

# Electoral Capture in Africa

Case Studies from Mozambique,  
Zambia, and Zimbabwe



Edited By  
**Adebayo O. Olukoshi**

# ELECTORAL CAPTURE IN AFRICA:

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*Adebayo O. Olukoshi*





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# Foreword

There is a growing consensus among students of contemporary African politics that we are at a juncture in the continent's renewed quest for democratisation where a wholesale rethink of the governance system is urgently required. At the heart of the challenge of democratisation is the disconnect that has intensified between state and society and government and people. The drivers of the disconnect are multiple but of particular relevance to this book is the increasing alienation of citizens from an electoralism which has largely failed, some thirty years since the transition of the 1990s began, to translate into substantive improvements in the lives of the majority of the people.

The failure to date of electoral pluralism in Africa to deliver income-enhancing, employment-creating, poverty-reducing, and productivity-expanding development has generated disillusionment and discontent on a scale which has not been assuaged by the deteriorating quality of elections. Indeed, in the face of poor socio-economic performance, governments have sought to retain political control by resorting to desperate measures that radically and fundamentally erode electoral integrity – and, therefore, the power of the people peacefully to change their leaders through the ballot box.

This publication forms part of a comprehensive research on state capture in Southern Africa supported by the Open Society Institute for Southern Africa (OSISA) looking at capture of national judicial, economic and electoral systems and processes. The contributors to this volume, have examined the dynamics and dimensions of the perversion of elections and electoral processes in the recent African experience in what is now considered as a growing practice of electoral capture. They show that capture is both antithetical to democratisation and reflective of the degradation of democratic politics and governance. The costs of capture can be quite heavy for national and regional stability and development, and that should be a good reason why overcoming it must be a political and policy priority.

The authors underscore the centrality of active and vigilant citizenship in the fight against electoral capture. And a glimpse of what conscientized and vigilant citizens can do to defend the integrity of the vote was seen in the 2021 Zambian elections which, against many odds, delivered an outcome that was in tune with the freely expressed choice of the people. The message that came out of Zambia in 2021 was clear: There is redemptive power for captured political systems in the organised and vigilant citizenry.

Tendai Murisa  
Director, SIVIO Institute  
Harare, December 2021

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The work which we have undertaken to produce this study was carried out mainly through desk research on account primarily of the difficulties associated with the global COVID-19 pandemic that meant physical field research of any kind was out of the question. The study should, therefore, be seen as only a first effort at beginning to address the roots of the increasingly worrisome problem of electoral capture in Africa. As with such preliminary efforts, and without discounting some of the important insights that emanate from the research, the study does not claim to be definitive in its findings. Its ambitions were, in fact, to help focus thought and conversation in the first instance. While, therefore, looking forward to extending the work further through additional studies covering many more countries over the coming years, we hope the research will inspire similar such initiatives among other scholars so that a rich repertoire of findings can assist us collectively to break new grounds in knowledge and policy.

Adebayo O. Olukoshi  
Johannesburg, South Africa  
December 2021

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# Contents

Foreword	iii
Acknowledgements	v
Thinking About Electoral Capture in Africa: A Contextual Overview	1
Electoral Capture in Africa: The Southern Africa Context	19
The Making of Electoral Capture in Zimbabwe: 1980-2021	38
Electoral Capture in Mozambique: Origins, Modalities, and Implications	73
Attempted Electoral Capture in Southern Africa: The Zambian Experience	120

## Chapter 1

# Thinking About Electoral Capture in Africa: A Contextual Overview

*By*  
*Adebayo O. Olukoshi*

### INTRODUCTION: BACKGROUND AND CONTEXT

It has been some 30 years now since the onset of the wave of popular pressures that swept across large swathes of Africa to usher in the restoration of multiparty politics in the countries of the continent where it had either been suppressed soon after independence in favour of single party rule or overthrown in a military coup d'état. As they mushroomed and gathered pace in different countries from the early 1990s onwards, the mass protests that broke out embodied the dissatisfaction and discontent of the citizenry

with the experience and record of single party and/or military rule. Although there were debates at the time the mass protests started as to what their remote and proximate sources and drivers were, there was no mistaking the fact that something politically significant was afoot in Africa that would mark the end of almost three decades of single party and military rule on the continent. And even as observers pondered the substance of the claims that were being made by the mass of demonstrators who took to the streets of major population centres to demand change, there was also no question that the air was filled with a strong and unstoppable desire for an end to the political status quo as it existed at the time.

The popular pressure for change that manifested itself across Africa during the course of the 1990s was propelled and radicalised by the failures of the authoritarian political systems that had been engineered after independence. Single party rule, in particular, was justified on the grounds of nation-building and accelerated socio-economic development. Military rule similarly found its self-justification in the need to preserve national unity and stability. Yet, at one level, under single party and military rule, governance became rigid, monopolistic, and even unyielding in the face of various citizen aspirations for inclusion, participation, accountability, and social progress. At another level, years of institutionalised political monopoly and authoritarianism did not translate into meaningful and sustained socio-economic change for the mass of the people. If anything, at the dawn of the decade of the 1990s, and on the back of an external debt crisis that soon became generalised into a system-wide economic decline, the continent was ushered into a period of severe austerity that eventually came to be encapsulated in the structural adjustment programmes of the Bretton Woods institutions and their allies in the bilateral donor community. Austerity took its toll on social cohesion and facilitated the revival of narrow ethnic-regional identities.

In the light of the popular and widespread nature of the protests that broke out against continued political authoritarianism and given the persistence of the mass demonstrations despite initial but doomed efforts to suppress them, various commentators were to suggest that Africa had finally been ushered into a new era of political awakening. In doing so, the continent became a part of the third wave of global democratisation as captured by Samuel Huntington (1991) in his historical studies on democratic transitions

around the world. Others, inspired by Colin Legum (1990), enthusiastically spoke about a “second liberation” or “second independence” unfolding on the continent (Muna, 1991; Joseph, 1991; Chimutengwende, 1997). If the first liberation/independence was from the shackles of colonial rule, this second liberation/independence was seen as offering a possibility to lift the burden of a ubiquitous and suffocating post-colonial authoritarianism symbolised by highly personalised and unaccountable presidentialisms. These presidentialisms had set themselves up in many countries as brutal systems of rulership for life within the framework of single party, military or combined civilian-military rule. Others saw in the movement for change, the seeds of an African renaissance, an opportunity to make a new beginning in the quest for continental socio-economic transformation underpinned by a system of democratic governance.

The key demands emanating from the mass protests may have varied in their detail just as the path the demonstrators thought could best lead to the achievement of their goals. However, in essence, those demands came down to a broadly shared set of concerns: An opening up of the political space in order to restore pluralism; a levelling of the political field to ensure fair competition; an end to life presidencies and impunity in high office; respect for human and people’s rights; the reform of the security services and the subordination of the military to the authority of elected civilian government; the deconcentration and decentralisation of the powers vested in presidents; a more effective separation of powers along with a functioning system of checks and balances; the independence of key institutions of the state such as the judiciary and the legislature; and a host of constitutionally and/or politically-guaranteed rights, freedoms, and civil liberties, including the freedom of association and movement, and press freedom. These demands were expected to contribute to an improvement in the quality of governance, facilitate substantial enhancements in citizen welfare, and strengthen the state-society bargain.

The road to reform was swift in many of the countries once it became clear to incumbent regimes that the popular demands for change that confronted them could not be resisted, delayed, or rejected. This was all the more so as authoritarian governments that were hitherto shielded by their powerful international backers from domestic demands for reform at the height of the East-West Cold War became more exposed and vulnerable

as the Berlin Wall collapsed, the Soviet Union and the Warsaw Pact were dissolved, and the military-ideological competition for supremacy led by the United States and the Soviet Union thawed. Through sovereign national conferences to chart a new course in some countries to basic constitutional conferences and amendments in others, multiparty systems and electoral pluralism were reinstituted across the continent with only a few countries such as Nigeria under Sani Abacha initially bucking the trend. Occurring around the same time as the official apartheid system also began to unravel in South Africa, the wave of reforms that enveloped Africa in the 1990s bolstered hopes of a looming continental rebirth that could potentially usher in an African century.

Thirty years on, and with the benefit of experience, concern has built up that despite some of the progress recorded, the effort at democratisation in Africa has, to say the least, under-performed the fullness of the potentiality that it promised and which citizens genuinely expected of it (Osaghae, 2005; Lynch and Crawford 2011). Many reasons have been adduced for the failings and shortcomings that have cumulated over the years, among them the problems that have recurred with the management of the electoral system and which have led to concerns about its capture by narrow but powerful interests for whom democratic governance and the advancement of the democratic project are not a prime or first-order political concern. It is on this idea of electrical capture that attention is focused in this essay with the aim of situating and unpacking the historical context that has brought the notion into political, policy, and scholarly relevance in the contemporary African context. In doing so, the essay will also explore the utility of the notion to the broader goal of renewing the African democratic transition and the immediate objective of making elections matter much more to the content and direction of policy and politics.

## **IN QUEST OF ELECTORAL INTEGRITY AND PROFESSIONALISM**

Integral to and accompanying the revival of multiparty politics across Africa from the early 1990s onward has been the renewal and expansion of the electoral infrastructure to oversee the competition for votes by registered parties, and to declare winners and losers from the electoral contest. From the outset of the return to multiparty politics, a key concern that was broadly shared was – and remains – how to ensure that the electoral umpire

is independent of untoward (external) interference in its work, functions with the highest level of professionalism, and enjoys the confidence of all relevant actors, including the voting population and political parties. This concern arose from the history of the perversion of elections and electoral processes in the heydays of single party and military rule. Elections may not have been new to Africa but the contemporary electoral experience, especially after the imposition of single party rule, was riddled with problems that made them little more than an elaborate charade. In a bid to avoid this history of electoral perversions, various ideas were proffered and proposals adopted over the last three decades to help achieve the goal of elections whose inclusivity and integrity are not in question.

Among some of the early steps taken to enhance the capacity and professionalism of election management bodies (EMBs) in the renewed African quest for democratisation are:

- a. The enshrinement of the independence, powers, and prerogatives of some of them in the national constitution or through direct legislation, with many of the EMBs, even having the word “Independent” as a part of their official name;
- b. A massive investment of resources in capacity building and general provisioning for EMBs to enhance the professional aptitude of their staff and provide them with essential tools for carrying out their work;
- c. The acquisition of various confidence-winning voting paraphernalia, such as transparent boxes and security-enhanced ballot papers, as part of efforts to ensure that EMBs are adequately equipped for the responsibilities entrusted to them, and citizens can invest some trust in the integrity of the electoral process;
- d. The establishment of platforms for engagement with political parties on the basic rules and procedures for conducting elections, including the accreditation of political party agents at polling stations and collation centres;
- e. The adoption of a requirement for party agents to sign the results sheet at the level of the polling station; and

- f. The adoption of various procedures aimed at enabling the open collation and certification of votes from the polling station upwards to the point of the central computation of results.

Other measures introduced in the early years to build up the electoral system and bolster confidence in it include the:

- a. Revamping, updating, and verification of the voter register alongside the initiation of various voter education initiatives;
- b. Composition of the leadership of EMBs based on criteria agreed in many cases with a broad cross-section of civil and political society, and with good international comparative practices in mind;
- c. Separation in some countries of the staff of EMBs from the mainstream civil service so that their employment, career path, and discipline are fully handled by the EMBs themselves;
- d. Allocation of budgeting, financial, procurement, and accounting powers to some of the EMBs;
- e. Accreditation of international electoral observation missions to help monitor and certify the voting process as part of the overall quest for quality assurance;
- f. Nurturing of relations of cooperation and between EMBs and local civil society groups, and the promotion of a body of domestic election observers; and
- g. Definition and enhancement of roles for regional economic communities and the African Union (AU) in helping to set up norms and standards against which the performance of member states can be measured.

In more recent times, some of the additional steps that have been taken to promote electoral integrity have centred in part on efforts at the harmonisation of the electoral and civil registers in order to increase the reliability of the voter rolls amidst a persistent problem of ghost voters. There has also been a massive investment in the acquisition and deployment of technology spanning the entire electoral process, from the point of the demarcation of boundaries, the registration of voters and the

issuance of voting cards to the use of various types of voting machines, the transmission of votes cast, and the electronic collation of results. In order to improve the fairness of the electoral process, including levelling the playing field, attention has been paid to the delivery of relevant education to the judiciary on all aspects of electoral law. Training for the media on election reporting has also been offered on a continuing basis. EMBs themselves have made efforts to build up their election risk management capacities while encouraging political parties to adopt a voluntary code of conduct to ensure orderly conduct during campaigns, on election day, and immediately after elections.

Furthermore, beyond the direct mechanics of managing a professional and independent EMB and the effective and efficient running of an election, attention has also been increasingly focused on ways of curbing the insidious influence of money in elections. Concern in this domain has been necessitated by the ways in which unregulated election expenses, including the flow of criminal or illicit funds, increasingly shape the outcomes of an electoral contest, thereby thwarting the popular will. The question of the behaviour of the security services just before, during, and immediately after elections, and how their professionalism and impartiality can be assured, has also been raised by opposition political parties, civil society groups, and observers as a matter of importance impinging on the quality of elections. Some EMBs have attempted to address the problem through, inter alia, the provision of election duty training and guidelines to the security services. Similar preoccupations about the equitable allocation of media airtime to all political parties and candidates has resulted in some countries, the adoption of rules aimed at ensuring some degree of fairness. Finally, EMBs across Africa are also facing the challenge of responding to the rise of hate speech, disinformation, and scare-mongering delivered through various social media platforms with a view to influencing voters.

## **CHALLENGES OF ELECTORAL INTEGRITY**

The various measures introduced to build and enhance the capacity of EMBs to manage credible competitive elections did yield some promising initial results. In many countries, important progress was registered in improving the overall administration of elections thanks to the efforts made to upgrade the professionalism, knowledge and skills of staff. Although there



are no perfect elections anywhere, several countries also made substantial progress regarding the overall integrity of their elections from one cycle to the other, a fact broadly acknowledged by opposition parties and observers. Thanks to these improvements, an alternation of power from ruling to opposition parties and back has happened in several countries, among them Cape Verde, Ghana, Malawi, Mauritius, Senegal, Seychelles, and Zambia, to cite a few prominent examples. Even where incumbents have been repeatedly elected such as in South Africa, the overall credibility of the voting process and outcome has always been generally accepted by all the key actors. Several countries have also succeeded in setting up a functioning election dispute adjudication system. The annulment by the judiciary of the contested outcomes of presidential votes in Kenya and Malawi served as a significant boost for the quest for electoral integrity and gave impetus to arguments in support of autonomous and professional EMBs.

Many EMBs on the continent have also successfully upgraded their outreach and communications capacity, providing regular, timely, and useful information to voters, political parties, and candidates. In many cases, domestic civil society groups active in monitoring elections and associated processes have been welcomed, in the best examples, as partners and, in the worst cases, at least tolerated. In this connection, in several countries, civil society was able to establish election monitoring situation rooms that shared real-time information with EMBs on any untoward developments that are observed for possible remedy on a fast-track basis. Disputes between EMBs and political parties have also been successfully managed in some countries through the creation of vibrant platforms for receiving, investigating, and redressing complaints as and when they arise. In the same spirit, some of the EMBs have routinely welcomed the recommendations made by election observers as an opportunity to draw lessons and improve performance. Many other examples of such incremental change and progress can be cited, including those pertaining to the management of complex election logistics.

However, despite the successes registered and progress made in the quest for more professional EMBs and freer and fairer elections in Africa, elections and electoral outcomes have remained, on the whole, highly contested and divisive in much of the continent. As the early gains registered during the initial phase of the transition to multiparty politics started to stall and began

even to be reversed in a growing number of countries, political contestations were once again characterised by zero-sum winner-take-all rivalries where every trick for winning was considered fair. Elections across the continent have been accompanied by varying intensities of violence, influenced by the increasing use of unregulated money, marred by various pre- and voting day irregularities, and driven by appeals to irredentist identities, be they religious, ethnic, or regional. Also, incumbents have more frequently resorted to different unwholesome practices designed to undermine, wrong foot, disqualify, or outrightly eliminate the opposition. Rules of the game, including constitutional provisions, have been changed in the middle of the electoral process. Media outlets sympathetic to the opposition have been squeezed even as those supportive of ruling parties have been given free rein to spew propaganda messages.

Furthermore, in various countries, the eligibility criteria to contest different offices, especially the presidency, have recently been deliberately set so high as to make it impossible for genuine multiparty contestations to take place. Even where opposition candidates scale various barriers put in their way, their capacity to campaign freely and openly is constrained by a range of restrictions, including the invocation of public order, state security, and, in the age of COVID-19, public health and safety reasons. In some of the worst cases witnessed in recent times, opposition leaders have been teargassed at their own rallies, placed under compulsory house arrest, accused of terrorism, sued for defamation, and forced into exile ahead of elections in which they are candidates. The security services, including the army, have also been deployed as part of a show of strength by incumbents aimed at intimating the opposition and their supporters, sometimes with the explicit objective of either dissuading voters from turning out to perform their civic duties or providing cover for the swapping of ballot boxes in favour of the ruling party. The militarisation/securitisation of elections has oftentimes gone hand-in-hand with the disruption and shutdown of the internet and other telecommunications services around the day of the election.

Additionally, efforts by domestic watchdogs of the electoral process to perform their duties have increasingly been obstructed and thwarted by the incumbent governments. From the various situation rooms and monitoring centres set up by local civil society groups to the efforts of citizen-voters to witness the counting of the ballots at their polling units, policing authorities

have more frequently succumbed to the temptation to disallow such activities ostensibly in order to curb false information, prevent electoral violence, and protect electoral officials. The increasing militarisation/securitisation of elections has fed into and fuelled the episodes of violence and killings that have accompanied elections on the continent. International observation of elections, once actively sought after at an earlier phase, is treated as an activity that is now grudgingly accepted. Observers face obstacles of various kinds and governments go out of their way to try to “contain” and wrong-foot them using various methods in their arsenal of obstruction and subterfuge. These experiences have led to some observation missions being cancelled outright on account of the absence of the most elementary conditions for meaningful work to be carried out.

### **THE ONSET OF ELECTORAL CAPTURE IN AFRICA**

Overall, elections in Africa have, over time, undergone multiple degradations at the heart of which has been a decline in their integrity. This decline has, in turn, been integral to the stagnation and even reversal in the process of democratisation which once held so much promise of paving the way to a continental rebirth. In addition to the growing concerns over the representativeness, fairness, and inclusivity of elections, there is also a worry that elections have in the main become a game of elite musical chairs which does not offer citizens a viable path to improving their lives and livelihoods. Among citizens, there is a deep-seated impression that regardless of which party wins an election or which new leader is sworn into office, not much change can be expected in policy direction, political behaviour, and the welfare of the populace. If anything, perennial problems such as unemployment, poverty, inequality, police brutality, and corruption, to cite a few of them, seem to actually worsen from one elected government to the other. Not surprisingly, therefore, trust in the electoral process and system has been eroded in tandem with the hope that the elected government can deliver tangible benefits to the populace. This decline in trust is at the root of voter apathy.

For the politicians who animate the terrain, capturing and dominating the electoral process and system has always been a prime consideration from the onset of the rebirth of multiparty politics across Africa. Although, as noted earlier, some alternation between ruling and opposition parties was

witnessed, the continuing or resurgent zero-sum logic underpinning politics in most places has meant a disproportionate focus on ways of winning and keeping power to the detriment of a shared commitment to fairness and inclusion. The idea and ideal of a pluralistic political system which fully accommodates a robust opposition that is able to participate effectively in an electoral contest was not allowed to mature or has been jettisoned in most countries. Faced with the overwhelming power of ruling parties and all the advantages of incumbency they accumulate, opposition parties have also resorted to various methods for discrediting the entire electoral system and process once they are convinced that they would be unable to muster enough countervailing power, whether fair and foul, to defeat incumbents. This is why energies have been disproportionately focused by actors in political society on those aspects of the electoral system and process that they feel able to neutralise, undermine, subvert, and/or manipulate with a view to advancing their goal of winning an election by all means necessary - and within a logic of the end justifying the means.

One of the immediate consequences of the full-scale resumption of zero-sum politics in much of the continent has been that electoral processes and systems have become dented and compromised to the point of being damaged in the eyes of the populace. In some cases, and for various reasons, key figures holding strategic positions in the system of electoral administration have themselves been directly - and even openly - complicit in the damage caused to the credibility of EMBs. In other instances, EMBs have been victims of collateral damage from political fights that are beyond them to master. With regard to the latter situation, EMBs have sometimes found themselves caught in the crossfires as ruling and opposition parties unleash all the tools at their disposal to derail the smooth conduct of elections. Ruling parties frequently succumb to the temptation to deploy their control of the apparatus of government to lean heavily on election managers to bend in a desired direction even as opposition groups also roll out their own strategies for infiltrating the EMBs or disrupting an electoral process they consider to be flawed *ab initio*.

No layer or level of the election management system in Africa has been spared the external pressure and infiltration exerted by ruling and opposition parties, each according to their abilities. These pressures have had the effect of dividing the ranks of the commissioners and technical staff of EMBs,

degrading the professionalism and morale of their staff, and exacting acquiescence from their topmost leadership to powerful interests within and outside government. To secure such acquiescence, subtle threats are directed at EMB leaders, including delays to their budgetary allocations, the denial of procurement clearance for key equipment, and the withdrawal of their security details. Less subtly, violent attacks are unleashed on their core personnel to serve as a warning to others to comply or face consequences. Where all else fails, examples have been seen of the brazen sidestepping of the EMBs - or attempts to do so - as military and state security personnel get deployed to confiscate ballot boxes and take over the counting/recounting of votes cast and the collation of election results.

In the context of their struggle for power and influence, the political elite on the continent generally understands that the only legitimate route to win and retain power is through elections. Indeed, nationally, regionally, and globally, elections are widely accepted and recognised as the principally sustainable route to gaining and keeping political power. They also provide a basic cover and veneer of legitimacy to rulers who get to power or seek to remain in office. A ruler emerging from a flawed electoral process may be criticised and even boycotted for a period but will still be generally more tolerated than one who gains power via a coup d'état. Furthermore, there is a widely accepted underlying assumption that the public face of governments and everyday public administration should be civilian-led and even where the political system has experienced a breakdown as in Mali in 2020, the pressure for a return to elected government includes an insistence on a civilian leadership of the transitional process that is put in place. The post-Cold War global mood against unconstitutional accession to power has been refracted into the African context through the African Union's Charter on Democracy, Election, and Governance (ACDEG) and adaptations of the Charter to sub-regional contexts by bodies such as the Economic Community of West African States (ECOWAS).

The dynamic of electoral capture such as it has played out in recent times in Africa is, therefore, to be situated in the context of a civilian or civilian-led political system in which, for all intents and purposes, elections are held mostly as a pro forma exercise designed to preserve or reproduce the power and influence of a dominant group or coalition at the summit of the state to the detriment of the opposition and in violation of the rules

of fairness and inclusivity. In this sense, capture is not about the basic fact of elections and the regularity with which they are held but mainly about the ways in which the underlying principles of competitive elections are subverted, undermined, and instrumentalised towards a narrow political end that runs counter to democracy and even undermines it. In this regard, elections are reduced, for all intents and purposes, to an organised ritual that brings minimum legitimacy to a political process by which the electoral machinery is effectively programmed to, as much as possible, deliver a pre-determined outcome that favours an entrenched power group and enables it to continue to exercise its power whilst maintaining a facade of constitutionalism and electoral pluralism.

The politics of electoral capture in Africa has centred on the quest by a section or faction of the elite to deploy all the levers of power at its disposal to master the electoral process and system to its perpetual advantage, doing so not by winning the hearts of the electorate or respecting the rules of fair play but through subversion and manipulation of the electoral process. As played out, “electoral capture”, therefore, entails a coordinated breach of electoral integrity, a disregard for political morality, a systematic abuse of power and privilege, and logic by which the will of the voting public counts ultimately for little. In a word, “electoral capture” is about winning/keeping power by any and all means deemed necessary regardless of the proximate and long-term consequences. The process by which it is achieved is spread throughout the entire electoral cycle, but the pre-election period is especially critical to the success of an electoral capture project as it is the time during which the key groundworks for the election outcome are laid. The efficacy of the election capturing measures put in place in the pre-election period are tested on election day and the results, where successful, are defended in the post-election period through various means, including the arrest of opposition leaders, a ban on protests and public gatherings, a muzzling of the media (including internet lockdown), and efforts at containing the judiciary where it has not already been captured itself.

It is important to note that in its usage in the contemporary African context characterised, among others, by relatively recent attempts at a post-independence democratic governance renewal, electoral capture is not about political parties and the dilemmas faced by their captive electorates in a (racialised) two-party system such as the United States (Frymer 1999;

Smith, 2007). All over the world, including Africa, political traditions exist which produce loyal constituents that political parties are able to profit from with a reasonable degree of certainty. Some of these constituencies may be structural-ideological. They also do include spatial-demographic (urban-rural and/or male-female), ethno-regional, and religious constituencies. They sometimes provide a core, irreducible base of political support to politicians, often remaining broadly reliable even in stormy political seasons whilst also being capable of major swings in loyalty as circumstances change. In Africa, these loyal constituencies are not taken for granted by the politicians who benefit from their support; in fact, for various reasons, they are closely guarded so that they can be milked for maximum benefits in the broader national political equation. With the fragmented multiparty systems in operation in much of Africa, competition for the retention of loyal constituencies can be quite stiff. Loyal electorates on the continent are also usually battleground constituencies and part of the politics of capture in Africa comprises the neutralisation of rivals and competitors using various leverages and tools within a framework of the wholesale capture of the key levers of the electoral process.

Also at play in the context of the fragmented multiparty system in Africa is the disproportionate advantage of incumbency which is deployed in most countries to undermine the integrity of elections. Even in constituencies that are loyal to a given party, voter rolls are liable to be padded and inflated as part of the pre-engineering of results by the powerful while the numbers of registered voters in opposition strongholds are reduced to the barest minimum possible. Those numbers come to play on election day where they make the difference between the winners and the losers. Election day dynamics also witness systematic efforts by incumbents in some countries at voter suppression in opposition strongholds even as still they strive to claim a significant share of the vote in those constituencies. Electoral capture in this context refers to the process by which powerful interests acting in political society and government seize or attempt to seize the main levers of the electoral mechanism and architecture in order to establish a series of *faits accomplis* that more or less steer the electoral outcome in a desired direction no matter the semblance of competitive ritual and peaceful/orderly voting put on display.

To achieve electoral capture in Africa, ruling parties have usually



targeted EMBs and the entire process connected to the electoral cycle. From the pre-Election composition of the leadership of the EMB itself, the registration of voters, the delimitation of constituencies, and the procurement and distribution of voting materials (including the choice of technology) to election day operations such as the deployment of polling officials and policing personnel, the casting of the ballot itself by voters, and the counting and collation of the votes cast, powerful interests seek to control the workings of the key institutions and mechanisms whilst simultaneously defining the framework for the behaviour of voters. Post-election, the forces of capture would often seek to extend their reach to the institutions of electoral justice with a view, once again, to make them uphold preferred outcomes. This experience of electoral capture stretches legality to its limits. It is also replete with illicit conduct that eats away at trust and integrity in the polity. It involves widespread use of an admixture of coercion, money, and appeals to various primordial sentiments. In fundamentally subverting the popular will, it amounts effectively to an electoral coup carried out using the trappings of democratic politics.

