



RESEARCH ARTICLE

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Institutionalising inclusion: A study of the Zimbabwe Electoral Commission's role in the 2018 elections

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ABSTRACT

Inclusion within the electoral process is crucial for democratic societies, ensuring all citizens can participate regardless of background. The study explores how institutional frameworks, particularly electoral management bodies like the Zimbabwe Electoral Commission (ZEC), facilitate or hinder inclusivity through their operational mandates. Drawing on data from Election Observation Missions and other sources, this analysis evaluates the ZEC's performance in candidate inclusion, accessibility of polling stations, voter education initiatives, and representation of marginalised groups such as women and youth. Key findings reveal that while ZEC implemented measures to enhance inclusion, challenges persisted, such as accessibility issues for voters with disabilities and uneven voter education coverage. Through a historical backdrop and contextual framework, this paper delves into the role of electoral institutions in promoting democratic processes and enhancing inclusion. The findings underscore both achievements and challenges encountered by the ZEC, suggesting areas for future improvement and policy refinement to strengthen electoral inclusivity through institutional means.

The study concludes by recommending enhanced financial and legislative support for ZEC to bolster its operational capacity and collaboration with other institutions. Addressing these recommendations could mitigate common electoral challenges and further embed inclusive practices within Zimbabwe's electoral framework.

Key words: Electoral inclusion, political participation, institutions, accessibility

INTRODUCTION

Inclusion is an essential concept that is at the centre of development. The word 'inclusion' can be defined as the level of access to socio-political and economic choice with the added ability to practice these preferences (Dörffel & Schuhmann, 2021). Inclusion additionally means that everyone, irrespective of origin, class, age, gender, sexual orientation, culture, or ethnic and religious background, should have an equal opportunity to participate (Akwetey & Mutangi, 2022). Taking inclusion as the ability to access and practice preference, political inclusion consequently centres elections and the ability of the electorate to alter or reaffirm the political mandate of an administration. The effectiveness of inclusion within this scope of elections varies subject to an individual's perspective and the context in which it is being assessed. On context, Bandama (2023) argues that the prevailing culture within an environment which is the context, is a key determinant towards achieving effectiveness. This aspect of culture is driven and centres on the people and their distinct behaviours and customs which directly shape their context.

By understanding inclusion from the perspective of access and the ability to practice this access within a given context, political inclusion through elections thus brings to the fore institutions that manage elections, namely Election Management Bodies (EMBs) including Election Commissions. EMBs are institutions established to manage and improve the electoral process including nominations, polling processes, voting, counting and results announcements (Langford, Schiel & Wilson, 2021). Furthermore, these institutions look at rates of participation and abstention and based on those results, implement strategies

that are aimed at enabling all eligible voters the right to participate (Scammon, 1967).

Having laid the above foundation of inclusion from the lens of political participation, this paper will interrogate the role of the Zimbabwe Electoral Commission (ZEC), evaluating the institution and its role in enhancing or diminishing inclusion using the 2018 elections. Discussing the Electoral Commission within the context of spaces for political participation is based on the reasoning that it is an institution that should ensure that all individuals within eligible franchises are allowed to express their political preferences.

Significance of 2018 Elections

One of the most pivotal points in Zimbabwe's political history was the November 2017 military-assisted transition which altered the Zimbabwean political landscape. These events put into motion a novel political atmosphere in Zimbabwe which added impetus to the impending elections. The 2018 polls were regarded as an opportunity to "break from the past" (Malunga, 2018). The Institute for Security Studies suggested that the 2018 polls presented an opportunity to develop institutional legitimacy as a breakaway from traditions, however, the proof of this would only be seen post-election (Matyszak, 2017). Another notable aspect of the 2018 elections is that it marked the first time since 2002 that international observers were accredited to monitor the polls.

METHODOLOGY

This paper does not seek to validate or appraise election outcomes or to judge them as either free or fair, and neither does it seek

to conduct a comparative analysis of the Zimbabwe Electoral Commission with its regional or continental contemporaries. Instead, it examines the role of the Zimbabwe Electoral Commission in ensuring electoral inclusion. While it can be argued that there is no separation between inclusion and 'free and fair,' the function of institutions such as the Commission, should be understood to be that of establishing standards, procedures, and certainty (Tan, 2004). When the standards within the context are established through the institution, one can argue that inclusion would be a certain expectation as all clusters within the voting population would be entitled to practice their access and preference. This underlining of the institution is underscored by the reasoning that institutions regulate the environment or "political domain" (Azari & Smith, 2012). Institutions can enforce measures which have legal significance over the processes thus being well-positioned to facilitate inclusion or exclusion.

