercise that allows for political participation and the creation of the voters' roll which directly facilitates the exercise of the right to vote by the citizens.

In that vein, everyone eligible to vote has a right to vote subject to certain limitations imposed by the law. The vote of every citizen should have the same value without discrimination, thus voter registration is a mechanism that guarantees equality of votes. Voter registration is an important basis to ensure equal and universal participation of eligible voters in a given election. Transparency, accuracy and inclusiveness are key aspects to ensure the integrity of the voter registration process and the credibility of the voters' roll. These aspects are briefly discussed hereunder.

In terms of the Organisation of Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (2012), a transparent, accurate and inclusive voter registration process allows eligible voters to exercise their right to vote, and also safeguards against any attempts to manipulate the electoral process. The voters' roll informs voters of the specific location where they are able to vote and indicates their eligibility to polling officials. At the same time, the voters' roll ensures that every voter is only able to vote once and prevent those who are ineligible from voting.

In addition to the above, voter registration when done properly enhances the public confidence in the election process. Voters should be able to inspect the voters' roll prior to election day, and they should be able to challenge any inaccuracies through a timely process. Copies of the voters' roll should be provided to political parties and candidates so they can verify that their supporters are included and use the information to conduct their campaigns. On the latter note, when availing the voters' roll to political parties and candidates, all parties must have equal access to the voters' roll, and the information should be provided in line with data protection rules. Providing the voters' roll in electronic format to enable electronic search of data in line with data protection procedures and legislation could also be considered (OSCE Code of Good Practice on Electoral Matters, 2002).

In Africa many election management bodies have been criticised for failing to address deficiencies in voter registration, which have cast doubt on the credibility of elections. For instance, the International Foundation for Electoral Systems (IFES) (1992), on the registration system in the 1992 elections held in Ghana cited a variety of technical irregularities with the roll, namely, the failure to purge those who had died since 1987, double entries resulting from software problems, and inconsistent registration of names.

The security of the voter registration system is crucial (Martinez III, 2006). Voter registration and the publication of verifiable registers of voters have an important part to play in building and maintaining the confidence of the electorate, and thereby

contributing also to ensuring free and fair elections (Alvarez, Hall et al., 2008; IFES, 1996). Given the inherent opportunities for disenfranchising substantial portions of the population through manipulation of the registration process, transparency of process is called for. Hence a credible voter registration process is vital for the realisation of a free and fair election (Goodwin-Gill, 2006). Having discussed these concepts regard to international and regional instruments that govern voter education and registration will be very informative.

## 2.5 International and regional instruments on voter education and registration

There are many international covenants and human rights instruments that cater for and define standards related to voter education and registration. These instruments provide for the minimum standards expected for voter education and registration. For instance, Article 25 of the International Covenant for Civil and Political Rights (ICCPR) provides that every citizen shall have the right and the opportunity, without any distinction and without unreasonable restrictions to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage. This specifically provides for voter registration.

As a follow up to the ICCPR, the United Nations Human Rights Committee in its General Comment 25, sanctions all states to take effective and meaningful measures



that ensure everyone entitled to vote does so. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable (Carter, 2010; James, 1987). Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by criminal laws which should be strictly enforced.

It is therefore imperative that adequate and non-partisan voter education exercises are conducted for the effective exercise of article 25 of the ICCPR. In addition to the latter, Article 5 of the International Covenant on the Elimination of Racial Discrimination (ICERD) guarantees non-discrimination in that it provides that states parties must extend and guarantee the right to vote to everyone regardless of race, colour, or national or ethnic origin.

Also, Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) sanctions states not to discriminate against women in the political and public life of the State. The Council of Europe Venice Commission's Code of Good Practice in Electoral Matters provides guidance on best practices for voter registration. This Code emphasizes the need to maintain permanent voters' rolls, publish the voters' rolls, update them regularly and continuously and develop administrative procedures, subject to judicial control, to allow for corrections of the voters' rolls.

Further, Article 21 of the Universal Declaration of Human Rights recognizes the importance of transparent electoral processes in securing and guaranteeing the fundamental right to participatory government. In addition to the above, the African Union and SADC in keeping with international human rights laws have enacted instruments that provide for free and fair elections. Article 13(1) of the African Charter on Human and People's Rights (African Charter) of 1981 provides that every citizen shall have the right to participate freely in their government. However, because it did not address specific voting rights, the AU in 2007 enacted the African Charter on Democracy, Elections and Governance (African Democracy Charter), which according to its Article 2(3) seeks to 'promote the holding of free and fair elections, institutionalise legitimate authority of representative government as well as democratic change of governments'.

In addition to the above, SADC has adopted a number of instruments that have a bearing on democracy generally and elections in particular. Of particular importance and relevance to this study is the SADC Principles and Guidelines Governing Democratic Elections (the Principles). Adopted in 2004, the Principles contain the comprehensive principles of democratic elections aimed at consolidating democracy in the region. This instrument explicitly states that the principles enshrined in it, aim at strengthening the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties (Mchomvu, 2015).

Principles enshrined therein include, principles for conducting democratic elections, guidelines for election observation and the responsibilities of member states in which elections take place. It also calls on member states holding elections to *inter alia*, ensure equal access to media, provide voter education and registration. The guidelines are a comprehensive instrument meant to ensure credibility of the electoral processes in the region. However, in spite of enshrining comprehensive provisions on the conduct of elections, one is of the opinion that the instrument may not be effective to ensure credible elections that will lead to legitimate elections for the reasons stated below.

As noted by Mchomvu (2015), the instrument as the name suggests is a mere guideline, hence a soft law which does not impose any legal obligation on member states to comply with its provisions. Due to its non-binding nature, the provisions of this instrument can be easily diluted by the domestic legislation of member states that may not be willing to comply with its provisions. It is the contention of this paper that to ensure credible elections and avoid disputes over the legitimacy of results, among other things, adoption of a comprehensive binding instrument on elections is inevitable. Arguably, this is why some SADC member states have been reluctant to comply with the requirements for free and fair elections in spite of several calls from the regional body.

Secondly, the instrument provides for the settlement of election disputes in accordance with municipal laws. In such cases, where a body with the last say in such disputes is under the control of the ruling party, legitimate results may not be ensured. Thirdly, the instrument does not oblige member states to invite SADC Election Observer Mission. The discretion to invite the Observer Mission is left to the state party holding elections if it deems necessary to do so. This implies that a country is not breaching any obligation by deciding not to invite an Observer Mission as it is not under any legal obligation to do so.

## 2.6 Constitutional guarantees and the general Zimbabwean legal framework on elections

A legal framework in the context of this study refers to the constitutional and legislative provisions governing the conduct of elections in the country at any given period. Thus in analyzing the legal framework, the paper will examine the Constitution of Zimbabwe, the Electoral Act and all legislation that has a bearing on the conduct of elections. It is trite that the holding of free and fair elections in any country largely hinges on how well the legal framework is constituted. It is thus imperative for the legal framework to provide for a climate which allows voters to freely participate in the electoral process. To this end, the legal framework must empower relevant bodies to conduct rigorous voter education and registration exercises as these will enable full and informed participation by the citizens in the electoral process. In this regard, this section critiques and evaluates the extent to

which the prevailing legal framework on voter education and registration enhances full and meaningful citizen participation in the electoral processes.

It is common cause that the current electoral framework was born out of a negotiated settlement following the inconclusive and highly contested 2008 elections. The 2013 Constitution, introduced a number of new provisions that enhance and seek to promote the principles of democracy and good governance in line with international and regional norms and standards, such as the SADC Principles and Guidelines Governing Democratic Elections. In this regard the Constitution now recognises the general principles of international law and treaties ratified by Zimbabwe that have a bearing on the electoral process. These have the force of law in Zimbabwe pursuant to provisions of Section 326 and 327 of the Constitution.

This means is that the Constitution has introduced positive changes to the electoral landscape. It now provides that the general rules of international law shall form part of the laws of Zimbabwe and further that any treaty or convention ratified by Zimbabwe shall form part of the laws of the country. This means that non-traditional sources of law are now affecting the electoral process and binding pursuant to Section 46 (1) (c) and 327 of the Constitution. The relevant international legal instruments are; the International Covenant on Civil and Political Rights, International Convention on the Elimination of All forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

The new Constitution through section 67 brought in provisions that guarantee the political s of citizens which are consistent with provisions of the UDHR. Notably is the recognition of the right to freedom of assembly and association, the right to freedom of conscience and the right to freedom of expression and freedom of the media per sections 58, 60 and 61. In a democracy citizens are entitled to free, fair and regular elections for any elective office established in terms of the Constitution. In this regard the 2013 Constitution brought about far reaching reforms with provisions that guarantee a multi-party democratic political system within Zimbabwe and an electoral system based on universal adult suffrage, equality of votes, free fair and regular elections. Further Section 67 now has entrenched provisions on political rights. By providing that every citizen has a right to make political choices freely, the government is now enjoined to ensure provision of adequate voter education for the complete realisation of these constitutional rights.

The constitutional provisions of Chapter 7 of the constitution particularly are concerned with the electoral system applicable to Zimbabwe. In terms of section 155 of this chapter, certain principles of the electoral system should be met in letter and spirit whenever there is a national election or referendum. These principles include the regular holding of elections. Such elections should be held in a peaceful, free and fair manner. The state should ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote, including persons with disabilities or special needs. Pursuant to this section, the state is obliged to take all

appropriate measures, including legislative measures, to ensure that effect is given to these principles. Such measures include ensuring that all eligible citizens wishing to exercise the right to vote receive appropriate voter education and registration. The provision of voter education, registration and the availability of voters roll to all those participating are peremptory requirements.

The state should also ensure that all political parties and candidates contesting an election, or participating in a referendum have reasonable access to all materials and information necessary for them to participate effectively. It is also the responsibility of the state to provide all political parties and candidates contesting an election, or participating in a referendum, with fair and equal access to electronic and print media, both public and private. In the same vein, Section 157 of the constitution sets out the framework for the enactment of legislation to govern elections. Our constitutional provisions are now meeting the international bench mark as well as Africa and SADC guidelines and are largely viewed as progressive.

What is instructive to note is that the legal framework now has constitutional guarantees for the holding of a free and fair and democratic election. Of particular interest are those provisions that enjoin the government to ensure proper voter education for electors to make an informed decision. Further, the constitutional provision that sanctions the state to ensure that all eligible voters are registered has been hailed as being very progressive. Besides the constitutional guarantees and

relevant customary international law norms and practices, the legislative framework for elections consists of the Zimbabwe Electoral Commission Act (Chapter 2:12) the Electoral Act as amended by SI 85 of 2013, Statutory Instrument 69 on voter registration requirements, Statutory Instrument 83 on Costs of Electoral voters' roll, Statutory Instrument 84 of 2013 on Special Voting and Postal Voting Regulations, Statutory Instrument 86 on the Proclamation of Election Date by President, Statutory Instrument 87 on the Results Transmission System, Statutory Instrument 88 regarding the nomination of candidates and Statutory Instrument 89 on accreditation of observers. Other laws that have either a direct or indirect bearing on the running of elections include but are not limited to, the Zimbabwe Human Rights Commission Act of 2012, the Access to information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (Chapter 11:17) the Broadcasting Act, (Chapter 12:06) the Criminal Law (Codification and reform) Act and Presidential Powers (Temporary Measures) Act. The Constitution, Customary International law, relevant international treaties and these statutes collectively define the country's juridical architecture for elections and referenda.