### **CONSEQUENCES OF ELECTORAL CAPTURE**

When successfully executed, electoral capture may give a semblance of invincibility to its champions. However, in reality, the cost for the polity can be very high. As electoral integrity repeatedly and systematically gets undermined, voter apathy is reinforced as citizens come to the realisation that the exercise of casting a ballot in and of itself counts for little or nothing. Beyond being a cyclical ritual performed for the purpose of keeping up all appearances, elections increasingly lose meaning to the people since they offer no prospect of any meaningful change or even an opportunity for a proper exercise of choice. As part of the narrowing and outright foreclosure in some cases of the prospects for meaningful change through the ballot box, the politics of electoral capture also entails an enfeeblement of the legal opposition through deliberate measures designed to restrict its freedom of organisation, divide its ranks and keep it in a state of permanent crisis, sponsor pro-government/ ruling party opposition groups, and place key opposition figures under strict security surveillance. In the same vein, the space for civil society is incrementally narrowed in a bid to curb any and all autonomous centres of influence. Electoral capture is, therefore, a recipe for



authoritarianism. Democracy is an immediate victim.

Playing the politics of electoral capture involves the deployment of massive financial resources whose impact on the system is corrupting and corrosive. To execute a project of electoral capture is to short circuit the rule of law and seek to neutralise the judiciary. It also leads inexorably to a re-assertion of an authoritarian presidentialism as the executive branch accumulates more power and privilege, limits the applicability of constitutionally established checks and balances, concentrates and centralises key decision-making, and muzzles public debate. It is little wonder that as the process of democratisation that began in the 1990s started to stall and stumble, some scholars were to point to a return of the trend entailing the re-assertion of authoritarianism in governance and the emergence of “illiberal” democracies (Zaharia 1997; Odudote, 2019). This trend has been facilitated by what has been referred to as a worldwide recession in democracy that has also not spared older democracies, including those of Europe and the United States. And yet it is important to underscore the fact that the practice of electoral capture and the consequences flowing from it are not simply teething problems affecting the comparatively younger democracies of Africa but are a sub-set of relations of power and domination in which the control of the state is fundamental to forms of accumulation that profit those at the helm and their allies outside of government.

Systemic breakdown could be a more long-term consequence as disenfranchised citizens, among them sections of political society, denied a fair chance to enjoy the potential for change that goes with elections, find themselves compelled to resort to desperate measures aimed at reclaiming their agency as bona fide members of the political community. Not infrequently, opposition politicians and civil society groups have sought to make the political system “ungovernable” through persistent mass demonstrations, the organisation of boycotts, and the launching of targeted occupations. The violent confrontations with the security forces that accompany these protests contribute to an environment of instability and uncertainty. They also reinforce the crisis in state-society relations that is intensified by electoral capture. Few of the ruling parties that have used every means at their disposal to dominate the electoral system to hold on to power have successfully matched their control of government with social

and economic policies that deliver employment to the youth, redress the structural discriminations and disadvantages suffered by women, reduce poverty, stem growing inequality, expand the productive base of economies, and enhance overall citizen welfare.

## CONCLUSION

It is evident that, despite all the initial promise and hope that it held, the experience of electoral pluralism in Africa has fallen short of the expectations of the mass of the people and is casting doubt on the relevance and viability of the ongoing project of democratisation on the continent. The integrity of elections has been eroded on many fronts. Constitutional reversals are becoming the new order of things. The role of money, including corrupt and criminal funds, has become central in the competition for elected political office. Political violence has become a recurrent feature of election campaigns. Security forces acting in partisan support of ruling parties have militarised the electoral process and subordinated it to the logic of regime security and self-perpetuation. Mainstream political activity has largely remained disconnected from national socio-economic development. With these and other failings in mind, it cannot be over-emphasised that electoral capture has damaged the quest for democratisation that was ushered in with fanfare in the 1990s and compels a return to the drawing board. In doing so and drawing on the lessons of the last 30 years, innovative approaches to the governance of the polity based on the all-round sovereignty of the citizen will need to be prioritised.

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## Chapter 2

# Electoral Capture in Africa: The Southern Africa Context

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### INTRODUCTION

In recent years, concern has grown around the world about the diminishing quality and significance of elections in the quest for the sustenance and advancement of democratic governance (Fumunyoh, 2020; Luhrmann and Lindberg, 2019; Diamond, 2014, 2015; Carothers 2002). After a relatively prolonged period characterised by the global ascendancy of multiparty pluralism, citizen dissatisfaction with the outcomes delivered by competitive elections from one cycle to another has multiplied across different countries.

This growing dissatisfaction has been witnessed as much in countries with a long and unbroken history of competitive politics as in those whose history of (re)democratisation is more recent. At the same time as citizen discontent with the workings of democratic politics has increased, fuelling popular demands for substantial change in the way in which politics is organised, there has also been a manifest regression in many countries as a resurgent authoritarianism clothed in regular elections has put a brake on an earlier phase of incremental democratic advancement. This development has resulted in the conversion of countries that were hitherto well on a path of all-around politico-governance reform into what scholars have qualified as hybrid regimes. The contemporary global comparative governance picture has been further clouded by the ascendancy in world affairs of highly centralised political systems whose legitimacy has rested on the spectacular socio-economic performance they have delivered whilst consolidating political monopoly and limiting the civic space.

Evidence of widespread citizen disenchantment with mainstream competitive politics around the world includes, among others, worsening low voter turnout figures that are reflective of increased weariness with the mode of organisation of politics and the quality of representation and accountability. Political parties have lost members in large numbers and have lost the trust of large swathes of the populace. Elected parliamentary bodies have also increasingly ranked low in the esteem of the very citizens on whose behalf they are supposed to exercise a delegated sovereignty. Citizens have watched with growing unhappiness as licit and illicit money has become a key determinant in framing the choice of candidates placed before the electorate. The consequence has been that even governments that claim legitimacy on the grounds of being popularly elected are actually propelled into office by a minority of citizens who bother to vote from among the minority who bother to register to vote. The decline in citizen trust in politicians and the governments they lead has been exacerbated by a series of socio-economic and governance challenges that have manifested themselves in the form of high levels of unemployment, political scandals in high places, the decline of the post-1945 welfare state, growing poverty and inequality, and an apparent inability by officials to get public policy and finances right despite prolonged cycles of austerity. Not surprisingly, discontent has spilled over into the streets and even taken a violent turn

in several countries that ordinarily would pride themselves as beacons of democracy (International IDEA, 2021).

The widespread global concern about the substance and meaning of elections has also been refracted into the African governance landscape. After an initial burst of citizen hope and enthusiasm in the 1990s, an emerging fatigue with elections has gone hand-in-hand with a rising democratic recession. The sources of the “electoral fatigue” that has become manifest in Africa are many, including persistent problems of the quality and integrity of elections which when carried out do not appear (any longer) to be capable of delivering the continuous transformation for which citizens yearn. Underlying and embedded in the observed crisis of electoralism that has emerged is a growing capture of the political space by powerful interests for whom the electoral system and process is, for all intents and purposes, a formality that provides a facade for the legitimation and reproduction of their hijacking of the commonwealth. As this pattern of capture has become more widespread and is even being consolidated in some countries, it has become imperative to pay much closer attention to it in order to better understand its workings and, in doing so, explore options for stemming and reversing it. To this end, this essay focuses on the specific context and experience of Southern Africa with an emphasis on the observable patterns that are fuelling disenchantment and discord in the sub-region.

## **CONTEMPORARY SOUTHERN AFRICA IN CONTEXT**

In comparison to other sub-regions of the African continent, Southern Africa was the one place where settler colonial rule sank its deepest roots. Colonialism carried a high cost for Africa in terms of the repressiveness, authoritarianism, plunder, and underdevelopment which it entailed. For the settler colonies, however, that cost was, arguably, even higher and more prolonged, embedded as the colonial project became not as a system of indirect rule as practised elsewhere but a wholesale attempt at implementing a permanent and racialised project of subjugation, occupation, and domination. Achieving this settler colonial project carried many adverse implications that included sustained efforts at dividing and “tribalising” the African population and setting the “tribes” against one another the better to dominate them (Mamdani, 2018). It also entailed concerted efforts at eroding indigenous cultures, political systems, economic networks, and

governance institutions to pave the way for the institution of a white supremacist system which found its highest and most elaborate expression in the theory and practice of apartheid in South Africa.

Integral to and underpinning the settler colonial system was an economic arrangement built on a large-scale alienation of productive and arable land. Land alienation involved a calculated, systematized, and brutal mass dispossession of the black population, and the monopolisation of mineral rights. In order to service the South African colonial economy that very quickly emerged as the biggest in the sub-region, boosted by a mineral “revolution” in Johannesburg and environs, labour was imported from all the neighbouring colonial territories and even parts of Asia to supplement domestic labour. In that process, the other territories in the broad geographical sphere of South Africa became integrated with it through an elaborate southward labour migration process. One immediate consequence of this was the emergence of what Guy Mhone has described as an enclavity that effectively reduced the colonial territories of Southern Africa to de facto labour reserves for South Africa (Mhone, 2000; Olukoshi, 2006). Enclavity was devastating for the economy and society in these territories as has been amply documented in the literature. The logic of enclavity was carried over into the post-colonial and post-apartheid periods in the sub-region.

In time, Southern Africa became a vortex of complex class, ethnic, and racial politics. The colonial state form that was put in place to drive the settler colonial project was by definition and construction a repressive state which instrumentalised violence and coercion as a tool of total domination and control. The non-white population was at the receiving end of the repressive state. Even as the non-settler countries in the mainland Southern Africa sub-region such as Zambia, Malawi, Botswana, Lesotho, and Swaziland attained formal independence in the 1960s from British colonial rule, the main settler colonies comprising Angola, Mozambique, Namibia, South Africa, and Zimbabwe witnessed various desperate efforts to consolidate white minority domination. These efforts invariably involved measures at consolidating the disenfranchisement of the black majority population. Substantive elections such as they were organised were principally limited to the white minority community; the organised charade that passed for elections in the Bantustans were just that: an expensive mockery. The

disenfranchisement of the majority of the population in the settler colonies even as the winds of change blew across Africa was, therefore, one of the seeds of the gradual but inevitable demise of the settler colonialism and the racist edifices created to sustain it (Elkins and Pederson, 2005).

Resistance against settler colonialism was organised from the onset of the imperial incursion into Southern Africa. In time, it resulted in the creation of armed resistance/liberation movements that eventually led the settler colonies to independence, beginning with Angola and Mozambique, followed by Zimbabwe and later Namibia, and finally South Africa. The release of Nelson Mandela from some 27 years of prison in 1990 and his subsequent election in 1994 as President of South Africa in the first universal suffrage involving people of all colours marked an important milestone in the political history of Southern Africa and beyond. Earlier milestones in the gradual demise of settler colonialism in the sub-region and the eventual fall of the formal apartheid order in South Africa include the independence of Angola and Mozambique in 1975 and the independence of Zimbabwe in 1980. While it lasted, settler colonialism was sustained with violence; the bid to uphold the apartheid system also witnessed armed aggressions and an active programme of destabilisation by the racist regime in South Africa against almost all neighbouring countries. These acts of destabilisation carried important socio-economic costs for Botswana, Lesotho, Malawi, Swaziland, Zambia, and later Angola, Mozambique and Zimbabwe. The costs had political ramifications too by way of the reinforcement of the domestic security apparatus of the state and its role in the containment of actual and perceived oppositional forces.

In the lead-up to the post-apartheid period, Southern Africa was faced with the task of all-round rebuilding and reform. At a broad sub-regional level, a reconfigured regional cooperation mechanism was established in 1992 and named the Southern Africa Development Community (SADC). It replaced the Southern Africa Development Coordination Conference (SADCC) that was created in 1980 as a framework for cooperation among the nine countries of the sub-region (including Tanzania as a Frontline State) that had already won majority rule; Apartheid South Africa was excluded as was Namibia which was under South African colonial occupation until 1990. Among other things, and behind the immediate goals of sub-regional stability and socio-economic development, SADC was to enable an Organ



on Politics, Defence, and Security in 2001 as a framework for driving work across member states on a range of governance issues, including elections.

The March towards the post-apartheid era in Southern Africa coincided with and fed into the African episodes of the global third wave of democratisation. Even as the thawing of the East-West Cold War exposed the apartheid regime in South Africa to further pressure, the independent countries of the sub-region came under sustained domestic pressure to embrace politico-governance reforms. These pressures, mostly underwritten by trade unions, student groupings, and various civil society organisations, played out as much in the single-party states such as Zambia and Malawi as in the dominant party countries such as Botswana and Zimbabwe and even in the sole surviving absolute monarchy in Africa, Eswatini, and in Lesotho as a constitutional monarchy. The pressures resulted in the collapse of single-party rule in Malawi and Zambia, the rejection of arguments for ruling party attempts at single-party rule in Zimbabwe, the re-energising of oppositional politics in Botswana, and the intensification of intra- and inter-party competition in Lesotho. Even Eswatini felt compelled down the line to make some governance reform gestures in the face of vociferous claims for change mainly underwritten by the trade union movement (See Chapters 3, 4, and 5 in this volume; Cawthra et al, 2001; Matlosa, 2008).

Comparatively, as a region, post-Apartheid Southern Africa enjoyed an overall reputation from the mid-1990s well into the new millennium for broadly open, stable, and progressive political systems anchored on general respect for rights. This was despite the cycle of political crises that wracked Lesotho, including military coups d'état, and the wars in Angola and Mozambique prosecuted by UNITA and RENAMO as a carryover of the destabilisation agenda of the defunct Apartheid state. With their apartheid backers out of office after 1994, it was only a matter of time that UNITA and RENAMO would be confronted with the stark choice of making a peace agreement or continuing to fight. UNITA fought until its leader, Jonas Savimbi, was killed before it renounced war and joined the political mainstream as one of several political parties competing for votes. For its part, RENAMO opted for a peace pact that enabled it to become a part of a new multiparty order in Mozambique. The overall governance outlook for the sub-region from the mid-1990s, therefore, looked bright - at least when set in a comparative perspective with other sub-regions of the

African continent.

## **ELECTORAL PLURALISM IN SOUTHERN AFRICA**

It is remarkable that in the context of the reforms and changes that Southern Africa went through, certain patterns subsequently emerged which over time were to become sources of discomfort and disquiet. Understandably, on account of their credentials built up in the course of the struggle for independence, the liberation movement parties that came to power easily won a successive set of elections to govern in the first decades following the attainment of freedom. The elections may not have been flawless in all respects - there are no perfect elections anywhere - but there was no question that they reflected the will of a populace thirsty for freedom and development. The liberation movement parties stood for elections in opposition to parties that had mostly connived with the settler colonial authorities to obstruct and thwart the march to majority rule. Those collaborationist parties entered the electoral arena with little popular credibility as against the liberation movement parties which enjoyed broad trust as the authentic bearers of the will of the people at the time. Moreover, the changes they promised were more radical and far-reaching than anything their collaborationist opponents were capable of offering.

The credentials which the liberation movement parties enjoyed may have fed into and been boosted by a post-colonial political honeymoon from which they profited. It is also the case that the parties initially invested themselves, both substantively and symbolically, in righting some of the historic wrongs associated with the racialised governance systems and processes fostered by settler colonialism, and citizens were able to see evidence of improvements in their lives and progress for their countries. They also had good grounds to hope, for a period at least, that the future ahead of them was promising. However, as they consolidated power and dominated the political space, the parties without exception were wracked by internal factional battles for control and over direction and succession that resulted, in some cases, in open splits. Declining economic performance and its repercussions on the scope and quality of social services was reinforced by growing political repression in the face of citizen dissatisfaction. Frequent and dramatic cases of abuse of office and mismanagement of public resources and the culture of entitlement among party apparatchiks added to growing popular

disillusionment and galvanised demands for reform which could not be dismissed (any longer) as simply “counter-revolutionary”.

The waning popularity of the liberation movement parties that has taken place in Southern Africa in the course of the new millennium has resulted in more tightly contested elections in countries such as Zimbabwe and Mozambique especially, and the credibility of the repeated victories claimed by the ruling liberation movement parties has been fiercely contested by domestic civil society, political opposition, and some observer groups. Whether by fair or foul means, and evidence of electoral foul play abounds in some of the countries, no single liberation movement party in Southern Africa has lost any national elections held since independence even if opposition groups have been successful in winning some sub-national elections or gained seats in parliament. The best that has happened at the national level, as in Zimbabwe after the 2008 elections, has been a power-sharing government between a liberation movement party and the registered political opposition. Holding on to power as an entrenched vested interest has emerged as an article of faith among most of the liberation movement parties and few are their leaders that are able or willing to contemplate life out of power and office.

In Botswana, the Southern African country where a dominant party has been in office, it is equally remarkable that over the period since independence, the ruling Botswana Democratic Party (BDP) has managed to retain power in all the elections held. In Swaziland, an admixture of politico-constitutional manoeuvres has been a recurrent feature of efforts to preserve and reinforce the grip of the absolute monarchy. In one of the latest such manoeuvres, political parties, though in existence, were barred from contesting the parliamentary organised in 2013 and 2018, and all candidates were required to run in their individual capacity. The use of nominated members of the parliamentary arm of government has also been used in both Botswana and Eswatini to the advantage of the incumbent ruling party in the former and to further solidify the grip of the King in the latter. Alternation of power between ruling and opposition parties such as it has happened has mainly taken place in Malawi and Zambia following the collapse of their single-party regimes and the restoration of multiparty politics, and in Mauritius and Seychelles where, after many years, dominant parties have been beaten at the polls by opposition parties. In Madagascar,

power alternation in the period since the 1990s has taken place both through the ballot box and the intervention of the armed forces.

To sum up: On the face of things, and with the exception of Eswatini, Southern Africa from the 1990s onwards has formally operated multiparty systems. In the years following the demise of formal, institutionalised apartheid in 1994 and leading up to the dawn of the new millennium, the overall democratic governance trend in the sub-region was seen as generally moving in the right direction in most countries as political spaces opened up, multiple parties flourished, civil society thrived, the media served a diverse menu of news and entertainment to citizens in relative freedom, there was a broadly healthy respect for human rights and civil liberties, various steps at reconciliation were underway, and conscious efforts were invested in institution-building. In several countries, most notably South Africa, competitive politics has been underpinned with strong constitutions which have not only enshrined citizen rights but also enabled some key institutions of governance, such as the election management bodies (EMBs), to be ring-fenced in order to shield them as much as possible from manipulation by any government. Elections have been largely held on a regular, cyclical basis in most countries of the sub-region with EMBs enjoying varying degrees of power, autonomy, and professionalism. Term limitation has also been applied in most of the countries. The electoral system in use varies from country to country but the list/mixed proportional representation system has enjoyed some of its best African application in the sub-region. Civil society voices have been mostly vibrant - even against various odds - and social movements and trade unions continue to be important actors in the polity. Parliaments and the judiciary represent a visible part of the governance landscape even if their effectiveness in the performance of their functions is mixed, varying from country to country.

Over time, however, as the new millennium wore on, the reputation of Southern Africa as an overall growth pole for democratisation has gradually but surely eroded as a combination of growing political intolerance and violence, human rights abuses, corruption, poor service delivery, inequality and exclusion, and increased governance authoritarianism has become manifest in an increasing number of countries in the sub-region (Landsberg and Mackay, 2004; Matlosa, 2017). Chronic instability and politically motivated violence in Lesotho and Mauritius have been witnessed alongside

brazen repression of opposition parties and an unabashed manipulation of the electoral process in Zambia and Zimbabwe. Cycles of repression targeted at opposition voices and independent trade unionists continue in Eswatini even as the ruling parties of independence in Angola and Mozambique stretched the boundaries of what is acceptable as fair in order to assure themselves of a continued hold on power. Bitter intra-ruling party conflicts centred primarily on personality differences such as those played out in Botswana and Malawi in the lead-up to and at the 2019 elections in both countries caused divisions and dismay in both countries.

The many challenges bedevilling the drive for democratisation in Southern Africa have had the combined consequence of driving a wedge between states and citizens in most countries as the social bargain that connects them has come under intense stress in the face of persistent crises in public finance, lacklustre economic performance, the retrenchment of social policy, the expansion of austerity measures, declining quality of public administration, massive youth unemployment, an epidemic of gender-based violence, urban criminality and insecurity, and a deficit of credible leadership commitment to public service. Trust in government and politics has been further dented by high-level financial-economic scandals involving the diversion and misappropriation of public funds in practically every country in the sub-region. This has gone hand-in-hand with the increased use of money by candidates and parties in order to win elections. Incumbent governments and the ruling parties they represent, desperate to hold on to power in a growing number of countries in the sub-region, have had no qualms resorting to various tactics for containing growing discontent and popular opposition. Invariably, the electoral process and system became a target of their quest to assert or reinforce control (Kadima and Booysen, 2009).

## **EMERGING POLITICS OF CAPTURE**

The crisis of the social contract which has wracked the countries of Southern Africa and mostly manifested in protests against deteriorating living conditions, high levels of unemployment, declining quality of service delivery, etc was compounded by public perceptions of all-round leadership failures with particular reference to governmental and party leadership. Integral to the loss of confidence in the leadership has been a growing

citizen concern that politics and public office have been reduced to avenues for self-aggrandisement and enrichment. This concern especially came to occupy the front burner of public debate in South Africa during the years of Jacob Zuma in the presidency. Many were convinced and spoke about the South African state having been “captured” by an unholy alliance of Zuma and some members of his family and a small circle of private businessmen symbolised by the Gupta brothers. The alliance was aided by pro-Zuma actors in the ruling party, some complicit government officials, and the elements of the intelligence/security services. This alliance, in effect, determined for a period of time, who got what, when, and how in a complex web of transactions. Power, tenders, favouritism, and money mixed to undermine public administration and due process whilst enriching a minority of beneficiaries at the expense of the exchequer and the generality of the citizenry (Hofstatter, 2018; Myburgh, 2017).

Debates about “state capture” raged in their intensity and culminated in 2018 in the establishment of the Zondo Commission with a mandate to investigate allegations of capture, fraud and corruption in the South African public sector and the organs of the state. Inevitably, the South African debate has been refracted into the dynamics of politics in other Southern African countries where opposition parties and civil society groups raised alarm about local examples of state capture in their countries. Although important conceptual and historical grounds exist for challenging the analytic rigour of the notion of state capture in the way in which it has been popularly used in the contemporary political lexicon of Southern Africa, the fact that it gained quick and widespread resonance is indicative of the sheer depth of the crises of confidence between state and society, government and citizen, and party and electorate that has eaten into the fabric of the governance systems in the sub-region. There is general agreement that the consequences of such capture are many and mostly adverse to the continued socio-political health and economic progress of the countries of Southern Africa. Stemming the problem has become a first-order priority.

A legitimate question that has lingered unanswered though is the relationship which state capture as such might have to the observed decline in the quality and substance of elections in Southern Africa. This is by no means an easy question to answer. However, on an account of a confluence of factors, there are plausible grounds for suggesting that a link

does exist between the capture, abuse, and blatant misuse of state power and the refraction of such abuses into the electoral system and process as to undermine the meaning, significance, and integrity of elections. At one level, and as earlier noted, the veneer of legitimacy which the struggle for freedom and independence conferred for a prolonged period on the liberation movement parties has faded drastically as to put the parties in an unaccustomed position of being defensive with regard to their records. This defensive posture is rendered more difficult by the various socio-economic crises which the parties have presided over. And yet, most of the parties are still locked in an entitlement logic that compels them to seek to hold on to power by all means even if it means undermining the integrity of elections. In this regard, in several countries, incumbent liberation movement parties have exploited every avenue to dominate the entire electoral infrastructure in a manner that effectively bore programmes results towards a pre-determined outcome.

At another level, state capture in the way in which it has played out has involved an increase in the monetisation of elections on a scale and in a manner that favours incumbents. From the use of raw cash paid out to individuals and the targeted distribution of household essential commodities to sections of the electorate to the offer of public contracts to key individuals and the promise of state patronage to various communities, incumbents have sought to induce beleaguered electorates to channel their support to ruling parties - lest they be excluded and penalised. In several countries of Southern Africa, individuals and groups have been made aware that supporting the opposition will be very costly to them. By the same logic, to be on the losing side in an election is to self-sentence to generalised exclusion. Such pressures of exclusion are also piled on ruling party officials and organisers who understand that their prospect of being rewarded rests primarily, if not solely, on their ability to “deliver” their communities and constituencies to the incumbent President. In the same manner, local chiefly authorities are compelled to work with ruling party officials in order to deliver the vote in a pre-determined direction. In essence, state capture breeds machine politics which is antithetical to democracy.

Material inducement in the dynamic of state capture has also been accompanied by and complemented with the use of raw coercion carried out by state security services, especially in places considered to be opposition



strongholds. In the worst cases, such as in Zimbabwe, the security services continue to function as the armed wing of the ruling liberation movement. In other cases, the professional neutrality of the security establishment is systematically eroded such that its actions become exclusively or principally partisan in support of incumbents. The militarisation and securitisation of elections as witnessed in places like Angola, Lesotho, Mozambique, and Zambia deliberately and consciously empties the electoral process of its civic content and turns elections into a do-or-die theatre of war. Unsurprisingly, electoral violence directly associated with militarisation and securitisation has become an increasing feature of elections in several countries of Southern Africa as incumbents attempt to enforce capture in order to keep power. Such violence has been directly unleashed by the security services, some veterans of the liberation wars, and hired party thugs armed for the purpose of intimidating the populace under the watch of the police and the military (See Chapters 3, 4, and 5 in this volume).

The refraction of the dynamics of state capture into the arena of electoral politics has also manifested in calculated and conscious efforts to erode the independence and professionalism of EMBs. Various methods and tools have been deployed to this end. In some of the countries of the sub-region, officials from the state intelligence services have been embedded into the EMBs to maintain a close, watchful eye on happenings and help ensure that the election body is kept under control. Nominations and appointments into the post of EMB commissioners in some countries have also been carried out with narrow partisan considerations in mind. The professional staff of the EMBs have been selected, retained, promoted, or removed based on their perceived loyalty or lack thereof to the ruling party. Deliberate attempts have been made to drive wedges between the professional staff - most of them civil servants answerable to the head of the civil service - and the commissioners of the EMBs. Threats of various kinds have also been directed at electoral officials who are seen to be obstacles to the agenda of capture.

To successfully effect a strategy of electoral capture, ruling party officials understand fully that their efforts cannot be limited only to attempting to dominate and control the EMBs. That is why in some of the countries of Southern Africa where ruling parties have come under the most intense opposition challenge, no effort has been spared to muzzle the independent



media and blunt its investigative capacity even as state-run media outlets are effectively reduced to an information bureau of the ruling party. Civil society has also come under attack and measures aimed at narrowing the space for organisation and activism enacted. In some cases, ruling party agents have sponsored the establishment of their very own civil society organisations to propagandise on their behalf. In some cases, the ruling party has deployed state resources at this disposal to instigate and encourage divisions within the ranks of opposition parties to profit from their bickering and disarray to remain in office. Key opposition figures and influential civil society voices are targeted for a generalised campaign of disinformation and calumny designed to discredit them before the electorate. To achieve this goal, ruling party agents have been prepared to breach the privacy of their targets. Zimbabwe offers a prime example of this systematic effort to destabilise and discredit the opposition and independent civil society voices in order to perpetuate the ruling party.

## **STEMMING AND RESISTING CAPTURE**

The quest for electoral capture in Southern Africa has been pursued by some of the ruling parties in the sub-region with varying levels of intensity and success. Achieving any degree of success with a project of electoral capture requires a comprehensive effort at centralising and concentrating power whilst simultaneously eliminating or hobbling any and all other autonomous centres of power, authority, and influence within and outside the state. The corrosive effect which this has on the political system contributes to the erosion of governmental and state legitimacy. It also subverts the role which elections ought to play in the management of orderly change based on the free will of citizens who constitute the electorate. Furthermore, electoral capture - or the attempt to advance it - undermines the notion of the loyal opposition insofar as it renders the avenue of fair competitive elections for a peaceful alternation of power unviable to the point of being virtually impossible. By definition, electoral capture does not leave room for oppositional forces to live to fight another day.

