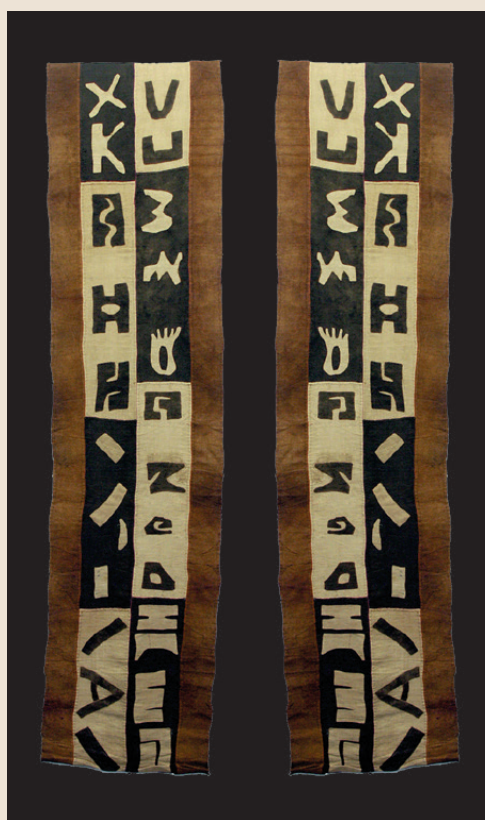


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# SOUTH AFRICA'S 2016 MUNICIPAL ELECTIONS

## *How the ANC and DA leveraged Twitter to Capture the Urban Vote*

***Ronesh Dhawraj, Danie du Plessis and Charmaine du Plessis***

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### ABSTRACT

*This paper focuses on how South Africa's governing party, the African National Congress (ANC), and main opposition, the Democratic Alliance (DA), leveraged microblogging site Twitter. This was part of their urban election campaign arsenal in the 2016 local government elections (LGE) to promote party-political digital issue ownership within an urban context. Using each party's corpus of 2016 election-related tweets and election manifestos, this three-phased grounded theory study found that each party used Twitter as a digital political communication platform to communicate their election campaigns. The DA notably leveraged the social networking site more for intense focused messaging of its negative campaign against the ANC while simultaneously promoting positive electoral messages around its own core issues and metro (urban) mayoral candidates. Furthermore, battleground metros were identified, narrow-cast and subsequently audience-segmented by the party in Ekurhuleni, Johannesburg, Tshwane (in Gauteng) and Nelson Mandela Bay (in the Eastern Cape). This led to an emphasised campaign to either activate the party's own urban support base and/or to suppress the ANC's turnout in these highly-contested areas. The results of this study further indicate that the ANC and DA both used Twitter to claim explicit and implicit digital party-political issue ownership in the 2016 LGE.*

**Keywords:** South Africa, electoral politics, grounded theory, digital issue ownership, political communication, social media, Twitter, urban electioneering

## INTRODUCTION

South Africa holds elections for national, provincial and local government representatives every five years. While the country's most recent general elections took place in May 2019, local councillors were last voted into office on 3 August 2016. The country's sixth local government elections are scheduled to take place on Wednesday 27 October 2021. While there may have been a wealth of local government issues that occupied the public domain preceding the August 2016 poll, the dominant narrative for the election at the time was undoubtedly the battle for the urban vote and how residents in South Africa's eight metropolises would vote.

This was an election tailor-made for the DA, South Africa's main opposition party, considering that the party draws most of its support from urban constituencies. For this reason, DA national marketing director Aimee Franklin (2018) confirms that 'battleground metros' were identified in Gauteng (Johannesburg, Tshwane and Ekurhuleni) and the Eastern Cape (Nelson Mandela Bay) as early as the pre-campaigning phase. Vote-catching strategies were put in place and electoral messages 'narrow-casted' to ensure maximum 'audience-segmentation'. For the DA, these battleground metros were singled out due to perceived ANC leadership and governance weaknesses there (Berkowitz 2016). Surveys by organisations such as IPSOS also primed the highly-charged 2016 electoral landscape, using fresh updates on just how close the urban race was for votes in the four ANC-led metros (IPSOS 2016a).

Everatt (2017) observes that having Jacob Zuma as party president at the time did not do the ANC any favours. Despite his popularity in some provinces, Zuma was not well-liked in Gauteng's urban areas, the three metropolitan municipalities. Opting to keep the scandal-prone president out of the urban centres, the ANC decided to use other urban-friendly leaders such as Kgalema Motlanthe to convey the ANC's 2016 message. Part of the party's media blitz in the metros was aimed specifically at the millions of middle-class black voters who had benefited from ANC pro-reformist policies since 1994 (Mantashe 2017, p. 14). However, opposition parties like the DA still capitalised on the ANC's leadership deficit by consistently honing in on the ANC president to campaign negatively against the party. This focused onslaught against the incumbent was implemented to further bolster the DA's chances among a more-educated and technologically-savvy urban electorate; and for the DA, this proved an easy task given its urban-centric ideological leaning (Franklin 2018). The ANC, on the other hand, had been consistently losing electoral support among this important demographic, which now constituted approximately 41% of total voters. The party's own internal polling also illustrated



how difficult the battle was likely to be in Johannesburg, Ekurhuleni, Tshwane and Nelson Mandela Bay (*Sunday Independent* 2013).

Madia (2019) notes that while the DA relies largely on town hall meetings and community gatherings to spread its electoral campaign message, the ANC's electioneering arsenal consists mainly of door-to-door visits and walkabouts conducted across South Africa's nine provinces. Accessing gated communities and middle-class residents in high-walled urban (and suburban) homes needed a different strategy because door-to-door visits would not work, as potential metro voters were accustomed to accessing news about their communities through multiple media platforms. Significantly, younger middle-class citizens were now using social media platforms to criticise the party's purported non-delivery; and this disconnect was beginning to worry the ANC (Mantashe 2017, p.14). Also, the ANC itself lamented that the urban middle-class did not attend its rallies or similar party-political events (*Sunday Independent* 2013). This urban inaccessibility meant that a new strategy was needed by the ANC, particularly as opinion polls now suggested that battleground metros such as Johannesburg, Ekurhuleni, Tshwane and Nelson Mandela Bay were electorally vulnerable and on the proverbial knife edge (Madia 2019). A re-think and a robust electioneering campaign were needed to access the registered voter population within the entire metro urban space, and one way of tapping into this urban audience for both the ANC and the DA was through a multiplicity of communication avenues to guarantee on-target campaign message communication. Twitter was identified as an urban gateway to millions of metro voters in the 2016 LGE by each party's social media managers at the time, the DA's Aimee Franklin (2018) and ANC digital communications head Athi Geleba (2018), who confirmed that Twitter had become an important urban constituency communication tool.

In keeping with this battleground scenario that played out in several metropolises during the 2016 LGE, this paper attempts to answer whether the ANC and DA recognised the opportunity offered by Twitter; and how each party strategically and appropriately used the microblogging site as an urban electioneering weapon to optimise its impact.

To provide context, the paper begins by situating this study within John Petrocik's 1996 issue ownership theoretical framework and its relevance for South African elections. Following this, the researcher briefly examines how political communication has developed digitally with social networking sites such as Twitter. Acknowledgement is also made of how former United States (US) President Donald Trump and other global leaders have increasingly leveraged the microblogging platform for digital political communication purposes. The methodology section provides a truncated outline of the data collection and data analysis processes, followed by the main results and conclusion of the study.

## THEORETICAL FRAMEWORK

### *Issue Ownership Theory*

Dhawraj (2019) asserts that studies spanning several decades illustrate how election campaigns are impacted by many factors such as party identification, ideological biases, appraisals, policy assessments, ethnic and race matters, gender persuasions, political candidate image constructions, and wider emotional appeals. Rooted in agenda-setting and priming theories, issue ownership theory has its genesis in salience theory, voter identification studies, voting analyses and political issues research (Cha, Suh & Kim 2015, p. 309). For the purposes of this paper, John Petrocik's seminal 1996 theory on issue ownership is used to explain how political parties emphasise and downplay election messages. In his work, Petrocik (1996, p. 826) used the 1980 US presidential polls to show how political parties owned a set of electoral issues and were better at handling than a political opponent. Not only does this handling entrench dominance in voters' minds over time, issue handling is also about brand entrenchment. Issue ownership literature further reveals that apart from how political parties are judged on their handling of past election issues and the extent to which voters identified with that particular party, other elements which drive issue ownership include topics highlighted in manifestos, media priming, group identities, perception of political leaders and party identification (Dhawraj 2019).

The counter argument is that South African politics has not matured to a point where race and racial identity has decoupled from electoral choices. Scholars such as Everatt (2014), Ferree (2011, pp. 1–5) and Schulz-Herzenberg (2009, p. 32) maintain that South African vote choices boast an unmistakable racial imprint with party identification, party images, ethnicity and race being dominant and powerful predictors. Labelling the country's election cycles as a *de facto* racial census whereby black Africans vote for one set of political parties and white voters choose a different set of parties, Everatt (2014, pp. 12–16), for example, argues that South African elections are unique in this sense. Ferree (2011, p. 8) further describes South African elections as race-based with 'racial identities' acting as 'powerful, pervasive, divisive' heuristics embedded in decades of separate race-based policies under apartheid. Parties such as the ANC have subsequently been rewarded for abolishing that system, with voters supporting the governing party as an extension of their liberated identity. Within such a context, the electorate pays little or no attention to issues, policies or other politics-as-usual factors that define other established democracies. Ferree (2011, pp. 59–61) further argues that because South African voting patterns are intricately tied to the so-called

liberation dividend, it is difficult for opposition parties to make any inroads if there is little or no 'liberation' association. This rigidity and inflexibility in vote choice represents approximately 90% of South African voters.

### *Social Media, Social Networking Sites and Twitter for Political Campaigning*

Following the end of the Second World War, political communication underwent four major realignment processes or four separate ages of development. While the press dominated the first age, limited television penetration defined the second age. It was only during the third age that multi-channel radio and television offerings took off. The fourth age of political communication is still in constant motion, mostly identifiable by its affinity for technology reshaping communication processes (Blumler 2013, p. 2015). Social media and social networking site usage for political campaigning is one manifestation of this still-developing fourth age and has consistently increased since former US President Barack Obama pioneered their use during his two-term presidencies. Twitter's infamy nowadays, however, is possibly because of the way in which Obama's successor Donald Trump used the microblogging site during his single-term presidency. Apart from Trump using Twitter to attack mainstream media, he also used the social networking site as his *de facto* megaphone (Stelter & Disis 2016). Buncombe (2018), for example, argues that at the time of Trump's 2016 election social media functioned as the battleground and Twitter became his main communication weapon. Key to Trump's success in the 2016 US elections was in part due to how he used Twitter to disrupt the political sphere by cutting out the middlemen of politics, including big media corporations and reporters considered essential for campaigning, and setting his own editorial agenda instead. Landers (2017) even speculated that Trump's tweets enjoyed more currency than official White House statements, with whatever was tweeted from his personal account serving as official US presidential policy and government policy speak.

Globally, major politicians have become omnipresent on Twitter which is fast-emerging as the ideal political medium for the quick expression of political ideas. Ahmed (2018) labels this use of Twitter by diplomats, heads of state and leaders of intergovernmental bodies for outreach activities 'Twitter diplomacy'. Trump, again, is perhaps the best illustration of this. Whatever Trump said on Twitter became news. Trump himself confessed to the *Financial Times* that 'without the tweets, I wouldn't be here' – in reference to his winning of the 2016 elections (Trump 2019a; Trump 2019b). Research by Marsteller (2017) furthermore confirms that Twitter is now the social networking site of choice for 92% of all United Nations (UN) member states, with some 856 separate Twitter accounts and 356 million

followers identified to represent governments. Barring Germany's Chancellor Angela Merkel, every European government has a presence on Twitter. Of the other continents, Nicaragua remains the only Latin American nation without a presence on Twitter. In Africa, Asia and the Pacific Rim string of nations, only 15 are not on the platform.