Data Sources

This paper will utilise data from Election Observation Missions (EOM) reports on the 2018 election in Zimbabwe. These reports assess various aspects, including the performance of the Electoral Commission. By analysing this data, the evaluation will measure how effectively the Commission promoted inclusion, judging this against the established definitions of inclusion and the functions of institutions.

DISCUSSION

Institutions and Institutionalism

Institutionalism is the study of institutions and the complexities within. This involves looking at the 'rules of the game' within a given society, the constraints and/or

enablers of interaction (North, 2012). Institutionalism does not look at an institution as an isolated structure but rather explores the social, economic, and political interactions that influence the function of the institution (North, 2012). This aspect of interlinkages is further examined through comparative institutionalism where institutionalists explore the institution concerning its environment of operation (Hotho & Saka-Helmhout, 2017).

Institutions are key allies or adversaries within the policy environment as they can either grant or restrict access in addition to being able to make or break ideas (Amenta & Ramsey, 2010). The above directly assigns institutions a responsibility within decision-making and when they uphold or relegate this duty, it has implications of positive or negative governance. One can argue that despite there being a deliberate effort to assign obligations to institutions, the measure of success is judged according to the context and environment in which the institutions operate. This underscores the intricate relationship between the institution and its environment. However, despite this, the institution remains at the centre of access for inclusion.

Background of the Zimbabwe Electoral Commission (ZEC)

The historical context of elections in Zimbabwe is filled with examples of the majority being disenfranchised by the minority. Some of these exclusions were based on literacy, specifically the ability to complete a voter application form in English. The imposition of this requirement by an institution aware of the literacy levels of the population demonstrates how the institutional mechanisms of the time facilitated exclusion.

Juxtaposing then and now, Section 59 of the Electoral Act (2:13) recognises “voting by illiterate or physically handicapped people” and allows assistance of such a voter by a person of their choice. This directly highlights how an institution can facilitate access and inclusion mindful of the socio-political context in which the institution operates.

Because the Zimbabwe Electoral Commission is the institution in discussion, it is important to lay a historical foundation of how it came about.

The electoral apparatus in Zimbabwe established by the 1980 Electoral Act contained the “Delimitation Commission, the Electoral Supervisory Commission (ESC), the Registrar General of Elections (RGE), and the Election Directorate” (Makumbe, 2006). Within this system, the ESC supervised the election, with all administrative duties vested in the hands of the RGE.

Table 1: Responsibilities for electoral entities

Entity	Responsibility
<i>Elections Directorate</i>	Managed voting logistics, including the provision of materials and equipment
<i>Registrar General of Elections</i>	Registered voters and enforced standards of voter conduct
<i>Delimitation Commission</i>	Conducted delimitation of 120 constituencies every five years
<i>Electoral Supervisory Commission</i>	Supervised and monitored the elections as required by the constitution and invited observers for the polls.

Table designed with data from Foreign Affairs Portfolio Committee 3 November 2004 Zimbabwean Ambassador’s briefing. (Parliamentary Monitoring Group, 2004)

In 2004, after considering several recommendations and through stakeholder meetings, in addition to wanting to align with regional best practices, the ESC submitted a recommendation to establish an institution solely responsible for running elections. This recommendation was adopted and through parliament, Constitutional Amendment No.17 the Zimbabwe Electoral Commission (ZEC) was established. (ZEC, n.d). The formation of ZEC in 2005 was aligned with best practices however the established commission still needed to rely on the Registrar General for electoral operations such as the compilation of the voters roll and registering voters (Sachikonye, 2003). From 2005 until 2013

when a new constitution was drafted, ZEC remained with limited authority over elections despite being the Electoral Commission. In 2013, ZEC became recognised as a Chapter 12 institution, an independent entity according to Section 235 of the constitution. (ZEC, n.d).

It is important to note that, although the Zimbabwe Electoral Commission (ZEC) became an independent institution in 2013, earlier elections in Zimbabwe were still attributed to either the Electoral Supervisory Commission (ESC) or the ZEC, rather than the Registrar General. This suggests that, despite the administrative complexities within the election structure, the Electoral Commission

was publicly recognised as the body responsible for overseeing the elections. This distinction is crucial when analysing participation using institutional mechanisms.

At this juncture, it can be argued that by looking at the established definitions of institutions as those with the authority to make the “rules of the game” or “the ability to grant or restrict access”, ZEC at this point did not wield that authority but rather the RGE’s office.