The disenfranchising consequences of electoral capture for citizens and its marginalising effects for a swathe of political society do not go uncontested. As exemplified by the experiences registered in Southern Africa, efforts have been made to push back and thwart the drive by some ruling parties

to achieve and/or consolidate and perpetuate capture. Through civil society efforts, for example, attempts have been made to revive and expand civic education designed to build awareness and promote active citizenship. Investments are also being made in the advancement of the role of the citizen-observer who can stay engaged throughout the electoral cycle. The practice of creating civil society-led situation rooms to alert in real-time about untoward occurrences during elections has been infused into the range of countervailing measures supported by civil society to defend the integrity of the ballot system. Social media has, in some respects, been helpful in extending the reach of civil society resistance to capture.

At the level of political society, the push back against attempts by ruling parties to achieve electoral capture has led to an interest in and openness to coalition-building. Faced with a common danger, opposition leaders have felt a much greater need to explore the possibilities of combining resources and efforts in order to jointly confront over-ambitious ruling parties intent on confiscating the electoral system. Although fraught with a lot of difficulties, not least historic rivalries, that have slowed down or even thwarted coalition efforts in various countries such as Zimbabwe, success was achieved in Malawi where President Lazarus Chakwera came to power in 2020. Opposition parties and sections of civil society have worked together to challenge the evidence of electoral irregularities and manipulated results before the courts. In 2019, in a landmark judgement delivered by the Supreme Court of Malawi that shook the foundations of the political system, the election of 2019 was annulled, and a re-run ordered. That rerun effectively ended the quest by incumbent President Peter Mutharika to cling on to power.

Despite the immense pressure that has been placed on it in several countries of Southern Africa, and in spite of the fact that some judges have shown themselves to be pliable, the judicial arm of government has also in some critical instances been a bulwark against the quest for wholesale and blatant electoral capture. The Malawian Supreme Court ruling overturning the 2019 presidential elections may have been easily the most far-reaching and dramatic election-related judicial intervention to date in Southern Africa, but it is by no means exceptional. From Botswana to South Africa and Zimbabwe to Zambia, occasional court rulings have been made that have sought to curb executive overreach, redress perceived missteps by

EMBs, offer some relief to opposition parties, uphold some basic citizen rights to protest, and uphold the imperative of due process. Glimpses and episodes of judicial activism in Southern Africa in the face of the pursuit by many ruling parties, especially the historic ones among them, of projects of electoral capture, underscore the critical role which a properly institutionalised separation of powers can play in sustaining democratic governance.

The attempt made by several ruling parties in Southern Africa to fully appropriate military-security services for their narrow and partisan goals of capture may have succeeded in many cases - for now - but, as with the judiciary, there have also been examples of pushback from the military in particular. Such pushback as was carried out by the Malawi armed forces in 2019 and 2020 played an important role in the presidential election re-run that took place at a time when the national police leadership had openly shown its hands as being fully locked in hock to President Mutharika and his party. The occasional assertion of professionalism by the armed forces and the security services where it has had to be publicly stated has usually been indicative of an internal pushback against attempts by ruling incumbents to compromise them for electoral capture purposes. Working with their leadership to uphold professional ideals would be an investment worth making in checking the ruling party excesses that are carried out with impunity only because the military and security services are known to be complicit allies of a section of the political elite.

It is remarkable that despite the generally poor perception which most of the EMBs have among opposition parties and sections of civil society, leaders and managers of electoral organisations in Southern Africa have also been consciously exploring ways of enhancing their independence/ autonomy and building their professionalism. From the Botswana Independent Election Commission (IEC) which has made a habit of auditing its performance from one electoral cycle to another to the efforts made by the South African Commission to institutionalise a credible and functioning forum for engaging with political parties, and the quest by the Namibian Commission to extend the frontiers of its institutional autonomy and free itself from various civil service constraints, some of the EMBs have been investing themselves in ways that will enable be better-performing umpires. On their own and through their networks, the EMBs have also

regularly invested in training for their commissioners and personnel, carried out peer-to-peer exchanges, etc. Such efforts need to be multiplied and popularised as integral parts of a broad spectrum of countervailing measures against electoral capture.

Finally, in light of the fact that the politics of capture involves the massive use of money, early steps have been taken by EMBs such as the South African one to consciously regulate election spending by parties and candidates, and provide a digital platform for the transparent display of the funds received and expended by them. Legislation designed to regulate campaign financing has also been put to the National Assembly of South Africa for preliminary work to start. Popularising such initiatives will play a role in rebuilding and/or upholding electoral integrity if only by making the quest for capture that much more difficult to accomplish.

## CONCLUSION

The recent trends in electoral politics in Southern Africa point to a deterioration in the hitherto promising democratic governance outlook and prospects in the sub-region. Integral to this deterioration has been a politics of capture which has been plated out in the electoral arena as a sub-set of a broader politics of capture targeted at the state and the key levers of power. Although states generally exist under a state of capture, the particular nature of recent efforts at taking over the heart of the state and government as witnessed in parts of Southern Africa has been remarkable for its lack of refinement and a project of society that could be sold, even as ideological cover, to confer some legitimacy on it. The legitimacy deficit that has wracked the contemporary state capture agenda has been refracted into electoral politics and manifested in a marked deterioration of its quality. However, electoral capture is not a fatalistic condition to which countries and citizens are condemned. Through various countervailing measures, it can and has been resisted. The challenge for democracy-promoting institutions is to tap into the resistance that has emerged in order to restore faith in the fact that elections can - and should - matter and offer the best avenue for achieving peaceful change.

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## Chapter Three

# The Making of Electoral Capture in Zimbabwe: 1980-2021

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### INTRODUCTION

This chapter examines the process by which electoral capture, understood as the outcome of the various means and mechanisms by which the basic principles of competitive and fair elections are subverted to (re)produce a predetermined political outcome, has played out in Zimbabwe from the time of the country's independence in 1980 to 2021. It is a desktop study, utilising secondary literature and information from a few key informants drawn from political and civil society, to analyse the origins,

patterns and features of Zimbabwe's captured elections over the last four decades. The first part of the chapter explains the analytical framework used to understand the complex subject of electoral capture. The second part discusses the dynamics of electoral capture in Zimbabwe's governance and politics since independence in 1980 to the last national election of 2018. The section analyses the key processes and features of Zimbabwe's captured elections, focusing on changes and continuities in the patterns and features of capture. The assessment of changes and continuities examines differences and similarities in the ways elections were manipulated between 1980 and 1999 when the ruling Zimbabwe African Nationalist Union Patriotic Front (ZANU PF) controlled power through a de facto one-party state and the post-2000 period when its hegemonic control over power was seriously shaken by the emergence of a more powerful and popularly supported opposition party - the Movement for Democratic Change (MDC) - which was formed in 1999 and almost won the parliamentary and presidential elections that were held in 2000 and 2002, respectively.

The main argument in this chapter is that while political actors in Zimbabwe's elections, like their counterparts in other parts of the world, have deployed various election manipulation strategies, including outright rigging, to influence election results, electoral capture in Zimbabwe became a key challenge in the post-2000 period when ZANU PF was confronted with the reality of losing power to a popularly supported opposition party that also had backing from the country's former colonial country- the United Kingdom and its political allies in the international community. Responding to this challenge required an aggressive recalibration by ZANU PF of its electoral strategy. The third section, therefore, unpacks some of the strategies adopted by ZANU PF through a discussion of the factors, institutions and actors influencing the dynamics of electoral capture in Zimbabwe. It discusses how important structural or foundational issues like political history, ideologies, values and cultures, military traditions and legacies of violence, all help to promote electoral capture in the country. It further examines how structural factors such as the economic dependence of rural peasants on the state for access to their means of production and livelihood, specifically agricultural land, facilitate electoral capture. In addition, it looks at how the governance architecture of the country, which includes the central role played by traditional leaders in controlling local



governance processes, information record keeping, and electoral registration processes in rural areas all combine to facilitate electoral capture by the governing party.

The fourth section explains the motivations and incentives for electoral capture at each juncture in the country's historical development. It analyses trends in Zimbabwe's hotly contested elections since independence in 1980, i.e., the independence elections of February 1980 that were administered by the British government that temporarily assumed responsibility for the country during the election, and the subsequent post-independence elections held between 1985 and 2018 that were all administered by the ZANU PF-led government. The section compares the key trends in these elections, including the dynamics of electoral manipulation involved, and tries to establish the conditions under which political parties and their leaders shift from their usual patterns of manipulation of weaknesses in the electoral system (i.e., election rigging) to a more systematic control of electoral processes and results to ensure the retention of political power. The section further tries to establish the links between contextual factors - such as the political economy of a country, the leadership of a country, the fragility of political control by the party in power, and the nature of opposition being faced - and electoral capture. Assessing the national and international context in which Zimbabwe's indisputably violent elections of 1990, 2002 and 2008 were held, the section also tries to find out under what conditions or justifications ruling parties shift from more subtle or covert means of electoral manipulation to overt manipulation.

## **BACKGROUND**

Elections, the formal process of selecting a person for public office, are very important in establishing peace, stability and development in any context because of the ways in which they can be a source of either unity and national consensus or a source of national divisions, political polarisation and conflict. In cases where electoral processes are organised in a transparent and competitive way, elections make a fundamental contribution to democratic governance because voting gives people an opportunity to have a say in their governance. Voting also enables voters to select leaders and to hold them accountable for their performance in office (Gibbins, et al, 2020).

Zimbabwe has held 11 general elections to date, the first at independence

in 1980; the second in 1985; the third in 1990; the fourth in 1995; the fifth in 1995; the sixth being parliamentary elections in 2000; the seventh being presidential elections in 2002; the eighth being Senate elections in 2005; the ninth being presidential and parliamentary elections in 2008; the tenth in 2013; and the eleventh being the 2018 elections. These elections have always been contested by different parties, but the ruling ZANU PF has had electoral hegemony since the independence elections of 1980.

Although Zimbabwe has been holding elections since independence in 1980, critics have noted that Zimbabwe has become a classic case of a country conducting ritual elections because almost all elections held in the 1990s and 2000s have been disputed because of serious questions about the legitimacy of electoral results as well as the freeness and fairness of the processes<sup>1</sup>. The serious flaws in Zimbabwe's electoral processes over the years include contestants' use of violence and other forms of intimidation of political opponents, journalists and civil society activists to influence voting outcomes. The red flags in Zimbabwe's elections have also included partisan interference by members of the security forces, mainly members of the military, police and intelligence services, in the administration of the elections and even at the levels of manning of the election management body (Human Rights Watch, 2013). Furthermore, there have been restrictions in media freedoms and unequal access to media platforms by competing political parties and skewed voter registration and voting processes that make it difficult for those perceived to be opposition supporters to register and vote freely (Human Rights Watch, 2013).

Generally, the way Zimbabwe has organized its elections in the last few years, particularly in the post-2000 period, has systematically violated almost all basic democratic standards. The results of the elections have also been predetermined through massive electoral fraud, including ballot stuffing with precast votes, disenfranchisement of targeted voters through violence, displacement and legislative changes, and distortion of election results through the amendment of voting results during transmission to the final counting centres. Zimbabwe, as critics have noted, has become a typical example of a country under "electoral capture"- a system where elections are organized as window-dressing exercises aimed at legitimizing the status quo<sup>2 3</sup>.

While Zimbabwe's elections have been characterized by violence and

electoral fraud—clandestine and illegal efforts to shape election results since the 1980s - electoral capture became a subject of major concern for the country around the turn of the twentieth century when the ZANU PF government which had led the country since independence in 1980 resorted to the systematic subversion of electoral processes and results to avert a possible loss of power to a highly competitive political opponent in the form of the MDC. The MDC had been formed in 1999 when the ZANU PF government was fast losing its popularity among the masses who were experiencing worsening social hardships under the country's economic structural adjustment programs.<sup>4</sup> As ZANU PF's support was waning, the MDC very quickly emerged as a formidable opposition capable of taking over political control from ZANU PF. The MDC had blocked the government's plans to introduce a controversial new constitution which would have allowed President Robert Mugabe to seek two additional terms in office, grant immunity from prosecution to senior leaders of his administration and compulsorily acquire land owned by white commercial farmers for redistribution among landless blacks. With the support of civil society and financial backing from some white commercial farmers, the MDC had successfully mobilized 54.7% of voters who turned up for the referendum of January 2000 to vote against the government's proposed Constitution. Hardly six months later, the MDC almost took over control of the National Assembly when it won 57 of the 120 elected seats in the June 2000 parliamentary elections (EISA, 2008).

Once its hold over power was threatened by the MDC, ZANU PF shifted from the usual covert electoral rigging processes which included procedural violations of electoral laws and procedures to outright electoral capture by exerting direct control over the election management body and its composition, resorting to the blatant use of violence against voters and opposition party candidates, systematizing the manipulation of the voters' register and delineation of voting districts, and engaging in outright electoral fraud to ensure the incumbent government retains political power. In order to fully understand the dynamics of electoral capture in Zimbabwe in the post-2000 period, it is important to analyse the history of electoral manipulation in the country over the last four decades of independence.

## **DYNAMICS OF ELECTORAL CAPTURE IN ZIMBABWE'S ELECTIONS**

The dynamics of electoral manipulation in the conduct of elections in Zimbabwe have changed over the last four decades. The key dynamics that have changed over time include the use covert and subtle manipulation strategies to influence electoral outcomes such as the gerrymandering of constituencies and voter registration transfers. The most common overt and crude strategies that have been practiced since the 1980s include the deployment of political violence - understood in this discussion as the intentional use of physical force, hostile or aggressive acts to coerce, intimidate or convey some message to a larger audience as part of a process of achieving political goals (Kalyvas, 2003) - to threaten both voters and candidates before, during and after elections.

### ***Changes and continuities in the deployment of violence***

The issue of political violence in Zimbabwe's elections became a subject of greater public attention in the post-2000 period when the country attracted the international spotlight after the government increasingly deployed violence to acquire commercial lands from white farmers and to silence its critics and political opponents inside the country.<sup>5</sup> Politically-motivated violence to intimidate opponents has been one of the most common methods that have been used to manipulate elections in Zimbabwe by both state and non-state actors before and after independence in 1980.<sup>6</sup> It was stepped up by ZANU PF as its hegemony began seriously to be threatened. Critics of the government of Zimbabwe have even noted that "violence is the singular most significant factor preventing the holding of free and fair elections in Zimbabwe." (Zimbabwe Human Rights NGO Forum, 2012).

Discourses of political violence in Zimbabwe have tended to focus more on what Slavoj Zizek (2009) has described as subjective violence, i.e. violence that is inflicted by a clearly identifiable agent of action rather than objective violence, often hard to detect because it has no clear perpetrator or visible signals and might be "symbolic" violence that is embodied in language whose drive is to impose and reinforce certain meanings and practices (Zizek, 2009). In addition, discourses about political violence in Zimbabwean have also ignored what Zizek describes as systemic violence

which is a product of the catastrophic effects of economic and political systems in place. However, political violence in Zimbabwe's elections has always taken all three forms and it is important to understand how these forms of violence have been used to influence electoral outcomes. More importantly, it is important to understand the context in which these different but related forms of political violence have been deployed to influence electoral outcomes.

Analysts and scholars who have studied Zimbabwe's electoral politics have all highlighted how ZANU PF has instrumentalised violence to influence electoral outcomes from the 1980s through the 1990s (Sithole, 1986; Makumbe, 1991; Moyo, 1992). ZANU PF's sweeping victory in the 1980 independence elections, though significantly achieved through its popular mobilisation strategies, was also partly based on the coercive mobilisation activities of the party's military wing- the Zimbabwe African National Liberation Army (ZANLA) - whose members remained in some communities to campaign for the party during the ceasefire (Gwekwerere, et al, 2019). In the successive elections that were held in the 1980s and 1990s, the party also relied on its "commandist youth and women's leagues" for the political mobilisation of citizens to support and vote for the party (Sithole and Makumbe, 1997).

While the ZANU PF government used different forms of violence and intimidation to influence voting behaviors since 1980, the state increasingly and systematically deployed violence to influence elections after 2000 (Zimbabwe Human Rights NGO Forum, 2004). Drawing on its identity as a national liberation movement, ZANU PF rationalised its use of violence against opposition party leaders and their supporters by defining them as political rivals sponsored by the country's former oppressors, namely, local white commercial farmers and Western governments. The nature and forms of violence deployed to influence elections has indeed been different. While the ruling party officials and their military allies used subjective violence to influence elections in 2002 and 2008 (Bratton and Masunungure, 2012), in the last general elections that were held in 2013 and 2018, the party relied more on objective and systemic violence, described by some scholars as "crafty violence".<sup>7</sup> These forms of crafty or subtle violence relied on by the ruling party in the last two elections focused on verbal and psychological intimidation of opposition party supporters and candidates. Examples of

such forms of subtle intimidation include the deployment of soldiers into communities towards elections, the increased movement of unmarked vehicles or military trucks into opposition party stronghold areas and the playing of liberation war songs on national radio and television.<sup>8</sup> In some communities, particularly rural areas, crafty intimidation involves the deliberate exclusion of opposition party supporters from governmental support programmes such as food aid relief programmes.

The ZANU PF's adoption of objective violence in the last two elections has largely been a result of the severe criticism and condemnation of the state by various domestic, regional and international forces after the bloody electoral violence of 2008 that was orchestrated by the state security services. The party's growing reliance on subtle intimidation rather than physical violence has, however, not diminished the overall influence of violence on elections. The continuing legacies of ZANU PF's violent electoral politics makes subtle violence an effective tool for influencing voting behaviour, especially in those communities that have experienced the worst forms of physical violence during elections, even when the party does not resort to subjective violence. As Philani Zamchiya has correctly assessed, ZANU PF's overwhelming victory against the MDC in the 2013 elections<sup>9</sup> cannot be understood outside the context of the "harvest of fear" that derives from the memories of the brutalities of the 2008 election (Zamchiya, 2013). The ZANU PF's increased reliance on objective rather than the widely condemned subjective political violence witnessed in the aftermath of the 2008 has made violence in Zimbabwe's elections more invisible, thereby making it even more difficult for election observers to assess the freeness and fairness of the country's elections.<sup>10</sup>

What is also clear from the analysis of violence in Zimbabwe's elections is that subjective violence has often been deployed whenever electoral stakes are high and the ruling party is faced with prospects of losing power to a popular electoral competitor as was the case in 1980, 1990, 2002 and 2008. In 1990, the party was facing stiff political competition from the Zimbabwe Unity Movement (ZUM) that was led by the charismatic former Secretary General of ZANU PF, Edgar Tekere, and which had several former ZANU PF leaders in its ranks, including Patrick Kombayi who was a key ZANU PF leader and financier during the liberation struggle.<sup>11</sup> ZUM was contesting the elections at a time when the country's economy was showing signs of

failure and ZANU PF was increasingly becoming unpopular because of mounting socio-economic hardships.<sup>12</sup>

In both 2002 and 2008, ZANU PF resorted to overt violence when faced with realistic prospects of losing control of the state to the MDC. The MDC had won more seats Parliament in the 2000 elections than ZANU PF, and this was the first time since independence that ZANU PF had lost its parliamentary majority. In the March 2008 parliamentary elections, ZANU PF also won fewer seats (99) than the opposition MDC parties (109). Similarly, its presidential candidate, Robert Mugabe, polled less votes (44%) than the opposition MDC candidate, Morgan Tsvangirai (48%) in the presidential election. This was the first time that Mugabe had polled less votes than his election competitor since 1980, and final election results had to be decided through a run-off election. The presidential run-off election of June 2008 was held at a time when Mugabe's and ZANU PF's popularity among Zimbabweans was at its lowest, with most people blaming Mugabe and the party for their suffering during the country's worst economic crisis in history. It was also a period when ZANU PF was fragmented as a party because of internal divisions and squabbling over Mugabe's succession.

The divisions within the party had led to the emergence of Simba Makoni and his party Mavambo in 2008 as a splinter from ZANU PF, a development that had contributed to the defeat of ZANU PF and Mugabe in the March 2008 elections. The prospects of Mugabe's defeat in the run-off election was, therefore, real and his defeat would have resulted in ZANU PF losing control over state power for the first time since independence in 1980. To defend their control over state power, ZANU PF's political and military elites had to resort to their default strategy of violence in order to reverse the political tide in the June 2008 elections. As a result, the country was subjected to what observers and analysts have described as its worst experience of election-related violence since independence in 1980. Investigations conducted by various human rights watchdogs have noted that during the 2008 elections, between 200 and 300 people were killed, more than 5,000 were beaten and tortured and about 36,000 were displaced in the violence that accompanied the elections (Human Rights Watch, 2013).

In order to understand why violence became a central feature of electoral capture in post-2000 Zimbabwe, it is important to unbundle some of the



complexities around elections and political violence in the country's history. First, while national elections are broadly supposed to be formal processes providing political contestants with an opportunity to sell their ideas and policies to the electorate, and voters are able to make free and rational choices about who they would like to lead them, in reality, elections are not simply about contests to decide winners and losers among competing candidates and parties.<sup>13</sup> Elections always take place within specific historical and political contexts which, in turn, directly and indirectly influence the electoral processes including defining the playing field and the rules of the game.<sup>14</sup> Second, as Johan van der Dennen, Thabo Mbeki, and Mahmood Mamdani have all correctly pointed out, political violence is not only instrumental in the sense that it is one means of social combat among many functions, but it is a form of organised violence that occurs in a context of group interests and goals. It is a form of violence with a constituency and is driven by issues, not just perpetrators.<sup>15</sup>

In the specific case of Zimbabwe, electoral capture and the increased instrumentalisation of violence to influence elections in the post-2000 period happened within a context where there was deep political polarisation in the country and the ruling ZANU PF party increasingly felt under siege from both internal and external political enemies who were working together to remove it from power for the compulsory acquisition of farmlands from white commercial farmers. For ZANU PF, the post-2000 elections were about economic redistribution for blacks and preserving Zimbabwe's liberation struggle legacy and sovereignty from the Western hegemonic project (Raftopoulos, 2013). ZANU PF basically defined the post-2000 elections as a fight for national sovereignty. It also defined the MDC as a surrogate of Western countries who were determined to reverse the gains of the liberation struggle and impose neocolonial rule in Zimbabwe through "puppet" MDC leaders they controlled.<sup>16</sup> Once MDC had been branded and defined as a Western puppet party, ZANU PF leaders and supporters could justify violence against them and their supporters, including the suppression of their electoral rights as part of a redemptive nationalist struggle to preserve Zimbabwe's sovereignty (Ndlovu-Gatsheni and Muzondidya, 2011). As Richard Koenigsberg explains, in totalitarian nationalist ideologies, anybody who stands against the interests of the nation is an enemy deserving to be violated or destroyed in order for the nation



to survive.<sup>17</sup> The Western countries' material and public support for the MDC in the post-2000 period made it difficult for the MDC to distance itself from ZANU PF's political branding. It also complicated the efforts of regional and continental bodies, notably SADC and AU, to pressurise Zimbabwe to give the MDC a chance to freely compete for power.

Another important point to note about ZANU PF's deployment of violence to influence electoral outcomes is that the deployment of violence has not been random but targeted. For instance, rural areas have experienced more targeted violence than urban areas. In addition, while ZANU PF has consistently deployed subjective violence to intimidate voters whenever the party has been faced with prospects of electoral defeat, in cases where the party has felt little threats to its control over state power, it has relied more on objective and systemic violence to manipulate elections. This entails using the governing party's control over strategic national economic resources like food, jobs, land, minerals, and trading markets to influence voting behavior (Alexander and McGregor 2013; Mutondoro, 2016). For instance, in the 1985 elections which were held at a time when ZANU PF had used its advantage of incumbency to consolidate its political support and hold over state power, it did not need to rely much on violence and intimidation even though sporadic violence erupted in some parts of the country. In late February 1985, pitched battles between supporters of ZANU-PF and Zimbabwe African Political Union Patriotic Front (PF ZAPU) caused some deaths in Bulawayo and the subsequent deployment of members of the Fifth Brigade and ZANU PF Youth League into the city resulted in abductions of several civilians. Celebrating ZANU-PF supporters in some parts of Harare and other towns like Chitungwiza and Chegutu also later went on a rampage a week after the elections, beating up and destroying the property of people perceived to be opposition party supporters.

Furthermore, there was no free campaigning in the provinces of Matabeleland and Midlands which were already under military siege from the state during the Gukurahundi state-orchestrated violence against civilians which had begun in 1982 as part of ZANU PF's attempts to politically subjugate its fellow liberation ally, ZAPU. Besides these isolated cases in some parts of the country, ZANU PF did not systematically deploy violence to campaign as in the early years after 1980, and the 1985 general elections were generally characterized by relatively little violence

and intimidation. The party mainly relied on its control of the delimitation processes to engineer the redrawing of constituencies in a way that would ensure its victory. ZANU PF also approached the 1995, 2000, 2005, 2013 and 2018 feeling relatively politically secure and did not systematically use violence and intimidation to influence outcomes. In these “relatively violence-free elections”, ZANU PF relied on systemic or crafty violence which entailed excluding all those labelled as opposition party supporters from gaining food aid or farming inputs from the government’s social welfare department or international relief aid agencies.<sup>18</sup>

If violence in one form or the other has been a recurrent decimal in Zimbabwean elections since 1980, a key question that requires answers is why violence is so embedded in country’s electoral experience. The answer to that lies in what Chua Beng Huat (2007) calls “the modes and reasons of electioneering practices” which are always embedded in the local cultural milieu. Violence has continued to play a significant part in Zimbabwe’s elections because of the deeply engrained culture of violence in Zimbabwe’s competitive politics. As the work of scholars like Masipula Sithole and Tim Scarnecchia have highlighted, Zimbabwe’s competitive politics have been characterised by the use of violence to resolve internal contests and differences right from the days of nationalist politics in the 1960s.<sup>19</sup> This use of violence to resolve political competition intensified in the 1970s when the struggle for independence entered the liberation war phase and militaristic cultures of violence and masculinity became prevalent, even dominant in the liberation movement. The cultures of violence and masculinity adopted during the liberation were carried into the post-independence state and have to a large extent continued to shape the electoral practices of the country, particularly those of the nationalist leaders who continue to preside over the control of the postcolonial state.

While subjective violence has remained one of the key factors influencing electoral politics in the country, an often-neglected key factor that defines electoral capture in Zimbabwe is the use of control over citizens’ access to essential services and resources to influence their voting behaviour.

### ***Weaponisation of Essential Resources and Services***

Under the Geneva Conventions, the withdrawal of food and other essential services from civilian population is prohibited. However, human history

is full of accounts about how authoritarian leaders across the globe have used their control over citizens' access to essential resources and services as a means of social and political control. In the case of Zimbabwe, the ZANU PF government has effectively used its control over essential resources, such as land, water, mines, food, jobs, and services like healthcare and education to control citizens' voting behaviour since the 1980s. The ruling party has over the years been accused of weaponising access to land and food, particularly in the rural areas where citizens rely on the land for food and the government has exclusive control over access to land, to effectively influence the voting behaviour of rural voters. As the ruling party, ZANU PF exercises effective control over the population primarily through the institutions of local governance which determine rural life in a multitude of ways, including the distribution of food aid. The party also uses rural governance platforms, such as village and ward development committees, which in most cases are presided over by its party functionaries and customary leaders, to channel various rural development programmes, i.e., irrigation tools, farms inputs, marketing of products, education and electrification in the rural areas, etc (Murisa, 2013). There have been widespread reports by human rights watchdogs of the government denying food to suspected opposition supporters or stifling development projects in wards or constituencies that would have voted opposition parties during and between elections as punishment for not backing ZANU PF. Given the above economic and political dynamics, and as analysts like Derek Matyzak have correctly observed, elections for many rural voters are not simply an exercise of democratic choice but an opportunity for them to "make a pragmatic and carefully considered calculation as to who will win, and vote with head rather than heart" (Matyzak, 2013).