South Africa has the reputation of being the most active Twitter user on the African continent with more than eight million subscribers (Vermeulen 2018). Although social networking sites such as Facebook, Twitter, YouTube and Flickr were used to a limited degree in the 2009 general elections (Fakir, Bhengu & Larsen 2010, pp. 112–117), the use of such platforms proved vital in the 2014 and 2016 elections. At the time of the 2014 general elections, there were approximately nine million Facebook and five million Twitter users. It was this high social networking site penetration coupled with accelerated smartphone adoption that made the 2014 elections perhaps the country's first digital elections (SABC 2014). For that poll, social networking sites promised an Obama-esque flavour to campaigning, with major parties such as the ANC seizing the opportunity to engage with supporters in a disintermediated way. Aside from tweeting, they also created conversations around their policies. At that time, the DA's Twitter handle boasted only 77 300 followers compared to the ANC's 120 000 followers (SABC 2014).

While television, radio, print and other forms of traditional media still occupied a dominant position within a tried-and-tested media campaign toolkit in the 2016 LGE, parties and political leaders could no longer afford to ignore the germination of political discourse that mediums such as Facebook and Twitter injected into overall campaigning. Twitter especially noted a significant spike in the ANC and DA's followers leading up to the 2016 LGE. The ANC's follower base, for example, grew 144% from 120 000 in 2014 to 293 000 followers. The DA, too, grew its follower base from 77 300 followers in 2014 to 209 000, an increase of 170%. More importantly, the impact of Twitter on both parties' media mix was such that each increased their tweets by approximately 150% in the two years between 2014 and 2016. Table 1 below illustrates the increase in the tweets in each party, again illustrating the importance of Twitter as a digital political communication medium.

**Table 1: Twitter presence in the ANC and DA 2011–2017**

African National Congress (ANC)			
Year	Followers	Following	Tweets
2011	Unknown		
2014	120 000	6 570	11 100

2016	293 000	8 457	29 100
2017*	394 000	8 673	41 600
Democratic Alliance (DA)			
Year	Followers	Following	Tweets
2011	1 500	Unknown	
2014	77 300	26 100	26 900
2016	209 000	26 800	64 100
*2017	351 000	26 500	81 500

\* The researcher considered it necessary to depict changes in the ANC and DA's Twitter accounts exactly a year after the LGE on 3 August 2016. These numbers were extracted on 3 August 2017 to illustrate the growing popularity of Twitter.

**Source:** ANC 2019; Democratic Alliance 2019

### *The Rise of the Digital Urban Electioneering Platform*

A wealth of literature across multiple disciplines indicates an intimate relationship between digital technologies and urban spaces (Dhawraj 2019). Brighenti (2010) labelled this 'mediatisation' or digital communication as being a manifest reality of the collision between urban space and technology. Drucker and Gumpert (2016, p. 1366), for example, provide evidence that 21st century cities brim with communication interactions of all sorts, shapes and sizes. Urban spaces are now branded as 'communicative cities' and 'environments of communication' and digital technologies thus give the urban space an added identity. Urban spaces are also known to be highly politicised; this is why political parties deliberately target these densely-populated areas (Bernstein 2019, p.19). Coupled with higher literacy levels and pronounced technology adoption (in terms of higher Internet connectivity and multiple device access), these factors make the urban political space ripe for the proverbial picking. One method of accessing these urban audiences is through social networking sites such as Facebook and Twitter, both of which Lim (2014) argues are 'mostly urban' interactive platforms. Smartphone access and affordability add to their widespread usage. Elections in India, Singapore and Malaysia are some examples where this has manifested (Lim, 2013, 2014; Mir, 2016; Nass, 2016).

Similarly, the South African urban space is highly connected with Internet access leveraged in many homes, at work and in study institutions or through the simple use of a personal hand-held mobile device. Statistics South Africa (Stats SA) show that a large proportion of so-called urban residents are connected to the WWW in some form or another. Numbers drawn from its 2016 General Household Survey estimates that 24% of households access the Internet at home,

at an Internet café or educational institution. More remarkable is the revelation that mobile devices are increasingly being used to go online. Approximately 120% of urban residents access the WWW from multiple devices, pointing to the popularity of such digital technologies, again bolstering the idea that urban spaces are technology-filled. In addition, mobile handheld devices such as cellular phones and tablets are the choice of most urban dwellers with Internet connections. Although Internet access was fairly low in non-urban areas if and when logged on from home, work, an Internet café or a study institution, mobile devices were relatively popular (Statistics SA 2016, sec. 13 pp. 57–59). Numbers from the survey also confirm that urban residents are far more literate than their rural counterparts: 98.2% of all urban citizens aged 20 and above were functionally literate (Statistics South Africa 2016, sec 4: p. 20) (see Table 2 below).

**Table 2: Percentage of South Africans accessing the Internet in 2016**

Internet Access	Urban	Rural
Home	23.5%	2.0%
Work	39.2%	3.9%
Mobile device	119.6%	38.3%
Net café/ educational facility	23.6%	3.2%

**Source:** Stats SA 2016: sec 13, pp. 57–59

Additionally, municipal elections illustrate that these five-yearly polls offer an ideal time in which to establish conversations about urban spaces. These elections act as triggers for interrogative discourse about the urban arena, affording politicians and voters alike the opportunity to populate digital spaces with their concerns. Politicians thus realise the importance of the densified urban space, pointing to why political parties carefully consider election campaign strategies in urban centres. For them, population density translates into message concentration with concomitant minimal expending of scarce election resources. Growing evidence also exists that targeted political communication, especially in urban areas, yields improved results for political parties. In reporting back on a survey of India's 16th Lok Sabha 2014 elections Ahmed (2015) claims that the use of modern media techniques coupled with more creative urban electioneering increases votes for parties. This targeted political canvassing yields higher turnouts and inevitably raises levels of political consciousness. Trump, too, used skilful urban political communication through social networking sites in the 2016 polls to deliberately suppress turnout figures for the traditional urban voter base of his main rival, Hillary Clinton (Balz 2017).

## METHOD

### *Grounded Theory as the Main Method*

Grounded theory was the main research method used for this study because it permits theory to emerge from the data, invariably leading to new ideas to build theory inductively. First conceptualised by sociologists Barney Glaser and Anselm Strauss in their 1967 study *The Discovery of Grounded Theory*, grounded theory argues in favour of a fresher method of understanding the social world and a context-specific method to challenge the domination of existing theories at the time. Hence, grounded theory does not test existing theory but rather involves the inductive process of data collection and data analysis to generate new theory, which is said to be 'grounded' in the examined data (Glaser 1978, p. 27). A typical grounded theory study involves multiple rounds of simultaneous data collection and data analysis through open coding, memo writing and theory creation through the emergence of categories within the data set. Through theoretical sampling, constant data comparisons of existing and newer data are used until theoretical saturation is achieved – or newer information around categories is exhausted. Once theoretical saturation is achieved core categories emerge from the data, informing an emergent substantive grounded theory. Grounded theory therefore comprises a few components, namely openness, immediate analysis, coding and constant comparisons, writing memos, theoretical sampling, and the writing of a substantive theory (Charmaz 2014, p. 55).

### *Sampling and Units of Analysis*

Asiamah, Mensah and Oteng-Abayie (2017, pp. 1613–1616) confirm that pre-determined population parameters refine the general population to a target and accessible population in qualitative research. For this paper, the ANC and DA's 2016 LGE tweets served as the accessible and target populations. Further sample refinement included narrowing the purposively-selected corpus of accessed tweets from only the @MyANC and @Our\_DA handles between 1 May 2016 and 31 August 2016. Each tweet then served as a unit of analysis (or social artefact). Importantly, only written text within a tweet was analysed with no click-throughs to external shared links, videos or images. Following this, each party's 2016 LGE manifesto (social artefact) was then purposively and theoretically sampled, in accordance with grounded theory. While the publicly available manifestos served as the accessible and target populations, the only population parameter applicable was that they both had to be from South Africa's 2016 LGE. Each word, sentence, paragraph, table and graphic in this instance served as the unit of analysis.

### *Data Collection*

Data collection was guided by grounded theory data collection protocols, including theoretical sampling of the election manifestos. Both the ANC's and DA's 2016 LGE corpus of tweets were manually collected. Once the vast data sets of both these tweets were saved into public display format (PDF) files, they were stored onto a laptop, and migrated to the NVivo Pro 12 software program. The initial corpus of tweets comprised some 36 PDF files, with the ANC's total tweets amounting to 5 400 and the DA's 7 200 for the period between 1 May 2016 and 31 August 2016. During the initial open coding phase, data cleaning further reduced this sample. This cleaning of both the ANC's and DA's 2016 LGE corpus of tweets was minimal, and did not affect each party's final sample size to any large extent. The publicly-available LGE manifestos of both the ANC and DA were retrieved from each party's website in April 2016. Also, because this study relied mostly on empirical documentary evidence, ethical principles such as confidentiality and informed consent were needed and adhered to only with the two semi-structured interviews with each party's social media managers.

## ANALYSIS AND FINDINGS

### *Refinement using Open, Axial and Theoretical Coding*

According to Adu (2019), the objective of data analysis is to systematically reduce raw data into workable and meaningful data sets in order to find some form of pattern and trend. When using grounded theory, the main aim of the various iterative data analysis coding processes (open, axial and theoretical coding) is firstly to select, simplify, and provide more abstract meanings and then to transform the data. Similarly, both data sets (the corpus of ANC and DA 2016 LGE tweets and manifestos) underwent rigorous three-tiered coding using NVivo Pro 12 for better organisation. Open codes were narrowed down to focused codes through abstraction, and repeated distillation resulted in several theoretical codes for the ANC and DA.

### *The Findings and What They Mean*

Ultimately, the main aim of this study was to gauge whether the microblogging site, Twitter, did indeed serve as an appropriate weapon for the ANC and DA in the fight to capture the urban vote in battleground metros such as Johannesburg, Tshwane, Ekurhuleni and Nelson Mandela Bay; and if this facilitated the strategic ownership and domination of political issues. Also, Twitter's relevance as a party digital issue ownership medium could be verified and measured against each



party's election manifesto only once the grounded theory analysis was completed. Only then could there be a decision as to whether Twitter performed as predicted, that is as an urban electioneering platform for the ownership of certain election issues. Findings from the rigorous analyses firstly revealed that the ANC used Twitter mainly for publicity-related reasons. The DA, on the other hand, used the platform to promote its 2016 LGE issues, while simultaneously using it as an urban electioneering portal to target battleground metros the party felt it stood a chance of winning. Secondly, intense data analyses of each party's corpus of tweets revealed that while Twitter's explicit use for campaigning in the 2016 LGE provided issue ownership functionalities for each party, some owned issues were implicit. Thirdly, Twitter was confirmed to be a voter mobilisation tool, in agreement with other studies such as Chang (2014). However, for purposes of this paper, voter mobilisation occurred under two very different contexts, namely when political parties sought to spread publicity around their campaign trail (as proven with the ANC); and when political parties needed to activate potential voters around certain self-generated and media-primed owned party-political issues (as illustrated in the case of the DA).

On the first major finding, limited alignment was found when the ANC and DA's 2016 LGE corpus of tweets were compared against each party's election manifesto. Despite it being a local government election, each party's corpus of tweets mostly reflected national as compared to local issues. In the case of the ANC, issues such as 'delivering basic services', 'cleaning up local governance', 'ensuring accountability of elected municipal officials' and 'improving municipal capacity for better delivery' were the only manifesto issues picked up within the party's corpus of tweets. Other manifesto issues such as 'creating jobs at local government level', 'addressing crime', 'providing more educational and health facilities', 'introducing more mixed communities' and 'going greener in terms of cleaner communities' were virtually non-existent in the party's tweets. Like the ANC, the DA also promoted only some of its manifesto issues. Tweeted issues included 'creating jobs through more private sector investment', 'being more responsive to service delivery and basic services' and 'tackling local government corruption'. An implied inference, however, is that this phenomenon probably occurred because of Twitter's technological immediacy facilitating resonance with followers in real time. Predictively, the deduction then is that while a party's election manifesto is a rich source of party-political issues as proposed by Petrocik (1996), these were executed with limited success for both the ANC and DA in the 2016 LGE.