## 2.7 Election management, voter education and registration framework

The management of elections is the responsibility of the Zimbabwe Electoral Commission established by the Constitution (ZEC) in terms of section 238 of the Constitution. Section 40A of the Electoral Act (Chapter 2:13) read together with sections 14 and 15 of the Zimbabwe Electoral Commission Act (Chapter 2:12),*inter*



*alia* charge ZEC with supervising elections; conducting voter education exercises, registering voters, compiling voters' rolls and registers and ensuring the proper custody and maintenance of the voters' rolls. It is also recognized by and subject to the provisions of the constitution that apply to constitutional Independent Commissions. In the performance of its functions it is expected to be subject only to the constitution and the law and to be independent and hence not subject to the direction or control by any person or authority.

The function of voter education is the primary responsibility of ZEC. Section 239H of the Constitution of Zimbabwe read together with sections 40A-40F of the Electoral Act, states that only the Zimbabwe Electoral Commission is allowed to conduct and supervise voter education. However, ZEC is allowed to accredit civil society organisations to assist in conducting voter education as the Electoral Act prohibits civic groups from conducting voter education without being accredited by ZEC. According to the Electoral Act, the education programme must begin within 90 days before polling day in each election. During the 2013 elections and spurred into action by the Constitutional Court ruling, ZEC only deployed voter educators on 5<sup>th</sup> June 2013 with the election date set for 31 July 2013. This was already outside the mandatory 90 day period. In addition to the above, despite the new Constitution making it clear that only Parliament can enact primary legislation, the President used the Presidential powers (Temporary Measures) Act to make amendments to the Electoral Act due to time constraints. The proclamation reduced the chance for

effective voter education and registration in the run to the 2013 elections. Laws such as the Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) significantly play an important role in voter education. In carrying out the voter education activities, civil societies are required to compile with provisions of these Acts, adding another bureaucratic impediment to the voter education exercise. This is so despite the fact that civic groups play a very significant role in promoting free and fair election through the provision of civic education, creating awareness of the democratic and electoral processes and sometimes in reassuring a restive public (Mapuva, 2013). Further, section 40F of the Electoral Act provides that any foreign funding for voter education be given to the commission, which then channels it to any other groups if it so desires.

Voter registration provision in Zimbabwe is continuous with voters free to register at district offices in between elections per section 17A of the Electoral Act. For the 2013 Elections, the Registrar-General on behalf of the ZEC was supposed to update the voters' roll and carry out the registration exercise. With most people not taking advantage of this facility for continuous registration, the Registrar-General conducted election-specific voter registration drives. In addition to the above, per paragraph 1 of the Fourth Schedule of the 2013 Constitution, every person 18 years and above and who is a citizen of Zimbabwe is entitled to register to vote. The basis for registering to vote is citizenship and that is in sync with international human

rights instruments which specifically convey the right to vote to citizens (Carter, 2010).

According to the ZESN Report (2013), ZEC previously provided periodic updates during the mobile voter registration exercise from 29 April to 19 May 2013, but stopped releasing further information thereafter to allow independent assessment of the final state of voter registration. This was compounded by the refusal to provide the final voters' roll used for the 31 July polls in its electronic form to parties. ZEC justified the ending of the voter registration exercise without including all prospective voters in order to abide by legal provisions. But the failure of so many citizens to register led to their disenfranchisement and a grave violation of their civil and political rights. ZEC did not utilise the provision to apply to the Court with a request to extend voter registration or to consider a supplementary voters' roll.

Dziva and Chigora (2015) also noted that ZEC could not to provide adequate voter registration to the electorate hitherto considered as "alien" under previous constitution. The reason proffered was that the period given for these former "aliens" to formalise their citizenship status, was inadequate against the set date of the election. Also, due to short time ZEC failed work on modalities to ensure that 17 000 prisoners get registered and vote on 31 July 2013 (Zimbabwe Human Rights Commission Report, 2013). Resultantly prisoners did not vote in contravention of

the principle of non-discrimination as enunciated by the Constitution of Zimbabwe and SADC Principles. The short notice affected updating of the voters' roll and making it accessible to stakeholders which disenfranchised eligible voters.

Even with Sections 17A and 21(6) (a); (b) of the Electoral Act requiring continual updating of the Voters' Roll and its inspection, including issuing the same within a reasonable time before the polling date, ZEC failed to practice constitutionalism. Opposition parties notably the MDC-T failed to access the voters roll until mid-day of the Election Day (ZESN, 2013). Access to the copy of voters' roll was also made difficult by prohibitive expensive charges by ZEC. During the 2013 elections ZEC charged \$15 for a copy of a ward-based voters' roll which translated to \$29 370 for all the country's 1,958 wards (Zhangazha, 2013).

The implementation of the voter registration process was not adjusted in any way, which suggests that ZEC was mindful of the concerns raised about the state of the voters' roll. Provisions within the Constitution for the possible extension of the voter registration period were not utilized. In the absence of any further information, it would be safe to assume that the final roll, at best continued this unequal and inequitable pattern on access, exclusion, prejudice and disenfranchising urban and youth voters and, as a result, seriously undermines the credibility of the entire electoral process. This further violated the principle of full participation of citizens

in electoral processes and the equal opportunity to exercise the right to vote as expressed in the SADC Principles and Guidelines Governing Democratic Elections.

Further, the Zimbabwe Election Support Network did a demographic analysis of the voter's roll after the close of voter registration for the 2013 harmonised elections. According to the voters' roll provided by the Registrar General on 19 June 2013, the number of registered voters were 5,890,169 from all 1,964 wards and 210 constituencies. Compared to the official 2012 census data from the Zimbabwe National Statistics Agency, the data reveal that many urban and youth voters were not registered and did not participate in the elections. Official registration figures showed a total of 5, 890,169 registered voters which when compared with official 2012 census figures. It is possible to estimate a national registration rate of 88.55 per cent.

However, a significant disparity between registration rates in urban and rural wards existed, with registration in urban wards at 67.94 per cent but at 99.97 per cent in rural wards. What this shows is that approximately 750,000 eligible urban voters were missing on the voters roll. For urban registration rates to be comparable with rural registration rates it means another estimated 750,000 urban voters need to be registered (Zimbabwe Election Support Network Report, 2013; Dziva and Chigora, 2015).

The table below illustrates a demographic analysis of the 2013 voters roll. The evaluation revealed an under-registration of young voters in urban and rural wards. Of the 41.21 % of young persons between the ages of 18-29 (ZIMSTATATS, 2012) only 13.76% were registered voters as at 19 June 2013, and of the 41.21%, the majority were in rural wards as demonstrated by table 1 illustrated below.

**Table 1 Comparison of registered voters with estimated eligible voters by age**

<b>Age(years)</b>	<b>Voters Roll 19 June 2013</b>		<b>2012 Census Estimate</b>		<b>Percentage Difference</b>
Less than 18	360	0.01%	---	---	---
18-22	140 689	2.39%	1 213 199	18.24%	-15.85%
23-29	669 799	11.37%	1 527 932	22.97%	-11.60%
30-39	1 783 808	30.28%	1 507 311	22.66%	+7.62%
40-49	1 250 989	21.24%	831 482	12.50%	+8.74%
50-59	858 414	14.57%	727 713	10.94%	+3.63%
60-69	519 013	8.81%	441 683	6.64%	+2.17%
<b>70-79</b>	<b>323 913</b>	<b>5.50%</b>	<b>246 784</b>	<b>3.71%</b>	<b>+1.79%</b>
<b>80+</b>	<b>343 187</b>	<b>5.82%</b>	<b>155 653</b>	<b>2.34%</b>	<b>+3.48%</b>

**Source: ZESN Report on the 2013 Harmonised Elections, p.23**

Table 2.2 below illustrates a different experience between urban and rural wards for young voters seeking to register. Registration of all age groups is higher in rural wards than in urban wards. Further, what is interesting about these figures is that while the majority of urban residents are more educated than the rural people, in

terms of voter registration more are registered in rural areas. It is also of great concern to note that urban areas being largely opposition strongholds, one would have expected a higher number of registered voters. The reason for this urban voter apathy as noted by ZESN (2013) might not be ignorance on the part of urban voters but rather a deliberate ploy to under register the urban voters. In this regard, with such a significant number of young voters and urban voters disenfranchised, it negatively impacted on the electoral outcome thus putting into question the legitimacy of the electoral process and its outcome.

**Table 2 Comparison of registered voters in urban and rural wards by age**

Age(years)	Voters Roll 19		June 2013		Difference	Percentage Difference
	Urban		Rural			
Less than 18	31	0.00%	328	0.01%	297	+0.01%
18-22	30 363	1.95%	110 326	2.56%	79 963	+0.61%
23-29	153 011	9.63%	516 789	12.05%	363 778	+2.42%
30-39	559 222	34.73%	615 674	28.56%	56 452	-6.71%
40-49	452 834	28.07%	414 317	18.58%	38 517	-9.49%
50-59	242 740	14.96%	280 860	14.42%	38 120	-0.54%
60-69	104 696	6.43%	187 926	9.74%	83 230	+3.97%
70-79	43 053	2.64%	105 792	6.61%	62 739	+3.97%
80+	26 116	1.60%	319 070	7.47%	292 954	+5.87%

Source: ZESN (2013) p. 24



**Table 3 Comparison of registered voters with estimated eligible voters by rural and urban wards**

Urban/Rural	Voters' roll 19 June 2013		2012 Census Estimate		Difference	% Registered
Rural Wards	4 278 103	72.64%	4 279 336	64.33%	1 223	99.97%
Urban wards	1 612 066	27.36%	2 372 522	35.67%	760 456	67.94%
<b>Total</b>	<b>5 890 169</b>		<b>6 651 858</b>		<b>761 689</b>	

Source: ZESN (2013) p.22

The illustration above reveals a significant disparity of registration rates in urban and rural wards. More rural voters are registered than urban voters.

In a nutshell, the challenges to voter education and registration during the 2013 harmonised elections are briefly discussed hereunder. Firstly, lack of funding and subsequent late disbursement of funds for registration and education of new voters was one of the challenges in the run to 2013 elections. Funds were only availed on the 7 May 2013 when the exercises were already underway (Ndlovu, 2013). This inevitably compromised the adequacy and quality of voter education in 2013 harmonised elections. As regards registration of new voters who didn't have

identification cards, the Registrar-General's office had no materials due to lack of funds thus prevented many aspiring voters from exercising their right to vote.