The dire economic conditions of the country, characterised by increases in poverty and joblessness since the late 1990s, has helped to entrench patronage politics and to deepen electoral capture in Zimbabwe. The works of scholars like Showers Mawowa have highlighted how the changes in the mining economy in the post-2000 period of economic crisis, particularly the increased informalisation of the gold mining sector, and how this has deepened party-state patronage politics. Since 2000, most youth have largely depended on political and economic elites from the ruling ZANU PF who have mining permits for access to gold mining areas. In return for

access to these gold mines and other mediated opportunities, these elites have demanded party affiliation and votes for themselves or their friends running for office in times of elections (Mawowa, 2013).

In urban areas, the increased informalisation of the Zimbabwean economy in the post-2000 period has created what has been described as “a shadow economy” in which access to critical services like jobs, trading markets, transport, urban housing and land are all dependent on party-state patronage networks. Although most of Zimbabwe’s urban residents have consistently voted for the opposition MDC since 2000 and the MDC continues to control most urban councils, ZANU PF has used its control of the central state to regulate citizens’ access to opportunities in this shadow economy. In 2013 and 2018 elections, for instance, the party was accused of using its political patronage networks to recruit unemployed, poverty-stricken youth to support it in return for urban housing land (Alexander and McGregor, 2013). Unsurprisingly, although ZANU PF still lost urban seats to the MDC in these elections, it significantly increased its urban votes in both the 2013 and 2018 elections.

Besides relying on the crude electoral manipulation strategies of violence and using the control over citizens’ modes of survival to manipulate their voting behaviours, the government of Zimbabwe has significantly relied on the manipulation of electoral systems and processes to engineer favourable polling results for itself. Following some heavy criticism from domestic, regional and international critics over its use of crude electoral manipulation tactics, the government has in recent elections, particularly the last two elections held in 2013 and 2018, moved more towards crafty manipulation tactics.

### ***Crafty Manipulation of Electoral Processes***

**Constituency Gerrymandering:** Gerrymandering of constituencies and the manipulation of the voters’ roll are among the top crafty electoral manipulation strategies that have been used by the Government of Zimbabwe since the 1980s. For example, in the 1985 elections, ZANU managed to reduce the number of seats that its main competitor, PF ZAPU, could win after it used its influence in the delimitation commission to gerrymander constituencies where ZAPU had strong political support and previously won more votes in the 1980 elections.<sup>20</sup> As a result, while ZAPU

won every single constituency in Matabeleland where the Delimitation Commission had allocated 15 seats, it lost the additional 5 seats it had won in the 1980 party-list poll mainly in the Midlands Province where the 1985 constituencies had been gerrymandered to ensure ZANU PF victory (Lemon, 1988). In the period leading to the 2000 parliamentary elections, opposition parties accused the government of attempting to rig the elections by redrawing electoral districts in favour of the ruling ZANU-PF party when the Delimitation Commission reduced the number parliamentary seats in urban areas and increased the number of rural constituencies.<sup>21</sup>

After being surprised by the MDC's great political showing in the elections of 2000 and 2002, ZANU PF also sought to manipulate the 2008 electoral results through gerrymandering of constituency boundaries. The government was accused of gerrymandering after the Delimitation Commission report of 2008 came up with more constituencies in the ruling party's sparsely populated rural strongholds and drastically reduced constituencies in the opposition stronghold areas of support in the towns. The Commission redrew the country into 210 Lower House constituencies, up from 120, and 90 senatorial seats, up from 60. 143 of the 210 Lower House seats were drawn from rural constituencies while just 67 were from urban and peri-urban constituencies (Mathe, 2008). The commission further tried to dilute the influence of opposition parties in the urban areas by merging some urban constituencies with portions of surrounding rural and farming areas where ZANU PF had resettled some of its peasant farming supporters.<sup>22</sup>

**Voters' Roll Manipulation:** Until the 2018 elections when the voters' roll was updated through the biometric voter registration process for all voters ahead of the elections, the voters' roll was outdated and distorted that it even had deceased people and others who had left the country some decades ago. An analysis conducted by civil society organisations on the voter's roll that the Zimbabwe Electoral Commission (ZEC) agreed to release in 2008, only after the opposition won a court order compelling the commission to do so, revealed massive distortions including thousands of names of people who were had long died.<sup>23</sup> The voter lists for at least 27 of 70 constituencies that were examined showed discrepancies between what the ZEC had declared as the number of voters and those on the roll, reflecting variations as high as 31 percent (Mathe, 2008). An analysis of

the 2013 voters' roll that was conducted by the Research Advocacy Unit revealed that the roll had duplications amounting to above 800,000 voters.

The voters' roll has remained one of the most contested issues in Zimbabwe's captured elections. The government has been accused of manipulating election results through the registration of ghost voters, multiple voting, including the busing of voters from other constituencies to vote in constituencies in which they are not registered, and ballot stuffing. In the 2008 elections, for instance, the ZEC allegedly printed 9 million ballots, which was 3.1 million more ballots than the 5.9 million registered voters. These extra ballots were way more than the additional ballots needed to cater for emergencies. The controversy around the voting returns received from some constituencies in the country's previous elections mainly centred around the issue of the manipulation of the voters' roll and ballots to rig electoral results.

**Disenfranchisement of Voters:** Electoral capture in Zimbabwe has for years involved a deliberate, systematic disenfranchisement of certain groups of voters, particularly those perceived to support opposition parties. For instance, since the 1980s, the government has been accused of using the voter registration process to suppress the registration of voters in areas that are deemed to be hostile to the government. In the 1980s and 1990s, voters in the provinces of Matabeleland and parts of Midlands as well as the eastern districts of Chipinge who had voted opposition parties in the 1980 and 1985 elections were given less opportunities to register in numbers by ensuring that there were fewer registration centres in their areas.<sup>24</sup> From the 1990s onwards, when the struggle for the control of ZANU PF and the government assumed more pronounced ethnic dimensions, pitting Karanga-speaking leaders against their Zezuru-speaking counterparts, the voter registration and delimitation processes were allegedly manipulated to ensure that the Zezuru-speaking provinces of Mashonaland East, Mashonaland West and Mashonaland Central gained more voters and constituencies to enable their dominant representation in Parliament (Muzondidya and Ndlovu-Gatsheni, 2007). In the period leading to the 2002 elections, the Government amended the Citizenship Act (2001) to ensure that the estimated 30 000 whites living in the country and hundreds of thousands of Zimbabwean farm workers, majority of whom are of foreign ancestry, did not vote in the elections.<sup>25</sup> The ruling party suspected

these groups of having voted for the opposition MDC party in the 2000 parliamentary elections as part of their attempt to punish government for compulsorily acquiring commercial farms owned by whites.

Since the introduction of the polling station-based voting system in 2008, the ZEC has been accused of exploiting the loopholes in the system to obstruct some voters, especially those voters perceived to be opposition supporters, from exercising their vote. The Commission took steps aimed at deliberately reducing the votes in areas that have been known to vote for opposition parties, such as the provinces of Matabeleland and the country's urban areas, by designating fewer polling stations in these areas while flooding polling stations in the rural areas that are known strongholds of ZANU PF. For instance, during the 2008 elections, there were only 379 polling stations in Harare where the average number of registered voters per polling station was 2 022, and Bulawayo only had 207 polling stations with the average voter per station being 1 514. In contrast, the rural province of Mashonaland East, a stronghold of ZANU PF, the ZEC designated 1 038 polling stations with the average voters per station being 601 and Mashonaland Central Province, another ZANU PF stronghold, there are 774 polling stations with the average voters per station being 579.<sup>26</sup> As a result of these electoral manipulation practices, large populations of registered voters in most urban constituencies with large concentrations of voters often failed to vote on the election day because of frustration with the long queues, thereby reducing the number of potential voters who might vote opposition party candidates. During the intensely contested 2002 elections that were controversially won by the sitting president, Robert Mugabe, for instance, hundreds of thousands of voters in urban areas failed to vote because of the deliberately skewed distribution of polling stations engineered by the ZEC for the account of ZANU PF.

**Unequal Campaign Opportunities:** The ruling party has over the years captured elections by using its control over state power to restrict the campaign activities of its competitors. Restrictions of campaigning by the opposition has been exercised mainly through selective application of the law and unequal access to the media. The laws that have been used in the past to restrict the campaign activities of political opponents include restrictive laws such as the Law-and-Order Maintenance Act (LOMA), Political Order and Security Act (POSA) and Access to Information



Protection and Privacy Act (AIPPA) to severely constrain and restrict people's civil liberties and fundamental freedoms of expression, assembly, and movement during election time. More importantly, the ruling party has gained unfair advantage over its competitors by using state institutions, especially the Central Intelligence Organisation (CIO), police, army, and the media (daily newspapers, radio and television) to manipulate electoral processes. Since the 1980s, evidence has been cited of ZANU PF's use of state resources, including state facilities, vehicles and public finances, to cover the costs of its campaign activities. Up to mid-1992, the ruling party was also financed from public funds through the now defunct Ministry of Political Affairs which received approximately Z\$50 million every year and was basically an extension of the party's Commissariat. No other party had access to these funds. Under increasing criticism, this Ministry was abolished, but the financing of the ruling party continued under the Political Parties (Finance) Act of 1994 which allocates funds to parties with at least 15 seats in Parliament (Sithole and Makumbe, 1997).

Media coverage is an important factor in effective campaigning. There is still very little media freedom in Zimbabwe. The state-owned radio, television, and newspapers always give more coverage to ZANU PF in the run-up to elections. The only radio and television broadcaster licenced to operate in the country, the Zimbabwe Broadcasting Corporation, gives unbridled and highly partisan coverage to ZANU PF, while excluding other parties. Media freedom is restricted to the print media. Without media freedom and equal access to public media, so that citizens have a real choice, the public cannot be in a position to make informed choices in elections.

Having outlined the dynamics of capture in Zimbabwe's electoral politics, it is important to understand the main factors, actors and institutions, including the cultural dynamics and political practices, shaping electoral capture.

#### **MAIN FACTORS, INSTITUTIONS AND ACTORS INFLUENCING ELECTORAL CAPTURE IN ZIMBABWE**

##### *Nature and ideology of the postcolonial state*

To understand why elections have been intensely contested affairs



characterised by violence, killings, and extensive rigging; it is important to understand the nature of Zimbabwe's postcolonial state. The Zimbabwean state has been, for all practical purposes, run as a *de facto* one-party state both during the colonial period and after independence (Sithole and Makumbe, 1997). After independence there was a strong drive towards a *de jure* one-party state. Although the drive never materialised, Zimbabwe never really became a robust multi-party system built on a fairness of competition and opportunities. Although general elections have been held at regular intervals, the political leadership did not give up on the one-party psychology and power structure. In this regard, the current leaders in control of the state basically go through the rituals of elections but do not believe in the idea of competitive elections. The former President of Zimbabwe, Robert Mugabe, sums up this thinking within the political establishment through his famous remark of 1979 when he said: "our votes must go together with are our guns" (Masunungure, 2011). Mugabe's remarks in 2008 also further captures the thinking within ZANU PF leadership. Speaking at a rally ahead of the presidential run-off election of 2008, Mugabe made the following remarks: "We fought for this country and a lot of blood was shed. We are not going to give up our country because of a mere X. How can a ballpoint pen fight with a gun?"<sup>27</sup>

A deeper understanding of Zimbabwe's postcolonial state and its electoral practices also requires a comprehensive understanding of the state's constitution from 1980 and its political cultures. An important point to understand is the long-standing ideological commitment of the ZANU PF leadership to an authoritarian political system where the nation state is governed by a strong executive in which the ruling party and military elites have firm control over the state's different branches of government, namely, the legislature, executive, and judiciary.<sup>28</sup> Despite its pretense to be running a constitutional democracy, the ZANU PF government has over the years administered a highly centralised state where the military have had a greater say in the governance of the country while citizens and their representatives have limited roles.<sup>29</sup> Experiences from other countries that have gone through military rule or have strong military influence in their governance reveal that such governments are often inherently authoritarian and their governance cultures do not conform well with the tenets of democratic governance, especially with regards to the principles of separation of powers

between the different arms of the state, and democratic participation in decision making.<sup>30</sup>

### ***Military Influence***

The strong influence of the military in the governance of post-colonial Zimbabwean largely explains the authoritarian nature of the state and the heavy interference of the military in the nation's electoral politics in ways that have adversely affected the ability of citizens to vote freely. This is despite the country's electoral laws and the constitutions, including the Lancaster House Constitution adopted on the eve of independence in December 1979 and the current Constitution that was adopted in 2013 following negotiations between ZANU PF and the MDC and approval by the nation in a referendum, requiring neutrality and impartiality from the security services in the management of elections.

Since MDC emerged as a serious political threat to ZANU PF's continued rule in 1999, senior military officials have publicly expressed support for Robert Mugabe and ZANU-PF and denigrated opposition party leaders as part of the government's intimidation tactics ahead of elections. For instance, on the eve of the critical and intensely contested 2002 elections in which Robert Mugabe experienced the most serious challenge to his presidency, the Commander of the country's Defence Forces, General Vitalis Zvinvashe, boldly declared that the Zimbabwe National Army (ZNA) would never salute a president without liberation war credentials. The statement was understood by most analysts and prospective voters as a veiled threat of a coup in the event of a win by the opposition party leader, Morgan Tsvangirai, who did not have a liberation war history. On the eve of the 2013 elections, General Constantine Chiwenga, the Zimbabwe Defense Forces commander, similarly told the media that the military had no time to meet with a "sellout" and "psychiatric patient" like Tsvangirai to discuss security reforms.<sup>31</sup>

The role of the security forces in influencing elections was particularly evident during the 2008 elections when the army played a major role in supporting widespread and systematic abuses that led to the killing of up to 200 people, the beating and torture of 5,000 more, and the displacement of

about 36,000 people (Human Rights Watch, 2013). Reports from various human rights watch organisations during the 2002 and 2008 elections revealed that the ZNA had deployed soldiers across the country ahead of the elections. The soldiers were accused of intimidating, beating, and engaging in various forms of abuse against the supporters of the MDC and other critics of the government. Research conducted by Human Rights Watch in Zimbabwe's several provinces at the end of 2012 and beginning of 2013 revealed how the partisan activities of security forces resulted in abuses by these forces against the MDC and civil society organisations across the country and in political interference (Human Rights Watch, 2013).

### ***Electoral System***

The first-past-the-post or winner-takes-all electoral system used to organise Zimbabwe's elections since 1985 partly explains why electoral manipulation has been a recurrent feature of Zimbabwe's elections. Several analysts have argued that the proportional representation (PR) system is not only more democratic than the first-past-the-post, winner takes-all system that has been used in the country's elections, but that it is also an effective mechanism for managing and accommodating political competition, polarisation, and other cleavages in fragile societies like post-colonial states.<sup>32</sup> For Zimbabwe, in particular, Jonathan Moyo (1992) has strongly argued in favour of the PR system for the simple reason that it is most suitable for societies in the process of developing or consolidating their democratic cultures.<sup>33</sup>

The winner-takes-all system, unlike the proportional representation system which prioritises democratic representation and prevents one group from having a monopoly of power, helps to increase fragmented electoral competition and reduces electoral contests to zero sum contests which have to be won by all means necessary. Observers have noted that Zimbabwean politics, like in many other African states, has been a high stakes game where victory opens access to exclusive political power and greater control over economic resources while defeat results in complete loss of power and lack of access to such resources. Because of the electoral system, Zimbabwe's political parties have often viewed elections, particularly after the amendment of the constitution to introduce the executive presidency in 1987, as wars rather than political contests where notions of victors versus losers influence the competition. Consequently, campaigning is heavily

influenced by fear of what defeat represents in economic and political terms. The introduction of the executive presidency, elected directly by the people, helped to increase the stakes as control of that office guarantees control over the entire state.<sup>34</sup>

The most vivid illustrations of how the country's winner-takes-all system in electoral contests negatively influences electoral politics can be gained from the 1990 and 2008 elections. During the 1990 elections, the ZUM that was formed in 1989 and led by ZANU PF's former Secretary General, Edgar Tekere, heightened the political stakes in the elections because of its unexpected widespread national appeal. Surprised by ZUM's rapid growth in popularity, the ruling party responded to the emerging threat to its control over state power by unleashing its electoral manipulation machinery, including the widespread use of violence against ZUM party supporters and candidates. Although ZUM eventually won two seats against ZANU PF's 117 of the 120 contested seats, the party won 18% of the popular vote. This would have meant at least 20 seats for ZUM had the elections been held on a national party-list or proportional representation system.<sup>35</sup> A proportional representation system could have also helped to reduce political stakes and tensions ahead of the election. The presidential rerun elections of 2008, organised when ZANU PF was faced with the prospect of losing control of state power after President Mugabe narrowly lost the first round of the presidential elections to the MDC's Morgan Tsvangirai, also created the context for increased electoral capture.<sup>36</sup> Faced with the prospect of losing power to control government if its candidate lost the presidential rerun elections, the leadership of ZANU PF and its military allies unleashed an orgy of violence and terror as part of its campaign for the presidential rerun elections that were scheduled for June 2008. ZANU PF's intimidation campaign which was all part of the party's plan to win the elections at all costs not only resulted in several killings of citizens but the withdrawal of Tsvangirai from the elections.

## CONCLUSION

This chapter has highlighted how Zimbabwe's challenges over the last decades, particularly the last two decades, have to a large extent centred on its flawed elections, a development which has in turn led to a deepening of the country's political and economic crisis. The problems in Zimbabwe's

elections emanate from the ways in which the governing party, ZANU PF, has sought to manipulate the electoral process in order to ensure pre-determined results. Although the government of Zimbabwe has been holding elections periodically since independence in 1980, ZANU PF leaders and their military allies who have controlled the state since independence in 1980 have never been ideologically committed to competitive electoral politics. The governance ideologies of Zimbabwe's leaders are heavily influenced by the liberation war legacies of militarism, authoritarianism, violence, and coercion to enforce civilian compliance. They have administered elections as nothing more than a ritual performance aimed at mobilising popular support and legitimising their rule by appearing to both domestic and international audiences to be committed to international practices of democratic governance.

The analysis of the dynamics of electoral capture in Zimbabwe undertaken in this chapter has shown how the liberation war's legacy of violence has continued to influence the use of both overt and covert violence to influence citizens' voting behavior right from the independence elections of 1980 to the last elections of 2018. A key observation from the discussion about this use of violence to influence the behaviour of voters is how this violence has been normalised by the party leaders, with the ruling party always finding it easy and expedient to deploy subjective violence whenever its hold over power is seriously threatened by either internal divisions within the party or an external threat in the form of a strong opposition party competing for power.

While it is apparent that the ruling party has consistently used various forms of subjective violence to influence voting since 1980, recent elections have shown how the party is beginning to use more sophisticated covert forms of violence to influence voting. These sophisticated or crafty forms of violence involve using objective violence, including sending cryptic messages to would-be voters aimed at reminding them about what could happen if they fail to "vote wisely". Following its heavy criticism and ostracisation by various domestic, regional and international actors over its use of violence in elections in the last two decades, the government of Zimbabwe has also been investing more in "crafty manipulation" or "smart rigging" of elections. This has entailed the manipulation of election results through suppressing the potential number of people who could vote against the ruling party by

gerrymandering the voter registration exercise, constituency delimitation processes and the distribution of polling stations on the voting day. In this regard, electoral capture in Zimbabwe has focused more on manipulating processes of election management during the pre-election period rather than the election period of the electoral cycle.

A key important strategy used by the ruling party to influence voting behaviour which has often been overlooked by analysts in their predominant focus on subjective violence is the role played by patronage politics, particularly the ruling party's control over essential resources and services, to influence the voting choices of both individuals and groups. Through its control over citizens' access to key resources and services, such as agricultural land, urban housing land, informal trading markets, mining permits, and jobs, the ruling party has managed to influence electoral outcomes by trading these services for votes. Thus, while the basic assumption for years was that the continued deterioration of the economy and services will take more votes away from the ruling party as voters punish the government for lack of delivery, the evidence on the ground reveals that socio-economic deprivation has actually helped to drive more votes to the ruling party as ruling party functionaries have exploited people's desperation for jobs and livelihood opportunities to entrench patronage and recruit political support and votes for themselves and their networks.

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ENDNOTES

- 1 See S. J. Ndlovu-Gatsheni (2012). *Elections in Zimbabwe: A recipe for tension or a remedy for reconciliation?* (Cape Town: Institute for Justice and Reconciliation).
- 2 For detailed discussion of the concept of “electoral capture” or what others have invariably described as “electoral authoritarianism”, see A. Schedler (2006). *Electoral Authoritarianism: The Dynamics of Unfree Competition*. Boulder, CO: Lynne Rienner; S. Levitsky & L. Way (2010). *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. Cambridge: Cambridge University Press.
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9 In the 2013 elections, Mugabe received 61%, compared to the 44% he had won in 2008 in the presidential vote, while Tsvangirai's vote plunged from 48% in 2008 to 33% in 2013. In terms of parliamentary seats, ZANU(PF) increased its number from 99 seats in 2008 to 159 in 2013, while the MDC-T's number dropped from 99 seats in 2008 (with the smaller MDC formation winning 10 seats) to 49 in 2013,

10 While the use of virulent forms of physical violence in the 2008 elections resulted in none of the regional and continental bodies, including both SADC and AU, endorsing the elections, the bodies' response to the 2013 elections which, despite being held in relatively peaceful environment were manipulated, were unanimously favourable.

11 Patrick Kombayi was one of the many casualties of the 1990 state orchestrated political violence when he was shot in an assassination attempt in his home town of Gweru in a bid to stop him from contesting for the same parliamentary seat of Gweru Constituency that was being contested by the vice president of ZANU PF party and the country, Simon Muzenda.

12 See J. Muzondidya (2009). From Buoyancy to Crisis. in B. Raftopoulos and A. Mlambo (eds). *Becoming Zimbabwe: A History from the Precolonial period to 2008* ( Harare: Weaver Press), pp. 167–200.

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- 20 Since its formation in 1963, ZANU regarded ZAPU-the party from which most leaders who formed ZANU broke away from, as their main competitor for political influence in the country. In the 1980 independence

elections, ZAPU was the main obstacle to ZANU PF's quest for a clean sweep when it won 20 (25%) of the 80 contested seats and ZANU PF won 57 seats.

21 Irin (26 May 2000). Opposition Accuses Government of Gerrymandering. <https://www.thenewhumanitarian.org/report/15228/zimbabwe-opposition-accuses-government-gerrymandering>.

22 Zimbabwe Democracy Institute (2017). *BVR, Zec and the Struggle Against Political Decay: A Light at the End of the Tunnel?* cited in Zimbabwe Independent (8 September 2017). Zim's Poll Problem: Inside ZANU PF Gerrymandering.

23 Relief Web, 28 March 2008. Zimbabwe a Flawed Electoral Process. <https://reliefweb.int/report/zimbabwe/zimbabwe-flawed-electoral-process>

24 Until 1987 when PF ZAPU and ZANU PF signed the Unity Accord which resulted in PF ZAPU being coopted into ZANU PF as part of a peace deal that ended the Gukurahundi killings, ZAPU had won all contested seats in the provinces of Matabeleland. Until 2005 when the two parliamentary seats were won by ZANU-PF and MDC, the people of Chipinge had consistently supported and voted ZANU-Ndonga that was led by Ndabaningi Sithole, the former leader of ZANU PF who hailed from Chipinge and was controversially deposed from leadership in 1975. See Sithole and Makumbe (1997). *Elections in Zimbabwe*

25 The Citizenship Amendment Act (2001) introduced a prohibition on dual citizenship, so that people with dual nationality would automatically lose their Zimbabwean citizenship unless they renounced their foreign citizenship. See B. Rutherford (2018). *Farm Labor Struggles in Zimbabwe: The Ground of Politics* (Bloomington: Indiana University Press).

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31 Human Rights Watch, 4 June 2013. Security Forces Pose Election Risk. <https://www.hrw.org/news/2013/06/04/zimbabwe-security-forces-pose-election-risk>

32 D. Horowitz (1993). "Democracy in Divided Societies." *Journal of Democracy*, 4 (4) (October 1993), pp. 18-38.

33 J. Moyo (1992) *Voting for Democracy: Electoral Politics in Zimbabwe*. (Harare: University of Zimbabwe Publications), pp. 156-163.

34 Zimbabwe had a titular president who was elected by an electoral college comprising the Senate and Parliament.

35 Sithole and Makumbe (1997). Elections in Zimbabwe, p 128; Moyo,

*Voting for Democracy*, 166-81.

36 According to the results released by the Zimbabwe Electoral Commission, the MDC won most parliamentary seats (110 out of 210 possible seats) and Tsvangirai won 47.9% of the vote, a result short of the absolute majority required to declare him the president in the first round. A presidential runoff election was announced for the 27th June 2008.



## Chapter Four

# Electoral Capture in Mozambique: Origins, Modalities, and Implications

*By*  
*Adriano Nuvunga*

### INTRODUCTION

This chapter examines the phenomenon of electoral capture in Mozambique. Electoral capture entails the conscious or deliberate violation of the basic tenets of fair electoral competition through legal, illegal and illicit mechanisms pre-designed to help its beneficiaries to secure and hold on to power (Harvard University, 2009; Lehoucq, 2003; Schedle, 2006). These

legal, illegal, and illicit mechanisms often shade into one another. They include the deployment of violence, the coercion of voters, threats to public officials to compel them to vote for particular contestants, outright electoral fraud, the early closure of polling stations in order to disenfranchise sections of the electorate, the manipulation of voter lists, the late announcement of election results, and the non-accreditation of independent election observers, among others. They also involve the use of various tools and instruments that favour one competitor over others in elections, such as preventing some candidates from running, gerrymandering the allocation of seats, vote buying, and others (IDEA 2013; Harvard University 2009; Lehoucq 2003).

Combining an extensive review of the literature with interviews carried out with selected civil society leaders, leaders of political parties and academics, the chapter argues that electoral capture in Mozambique is grounded on five factors, namely, a perverted proportional representation electoral system, a deficient system of electoral administration, poor electoral observation, the partisanship of the police, and the poor technical capacity of the opposition. Electoral capture manifests itself through political and electoral violence, electoral fraud, the deliberate exclusion of some contestants from electoral competition, and the use of the state machinery and institutions for the direct benefit of the ruling party (Nuvunga, 2014; 2013; Brito, 2011a; IESE, 2019).

The chapter is organised into nine sections including this introduction. The next section provides an account of Mozambique's electoral legal and institutional framework followed by the section that presents an historical perspective of Mozambique's elections. The fourth section lays out the key features of the Mozambican electoral process. The fifth section discusses electoral capture in Mozambique, presenting both electoral capture by illegal and illicit mechanisms. The sixth section delves into the factors that enable electoral capture in Mozambique. The seventh chapter deals with the two main implications of electoral capture on Mozambique, including the government's weak political legitimacy and recurrent post-electoral conflicts. The last two sections present the conclusions and recommendations of the study.