Consistent with Petrocik's (1996) issue ownership theory, however, the DA followed through with the media's framing of election issues. It chose to concentrate its energies on focused negative messaging against the ANC

together with a simultaneous positive promotion of its core messages and battleground metro mayoral candidates. These party-political issues translated into owned issues for the DA. For example, one strain of focused negative issue messaging involved the ANC president, and on 30 June 2016 the DA reported on a R4-billion jet his party was purportedly buying. This received 644 retweets under the hashtag #JobsNotJets, proving the DA's strategy was energised over Twitter. On the same day, the DA's Johannesburg mayoral candidate, Herman Mashaba, tweeted a similar message regarding Zuma's planned wastage of taxpayer monies. This focused message received a further 111 retweets, energising his party's negative campaign against the ANC and its campaign figurehead. Throughout the day, the DA tweeted more #JobsNotJets tweets, attracting approximately 500 more retweets and by inference added opportunities for its focused electoral messaging to spread over Twitter. Similarly, the DA's focused messaging tweets around its battleground metro mayors like Herman Mashaba (Johannesburg), Solly Msimanga (Tshwane) and Athol Trollip (Nelson Mandela Bay) were able to energise the campaign. This was helped in part by the consistent tweeting and retweeting by other affiliated party-political Twitter accounts. The DA's promotion of its party-political issues in the 2016 LGE also extended to the way the party promoted a set of core issues it had strategised and devised around the elections. Franklin (2018), for example, confirmed that all campaigning in the 2016 LGE was centred around the DA's set of core issues, namely to 'stop corruption, create jobs and deliver better services'. Influencers were also used aggressively to drive these core issues in volume over Twitter, boosted in the main by catchy hashtags which were heavily promoted, such as '#VoteForChange'.

Another arm of the DA's focused 2016 LGE campaign messaging was its communication around the Ipsos opinion polls which showed how close the race was between the ANC and DA in the battleground metros. Using these in its favour, the DA continued tweeting the outcomes of the Ipsos polls as part of its focused messaging drive to ensure optimal voter mobilisation. For example, on 21 July 2016 the party's tweet 'Latest #IPSOS poll puts us ahead in NMB, JHB & Tshwane, but it is neck-&-neck. Many voters still undecided. Your vote can win it on Aug 3!' was retweeted 35 times and 'liked' 27 times, adding to the message's amplification. Earlier, successive tweets from the Ipsos polls had gained further traction with 93 139 and 154 retweets. Other tweets such as 'Latest #IPSOS puts us 9% ahead of the ANC in Tshwane! We can win, but we need every supporter to vote on 03 August' drew hundreds more retweets, again ensuring the DA's focused messaging around the Ipsos polling in battleground metros received the necessary energy to possibly impact voters.

Message-sharing by other DA-affiliated accounts was also indicative of this particular voter mobilisation activation adopted by the DA. By repeatedly and

consistently using focus tweeting on how close the race was in the battleground metros, the DA could have tipped the electoral scales in its favour by ensuring that voters were constantly appraised of how a single vote could mean either an ANC-led local government or one governed by the DA. Additionally, it was also earlier confirmed that interaction with party-political content over Twitter does find resonance in offline political expression (Chang 2014).

The other deduction is that the DA's consistent 'focused' negative messaging on the ANC, including discrediting its leaders such as Zuma and ANC metro mayoral candidates, could have succeeded in suppressing ANC voter turnout on election day. While the DA's broad aim was to repeatedly focus on ANC weaknesses, there was also a concerted effort by the DA to flood its own Twitter timeline with so much negativity around the ANC that even ANC partisans would become more disillusioned with their party and choose to stay away on election day. This pointed to the probability that the DA may have wanted to set the election agenda. ANC head of elections, Fikile Mbalula, confirmed this in 2018, attributing his party's poor showing in a few of the metros to the trend of ANC partisans boycotting the polls instead of voting for another party (Dlamini 2018). This deliberate suppression of the ANC's voter turnout in battleground metros meant that the DA's negative messaging had indeed affected the ANC's support base. This concurs with what Ahmed (2015) and Nass (2016) had found in their understanding of this development in the 2014 Indian general election and 2016 US presidential elections respectively.

Conversely, the ANC's lack of focused messaging on Twitter illustrates that a clear communication strategy is needed, particularly during a major election campaign. Also, there has to be buy-in from other affiliated party account holders such as prominent ANC politicians and party-political representatives, to ensure message concentration is achieved around the party's key electoral messages. This was not the case in the 2016 LGE. Instead, the ANC's electoral messaging lacked focus, diluting any kind of issue ownership over the micro-blogging portal. When its messages were retweeted, this was more to show some form of allegiance to the ANC brand that other supporters had missing by not being wherever ANC officials were campaigning. This electronic diary element for the ANC was fixed on spreading the word and was not anchored in any particular electoral issue messaging highlighted in either its manifesto or other communication. This communication and planning disjuncture does point to the ANC's sporadic and uncoordinated 2016 LGE Twitter campaign, a matter the party could attend to in future election campaigns. What did work for the ANC, though, is how the visual and real-time aspects of Twitter permitted the party to implicitly entrench its brand. Using the social networking site as a simple publicity tool, Twitter was leveraged to show its leaders dressed in bright ANC regalia interacting with

ordinary supporters at places like taxi ranks, train stations, church gatherings and hawker stalls. This is in alignment with the party's core constituency, poorer working-class South Africans such as gardeners, domestic workers and street vendors. This type of grassroots interaction would not work with urban middle-class residents; the ANC itself lamented the fact that the urban middle class did not attend its rallies or similar party-political events (*Sunday Independent* 2013; Everatt 2014, p. 14). Therefore, the ANC used forums such as specially-convened meetings with professionals and similar stakeholders to communicate the party's 2016 LGE message across class.

This implicit manner of using Twitter to publicise its vast electioneering campaign helped the ANC overtly own the issue of being a caring, pro-poor, community-driven political party. Its leaders were often shown on Twitter visiting old age homes, crèches and other such interactions during the campaign trail. This sought to endear them to the ordinary citizen, portraying them as being more human and less aloof than an out-of-touch politician. The sheer scale of the ANC's publicity in the 2016 LGE campaign over Twitter also implicitly sought to convey the issue that there was a political party over 100 years old that was still relevant, professional, powerful and possessing the capacity to be in every part of the country. Through its well-publicised 2016 LGE Twitter electioneering campaign, the DA was also able to demonstrate to South African voters, the media and other political rivals that it was a serious political contender with the necessary electoral muscle to be everywhere. This implicit issue ownership also allowed the party to further cement its brand. Like the ANC leaders, DA leaders were shown kissing babies, interacting with poor communities on walkabouts and home visits, and hugging old pensioners to illustrate the issue, that is of it being an attentive, empathetic, caring political party.

To conclude, neither the ANC nor DA fully subscribed to issues highlighted in their election manifestos as there was no perfect alignment between promises made to voters and what each party tweeted in the 2016 LGE. While the ANC's random use of Twitter amounted to creating hype around its election campaigning activities (voter mobilisation), the DA used the micro-blogging site to react to the external environment and to set an altogether different party-political issue agenda from its manifesto issues. Notably, in identified battleground metros it observed that the media had primed these as possible areas which it could win from the ruling party. Using focused messaging through a steady stream of negative tweets, the DA chose to tailor-make its own party-political issue agenda in these battleground metros to activate potential voters to choose it over other political offerings (voter mobilisation). Positive issue messaging crafted around the leadership traits of these battleground mayoral candidates in Ekurhuleni, Johannesburg, Tshwane and Nelson Mandela Bay ensured the party stayed on-

message, as envisaged in its broader communication objectives for this poll. This targeting of a few battleground metros and the intentional suppression of turnout by political rivals was repeated some months later in the 2016 US presidential elections, where President Trump deliberately identified 13 battleground states, while simultaneously strategising to keep Clinton's turnout in key states among key constituencies at a minimum. In addition, both the ANC and DA tapped into the implicit qualities of Twitter to show voters that both parties could be everywhere, with the sheer scale, volume and ability to be omnipresent on the rigorous four-month election drive. Besides communicating a message of being in touch and very human, like the poor voters they interacted with on dusty roads, dirty taxi ranks and crumbling mud houses, the issue both the ANC and DA aimed to own was that of a caring and empathetic party with which voters could identify.

In the final assessment, however, there is a need to ask critical questions of both ANC and DA usage of Twitter in the 2016 LGE:

- what they did right;
- what they did wrong;
- did they meet their communication targets;
- were there any misses;
- what could have triggered such digital political communication missteps over Twitter?
- was this because they responded wildly and in an uncoordinated way because of emergency issues?

In the case of the ANC, this study showed through deep analyses and written memos that the party did indeed use Twitter to publicise its 2016 LGE campaign. However, in doing so, the party missed several opportunities to effectively utilise hashtags for party-political issue mobilisation and use the medium for urban electioneering micro-targeting. Instead, the ANC's 2016 LGE campaign on Twitter came across as sporadic and uncoordinated – sometimes even disjointed. When it came to the DA, the party successfully used Twitter not only to publicise its nationwide 2016 LGE campaign, but also to advance certain issues it sought to promote over the platform. Hashtags were just one part of this party-political focus message mobilisation, especially in identified battleground metros where the party reasoned it could win votes from the ANC. Explicit negative messaging ensured that the party attacked their political opponent, to the point where it suppressed the ANC's turnout in this election.

Thus, the basic argument of this paper remains that microblogging site Twitter is an urban electioneering tool that allows political parties to own issues.

The logical starting point for this proposition is for political parties and politicians alike not to focus exclusively on issues highlighted in their election manifestos but rather to claim issues as the election campaign develops. Central to this thesis is not to allow a party's issue agenda to be determined by reacting to everything in the electioneering build-up, but to gauge how reactions and strategies (both offensive and defensive) can be linked to a few issues which develop during the course of the campaign.

In the 2016 LGE, the ANC and DA were South Africa's biggest political players electorally, in terms of both resources and incumbency. With state resources at each party's disposal (the ANC is present in virtually every tier of government while the DA controls one province and several local municipalities), the implicit inference from their corpus of tweets reveals that they both sought to come across as well-resourced political players by being everywhere. They both sought to be portrayed as caring and pro-poor by using extensive door-to-door campaigns and walkabouts; and they both sought to promote their most prominent leaders positively to illustrate they too were as human as ordinary voters. These implicit issues sourced from the ANC and DA's corpus of tweets therefore served as alternative sources of issues to be owned during the 2016 LGE campaign trail. Findings from this study demonstrated alignment with Petrocik's (1996) issue ownership theory, in terms of issue-claiming through media framing, constituency-based associative issue ownership, issues highlighted in election manifestos and the images of leaders serving as issue-driving heuristics. However, Twitter's use by the ANC and DA in their 2016 LGE campaigns also endeavoured to implicitly convey party-political digital issue ownership over the medium.

### *Theoretical and Practical Contributions of this Study*

The primary theoretical contribution of this paper is towards the discipline of communication science. However, it includes the integration of a microblogging site such as Twitter into the digital political communication media mix for political parties, for the promotion of party-political digital issue ownership, especially around heightened electioneering cycles. As election campaigns increasingly migrate to the technological space, there will be added pressure on politicians and political parties to determine how best to optimise that space. Empirical data from this study illustrates that when clear communication strategies are in place – coupled with the help of influencers – consistent messaging can drive home a particular electoral message. In the case of the DA, although this was part of the party's anti-ANC negative advertising campaign, the use of uniform hashtags, repeated messaging, negative infographics and the fact that South Africans were accessing this information on their smartphones while standing in line to vote

at polling stations, ensured the party stayed on-message for possible electoral success. It was also highly likely that voters made emotional vote choices after viewing the DA's negative party-political messaging on their mobile phones (political persuasion).

