



**SCHOOL OF LAW**

**NLLB525: ELECTORAL LAW AND PROCESSES IN  
ZIMBABWE**

**END OF SECOND SEMESTER EXAMINATIONS**

**APRIL 2025**

**LECTURER: DR LK MASEKESA**

**DURATION: 3HRS**

---

**GENERAL INSTRUCTIONS TO CANDIDATES**

1. Write legibly.
2. Answer **ALL** questions.
3. Refer to **RELEVANT** authorities to support your answers.
4. You may start with any question.

## QUESTION 1

Discuss the electoral systems applicable at the Presidential and Parliamentary levels in Zimbabwe. [25 Marks]

## QUESTION 2

Former President Habakkuk's speaking notes from a closed meeting with the inner-core of his political party on January 18 have been made public and have ignited discussion. These notes provide insight into Habakkuk's perspective, where he argues:

We exist in what is labelled a "constitutional democracy," yet we often fail to examine its true implications. Our struggle was for democracy, not the constitutional democracy we experience now. I was involved in that negotiation, but the way it functions has caused me to reconsider it. I believe the Constitution we often commend has become a tool to undermine the people's will.

The majority of people who mandate us at every election to represent them in parliament can no longer see their aspirations being attained by us because the decisions and actions of parliament are permanently arrested by the judiciary through the Constitution. Essentially, we are compelled to follow only what an unelected judiciary approves. This scenario does not reflect genuine democracy; it resembles a false democracy. The judiciary's intended role is to uphold the law, not to dictate the outcomes of democratic processes. What are we doing to address this? How can a mere 7 individuals wield such power over an entire elected legislative body?

Isn't this somewhat ironic? We fought for democracy, where the majority rules. However, what occurs when the 7 individuals make erroneous decisions? That could lead to disastrous consequences. What if they evolve into counter-revolutionary forces against the populace? What if they exceed their powers? What if they dissolve parliament unilaterally and create their own governing body? What will our response be? Could it be too late by then? There is a fundamental flaw in this system. I recognize that I may be entering a debate that seems unjust, but based on my experiences in various positions and my observations, I feel compelled to raise these issues with you. It is our responsibility as a liberation movement to address this, if we can reach a consensus. However, we might not necessarily agree.

As a Constitutional law expert, you are tasked with preparing a paper to convince former President Habakkuk that judicial review, central to the 2013 Constitution of the Republic of Zimbabwe, is **not undemocratic**.

Use the **IRAC formula** (Issue, Rule, Application, and Conclusion) to set out the content of your paper. [25 Marks]

### **QUESTION 3**

Evaluate the constitutional provisions regarding the delimitation of electoral boundaries in Zimbabwe, identifying specific aspects that may be prone to manipulation or abuse, and discuss the potential implications of such abuses on the electoral process. **[25 Marks]**

### **QUESTION 4**

Examine the evidentiary requirements for presidential election petitions in the context of the case of *Chamisa v Mnangagwa & 24 Ors* (CCZ 42 of 2018) [2018] ZWCC 42 (24 August 2018). What challenges do these requirements pose for petitioners, and how do they affect the overall integrity of the electoral process in Zimbabwe? **[25 Marks]**

**TOTAL MARKS: 100**

**END OF QUESTION PAPER**