Thirdly, according to Dziva and Chigora (2015) voter registration was also affected by stringent requirements for one to produce proof of residence, which were difficult for youths to get especially for new urban voters. These provisions have been argued to have benefited rural dwellers where certain parties are strong, as it was easy for them to access such letters from the traditional leaders unlike in urban areas.

It is further argued that this could be the reason why an estimated 99.97 per cent of rural voters were registered compared to 67.94 per cent of the potential urban voters. However while this may be acceptable curious questions are asked why in the opposition stronghold voter registration figures were low and in the rural areas where ZANU PF was strong the registration figures were high. For as long as all citizens are not afforded the same opportunity to register and voter the whole electoral process will not be free and fair. The statistical analysis reveal over a 1.2million voters disenfranchised and this is a very significant figure that could have changed completely the outlook of the 2013 elections. The apparent lack of voter education on the youths is also evident in the low registration rates in the age group. Education results in literacy and numeracy. The lack of numbers among the youths can largely among other factors be attributable to lack of voter education.

Lastly, there was limited media coverage of voter registration and education exercises. Publicity of the registration centres was inadequate, and was delayed as centres were published a week after the process had commenced. Be that as it may, it would be folly to solely blame ZEC for the national ignorance about its voter registration campaign.

State institutions with a public service mandate like the Zimbabwe Broadcasting Corporation (ZBC) ought to have discharged their mandate airing voter education and registration campaign programmes to raise public awareness about the exercise (MMPZ, 2013).

While the 2013 harmonised elections mandated the Registrar General with the duty to register voters, the constitution dictates that ZEC should conduct voter registration for subsequent elections. The Electoral Act was amended in 2014 to provide provisions that were regulated by the Presidential Powers (Temporary Measures) Act. Several by-elections have been conducted since the 2013 elections and the main opposition MDC T has boycotted these elections. The argument by the MDC T and other civil organisations is that electoral reforms that encompass the spirit and letter of the constitution must be instituted. The current electoral reforms debate with particular emphasis on voter education and registration will be analysed next drawing on lessons learnt in the by elections held post 2013 harmonised elections.

One of the contestations by those calling for electoral reforms revolves around voter education. Critics argue that there is need for effective continuous voter education programmes. The argument being that voter education is critical given the reality that on a daily basis we have people coming of age as potential voters. Similarly, others die creating the need for them to be removed from the voters' roll. Hence continuous voter education is ideal to cater for these eventualities. Of particular interest to civil organizations have been rural areas that are mostly prone to forced voting. Opposition parties and civil organizations argue that people in rural areas are prone to intimidation and threat hence the need for them to be empowered with information so that they exercise their rights and choices without fear. They argue that the continued use of intimidation in recent by-elections needs interventions in the form of voter and civic education to mitigate the effects of forced voting.

The main reason why most people in the rural areas do not have sufficient information about elections and the related processes is mainly because of their lack of credible sources of information. Their sources of credible and unbiased information are limited as compared to urban areas. It is thus important to provide intensive voter education in rural areas in order to allay and demystify fears relating to voting (CCJP Report, 2013).

This lack of information creates a conducive atmosphere for fear to be bred and harvested. The fear factor is a consequence of an ill-informed electorate and if the electorate was knowledgeable about its guaranteed rights it would have the capacity to confront elements that cause the fear factor, whether real or imagined. Constantly educating people on the secrecy of the ballot is therefore necessary for effective democracy. Many of the rural folk neither understand nor appreciate that their vote is their secret. They often fall prey to fears that their vote would be known or should be known by others.

Challenges on the ground that prevent the enlightenment of the electorate include, lack of continuous voter education, lack of multi-sectoral stakeholder participation in voter education, the Zimbabwe Electoral Commission (ZEC)'s cherry picking of organizations who conduct voter education, a prohibitive legal framework, for example, no foreign funding is allowed for purposes of voter education, as well as limited funding and/or prioritization of voter education programmes. The study revealed that currently very little or no voter education is taking place at all. The electoral body to its credit is currently assessing its capabilities in voter education and is engaging stakeholders on how voter education could be improved.

Turning to the issue of voter registration, several contestations have emerged. While ZEC is responsible for voter registration, no voter registration is currently being undertaken save in areas where a by election is being conducted. While the Electoral Act provides that voter registration is continuous, with a year before the next elections, ZEC has not started the registration process. Currently, the system ZEC employs is a paper based voter registration process and verification of data is mostly manual.

In the foregoing, the failure by ZEC to conduct voter registration, does not inspire confidence that the 2018 elections will meet the benchmark of being free and fair. The discourse has now moved to how we can make the new register more transparent and credible. The majority of stakeholders in Zimbabwe support the implementation of continuous voter registration using biometric technology. This it is argued will result in a voters' register which is inclusive, comprehensive, accurate, accessible and transparent.

## 2.8 Implications of *Mawarire v Robert Gabriel Mugabe N.O and Others* CCZ 1/13 on voter education and registration for the 2013 Poll

The case of *Mawarire v Robert Gabriel Mugabe N.O and Other* CCZ 1/13 had serious ramifications on the conduct of voter education and registration during the run up to the 2013 harmonised elections. Before this ruling, many anticipated the election to be held on 29<sup>th</sup> October 2013. However, the apex court held otherwise which set in motion a 'train of illegalities' as noted by Matyszak (2013). Each

illegality tried to cure the last which proved that it was impossible to comply with the court and the various legislative enactments regulating voter education and registration.

The reason being that section 6(3) of the Constitution provides for a mandatory intensive 30 day voter registration period which at the time of the judgment had not started (Matyszak, 2013). In terms of the Electoral Act, voter registration had to end the day before the nomination court, whilst the Constitution stipulates that elections could be no sooner than 30 days after the sitting of the nomination court. This means that there had to be a sixty day period to start intensive voter registration and the general election.

To add to the quandary, the intensive voter registration exercise started on 9<sup>th</sup> June 2013 which meant that the nomination court could not sit before the 9<sup>th</sup> of July 2013 if registration was to be conducted over 30 days in terms of the Electoral Act and the Constitution, and the election could not be held before the 9<sup>th</sup> of August 2013 at the earliest. The Executive through President Mugabe sought to cure these illegalities under the guise of legislative powers granted to him by the Presidential Powers (Temporary Measures) Act (Chapter 10:20), whereby he purportedly amended the Electoral Act by S.I 85 of 2013 to provide for the system of proportional representation and also allow for voter registration to continue beyond the sitting of

the nomination court. Section 27 A of the amended Electoral Act is quite instructive in this regard.

On 13<sup>th</sup> June 2013, the date for the elections was proclaimed through S.I 86 of 2013, paving for the sitting of the nomination court for the 28<sup>th</sup> June 2013, and thus leaving a 30 day period required until the elections with some days to spare. In as much as this dealt with a possible illegality of failing to conduct the 30 day intensive voter registration exercise, it was done through a screaming illegality. The reason being that the Presidential Powers (Temporary Measures) Act cannot be used to amend or make legislation (Matyszak, 2013). Section 157(1) (b); (d) of the Constitution clearly state that only an Act of Parliament can provide for the conduct of elections and referendums and not a presidential decree.

In the foregoing, it can be gleaned that voter registration and education processes were not properly and adequately conducted due to different reasons, chief among them being inadequate and inefficient human resources (Zimbabwe Election Support Network Report, 2013). Thus negatively influenced voter participation as many were not registered to voter, thus tainting the credibility of the 2013 harmonised elections.



## 2.9 Chapter Summary

This Chapter reviewed literature relevant to the study. The research was put into context by examining previous research on the topic and how it relates to the current research. The social contract was explained to give the study a sound theoretical foundation. The chapter also outlined international instruments on voter education and registration before analysing the current legal framework on voter education and registration. The idea was to assess the strengths and limitations of the Zimbabwean system. Lastly the chapter analysed the practical application of the electoral law on voter education and registration during the 2013 harmonised elections and the attendant impact. The next Chapter focuses on the methodology used in the study.

## **CHAPTER 3: METHODOLOGY**

### **3.1 Introduction**

This chapter outlines the methodology employed in the study as well as the research design. The framework for the research is discussed with a view to show how the population and sample were chosen. The rationale for the selected research instruments is explained as well as data collection and analysis techniques.

### **3.2 Research Design**

Borg and Gall (1989) define a research design as a process of creating an empirical test to support or refute them. Cohen, Manion and Morrison (2011) note that planning research depends on (a) the kind of questions being asked or investigated (b) the process of the research (c) the research paradigms and principles in which one is working, and the philosophies, ontologies and epistemologies underpinning. As mentioned above, the focus of this study is to analyse the impact of electoral law on voter education and registration. The study will thus use a mixed methodology for collecting, analyzing, and integrating quantitative and qualitative data. The purpose of this form of research is that both qualitative and quantitative research, in combination, provide a better understanding of a research problem or issue than either research approach alone.

In addition to the above, the study used secondary data gathered from archives, journals, commissioned reports and legal cases brought to national or local courts. The primary data that was gathered from key informants was qualitative in nature. Such data was collected through interviews. Further, problems with data insufficiency were solved by utilisation of secondary data, especially where primary data was scarce and difficult to extract.

### 3.3 Population, Sample and Sampling Procedure

It was practically impossible for the researcher to study the whole population and as a result a microcosm of the population was selected. In this regard, the sample comprised, key informants from the Parliament of Zimbabwe, CSOs, human rights lawyers, state institutions and government ministries. The key informants were senior staff members from the identified CSOs and the Ministry of Justice, Legal and Parliamentary Affairs, government institutions and five Members of Parliament (2 from ZANU PF, 2 from the MDC-T and one independent). However, the designations of those interviewed can not be disclosed for ethical reasons save to state that there are very senior staffers. To create balance, the researcher also interviewed a subsample of 30 ordinary citizens. The researcher also took advantage of the Parliamentary consultative meetings on electoral reforms held in Harare and Concession where issues of voter education and registration took centre stage.

Cohen, Manion and Morrison (2011) note that as a result, the researcher often needs to obtain data from a smaller group or subsection of the population in such a way that the knowledge gained is representative of the population.

This subset of the population is the sample. The researcher had to determine the size of the population sample. Cohen, Manion and Morrison (2011) declared that there is no clear-cut answer as to the appropriate size of the population. This largely depends on the nature of the population, the level of accuracy required and the anticipated response rate among others. This research used the convenience, non-probability sampling approach. This sampling entails that the researcher chooses the nearest participants willing to be involved in the study. Cohen, Manion and Morrison (2011) note that convenience sampling is more suitable for case studies or series of case studies hence the researcher embarked on it since this research was based on the 2013 harmonised elections as a case study.

The study also notes that (as was the case with this research) convenience sampling is suitable for low budgets and for expedited data collection and is very useful for sensitive research. The convenience non-probability sampling approach was appropriate because of the time and resource constraints.