One of the significant theoretical contributions of this study remains the fact that Twitter can be leveraged as an urban electioneering platform to micro-target potential voters. Empirical data from the DA's 2016 LGE campaign showed how the party used Twitter to audience-segment the urban voter by having a clear urban political communication strategy in place. Franklin (2018) provided evidence of this during her semi-structured interview: that the so-called battleground metropolitan municipalities of Nelson Mandela Bay and Johannesburg, Ekurhuleni and Tshwane were in the party's sights. This followed a number of internal and external surveys showing it stood a good chance of emerging as the dominant party in those areas. Together with a pronounced focus on party-political digital issue ownership by focusing on its anti-ANC messages (negative advertising), this communication arsenal was effected more within the identified metros. The mobile phone was the DA's instrument of choice for this urban audience segmentation.

In their semi-structured interview the ANC also acknowledged that their use of Twitter in the 2016 LGE was motivated by the urban factor, an opportunity to appeal to the urban voter present on the microblogging site (Geleba 2018). Add to this the issue of rapid urbanisation; and the fact that urbanised voters seek more accountability from government leaders indicated a substantial pool of persuadable voters which could be accessed and possibly convinced to vote for it. This is exactly what the DA did in the 2016 LGE. It used the factors of a fast-urbanising society coupled with a younger demographic being able to vote in 2016 to possibly win it more electoral support in urban areas. Together with the rest of the African continent, South Africa is also rapidly urbanising, with almost 64% of the nation's population now living in the eight metropolitan areas. This figure is poised to increase to 71.3% by 2030 and as much as 80% by 2050 (Bernstein 2019, p. 19). Urbanisation brings with it an expanded and educated middle class – a key constituency boasting access to technology, a class which is technologically-literate, owns multiple Internet-enabled devices to access information and recognises that the urban space is a highly fluid and politicised one. As in Malaysia, Singapore and more recently in the 2016 US presidential elections, the DA capitalised on Twitter's urban appeal, confidently using it as a digital urban electioneering platform to communicate its 2016 LGE political ideas.

Other notable theoretical contributions to this paper include Twitter's relevance to communication sub-disciplines such as political advertising, political marketing, political public relations, brand management and image

management. The assumption that Twitter can aid or even further these elements of digital political communication transaction was supported by rich empirical data involving both the ANC and DA. In the case of the ANC, although it had not leveraged Twitter as an urban electioneering platform, it ensured that Twitter communicated its brand to all corners of the South African electoral landscape. Other traditional and non-traditional media could not have been so successful, because of either human capital or financial considerations. The ANC needed only its members and prominent leaders to be dressed in party colours (green, black and gold) for the party's brand to enjoy traction in terms of recognition. When it came to the DA, Twitter ensured that party representatives such as the metro mayoral candidates were easily identified, including their capabilities once elected to office, via information graphics and consistent tweeting. These factors ensured that Twitter was optimally used by the DA for its political advertising, political marketing, political public relations, brand management and image management efforts.

## CONCLUSION

Results emanating from this three-phased grounded theory study point to new knowledge by exploring how Twitter was activated as a digital urban electioneering and digital party-political issue ownership platform, notably for the DA. The party also used the portal to mount an aggressively negative political campaign against the ANC, pointing to issue ownership of a different texture. This study also established that both the ANC and DA used Twitter as a digital political communication avenue; and in the case of the ANC, it was shown that the party also used Twitter as an electronic diary.

This study is, therefore, significant because it contributes to an expansion of the way social networking sites impact the digital political communication and digital political persuasion process. In the case of the DA, Twitter was shown to be a digital political mobilisation tool, especially in how the party used negative advertisements and smartphone technology access for consistent voter appeals.

As with any ambitious study, there are a few limitations. Researchers can use larger sample sizes, more social networking platforms (such as YouTube, Facebook and Instagram) and more election cycles for a longitudinal study. Recognising that there currently exists a dire shortage of studies on social networking in African elections, a novel idea would be to conduct a multi-country African study to comprehend the way continental democracies embrace electronic-related campaigning and digital political communication. The research done here could also be replicated and applied to other African nations as well as other developing countries outside this continent to deepen an understanding of how political



communication is fast altering with technological leaps. Thus, more scholarly work in political communication and the use of social media in political communication is urgently needed.

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# BIOMETRIC TECHNOLOGIES AND THE PROSPECT OF SUSTAINABLE DEMOCRACY IN AFRICA

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## ABSTRACT

*The paper interrogates the prospect of attaining sustainable democracy in Africa using biometric technology (BT) for elections. Technology has become relevant in virtually every aspect of human endeavour, including election management and democratic development. In Africa, BT has also been deployed to improve the quality of elections and democracy. Using document analysis and review of relevant literature, findings indicate that to a large extent, BT is charting the path for sustainable democracy in Africa. However, the deployment of BT for African elections still faces serious challenges such as its high cost, inability to address some forms of electoral fraud, and lack of technical know-how. The paper concludes that the cultivation of political will to improve the quality of elections is important in order to address the current challenges of using BT in African elections and increase the prospect of attaining sustainable democracy.*

**Keywords:** Biometric technology, democracy, sustainable democracy, sustainable development, African elections

## INTRODUCTION

Election administration, often regarded as the life blood of democracy (Idowu 2017), has often been problematic and controversial in Africa (Arnold 2014), and fraught with irregularities (Idowu 2018; Idowu & Mimiko 2020a), thereby undermining the prospects for sustainable democracy on the continent. Thus, the quest to improve the quality of elections and attain sustainable democracy

had led to the adoption of innovations in biometric technology by several African countries. This is important because as Mumford (1964, p.7) admonishes, 'I wish... to persuade those who are concerned with maintaining democratic institutions to see that their constructive efforts must include technology itself'. While Zambia has adopted electronic voting (e-voting), Ghana, Nigeria, Gambia, Kenya and Côte d'Ivoire, among others, have deployed one form of BT or another for election administration, with the primary aim to curb the numerous challenges in their electoral systems.

Beyond the aforementioned countries, there is increased deployment across Africa of technological innovations in election administration for the purpose of sustainable democracy. The Maendeleo Policy Forum (2016, p.1) avers that technologies have been adopted by most African countries to improve 'biometric voter registration, database management, verify voter eligibility, automate recording and counting of votes cast and transmission of election results'. Among the various technologies deployed for elections in Africa, Osei-Offul (2017) posits that BT is taking the lead in the registration, authentication and identification of voters. More than 25 countries on the continent have deployed BT in election administration, while African countries constitute more than half the countries using BT worldwide (Genkey 2017). The critical question which remains, however, is the extent to which BT has been able to resolve the numerous electoral challenges confronting Africa and how much BT has increased the prospect of attaining sustainable democracy on the continent. Our argument is that quality elections increase the prospect of sustainable democracy. Hence, Piccolino's (2014) assertion that a quality electoral voter register/list impacts on the quality of elections and by extension, democracy.

Nevertheless, while electoral technological innovations have been applauded as improving electoral integrity across the board (Osei-Offul 2017), they have also been viewed differently as not being a quick fix for problematic elections and they could be used to further manipulate the process (Russell & Zamfir 2018). While much attention has been directed towards studies on technological innovations in fields like the biomedical and chemical industries and science-related research, only scanty research exists on technological innovations with respect to the information system (IS) field, especially as it concerns Africa (Iizuka 2013), electoral improvement and sustainable democracy. With different ways in which technological innovations have advanced communications, health care, and banking, among others, the question then is what role can it play or is it playing in strengthening elections and democracy in Africa? This is the thrust of this paper.

The paper is structured as follows: the next section conceptualises sustainable democracy and BT. The subsequent section three provides the theoretical

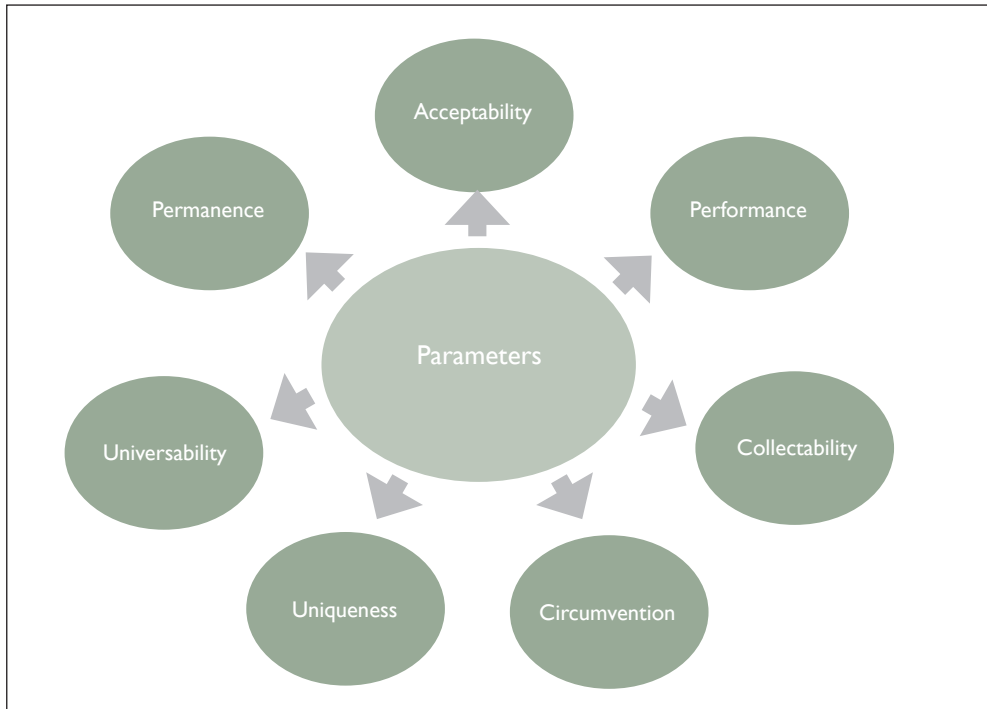
framework upon which the paper is built, while section four explores various electoral biometric technological innovations. Section five maps the deployment of BT for elections in Africa, while section six examines the prospect of attaining sustainable democracy in Africa through BT. The final two sections explore the challenges and limitations of deploying BT for African democratic elections, and concluding remarks respectively.

### CONCEPTUALISING BIOMETRIC TECHNOLOGY AND SUSTAINABLE DEMOCRACY

Biometric technology refers to the type of technology designed to identify unique individual identity using fingerprints, speech, gait, odour, and DNA, among others. It is the 'verification and identification of humans using their possessed biological (anatomical, physiological and behavioural) properties... [it is] the automated use of physiological or behavioural characteristics to determine or verify an individual's identity' (Wang & Yanushkevich 2007, p. 226). BTs are those automatic technologies designed for the purpose of identification, to measure and analyse biological and anthropological characteristics such as fingerprints, eye retinas/irises, voices, faces, and hand measurement. They operate via the generation of computer models of the physical and behavioural characteristics of individuals in order to reliably identify such individuals (Wang & Yanushkevich 2007). BT adopts patterns of recognition algorithms which enable it to identify unique individuals. They operate with biometrics, that is any human physiological or behavioural characteristics which possess general biometric properties (Bolle et al. 2004). Bolle et al. (2004) and Yakubu (2017) further highlight the various biometric properties as follows:

- Universality: implies that every individual has the characteristics being measured;
- Uniqueness: suggests that no two individuals can be exactly the same in terms of the characteristics being measured;
- Permanence: it is invariant with time;
- Collectability: it can be subjected to quantitative measurement;
- Reliability/Performance: it must be safe and its performance level must be satisfactory;
- Acceptability: it must be socially acceptable and tolerable; and
- Circumvention: it may not be easily manipulated.

The figure below presents the diagrammatical representation of biometric properties:



**Figure 1: Biometric properties**

Source: Yakubu (2017, p.4)

Lorimer and Lechner (1995) define sustainable democracy as the continued reasonably high and stable level of democracy. It is a level of democracy which has become stable over time and in which democratic institutions such as the election management bodies (EMBs), legislature and judiciary are reasonably efficient. It is the level of democracy which should last well into the future without experiencing collapse or retrogression. Elections remain one of the most prominent tools for gauging democratic progress. As such, a democracy where elections are credible, transparent, free, fair, periodic and largely inclusive, participatory and competitive, and where the EMB is efficient, independent and impartial, could be said to have attained sustainability. Sustainable democracy implies a democracy attained and practised today, which does not pose a threat to tomorrow's democracy.

