



ELECTION · TALK

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Po Box 740, Auckland Park, 2006
41 Stanley Avenue, Auckland Park, Gauteng
Tel 27-11-482 5495
Fax 27-11-482 6163
publications@eisa.org.za
<http://www.eisa.org.za>

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Zimbabwe's Constitutional & Legal Framework

Grant Masterson

Introduction

The constitutional and legal framework of a country is vital in setting the conditions under which elections are conducted in a country. Pertaining to the upcoming 2005 parliamentary elections in Zimbabwe, the current constitutional and legal framework is made up several distinct bills, acts and amendments. This article examines these various pieces of legislation and how they interact to establish the conditions for the political parties to compete in the upcoming elections.

The Constitution of Zimbabwe 1979

The Constitution does not specifically address the necessary conditions for elections to take place, deferring this consideration to an attached Act of Parliament (*The Electoral Act 2004*) according to Chapter V, Part 6, Section 58:3 & 4. The only other reference the Constitution makes to Parliamentary elections is in Chapter V, Part 6, Section 61 which describes the creation of an Electoral Supervisory Commission. Appointments to the commission are made by the President in consultation with the Judiciary. This Commission is tasked with overseeing the

registration of voters and the conduct of the elections, as well as to report to the President on any election-related legislation to pass before Parliament and make appropriate recommendations.

Electoral Act 2004

This Act refers to the specific conditions under which an election must take place. It has been amended on numerous occasions, the most recent amendment in January 2005. The Act establishes the regulations for delimitation, voter qualification and registration, the voters roll, ballot boxes, papers and procedures at voting stations, tabulation of results and the announcement of results. The Act also elaborates on the process of resolving election petitions and conflicts, and what constitutes corrupt and fraudulent practice during an election. This Act forms the foundation on which the election is to be competed. However, it is also supplemented by other legislation, discussed further below. The present Electoral Act came into force at the end of January 2005, barely two months prior to the announced election date of 31 March. Amongst some of the key amendments, many of the responsibilities of the four-body electoral system previously used in Zimbabwe are replaced by a Zimbabwean Electoral Commission (ZEC) charged with the sole responsibility of regulating the provisions of the Act during the elections. The two months allowed between the creation of the ZEC and the elections poses a major challenge to the organization to appropriately prepare itself to manage the elections, although it appears likely that the ZEC will receive assistance from the previous electoral management bodies, precipitating a potentially confused hierarchy of authority.

Political Parties (Finance) Act 2001

Part II of this act makes provision for all political parties that received more than 5% of the vote in the previous parliamentary elections to receive a proportional amount of funding from the state.

This money, approximately \$100 million/year (Zim dollars), is allocated from the Consolidated Revenue Fund, a parliamentary fund that is responsible for publishing a government gazette no later than 30 days after the end of the financial year demonstrating how these funds have been allocated. Part III of the Act deals with private donations to political parties, and specifically prohibits political party funding from foreign donors: “whether directly or indirectly through a third person”¹. In such an event, the donation is liable to confiscation by the state, and the political party is also liable for a \$100,000 (Zim dollars) fine. One of the challenges for multi-party democracy in Zimbabwe is the minority opposition parties that do not qualify for state funding as they did not receive a minimum 5% of the vote in the last election.

Public Order & Security Act 2001

Under Part IV of this act, public gatherings of more than four people require the permission of a regulating authority, being the police officer who is described by the Act as the regulating authority in that area². This applies to political rallies, gatherings and meetings that are conducted in any public place; the regulating authority having the power to disperse the gathering and impose fines on the organizers. Part II, Section 16 also prohibits any public statements about the President which either intentionally or unintentionally may: “engender feelings of hostility towards, cause hatred, contempt of ridicule of the President”³. Contravention of this restriction is punishable by a \$20,000 (Zim Dollar) fine or imprisonment for one year. This Act has the potential for misunderstanding, if regulating authorities deem it their responsibility to effect fines and other punishments. The Act allows for ambiguity, despite a clear delegation of fines and punishments to the judiciary, not the regulating authority.

Access to Information & Protection of Privacy Act 2002

This Act states that no censorship of the mass media or suppression of freedom of speech of

either individuals or political parties, with the exception of the provisions relating to the Public Order and Security Bill and public statements about the President⁴. By implication this applies to election coverage of the President during election campaigning and although criticism of the ruling party during elections is not covered in the act, at times this has been interpreted as synonymous with criticising the President by regulating authorities. The Act also outlines the responsibilities and rights of media organizations and journalists, as well as various penalties for non-compliance with the act⁵. A challenge facing opposition parties aware of this Act is how to effectively campaign without being deemed to have brought the President’s image into disrepute.