## **MOZAMBIQUE'S ELECTORAL LEGAL AND INSTITUTIONAL FRAMEWORK**

The primary Mozambican institutional framework, namely, the Constitution of the Republic and other pieces of legislation in the light of which all elections are held, provide for the election of the President and the National Assembly through direct, universal, equal, secret, personal and periodic suffrage.<sup>1</sup> The President of the Republic is elected by an absolute majority of the votes validly cast. If none of the candidates obtains an absolute majority, there is a second round of voting, in which only the two candidates with the most votes participate.<sup>2</sup> As for the election of the Assembly of the Republic, this is organised through the proportional representation electoral system<sup>3</sup>, and the parliamentarians are elected by plural-nominal closed [and blocked] lists in each electoral cycle<sup>4</sup>, with the voter having a single list vote. The system does not leave room for the transfer of candidates between lists or for a change of the position of candidates on the party lists.<sup>5</sup>

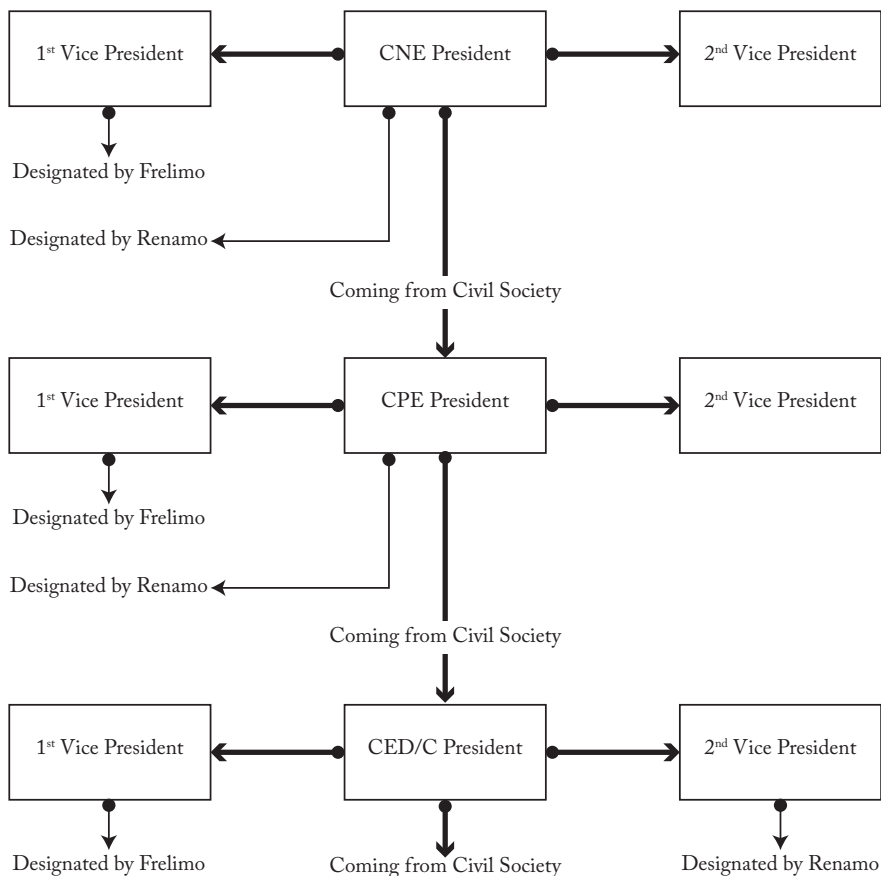
For the purpose of the election of the Assembly of the Republic in each electoral cycle, the national territory is divided into 11 multi-member constituencies corresponding to the country's 11 Provinces, including the City of Maputo. The Mozambican Diaspora is divided into two single-member constituencies, one for the countries of the African continent and the other for the rest of the world.<sup>6</sup> The conversion of votes into parliamentary seats is done through the d'Hondt variant of the proportional representation method.

Candidacies for the office of the President of the Republic must be supported by a minimum of 10,000 voters, duly identified<sup>7</sup> through their signatures appended to the candidature forms. This requirement has implications, first, because those who sponsor the candidates are required to indicate their voter registration numbers and full names. This makes it easy for the authorities to identify all the voters who support the opposition, laying them open to various penalties, including the confiscation of their voter cards (CDD 2019a, no. 5). Secondly, because all the candidate forms and the signatures of their sponsors must be submitted duly notarised, state officials, under orders from the ruling Frelimo, do their best to raise as many bureaucratic hurdles as possible in order to make things maximally difficult for the opposition parties, thereby destabilising and undermining them.<sup>8</sup>

Mozambique's electoral governance is entrusted to the National Electoral Commission (CNE), which is, by official definition, an independent and impartial state body responsible for supervising voter registration and electoral acts.<sup>9</sup>

Subordinated to it is its technical arm, the Technical Secretariat for Electoral Administration (STAE), which is established as a public service unit of dedicated experts for electoral administration, with representation at the provincial, district and/or municipal levels.<sup>10</sup> The CNE is composed of 17 members led by a Chair (drawn from civil society) and two vice-chairs (one appointed by Frelimo and the other by Renamo). Of the 17 members, five are representatives of Frelimo, four of Renamo, one of MDM and the remaining seven are from civil society.<sup>11</sup> The CNE has as its subordinate or supporting bodies, the Provincial Election Commissions (CPE) and the City/District Election Commissions (CED/C). Both the Provincial Election Commissions and the City/District Election Commissions are composed of 15 members, with a Chair (from civil society) and two vice-chairs (one designated by Frelimo and one by Renamo). Of the 15 members, three are from Frelimo, two from Renamo, one from MDM, and the remaining nine are from civil society.

**FIGURE 1: ORGANISATIONAL STRUCTURE OF ELECTORAL GOVERNANCE IN MOZAMBIQUE**



As the technical arm of the CNE to which it is subordinated, the STAE's functions include the organisation and implementation of all the technical and administrative activities connected to the registration of voters and the entire electoral process. The STAE has its own statute, career chart, staffing, budget and assets<sup>12</sup>. It is also important to note that the Director General of the STAE is recruited by means of an open competition among candidates in a process overseen by the CNE. The successful candidate is formally appointed by the Chair of the CNE<sup>13</sup>. The Director General of the STAE, in turn, is assisted by two Deputy Directors General appointed by Frelimo and Renamo (these being the two parties with the largest number of votes and seats in the Parliament)<sup>14</sup>. During the electoral period, the STAE

augments its staff capacity by coopting technically proficient members of political parties that have seats in parliament, namely, Frelimo, Renamo and MDM<sup>15</sup>. The STAE designates six Deputy National Directors, three nominated by Frelimo, two by Renamo and one by MDM<sup>16</sup>. It also appoints 18 technicians, with nine designated by Frelimo, eight by Renamo and one by MDM<sup>17</sup>.

## **MOZAMBIKAN ELECTIONS IN A HISTORICAL PERSPECTIVE**

It is established in the constitution of Mozambique that every citizen is entitled to exercise their right through a universal, direct, an equal, secret and periodic suffrage to choose their representatives<sup>18</sup>. Since 1994 when Mozambique held multiparty elections as part of the political settlement with Renamo to end the civil war, the country has held six general elections, the most recent being in 2019. Frelimo won a parliamentary majority in all six elections, and even got more than two-thirds of parliamentary seats in the 2009 and 2019 elections as shown in Table 1. Its candidates - Joaquim Chissano (1994 and 1999), Armando Guebuza (2004 and 2009) and Filipe Nyusi (2014 and 2019) – also won the presidential elections. Renamo, the former rebel movement and the largest opposition party, would have won the legislative elections in 1994 and 1999 if the electoral system had been the first past the post system, and its candidate, Afonso Dhlakama, could have won the 1999 presidential elections if electoral fraud had not occurred (Nuvunga, 2013).

As Table 1 shows, Frelimo was able to establish itself as the dominant party and Renamo as the main opposition party in all the elections held since 1994. The tripartite coalition União Democrática was the only other contestant that managed to win some parliamentary seats in 1994 and was represented by nine MPs. In the 1999 and 2004 elections, Frelimo, Renamo, and União-Eleitoral were the only political forces represented in Parliament. Since the 2009 election, the Democratic Movement of Mozambique (MDM), the party of Daviz Simango, has consolidated its position as the third parliamentary force, having won seven seats in 2009, growing to 17 seats in the 2014 elections, and then falling to six seats in 2019.

**TABLE 1: ELECTION RESULTS FROM 1994 TO 2019: PRESIDENTIAL AND LEGISLATIVE ELECTIONS**

Year	PRESIDENTIALS		LEGISLATIVE		
	Candidate	Votes in %	Party	Votes in %	Mandates
1994	Joaquim Chissano	53.3%	Frelimo	44.3%	129
	Afonso Dhlakama	33.7%	Renamo	37.8%	112
			UD	5.2%	9
1999	Joaquim Chissano	52.3%	Frelimo	48.5%	133
	Afonso Dhlakama	47.7%	Renamo-EU	38.8%	117
2004	Armando Guebuza	63.7%	Frelimo	62.0%	160
	Afonso Dhlakama	31.7%	Renamo-EU	29.7%	90
2009	Armando Guebuza	75.1%	Frelimo	74.7%	191
	Afonso Dhlakama	16.4%	Renamo	17.7%	51
	Daviz Simango	8.5%	MDM	3.9%	8
2014	Filipe Nyusi	57.0%	Frelimo	55.6%	144
	Afonso Dhlakama	36.6%	Renamo	32.9%	89
	Daviz Simango	6.4%	MDM	8.4%	17
2019	Filipe Nyusi	73.4%	Frelimo	71.2%	184
	Ossufo Momade	21.4%	Renamo	22.2%	60
	Daviz Simango	4.3%	MDM	4.19%	6
	Mário Albino	0.7%	AMUSI	0.4%	0

*Source: Compiled by the author according to election results from 1994 to 2019.*

The successive victories won by Frelimo, the former national liberation movement, are associated with several factors including a) the partisanship of key state institutions and the advantage it confers on the party to control the public sphere (Pereira and Nhanale 2014); b) the co-optation of

traditional rulers who previously mobilised sections of the electorate for the account of Renamo (Nuvunga 2013); c) Frelimo's control over the country's election management bodies and the consequent subordination of the bodies to the party's interest (Nuvunga 2014; Brito 2011a); d) the denial of public services to the sections of the electorate that support the opposition, thereby piling pressure on them to change their electoral behaviour in favour of the ruling party (Nuvunga, 2014; Rosário 2011); and e) systematic electoral fraud (Brito 2008; CDD 2019; Carter Center 2000; Rocha 2016).

Another equally important factor that explains Frelimo's dominance in national politics and its successive election victories is the residual historic legacy it still enjoys among some Mozambicans as the national liberation movement and the sole party of the state before the advent of multiparty politics. The heyday of Frelimo as the party of liberation is associated with an era of military gallantry and a purposeful, focused, and strong leadership honed during the liberation struggle and the civil war (Pereira and Nhanale 2014; Nuvunga 2014; Carbone, 2009). The way Mozambican institutions are structured offer an almost natural advantage to Frelimo in the electoral process. Indeed, as noted by Egidio Guambe<sup>19</sup>, Frelimo's successive electoral victories may have much more to do with the role played by these public institutions in favour of the party, and less as an expression of the popular will of the people freely expressed at the ballot box.

## **KEY FEATURES OF THE MOZAMBIKAN ELECTORAL PROCESSES**

The Mozambican electoral process presents eight key characteristics which are: 1) constant revision of the electoral legislation; 2) electoral violence; 3) electoral fraud; 4) problems in voter registration; 5) obstruction in the accreditation of civil society observers; 6) systematic contestation of the election results by the opposition; 7) low voter turnout; and 8) an exclusionary electoral process.

### ***Constant Revision of Electoral Legislation***

The first key characteristic of the Mozambican electoral system and its processes is the constant amendment of the country's electoral legislation through specific changes made at every election (MOEUE, 2019; Brito, 2011). Since 1994, Mozambique's electoral legislation has been revised more than 10 times (as shown in Table 2) ostensibly to meet the requirements of



each electoral cycle. However, going beyond appearances, the main problem with Mozambican electoral administration, as Brito (2011a, 2011b) explains, is not the electoral legislation per se, but its application. The application of the legislation has proven over the years to be very deficient, characterised by questionable interpretations and influenced by narrow ruling party interests. With the exception of the 1994 elections when the CNE was relatively balanced between Frelimo and the opposition, its composition is now based on the principle of the number of parliamentary seats won by different parties. This modification gives Frelimo a strong control over the bodies that administer elections on account of its big parliamentary majority (Brito, 2011a). Table 2 shows how the constant revision of Mozambican legislation conferred representative supremacy to Frelimo in the CNE at the expense of the opposition.

**TABLE 2. EVOLUTION OF THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE MOZAMBIKAN ELECTORAL PROCESSES**

	Composition of the NEC and its electoral legislation				
Election year	Total members	Frelimo/ Government	Opposition	Other	Legislation
1994	21	11	10	1	Law no. 4/93 of 28 December
1998	9	6	3	-	Law 4/97 of 28 May.
1999	17	10	7	-	Law no. 8/99, of 24 March
2003	19	10	8	1	Law 20/2002, of 10 October
2004	19	10	8	1	Law 20/2002, of 10 October
2008	13	3	2	8	Law No. 8/2007 of 28 February
2009	13	3	2	8	Law No. 8/2007 of 28 February
2013	13	5	3	5	Law No. 6/2013 of 22 February
2014	17	5	5	7	Law no. 9/2014, of 12 March
2018	17	5	5	7	Law No. 9/2014, of 12 March
2019	17	5	5	7	Law No. 9/2014, of 12 March

*Source: Prepared by the author according to the specific legislation of each electoral cycle*

### ***Electoral Violence***

The second characteristic of Mozambican elections is electoral violence, largely perpetrated by Frelimo, with the acquiescence of the state security apparatus, especially the police. This violence is directed against the opposition on the one hand, and against civil society organisations on the other. The highpoint of electoral violence against civil society was the murder of social activist Anastácio Matavele allegedly by operatives of the Special Operations Group (GOE), which according to CDD (2020) was a state crime ordered by Frelimo leaders<sup>20</sup>.

Other highlights of electoral violence against opposition candidates include the shooting, of the car of the candidate for the post of Governor of Maputo Province for the Mozambique Democratic Movement (MDM), Augusto Pelembe, during his election campaign for the 2019 elections (DW 11.10.2019) <sup>21</sup>. Also, in 2019, violence against opposition candidates was highlighted through the burning of the house of the mother of the candidate for Governor of Zambézia Province for Renamo, Manuel de Araújo, which occurred in the city of Quelimane, an act that led the National Human Rights Commission to state that this violence represents a serious threat to the fundamental rights of citizens in Mozambique.<sup>22</sup>

### ***Electoral Fraud***

The third characteristic of Mozambican elections is electoral fraud through which Frelimo gets itself returned to office at every election. Fraud occurs at all stages of the electoral process, with the 2019 elections being the best example of this. During voting, there is ballot box stuffing where chairs of the polling stations (MMVs), who are co-opted by Frelimo, fraudulently introduce ballot papers in favour of Frelimo and its candidates into the ballot boxes. In the 2019 elections alone, ballot box stuffing contributed 7.3% and 6.8% to the victories of Frelimo and its candidate Filipe Nyusi respectively.<sup>23</sup>

Interviews with former polling station chairs and officials of the STAE indicate that in addition to ballot box stuffing during voting, fraud also occurs at the tabulation stage through the adulteration of the election results. The tabulation of election results in Mozambique has four stages, namely, partial tabulation (which takes place at the polling stations after the end of polling and counting), district tabulation (which is done through the District or Town Election Commissions), provincial tabulation (done through the Provincial Election Commissions), and finally, the overall tabulation (done centrally by the National Election Commission). <sup>24</sup>

Result tampering occurs at two levels of tabulation, namely, the partial tabulation and the general tabulation. At the partial tabulation, the MMVs, in conjunction with the police, expel opposition delegates from the collation centre and then either annul opposition ballots or forge the election results in the partial tabulation tally sheets (see Annex 1). At the CNE level, in several electoral cycles, this body has produced strange electoral data

that contrast with those of its supporting bodies, or sometimes its general tabulation tally sheets differ with regard to voters for the Presidency and the Parliament, which can only be explained by fraud (CDD 2019). For example, the CNE's general tabulation of the votes cast in the 2019 elections shows that 6,679,008 voted in the presidential elections and 6,621,482 voted in the legislative elections (see Annex 2), and this discrepancy cannot be explained given that voting for both positions took place simultaneously.

Regarding the tabulation of election results, although the legislation is very clear regarding the conditions under which it must take place and the time period during which it must be carried out, the practice has been characterised by a routine lack of transparency. For example, the electoral legislation establishes that after the closing of polls and counting of votes, the minutes and the notice of the partial tabulation of the results must be posted at the polling station and in a place that is accessible to the public by the respective presiding officers of the polling stations.<sup>25</sup> The presiding officers also have the obligation to distribute copies of the original minutes and notice of the tabulation to political party agents, observers and journalists.<sup>26</sup>

Polling station chairs/presiding officers who are loyal to the ruling party often deny parties and election observers access to the minutes and polling station tally sheets because they often forge the results, expel observers and journalists, and invent ghost voters, as illustrated by the 2018 vote in the municipality of Marromeu that led to a fraudulent Frelimo victory. Although the minutes were not made available, an independent parallel vote count found that Renamo had won that particular election with 57% of votes in the 39 polling stations, but the presiding officers gave victory to Frelimo with 48% of votes (Hanlon, 2018).

In relation to the district or town-level tabulation by the CDE/C, the electoral legislation entrusts these bodies with the responsibility of centralising, table by table, the results obtained in all polling stations within the geographical boundaries of their jurisdiction and then tabulating the electoral results at district or town level.<sup>27</sup> The same work is done at provincial level. The CPE centralises, district by district, the election results obtained from the minutes and notices of the district or town polls and then tabulates the election results at the provincial level.<sup>28</sup>

Despite clarity in terms of the time, place and the terms under which

tabulation of election results must occur under the electoral legislation, there has been inconsistency in the application of the law. For example, still in the case of Marromeu, in the 2018 vote (the second poll) the first body to announce the election results and Frelimo's victory was the Provincial STAE, before the same results were formally announced, in a solemn and public act, by the District Elections Commission (CED), and it is not known how it could have had access to them. This is contrary to electoral legislation <sup>29</sup>(LUSA, 23.11.2018). <sup>30</sup>

There are cases where legal violations occur at the level of the CNE itself. For example, the CNE session that approved the fraudulent results that gave victory to Frelimo in the 2019 elections did not conform to the prescribed rules and procedures. Political parties that ought to have been called through legal and formal means as established in the electoral legislation were instead invited through informal mechanisms, namely, phone calls and mobile phone messages.<sup>31</sup> Now, article 144(3) of Law No. 3/2019 of 31 May states that mandataries must be notified in writing to attend the work of the National Assembly for the tabulation of electoral results. This shows that neither the CNE nor its own supporting bodies have been complying with the dictates of the electoral legislation, and their aim is basically to favour the ruling party.

### ***Unreliable Electoral Registration***

In Mozambique, electoral registration takes place during every electoral cycle, and is updated in election years <sup>32</sup>. The first phase of the registration exercise takes place in respect of municipal elections, while the second phase pertains to the general elections. During the electoral registration process, several operational problems routinely come to light, including the manipulation of registration figures to favour the ruling party. In constituencies known to be Frelimo strongholds, registration figures are deliberately inflated as part of a broader process of gerrymandering (EISA 2019). Frelimo-supporting constituencies (such as Gaza) have been prime sites for the inflation of registered voters. Citizen voting age is manipulated and ghost voters are added to the roll of registered voters. Also, during the voter registration phase, electoral bodies deliberately move obsolete equipment to opposition strongholds. Especially affected in this regard are the central and northern regions of the country where an artificial shortage

of functioning equipment meant that people found it hard to get registered for the 2019 elections (EISA, 2019). An intentional delay in the registration process in areas considered to be opposition strongholds contrasted with the concentration of voter registration brigades in areas that the governing party counts as its support base (MOEUE, 2019).

The deliberate and systematic manipulation of the voter registration exercise in Mozambique dates back to the first multiparty elections in 1994 and has persisted to this day. Over the years, the CNE and STAE have failed to clean up the voter registration data base in order, *inter alia*, to eliminate double registrations. Technical shortcomings and the tight deadlines they set for the voter registration exercise mean that provisional data are approved as final. Sometimes, even estimates of the number of voting-age citizens in each province contrast with the national census data.

To further illustrate the way in which the CNE and STAE have manipulated the voter roll, the example of the Gaza constituency can be examined in a bit more detail. This is the constituency where Frelimo has always won the elections and the opposition has never managed to win a single seat. The CNE and STAE have over the years manipulated the data on number of citizens of voting age. The National Institute of Statistics (INE) data from the 2017 General Population and Housing Census reported that Gaza province had 836,581 citizens of voting age (18+) by 2019. However, the STAE claimed to have registered 1,166,011 voters in the Province, a difference of 329,430 potential voters. As Table 3 shows, when 329,430 fraudulently allocated voters are removed from the voter roll in this Province, and assuming in the best-case scenario that the STAE would register 836,581 voters equivalent to 100 percent registration (an unlikely outcome because not all who are eligible would register), the number of seats that Frelimo can win is 16. To arrive at this result is easy to calculate, as mandated by the electoral legislation. The total number of registered voters in the country was 12,945,921 voters. Divided by the 248 seats that the national territory elects the national quotient becomes 52,201. Each province divides the number of registered voters by this quotient and obtains the total number of MPs to be elected.

However, 1,166,011 potential voters were fraudulently registered in Gaza, divided by the national quotient (52,201), the result is 22.3. If we remove the decimal point, this leaves 22 seats, all of which were carried by

Frelimo to Parliament. Repeating the same operation, now with 836,581 (total citizens of voting age according to INE), the maximum number of voters that would have been registered, without fraud, Frelimo would at best only carry 16 seats, i.e.  $836,581 : 52,201 = 16.026$ , equal to 16 seats.

The second aspect that shows registration fraud in Gaza Province is the historical trajectory of its parliamentary representation. As can be seen in Table 3, on the one hand, the trend of mandates in Gaza Province is decreasing, and in the period from 1994 to 2014 the Province (actually Frelimo) elected an average of 16 MPs. In 2019, the figure shot up to 22. This shows once again that in 2019, Frelimo fraudulently allocated six more seats to itself in Gaza Province with the connivance of the CNE.

**TABLE 3. EVOLUTION OF MANDATES OF THE GAZA PROVINCE FROM 1994 TO 2019**

Electoral Cycle	1994	1999	2004	2009	2014	Average	2019
Mandates	16	16	17	16	14	16	22

*Data compiled by the author according to election results from 1994 to 2014*

### ***Obstruction of the Accreditation of Election Observers from Civil Society Organisations***

Mozambique's electoral legislation gives the right to citizens and non-governmental organisations to be observers of the electoral process. Election observation covers all stages of the electoral process, from its commencement to the validation and proclamation of the election results by the Constitutional Council<sup>33</sup>. The accreditation of observers from civil society organisations (CSOs) is carried out by both the CNE and the Provincial Elections Commissions (CPEs), depending on the scope of coverage.

Article 251 of the electoral legislation establishes a maximum period of five days for the CNE or CPE to decide on requests for the accreditation of election observers. However, against the provisions of the law, the process of accreditation of observers from CSOs has been made more difficult by the CPEs. There are cases in which credentials are delayed for up to 30 days after the submission of accreditation requests, and in others, they are

not issued at all. Phantom observer credentials are also issued. The role of the phantom observers is to block the activity of independent and credible organisations. The Centre for Democracy and Development (CDD), for example, submitted a total of 1990 accreditation applications for the observation of the 2019 elections, however, only 1037 credentials were issued, corresponding to 52%.

### ***Challenging the Election Results by the Opposition***

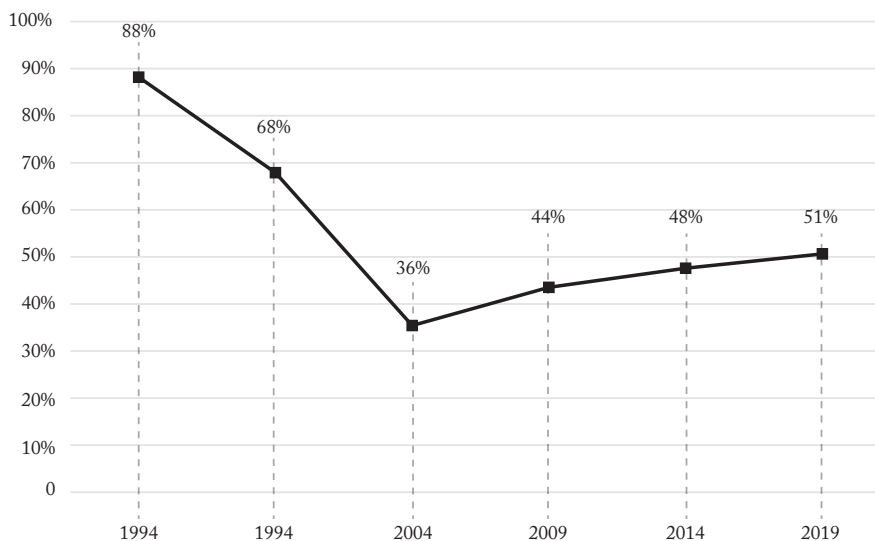
One of the characteristics of Mozambican elections is the opposition's contestation of the election results. The 1994 elections were the only ones that can be characterised as free and fair, with their results accepted by the opposition (Nuvunga, 2013, Mazula, 1995). In subsequent elections, the election results were contested by the opposition, with threats of a return to war. Such threats have characterised Mozambique's 30 years of democracy. The contestation of the election results is associated with the fact that Mozambican elections take place in a polarised environment lacking transparency, in which inter-party violence and distrust prevail, as well as a lack of confidence in the ability of the electoral administration and judicial bodies to be independent and free from political influence (MOEUE 2019).

### ***Low Voter Turnout***

Elections in Mozambique have been bedevilled by low voter turnout. Graph 1 shows the declining trend in voter turnout, with the abstention rate getting to a peak in 2004 when more than 60 percent of voters did not go to the polls.



**GRAPH 1: TRENDS IN VOTER TURNOUT IN MOZAMBIQUE FROM 1994 TO 2019**



*Graph prepared by the author according to the election results from 1994 to 2019*

As noted by Eduardo Siteo<sup>34</sup>, there is a weak awareness of citizenship in Mozambique, and as a result, there is a poor involvement of the populace in electoral matters. For Siteo, it is necessary to have a higher level of political education for citizens, so that they are aware of the importance of voting, a development that can contribute to the greater credibility of the Mozambican electoral processes.

### ***Exclusionary Electoral Process***

The sixth characteristic of the Mozambican elections, specifically the presidential elections, is the deliberate exclusion of opposition competitors, practically turning the elections into a two-way match between Frelimo and Renamo (although more recently the MDM was included). The 1994 elections were the only inclusive ones, with 12 presidential candidates and all the registered parties participating in the legislative race (Nuvunga 2013; Mazula 1995). Thereafter, the presidential elections have become a race between Frelimo and Renamo candidates, with the late Daviz Simango also participating. Table 4 provides a retrospective of presidential candidacies in Mozambican elections since 1994. The 1999 elections only featured Frelimo

(Joaquim Chissano) and Renamo União-Eleitoral (Afonso Dhlakama) as candidates. The 2009 and 2014 elections had three candidates, namely from Frelimo (Armando Guebuza and Filipe Nyusi), Renamo (Afonso Dhlakama) and MDM (Daviz Simango).