The researcher selected participants because they were experts and technocrats in the field of elections in Zimbabwe and also because they were willing and available to be studied in line with the convenience sampling method. Although the researcher cannot say with confidence that the sample was representative of the population, the sample provided useful information for answering questions and hypothesis (Creswell, 2012).

### 3.4 Research Instruments

Arisunta, (2010) posits that an instrument is any tool that is used in data collection. Babbie, (2001) defines a research instrument as a tool that is used for collecting data needed to find solutions to the problem under investigation.

#### 3.4.1 Interviews

The researcher used one-on-one interviews for key informants and the ordinary citizens. Interviews are face-to-face meetings between the interviewer and the interviewee. Neuman (2000) notes that interviews have the highest response rate and they allow the interviewer to observe surroundings and to ask all types of questions, including complex ones. Semi-structured interviews allowed the researcher to mix both semi-structured and open questions and to probe further.

Tuckman (2013) argues that for sensitive topics, open questions are more suitable as they enable the respondents to answer in their own words. Historically, elections in Zimbabwe have been a very sensitive area with many ordinary people afraid to discuss anything related to elections.

### 3.5 Data Presentation and Analysis

The research data was presented and analysed by using the thematic narrative analysis. Thematic analysis is a method for identifying, analysing and reporting patterns within data (Braun and Clarke, 2006). Data is encoded into themes (Boyatzis, 1998) and the emerging themes become categories for analysis (Fereday and Muir-Cochrane, 2008). This means, data collected from the case studies was analysed using specific themes that were identified from the evidence gathered.

Thematic analysis was chosen because it provides a rich and detailed account of data sets, which is important when researching under-researched areas. In this context, the research was able to identify and describe various themes embedded in literature about voter education and registration and their effect on the holding of free and fair elections.

However, it is important to note that although thematic analysis is widely used in qualitative research, there is no agreement of what it is and how it should be done

(Braun and Clarke, 2006; Boyatzis, 1998). The absence of clear and concise guidelines around thematic analysis puts thematic analysis open to criticism as a reliable analytical approach. (Braun and Clarke, 2006:4). The method is also time consuming and taxing due to lack of standard categories (Marks and Yardley, 2003). The researcher had to find themes within huge volumes of data. As such, the researcher used tables in some instances to save time and to simplify the data being analysed.

### 3.6 Ethical Considerations

Ethical considerations are discussed under the following sub-headings: Permission; Informed Consent; Anonymity and Harm to Participants.

#### 3.6.1 Permission

For this study, permission was sought to carry out the study from AUREC and subsequently from relevant organisations after being requested by the researcher.

#### 3.6.2 Informed Consent

Participants were informed about the purpose of the study as well as making them aware of the risks they may face in participating in the study. The researcher made sure that the participants were free to make decisions about whether they wanted to participate or not at any point in the study.

This is in line with Cohen, Manion and Morrison (2007) who states that informed consent is a process whereby participants give their consent to participate in a research study after getting honest information about its procedures, risks and benefits. Participants were informed that they were free to withdraw at any point and time of the study.

### 3.6.3 Confidentiality

Confidentiality of the participants was also taken into consideration assuring them that what was discussed was for the study purposes only. This was done in view of Creswell et al's (2010) ideas which contend that confidentiality means that no one, except for the researcher and promoter has access to the participants' data or names and no one can match research information with that of a participant.

### 3.6.4 Anonymity

The researcher ensured that anonymity of participants was respected by using pseudo names when reporting the observations and interviews carried out. This is in line with Silverman (2006) who suggests that it is the researcher's obligation to keep the participants' identity and responses private. A participant has a right to have his or her identity remain anonymous (Silverman, 2006). Cohen et al (2007) suggest that a participant's anonymity is guaranteed when a given response cannot be matched with a given participant. This was ensured and pseudonyms were used for the findings.



### 3.6.5 Harm to Participants

In any research, participants must be protected from political, physical, social, emotional and spiritual harm or from potential harm of any nature (Creswell, 2012). In this study the researcher ensured that all participants were not exposed to any harm and those questions which seemed to be sensitive were shelved and where possible referred to later. Participants were never pushed to answer any question.

### 3.7 Chapter Summary

This Chapter outlined the methodology used in the study. The plan for the collection of data was discussed. This included the framework of instruments for data collection, selection of the sample from the population, pros and cons for the use of interviews as well as methods used to analyse the data. The next Chapter focuses on the presentation of data and discussion of the findings.

## **CHAPTER 4: DATA PRESENTATION, ANALYSIS AND NTERPRETATION**

### **4.1 Introduction**

The previous chapter discussed and outlined the methodology used in the study. This chapter, puts to practice the methodology outlined in Chapter 3 by presenting, analysing and interpreting collected data. In this endeavor, tables were used to give a clear and concise description of the data. As alluded to in Chapter 3, research data shall be presented using the thematic narrative technique which entails that the collected data would be encoded into themes which became categories for analysis. In this context, the research was able to identify and describe various themes embedded in literature about voter education and registration and their effect on the holding of free and fair elections. Interaction with reviewed literature was done to ascertain how the current study relates to past research findings.

#### **4.1.2 Response Rate**

The research sought to interview a total of 20 key informants, and of the targeted informants, 2 were for varying reasons not available for interviews and also did not have the time to proffer written responses. This translated to a response rate of 90%. For the random sample of ordinary citizens, 30 out of 40 consented to be interviewed impromptu, which represents a response rate of 75%.

## 4.2 Demographic characteristics of respondents

In a bid to appreciate and understand the nature of the population and sample under study, certain salient demographic characteristics of the respondents were collected.

### 4.2.1 Gender

From the research sample, there were more males than females. However, in key Civil Society Organisations (CSOs) and state institutions, females were point persons. This was particularly the case with the Zimbabwe Election Support Network (ZESN), Research and Advocacy Unit (RAU), Zimbabwe Human Rights Commission (ZHRC), Women of Zimbabwe Arise (WOZA), Ministry of Justice, Legal and Parliamentary Affairs and Tajamuka. Female parliamentarians approached could not entertain the researcher for time and political reasons. Taking into consideration the response rate for the key informants and ordinary citizens 37.5% and 40% were women respectively.

### 4.2.2 Length of Service

It was necessary to determine the period that respondents had been working within the targeted organisations as this proves whether they can be relied upon to have knowledge of electoral issues constituting this study. Representative participants for CSOs, the Ministry of Justice, Legal and Parliamentary Affairs, ZHRC had been in their positions for six years and above save for Tajamuka who despite being

knowledgeable in electoral issues has been with the entity for a few months as it was recently formed. This translates to 56.25%. Out of these, RAU and ZESN had personnel that had served for 10 years and above and thus have extensive knowledge on the electoral processes under discussion. Be that as it may, out of the five parliamentarians interviewed 3 were only elected into office for the first time during the 2013 harmonised elections whilst the other 2 are seasoned if not career politicians.

#### 4.2.3 Level of Education

The respondents' level of education ranged from an Ordinary Level to Doctorates for CSO directors, academics, Ministry of Justice official, Members of Parliament and ordinary citizens. 12 out of 16 representatives of CSOs, academic institutions, state institutions and government departments had a post graduate qualification or qualifications in election related subjects, translating to 75% of the research sample that participated. This is not surprising since most of those interviewed are directors within their organisations and/or politicians. For the ordinary citizens, 3 had ordinary level certificates, 2 had an advanced level education, 3 were undergraduates whilst one refused to state her level of education. Nyerere (1978) cited by Kassam (2000) says education is liberating and insightful, hence it was considered possible to get responses that were reasoned and carefully thought out.

### 4.3 Data Presentation

Data shall hereunder be presented and analysed by using the thematic narrative analysis. Certain responses had a peculiar pattern that emerged from the data collected and these shall be presented in seriatim and in sync with the study objectives.

#### 4.3.1 The strengths and limitations of Zimbabwe's electoral law on voter education and registration

Respondents were asked of the strengths and limitations of the electoral law on voter education and almost all of them sang the same song save for the Ministry of Justice, Legal and Parliamentary Affairs which denied any existence of limitations in the current set up.

##### 4.3.1.1 Strengths of Zimbabwe's electoral law on voter education and registration

###### (a) **Constitutional guarantees**

Almost all the key informants concurred that the biggest strength of Zimbabwe's electoral law on voter education and registration are the constitutional guarantees on political rights, particularly the right to vote, voter education and voter registration. It was found out that the Constitution now recognises the general principles of international law and treaties ratified by Zimbabwe that have a bearing on the electoral process. These have the force of law in Zimbabwe pursuant to provisions of

Section 326 and 327 of the Constitution. What this means is that the Constitution has introduced positive changes to the electoral landscape. It now provides that the general rules of international law shall form part of the laws of Zimbabwe and further that any treaty or convention ratified by Zimbabwe shall form part of the laws of the country. Participants especially the ZHRC, insisted that any discussion on the laws of the country is incomplete without enumerating international instruments that have been ratified by the country as well as those that form part of the general rules of international law.

It was established during the study that the Constitution provides for periodic elections and the same by universal suffrage in sections 3(a) and (b) and 155 (1) and (2) respectively. Further, section 67 of the Constitution guarantees political rights of citizens which are consistent with provisions of the UDHR. Notable is the recognition of the right to freedom of assembly and association, the right to freedom of conscience and the right to freedom of expression and freedom of the media per sections 58, 60 and 61 of the Constitution. Further section 67 now has entrenched provisions on political rights. By providing that every citizen has a right to make political choices freely, the government is now enjoined to ensure provision of adequate voter education and registration for the complete realisation of these constitutional rights.

In terms of section 155 of the Constitution, the state must ensure that salient principles of the electoral system are upheld. These include the regular holding of elections during which, the State should ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote, including persons with disabilities or special needs. Pursuant to this section, the state is sanctioned to take all appropriate measures, including legislative measures, to ensure that effect is given to these principles. Such measures include ensuring that all eligible citizens wishing to exercise the right to vote receive appropriate voter education and registration. The provision of voter education, registration and the availability of voters roll to all those participating are peremptory requirements.

However during the 2013 harmonised elections, the majority of informants stated that the constitutional court judgment in *Mawarire v Mugabe N.O & Others* made it impossible for ZEC to conduct adequate and proper voter education and registration exercises in that it forced the Executive to set a date for elections when no proper voter education and registration had been conducted.

**(b) Independence of ZEC**

Respondents applauded the establishment of an independent election management body, the Zimbabwe Electoral Commission. However, in practice, respondents noted that ZEC's independence is compromised by its incapacity to independently source

its own funding and is thus beholden to the state which provides the funding. Also, another handicap noted was what some respondents called, ‘the militarisation’ of ZEC. CSOs interviewed raised red flags as regards the appointment of former military personal into the ZEC secretariat which they felt compromises the integrity and independence of the body especially when regard is had to the failure by the state to distinguish the army from the ruling party. An example that was given is that of ‘champion farmers’. These are ex-military or serving military personal who are deployed to rural areas to spearhead the campaign and commissariat functions of ZANU PF. On paper, ZEC’s independence is not disputed save for the above queries raised by some respondents.