Table 1 – Zimbabwe Election Legislation

Legislation pertaining to elections	Date enacted
Constitution of Zimbabwe	1979; amended 1987
Political Parties (Finance) Act	2001
Public Order & Security Act	2001
Access to Information & Protection of Privacy Act	2002
Zimbabwe Electoral Commission Act	2004
Electoral Act	2005
Non-Governmental Organizations Bill	Pending ratification

Conclusion

This is a brief summary of the pertinent legislation that applies to the upcoming parliamentary elections in Zimbabwe. For ease of reference, Table 1 outlines the basic applicable legislation for the elections. The single most significant document regulating the conduct of the elections is the Electoral Act 2005, which satisfies the requirements for such an act set out in Zimbabwe’s constitution. The other acts mentioned above, although not directly related to the elections, have some bearing on the conduct of the media, political parties and citizens during an election campaign and, as such, have been included as well. In addition to these acts, other significant legislation includes the Electoral Commission Act 2004, and the Non-

¹ *The Political Parties (Finance) Act 2001*. Zimbabwe Act of Parliament. Part II. Section 6:1.

² *The Public Order & Security Act 2001*. Zimbabwe Act of Parliament. Part I. Section 4:4.

³ *Ibid.* Part II. Section 16:1 & 2.

⁴ *Access to Information and Protection of Privacy Act 2001*. Zimbabwe Act of Parliament. Part XI. Section 68:1.

⁵ *Ibid.* Part XII. Section 85:1, 2 & 3.

Governmental Organizations Bill, which has yet to be ratified in Parliament. Taken together, this collection of legislation frames the environment under which elections are contested and managed.

Elections and Conflict

Claude Kabemba

Introduction

The next parliamentary election in Zimbabwe will take place on 31 March 2005. If past experience of high political tension around elections is anything to go by, the forthcoming elections could also experience violent conflicts that could trigger political instability and contestation/disputes over of election results. This fear is compounded by the fact that most of the new electoral reforms introduced by the ruling ZANU-PF government, in an effort to conform to the SADC Principles and Guidelines, might not fall short of what is actually required to provide a level playing field for a competitive election. The fact that the main opposition party, the Movement for Democratic Change (MDC), has decided to contest the election “under protest” attests to the already electrically charged and tense political environment within which the election will take place. This article aims to interrogate the on-going electoral reforms in Zimbabwe and tease out how these could contribute in reducing or increasing conflict during the coming election.

The Independent Electoral Commission

The organization of elections in Zimbabwe has always been organized through a quartet of structures—the Election Supervisory Commission, the Registrar General, the delimitation Commission and the Election Directorate. This structure has been criticized for lacking transparency and independence. The closeness of these structures to the ruling party has led to citizens losing confidence in the management of elections. Under the SADC principles and Guidelines, all SADC countries are requested to have an independent body that manages elections. This body must be impartial, all-inclusive, competent and accountable and

should have adequate resources.⁶ Zimbabwe has now created the Zimbabwe Electoral Commission (ZEC) ahead of the 2005 parliamentary elections. While it reflects all the characteristics of an independent electoral commission in terms of the way its members are nominated, its working conditions might pose serious difficulties. Firstly, it has been set up very late and Zimbabwean authorities may not have sufficient time and resources to render it operational. Insufficient resource could jeopardize the work of the ZEC. Secondly, the creation of the Commission has not eliminated old concerns. The Commission, if allowed to operate, will work in tandem with the old structures. It is not clear for example, how the ZEC and the ESC will work together, and which commission has greater authority.⁷ In this case, instead of resolving the institutional confusion and inadequacy of the past, the new ZEC will further bring opacity into the system.

The Electoral Court

With the administration of elections still a source of concerns to many Zimbabweans, the possibility of contestation and rejection of results is quite high. The SADC Principles and Guidelines make reference to the fact that, political parties must be given opportunities to challenge results of the elections. The new Zimbabwean Electoral Act has established an Electoral Court to adjudicate disputes. There are still doubts however, on its effectiveness and independence. Political interference in the justice system could cancel the benefits of an Electoral Court.