**TABLE 4. RETROSPECTIVE OF THE PARTICIPATION OF PRESIDENTIAL CANDIDATES FROM 1994 TO 2019**

<b>Election year</b>	<b>Presidential candidate numbers</b>
1994	12
1999	2
2004	5
2009	3
2014	3
2019	4

*Data compiled by the author*

The exclusion of most opposition candidates, especially those who might pose a threat to Frelimo, has been a recurring practice used by electoral bodies in conjunction with the Constitutional Council as a mechanism to ensure the comfort of the ruling party in every electoral competition. As an illustration, in 2018 the CNE, through Frelimo's majority vote, Venâncio Mondlane (candidate for the largest opposition party, Renamo)<sup>35</sup> was excluded from the race for the mayoralty of Maputo City while the list of candidacies of AJUDEM, led by Samora Machel Júnior, a member of the Frelimo Central Committee, was also disallowed. The latter was even threatened with disciplinary proceedings by the party. Machel Junior responded that "my candidacy was sabotaged by the wrong attitude of the comrades<sup>36</sup>". Frelimo threatened other candidates who were on the list, since they are civil servants and party members, and they withdrew their candidacies, leaving the list without substitutes.<sup>37</sup>

In the 2019 elections, the Constitutional Council was used to eliminate presidential candidacies that threatened the ruling party. Among those excluded were human rights activist Alice Mabota (candidate for the

Democratic Alliance) and Hélder Mendonça (from PODEMOS). A curious fact is that the Council's argument in its Judgement No. 7/CC/2019, of 31 July, for rejecting those candidacies was that the names of sponsors on their candidacy forms had been forged, and it is not understood how their authenticity was recognised by the notary services. This confirms what was said by the activist Alice Mabota herself, that the rejection of those candidacies "is a reflection of the fear and desperation of the ruling party, which has practically captured the state and its institutions, and which has done everything it can to roll back democracy in the country."<sup>38</sup>

### **ELECTIONS AND VOTER CAPTURE IN MOZAMBIQUE**

The democratic transition processes that the African continent experienced as part of the global third wave of democratisation had two tracks: the first was democratisation from above, a transition process whose agenda was set and driven by the political elite in power. This path of democratisation from above involved the adoption of institutional reforms carried out without the participation of other active forces in society. This was the experience of Mozambique. The second track took the form of democratisation from below expressed by way of popular pressure that resulted in sovereign/constitutional conferences, popular revolutions, coups d'état, and the formation of pacts with a view to overcoming authoritarianism and progressing towards the establishment of a democratic political order. This was the experience of countries like Benin, Mali, Gabon, Zaire, Congo, Nigeria and Zambia, among others (Kpundeh 1992).

Unlike the countries that experienced democratisation from below where the one-party constitution was completely thrown away, a new constitution written, and new actors came to the centre stage of politics, the Mozambican experience, being from above, effectively placed Frelimo in the driver's seat. Frelimo controlled the democratic transition and led the establishment of the Second Republic without breaking the practices of the old regime. Although worn down by the civil war, Frelimo managed to renew its aura of being a national liberation movement and find a renewed energy to govern, doing so without seeking to include the main political forces. Effectively, the core patterns of politics from the First Republic when Frelimo governed as the sole party were carried over into the Second Republic (Nuvunga, 2014).

The transition from above which Mozambique underwent was consolidated through the General Peace Agreement that established the rules for incorporating Renamo into the political sphere that had hitherto been monopolised by Frelimo. The Agreement was an instrument of political accommodation between Frelimo, as the governing party, and Renamo as the opposition party (Brito 2010; Nuvunga 2014, 2013, Pereira and Nhanale 2014). The fact that the negotiations and the political transition process up to the elections were conducted only by the two parties, each concerned with securing maximum advantages for itself, also meant a polarisation of the nascent political space around them. In a certain sense, it can be said that democracy was seized by these two parties, and there was no favourable environment for the expression of other forces and interests coming from civil society (Brito 2010: 23).

The refusal of the former warring parties to recognise other political forces as valid actors in the national political landscape can be partly illustrated by the content of the General Peace Agreement with specific reference to Protocol III dealing with electoral law. At one level, the Agreement established a barrier to parliamentary representation that could vary from 5% to 20%, of which Renamo proposed 20% (Brito 2010). This was a way for Renamo to ban all nascent political formations between 1990 and 1992 from parliamentary representation while peace negotiations were ongoing in Rome.

At another level, there was the introduction of the d'Hondt method for the proportional conversion of votes into parliamentary seats. The method works to the benefit of the two big parties, Frelimo and Renamo. The Agreement also raised the threshold for signatures required for the sponsorship of presidential candidates to 10,000. Furthermore, the Agreement effectively gave monopoly of electoral administration to Frelimo and Renamo. For the 1994 elections, membership of the CNE was shared between Frelimo (10 members) and Renamo (seven members), with the other non-armed parties appointing only three members. Table 5 shows that parliamentary representation among the former warring parties always exceeded the 90% threshold, with the minimum representation being 93% in 2017 and 100% between 1999 and 2004. As shown in the Table 5, through the parliamentary seats they got between 1994 to 2019, the former two former warring parties have been dominating the country's

political and democratic scene, to the detriment of parties without military experience.

**TABLE 5. PARLIAMENTARY REPRESENTATION OF THE FORMER MILITARY PARTIES**

Election year	Frelimo	Renamo	Frelimo + Renamo	Total in %
1994	129	112	241	96%
1999	133	117	250	100%
2004	160	90	250	100%
2009	191	51	242	96%
2014	144	89	233	93%
2019	184	60	244	97%

*Prepared by the author*

The 5% representation threshold set in the peace negotiations from the 1994 elections until 2004 partly eroded Mozambique's electoral democracy by preventing non-armed parties from being represented in parliament. For example, in the 2004 elections, Raul Domingos' PDD party won 2% of the vote, the equivalent of five seats, but did not get to be allocated any seats in parliament because of this barrier to representation. The subsequent abolition of this barrier, through the struggle of civil society forces, allowed the MDM to elect 8 MPs through its 3.9% share of the vote in the 2009 elections and the election of its current 6 MPs through its 4.19% of the vote in the 2019 elections, which would not have occurred if the 5% barrier had remained. Currently, electoral capture in Mozambique is carried out by a combination of illegal and illicit mechanisms (legal instruments approval or extension of legality to the benefit of the ruling party).

### ***Electoral Capture by Illegal Mechanisms***

- a. Electoral violence, on one hand, against the opposition to discourage their participation in the electoral competition and, on the other hand, against civil society organisations to discourage election

observation. This violence is done through assassinations, arson, physical torture, riots, aerial firing by the police, etc. (CDD, 2020; DW 11.10.2019; CNDH 2019).

- b. Use of state resources by the ruling party while resources are systematically denied to the opposition. Resources such as vehicles, officials, public buildings, state media, etc. are freely availed to the ruling party (MOEUE 2014; Pereira and Nhanale 2014).
- c. Electoral fraud during voting, both through ballot box stuffing as well as partial tabulation of election results. The perversion of electoral integrity is facilitated by the fact that most MMVs are identified with Frelimo (CDD 2019, CIP and AWEPA 2009.2014).
- d. Election fraud during the tabulation of results from the district to general levels, consisting of the adulteration of election results, facilitated by Frelimo's representative supremacy, both in the CNE and in its supporting bodies. The CNE sometimes takes decisions by majority vote of Frelimo (Judgement n° 19/CC/2019 of 11 November. Case No. 28/CC/2019. Electoral Appeal).

***Electoral Capture by Illicit Mechanisms (Legal and/or Extension of Legality)***

- a. Frelimo's political control over the electoral administration bodies as facilitated by the extant legal and institutional framework (Brito 2011a, b; Law No. 8/2013 of 27 February, amended and republished by Law No. 2/2019 of 31 May; MOEUE 2019).
- b. Manipulation of electoral registration, done through the statistical manipulation of the electoral population, being inflated in Frelimo regions and reduced in opposition strongholds, a kind of gerrymandering (EISA 2019).
- c. The late disbursement of election campaign funds which harms the opposition because of the shortage of financial and material resources they have to deal with on an ongoing basis.
- d. Partial adjudication (in favour of Frelimo) of electoral disputes by

the electoral litigation bodies (at the District Judicial Courts, as well as the Constitutional Council levels itself, as a result of the subordination of the judiciary to Frelimo party interests.

- e. Exclusion of opposition competitors, both through the CNE and the Constitutional Council itself, as a mechanism to ensure the continued dominance of the ruling party (CNE Deliberation no. 64/CNE/2018 of 23 August; Ruling no. 7/CC/2019 of 31 July).

## **FACTORS ENABLING ELECTORAL CAPTURE IN MOZAMBIQUE**

In the Mozambican context, five factors can be pointed out as determinants of Frelimo's electoral capture, namely: the system of proportional representation; the deficient electoral administration system, weak electoral observation, the partisanship of the police and the opposition's lack of technical capacity.

### ***Proportional Representation System***

The 1994 elections were held under the proportional representation system as a result of the peace negotiations in Rome between the government and Renamo, as opposed to the majority system approved by Frelimo in the 1990 constitution. The proportional representation electoral system established the transformation of the 11 Provinces into constituencies, with closed and blocked plurality lists, for the 1994 elections. President Joaquim Chissano won the presidential election with 53.3 per cent of the vote and Frelimo won a parliamentary majority of 129 seats due to the proportional representation system in use. If the majority system approved by Frelimo in the 1990 constitution had been maintained, Renamo would have received a parliamentary majority of 152 seats to Frelimo's 98, and União Democrática would not have won even one seat.

The change from a majority to a proportional electoral system benefited Frelimo; it was also clear that Renamo was an important political force, as it registered major gains in Sofala, Manica, Zambézia and Tete (central part of the country) and also won in Nampula (northern part of the country). Since Frelimo won an absolute parliamentary majority in the 1994 elections to the detriment of the opposition, the party has claimed a representative majority in all organs of power, including the electoral administration bodies. This

led to the capture of the Mozambican electoral processes by submitting the electoral administration bodies to the party's interest (Nuvunga, 2011; 2013; Brito, 2011a).

Electoral capture through the electoral system in Mozambique does not necessarily derive from systemic failure per se, but from the abusive use of the country's proportional representation system. The fact is that the Mozambican electoral system of proportional representation<sup>39</sup> establishes the election of the members of the Assembly of the Republic through closed [and blocked] plural-nomination lists in each constituency, with the voter having a single list vote<sup>40</sup>, that is, there is no phenomenon of candidates transfer between lists or a change in their relative position<sup>41</sup>. In other words, citizens vote for the parties without even knowing the names of the members of parliament on their lists who will represent them in Parliament. As a result, the elected deputies must obey the party leaderships who use their influence to ensure that they appear on the list for Parliament in an eligible position or for their eventual re-election, creating a distance and a fragile connection between the deputies and the voters.

As Brito (2010) argues, the main problem with the Mozambican system of proportional representation is the fact that it devalues the link between elected representatives and voters, and is, therefore, weak from the point of view of accountability. This is due to the fact that the election of MPs is not done by name, but, in the Mozambican case, through closed party lists. Thus, not only are MPs not individually dependent on the confidence of the voters, but they depend for their eventual re-election on their good relationship with party officials or colleagues, who within the party apparatus can influence their inclusion on the lists and their eligibility. In short, serving the interests of the party and its leaders takes precedence over the eventual interests of the electorate.

The solution to this crisis of political representation due to abuses of proportional representation would be, as Brito (2016, 2010) argues, the revision of the current Mozambican electoral system to a personalized proportional representation. This, among several advantages, would allow parliamentary representation to reflect very closely the citizens' vote and, therefore, the social weight of each political formation competing in the elections. On the other hand, it would put pressure on political parties to present candidates with the qualities and competencies necessary for



parliamentary work (Brito 2016).

### ***Deficient Electoral Administration***

The electoral administration system constitutes an obstacle to democratisation of Mozambique and the main reason for this is the way the CNE and STAE are constituted (Nuvunga, 2006). Based on the current system of electoral governance, of the total 17 members that compose the CNE, Frelimo is able to exercise full through its five party representatives and four others co-opted from civil society. Renamo has four party representatives and two co-opted from civil society, and finally MDM has only one representative and one co-opted from civil society. The implication of this is that even in the face of strong evidence of fraud, election results are approved by the CNE because Frelimo is assured of a minimum of nine supportive voters against a possible maximum of eight votes for the combined opposition. Indeed, Frelimo has always successfully used the electoral administration bodies as an instruments of electoral assurance and control to confirm its legitimacy and political dominance. Despite the relative balance in the CNE between Frelimo and the opposition, the balance of power was always slightly in Frelimo's favour (Nuvunga 2014).

Another aspect of the electoral administration system that is troubling is STAE's subordination to the CNE in the exercise of its functions.<sup>42</sup> STAE has proven to be a highly politicised body, with representation from both Frelimo and Renamo. For example, the Director-General of STAE is assisted by two Deputy Director-Generals appointed by Frelimo and Renamo, meaning that the supremacy of the interests of the former warring parties prevails in STAE as well. The members of the electoral bodies appointed by Frelimo are generally civil servants and in public office, a strategic advantage for Frelimo. For the 1994 elections, STAE's founding nucleus was located in the Ministry of State Administration, headed at the time by Aguiar Mazula, a senior member of the Frelimo government's Delegation to the peace negotiations in Rome. This shows that although subordinate to the CNE, STAE was legally and functionally part of the Frelimo-led MAE.

As mentioned above, as a result of the agreements between the Government and Renamo in early 2014 (precipitated by Renamo's return to war in 2012), the CNE was composed (until now) of 17 members, with

a president (from civil society) and two vice-presidents (one appointed by Frelimo and the other by Renamo). Of the total 17 members composing the CNE, five are representatives of Frelimo, four of Renamo, one of MDM and the remaining seven are from civil society, including its Chair. The 2013 electoral legislation<sup>43</sup> that caused Renamo to boycott the municipal elections and intensify armed attacks, gave Frelimo greater representative supremacy in the CNE to the detriment of the opposition. Table 6 shows the effect that arose from Law No. 6/2013 of 22 February after agreements between the government and Renamo led to its republishing by Law No. 9/2014 of 12 March, as shown in the Table 6 below.

**TABLE 6. COMPARATIVE ANALYSIS BETWEEN LAW NO. 6/2013 OF 22 FEBRUARY AND THAT OF 9/2014 OF 12 MARCH**

Lei n.º 6/2013, de 22 de Fevereiro		Lei n.º 9/2014, de 12 de Março
<b>CNE: CONSTITUIÇÃO<sup>44</sup></b>		
Frelimo	5	5
Renamo	2	4
MDM	1	1
Outros	1 Judge appointed by the Superior Council of the Judiciary	Revoked
	1 Prosecutor appointed by the Supreme Judicial Council of the Public Prosecutor's Office	Revoked
	3 Members from the Civil Society Organisations	7 Members from the Civil Society Organisations
<b>STAE: THE DIRECTORATE</b>		
STAE was headed by just the Director-General		STAE staff members from Frelimo, Renamo and MDM will be included during the election periods.
STAE staff members at election periods were all recruited on the basis of public competitive examinations and without representation of political parties.		

It is important to note that although electoral legislation states that members of CNE in the exercise of their functions do not represent public

or private institutions, or the political or social organisations from which they come, but function in the national interest and strive to obey the dictates of the law and their conscience<sup>45</sup>, this does not occur in practice. This is due to the fact that CNE members appointed by their parties, including the chair of the CNE, must obey their parties. All the key respondents interviewed for this research agreed that although the Chair of CNE comes from civil society, in reality his appointment is by the choice of Frelimo. As a result, the Chair of that body, as well as the other members appointed by Frelimo, are obliged to play in favour of the party as a mechanism to secure new public positions after the end of their CNE mandate. The CNE Chair, once designated, is sworn in by the President of the Republic<sup>46</sup>, another detail which makes him subordinate to the President of the Republic.

All the former leaders of the electoral bodies (CNE/STAE) were awarded public positions by Frelimo. Brazão Mazula, President of CNE in the 1994 elections was Rector of Eduardo Mondlane University; Jamisse Taimo, President of CNE in 1999 was appointed Rector of the Higher Institute for International Relations; Leopoldo da Costa, President of CNE in 2009 became Vice Minister of Health; and former Director General of STAE, António Carrasco, Director General of STAE in 1999 became CEO of the Mozambican Insurance Company (Public Company). All this shows that CNE leaders perform their functions with certain expectations of a prize from the regime, a motivational factor for their services in the electoral administration system for the benefit of the party.

Civil society's representation in the electoral administration bodies has grown from one in 1994 to seven today. Nevertheless, civil society's role in the CNE has been one of complicity, acting in the interests of the parties which co-opted them. There is no evidence of the refusal of civil society elements or political representatives to act against the interests of the parties they 'represent'. The introduction of civil society elements into the CNE cannot be seen as a mechanism to make the electoral processes transparent, as each party appoints its civil society allies to serve its interests.

### ***Weak Electoral Observation***

The third factor facilitating Frelimo's ability to exercise electoral capture is poor election observation. Several times independent electoral observers consider the elections to have been fair and peaceful, even in the face of

strong evidence of fraud. Their line of reasoning often reproduces the usual discourse of the electoral bodies and the Constitutional Council that “there were irregularities in the elections, but they did not affect the final results”. For example, the Peace Room<sup>47</sup> assessed the 2019 elections as follows:

“Overall, the voting process up to the start of the counting and tabulation of votes went peacefully, without many irregularities and incidents of violence. Some cases of unrest recorded, were duly controlled by the PRM, before they reached levels of physical violence (cited by IMD, 2019)”.

This shows that the election observers, even though they noted the electoral fraud in the 2019 elections that gave victory to Frelimo, as well as the extreme violence associated with the polling, refused to classify the elections as fraudulent and violent.

### ***Partisanship of the Police***

The fourth factor enabling Frelimo to capture the elections is the police who have been acting in favour of the governing party to the detriment of the opposition. Interviews with political parties indicate that the police routinely detain opposition delegates, torture citizens supporting the opposition, expel election observers, and cause commotion and shootings at polling stations in order to disperse observers and political party delegates so as to enable Frelimo to pull off fraud. In 2019, police murdered Anastácio Matavele, an activist and election observer in Gaza Province, using a car belonging to a Frelimo leader. CDD (2020)

In 2018, in the municipality of Moatize, Tete province, on the night of 12 October, police together with Frelimo stormed the offices of the district STAE supposedly to carry out a recount, but without the opposition present. On that occasion, they annulled 1,400 Renamo votes lowering their vote from 11,166 to 9,742, and thus Frelimo won the election. Also, in 2018, in Marromeu, Sofala province, and Alto Molókwè, Zambézia province, police stormed polling stations when they saw that Renamo was ahead in the vote count and took the ballot boxes with them to an unknown location, returning with them the next day, giving Frelimo victory. These are some of the pieces of evidence of how the police contribute to electoral capture by Frelimo.

### ***Opposition's Lack of Technical Capacity***

The fifth and final factor that enables electoral capture by Frelimo is the opposition's lack of technical capacity to oversee the elections. Many of the Mozambican political parties are so only because they are registered as such, without clear intentions of gaining political power. With the exception of Renamo and MDM, other opposition parties are dormant between elections. Many of their leaders are unemployed and have no professional training. As a result, they use political mechanisms (election campaign funds) as a source of income to support their families (Nuvunga 2007). During election periods, these parties do not have enough inspectors to deploy to all the polling stations (CIP and AWEPA 2009 and 2014).

Also, an authoritarian political culture prevails in Mozambican parties. Most of them, especially the opposition parties, are characterised by the existence of a kind of cult of the big boss. There are no internal policy and political debates within the parties. Without substantial programmatic differences between them, the parties do not contribute to the creation of a democratic culture that goes beyond the simple electoral competition of a few parties. As a result, the opposition parties, in their current state, do not contribute to the deepening of the democratic culture and consolidation in the country, giving Frelimo space for electoral capture (Nuvunga 2007).

In relation to Renamo, the largest opposition party, Pereira and Nhanale (2014) argue that over time it has lost its support due to internal conflicts, the great concentration of power in the hands of its leader and its difficulty in accommodating internal differences. This situation resulted, in many cases, in the marginalisation or expulsion of internal opponents, with some leaving to create their own political parties. Raul Domingos, a former MP, after his expulsion created the PDD (Party for Peace, Democracy and Development). The late Daviz Simango, who won the city of Beira for Renamo in the 2003 municipal elections, was expelled and created his own political party, the Mozambique Democratic Movement (MDM), the third largest parliamentary party, in 2009.

### **IMPLICATIONS OF ELECTORAL CAPTURE ON MOZAMBIKAN DEMOCRACY**

Elections form the basis of modern democracies, serving, on the one hand, as an instrument to legitimise the political regime and, on the other, providing

the main forum for both political competition and popular political participation. When democracy is defined as an institutional system, for political decision-making, in which the individual acquires the power to decide through a competitive struggle for the elector's votes (Schumpeter 1942), in these terms a government would be legitimate when resulting from the expressed choice of the majority of citizens (Baloi 2001).

***First Implication: Government's Weak Political Legitimacy***

One of the immediate consequences of electoral capture in Mozambique is the drop in voter turnout, eroding democracy and consequently threatening the legitimacy of the government (Brito 2007). As illustrated earlier, after the massive participation registered in the 1994 and 1999 elections, from 2004 onwards there was apathy among Mozambicans to the electoral process. This is attested to by the falling rate of voter participation, which has since dropped below 50 percent. The Centro de Estudos de Democracia e Desenvolvimento (CEDE) study on abstention in the 2004 elections, cited by Brito (2007), indicates that Mozambican voter abstention is due to distrust of electoral administration processes. This assessment is also reiterated by Silva (2016: 34). In addition to the high abstention rate, the elections are marked by fraud and inter-party distrust. Technical failures in the registration of voters, fraud in the tabulation and processing of results, and the unfair invalidation of votes have become common and mainly benefit Frelimo.

***Second Implication: Post-Electoral Conflicts***

As the president of the MDM said, "The post-election political-military conflicts are the indicators of STAE's inoperability, because when popular wills are vitiated, there are reactions" (O País newspaper, 16 July 2019).<sup>48</sup> The politico-military tension that has taken hold in Mozambique since 2012 is rooted in the fraudulent electoral processes. Indeed, the opposition has constantly contested the official results from election cycle to election cycle. The demonstration in Montepuez, Cabo Delgado in 2000 and the return to war by Renamo (Darch 2018; Regalia 2017; Faleg 2019) are proof of this.

## CONCLUSIONS

This chapter discussed electoral capture in Mozambique. It started by analysing the Mozambican elections from a historical perspective, showing that in the six elections held so far, Frelimo has always obtained a parliamentary majority and its candidates have also always won the presidential elections. As for Renamo, the largest opposition party, it would not only have won the legislative elections in 1994 and 1999 if the electoral system had been a majority one, but also its candidate, Afonso Dhlakama, would have won in 1999 if electoral fraud had not occurred. It is also argued in this section that Frelimo's successive victories are associated, among other factors, with the partisanship of the state and the strengthening of its control over the public sphere.

The chapter addressed the characteristics of electoral governance in Mozambique and highlighted the constant revision of electoral legislation; cases of electoral violence and fraud; problems with voter registration; problems in the accreditation of civil society observers; a systematic contestation of election results by the opposition; low voter turnout; and exclusionary electoral process, as the eight key characteristics of Mozambique's electoral processes.

On electoral capture in Mozambique, the central argument of the chapter is that there are five factors that dictate electoral capture by Frelimo, the former national liberation movement, namely, a skewed system of proportional representation, the deficient electoral administration system, weak electoral observation, the partisanship of the police, and the opposition's lack of technical capacity. In conclusion, the chapter touched on the implications of electoral capture for the country and highlighted voter abstention, government weak political legitimacy and post-electoral politico-military conflicts.

### *Recommendations*

As a way for Mozambican electoral processes to get out of the capture situation, the study recommends the following reforms:

- a. Introduction of the first-past-the-post system or personalised proportional representation which would allow for a parliamentary representation that closely reflects the citizens' vote, on the one

hand, and, on the other hand, pressure on political parties to present candidates with qualities and competencies necessary for parliamentary work.

- b. The introduction of electronic voting to prevent ballot box stuffing and tampering with the tabulation of election results. Electronic voting is important, but it needs a literate population. Mozambique currently has an illiteracy rate set at almost 30% (almost 10 million of the population cannot read or write), a fact that can make it difficult for these sectors of the population to exercise electronic voting.
- c. The introduction of an electoral court.
- d. The approval of an electoral code that incorporates all electoral legislation (in order to avoid constant amendments) in which an unalterable date for the holding of elections is included, as opposed to the current scenario in which elections are scheduled by the President of the Republic.
- e. The de-politicisation of the electoral administration bodies and the adoption of a specialist commission, whose members are recruited from legally constituted Civil Society Organisations and exempt from parliamentary voting.
- f. Approval of legal instruments that make it impossible for the public press to be biased in its electoral coverage, because as was seen in the 2014 and 2019 elections TVM, Radio Mozambique and Jornal Notícias favoured Frelimo.
- g. The abolition of the clause stipulating 10,000 signatures as a prerequisite for presidential candidacy is necessary, as this has made it impossible for several contestants to run for the presidency, making the elections a game between Frelimo, Renamo and MDM.
- h. Introducing digital mechanisms for publishing electoral data as it is produced, from registration to election results, as a way of enhancing transparency.



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ANNEXURE

ANNEX 1. NUMBERS VOTING + NUMBER OF ABSTENTIONS OUTNUMBER THOSE REGISTERED

REPUBLICA DE MOÇAMBIQUE  
COMISSÃO NACIONAL DE ELEIÇÕES  
ELEIÇÃO DO PRESIDENTE DA REPÚBLICA  
EDITAL DE APURAMENTO PARCIAL  
PROVÍNCIA DE GAZA

PR PR

DISTRITO CHITUNGWE LOCAL 26 BAIRRO DE JUNGUENE

**DUPLICADO**  
1.º EXEMPLAR DO ORÇÃO ELEITORAL

Código da Assembleia de Voto

0	9	2	0	1	2	0	4

NÚMERO DE ELEITORES INSCRITOS 800

NÚMERO DE VOTANTES 800

NÚMERO DE ELEITORES QUE NÃO VOTARAM 008

NÚMERO DE VOTOS NA URNA 800

Candidate (Na mesma ordem do boletim de voto)	Votos Obtidos	
	Algarismo	Extenso
Filipe Jacinto Nyusi	(799)	(SETE NOVE NOVA)
Daviz Mbepo Simango	(000)	(TRÊS DOIS ZERO)
Oswaldo Monade	(001)	(TRÊS DOIS UM)
Mário Albino	(000)	(TRÊS DOIS ZERO)
Total de Votos em Branco	(000)	(TRÊS DOIS ZERO)
Total de Votos Nulos	(000)	(TRÊS DOIS ZERO)
Votos Reclamados / Protestados	(000)	(TRÊS DOIS ZERO)

Assinatura dos Membros da Mesa e Carimbo

Presidente: [Carimbo] Vice-Presidente: [Carimbo] Secretário: [Carimbo] 1º Escrutador: [Carimbo] 2º Escrutador: [Carimbo]

3º Escrutador: [Carimbo] 4º Escrutador: [Carimbo] Data: [Assinatura] Hora: [Assinatura]



ANNEX 2: NUMBERS VOTING FOR ASSEMBLEIA DA REPUBLICA CONTRASTED WITH THOSE FOR PRESIDENTE DA REPUBLICA



113

**ANNEX 4: LIST OF ACADEMICS TO BE INTERVIEWED IN THE CONTEXT OF ELECTORAL CAPTURE IN MOZAMBIQUE.**

**\*\*Article 49(º 1) of Law no. 6/2013, of 22 February, as amended and republished by Law no. 9/2014, of 12 March, establishes that STAE subordinates to CNE to which it reports for the performance of its attributions, at all levels.**

n.º 3 of article 3 of Law no. 6/2013, of 22 February, as amended and republished by Law no. 9/2014, of 12 March.

n.º 7 of article 6 of Law no. 6/2013, of 22 February, as amended and republished by Law no. 9/2014, of 12 March.

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See Instituto Nacuional de Estatística (INE). 2019. IV RECENSEAMENTO GERAL DA POPULAÇÃO E HABITAÇÃO 2017. RESULTADOS DEFINITIVOS. MOÇAMBIQUE, MAPUTO. See Instituto Nacuional de Estatística (INE). 2019. IV GENERAL CENSUS OF POPULATION AND HOUSING 2017. RESULTADOS DEFINITIVOS. MOZAMBIQUE, MAPUTO.