(c) **Continuous voter registration**

Respondents observed that the fact that voter registration in Zimbabwe is a continuous process should be taken as a positive aspect of the country’s electoral system, because on paper, voters are free to register at district offices in between elections in terms of section 17A of the Electoral Act [Chapter 2:13].

4.3.1.2 Limitations of Zimbabwe’s electoral laws on voter education and registration

(a) **Prohibitions on conducting of voter education**



Many respondents were not happy with the fact that the function of voter education is a preserve for ZEC. Section 239H of the Constitution of Zimbabwe read together with sections 40A-40F of the Electoral Act, states that only the Zimbabwe Electoral Commission is allowed to conduct and supervise voter education. The reason being that civil society organisations have always had a complementary role. CSOs cried foul over ZEC's failure to accredit genuine civil society organisations to assist in conducting voter education because the Electoral Act prohibits civic groups from conducting voter education without being accredited by ZEC. It was found during the study that ZEC did not have enough resources during the 2013 elections to conduct voter education, but still accredited very few organisations albeit at the eleventh hour. For instance ZESN was accredited exactly two weeks before the Election Day (ZESN, 2013).

That aside, respondents noted that voter education should not be time framed but rather should be a continuous exercise as that will enfranchise every eligible citizen. According to the Electoral Act, the education programme must begin within 90 days before polling day in each election. It was a finding of the study that ZEC did not conduct adequate voter education during the 2013 elections chiefly due to the Mawarire Constitutional Court ruling that forced the proclamation of an election date. ZESN revealed that, ZEC only deployed voter educators on 5<sup>th</sup> June 2013 with the election date set for 31 July 2013 which was already outside the mandatory 90 day period.

The above notwithstanding, the proclamation reduced the chance for effective voter education and registration in the run to the 2013 elections (Matyzsak, 2013). Further, legislation such as the Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) significantly play an important role in voter education. It was a finding of this research that in carrying out the voter education activities, civil society organisations are required to comply with provisions of these Acts, adding another bureaucratic impediment to the voter education exercise. This is so despite the fact that civic groups play a very significant role in promoting free and fair election through the provision of civic education, creating awareness of the democratic and electoral processes and some-times in reassuring a restive public (Mapuva, 2013).

**(b) Foreign funding for CSOs to conduct voter education**

Respondents also took issue with section 40F of the Electoral Act which provides that any foreign funding for voter education be given to ZEC, which then channels it to any other groups if it so desires. This militates ZEC's predicament in that it was a finding of this study that ZEC lacks the requisite capacity to conduct voter education and as such this provision is not in the best interests of the citizens whose constitutional right to information is abrogated upon as a result of the incapacity. For instance, it emerged during the study that ZEC deployed only two voter educators per district during the 2013 elections, which number was not enough to reach out to the electorate. Respondents cited the 2013 elections where lack of funding and subsequent late disbursement of funds for registration and education of new voters was one of the challenges in the run to 2013 elections. This finding is also buttressed by Ndlovu (2013) who observed that funds were only availed on the 7 May 2013 when the exercises were already underway.

**(c) Documentation and Voter Registration Requirements**

Respondents interviewed with the exception of the Ministry of Justice unanimously stated that the issue of proper identification for citizens should precede everything else if the right to vote is to be sacrosanct. Free and fair elections, Respondents said can only be held if every citizen eligible to vote has been issued with the proper

documentation. The law was cited as the major impediment to the attainment of this goal as it places onerous requirements on citizens to get identity documents.

Respondents observed that citizens previously classified as ‘aliens’ had no voting rights which scenario changed after the new dispensation. Also those whose parents were killed during the gukurahundi era had to date found it difficult to get proper documentation to enable them to vote. As a result, many citizens eligible to vote have been disenfranchised. One Respondent called it a ‘systematic way of disenfranchising potential voters’.

A corollary from the above, is the issue regarding the registration of new voters who didn’t have identification cards. For some reason, in 2013 the Registrar-General’s office had no materials due to lack of funds thus couldn’t issue citizens with identity documents which prevented many aspiring voters from exercising their right to vote. Additionally, respondents noted that during the 2013 elections, conditions set by the Electoral Act did not encourage voter registration, particularly the stringent requirements for one to produce proof of residence, which were difficult for youths to get especially for new urban voters. Statistics obtained by ZESN revealed that an estimated 99.97 per cent of rural voters were registered compared to 67.94 per cent of the potential urban voters. It was thus a finding of the research that over a

1.2million voters were disenfranchised and this is a very significant figure that could have changed completely the outlook of the 2013 elections.

**(d) The role of the institution of traditional leadership in elections**

Through responses by informants, it was a finding of the study that the role of traditional leaders, has been politicised despite the screaming provisions of section 282 of the Constitution barring them from being political and partisan. Informants, noted that there exists a lacuna in the law regarding censure and reprimanding of those leaders that violate the constitution. It was a key finding of this study that in rural areas, traditional leaders are partisan when it comes to elections and as such compromised the credibility of electoral processes. For instance, the CCJP (2013), noted that many people were intimidated in rural areas and voted ‘under duress’ and ‘undue influence’ of traditional leaders which affected the credibility of the election.

**(e) The conflation of civic education and voter education**

It was a finding of this study that there is a conflation of the concepts of voter education and civic education. Most informants felt that even though there is a ‘thin line between civic education and voter education’ the conflation of the terms was deliberate, possibly to ‘perpetuate the existence of an ignorant electorate’ as one informant put it. According to ZESN (2013), civic education concerns itself with

democratic principles, like rights and responsibilities of citizens whilst voter education-a once off activity and specific to an electoral event is according to section 40A(c) of the Electoral Act is defined as,

any course or programme of instruction on electoral law and procedure aimed at voters generally and not offered as part of a course in law or civics or any other subject for students at an educational institution.

In terms of section 239H of the Constitution and section 40A of the Electoral Act only ZEC is allowed to conduct and supervise voter education, any other entity can only do so with the accreditation of ZEC. In 2013 many were arrested for conducting civic education yet the difference between the two concepts is glaring. This conflation, the research participants interviewed felt was due to the vague definition offered by the Electoral Act and to some extent political mischief by the Executive.

**(f) The Voters' Roll**

The issue of the voters' roll goes to the core of the credibility of any election. Two dominant views by the informants were that the voters' roll must be accessible and in a user friendly electronic format. Respondents stated that even though the law provides for the accessing of the voters' roll, it should go further to clarify the format. In 2013, most CSOs interviewed received the voters' roll a few weeks before

the elections and in pdf format which made it impossible for them to inspect and scrutinise same. Further, it was a finding of the study that the electorate and/or the political parties have no means to coerce the election management bodies to release the voters' roll in a usable format and timeously. However, some respondents stated that even if there were means, there is no political will to enforce such provisions. They gave an example of the issue of voter registration being a continuous exercise which ZEC has not complied with as sanctioned by the Constitution.

#### 4.3.2 The impact of voter education and registration on holding credible elections

It was a finding of this study that a credible electoral process is dependent upon a sound political and constitutional dispensation that nurtures the electoral regime and its supporting institutions. Thus constitutional and legal frameworks are imperative as they inform the context within which elections are conducted. In this vein, it was held that token attention should not be given to voter education and voter registration which are key to the holding of a free and fair election. However, to some respondents, a free and fair election is 'very much an aspirational goal' if voter education and registration are not adequately conducted. In this regard, through the respondents, it was a finding of this study that to a large extent, inadequate voter education and registration has adversely affected the holding of free and fair elections in Zimbabwe especially if regard is had to the 2013 elections as highlighted hereunder.

#### 4.3.2.1 Provision to accredit civil society organisations to conduct voter education

Section 239H of the Constitution and section 40A of the Electoral Act give ZEC the sole mandate to conduct voter education. Any other body or organisation can only do so after approval or accreditation by ZEC. This provision, the study found that has been abused to the detriment of the electorate in that ZEC in 2013 only accredited a few organisations two weeks before the plebiscite. There was more reason to accredit CSOs timeously if regard is had to the fact that ZEC had deployed two voter educators per district. This failure to accredit civil society organisations to conduct voter education and observe the voter registration exercises disenfranchised many potential voters thus compromised the legitimacy of the election.

#### 4.3.2.2 Inadequate information

Insufficient information on voter registration procedures and requirements and inadequate voter education has a negative impact of the holding of a credible election. In the 2013 elections, ZEC deployed only two people per ward to conduct voter education and this compromised the reach and quality of the education provided.

#### 4.3.2.4 Processing of potential voters

Slow processing of potential voters and unprofessional conduct by voter registration officials led to long queues. The long queues were particularly visible in urban areas



where there were fewer voter registration centres as compared to rural areas and perceived ZANU PF strongholds. The spectre of long queues in urban areas and perceived opposition strongholds discouraged many potential voters from registering to vote and thus effectively disenfranchised them thereby depriving them of their right to vote. This phenomenon had a negative impact on the credibility of the 2013 elections. The distribution frequency of voter registration centres during the 2013 harmonised elections is illustrated by Table 4.1 below.

Table 4.1: Distribution of voter registration centres during Phases 1 and 2 of the voter registration exercises for the 2013 harmonised elections.

**Table 4 Distribution of voter registration centres during the 2013 harmonised elections**

<b>Province</b>	<b>Phase 1</b>	<b>Phase 2</b>
Bulawayo	12	36
Harare	18	44
Mashonaland Central	76	382
Mashonaland East	113	361
Mashonaland West	77	336
Manicaland	49	297
Masvingo	41	258
Midlands	74	356
Matebeleland South	85	194
Matebeleland North	89	448
<b>Total</b>	<b>634</b>	<b>2712</b>

Source: ZESN(2013)

In addition to the above, table 4.2 below clearly demonstrates that there was a systematic under registration of eligible voters in urban areas, and approximately 760 456 were disenfranchised. The disparity is again clearly visible between urban and rural wards whereby registration in urban areas is 67.94% against the 99.97 of rural wards. Table 4.1 attests to this assertion as well.

**Table 5 Registered voters with estimated voters by rural/urban wards**

Ward	Voters' Roll as at 19 June 2013		2012 Census Estimate		Difference (%)	Registered (%)
Rural	4 278 103	72.64%	4 279 336	64.33%	1 223	99.97%
Urban	1 612 066	27.56%	2 372 522	35.67%	760 456	67.94%
Total	5 890 169		6 651 858		761 689	

ZESN (2013)

#### 4.3.3 The views of Zimbabweans on the electoral framework on voter education and registration

From the interviews conducted, the views of Zimbabweans on the electoral framework, especially on voter education and registration are negative and hinged on different factors. It was a finding of the study that many urban dwellers have no confidence in the voter registration system, and believe that it is a ploy by those in power to prevent them from exercising their right to vote. The rural electorate and the resettled farmers on the other hand see an election as a perfunctory duty whereby they are mandated to retain the status quo. The former is to some extent aware of its rights but stifled whilst the latter is blissfully ignorant and/or cowed into submission.