Present Functions of the Electoral Commission

After the 2013 changes, the Zimbabwe Electoral Commission has clearly articulated functions that include “(b) To supervise elections of the President of the Senate and the Speaker and to ensure that those elections are conducted efficiently and in accordance with the law” and to develop the expertise in research and electoral processes (ZEC, n.d). The Constitution of Zimbabwe further highlights the responsibilities of printing the ballot papers, compiling the voters’ roll and register, accrediting observers, and employing their staff in line with employment laws (Parliament of Zimbabwe, 2013). From this, the Electoral Commission has the latitude and authority to fully administer all election-related activities in contrast to the former structure where the functions were spread across different departments thereby reducing efficiencies and limiting participation.

Following on the above, the ZEC follows the precepts of the Constitution, Chapter 7 Part 1 (2c) which outlines political and electoral rights to “ensure that all political parties and candidates contesting an election or participating in a referendum have reasonable access to all material and information necessary for them to participate effectively.” This is in stark contrast to the

former responsibility of the ESC which focussed on “supervision.” Based on the above, the Electoral Commission bears a responsibility of ensuring participation which is inclusion, of both parties and voters.

Electoral Commission in the 2018 Elections

This paper has defined inclusion as access and the ability to practice that access within a given context. It has also been outlined that an institution is a formal entity which can determine and regulate the rules of engagement as well as provide or restrict access. As this paper has developed, it has located inclusion within political participation, specifically within elections.

Candidate Inclusion

The 2018 elections saw a high voter turnout which is good for democracy and participation. The research firm Ipsos looks at voter turnout as signifying “interest in politics, desire to vote, stated intention to vote, and depth of party loyalty” (IPSOS, 2024) Within the context of Zimbabwe, all the above can be valid. On interest in politics, the Commonwealth Observer group noted that there were:

“In 2018, a total of 1,652 National Assembly constituency candidates were successfully nominated for 210 seats. Fifty- five (55) political parties and 247 independent candidates contested in the 210 National Assembly constituencies. For the local council elections, 7,573 candidates were nominated for the 1,958 local authority wards in Zimbabwe”
(The Commonwealth 2018).

This is coupled with 23 candidates for the seat of president with four being women, a first-time occurrence in the country.

Looking at the above, the Commission was tasked with ensuring that all candidates were incorporated into the process in a manner that guaranteed inclusivity as outlined in Section 239 of the Constitution. The IRI-NDI observer mission noted that ZEC processed nominations for all candidates on 14 June 2018 with the courts remaining open beyond the official close time to enable candidates to adequately submit their nominations. Considering that the ZEC registered a record number of candidates with the latitude for the candidates to correct errors in their nominations before submission, one can argue that as an institution they enabled and facilitated administrative access for the candidates to exercise their right.

Accessibility

The Commission set up 10 985 polling stations with 131 000 polling staff across the country including representatives from the youth, women and persons with disabilities. The polling stations were noted to be accessible to voters including those using wheelchairs with the additional measure of having “lowered voting booths.” (IRI-NDI, 2018b). The Carter Center EOM however outlined that access to some polling stations was limited for wheelchair users as outdoor polling booths were in “sandy areas” (The Carter Center, 2020). An additional concern within the polling stations was the lack of braille ballot paper coupled with the absence of assistants to help the visually impaired cast their votes (EODS, 2018). Prior to the election, an individual had filed a petition to have ZEC provide braille, template or tactile voting for the visually impaired, but this was dismissed on account of there being a general lack of adequate braille literacy (EODS, 2018).

The Commission upheld the decision of the High Court but considering the duty of

an institution to provide access, the option to have the ballot should have been provided. Arguably, considering that there was room to have an assistant of the voter’s choice or the provision of one by the commission, this access was still upheld. The Commonwealth and SADC missions observed that there was a mix between the two categories mentioned above with both being able to cast their votes. In ensuring inclusion, ZEC managed to uphold this mandate, but more could have been done to fully include the visually impaired voter through the medium of their preference in contrast to imposing a system upon them.

Women and Youth

The Electoral Act outlines that political parties must ensure the full participation of women in electoral activities; however, it was observed that at Local Government women’s representation declined from 16 – 14% in the election (Gender Links, 2018). This decline can be attributed to the poor efforts by political parties to mainstream women in electoral activities. The Commission within its inclusion efforts ensured that women and youth are part of the electoral staff that administers elections thus ensuring their inclusion in the process. Outside involving women and youth in administrative positions, the Commission should be empowered to punish political parties that do not abide by Section 5 of the Electoral Act of “ensuring that gender is mainstreamed into electoral processes.”

This aspect of women and youth inclusion is argued through the lens of empowerment despite women being the largest cluster within society. To effectively enable access and inclusion, the Commission should shift this from being a moral argument to a binding requirement.