## ENDNOTES

1 The institutional framework for the election of the President of the Republic and Members of Parliament is the 2018 Constitution of the Republic of Mozambique and Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

2 Article 147(1) and (2) of the Constitution of the Republic of Mozambique 2018 and Article 133(1,2) and (3) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

3 Article 135(2) of the Constitution of the Republic of Mozambique 2018

4 Article 167(1) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May

5 Article 167(2) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

6 Article 164(1), (2) and (3) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May, in conjunction with Article 165(4) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

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16 Article 56(2) of Law No. 6/2013 of 22 February 2013, as amended and republished by Law No. 9/2014 of 12 March 2014.

17 Article 56(3) of Law No. 6/2013 of 22 February, as amended and republished by Law No. 9/2014 of 12 March.

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26 Article 99 of Law no. 8/2013, of 27 February, amended and republished by Law no. 2/2019, of 31 May.

27 Article 101(2) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

28 Article 110(2) of Law No. 8/2013 of 27 February, as amended and republished by Law No. 2/2019 of 31 May.

29 Article 108(1) and Article 115 of Law No. 8/2013 of 27 February 2013, as amended and republished by Law No. 2/2019 of 31 May establish that until 24 hours after the announcement of the electoral results by the CED/C, the President of the CED/C shall deliver the electoral material to the CPE, and the CPE shall announce the electoral results 5 days after the close of voting.

30 LUSA. 23 November 2018. *Marromeu municipal election was "grossly fraudulent"* (NGO). Available at: [https://www.rtp.pt/noticias/mundo/eleicao-autarquica-de-marromeu-foi-grosseiramente-fraudulenta-ong\\_n1113237](https://www.rtp.pt/noticias/mundo/eleicao-autarquica-de-marromeu-foi-grosseiramente-fraudulenta-ong_n1113237). Accessed 16 June 2021.

31 Judgment No. 19/CC/2019 of 11 November. Case No. 28/CC/2019. Electoral Appeal

32 n<sup>o</sup>s 1 and 2 of article 7 of Law no. 5/2013, of 22 February, as amended and republished by Law no. 8/2014, of 12 March.

33 Article 245 of Law no. 8/2013, of 27 February, amended and republished by Law no. 2/2019, of 31 May.

34 Dr Eduardo Siteo is a Reader at the Eduardo Mondlane University (UEM), Department of Political Science and Public Administration. Interview conducted on 15 September 2021.

35 Venâncio Mondlane was excluded from the race in Maputo City through CNE's Deliberation No. 64/CNE/2018, of 23 August.

36 Samora Machel Júnior, AJUDEM candidate and member of the Frelimo Central Committee excluded from the 2018 municipal race in Maputo City by the CNE, speaking at a press conference on 19 September 2018 from Maputo City.

37 The Candidates who removed their names from the AJUDEM list were Yolanda Raquel Hilário Guibunda, Roberto Luís Sipechele, Anastância Domingos Sigauque Wamusse and Gaspar Paporo Marques, all Frelimo members and civil servants.

38 Letter from Mozambique. Elections 2019: Helder Mendonça and Alice Mabota say they were excluded for fear of their candidacies. Available at <https://cartamz.com/index.php/politica/item/2667-eleicoes-2019-helder-mendonca-e-alice-mabota-dizem-que-foram-excluidos-por-temer-suas-candidaturas>. Accessed on 17 September 2021

39 This electoral system was agreed in 1992 between the Government and RENAMO as part of the AGP, General Peace Agreement signed in Rome, Italy.

40 Article 167 (1) of the law 2/2019, dated 31st of May which amends the

Law 8/2013, dated 27th February pertaining the rules for the presidential and legislative election.

41 Article 167 (2) of the Law 2/2019, dated 31st of May which amends the Law 8/2013, dated 27th February pertaining the rules for the presidential and legislative election.

42 Article 49(º 1 of Law No. 6/2013, of 22 February, as amended and republished by Law No. 9/2014, of 12 March states that STAE responds to CNE to which it reports for the performance of its duties, at all levels.

43 Law no. 6/2013, of 22 February.

44 It is important to note that as a result of negotiations between the government and Renamo, the President of CNE will now be assisted by two Vice Presidents, the 1st Vice-President being designated by Frelimo and the 2nd one by Renamo, which was not foreseen in the previous legislation

45 n.º 3 of article 3 of Law no. 6/2013, of 22 February, as amended and republished by Law no. 9/2014, of 12 March.

46 Article 6 (7) of the Law 6/2013 dated 22nd of February, which amends the Law 9/2014 dated 12th of March which establishes the functions, composition, organization, competencies and functioning of the National Electoral Commission (CNE)

47 A coalition of national civil society organisations

48 The Country. *STAE's poor performance causes conflict in Mozambique*. 16 July 2019. Available at: <http://opais.sapo.mz/ma-actuacao-do-stae-causa-conflitos-em-mocambique->. Accessed 23 May 2021.



## Chapter Five

# Attempted Electoral Capture in Southern Africa: The Zambian Experience

*By*  
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### INTRODUCTION: HISTORICAL FOUNDATIONS OF ELECTIONS IN ZAMBIA

The Republic of Zambia is a landlocked country located in the Southern part of Africa with an estimated population of 18 million people (Zambia Statistics Agency, 2021). The country is led by a President and has a unicameral national assembly with a total of 156 elected Members of Parliament, and another eight nominated by the President. The idea

behind the provision for the President to nominate eight MPs is to cater for disadvantaged/underrepresented groups such as the youth, women, and people living with disability. However, despite the noble intention that informs the provision, often times appointments are made to reward/compensate/pacify the political allies of the incumbent President and ruling party. Therefore, very few of the disadvantaged groups for whom the seats are meant actually get nominated into those eight positions. Indeed, currently, there is no disabled person who was nominated by the President to the newly-elected parliament; most of the nominations were allocated to the UPND alliance members who supported the party to win the 2021 elections. The nominations seem to serve the purposes of political patronage much more than for the original intent of reducing discrimination or increasing inclusivity.

Since 1991, Zambia has been a multiparty state striving to build a democratic system of governance. The country has gone through several elections from the local government and parliamentary to the presidential levels. Over the years, Zambia has largely maintained the peace and political stability even though in recent years there have been worrying cases of political violence recorded. Transfer of power from one government to the other in all the post-1991 elections that have been held has been mainly smooth and peaceful to date. Thus, in 1991 the United National Independence Party (UNIP), the party of independence which also presided over the one-party state for many years, peacefully handed over power when it lost the elections held in that year to the Movement for Multiparty Democracy (MMD). Similarly, in the 2011 polls, the MMD which had been in power for 20 years, lost power and graciously handed over to the Patriotic Front (PF) which emerged victorious. In 2021, the PF peacefully handed over power to the United National Party for Development (UPND) after losing its 10-year hold on power to the latter.

The Mo Ibrahim Index of African Governance (IIAG) places Zambia among the African countries that have a fair ranking with regard to its governance performance. However, economically, Zambia's growth has drastically dropped from about 7% in the late 2000s to an average of 3.3% between 2015 and 2021 (World Bank, 2021). The inflation rates have also become very high, impacting negatively on the cost of living. Both the social and economic challenges facing the country have presented a

structural dilemma. The dilemma is compounded by an external debt overhang weighing heavily on the public treasury.

Zambia is divided into ten regions called provinces, namely, Central, Copperbelt, Eastern, Luapula, Lusaka, Northern, Muchinga, North – Western, Southern and Western and it shares borders with seven countries which are Angola, Democratic Republic of Congo, Malawi, Mozambique, Namibia, Tanzania and Zimbabwe. The country has a diversity of ethnic groups inhabiting each of these regions. Zambia’s multi-ethnic and multi-cultural character is also underpinned by a long history of urbanisation. As Table 1 shows, the country had a total of just over 7 million registered voters, a significant proportion of whom are categorised among the youthful population of the country.

**TABLE 1: VOTER DATA AS AT 2021**

Number of Polling Stations	12,152
Number of Wards	1,858
Number of Constituencies	156
Number of Districts	116
Number of Provinces	10
Eligible Voters	7,023,499

### **ZAMBIA’S ELECTORAL CONTEXT**

Zambia emerged from a period of post-independence political authoritarianism in 1991 when the long-ruling UNIP succumbed to mostly domestic popular pressure and agreed to the reintroduction of multiparty politics. The rebirth of multiparty politics marked a significant milestone - even a major turning point - in the post-colonial history of the country. Citizen expectation was high that politico-electoral pluralism would usher in a new era of democratisation that would afford them an opportunity to freely and meaningfully participate in the political and governance processes of the country. Zambia had followed the example of many African countries in jettisoning multiparty politics when the ruling party and the government it led adopted the Choma Declaration in 1973.

The Declaration officially proclaimed that only one party would exist in Zambia. The justification that was given for this centred on the need to maintain unity and peace of the country. The Choma Declaration carried forward the results of the 1968 referendum which had been organised after a Constitutional Review Commission (CRC), headed by then Vice President Mainza Chona, recommended the institutionalisation of one-party rule in the country. Immediately after the adoption of the Declaration, party political pluralism was abolished and UNIP became the sole political party that was recognized under the laws of Zambia.

Zambia's involvement in the liberation struggle that was going on at the time in Southern Africa was an important tool that the ruling UNIP used to legitimise and justify its desire for a one party state. The spirited attempts made by the rogue settler and racist regime in the then Rhodesia and the apartheid authorities in South Africa actively to destabilise countries like Zambia that played host to various liberation movements and which took a frontline role in the continental and global campaign against continued colonialism was a genuine source of worry for the ruling UNIP. The principled stand taken by President Kenneth Kaunda against settler colonialism and institutionalised racism despite the huge political and economic costs to Zambia won respect and admiration around Africa and the world. Support and goodwill for Zambia in the face of aggression and destabilisation from Salisbury and Pretoria came from near and far, including the United Nations and various influential international lobby groups. Support grew in tandem with every attack launched by the racist settler regimes on Zambia, including the many occasions when they carried out direct military incursions targeted at the refugee and training camps of the liberation movements in and around the country.

Tapping into the international goodwill and sympathy that the country enjoyed in serving as a key frontline state in the quest for the complete liberation of the continent, and building on the general support which Zambians offered to their government for its principled stance, the leaders of UNIP saw an opportunity to consolidate regime security and their grip on power through advocacy for a single party system. In fact, citing the threat posed to national unity and stability by the racist settler colonial regimes in the neighbourhood, UNIP officials at the highest level posed the question of the march towards the one party state as an imperative.

The credibility and support which UNIP enjoyed at the time meant that its closest rival, the *Zambian African National Congress (ANC)* was unable to mobilise substantial opposition to the one party state project. Few Zambians disagreed with the general proposition at the time that the country's role in the liberation struggles going on in Southern Africa required for their country to remain united. Unity under a single party dispensation was also marketed as a panacea to the divisions that confront ethnically diverse countries.

The *Zambian one party state* endured until 1991. Although in the early years, there was a mixture of general acceptance and indifference to the system, by 1988 discontent among the Zambians had built up and culminated in a massive rioting in 1990 sparked by a widespread shortage of essential commodities. Like many other African countries, Zambia had slid into an economic crisis which compelled the introduction of austerity measures even before the adoption of the deflationary structural adjustment programme (SAP) of the International Monetary Fund (IMF) and the World Bank. The generalised state of economic and social crises that pervaded the country was not assuaged by concerns about embedded corruption and mismanagement in the public sector. With citizen disenchantment getting deeper, and faced with trade union strikes, student protests, and escalating street demands for change, the Kaunda administration increasingly found it difficult to resist calls for a return to multiparty politics and electoral system reform. Oppositional forces which had hitherto been silenced found their voices and joined in the chorus of calls for far-reaching political reforms.

In responding to the pressures for change that had built up, President Kenneth Kaunda announced towards the end of 1990 that a referendum on political reforms would be held even while accusing his political opponents of being responsible for the unrest that had gripped the country. Subsequently, he constituted a *Constitution Review Commission (CRC)* which was led by veteran lawyer Professor Patrick Mvunga to draft a new constitution that would restore political pluralism and democracy in Zambia. The *Constitution Act* that was enacted effectively triggered the 1991 multiparty elections and by October of that year, the ruling UNIP was defeated by the *Movement for Multiparty Democracy (MMD)*, a broad coalition of trade union leaders, student activists, and sections of political society. The

election was generally peaceful. It also attracted an unprecedented level of regional and international interest, especially from Western countries such as the United States and the United Kingdom. Although pressures for political reforms were also building up in other parts of Africa where single party and military rule had been imposed soon after independence, Zambia became the first country to launch a return to multiparty politics and to witness a peaceful alternation of power in which the incumbent President and ruling party were defeated.

The extra interest in the Zambian multiparty elections from Western countries came against the backdrop of the thawing of the post-1945 East-West Cold War. The Berlin Wall had collapsed in 1989 and Germany had been swiftly reunited even as the old Soviet bloc of countries was dissolved, and the Union of Soviet Socialist Republics (USSR) got dismembered. Having lost direct influence over Zambia during the latter half of the Kaunda years, the 1991 elections and the prospects of victory for the MMD offered an opening for the Western countries to reassert their interest in the country and steer it fully back into their sphere of control. At the height of the struggle for the liberation of Zimbabwe and South Africa, Kaunda had been disappointed and infuriated by the double standards and even outright complicity of key Western countries with the minority racist settler regimes in Southern Africa. Out of that disappointment, and in the wake of solidarity from countries of the old Soviet bloc and China, and the consolidation of his own ideology of African humanism, Kaunda went so far as to denounce the West and its institutions as imperialistic.

The defeat of Kaunda and UNIP marked the end of an era in Zambia's political history. The MMD-led government that took over the reins of power committed itself to a path of liberal political, economic, and social policies. By the end of 1993, the Bretton Woods institutions (IMF and World Bank) had become an integral player in Zambia's domestic economic management and encouraged the new government to adopt their structural adjustment measures. The IMF/World Bank adjustment programme for Zambia enjoyed the full endorsement of the Western countries. These countries promised to pump resources, by way of expanded aid, into the Zambian economy as a gesture of support for the strengthening and consolidation of the new multiparty political dispensation. In this connection, measures aimed at reforming the national electoral system were announced and

policies for strengthening oversight institutions such as the parliament were spelled out. By 1996, the Electoral Commission of Zambia (ECZ) was established by law as an autonomous election management body (EMB). Subsequent elections since 1996 have all been held under the supervision of the ECZ. Although Zambia still practices informal democracy in the communities, democratic practices have been largely institutionalized and consolidated over the years. A number of reforms to the electoral system have also taken place and a fixed term of five years is established in the constitution as the interval to be observed for the holding elections.

### **MULTIPARTY DEMOCRATIC POLITICS AFTER 1991: FROM COMPETITION TO REPRESSION**

A question which has been of recurrent interest since 1991 in Zambia and beyond centres on whether Zambia has finally and firmly settled for a democratic path of development or not. Some commentators have taken the view that based on the evidence available and the criteria that apply, Zambia would seem to be fully embarked on a democratic governance trajectory. There is a general adherence to the rule of law, a rigorous respect of the five-yearly electoral calendar, and the promotion of the various institutional mechanisms for strengthening competitive politics. The point has also been made that Zambia has successfully - and peacefully - changed governments three times in 30 years, a big contrast to the experiences of most of the countries of the Southern African region. Overall, there is an assumption that is widely shared within and outside Zambia that the outlook for the country's democracy is a positive one (Allen et al, 1992).

Allen et al (1992) have noted that processes of democratisation are diverse and are often perceived differently due to varying histories and their different roles for different configurations of interests. However, the important point they make is that the key elements that make for democratic governance such as the rule of law, the safeguarding of basic human rights - including the right to organise, freedom of expression and freedom of the press - and the presence of honest and efficient government need to be monitored constantly to ensure that they are on track. Many of these elements were largely present to one degree or another in Zambia until about six years ago when the democratic space considerably shrunk and attempts were made to muzzle electoral competitiveness. This period

could easily be considered as the most regressive in Zambia's effort at democratisation over the last 30 years.

Before the August 2021 elections, *The Conversation* (2021) made important observations that it felt had undermined Zambia's democratic processes in recent years. These include the emergence and enforcement of an unhealthy dominance by the executive branch of government over the entire political system. Former President Edgar Lungu and the core team around him spared no effort to assert their complete stranglehold on power. The strategy was to use the overwhelming dominance of the President over institutions and the polity to keep him in power as long as possible. Presidential overreach and power grab had the immediate effect of stifling oversight institutions such as Parliament and the Anti-Corruption Commission (ACC). In its bid to further consolidate its hold on power, the ruling Patriotic Front (PF) proposed a constitutional reform agenda which is commonly known as Bill 10 and whose main thrust was to create an imperial presidency that would be behind the reach of citizens and parliament.

The agenda to introduce Bill 10 was seen by many as a desperate endeavour by former President Lungu and his party to systematically annihilate his strongest opponent and erstwhile main opposition leader now President of Zambia, Mr Hichilema Hakainde, and ensure that he did not succeed at winning power to become President. At the same time, the Bill was designed to help Lungu consolidate his presidency, with the possibility of even extending his tenure beyond the prescribed constitutional term limit. Among the contentious clauses that were contained in the bill include the reduction of the discretion of the legislature on its powers to impeach the President. It further proposed giving unfettered power to the President to appoint a tribunal that could remove judges instead of the existing system of using the Judicial Service Commission and Judicial Complaints Commission. This provision was widely - and correctly - perceived as an attempt to strengthen the former President's control over the judiciary. Ultimately, once the Executive would have dominated the two other branches, the calculation was that it would be very difficult for any of Lungu's opponents to upstage him from power or challenge him in court.

The manoeuvres around Bill 10 were spearheaded by President Lungu's Minister of Justice, Mr. Given Lubinda. They represented the first most



spirited attempt in the period since the return of multiparty politics in 1991 to enact an electoral capture in Zambia. The Bill was meant to lay the foundation for preventing the opposition from being able successfully to challenge a PF win in the presidential elections of 2021. The PF was certain that it had put in place the necessary measures that would enable it to win the elections and it did not want a repeat of the experience of 2016 when Lungu only narrowly beat Hichilema by 100,000 votes. The results of that election were vigorously challenged by Hichilema in the Constitutional Court but the petition could not be heard as the judges dismissed it on a technicality that the 14 days allocated for hearing election cases under the constitution had elapsed. Hichilema and his team however felt that there was political interference in the court process, and it was an engineered political outcome which was intended to hinder evidence by the petitioners to be adduced and presided upon. From then on, Hichilema refused to recognise Lungu as a legitimate President, something which infuriated Lungu and his party.

In the lead up to the 2021 elections, the PF government devised various political strategies with the unambiguous intention of stopping Hichilema from posing a significant challenge to Lungu, let alone having any chance of successfully petitioning the courts about the results. Using the state police in one of the worst examples of abuse of state power since 1991, the ruling party barred Hichilema from freely holding public meetings. In April 2017, Hichilema was arrested and charged with treason after a traffic incident with the Presidential motorcade in the Western Province. In that particular incident, he was accused of obstructing the presidential motorcade and refusing to clear the road when the President was passing through. Hichilema was kept in prison for 127 days until the Commonwealth intervened. This and other incidents served to undermine the democratic strides that had been made 10 years earlier under the MMD which had allowed the PF fair competition even during elections.

Between 2019 and 2021, the Zambian domestic political space had shrunk and with COVID-19, the PF had a convenient ready-made excuse for further restricting opposition leaders from mobilising their supporters and organising their militants. Hichilema in particular was blocked from campaigning under the guise of managing the pandemic. The systematic abuse of COVID-19 regulations to thwart and block opposition meetings

created a very hostile political environment. Hichilema was also repeatedly blocked from campaigning in provinces which were perceived to be PF strongholds. Furthermore, the media was also polarised with the state-owned media completely blacking out Hichilema and his United Party for National Development (UPND). On the contrary, the ruling PF enjoyed good coverage from both the public and private media. Coupled with the state-driven stifling of political and democratic space, the PF's political party cadres enjoyed unfettered freedom and power over state institutions such as police. The cadres were considered powerful and would issue commands or refuse to be arrested when the police attempt to arrest them. They were also the architects of violent conduct especially against the PF's perceived political opponents. The police became a party functionary that was used to threaten and arrest opposition members or those with dissenting views.

The manoeuvres of the ruling party in the lead-up to the 2021 elections created uncertainty across Zambia and there was a feeling that the PF had become too powerful and would subvert and circumvent the law by using institutions such as the ECZ, police, military and DMMU to perpetuate its rule even against the will of the people. Generally, the competitiveness of the 2021 elections had been greatly undermined by the series of unhappy events prior to the election day, including the refusal to allow the opposition to campaign freely. Free competition and political space was muzzled using institutions such as the police. The PF also campaigned on ethnic grounds in most of their physical and virtual rallies. However, what was impressive and probably a key point of discourse is that despite these efforts by the then ruling PF, Zambians, especially the youth, remained very alert and watchful to protect the electoral process from being manipulated. And even though there were schemes to interfere with the credibility of the electoral process, the close monitoring by the youths made it practically difficult for the electoral process to be altered. Thus it was that the design by the PF to enact electoral capture in the country was defeated.

## **THE QUEST FOR ELECTORAL CAPTURE**

There are various key factors that appeared from around 2016 to propel Zambia on a path towards possible electoral capture. At the forefront of these factors are those elements of the country's political economy that are structural in nature. Clark (1989) defines structural factors as underlying

conditions, structures and systems that have existed for many years, and are mostly static in nature or only change slowly over time, and so form the basis for long-term risk assessment. Structural factors in most cases tend to be embedded in historical/cultural and institutional contexts such as unequal integration into the global political economy, multi-ethnic or sectarian conflicts, political and economic marginalisation, long-standing border disputes, and poverty among others. For purposes of description and analysis, root causes are thus necessary but not sufficient causes for electoral capture. They, however, create the fertile conditions that make a country or region potentially ripe for and susceptible to electoral capture. In most cases, the structural factors are instrumentalised by political actors. The attempt that was made at electoral capture in Zambia is embedded in structural factors located in three main domains, namely, the political, legal/policy, and economic.

### ***Political Factors***

The political factors driving the drift towards possible electoral capture in Zambia began gradually to manifest themselves in the period following the 2011 elections. They include the militarisation of political cadres, regional and ethnic power politics, and weak institutions of governance.

Historically, party cadres were considered important in building strong political parties. During the colonial period, Zambian youths, as elsewhere in Africa, were instrumental in the consolidation of liberation struggles as they spearheaded various social and political movements which were part of the fight against continued colonial rule. For instance, in the 1960s, there was what was called Chachacha Movement that entailed the organisation of generalised civil disobedience, including workers' strikes, the setting ablaze of key buildings, the blocking of roads, boycotts and protests in Lusaka, the Copperbelt, and other parts of the country. This course of action was largely inspired by the example of the protest movements that were led by India's Mahatma Gandhi and Martin Luther King Jr., especially after Kenneth Kaunda visited him in Atlanta in July 1960.

Once Zambia attained independence in 1964, the role of youth-led protest movements was deliberately stepped down and the movements became much less influential in the political dispensation. The removal of the youth from direct political engagements after independence can be

attributed to the inter-generational contestations for power and influence that emerged after independence. The contestation was resolved in favour of the older generation - as was the case in South Africa and Zimbabwe, among others (Everatt, 2016; Twala, 2017). Moreover, the main leaders of the liberation struggle enjoyed the status of highly revered and trusted figures whose decisions and choices were largely accepted by the generality of the populace. Indeed, Kaunda, like many of his frontline colleagues in UNIP, and his peers like Nyerere and Kenyatta were considered in the lead up to and after independence as indispensable to the task of national rebirth that was at hand.

Following the re-introduction of multiparty politics in the early 1990s in most African countries, the youth have returned full force to the centre stage of politics, not surprisingly given the role they played in the defeat of single party and military rule. As multiparty politics consolidated, the youth have re-emerged as prominent cadres and party youth leagues have been established to serve as platforms for them to participate in the political marketplace. They are mostly charged with the responsibilities of propagating party ideals and serving as the ambassadors of their parties, particularly within social media spaces. They are also the critical link between the parties and the masses. They assist with the recruitment of members for their parties and ensure that political party values and principles are propagated in the wider society.

However, as indicated by recent studies, the resurgence in the role of the youth in party politics has also been accompanied by the spread of partisan violence. According to Abbink (2004), youth party cadres in contemporary Africa have frequently been perceived as agents of violence. They are easily enlisted by political parties sometimes for armed or criminal activities in exchange for small amounts of money (Abbink, 2004). In the case of Zambia, the violent streak associated with youth cadreship in political parties is traceable to the one-party state. UNIP in its time enlisted youths into its ranks not only to propagate party ideals and consolidate its rule but also, according to Mukunto (2019:141), to “take care” of perceived party “enemies”. The political parties that have emerged in the post-1990 period have recruited youths into their ranks and they have been associated with violent conflicts during electioneering period.

The local dailies in Zambia are awash with stories of incidences of

violence associated with young party cadres. A former police officer in Lusaka (Interview, 04 August 2021) contended that party youth cadres have been in the forefront in fomenting electoral conflicts. On 7th September 2017, for example, PF and UPND cadres engaged in violent conflict in a ward by-election in Chilanga (Namaiko and Etyang, 2017). The violent conflict resulted in many injuries and the destruction of property. Since the aftermath of the 2011 general elections, the notoriety of party cadres has become more prevalent in PF and UPND outreach activities and encounters. These are the two main parties that have dominated Zambia's political landscape in the last 10 years. The conflicts orchestrated by the cadres in most cases take the form of violent assaults, the disruption of meetings, and armed attacks on perceived opponents. In August 2021, for example, the ECZ suspended the UPND from campaigns in Lusaka's most populous constituency, Kanyama, on account of violence reportedly orchestrated by its political cadets (Lusaka Times, 2 August 2021). Before that, the ECZ had also suspended the campaigns in Lusaka, Mpulungu, Nakonde and Namwala on account of violence (EEM report, 2021).

The violence between the UPND and PF has been on-going since 2011. Their cadres are known to carry crude weapons such as machetes and pangas. Some, especially from the PF even carry guns publicly. An interviewee reported that senior politicians have always recruited militant youth and financed their activities (Interview: Patriotic Front (PF) Youth Leader, in Matero Constituency, Lusaka, 20 October 2021). The ability to make easy money from politicians makes 'cadre-ism' attractive and also the idea that these cadres would be rewarded through government contracts and jobs motivates them to be abrasive and violent. As a result, youths find refuge in cadre-ism as a means of making easy money from politicians. Party youth cadres have also been used to invade private land leading to violent confrontation. Interestingly, some party cadres operate like security agents; they move around clad in military regalia and provide security to politicians (Interview: UPND Youth Leader, in Kafue, 15 October 2021). They exhibit complete ruthlessness in their actions, especially when dealing with perceived opponents or threats.

Party cadres have also been known to abuse drugs. Marijuana and alcohol are the most abused drugs especially during electioneering periods. The use of drugs makes the youth volatile, irritable, and inclined to fight.

The use of drugs also tends to instil a sense of bravado and courage that translates easily into violent conflicts. Not surprisingly, party youth cadres are among the biggest violators of the electoral code of conduct. In the lead up to the 2021 elections, and in pursuit of its electoral capture agenda, the PF equipped its youth cadres and practically licensed them to operate almost unchecked. In some instances, they actively undermined state security agencies such as the police. They were given a leeway and granted prerogatives by the incumbent political authorities that seemed to override conventional police powers and this was something that made them violate the law with impunity and intimidate institutions and citizens at will. In their zeal to protect PF leaders, they attacked perceived enemies of the party. This greatly constrained the political space and undermined the ability of political competitors to mobilise eligible citizens for votes freely. Ultimately, their actions cast serious doubt on the credibility of the electoral process.