The Electoral Court is expected to be separate and distinct from the High Court and will consist of judges or ex-judges appointed by the Judicial Services Commission.⁸ The existence of an independent judiciary that enjoys the confidence of all stakeholders is crucial in the resolution election disputes. The independence of the judiciary is so critical that in real democracies no organ of the state can interfere with its operations. In Zimbabwe, the experience of past

⁶ See SADC Principles and Guidelines, Paragraph 2.1.7 and 7.3

⁷ THE SADC Electoral Principles and Guidelines, and Zimbabwe’s New Electoral Legislation, An evaluation, ZESN, 2005, p12

⁸ Electoral Reforms, Zimbabwe Election Support Network, 2004, p9

elections continues to affect the justice system election related disputes have not been satisfactorily resolved.

Political Parties' Liaison Committees

The new Electoral Act makes provisions for multi-party liaison committees to effect the arbitration of electoral disputes. Political parties' liaison committees are also effective instruments for the resolution of conflicts. Through these committees, parties are expected to meet regularly under the auspices of the Electoral Commission to discuss the issues emerging from the electoral process. They also have the power to mediate disputes and grievances. In Zimbabwe the tension that exists between the two main political parties, the MDC and Zanu-PF did not allow for such structures to be created in the past. It is still doubtful if the liaison committees will be able to work and be effective at the same time.

Election Observation and Monitoring

For a country experiencing political tension before an election, election observation becomes a necessity to the entire electoral process. In 2002, many foreign and local groups were refused the right to observe the elections. This resulted in the shortage of observers to cover most parts of the countries. The Zimbabwe government has again promised select both international and local observers in an effort to sideline all those who are critical to the regime. For example, the Zimbabwean government has issued a statement that observers from some EU countries will not be invited. A spokesperson for the Ministry of Foreign Affairs, Paveyn Musaka, said that the government had excluded European countries such as Britain, Denmark, Sweden, Germany, the Netherlands and Finland from observing the poll set for 31 March.⁹ The filtering of observers could reduce the number of observers Zimbabwe need to cover the electoral process to ensure that all stakeholders felt sufficiently confident that corrupt practices will be minimized. This is why it is imperative that the Zimbabwean government allows monitors and observers, both national and foreign, to observe the coming elections.

⁹ EISA Regional roundup: Information from SADC press, 14 February 2004

Code of Conduct for Parties

A political parties' Code of Conduct, which is an agreement to control the behaviour of political parties, is an important tool to minimize conflict during elections. The Code's objective is to make political campaigns less tense and volatile and to raise the understanding of parties and their responsibilities in the electoral process. The Code is pivotal in creating trust among political parties. In 2002, The MDC refused to sign the Code of Conduct just a week before the election. It argued that signing the Code would legitimize Zanu-PF's atrocities. There is no sign that parties will sign such an instrument in preparation for the coming elections. This is a serious limitation in efforts to deal with conflict during the three phases of the electoral process.

Conclusion

The government of Zimbabwe has introduced few reforms which have the potential to reduce and minimize conflicts in the run-up to the 2005 parliamentary elections. These changes are in line with the SADC Principles and Guidelines adopted in Mauritius in 2004 but the opposition is skeptical about their effectiveness. What is important at this stage is to ensure that the proposed reforms are implemented and efforts deployed to ensure that they are effective. SADC and the AU must support reforms in Zimbabwe by sending observers well before the Election Day, not just to observe but to also help the Independent Electoral Commission. It would also be in the interest of Zimbabwe to ensure that the courts are independent, impartial, effective and accessible to help a speed up resolution election disputes.

Management of Elections in Zimbabwe

Sydney Letsholo

Introduction

Zimbabwe is one of the four countries in the SADC region that will hold parliamentary elections in 2005. The others are the DRC, Mauritius and Tanzania. The Zimbabwean President, Robert Mugabe, has announced the date for the election as 31 March 2005. Zimbabwe has a structure for the management of the elections that is unique and exceptional in

Southern Africa¹⁰. Chapter V of the Zimbabwe constitution states that the Delimitation Commission (DC), the Electoral Supervisory Commission (ESC), the Election Directorate (ED); and the Registrar-General (RG) will be responsible for the management of elections. This brief article will discuss the role and mandate of each of these bodies in the management of election in Zimbabwe and suggest ways in which some restructuring is required for purposes of best electoral practice.

The Delimitation Commission

Section 59 (1) of Chapter V of the Zimbabwe constitution states that “from time to time, as may be required for the purposes of the constitution, the president shall appoint a Delimitation Commission which shall consist of-

- A chairman, who shall be the Chief Justice or some other judge of the Supreme Court or the High Court appointed after consultation with the Chief Justice; and
- Three other members appointed after consultation with the Chief Justice.