##### 4.3.3.1 Views of urban voters on the electoral system

It was found that urban voters and potential voters feel that the government deliberately tries to discourage them from registering to vote or even voting. There is little if at all voter education, thus the whole electoral process does not inspire confidence with the electorate even doubting if the 2018 elections will meet the benchmark of being free and fair. Respondents opined that for perceptions to change, ZEC must conduct intensive voter education and registration programmes which are credible and inspire confidence in the electorate.

#### 4.3.3.2 Views of political parties and civil society

The study revealed that there is a lot of mistrust between political parties, civil society organizations (CSOs) and the state as regards the conduct and implementation of voter registration and voter education processes. The lack of confidence in the system is mainly due to the fact that the processes are shrouded in secrecy, are not open and transparent. This has led them to conclude that there is serious manipulation of voter registration exercises. The noise about the procurement of the biometric voter registration system is a case in point as civil society and opposition parties wanted the process done independently. The fact that the state has taken over the procurement process has raised a lot of dust and speculation about the transparency and fairness of the impending election in 2018.

#### 4.3.3.3 Views of rural voters

To rural voters an election is simply an ‘endorsement exercise of a certain political party’ as echoed by most informants. It emerged during the study that the rural voters have no alternative, but rather are marshalled by the traditional leaders to go and register to vote for a certain political party failing which they are threatened with eviction from their land. There is no information and it is difficult if not impossible for most civil society organisations to penetrate these areas. This lack of information creates a conducive atmosphere for fear to be bred and harvested. The fear factor is a consequence of an ill-informed electorate and if the electorate was knowledgeable

about its guaranteed rights it would have the capacity to confront elements that cause the fear factor, whether real or imagined.

#### 4.4 Analysing the findings

Constitutionally, the Zimbabwe Electoral Commission is *inter alia* charged with supervising elections; conducting voter education exercises, registering voters, compiling voters' rolls and registers and ensuring the proper custody and maintenance of the voters' rolls.

The function of voter education is the primary responsibility of ZEC. Section 239H of the Constitution of Zimbabwe read together with sections 40A-40F of the Electoral Act, states that only the Zimbabwe Electoral Commission is allowed to conduct and supervise voter education. However, ZEC is allowed to accredit civil society organisations to assist in conducting voter education as Electoral Act prohibits civic groups from conducting voter education without being accredited by ZEC. According to the Electoral Act, the education programme must begin within 90 days before polling day in each election.

During the 2013 elections and spurred into action by the Mawarire judgment, ZEC only deployed voter educators on 5<sup>th</sup> June 2013 with the election date set for 31 July

2013. This was already outside the mandatory 90 day period. This reduced the chance for effective voter education and registration in the run to the 2013 elections. That aside, there were very few voter registration centres in urban areas as compared to rural areas which to a large extent discourage the urban electorate from registering to vote as most of them go to work as compared to their rural counter parts. It was thus a systematic way of disenfranchising them as some respondents expressed it.

Further, laws such as the Access to Information and Protection of Privacy Act (AIPPA) and Public Order and Security Act (POSA) significantly play an important role in voter education. In carrying out the voter education activities, civil societies are required to compile with provisions of these Acts, adding another bureaucratic impediment to the voter education exercise. This is so despite the fact that civic groups play a very significant role in promoting free and fair election through the provision of civic education, creating awareness of the democratic and electoral processes and some-times in reassuring a restive public (Mapuva, 2013). Without these laws and the ZEC monopoly to conduct voter education, there wouldn't have been voter apathy in the 2013 elections.

In addition to the above, in terms of section 17A of the Electoral Act, voter registration in Zimbabwe is continuous with voters free to register at district offices in between elections. For the 2013 Elections, the Registrar-General on behalf of the

ZEC was supposed to update the voters' roll and carry out the registration exercise. With most people not taking advantage of this facility for continuous registration, the Registrar-General conducted election- specific voter registration drives. While ZEC previously provided periodic updates during the mobile voter registration exercise from 29 April to 19 May 2013, no further information was released to allow independent assessment of the final state of voter registration. This was compounded by the refusal to provide the final voters' roll used for the 31 July polls in its electronic form to parties. ZEC justified the ending of the voter registration exercise without including all prospective voters in order to abide by legal provisions. But the failure of so many citizens to register led to their disenfranchisement and gravely violated their civil and political rights. ZEC did not utilise the provision to apply to the Court with a request to extend voter registration or to consider a supplementary voters' roll.

It's also informative to note that ZEC could not to provide adequate voter registration to the electorate hitherto considered as "alien" under previous constitution (Dziva and Chigora, 2015). The reason proffered was that the period given for these former "aliens" to formalise their citizenship status, was inadequate against the set date of the election. The short notice affected updating of the voters' roll and making it accessible to stakeholders which disenfranchised eligible voters.

Even with Sections 17A and 21(6) (a) (b) of the Electoral Act requiring continual updating of the Voters' Roll and its inspection, including issuing the same within a reasonable time before the polling date ZEC failed to practice constitutionalism. Opposition parties notably the MDC-T failed to access the voters roll until mid-day of the Election Day. Access to the copy of voters' roll was also made difficult by prohibitive expensive charges by ZEC. During the 2013 elections ZEC charged \$15 for a copy of a ward-based voters' roll which translated to \$29 370 for all the country's 1,958 wards (Zhangazha, 2013). It was also availed in pdf format and not the usable electronic format. In the foregoing, it can be gleaned that voter registration and education processes were not properly and adequately conducted due to different reasons, chief among them being inadequate and inefficient human resources (Bulawayo Agenda, 2013).

The implementation of the voter registration process was not adjusted in any way, which suggests that ZEC was mindful of the concerns raised about the state of the voters' roll. Provisions within the Constitution for the possible extension of the voter registration period were not utilized. In the absence of any further information, it would be safe to assume that the final roll, at best continued this unequal and inequitable pattern on access, exclusion, prejudice and disenfranchising urban and youth voters and, as a result, seriously undermines the credibility of the entire electoral process. This further violated the principle of full participation of citizens



in electoral processes and the equal opportunity to exercise the right to vote as expressed in the SADC Principles and Guidelines Governing Democratic Elections.

An analysis of the voter's roll after the close of voter registration for the 2013 harmonised elections is highly informative. Not only is it informative about the importance of voter registration to the outcome of an election but also the importance of voter and civil education. The number of registered voters were 5,890,169 from all 1,964 wards and 210 constituencies. Compared to the official 2012 census data from the Zimbabwe National Statistics Agency, the data reveal that a large proportion of urban and youth voters were not registered and did not participate in the elections. Official registration figures showed a total of 5, 890,169 registered voters which when compared with official 2012 census figures; it is possible to estimate a national registration rate of 88.55 per cent. However, a significant disparity between registration rates in urban and rural wards existed, with registration in urban wards at 67.94 per cent but at 99.97 per cent in rural wards. What this shows is that approximately 750,000 eligible urban voters were missing on the voters roll. For urban registration rates to be comparable with rural registration rates it means another estimated 750,000 urban voters need to be registered.

In seriatim the impediments to voter education and registration during the 2013 harmonised elections are briefly discussed hereunder. Firstly, lack of funding and

subsequent late disbursement of funds for registration and education of new voters was one of the challenges in the run to 2013 elections. Funds were only availed on the 7 May 2013 when the exercises were already underway (Ndlovu, 2013). This inevitably compromised the adequacy and quality of voter education in 2013 harmonised elections. As regards registration of new voters who didn't have identification cards, the Registrar-General's office had no materials due to lack of funds thus prevented many aspiring voters from exercising their right to vote.

Thirdly, voter registration was also affected by stringent requirements for one to produce proof of residence, which were difficult for youths to get especially for new urban voters (Dziva and Chigora, 2015). These provisions have been argued to have benefited rural dwellers where certain parties are strong, as it was easy for them to access such letters from the traditional leaders unlike in urban areas.

It is further argued that this could be the reason why an estimated 99.97 per cent of rural voters were registered compared to 67.94 per cent of the potential urban voters. However while this may be acceptable, curious questions are asked why in the opposition stronghold voter registration figures were low and in the rural areas where ZANU PF was strong the registration figures were high. For as long as all citizens are not afforded the same opportunity to register and voter the whole electoral process will not be free and fair. The statistical analysis reveal over a 1.2million

voters disfranchised and this is a very significant figure that could have changed completely the outlook of the 2013 elections. The apparent lack of voter education on the youths is also evident in the low registration rates in the age group. Education results in literacy and numeracy. The lack of numbers among the youths can largely among other factors be attributable to lack of voter education.

Lastly, there was limited media coverage of voter registration and education exercises. Publicity of the registration centres was inadequate, and was delayed as centres were published a week after the process had commenced (MMPZ, 2013). Be that as it may, it would be folly to solely blame ZEC for the national ignorance about its voter registration campaign. State institutions with a public service mandate like the Zimbabwe Broadcasting Corporation (ZBC) ought to have discharged their mandate airing voter education and registration campaign programmes to raise public awareness about the exercise.

#### 4.4.1 Debate on electoral reforms

The current electoral reforms debate with particular emphasis on voter education and registration will be analysed next drawing on lessons learnt in the by elections held post 2013 harmonised elections.

One of the contestations by those calling for electoral reforms revolves around voter education. Critics argue that there is need for effective continuous voter education programmes. The argument being that voter education is critical given the reality that on a daily basis we have people coming of age as potential voters. Similarly, others die creating the need for them to be removed from the voters' roll. Hence continuous voter education is ideal to cater for these eventualities. Of particular interest to civil organizations have been rural areas that are mostly prone to forced voting. Opposition parties and civil organizations argue that people in rural areas are prone to intimidation and threat hence the need for them to be empowered with information so that they exercise their rights and choices without fear. They argue that the continued use of intimidation in recent by-elections needs interventions in the form of voter and civic education to mitigate the effects of forced voting. The main reason why most people in the rural areas do not have sufficient information about elections and the related processes is mainly because of their lack of credible sources of information. Their sources of credible and unbiased information are limited as compared to urban areas.

In remote rural areas, traditional leaders are the only source of information and these are mainly used by political parties to intimidate and provide partisan information. It is thus important to provide voter education in rural areas in order to allay and demystify fears relating to voting. The large number of people turned away for (various reasons, including) being in the wrong ward, assisted voters and lack of

proper identification, is also an indicator of lack of adequate voter education (CCJP,2013).

It is trite that lack of information creates a conducive atmosphere for fear to be bred and harvested. The fear factor is a consequence of an ill-informed electorate and if the electorate was knowledgeable about its guaranteed rights it would have the capacity to confront elements that cause the fear factor, whether real or imagined. Constantly educating people on the secrecy of the ballot is therefore necessary for effective democracy. Many of the rural folk neither understand nor appreciate that their vote is their secret. They often fall prey to fears that their vote would be known or should be known by others as such this feeds into the terror frenzy that reigns supreme during election time.