### ***Regionalism and Ethnic Power Politics***

The concept of ethnicity remains ubiquitous in the social sciences. However, its definition remains disconcertingly far from precise. The common definition of ethnicity offered by different scholars such as Nnoli (1995), Young (2002, 2007), and Fearon & Belsky (2003) tend to converge around some key elements that include language, history or ancestry, religion, shared cultural practice such as style of dress or adornment, common boundaries among other factors. Zambia consists of 73 indigenous ethnic groups in addition to a number of immigrant groups, most of whom are of Asian and European descent. By and large, Zambia has since independence enjoyed stable inter-ethnic relations. However, the scenario has somewhat changed with latent and manifest negative ethnicity emerging during the electioneering period.

Posner (2005:56) attributes the roots of the emerging ethnicisation of politics to policies, rules and regulations established by the Rhodesian colonial administration. According to her, these rules prompted African elites to invest in their ethnic identities. These identities have, in turn, been increasingly refracted into politics to the extent that ethnicity has become a driving factor in elections in Zambia. At one level, there is a latent resentment of the prosperity of immigrant groups of Asian, Chinese and

East African origin that has recently burst into the open. This is attested to by various incidences that have taken place targeted at immigrant groups, for example, the killing of three Chinese nationals in a warehouse Lusaka in May 2020 (Observer Research Foundation, 2020). These resentments have so far manifested in densely populated poor urban areas, especially in Lusaka and some parts of the Copperbelt. Some of the underlying reasons for the resentment are poor service delivery amidst increased levels of poverty, difficulties experienced by citizens to access wealth and other social amenities, and concerns that the Chinese are taking over jobs at the bottom of the pyramid such as rearing chicken and selling second cloths, among others.

The general expectation of many Zambians is that foreigners who come to settle in the country or establish businesses would focus their energies on investing in employment-creating activities that generate jobs and not to come in to compete with locals in small scale and lower end operations such as the retailing of poultry or vegetables where the poor majority of the local people eek out a living. As reported by Observer Research Foundation (2020):

There should be no pretence about the fact that the relationship between ordinary Zambian citizens and Chinese nationals is fraught with suspicions and mistrust in recent years unlike in the past. Zambians view Chinese as coming to take over their country. Zambians working for Chinese companies complain about low wages, poor working conditions of service, general mistreatment and racism.

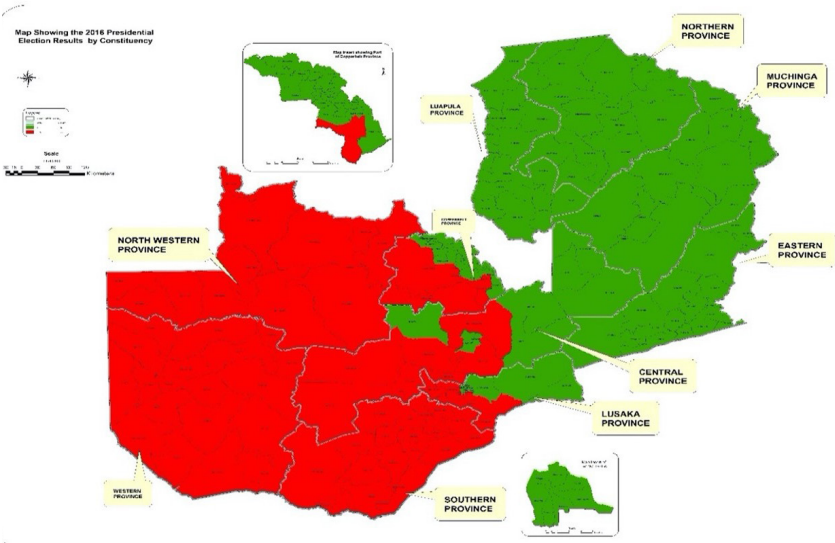
The PF, in its bid to consolidate itself, deliberately exploited inter-ethnic tensions by actively fanning resentment against the Chinese nationals in the run up to the 2011 elections.

At another level, there is an increasing use of negative ethnicity in the pursuit of political power in Zambia. Ethnicity has been negatively politicised by party elites in a manner that is designed to sow seeds of suspicion and create division. Matters have not been helped by the formation of ethno-regional parties whose activities have awakened an irredentist ethnic consciousness. In their mobilisation of ethnic identities, party leaders and their cadres have not hesitated to deploy hate speech in order to drive wedges between



different groups and polarise the electorate along parochial lines. A cursory look at the voting pattern in the 2016 presidential elections in terms of the bastions dominated by the two leading parties – PF and UPND - indicates a clear and unambiguous ethno-regional balkanisation of the country. This is captured in Figure 1. The two main presidential candidates received the majority of their votes from their perceived ethno-regional strongholds. It is evident that the UPND won decisively in Southern, North-Western and Western provinces. On the other hand, the PF won with a majority vote in Northern, Eastern, Muchinga and Luapula provinces. This pattern of politics easily feeds ambitions towards electoral capture using the “tyranny of ethnic numbers or majority”.

**FIGURE 1 VOTING PATTERNS IN THE 2016 PRESIDENTIAL ELECTIONS**



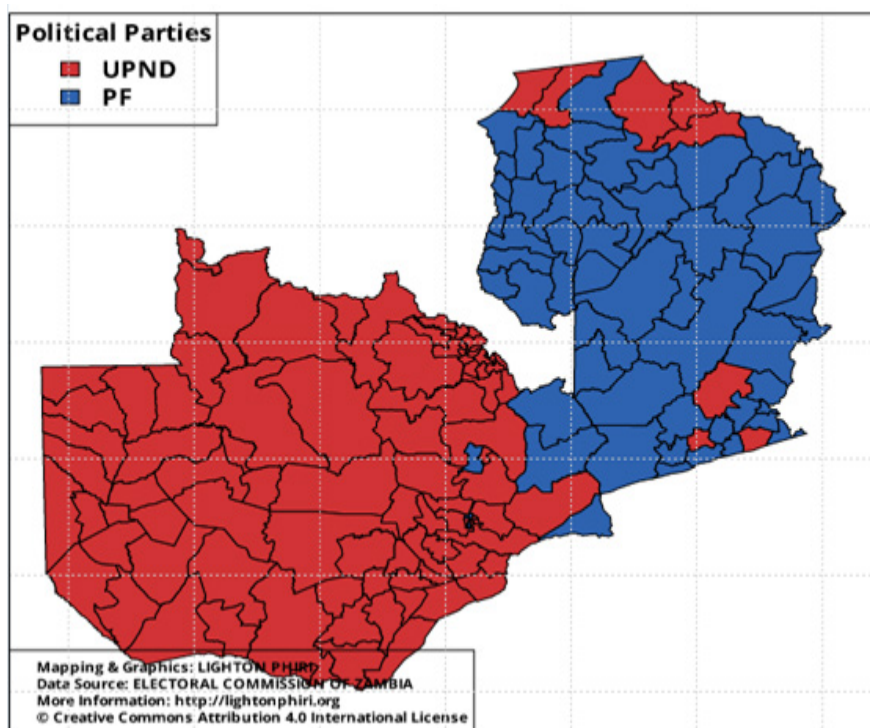
*Source: Computed by the Author from ECZ Election Data*

What has triggered ethno-regional voting in Zambia? Several factors are linked to the new trend. First is perceived political and economic marginalisation that has made would-be voters to exercise a preference for ethnic or regional leaders whom they assume will be closer to them or bring development to their areas. The second reason is linked to unresolved historical issues such as the settlement of the Barotseland Agreement for the case of Western Province and the inclusiveness of the government. The



third reason is connected to a growing desire among people to assert their ethnic identity as a show of solidarity with fellow community members or to assert hostility against perceived outsiders. Lastly, ethnic voting is made potentially attractive by expectations that patronage rewards would flow from the ethnic leaders that are elected (Seekings, 2018:12). Ethnicity has, therefore, emerged as a structural issue that could trigger or pave the way for electoral capture. As further illustrated in Map 1, the 2021 elections were largely marked by ethno-regional identity patterns although support for the UPND was more broad-based overall. Were the new government to live up to its promise of a better management of national diversity in order to overcome marginalisation and advance the cause of fairness and justice, Zambia may succeed in reducing the potentiality of ethnicity as a structural driver of the conditions for electoral capture.

**MAP 1: DISTRIBUTION OF THE VOTES IN THE 2021 PRESIDENTIAL ELECTIONS**



### *Weak Institutions*

Institutions such as political parties, civil society organisations (CSOs), the media, the police, and the ECZ, among others, play a critical role in ensuring a credible electoral process. However, the absence of strong and stable institutions undermines a credible electoral process and often leads to electoral capture. The weak and fragile institutional terrain in Zambia in and of itself already offers the objective possibility for the pursuit of a project of electoral capture. Deliberate efforts aimed at further weakening and destabilising key institutions were also a part of the strategy deployed by the PF and its supporters to achieve their goal of electoral capture.

Looking at political parties in Zambia, they rarely mobilise on the basis of a well-framed and consistent ideology. They are wracked by internal leadership struggles and bedevilled with fractured internal organisational systems and processes. Most of the parties also riven by internal factionalism, a lack effective cohesion among the top leadership, and an absence of coherence in their functioning. Furthermore, majority of political parties are centered on individuals. Party-hopping is rife among the politicians and ethno-regionalism continues to characterise the parties. Parties also lack internal disciplinary mechanisms and internal democracy. Senior members with divergent views from those of the main party leader are always invariably expelled for dissension. Disagreement and factionalism in the political parties have always led to violent confrontations. In October 2021, for example, two factions of the Democratic Party (DP) clashed, leading to the fracturing of the party structures (Zambia National Broadcasting Co-operation, 19 October 2021). The National Democratic Congress (NDC), Forum for Democracy and Development (FDD), UNIP, and PF had similar challenges in the run up to the 2021 elections.

Furthermore, a lack of internal discipline has penalised many of the political parties just as impunity by their leaders has also undermined them. Party cadres have taken advantage of the situation of instability and discord to creating havoc at every opportunity. The party liaison committee under the supervision of the ECZ has remained weak and passive in dealing with party matters, and so has the Zambia Center for Inter-Party Dialogue (ZCID). As noted earlier, weak cross-party and intra-party dialogue mechanisms and fractured party structures provide the conditions that could facilitate a potential push for electoral capture in the sense that the

parties cannot contribute to the required checks and balances in the polity that can help thwart any attempt at capture. Weak party systems are unable to serve as a bulwark against electoral capture.

Civil society associational life in Zambia has expanded over the years and the country has a significant number of CSOs that play an important part in shaping public life. However, the current configuration of the CSOs as a collective is weak to ensure an effective and a credible system of domestic accountability and checks and balances. The CSOs are fragmented either as single entities and, even as networks, they are largely weak due to poor funding and the politicisation of their activities along narrow partisan lines. These weaknesses lay them open to manipulation by political actors and undermine their ability to help organise resistance to attempts at electoral capture. Glimpses of the weaknesses were seen during the 2015 Presidential by-election and during the 2016 general elections. Except for a few exceptions such as the Alliance for Community Action (ACA), Governance, Elections, Advocacy Research Services (GEARS), Transparency International Zambia (TIZ) and the Non-Governmental Coordination Council (NGOCC), the majority of CSOs were either largely passive or championed a partisan agenda during the 2016 general elections.

Turning to the *Zambian Police* an institution, it became over the 10 years between 2011 and 2021 increasing and openly partisan in favour of the PF and its agenda. As the custodians of law and order, the police play a fundamental role in ensuring a credible election. However, under the PF as a ruling party, the police resorted routinely to tactics that were aimed at closing off or narrowing political space, especially for opposition parties, the independent media, and civil society activists. In doing so, the police became instrumentalised for the purpose of facilitating the PF's strategy of electoral capture. Using hard-power policing tactics and never hesitating to use brute force on opposition leaders and their supporters, the police played a key role in attempts at disrupting polling and disenfranchising voters in areas that were perceived to be opposition strongholds.

With regard to the Anti-Corruption Commission (ACC) which was supposed to assist with checking electoral-related corruption, it was reduced to a passive role and proved unable to do anything about most forms of electoral corruption. Moreover, there was very little evidence of collaboration between the ACC and ECZ in combating electoral corruption. The media

also showed increasing partisanship in the past four elections (2011, 2015, 2016 and 2021), with the state-owned media organisations especially working as support outlets for the ruling party.

### ***Legal and Policy Factors***

Zambia's governance system and electoral experience over the last 10 years has been greatly undermined by structural inequalities that have been carved out along the fault-lines of the marginalisation of the periphery by the centre and complicated by a nexus of economic and political exclusions. The politicisation and weaponisation of ethnicity have ruptured community relations along identity lines, thereby weakening social/national cohesion. Weak institutions of governance have further compounded the situation.

A cursory look at Armed Conflict Location and Event Data (ACLED), the Structural Vulnerability Assessment (SVA) supported by the United Nations Development Programme Support to Electoral Cycle project in Zambia (2017), the Report of the Commission of Inquiry on Post-Election Violence (2018), Amnesty International Report (2020) and International Crisis Group (2021) indicates a worrying trend entailing the weakening of the developmental, governance and electoral processes of the country. The adverse trend has been further compounded by COVID-19 pandemic which has tested the resilience of various governance institutions and processes, including the electoral ones. There is a danger that if the various socio-economic, political and cultural factors that are undermining governance, development, and democracy in Zambia are not reversed, the credibility of national elections risks being eroded by partial or wholesale capture. To avoid capture, Zambia is in urgent need of an overarching national policy and institutional framework for operationalising a strong, systematic and sustainable infrastructure for a fair and inclusive order that fosters social cohesion while accommodating pluralism.

### ***Capture of State Institutions***

The doctrine of the separation of powers between the executive, legislature, and judiciary, and the robustness with which it works in practice is an important barometer of the health of a democratic governance system and the applicability of the rule of law. In a bid for state capture, manoeuvres were clearly made to undermine these values in Zambia under the PF with

the Executive branch attempting to have greater influence over the other two branches. Leaders of the Executive branch even made open threats to the judges with a view to influencing their decisions on key political cases. Two key instances are recorded where former President Edgar Lungu indirectly attempted to influence the Constitutional Court. When the Kenyan presidential election was nullified by the Supreme Court and a re-run ordered, President Lungu issued a stern warning to the Zambian judiciary in anticipation of the constitutional court ruling on the opposition petition challenging his 2016 election victory. According to him:

“People are saying Zambian courts should be like Kenyan courts, that they should be brave and make decisions which are in the best interests of the people but look at what is happening in Kenya now...To my friends in the court system, I say don't plunge us into chaos by imitating or emulating Kenya or any other court system for that matter which does not care about the interests of the people. I am saying this because there are people outside Africa and some within Africa who want to bring confusion in Africa. They have started with South Africa, Kenya and Zambia for a regime change. There are people out there who just want regime change because they want to take over from us as managers... That I will not allow. To my colleagues in the judiciary, my message is just do your work, interpret the law without fear or favour; look at the best interest of this country...Those people who don't like peace and freedom will say 'President Lungu is intimidating the courts of law'. I am not intimidating my colleagues in the judiciary. I am just warning you that I have information that some of you want to be adventurous. Your adventure should not plunge us into chaos, please.”

Clearly, President Lungu's statement was calculated to warn the judiciary that he would not only frown at any adverse ruling against him and his party but also use his supporters to fan chaos in the country, doing so through direct appeals to them and by deploying the machinery of the executive arm of government. Not surprisingly, the former President's statement was widely condemned as amounting to a wanton disregard for rule of

law and an act of dictatorship. The threat directed at the judiciary and its independence continued regardless when Lungu issued another stern and intimidating warning to the judges of the Constitutional Court judges again, this time over the matter of his eligibility to contest the 2021 Presidential elections. He categorically called on the judges not even to consider ruling against his eligibility as doing so would amount to fanning violence and acrimony in the country. Such a careless statement by a sitting President led organisations like the International Bar Association of Human Rights Institute (IBAHRI) to condemn the statement as manifesting a lack of respect for the rule of law and bordering on interference in the operations of the judiciary.

The ECZ also came under intense pressure from the Lungu administration which led to open expressions of concerns that its autonomy and integrity were being deliberately undermined. Some actions taken by the Commission did not also do much to assuage concerns. For instance, the voter registration exercise was only carried out for a period of six weeks although various stakeholders and the general citizenry wanted the process to be extended to between three and six months. Having rejected or simply ignored pleas from CSOs and others to consider an extension of the registration period, the ECZ only agreed to act after President Lungu indicated that there was a need to extend the voter registration; it extended the exercise by two weeks. The handling of the issuance of National Registration Cards (NRC) required for eligibility to vote was also clearly skewed to favour people in the strongholds of the PF. While the voter registration numbers reduced in the UPND strongholds, they increased in PF strongholds. All these machinations were intended to ensure that the PF would win the 2021 elections at all costs.

### ***Economic Factors***

Unemployment, especially among the youth, has been a source of many discontents in Zambia, including the increasing militarisation of politics. The national average unemployment rate in Zambia is estimated at 7.4 percent (Zambia Statistics Office, 2021) The high rate of unemployment in Zambia is linked to the declining economic performance of hitherto viable sectors such as mining, tourism, and agriculture. The World Bank (2021) in its analysis of Zambia's economic outlook reported that real GDP growth

had slowed to an estimated 2 percent in 2019 as compared to 4 percent in 2018. 35.2 percent of the unemployed were in rural areas compared to 64.8 percent in urban centres percent (Central Statistics Office, Zambia, 2019). Cascaded to the level of the country's provinces, the unemployment data indicates that Copperbelt, Central and Lusaka have the highest rate of unemployment at 12.7 percent, 10 percent and 9.8 percent respectively above the national average percent (Central Statistics Office, Zambia, 2019:64). Demographically, the average national youth unemployment rate was at 10.5 percent. Higher rates of youth unemployment were recorded in urban areas as compared to the rural areas. Statistics indicate that there are more male persons who are unemployed (12.2 percent) as compared to female persons at 9.1 percent.

The prevalence of youth unemployment in the Copperbelt, Central and Lusaka provinces may give insights to why the three provinces have recorded high incidences of violent conflicts and crimes in the recent past. According to crime statistics for third quarter of 2019, Copperbelt (2,113) and Lusaka (1994) recorded the highest numbers of crime reported as compared to other provinces – 2113 cases and 1994 cases respectively (Zambia Police, 2019)

Literature abounds on the relationship between unemployment and violence/crime (See for example, Urdal, 2006, Twala, 2018 and Van Tongeren, 2014). Urdal (2006), for instance, argues that rampant unemployment coupled with a burgeoning youth bulge are associated with violent conflicts. Using data from a Gallup World Poll, Bhatia and Ghanem (2013:15) conclude that “individuals with secondary education who are unemployed or underemployed have the highest risk of becoming radicalised.” Bhatia and Ghanem (2017) reiterate the point that unemployment, especially among young people with formal education, is a push factor towards violence and crime. According to an interviewee, the high levels of unemployment being experienced in Zambia make the youth susceptible to crime and violent conflicts (Interview; Police Officer in Lusaka, October 2021). A human rights officer interviewed on 20 October stated as follows:

There is no doubt that the nexus between the youth bulge and high employment rates have been a push factor for electoral violence. Using politics of patronage, politicians use these unemployed youths to cause violence during elections in order to scare opponents from campaigning



or voting. This act is designed to ensure that the electoral outcome is predetermined through voter apathy, especially of the opposition.

It is evident that politicians take advantage of youth vulnerability to incite them into violence. To compound the problem, many youths do not have the necessary financial resources to start business ventures. Most fail to secure finances because they lack the collateral required by banks and other financial institutions. The general high rates of poverty in the country contribute to rampant vote buying from vulnerable and poor voters, a vice that has been closely associated with the PF. Ultimately, high youth unemployment and poverty levels become a big driver of the quest for electoral capture in the Zambian context. The unemployment and poverty conundrum has also placed the youths at the centre of politics of patronage and rent seeking. They have, therefore, become an integral resource in perpetuating drives aimed at achieving electoral capture because they are much more vulnerable and well-disposed for hire by the political elites to commit violence.

### ***Business Interests***

During the last two elections in Zambia (2016 and 2021), the PF was heavily funded and supported by individuals and companies who in return expected huge tenders and contracts from government. Former President Lungu and PF's continued stay in power was seen by the business interests supporting them as an opportunity to continue to access the country's resources. Hence, they pushed the agenda that the former President still needed to hold on to power. According to Sishuwa (2017), the former President had many political and business cronies around him, including the Chinese who wanted his time in power to be prolonged so that they could continue to accumulate more wealth through the state.

### **ELECTORAL CAPTURE THWARTED BY VIGILANT YOUTH**

Former President Lungu and PF had successfully polarised all the important government institutions including the ECZ, Police, Judiciary, The Zambia Air Force and the Disaster Management and Mitigation Unit (DMMU) which was used for the monetisation of the electoral process, rent seeking and patronage. With all these key institutions at his disposal, the former President convinced himself that he was certain of winning



the 2021 elections. In fact, the former President even went so far as to publicly announce that he would win by a margin of 500,000 votes against his closest rival Hichilema. He even forewarned Hichilema that once he is sworn in, he would quickly move to arrest him with regard to his role in privatisation exercises carried out in Zambia 25 years ago. He also stated that if Hichilema was going to refuse to accept the result of the elections, he would be arrested with his supporters.

It was clear from their language and expressions of confidence that Lungu and his PF felt they had put everything in place and done everything in their control to influence the outcome of the elections. Moreover, on the basis of observable trends, the institutions that were expected to serve as a bulwark against capture by resisting interference by the incumbent in their work appeared to be fractured and polarised. Civil society organisations were largely weak and some of them were outrightly bought off and made to align with the PF. The church and traditional authorities were also bought off and openly expressed their support for Lungu and his party. Though the Catholic Church remained resolute and stood to protect the people, some of its compromised priests used the pulpit to advance Lungu's agenda to hold on to power. However, with all the key institutions that were possibly expected to resist state capture weakened by the time of elections, the voters used the power of their vote to overcome the threat of electoral capture.

On election day in 2021, signs of the determination of key segments of the voting population to resist and even overcome electoral capture were witnessed in the high voter turnout that was registered, especially among the youths. The voter registration process, despite its many flaws, was successful in capturing a significant number of first-time voters, with the youths comprising the majority. The youth eagerly monitored the voting process and were very vigilant to ensure that no votes were manipulated on voting day. Regrettably in some areas such as Solwezi, the youths manhandled and murdered a PF senior official who was suspected to have stuffed ballot papers in his possession (Mast, 2021). There were widespread reports countrywide where polling officials and PF officials were harassed and taken to task over suspected vote manipulation. Such was the extent of vote protection and alertness among the youths. Most of the youths stayed at the voting centres beyond the voting period to monitor the counting of the votes cast and ensure that the vote was not manipulated.

The voters, mostly young people, queued as early as 3am in very high numbers to vote out President Lungu and his PF government. The voters also guarded against any vote manipulation and most of them stayed in polling stations long after they had cast their votes to watch the counting process. Lack of cohesion within the military establishment, coupled with their presence in polling stations meant that politically-instigated violence was controlled and the voting process went smoothly without disruptions. This allowed high turn out to translate into meaningful votes for change. In the end the voters, especially the youth, averted a possible electoral capture that was looming. Key to this is that institutions can be weakened but when people power is mobilised, nothing can deter their determination.

The experience in the last six years of Lungu's rule demonstrated that Zambia needs reforms for most of its institutions so that they are strong enough to resist the arm of dictators and capturers. Although the ECZ was under immense pressure, it had systems in place that had made it very difficult to physically manipulate the numbers of the votes in favour of PF. Therefore, the PF depended largely on other instruments of domination and control to try to drive its agenda. The PF also assumed that the bulk of the people in their strongholds would vote for them. The PF leadership had also banked on using violence in polling stations to keep away voters and prevent a large turnout of voters. Although Lungu and his PF wanted to use the Zambian military to intimidate voter by deploying them on the streets, the rank and file defied his intention and played an important role in thwarting possible electoral fraud. They rather protected the will of the citizens.

The ECZ came to be perceived as lacking in autonomy and many stakeholders feared that the general elections would not be held in a free and fair environment. This is despite the fact that the Commission operates officially within the ambit of several laws that give it abundant protection. For example, Article 45 of the constitution guarantees citizens the free exercise of political rights, universal suffrage, fair representation, free, fair and peaceful elections, and the independence of the electoral process. Additionally, there are subsidiary legislations that guide the ECZ's operations such as the Electoral Process Act No. 35 2016, Electoral Commission Act No. 25 of 2016 and Electoral Commission Act (amendment) Act No. 5 of 2019. There are also several statutory instruments dedicated to the regulation of the

electoral process. These include Electoral Regulations (General), Electoral Regulations 2020 (Registration of voters), Electoral Process (Regulations 2021 (Voter education), and Electoral Process Regulations 2016 and 2019 (Enforcement; Code of Conduct). Within this legal framework, the ECZ was expected to competently manage the elections, doing so in full autonomy.

There were concerns expressed by various stakeholders prior to the 2021 elections that the ECZ might not be sufficiently transparent in its results management procedures, with specific regard to the collation and verification of results at the presidential level. These fears, however, turned out not to be fully justified as the ECZ put in place internal systems that helped to make the vote collation and verification process transparent and difficult to manipulate. One of the major measures was the introduction of the electronic transmission of results from the polling stations to the collation centers. The ECZ also changed all the voting streams into polling station. This meant that results were counted and tabulated at each polling station and, thereafter, transmitted to the collation centers at constituency level. Previously, once voting is concluded at each stream, ballots would be collected from the streams and then tabulated at polling stations before being physically transported to the collation center where further physical tabulation was done. Such a practice was seen to be prone to manipulation because ballots could be stuffed or swapped on the way to the collation centers. The conclusion of the counting at polling stations and the electronic transmission of results made it difficult to change the results because they would already be declared at polling stations before being sent to the collation center. Although, there were inadequacies in the handling of the results in some centres, the overall improvement in the management of the process by the ECZ and this helped to deter any vote rigging.

## **CONCLUSION**

The quest for the capture of the electoral process and several institutions of governance in Zambia may have succeeded had it not been for the determination and vigilance of the voters. Key state institutions that ordinary should have been in the frontline of resistance to any attempt at capture failed to rebuff pressures and interference from the ruling party. In fact, some of them were used to abuse citizens and public resources just to

ensure that President Lungu's stranglehold to power could be sustained. That Zambia did not succumb to wholesale electoral capture in 2021 is due primarily to the vigilance of the people and their ability to protect the integrity of the vote. The people's ability to override attempts at capturing the institutions of governance is a major gain that should be built upon. In terms of priority, there is an urgent need to reform all the institutions of state, including the civil service, which was packed with cronies and associates close to former President Lungu and his government. The reform of state institutions would strengthen democratic and electoral processes because the people are already well aware of the power they have

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## About SIVIO Institute

SIVIO Institute (SI) is an independent organisation focused on ensuring that citizens are at the centre of processes of socio-economic and policy change. It aims to contribute towards Africa's inclusive socio-economic transformation. It is borne out of a desire to enhance agency as a stimulus/catalyst for inclusive political and socio-economic transformation. SIVIO's work entails multi-disciplinary, cutting edge policy research, nurturing citizens' agency to be part of the change that they want to see, working with communities to mobilize their assets to resolve some of the immediate problems they face.

SIVIO institute has three centres/programs of work focused on; (i) public policy analysis and advocacy (ii) philanthropy and communities (ii) entrepreneurship and financial inclusion. In the process SI addresses the following problems:

- Inadequate performance of existing political and economic system
- Increasing poverty and inequality
- Limited coherence of policies across sectors
- Ineffectual participation in public processes by non-state actors
- Increased dependence on external resources and limited leveraging of local resources