The section further states that the mandate of the Delimitation Commission is to determine the limits of Zimbabwe’s constituencies which are divided into 120. According to Sachikonye (2004), the Commission submits to the President a report containing a list of constituencies delimited, with names and boundaries assigned to each and map showing the constituencies.

The Electoral Supervisory Commission

Section 61 (1) of the constitution mentions that there shall be an Electoral Supervisory Commission which shall consist of:

- A chairman and two other members appointed by the President after consultation with the Judicial Service Commission; and
- Two other members appointed by the President after consultation with the Speaker

Part of the mandate for the ESC is to supervise the parliamentary, presidential and local government elections. Some analysts have argued

that the ESC is largely impotent because it is given no executive power by the constitution¹¹.

The Election Directorate

The main function of the Election Directorate (ED) is to ensure that resources that resources and logistics are in place to conduct elections. Section 4 of the Electoral Act also stipulates that the ED is tasked with guaranteeing the efficient conduct of elections and ensuring that they are administered freely and fairly. It has been noted that the ED not only deals with the above mandates. According to the EISA Research Report (2004), on 7 June 2000, Statutory Instrument 161A of 2000 empowered the ED to accredit foreign observers on the recommendation of the Ministry of Foreign Affairs, thus moving away from the traditional responsibility entrenched in the Electoral Act.

The Registrar-General

Regarded as the key player in the electoral process, the Registrar-General is a public servant who reports to the Ministry of Justice, Legal and Parliamentary Affairs. The Electoral Act of 1996 stipulates that the Registrar-General is responsible for the whole electoral process, which includes the following:

- the registration voters;
- the provision of electoral staff;
- the declaration of election results; and
- the custody of election materials.

Restructuring of Election Management Bodies.

In an effort to restructure the EMBs in Zimbabwe, Parliament introduced the Zimbabwe Electoral Commission Act. This act was in response to a joint initiative between the Zimbabwe Elections Support Network (ZESN) and EISA. The two non-governmental organizations conducted the electoral reform project and one proposal was the creation of the Independent Electoral Commission. However, through this Act, Parliament established the Zimbabwe Electoral Commission. Clause 3 of the Bill states that the Commission will consist of a Chairperson qualified to be a judge of the

¹⁰ Olaleye, W, 2004. Negotiating the Impasse: Challenges and Prospects for Democratisation in Zimbabwe, in EISA Research Report No.9

¹¹ Sachikonye, L, 2004: “Zimbabwe: Constitutionalism, The Electoral System and Challenges for Governance and Stability”, in Journal of African Elections, Vol.3, No.1

Supreme Court or the High Court appointed by the President after consultation with the Judicial Service Commission, and four other Commissioners appointed by the President from a list of seven nominees submitted by the Committee on Standing Rules and Orders. The Chairperson of the Commission is High Court Judge George Chiweshe, former chairman of the Delimitation Commission. The name of the other four (4) commissioners are: Sarah Kachingwe, a former permanent secretary in the Ministry of Information, George Kahari, a UZ professor of languages, retired Anglican bishop, Reverend Jonathan Siyachitema; and Vivian Ncube¹². The main functions of the ZEC are:

- to prepare for and conduct all elections and referenda;
- to direct and control the registration of voters by the authority charged with that responsibility under the Act of Parliament;
- to compile voters' rolls and registers;
- to ensure the proper custody and maintenance of the voters' rolls and registers;
- to design, print and distribute ballot papers, approve the form of and procure ballot boxes, and establish and operate polling stations;
- to conduct voter education; and to give instructions to the Registrar-General and other persons in the employment of the State or of local authority for the purpose of ensuring the efficient, proper, free and fair conduct of elections; and
- to keep the public informed about various electoral processes including boundary delimitations, location and operations of polling stations, inspection of voters' rolls, political parties and candidates, and the voting process.