#### THEORETICAL FRAMEWORK

The paper adopts the e-democracy model of analysis to explain the link between BT and the prospect of attaining sustainable democracy, and the general role



of technological innovations in improving electoral integrity and advancing democracies. Moynihan (2004, pp. 515–528) presents the basic argument of e-democracy thus: ‘the declining rate of trust in government can be reversed through the use of technology either indirectly through greater citizen satisfaction with more convenient services or directly through enhancing civic participation in the public sphere’. The theory posits that when technology aids civic participation (such as elections/voting), then it is referred to as ‘digital democracy’ or ‘e-civics’ or ‘e-democracy’ (Moynihan 2004; Robertson 2006). No doubt there are possibilities of technology failure, especially when it is massively deployed for elections, when the choices of vendor and the type of technology to be deployed in an election must be taken into due consideration. Following this, Olurode (2017) avers that while vendors are guided by the quest for profit maximization, election managers (EMBs) must be guided by transparency, credibility and the quest for advancing and stabilising democracy. By so doing, the prospect of sustainable democracy is high.

E-democracy ensures that electoral quality is improved and this has a profound effect on democracy on the continent. As argued by Olurode (2017, p. 802), ‘without doubt, the culture of digital democracy is spreading in Africa and it is triggering profound changes in its democratisation processes’. The profound and critical role of technology in reducing electoral bloodshed and violence has also been stressed (Olurode 2017); a feat which has had an immense impact on democratisation and democratic institutions (such as EMBs) on the continent. Better citizen participation enhances electoral credibility and transparency, thereby advancing democratic growth. This quest for better citizen participation in Africa had prompted the heavy deployment of BT for most elections. Technology has improved the secrecy of balloting, built stronger electoral institutions (EMBs, civil societies, independent observers and the media), improved electorates’ autonomy and confidence, increased the prospect of votes to count, and reduced electoral impunity/violence (Olurode 2017). BT has been able to produce cleaner and more accurate voter registers, and thereby reduced electoral manipulations. All of these point to the essential role of technology in the quest for sustainable democracy in Africa. The theory of e-democracy is useful to analyse the role of technological innovation like the BT in achieving sustainable democracy in Africa.

## RESEARCH METHODS

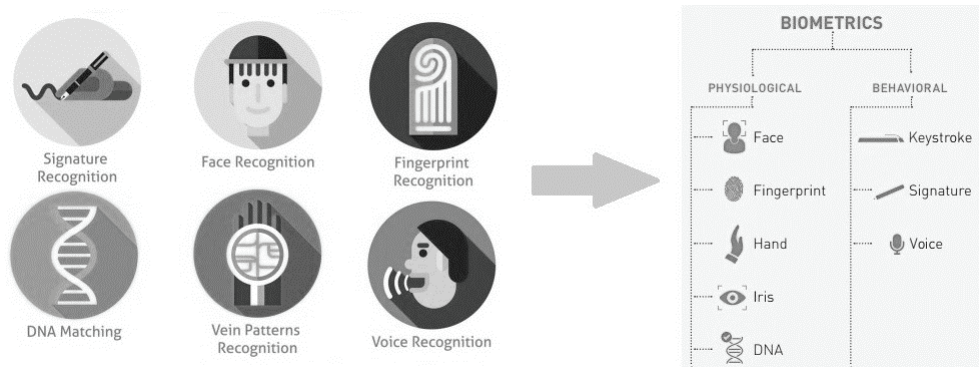
The paper adopts the explanatory research design. It relies on secondary data using document analysis and reviews of relevant literature such as text books, journal articles, magazine publications, official documents and gazettes,

newspaper articles, and the Internet. Data so collected from these sources were analysed using explanatory and content analysis.

### ELECTORAL BIOMETRIC TECHNOLOGICAL INNOVATIONS

There are several biometric technological innovations deployed globally for the purpose of elections. Wolf (2017, pp. 21-22) presents the various forms of BT deployed for elections. These forms are presented and discussed as follows:

**1. Biometric Voter Registration (BVR):** This is used for voters' registration, using any of the various biometric characteristics. The biometric voter registration produces a voter register containing biometric data such as fingerprints, iris scans, and facial image, including a voter's biographic information. The various biometric data which could be captured during biometric voter registration include fingerprints, facial images, signatures and iris scans (Wolf 2017, pp. 21–22). Others may include DNA matching, vein patterns recognition and voice recognition. While face, fingerprints, hand, iris and DNA biometrics are physiological features, keystroke, signature and voice biometrics are behavioural features (Gemalto 2019). The figure below presents a diagrammatical representation of the various biometric characteristics.



**Figure 2: Biometric Characteristics for Biometric Voter Registration**

2. **Biometric Voter ID Cards:** Following the biometric registration, some of the voters' identification could be electronically printed on voter ID cards. This will usually, but not in all cases, consist of the voter's photograph, fingerprints and signature. An example is the permanent voter's card (PVC).
3. **Biometric De-duplication:** Biometric de-duplication is a form of BT which allows for the detection and removal of multiple cases of registration from the voter register. This is done by the identification and matching of various biometric characteristics like the fingerprints, facial images and irises of registered voters on the register of voters. At the detection of similar biometric characters, removals are made, while retaining only one name on the register.
4. **Biometric Voter Verification (BVV):** This is a BT often deployed on election day to identify and verify eligible registered voters. The technology also uses biometric details of voters as captured during registration to verify whether they are the actual voters and that they are not impersonations. This technology is used to prevent impersonation and multiple voting. BVV is usually carried out via the use of devices such as electronic poll books which have the ability to capture voters' fingerprints and compare them with those already stored on the system during the biometric registration stage.

#### MAPPING THE DEPLOYMENT OF ELECTORAL BIOMETRIC TECHNOLOGY IN AFRICA

The deployment of BTs in African elections will doubtless continue to increase. While countries such as Zambia and Democratic Republic of the Congo (DRC) have gone as far as adopting e-voting for elections, BT remains the most widely used for the registration, authentication and identification of voters, with over 25 countries involved (Osei-Offul 2017). African countries also constitute more than half of all the countries using BT globally (Genkey 2017). Furthermore, in 2017 Somaliland became the first country in Africa and the first in the world to make use of iris recognition-based biometric voting system. Africa's strides in the deployment of BTs for elections has the aim of addressing the numerous challenges with voter registration and verification on the continent, and by so doing of improving the electoral process. This thus warrants the attention so accorded BT in African elections.

BT has been seen and projected as the ideal means through which African states can improve their electoral process and allow for secure identification (Gelb & Clark 2013; Gelb & Decker 2012). As observed by Gelb and Clark (2013), the

market for BT in Africa had improved between 2005 and 2010. This resulted in a tremendous increase in the BT market from 87.7 million US dollars in 2005 to 415.8 million US dollars in 2010, amounting to 37% growth per year – the highest records globally. Between 2005 and 2006, DRC became the first African country to deploy BT for voters' registration. Senegal, Nigeria and Togo followed in 2007; while in 2008, Angola, Mozambique and Rwanda deployed BT in their electoral processes. In 2010, Côte d'Ivoire, Guinea and Somaliland were the next to deploy electoral BT, while Zambia, Uganda, Gambia, Cape Verde and Benin Republic utilised BT in their elections in 2011. Electoral BTs were deployed by Ghana and Sierra Leone in 2012; and in 2013, Burkina Faso, Cameroon, Gabon, Kenya, Mali and Swaziland deployed electoral BT. Some of the latecomers in the use of BT for elections include Namibia, which deployed BT in 2014, and Comoros which deployed BT in 2015. Also, in 2015, 2016 and 2017, Tanzania, Niger Republic and Zimbabwe respectively deployed electoral BTs for the first time. The various BTs have ranged from the direct data capture machines, smart card readers (SCR), permanent voter cards (PVC), biometric voter registration system (BVR) and electronic voter identification system (EVID). Table 1 below presents the tracking for first-time deployment of BT among some African countries.

**Table 1: Timelines of BT Deployment in African Elections**

Country	Adoption of biometrics in elections	First elections held with biometric register
Angola	Yes	2008
Benin	Yes	2011
Botswana	No	
Burkina Faso	Yes	2013
Burundi	No	
Cameroon	Yes	2013
Cape Verde	Yes	2011
Central African Republic	No	
Chad	Yes	2016
Comoros	Yes	2015
Côte d'Ivoire	Yes	2010
Democratic Republic of Congo	Yes	2011
Djibouti	No	
Equatorial Guinea	Yes	2015

Eritrea	No	
Ethiopia	No	
Gabon	Yes	2013
Gambia	Yes	2011
Ghana	Yes	2012
Guinea	Yes	2010
Guinea-Bissau	No	
Kenya	Yes	2013
Lesotho	Yes	2002
Liberia	Yes	2017
Madagascar	No	
Malawi	Yes	2019
Mali	Yes	2013
Mauritania	Yes	2010
Mauritius	No	
Morocco	Yes	2016
Mozambique	Yes	2008
Namibia	Yes	2014
Niger	Yes	2016
Nigeria	Yes	2007
Republic of Congo	No	
Rwanda	Yes	2008
Senegal	Yes	2007
Sierra Leone	Yes	2012
Somaliland	Yes	2010
Somalia	No	
South Africa	No	
South Sudan	No	
Swaziland	Yes	2013
Togo	Yes	2007
Tanzania	Yes	2015
Uganda	Yes	2011
Zambia	Yes	2011
Zimbabwe	Yes	2017

Source: Adapted from Piccolino (2016, p.501) and updated by the author

## BIOMETRIC TECHNOLOGIES IN AFRICAN ELECTIONS AND SUSTAINABLE DEMOCRACY IN AFRICA

As the e-democracy model of analysis explains the significant role BT plays in elections and democracy, there is no gainsaying the fact that the various BTs that have been deployed across the African continent have gone a long way to improve electoral credibility and transparency. By so doing, they have advanced and placed the continent's democracy on the path of sustainability. The problems that BT can tackle in elections are those that most routinely and seriously affect African elections. For example, BT is of immense utility in helping to ensure that only qualified voters vote and in producing accurate voting rolls, as is indicated below. These are prominent and serious challenges which have routinely and adversely impacted African elections over the years.

One important aspect in which BT has helped achieve improvements in African elections, is the refinement and upgrading of voter registers. The list of registered voters has long been regarded as a necessary precondition for free and fair elections and sustainable democracy (Piccolino 2014). This is also because the conduct of democratic elections relies on reliable voter registers. An improved voter register impacts positively on electoral integrity, and by extension, the quest for sustainable democracy. Thus, according to the ACE Electoral Knowledge Network (n.d.), 'the comprehensiveness of a voter roll – the proportion of eligible voters included in the list – ensures that electors are able to exercise their right to vote. The currency of the list – the extent to which information is updated – and its accuracy – the rate of error in names, addresses, gender, the date of birth'; these all guarantee electoral credibility/integrity. Wolf (2017, p.10) describes the importance of a credible voter register thus: 'A credible voter register confers legitimacy on the electoral process, helps prevent electoral fraud and ensures that every eligible voter can vote in an election and that they can do so only once'.

Prior to the deployment of BT in African elections, voter registers had been largely unreliable and problematic, raising serious questions about the quality of democracy in most countries on the continent. This development has to a large extent taken a more positive turn since the adoption of various BTs for voter registration, verification and authentication in Africa. For instance, in 2012 the Ghana Electoral Commission deleted about 130 000 duplicate names from the voter register; and Côte d'Ivoire, in preparation for the 2009 elections, did exclude some duplicate names from its register. The introduction by the Malian government of the *Numéro d'Identification Nationale* (NINA) biometric card in 2013, was able to resolve challenges relating to establishing a reliable voter register (IDEA 2018). This eradicated duplications from the register and ensured compliance with the maximum number of 500 voters per polling station.