#### 4.5 Summary

In this chapter, data collected from key informants through interviews was presented and merged and/or compared with texts, journals and reports on the subject of the study. The data presentation and analysis was guided by the study objectives enunciated at the beginning of the study. Thus the analysis and interpretation sought to answer the research questions posed in Chapter One. The next chapter brings the study to its finality as conclusions are made and recommendations put forward.

## **CHAPTER 5: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Introduction**

In this concluding chapter the study is summarised, conclusions arrived at and recommendations made. The conclusions derive from the findings of the study categorised by the study objectives. Specific recommendations are made based on the overall research problem which motivated the study. The major finding of this study was that courtesy of the 2013 Constitution, Zimbabwe's electoral framework on voter education and registration is very progressive, yet there is no political will to implement the enabling provisions.

### **5.2 Summary**

The study sought to analyse the impact of electoral framework on voter education and registration in Zimbabwe and used the 2013 harmonised elections as a case study. The study was guided by the following objectives; firstly, to analyse the strengths and limitations of the electoral laws on voter education and registration in Zimbabwe; secondly to examine how voter education and registration influences the holding of free and fair elections in Zimbabwe; and thirdly, to analyse the views of Zimbabweans on the electoral framework on voter education and registration.

The study was divided into five chapters. The first Chapter introduced the research by outlining the problem under study through an exploration of its background, its significance to the body of knowledge, the researcher, and the Zimbabwe Electoral Commission and other stakeholders. The study was restricted to Harare and Bulawayo with 18 key informants being interviewed, and 30 ordinary citizens.

In the second Chapter literature relevant to the study was reviewed. This was meant to give context to the study as well as highlighting its relationship with previous studies. The social contract theory was discussed due to its relevance to the study.

Both the qualitative and quantitative methodologies were employed to gather data for the study. Key informant interviews were used to obtain data, and complemented by texts, case law, journals and reports on the subject of the study. Ethical considerations were observed during the data gathering process.

The fourth Chapter dealt with data presentation, analysis and interpretation within the context of the problem and its objectives.

### 5.3 Recommendations

The recommendations hereinafter are informed by the research findings stated above, and are for the state, the legislature, the Zimbabwe Electoral Commission.

#### 5.3.1 The Zimbabwe Electoral Commission

- (a) ZEC should fully discharge its mandate in terms of the Constitution and the Electoral Act by conducting continuous voter education as such will enlighten all eligible voters and thus enhance democracy, free and fair elections.
  
- (b) Voter education should not be time framed as is the case currently. Rather a civic and voter education curriculum that target youths in high school up to university should be put in place as this will go a long way in ensuring more participation of youth voters. Currently there is no voter education and even with the pending introduction of biometric voter registration justifies a greater need exist to educate voters about the system. That aside, the fact that the electoral system is new warrants for massive and widespread voter education which ZEC has been unable to do. Without proper voter education, it will be difficult for the citizens to appreciate the electoral dynamics and high voter apathy will prevail thus rendering future elections not free and fair.



- (c) ZEC should open up dialogue with all stakeholders with particular emphasis on working with everyone to ensure that adequate voter education is provided. All stakeholders need to be informed about all processes that ZEC is undertaking so that suspicions of underhand vote rigging practices are allayed.

#### 5.3.2 The Government

- (a) The state should ensure that adequate resources are allocated to ZEC as such will fully capacitate the institution. For ZEC to be independent and carry out its mandate effectively resources must be vailed to it. Lack of resources has largely been cited as one of the reasons why ZEC is unable to conduct continuous voter education and registration. In the 2013 elections, two voter educators were allocated per ward and this was hardly sufficient to meet the needs of the community. The large number of assisted voters and those turned away for one reason or another can be attributed to inadequate voter education. The issue of inadequate resources has also been cited as the reason why the biometric voter registration system is not yet in place.

The Constitution sanctions that voter registration must be continuous. ZEC has cited lack of resources to do this in contravention of the constitution. It is

recommended that ZEC should be fully capacitated by the state to enable it to execute its function of conducting continuous registration.

### 5.3.3 The Legislature

- (a) The diaspora vote and that of prisoners has largely been ignored and there is a need to ensure that these segments of the population are registered and allowed to exercise their constitutional rights. The legislature should amend the law to guarantee the diaspora and prison vote.
- (b) The Electoral Act and the ZEC Act should be amended to allow other stakeholders and CSOs to conduct voter education exercises.
- (c) In addition to the above, the study revealed that some critical enactments impede the conducting of effective voter education and registration. These enactments include among others, POSA, AIPPA and Broadcasting Services Act. Though not directly governing the conduct of elections, they have provisions that restrict freedom of assembly, access to information and the way broadcasting services are conducted. There is an urgent need for the legislature to realign these laws with the constitution with a view to balancing competing rights and ensuring that

while maintenance of law and order is enhanced, the corresponding rights to information, assembly and demonstrate are not unnecessarily trampled upon.

#### 5.3.4 State Media

- (a) State media entities like the Zimbabwe Broadcasting Corporation and Zimpapers should complement ZEC's efforts in conducting voter education without necessarily being paid for it. As public entities, it is their duty to disseminate information.

#### 5.4 Conclusions

This study brought to the fore the important contribution of voter education and registration in the holding of free and fair elections. Voter education and registration are vital cogs in the preparation for democratic elections, and regard should be had to different levels of literacy when such exercises are being conducted. Be that as it may, the advent of independence even though it overhauled the electoral legal framework, has not fully enfranchised everyone eligible to vote. Despite efforts by the legislature to guarantee political rights in sync with international best practices, implementation of these laws has been almost non-existent. The hurried 2013 elections for instance, resulted in less time for voter education and registration exercises.

The fact that elections were being conducted within a new framework ought to have spurred ZEC to conduct adequate and widespread voter education and registration exercises. Besides the time factor, inadequate funding and politicking also hindered effective voter education and registration. Also, the Electoral Act prescribed conditions which are restrictive to the accreditation of seasoned CSOs to conduct voter education. Partnership with civic groups would have lessened the burden on ZEC.

In addition to the above, the restrictions imposed by the law and to some extent the state on voter education and registration takes away the integrity of any election in Zimbabwe.

In terms of the law, voter registration must be a continuous exercise, but none is being conducted yet the 2018 elections are on the horizon. This is one of the reasons why there is high voter apathy amongst the youth and most working class citizens. The stifling of civic groups to conduct voter education is a serious affront on the political rights of the voters, taking into cognisance the institutional incapacity of ZEC. It is clear therefore that despite the existence of a progressive legal framework that provides for voter education and registration, lack of funding and to a large extent lack of political will have impeded on the implementation of the electoral law which conversely has affected the holding of free and fair elections in Zimbabwe.

## 5.5 Suggestions for future research

The number of women that participated in this research is slightly lower than that of men. Generally it has been argued that not many women have opportunities or are keen to work in CSOs or state institutions that deal with politics and electoral matters. From this study, a thesis can be developed on women and elections in Africa, basically analyzing the level of influence and/or participation of women in electoral issues in Africa.

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Broadcasting Services Act (Chapter 12:06)

Constitution of Zimbabwe, Amendment Act No. 20 of 2013

Electoral Act (Chapter 2:13)

Electoral (Voter Registration) Regulations, 2013 Statutory Instrument 69 of 2013

Presidential Powers (Temporary Measures) Act (Chapter 10:20)

Public Order and Security Act (Chapter 11:27)

Zimbabwe Electoral Commission Act (Chapter 2:12)

### **International and Regional Instruments**

African Charter on Human and Peoples' Rights

African Charter on Democracy Elections and Governance

Convention on the Elimination of All Forms of Discrimination

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International Convention on the Elimination of All Forms of Racial Discrimination.

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## APPENDIX 1 Informed Consent Form

My name is **PHILLIP MBANO** a final year Executive Masters in Peace and Governance student at Africa University. I am carrying out a study on the impact of electoral law on voter education and voter registration in Zimbabwe with emphasis on the 2013 harmonised elections held in Zimbabwe. I am humbly requesting your assistance and participation in this study by allowing me to briefly interview you on the issues stated on the attachment. In the event that you are busy to attend to me, I would be indebted for written responses to the questions on the attachment hereto.

The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms in Zimbabwe. The study will assist the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration.

Participation in this study is on a voluntary basis and your unwillingness to participate, will not in any way be prejudicial to our relationship. Further, in the event that you consider my request to participate, the information that you will provide will be kept and used in strict confidence and your name will not appear anywhere in the study unless you wish it. If you have decided to participate in this study please sign this form in the space provided below. The signature is an indication that you have read and understood the information provided above and have unequivocally agreed to participate.

-----  
Name of Research Participant (please print)

-----  
Date

-----  
Signature of Research Participant or legally authorised representative

If you have any questions concerning this study or consent form beyond those answered by the researcher including questions about the research, your rights as a research participant, or if you feel that you have been treated unfairly and would like to talk to someone other than the researcher, please feel free to contact the Africa University Research Ethics Committee on telephone (020) 60075 or 60026 extension 1156 email [aurec@africau.edu](mailto:aurec@africau.edu)

Name of Researcher **PHILLIP MBANO**

## **APPENDIX 2 Interview Guide for CSOs and Academics in Zimbabwe**

My name is PHILLIP MBANO. I am currently enrolled for an Executive Masters in Peace and Governance at Africa University's Institute of Peace, Leadership and Governance. I am conducting a research on the impact of Zimbabwe's electoral law on voter education and registration with the 2013 harmonised elections as a case study. The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms. The study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. The study is purely for academic purposes and will not be used by any other third party. The information that you give me will be kept in confidence and your name will not appear anywhere in the study report unless you wish it.

**Date:**

**Venue:**

**Duration of Interview:**

### **Section A: Personal Information**

a. Name:

- b. Age:
- c. Organisation:
- d. Designation:
- e. Area of Specialisation:

**Section B: Interview Guide Questions**

- a. Are you a registered voter?
- b. Have you ever voted before? If yes, when?
- c. If the answer to b. is yes in which constituency?
- d. What is your understanding of the concept of free and fair elections?
- e. Were the 2013 elections free and fair with particular reference to the constituency within which you are registered?
- f. What is your understanding of the concepts of voter education and voter registration?
- g. What is your understanding of the concept of electoral democracy?
- h. Is the concept adequately catered for by the Zimbabwe's electoral laws? State reasons for answer.
- i. Do Zimbabwe's electoral laws adequately guarantee voter education and voter registration? State reasons for answer.
- j. What do you consider as key political rights in Zimbabwe and why?
- k. Are these rights guaranteed and enjoyed by all?
- l. What impact if any does the enjoyment of these political rights has on the holding of free and fair elections?