Conclusion

One of the major proposals emanating from the EISA-ZESN electoral reform project is the creation of an impartial Independent Electoral Commission (IEC). As noted, instead government has established the ZEC whose chairperson is basically handpicked by the President and which

¹² <http://www.allafrica.com> "Electoral Commission Appointed" by Gift Phiri

undertakes its tasks in the context of confusion of roles with the old election management structures that are still in existence. Three major concerns arise from this brief overview on election management in Zimbabwe. Firstly, there is bound to be the lack of coordination between all these bodies, more so since the Zimbabwe Electoral Commission has been recently established. Secondly, it is evident that there is the duplication of mandates/role among all these bodies. Thirdly, and perhaps most crucial, is the issue of the impartiality of these bodies. As noted above, the President of Zimbabwe had a hand in nominating and deciding the composition of *all* members of these bodies. With the parliamentary elections just a stone's throw away, it will be interesting to note how events will unfold

The Zimbabwe Electoral System and Imperatives for Reforms

Khabele Matlosa

The Workings of the Electoral System

As is the case with a number of former British colonies in Africa, Zimbabwe operates the British-style First-Past-The-Post (FPTP) electoral system, although the 1980 independence election was organized on the basis of some form of proportional representation. All other subsequent elections since 1985 were held on the basis of the FPTP system. An electoral system refers to a set of rules, regulations, procedures, methods and the institutional framework governing conversion of votes cast in an election into parliamentary seats that are in turn occupied by elected Members of Parliament (MPs). Thus, while an election allows the electorate to choose their preferred leaders to run affairs of the state both at the national and local level, an electoral systems helps in sorting out valid votes cast into actual representation in the legislature. This is therefore the key function of an electoral system: translating votes into parliamentary seats and government formation in the final analysis.

The Zimbabwe Electoral System in Practice

Both the constitution and the electoral law provide for a dualistic electoral system: the single-member plurality (FPTP) system for parliamentary elections and majoritarian (PR) system for presidential elections. This dualism is

further reinforced by the fact that parliamentary elections are held separately from presidential elections. The tenure of a Parliament is five (5) years while that of the President is six (6) years. This is the only country in the SADC region with a dualistic and bifurcated electoral regime. Part of the efforts towards electoral reforms has to involve deliberate attempts to integrate the parliamentary and presidential elections, holding the two elections at the same time and providing the parliament and the presidency the same tenure of perhaps five (5) years. During the previous presidential election, the ZANU-PF candidate, Robert Mugabe, won the contest as illustrated in the table below. This was followed by numerous legal challenges to the election outcome by the opposition parties especially the MDC.

Table 1: Presidential Election Results, 2002

Name/Party	Valid Votes Cast	% of the total votes
R. Mugabe (ZANU-PF)	1 681 212	55.18
M. Tsvangirayi (MDC)	1 262 403	41.43
W. Kumbula (Independent)	31 368	1.03
S. Maya (NAGG)	11 906	0.39
P. Siwela (Independent)	11 871	0.39
Total	2 998 760	100.00

Source: Electoral Supervisory Commission (ESC), Report on the March 2002 Presidential, Mayoral and Council Elections, p.26.

The National Assembly comprises 150 members. Of these, 120 Members of Parliament are directly elected through a general election and represent the same number of constituencies given that each constituency elects one single representative. Such a representative does not necessarily have to win an absolute majority of votes. The FPTP electoral model allows a winner in a constituency to command a simple plurality and not majority of votes and this tendency of the FPTP has led to a critique of the system as vote wasting and disenfranchisement given that quite a number of votes are likely not to count for the determination of constituency representation. Thus, it is possible to have a winner in a constituency who then occupies a seat in Parliament on the basis of a minority vote, much the same way that you could have a government elected on the basis of a minority vote. The results of the 2000 parliamentary election in Zimbabwe indicate (see table below) that the

ruling ZANU-PF won 62 parliamentary seats, the main opposition MDC, 57 and the smaller opposition ZANU-Ndonga, only 1.

Table 2: Zimbabwe Parliamentary Election Results 2000

Party/Representation	Parliamentary Seats	% of votes
Zanu (PF)	62	51.7
MDC	57	47.5
Zanu-Ndonga	1	0.8
Non-constituency Parliament Members	12	
Provincial Governors	8	
Chiefs	10	
Total	150	100%