In Cape Verde, BT has considerably reduced mistakes in voters' identification and improved the credibility of the voter register (IDEA 2018). Biometric technology has been able to achieve at least three goals in Africa. First is the conduct of cleaner, freer and fairer elections such as the 2015 general elections in Nigeria, where the deployment of smart card readers and the use of biometric voter registers were major catalysts for success. The second is the conduct of less contested and controversial elections and a fostering of a consensual environment among political parties, as demonstrated in Côte d'Ivoire and the Democratic Republic of the Congo. The third is that BT has been able to improve on electoral administration on the continent as evident in Côte d'Ivoire, Rwanda (Piccolino 2014) and Nigeria, among others. All of these indices not only improve electoral integrity, but are necessary pre-requisites for attaining sustainable democracy.

According to CODEO (2012), with specific reference to Ghana, the deployment of BT has improved electoral credibility and peace in the country. Citizens' trust in the electoral system has been greatly improved as 78% sampled Ghanaians agreed that BT has brought remarkable improvements in elections, while 87% aver that BT is a germane tool for improving credible and peaceful elections. Our argument is that democracy can only be sustained and the prospect of sustainable democracy improved under the foregoing circumstances. As such, BT for elections in Africa has not only improved voter registers and electoral integrity, but has also aided and continues to aid the peaceful consolidation of democracies across the continent. BT is thus creating the correct path for sustainable democracies across Africa as the e-democracy model establishes that manipulated elections and, by extension, limited electoral democracies can be reversed through the use of technology.

Furthermore, Golden et al. (2014) observe that with respect to the deployment of BT for voter identification and authentication in Ghana's 2012 elections, there was less multiple voting, out-of-district voting and ballot stuffing. This was the same experience in Nigeria when BTs such as PVC and SCR were introduced for the 2015 general elections. Such BTs were germane in curbing multiple voting and ballot stuffing and they fostered credible elections (Idowu 2018; Idowu & Mimiko 2020a; Nwagwu 2016; Nwangwu 2015). Gelb and Diofasi (2016) and Olurode (2017) also observe that the deployment of BTs has reduced disputed election results and post-election violence in Africa. With respect to the Kenyan elections in 2013 and 2017, Kigwiru (n.d.) observes that BT prevented duplications and electoral fraud; ensured that only those who registered voted; and created optimism among electorates. Ayeni and Esan (2018) and Olurode (2017) also observed the same experience in Nigeria, including an improvement in the country's electoral integrity.

Stronger and more efficient electoral institutions, a key ingredient for sustainable democracy, have also been largely achieved via the deployment of BTs in African elections. For instance, in adopting a biometric voter registration system, the Ghana EC was able to register over 14 million people within the space of 40 days. In 2012, in the build-up to the 2015 elections in Nigeria, the Independent National Electoral Commission (INEC) of Nigeria was able to register and produce PVCs for over 67 million citizens as against the mere 6 million the country's national e-ID programme was able to capture over the space of several years. Furthermore, for its 2015 elections, the National Electoral Commission of Tanzania was able to register over 23.2 million people in only four months in contrast to the only 2.4 million captured by the National ID Programme in over four years (Gelb & Diofasi 2016). While it took Nigeria's INEC four months to manually register over 61 million voters in 2006, it took the commission only 21 days to register over 73 million voters in 2011 using BT (Ayeni & Esan 2018). At the end of the 2015 elections in Nigeria, the Commonwealth Observer Group (2015) opined that: 'the introduction of biometric permanent voter cards is, in our view, a major factor in enhancing the integrity of the electoral process'.

Citing how much BT influenced electoral credibility, peaceful democratic alternation of power and improved the prospect of sustainable democracy in Nigeria's 2015 general elections, the then president elect, General Muhammadu Buhari averred:

But we thank God for technology – PVC and card reader. If not for this luck we had with technology... they [politicians] would have continued with what they used to do – go to their party offices or their sitting rooms, write the results, go to radio house and television house and announce the result and say whoever does not want the result should go to court.

(The Punch May 7, 2015)

This previous practice, as revealed in the foregoing excerpts, was without doubt inimical to the prospect of building and attaining sustainable democracy in any clime. BT was able to correct the anomalies to a very large extent. This is also corroborated by Olurode (2017, p. 802), who argued that electoral BTs in Africa have been able to enhance the secrecy of balloting; electorates have gained more autonomy and confidence; and electoral misconduct and impunity are being replaced by electoral best practices on the continent. Nevertheless, this is not without numerous challenges. For Olurode, BT has improved electoral credibility and 'strong' politicians can no longer write election results for themselves. All of these present a positive atmosphere and the prospect of sustainable democracy in Africa.



It is pertinent to mention, however, that the deployment of BT for elections is not sufficient for a credible electoral process and the attainment of sustainable democracy. Rather, the independence and impartiality of EMBs and the presence of strong electoral institutions and active/vibrant civil societies are also critical for conducting credible elections (Idowu & Mimiko 2020b). For instance, while South Africa is yet to deploy BT for any elections held since 1994, the country's electoral process has continued to improve tremendously. South Africa's electoral system could be ranked, arguably, above many other African states that have deployed BT, and could be pitted among the very best in terms of electoral credibility in Africa, despite the non-adoption of BT in its elections. It is therefore obvious that an efficient, independent and impartial EMB, strong electoral institutions and active/vibrant civil societies have been the sustenance of electoral credibility, thereby raising the prospect of sustainable democracy in that country.

#### CHALLENGES AND LIMITATIONS OF BIOMETRIC TECHNOLOGIES IN AFRICAN ELECTIONS

The deployment of BT in African elections has immensely impacted on the integrity, quality, credibility and transparency of elections on the continent, thereby showing signs of a movement towards sustainable democracy. Nonetheless, there still remains a myriad of challenges confronting its implementation. While these challenges are by no means peculiar to Africa, the continent seems to be the worst affected internationally. Obviously, the reason for this is not far-fetched, given the bad history of elections and democracy; the poor level of technological innovation; and the high level of poverty on the continent. The cost of deploying BT for elections also poses a serious challenge for Africa, where the level of poverty is relatively high. Given the largely impoverished conditions of states on the continent, it becomes doubtful whether the deployment of BT in African elections is sustainable (Gelb & Diofasi 2016). Table 2 below presents the costs incurred in the deployment of BT for some selected African elections.

**Table 2: The Cost of BT incurred in Some Selected African Elections (in US Dollars)**

Country	Year	Registered voters	Election cost	Biometric technology cost	Per voter election cost	Per voter biometric cost
Benin	2011	4 483 000	51 704 000	12 950 000	14.1	2.7
Burkina Faso	2012	4 365 000	58 000 000	23 000 000	13.3	5.3
Cameroon	2013	5 481 226	39 000 000	15 000 000	7.1	2.7

Côte d'Ivoire	2010	5 780 000	330 000 000	266 000 000	57.1	46.0
DRC	2011	32 000 000	360 000 000	58 000 000	11.3	1.8
Ghana	2012	14 031 793	124 000 000	70 000 000	8.8	5.4
Kenya	2013	14 350 000	325 000 000	106 200 000	22.6	7.4
Mali	2013	6 800 000	50 000 000	14 300 000	7.4	2.1
Nigeria	2019	84 004 084	798305 637	Not available	9.5	-----
Sierra Leone	2012	2 700 000	25 000 000	10 000 000	9.3	3.7
Tanzania	2015	23 161 440	120 000 000	72 000 000	5.2	3.1
Zambia	2011	5 167 000	67 600 000	14 700 000	13.1	2.8

**Source:** Adapted from Gelb and Diofasi (2016, p.8) and updated by the author

BT is not perfect, as there are continual incidents of failure and manipulation of the system. With respect to the 2015 deployment of SCR in Nigeria, Idowu (2018), Idowu and Mimiko (2020a), Yakubu (2017), Gelb and Diofasi (2016), and Nwangwu (2015) posit that there were incidents of card reader failure in capturing the fingerprints of some eligible voters. In fact, Nwangwu (2015) went further and averred that most of the polling officials were not aware that they needed to peel off the nylon film lids of the card readers. This lack of technological know-how raised the card reader failure rate up to 91% (EU 2016). It also affected the then incumbent president, whose fingerprints could not be authenticated by the card reader after several tries. Golden et al. (2014) observe that during the Ghanaian 2012 elections, there were many cases of biometric ID machine breakdown. This is corroborated by CODEO's (2013) report that there was a 19% failure rate of biometric machines across polling stations in the 2012 Ghanaian elections. Election Observation Group (ELOG 2013) posits that during Kenya's 2013 elections, the electronic polling book either malfunctioned or completely failed at 55% of polling units across the country. Also, in Zambia, the fingerprints of over 10% of potential and eligible voters could not be captured by the biometric machine (Evrensel 2010), thereby disenfranchising a large number of voters.

The fact that BT is only able to address limited forms of electoral fraud also poses a challenge to its deployment for African elections. Hence, Cheeseman's (2015) argument that certain electoral irregularities like gerrymandering, voters' intimidation, and vote buying/selling, cannot be addressed by technologies. For instance, Rader (2016) observed flagrant multiple biometric registrations in Somaliland in 2008; while Hosein and Nyst (2014) observed over 700 000 multiple registrations ahead of the 2011 DRC elections and the biometric technology did not significantly change the tradition of poorly conducted elections in the country (Debos 2016). The same was the case for the 2018 DRC elections, where BT could

not stop the manipulation at ballot counting level (Wilson et al. 2019). Even though BT was successful for voter registration and verification in Uganda's 2016 elections, the election was grossly manipulated. As Cheeseman, Lynch and Willis (2018, p.1407) aptly described it, 'The election was marked by gross disparities, with the ruling National Resistance Movement (NRM) able to spend much more, while opposition leader, Kizza Besigye's efforts were hampered by his arrest and the intimidation of his supporters'.

Despite the use of biometric PVC and SCR for the 2015 and 2019 general elections in Nigeria, actions which raise concerns about their credibility were still rampant at various polling units across the country. These include electoral violence, arson, under-age voting, vote buying and selling, burning of sensitive and non-sensitive electoral materials and the disruption of the electoral process. Various pre-election manipulations cannot be addressed by BT. These include the strategic disqualification of opposition candidates and the deliberate deprivation of voter registration at opposition strongholds as evident in the 2000 Côte d'Ivoire elections (Piccolino 2016) and across several other parts of Africa. Furthermore, unequal access of both incumbent and opposition to resources, and the intimidation of opposition leaders and their supporters as demonstrated in the Zimbabwean 2013 election (Freedom House 2014; Human Rights Watch 2014) and in many other parts of the continent, are obviously beyond the purview of BT. Gelb and Diofasi (2016) also add that electoral irregularities such as intentional miscounting of ballots, unaddressed legitimate electoral complaints, undue political influence, lack of political will to conduct clean elections, and poor implementation capacity often associated with African elections, are not within the confines of electoral frauds captured by the BT. Do Rosario and Muendane (2016) aver that during the 2014 biometric voter registration in Zimbabwe, the incumbent regime was able to manipulate the process in its favour. This was done by suppressing registration in opposition areas by deploying inadequate equipment and undertrained registration/electoral teams to opposition strongholds.

Despite the huge budget allocated to BTs for Kenya's 2013 and 2017 elections, Kigwiru (n.d.) and Osei-Offul (2017) aver that the process still met with many deficiencies in terms of electoral malfeasance. Electronic transmission of results failed at some stages, and there the system was treated with suspicion for fear of being hacked. Such technological failures are bound to invoke suspicion and mistrust among electorates, candidates, political parties and observers alike. In Ghana and Nigeria's 2012 and 2015 elections respectively, voting was postponed to the next day in some polling units because of BT failures. Also, the proposed electronic transmission of results for Ghana's 2012 elections was abandoned, with the EC nursing fears that the system might have been hacked (Osei-Offul 2017). For the 2019 elections in Nigeria, the proposed electronic transmission of results

was jettisoned, an act which was possibly caused by the lack of the technical know-how, or fear of the system being compromised, or both.

Furthermore, because Africa lacks the technological wherewithal and the funds to effectively deploy BT for elections, they are often contracted to foreign firms. This also extends to contracting foreign firms to make use of the BT to manage and clean voter registers. For instance, Somaliland's deployment in 2016 of iris scan, one of the most expensive BTs, was highly dependent on international donors to the tune of €13.5 million (Rader 2016). Kenya's deployment of BT in 2013 was also heavily dependent on the Canadian government (Ngetich & Ayaga 2016); and the procurement in DRC of BT in preparation for the 2011 elections was highly dependent on a Belgian company, ZETES (Pourtier 2012). Gelb and Diofasi (2016) posit that these practices are capable of weakening Africa's ownership of the electoral process, including raising concerns about the independence of the process.