- m. What is the role of government in ensuring the enjoyment of political rights in terms of the Constitution?
- n. Has the government done enough to implement the provisions of the Constitution in respect of voter education and voter registration?
- o. How does adequate voter education and voter registration guarantee free and fair elections?
- p. What was the impact of the Constitutional Court decision of 31 May, 2013 directing the state to hold elections by 31 July, 2013 on voter education and voter registration?
- q. Can this be the reason behind the low voter turnout[SADC Parliamentary Report,2013 states that 45,65 % of the population were registered to vote and of that percentage 50% voted]
- r. In your opinion what is the ideal environment for free and fair elections?
- s. What is your general assessment and perception of the electoral framework on voter education and registration in Zimbabwe? Is it ideal for the holding of free and fair elections? If not what should be done?
- t. Has ZEC been effective in ensuring that voters are registered and educated on the electoral processes? If not what have or are the contributing factors?
- u. How did ZEC fare in discharging this mandate during the 2013 Harmonised Elections?
- v. Besides the electoral law, are there other factors that have had an impact on voter education and registration in Zimbabwe?
- w. Has ZEC involved and engaged all stakeholders in conducting voter education and registration?Why do you say so?
- x. Anything you feel you need to state?

### **APPENDIX 3 Interview Guide for Members of Parliament**

My name is PHILLIP MBANO. I am currently enrolled for an Executive Masters in Peace and Governance at Africa University's Institute of Peace, Leadership and Governance. I am conducting a research on the impact of Zimbabwe's electoral law on voter education and registration with the 2013 harmonised elections as a case study. The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms. The study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. The study is purely for academic purposes and will not be used by any other third party. The information that you give me will be kept in confidence and your name will not appear anywhere in the study report unless you wish it.

**Date:**

**Venue:**

**Duration of Interview:**

#### **Section A: Personal Information**

Name:

Age:



Sex:

Constituency:

Political Party:

**Section B: Interview Guide Questions**

Which constituency do you represent?

Do you by any chance know how many are registered voters in your constituency?

How many were registered for the 2013 elections

How many voted?

Where the elections free and fair?

What is your understanding of the concept of free and fair elections?

What is your understanding of the concepts of voter education and voter registration?

Do Zimbabwe's electoral laws adequately guarantee voter education and voter registration? State reasons for answer.

What do you consider as key political rights in Zimbabwe and why?

Are these rights guaranteed and enjoyed by all?

What impact if any does the enjoyment of these political rights has on the holding of free and fair elections?

What is the role of government in ensuring the enjoyment of political rights in terms of the Constitution?

Has the government done enough to implement the provisions of the Constitution in respect of voter education and voter registration?

Was there adequate voter education and voter registration for the 2013 Harmonised elections?

In your opinion what is the 2013 environment for free and fair elections? State reasons for your answer.

What is your general assessment and perception of the electoral framework on voter education and registration in Zimbabwe? Is it ideal for the holding of free and fair elections? If not what should be done?

Has ZEC been effective in ensuring that voters are registered and educated on the electoral processes? If not what have or are the contributing factors?

With specific reference to your constituency, how did ZEC fare in discharging this mandate of voter education and voter registration during the 2013 Harmonised Elections?

Is there anything that can be done by the National Assembly to improve voter education and registration? State reasons.

Besides the electoral law, are there other factors that have had an impact on voter education and registration in Zimbabwe?

Anything you feel you need to state?

#### **APPENDIX 4 Interview Guide for the Ministry of Justice, Legal and Parliamentary Affairs**

My name is PHILLIP MBANO. I am currently enrolled for an Executive Masters in Peace and Governance at Africa University's Institute of Peace, Leadership and Governance. I am conducting a research on the impact of Zimbabwe's electoral law on voter education and registration with the 2013 harmonised elections as a case study. The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms. The study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. The study is purely for academic purposes and will not be used by any other third party. The information that you give me will be kept in confidence and your name will not appear anywhere in the study report unless you wish it.

**Date:**

**Venue:**

**Duration of Interview:**

#### **Section A: Personal Information**

- a. Name:
  
- b. Designation:

#### **Section B: Interview Guide Questions**

- a. Are you a registered voter?
- b. What is your understanding of the concept of free and fair elections?
- c. What is your understanding of the concepts of voter education and voter registration?
- d. Do the country's electoral laws adequately guarantee voter education and voter registration? State reasons for answer.
- e. What do you consider as key political rights in Zimbabwe and why?
- f. Are these rights guaranteed and enjoyed by all?
- g. What is the role of government in ensuring the enjoyment of political rights in terms of the Constitution?
- h. Has the government done enough to implement the provisions of the Constitution in respect of voter education and voter registration?
- i. Reports suggest that for the 2013 Harmonised elections, 45, 65 % of the population were registered to vote and of that percentage 50% voted. Why weren't many people registered and why did half of those registered vote?
- j. Has ZEC been effective in ensuring that voters are registered and educated on the electoral processes? If not what have or are the contributing factors?
- k. In your view, do you think ZEC is adequately funded to conduct its operations?
- l. How did ZEC fare in discharging this mandate during the 2013 Harmonised Elections?
- m. Has the ministry aligned all the electoral laws with the new Constitution?
- n. Are there sufficient safeguards to ensure free and fair elections?
- o. Anything you feel you need to state?

## **APPENDIX 5 Interview Guide for Ordinary Citizens**

My name is PHILLIP MBANO. I am currently enrolled for an Executive Masters in Peace and Governance at Africa University's Institute of Peace, Leadership and Governance. I am conducting a research on the impact of Zimbabwe's electoral law on voter education and registration with the 2013 harmonised elections as a case study. The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms. The study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. The study is purely for academic purposes and will not be used by any other third party. The information that you give me will be kept in confidence and your name will not appear anywhere in the study report unless you wish it.

**Date:**

**Venue:**

**Duration of Interview:**

### **Section A: Personal Information**

a. Name:

b. Age:

- c. Sex

### **Section B: Interview Guide Questions**

- a. Are you a registered voter? If not why?
- b. Do you know that you have the right to vote in terms of the Constitution?
- c. Have you ever voted in a national election? If not why?
- d. What is your understanding of free and fair elections?
- e. Do you know anything about voter education and voter registration?
- f. Are these adequately catered for by the Zimbabwe's electoral laws? State reasons for answer.
- g. What do you consider as key political rights in Zimbabwe and why?
- h. Are these rights guaranteed and enjoyed by all? State reasons
- i. What impact if any does the enjoyment of these political rights has on the holding of free and fair elections?
- j. What is the role of government in ensuring the enjoyment of political rights in terms of the Constitution?
- k. Has the government done enough to implement the provisions of the Constitution in respect of voter education and voter registration?
- l. Do you think there was adequate voter education and registration in the 2013 harmonised elections? Why?
- m. What is your general assessment and perception of the electoral framework on voter education and registration in

Zimbabwe? Is it ideal for the holding of free and fair elections? If not what should be done?

- n. Do you know of ZEC? If yes what do they do?
- o. Has ZEC been effective in ensuring that voters are registered and educated on the electoral processes? If not what have or are the contributing factors?
- p. Did ZEC succeed in discharging this mandate during the 2013 Harmonised Elections?
- q. Besides the electoral law, are there other factors that have had an impact on voter education and registration in Zimbabwe?
- r. Anything you feel you need to state?

## **APPENDIX 6 Interview Guide for ZEC**

My name is **PHILLIP MBANO**. I am currently enrolled for an Executive Masters in Peace and Governance at Africa University's Institute of Peace, Leadership and Governance. I am conducting a research on the impact of Zimbabwe's electoral law on voter education and registration with the 2013 harmonised elections as a case study. The purpose of the study is to find out practical and pragmatic solutions towards more efficient electoral reforms. The study will help the Zimbabwe Electoral Commission and policy makers with the body of knowledge that will assist in election management and enhancing the prospects of a free and fair election. It will also help citizens in understanding and appreciating their rights pertaining to voter education and registration. The study is purely for academic purposes and will not be used by any other third party. The information that you give me will be kept in confidence and your name will not appear anywhere in the study report unless you wish it.

**Date:**

**Venue:**

**Duration of Interview:**

### **Section A: Personal Information**

a. Name:

b. Designation:



## **Section B: Interview Guide Questions**

- a. What is ZEC's mandate in terms of the Constitution?
- b. How successful has the organisation been in discharging this mandate?
- c. What challenges if any have you encountered as an organisation?
- d. What is your understanding of the concept of free and fair elections?
- e. What is your understanding of the concepts of voter education and voter registration?
- f. Are voters aware of the elections, and familiar with registration and voting procedures?
- g. Is voter education being provided in an impartial manner?
- h. How are CSOs involved in voter education if at all?
- i. Is voter education effective especially to groups and/or individuals who may face exclusion or restrictions from political processes?
- j. What methods are used to reach non-illiterate part of the population? Voter education in minority languages?
- k. Do the country's electoral laws adequately guarantee voter education and voter registration? State reasons for answer
- l. Has voter education been inappropriate?
- m. Anything you feel you need to state?

## **APPENDIX 7 AUREC Clearance**



AFRICA  
UNIVERSITY  
(A United Methodist-Related Institution)

INVESTING IN AFRICA'S FUTURE

## AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE (AUREC)

P.O. BOX 1320, MUTARE, ZIMBABWE • OFF NYANGA ROAD, OLD MUTARE • TEL: (+263-20) 60075/60026/61611 • E-MAIL: aurec@fricau.edu • WEBSITE: www.africau.edu

Ref: AU015/17

January 27, 2017

Philip Mbano  
College of Business, Peace, Leadership and Governance  
Africa University  
Mutare

**RE: Analysing the impact of the electoral law on voter education and registration in Zimbabwe.  
A case study of the 2013 harmonised elections.**

Thank you for the above titled proposal that you submitted to the Africa University Research Ethics Committee for review. Please be advised that AUREC has reviewed and **approved** your application to conduct the above research.

The approval is based on the following.

- a) Research proposal
- b) Questionnaires
- c) Informed consent form

- **APPROVAL NUMBER** AU015/17

This number should be used on all correspondences, consent forms, and appropriate documents.

- **AUREC MEETING DATE** NA
- **APPROVAL DATE** January 27, 2017
- **EXPIRATION DATE** January 26, 2018
- **TYPE OF MEETING** Expedited

After the expiration date this research may only continue upon renewal. For purposes of renewal, a progress report on a standard AUREC form should be submitted a month before expiration date.

- **SERIOUS ADVERSE EVENTS** All serious problems having to do with subject safety must be reported to AUREC within 3 working days on standard AUREC form.
- **MODIFICATIONS** Prior AUREC approval is required before implementing any changes in the proposal (including changes in the consent documents)
- **TERMINATION OF STUDY** Upon termination of the study a report has to be submitted to AUREC using standard form obtained from AUREC.

Yours Faithfully

MITI G.P. AUREC Administrator  
FOR CHAIRPERSON, AFRICA UNIVERSITY RESEARCH ETHICS COMMITTEE