Voter Education

To be able to exercise access granted by inclusion, there is a need to have education regarding the latitude to which this access can be exercised. Voter education is enshrined in Section 40 of the Electoral Act to be provided by the Commission and accredited entities other than the institution. An innovation introduced ahead of the 2018 elections was the Biometric Voter Registration (BVR) which despite initial apprehension, managed to be accepted through voter education efforts from the Commission and Civil Society Organisations (ZESN, 2017). An illustration of such efforts can be noted through the work of ZESN which designed a factsheet of the BVR including that:

“If implemented in accordance with the internationally accepted principles for voter registration such as inclusivity, transparency, accuracy, integrity, sustainability, comprehensiveness, and security of data, the BVR will result in a clean, comprehensive and credible voters’ roll with no duplicate names and will minimise multiple voting.” (ZESN, 2017).

Additionally, it should be mentioned that by using the BVR, the Commission would be able to update and clean the voters' roll and publish the roll for inspection. The Carter Center report noted that:

“The Zimbabwe Electoral Commission (ZEC) registered a total of 5,695,706 voters, with women comprising 54% of the total. However, more than 92,000 registered individuals were placed on an exclusion list by the ZEC and the Office of the Registrar General. They were excluded due to reasons such as having multiple registrations, incorrect or missing ID information,

and invalidated ID numbers as determined by the registrar general. The ZEC confirmed that those who rectified these issues would be reinstated on the voter roll and allowed to participate in the elections. (The Carter Center, 2020).

The Carter Center (2020) also noted that the Commission managed to conduct voter education including using different communication platforms and translating into 13 languages for reach. The Commonwealth Observer group noted the same however expressed concern at the low level of coverage in rural areas. This low coverage can be attributed to the lack of capacity within the Commission to adequately reach remote areas. The Zimbabwe Human Rights Commission (ZHRC) however noted that the Commission invited village heads into voter education efforts, requesting them to utilise public gatherings to inform the public about the BVR exercise and other election-related issues (ZHRC, 2018).

The Carter Center additionally noted that some stakeholders within voter education

“... considered the existing provisions of the Electoral Act on voter education overly restrictive.” (The Carter Center, 2020).

The restriction in question arguably stems from Section 40C (g) of the Electoral Act which states that:

“the person conducts voter education in accordance with a course or programme of instruction furnished or approved by the Commission; ...”

The above suggests that the Commission exclusively provides or endorses voter education material which can be inferred to as managing or restricting access. Within the strict definitions of the functions of an institution, this is well within the ambits

of their responsibility however, as argued above, the environment in which the institution exists is key in defining success. Within the Zimbabwean context where the Commission has been accused of malpractice (Smith, 2013), “approved by the Commission” can be interpreted as another attempt at underhandedness. On the other hand, as an institution mandated to prepare, conduct, and supervise elections, it may be a measure to ensure that voter education provided aligns with the Electoral Laws within the context and environment of Zimbabwe.

To enhance information for voters, the Commission was noted to have included a toll-free number and SMS number for voters to check their details nonetheless, both the SADC mission and the ZHRC noted that there was still some confusion regarding where to go on election day by the voters (ZHRC, 2018; SEOM, 2018).

It can be asserted that during the 2018 Elections, there were substantial voter education initiatives that underscored the Commission's role in promoting electoral inclusion. The combination of print and digital media, CSOs, faith-based organisations and village Heads widened and diversified the scope of reach of voter education efforts. Furthermore, the Commission has a diversity of stakeholders ensuring that the electorate would be able to access voter information from a source they would trust if they considered the Commission to be biased.

CONCLUSION

As highlighted above, ZEC was formed in 2005 but was only regarded as a Chapter 12 independent entity in 2013 which accentuates the importance of the 2018 polls. The above discussion centred on the Commission as an institution that either facilitates or restricts inclusion through its electoral operation. What the above highlights is that there are positive measures that the Commission undertook which bolstered inclusion such as updating the voters' roll, facilitating assisted voting, conducting voter education in conjunction with several local stakeholders, and onboarding marginalised and underrepresented groups as electoral staff.

Moving forward, institutions like the ZEC must receive adequate financial and legislative support to fully achieve and implement their intended objectives. The evident lack of funding noticeably restricted the Commission's ability to independently reach remote areas, necessitating reliance on a broader network of stakeholders. Moreover, as the Commission collaborates with other Chapter 12 institutions, it should establish election-focused operational guidelines to ensure each institution fulfils its unique mandate while collectively delivering a successful election. It can be argued that adherence to this suggested guideline by all institutions would address common electoral challenges such as inadequate communication and the under-representation of women, including their targeted harassment, thus further promoting inclusion through institutional mechanisms.

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