Cheeseman et al. (2018) have also identified the challenge of corruption as one besetting the deployment of BT for African elections. According to them, some of the support for electoral technologies may be for personal and selfish 'desire to open up fresh rent-seeking opportunities' (Cheeseman et al. 2018, p.1404), rather than the intention to improve electoral integrity. This may result in procurement challenges leading to quack companies getting contracts they are not capable of delivering (Do Rosario & Muendane 2016); faulty procurement procedures and delays (Cheeseman et al. 2018); and corruption scandals such as those involving electoral process, as demonstrated in cases in Kenya in 2013 and 2017, and DRC in 2011 (Ohito 2016). Furthermore, implementation capacity for deploying BT for elections is largely lacking in Africa. Gelb and Diofasi (2016, p.17) describe this as 'pre-existing infrastructure: roads to deliver biometric kits, electricity to power card readers and scanners; reliable broadband or mobile networks to transmit data for de-duplication and to submit results, a robust data system to store, verify and tally the data received, trained staff to operate the equipment and perform troubleshooting if issues occur'. Osei-Offul (2017) holds the same perspective. Arguably, Africa lacks most of these capacities necessary for the efficient and effective deployment of electoral BT. These challenges continue to pose a threat to the prospect of attaining sustainable democracy via the deployment of BT in African elections.

While these challenges abound in BT deployment for African elections, it is pertinent to state that the deployment of BT has now meant that the mismanagement and rigging of elections in Africa began to happen more often in other areas in which BT is irrelevant. Some of these areas include vote counting and aggregation. This was the case in the DRC which had a technically proficient BT that supported elections up until the counting stages in 2011 and 2018 (Wilson

et al. 2019). The same scenario is applicable in most other parts of Africa where elections are now being manipulated in the areas where BT is irrelevant.

## CONCLUSION

The paper has been able to explore the link between the deployment of BT for African elections and the prospect of attaining sustainable democracy on the continent. There is no doubt that BT has contributed in no small measure to electoral integrity, voter confidence in the electoral process, and the inclusion of a larger percentage of citizens in the electoral roll. It has ensured that the credibility and transparency of African elections are improved, thereby increasing the prospect of sustainable democracy on the continent. BT has to a large extent helped to improve the electoral process on the continent. Also, as the e-democracy model posits, electoral BT has been useful in the democratisation process of Africa. It has thus improved democratic practice in no small measure and set most parts of the continent on the path to sustainable democracy.

Nonetheless, the deployment of BT for African elections still continues to face challenges and limitations. This is largely due to a number of factors, such as the fact that BT cannot address certain electoral frauds. Such frauds outside the purview of BT include voter intimidation, opposition intimidation, unequal access to resources by opposition and incumbents, and under-age voting. Others include violence, negative and undue political influence, and vote buying/selling. Given this, African politicians still continue to maximise the weak spots of BT to manipulate the process. Other challenges of BT in African elections include the high cost of BT machines, corruption, the lack of political will to conduct credible elections, lack of implementation capacity, and lack of technical know-how to professionally operate the BT machines.

Nevertheless, despite these numerous challenges, BT has improved the electoral process in African elections and it is creating the optimistic possibility of achieving sustainable democracy on the continent. To achieve this, however, African politicians must be patriotic enough to demonstrate the political will to conduct credible elections beyond the mere deployment of BT; Africa must invest more in the area of technological innovation. This is necessary to enable the continent to become self-sufficient in BT machines, thereby reducing the cost of deploying BT for elections on the continent, while also reducing the dependence level. Furthermore, African EMBs must give proper and adequate training to their electoral officers (permanent and ad hoc) before deploying them to the field. Strategies must be put in place by African EMBs to block the loopholes through which BT is still being manipulated. Beyond the deployment of BT for elections, the much-needed implementation capacity must be a top priority for African

leaders and governments. This includes infrastructure – roads, electricity, reliable broadband, robust data system, and adequately trained personnel; strong electoral and democratic institutions; and active/vibrant civil societies. The man-made electoral frauds which BT cannot address can be dealt with when political leaders develop the political will and sincere commitment to conduct clean elections. Unless these issues are addressed head on, the prospect of attaining sustainable democracy in Africa may just fizzle out.

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# COLLAPSING ELECTORAL INTEGRITY IN MOZAMBIQUE

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## ABSTRACT

*Excessive secrecy has always compromised the integrity of Mozambique's elections. The National Elections Commission secretly changes results with no records kept nor any public notice that changes have been made. The official final results of the 2019 elections were changed three times by the Constitutional Council with no comment and identical document numbers. The political parties want a politicised electoral machine with party nominees to all electoral bodies, and integrity has steadily declined. By 2018–9 elections had become dominated by the ruling party, Frelimo, which was able to openly change the outcome of municipal elections and create 329 430 ghost voters in the national elections. Civil society observers had become an important check on elections; but in 2019, independent observation was blocked in several provinces and the head of civil society observation in one province was assassinated by a police hit squad. The judiciary, which ordered a rerun in one town in the 2013 municipal elections, has become politicised and will no longer intervene. This paper is an empirical account of those events.*

**Keywords:** Mozambique, elections, transparency, secrecy, fraud, elections commission

## INTRODUCTION

An overwhelming desire to ensure peace propelled Mozambique's first multiparty elections in 1994. There was a remarkable turnout of 88% of registered voters. Frelimo candidate and incumbent president Joaquim Chissano won 53% of the vote. But Renamo's guerrilla leader-turned-presidential candidate

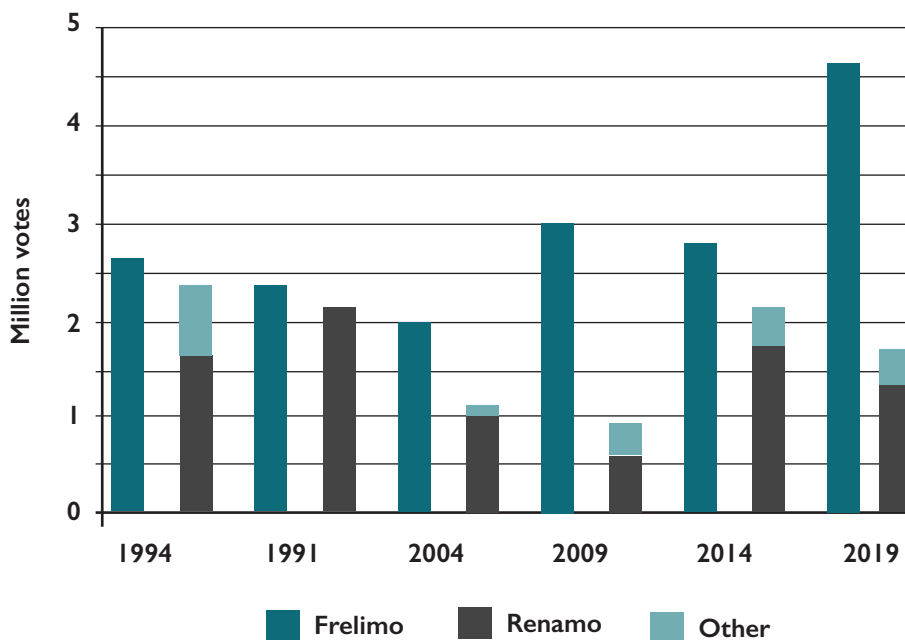
Afonso Dhlakama won 34% of the vote, showing that Renamo had real support, particularly in the centre of the country. Parliament was closer, with Frelimo gaining 129 seats, Renamo 112, and UD (the coalition União Democrática) winning 9. All parties accepted the result. There were 3 000 international observers who gave high praise to the election. Both observation and subsequent detailed analysis showed very low levels of misconduct and irregularities.

After a ten-year liberation struggle, Mozambique achieved independence from Portugal in 1975 as a socialist one-party state under the single independence movement, Frelimo. In 1980 Ronald Reagan was elected United States president, and he sharply intensified the Cold War, which included proxy wars between East and West in several countries, including Mozambique. The US considered apartheid South Africa to be a bastion against communism and its socialist neighbours. Renamo had been created as a guerrilla force by white-ruled Rhodesia, and in 1980 was taken over by white-ruled South Africa to attack Mozambique. The ensuing war was brutal and destructive with major atrocities committed by Renamo; more than 1 million people died (7% of the population), and there was massive destruction of schools, health posts and the commercial network. The war ended only in 1992 with the end of the Cold War. Part of the peace deal was multiparty elections, with Renamo as the main opposition party (Hanlon 1996, ch. 2).

The national desire for an end to war outweighed problems hidden in the electoral law and the deep distrust between the former warring parties, Frelimo and Renamo. But these have returned to overshadow all subsequent elections. Fraud and misconduct appear to have increased, and serious questions have been raised about the 1999 and 2019 elections. Those two elections set the scene for this paper.

The 1999 election was very close with Chissano beating Dhlakama by just 205 000 votes. Former US President Jimmy Carter headed observer teams to Mozambique in 1999 and 2004 and he publicly questioned the 1999 outcome, noting that the National Elections Commission (*Comissão Nacional de Eleições*, CNE) secretly excluded more than 300 000 votes. Furthermore, there were 241 000 more votes in the presidential election than in the parliamentary election; there are separate ballot boxes for the two elections and no observer reported a voter putting a ballot paper in the presidential box but not in the parliamentary box. It also emerged that computer technicians had been sent to several provincial capitals to 'correct' the presidential results (*Mozambique Political Process Bulletin (MPPB)* January 2000 & 29 December 2004). The head of computing for the 1994, 1999, and 2004 elections was also the head of the government data processing centre (Centro de Processamento de Dados, CPD), Orlando Comé, who apparently felt secure in that he had protection at the highest level. But Joaquim Chissano did

not stand for president in 2004, and this protection melted away. On 7 December 2010 Comé was jailed for 12 years for using CPD funds and credit cards for travel, rent, and even spending in a casino (*Mozambique News Reports & Clippings (MNRC)* 18 December 2010), but not before a last strike. His software for the 2004 elections was ruled to be insecure and rushed changes meant it was delivered to provinces to start the count there three days after the election, and was still riddled with errors. In 2004 it was also impossible to know exactly how many people had registered, only that it was between 6.4 million and over 11 million (*MPPB* 29 December 2004).



**Figure 1: Presidential vote in six elections**

Turnout in the next three national elections – 2004, 2009, and 2014 – was under half of registered voters (see Figure 1 above). Opposition votes fell to 25% in 2009, largely attributed to a poor campaign by Renamo head Afonso Dhlakama who effectively said there was no point in voting for him because the election would be stolen, leading to significant numbers of opposition supporters not voting. There were indications of ballot box stuffing and spoiling of opposition ballot papers, but not enough to affect the outcome.

The next election in 2019 was expected to be very close. Problems started early. In the electoral registration in Gaza, which votes overwhelmingly for

Frelimo, 329 430 more people were registered than there were voting age adults in the province, according to the highly accurate 2017 population census. The National Statistics Institute (Instituto Nacional de Estatística, 2019) had sent this data to the CNE, and the respected head of the institute was dismissed by President Filipe Nyusi when he published his report to the CNE. The head of the census was later dismissed for defending the accuracy of the census (2019 *General Elections - Mozambique Political Process Bulletin (GE-MPPB)* 8 September 2019 & 10 November 2019).

The head of civil society observation in Gaza was gunned down on 7 October by a police death squad. Nationally, more than 3 000 civil society domestic observers were denied credentials. Implausibly, Frelimo won in every district in the country (MPPB 26 January 2020).

In the remainder of this paper, we analyse these events under the framework of electoral integrity. In its 2019 symposium 'Electoral Integrity in Africa' EISA does not define the concept. Kofi Annan (2012) defines electoral integrity as 'any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle'. This includes five areas:

- The rule of law to substantiate claims to human rights and electoral justice;
- professional, competent electoral management bodies with full independence to administer elections that are transparent and merit public confidence;
- institutions and norms of multiparty competition and division of power;
- no legal, administrative, political, economic, and social barriers to participation; and
- regulating political finance.