Source: EISA Data Base

However, due to by-elections that have been held since 2000, ZANU-PF has been able to capture about six (6) more seats thereby reversing the opposition gains. Currently, the MDC seats in Parliament stand at 51. This is besides the fact that the ruling party itself already had a political edge in terms of composition of Parliament through appointed seats. Ten (10) parliamentary seats are reserved for traditional leaders chosen through the Electoral College of Chiefs presided over by a Public Servant appointed by the Minister of Justice, Legal and Parliamentary Affairs. The election of chiefs through the Electoral College, therefore, is outside the mandate of the Electoral Supervisory Commission. Additionally, eight (8) seats are occupied by provincial governors (premiers of the country's eight provinces) appointed by the state president as *ex-officio* MPs. The remaining twelve (12) seats are occupied by individuals appointed by the State President. Neither article 38 (1d) of the Zimbabwe constitution nor article 45 of the Electoral Act specify clearly what criteria the President uses in appointing these individuals. There is no gainsaying, therefore, that all the thirty (30) appointed MPs are likely to pay their allegiance to the political whim and caprice of the ruling party on the basis of patronage politics. This arrangement has a double effect of enhancing the political hegemony of the ruling ZANU-PF and at the same time constraining the effectiveness of oppositional voices in Parliament. This awkward predicament for opposition parties in Zimbabwe is further accentuated the more they continuously lose by-elections in favour of the ruling party as the table below clearly indicates.

Table 3: By-Elections in Zimbabwe, since the 2000 general election

Constituency	Winning Party 2000 election	Date of By-election	Party that won by-election
1.Marodera West	ZANU-PF	Nov. 2000	ZANU-PF
2.Bikita West	MDC	Jan. 2001	ZANU-PF
3.Bindura	ZANU-PF	July 2001	ZANU-PF
4.Makoni West	ZANU-PF	Sept. 2001	ZANU-PF
5.Chikomba	ZANU-PF	Sept. 2001	ZANU-PF
6.Inzisa	MDC	Oct. 2001	ZANU-PF
7.Highfield	MDC	Mar. 2003	MDC
8.Kuwadzana	MDC	Mar. 2003	MDC
9.Makonde	ZANU-PF	Aug. 2003	ZANU-PF
10.Harare Central	MDC	Aug. 2003	MDC
11.Kadoma Central	MDC	Nov. 2003	ZANU-PF
12.Gutu North	ZANU-PF	Feb. 2004	ZANU-PF
13.Zengeza	MDC	Mar. 2004	ZANU-PF
14.Lupane	MDC	May 2004	ZANU-PF
15. Masvingo South	ZANU-PF	August 2004	ZANU-PF
16.Seke	MDC	Sept. 2004	ZANU-PF

Source: ZESN, Harare, Zimbabwe.

Imperatives for Electoral Reforms

One important area where reforms are urgently needed in Zimbabwe is around the electoral system. The deficiency of the FPTP electoral model is not only confined to vote wastage and costliness due to by-elections from time to time, but it is not conducive to the advancement of gender equality in the political configuration of the legislature. This explains, in part, why Zimbabwe ranks among poor performers in respect of women's representation in the legislature, while the best performers include South Africa, Mozambique and Namibia, all of which operate the Proportional Representation (PR) system. Be that as it may, it is now well established that the electoral system alone may not be a solution for the enhancement of women's representation in the legislature. To be sure, deliberate efforts by parties towards adherence of gender quotas are also crucial indeed.

Between 2003 and 2004, EISA in collaboration with a local democracy NGO-Zimbabwe Election Support Network (ZESN)-undertook an electoral reform project in Zimbabwe. One of the recommendations that emanated from this one-year project was the imperative for the reform of the electoral model in advance of the 2005 election. The actual proposal was that Zimbabwe should adopt the Mixed Member Proportional (MMP) system. According to the recommendation, the size of the country's National Assembly should be increased to 200 seats of which 120 are elected on the basis of the old FPTP system and the remaining 80 seats are occupied on the basis of the party-list PR system. The recent electoral reforms that the ZANU-PF government has introduced in advance of the election fall short of these suggested changes on the electoral model.

Way Forward

While the political crisis in Zimbabwe is surely multifaceted and complex, one of its contributory factors is the archaic electoral system in use. There is abundant evidence now that the FPTP system is more of a political liability than an asset for emerging democracies under conditions of political exclusion and protracted violent conflict. Undoubtedly, one important step for broadening political representation in the legislature and redressing an entrenched political instability with its deleterious effects for governance in Zimbabwe is to deliberately transform the FPTP electoral system towards MMP. Quite obviously, this important reform measure cannot be undertaken before the forthcoming election scheduled for 31 March 2005. It should, however, be considered one of the urgent political and constitutional reform measures following the 2005 election. Part of the electoral system reform exercise has to involve integration of the legislative and presidential elections and provision of the same tenure or life-span for Parliament and the Presidency in order to redress the current dualism or bifurcation of the electoral regime.