Pippa Norris (2015), introducing a symposium on electoral integrity, frames it in three areas:

- legal, i.e. no violations of domestic electoral laws, especially fraudulent manipulation of polling and tabulation;
- public sector management, i.e. technical capacity and no electoral maladministration;
- normative values, such as those of accountability, inclusiveness, and transparency.

In this article, I follow Norris' framework, but also note the overlap between the three categories. I stress the inadequate structure and politicised nature of electoral administration and the core issue of transparency.

### DISTRUST AND WAR

Deep distrust built during a decade of war, combined with both sides believing they had the support of the people and would win elections, led to the adoption of a strong president and winner-take-all form of government. Brazão Mazula, a respected former priest with Frelimo links, was named president of the first National Elections Commission (CNE) on 1 February 1994, less than nine months before the election date. A natural conciliator, he succeeded in making both sides work together. In the first parliament, the majority Frelimo bench was headed by Armando Guebuza, building an independent power base in his successful quest to become president. He thus created space between himself and then President Joaquim Chissano, and effectively made parliament the opposition to the government. This led initially to serious cooperation between the two parties, particularly at commission level.

But a 2020 study coordinated by UNU-Wider makes clear that there was never a real political settlement between Frelimo and Renamo, because there was no political or economic power-sharing. There were few senior military, economic or political posts for Renamo and there are even fewer now. 'There is no effective separation between party and state and big business' (Cruz, Ferreira, Flentø & Tarp 2020).

Renamo head Afonso Dhlakama always recognised his weaker position during the 1990–92 Rome peace talks, the 1992–94 period with the UN presence and initial cooperation between the two sides, and then into 1994 elections. He often used boycotts as a way to gain concessions. Indeed, he boycotted the first day of the elections, 27 October 1994, and returned only after personal phone calls from the UN Security General and other international figures. Renamo swung between boycott, disruption, and conciliation in the first multi-party parliament, unsuccessfully boycotting parliamentary sessions to try and force Joaquim Chissano to name some Renamo ministers (*MPPB* February 1995). A law was agreed on the first local elections, in 33 municipalities; but then Renamo boycotted the municipal elections on 30 June 1998 (*MPPB* June 1997; September 1997; 21 July 1998.)

This deep distrust had two important consequences. Dhlakama and the Renamo leadership always believed that there were no senior neutral figures

in Mozambique, and that it was impossible to create an independent, neutral election structure. Dhlakama<sup>1</sup> in particular also believed that the only way to keep a check on Frelimo was to have as many Renamo people as possible inside the electoral system watching Frelimo.

Renamo has also, unusually in electoral democracies, been an armed party with a sizeable militia. Without leaving parliament, it boycotted the 2013 municipal elections and carried out military actions from April 2013 to April 2014 to successfully force changes to the electoral laws and the CNE (*MNRC* 8 April 2013, 12 February 2014, 7 April 2015 & 8 May 2014; *MPPB* 9 April 2014). Renamo's return to war again in 2016 led to an agreement for elected provincial governors. These were small wars with relatively few casualties; Renamo closed the main north-south N1 road by shooting at traffic, while the army shelled the Renamo base in Gorongosa.

This led to huge instability in the electoral process with different electoral laws for the CNE, for voter registration, separately for presidential, provincial and municipal elections, and for the role of the central state in provinces and municipalities. Some laws were changed for each election, often late and after political battles and boycotts. Some laws have been changed multiple times while others, such as that governing political parties, date back unchanged to 1991. The changes are inconsistent and there is sometimes disagreement between laws, notably on procedures and electoral calendars. The constitutional change for elected governors was only in July 2018 and the changes to six electoral laws only approved on 31 May 2019 for the national elections on 15 October (Leis 2/2019, 3/2019, 4/2019, 5/2019, 6/2019, 7/2019). Inconsistencies required ad hoc changes by the Constitutional Council and the CNE.

The outcome is not a well-written electoral code designed for smooth running, fair elections; instead, it is a jumble of inconsistent political concessions.

## CHANGING DEMOCRATIC AND ELECTORAL PROCESSES

The broad outline of Mozambique's electoral process has remained the same for all multi-party elections since 1994. But within that, there have been frequent changes.

The president of Mozambique is elected by an absolute majority (50%+1) of Mozambican voters<sup>2</sup>. Below that are assemblies elected by proportional representation (party-list) systems. The 250-seat national assembly or parliament

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1 On 3 May 2018 Afonso Dhlakama died of a diabetes-related illness at the Renamo central military base on the Gorongosa mountain. He was replaced by Ossufo Momade, who stood as Renamo presidential candidate in 2019.

2 With a second round between the two candidates with most votes if none received 50%+1. This has never been needed.

(AR, *Assembleia da República*) is elected from lists of the 11 provinces (248 seats) and two seats from the diaspora. AR seats for the provinces are based on numbers of registered voters, but the repeatedly-changed law has maintained a mathematically incorrect way of assigning those seats<sup>3</sup>, often forcing the CNE to remove or add one seat for a province. This is done in secret as there is no legal provision to do so.

Provincial assemblies are elected from lists in the districts plus a province-wide list. The lowest level is only partly democratic: 53 municipalities have elected assemblies and mayors, while districts in more rural areas still have centrally-appointed administrations. The capital, Maputo City, has dual status as both province and municipality. It has an elected mayor and municipal assembly, and does not have a governor or provincial assembly, but the mayor effectively has the power of a governor.

The 10 provincial governors (not including Maputo City) and the 53 municipal mayors (including Maputo City) are elected in an unusual way – they head the lists<sup>4</sup> that receive the most votes.

The electoral management structure is similar to that in many countries. There is a National Elections Commission (CNE, *Comissão Nacional de Eleições*) largely named by parliament. The actual running of elections is done by the Technical Secretariat for Electoral Administration (STAE, *Secretariado Técnico de Administração Eleitoral*), effectively part of the civil service. There are elections commissions and STAE at national, provincial and district/municipal level. Elections commissions are named for five years, while the STAE terms are unlimited. The CNE and national and provincial STAEs operate at all times; provincial elections commissions and district/municipal elections commissions and STAEs operate only in electoral periods. Elections commissions and STAEs have the same structures in both districts and municipalities, and are usually grouped together in the legislation.

Where the AR or an assembly makes nominations, for example for judges and CNE members, this is normally done by parties in proportion to seats in assemblies. Political battles led to repeated changes in the structure of the CNE and lower-level elections commissions and the hierarchic position and directors of STAE. As Figure 1 shows, the size of the CNE varied between 9 and 21 members, but always with a Frelimo majority. In an attempt to depoliticise the CNE in 2007 it was agreed that it should have members nominated by civil society organisations (CSOs), and that the president should be one of the CSO members. This failed

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3 Because there cannot be half members of an assembly, proportional representation systems have various methods to allocate seats to parties. Mozambique uses the d'Hondt method. It should also use this to assign seats to provinces based on registration, but it does not.

4 The provincial governor is head of the province-wide list which receives the most votes.



because civil society is also politicised and it was informally accepted that members would be appointed from party-aligned CSOs in proportion to seats in parliament, and that the president would come from a Frelimo-aligned CSO. This pattern is followed at provincial and municipal/district level, which ensured Frelimo has always dominated the electoral machinery. There is now a third, small party in parliament, the Mozambique Democratic Movement (Movimento Democrático de Moçambique, MDM), which is a break-away from Renamo, and which now has a few STAE and elections commission appointees.

**Table 1: Membership of National Elections Commission**

Year	Members – total	President	Frelimo	Renamo	Government	Other CSO	Others
1993	21	1		7	10		3
1997	9	1	4	3	1		
1999	17	1	8	6	2		
2002	19	1	10	8			
2007	13	1	4	1		7	
2013	13	1	5	2		2	3
2014	17	1	5	4		6	

Source: author and Miguel de Brito, based on electoral laws

The civil service in the one-party state era was inevitably dominated by Frelimo, but for the first elections there was some attempt at neutrality – although as noted above, the head of computing was definitely a party appointment. From the election of Armando Guebuza as president in 2004, the civil service, including STAE, was more strongly politicised and expected to act in the interests of Frelimo. The response was initially to have CSO members of the election commission, which was subverted by the parties. Renamo moved to increase CNE control over STAE and extract it from civil service and ministerial control.

Renamo also demanded the right to appoint members of STAE, in effect to watch the government/Frelimo appointees. For the 2014 elections national STAE had 26 additional political appointments: two deputy directors-general (one Frelimo, one Renamo), six deputy department directors (three Frelimo, two Renamo, one MDM) and 18 other politically appointed staff (nine Frelimo, eight Renamo, one MDM). In 2014 there were more than 2 200 party appointments to STAEs (more than 1 100 Frelimo, 800 Renamo, and 300 MDM).

But the system failed. Renamo tended to use its posts as rewards for party loyalists and did not train them in what to look for. As a result, gross incompetence

as well as blatant manipulation such as the Gaza registration inflation passed unnoticed.

In 2012 Sheik Abdul Carimo, then head of the joint CSO Electoral Observatory, said ‘STAE and CNE are neither independent nor impartial bodies’ (Carimo 2012). He was then named to the CNE as one of its Frelimo-aligned CSO nominees, and in 2013 became president of the CNE. Initial attempts to create some balance within the CNE failed, and the Frelimo take-over was complete by the 2018–9 elections.

### REGISTRATION AND POLLING STATIONS

Voters must register anew for each pair of municipal and national elections. Registration is always quite high, because it is easier to register and obtain a plastic voter’s card than an official identity card, and the voter’s card is widely accepted as an ID card. Most registration is at the nearest school, and is recorded in books of 700 to 1 000 people, the number being one of the things that changes for each election.

The polling station must be in the same place as registration and has one registration book. So polling stations are normally in classrooms in the school. A highly-praised part of the system is that each polling station is autonomous, run by polling station staff hired through an open public competition (more recently with some additional party nominees). All operations of the polling station are fully transparent and open to media, party monitors, and independent observers. Ballot papers are counted in the polling stations as soon as voting ends, and the results sheets (*editais*) are posted on the door of the polling station as soon as counting is complete. Results are then sent to the district/municipal elections commissions (CDEs) and CNE for compilation.

Polling station staff receive training and many are local teachers and other respected local figures. In the early elections observers often commented on their seriousness, patience and competence. At the lowest levels, there was a real pride in running fair elections.

As Frelimo influence increased and more cases of ballot-box stuffing and invalidating opposition ballot papers became clear, Renamo demanded the right to appoint polling station staff. Each party in parliament (Frelimo, Renamo, MDM) was then able to appoint one member for each polling station – more than 35 000 paid political appointments. Again, the opposition did not train its nominees, many of whom who signed manifestly false *editais*; in some cases they apparently failed to notice the results sheet claim that turnout was over 100% of voters and clearly more than double the number who had voted.

## TRANSPARENCY

Transparency is the central pillar of democratic election systems. It is hard to cheat if everyone is watching. Polling stations are, officially, totally transparent. Posting the results at the polling station makes parallel vote tabulations (PVTs) possible and these are done by parties and observer groups. The law appears to make district, provincial and national tabulations open as well. But they are not. The electoral laws specify that certain parts of the process must be open, though they make no requirement that other parts be secret. But CNEs have always argued that all operations not required to be public are therefore secret; in particular, all work by STAE and all CNE meetings, minutes, etc. are secret. Thus, Mozambique's elections are unusually secret compared to other electoral democracies.

After the 2004 elections, former US President Jimmy Carter said that this was the 53rd election he had observed, and that the 'amount of corrections made to the results in 1999 exceeded anything in any similar election I have ever witnessed' (Carter 2004). The exclusion in 1999 of more than 600 polling stations that year was 'extraordinary. It is simply hard to believe that so many results sheets could not be used'. Exactly the same thing happened in 2004, with extensive corrections. STAE director general António Carrasco told international donors that 600 polling stations had been excluded – over 5% of the total, and in secret. This was never said to any Mozambican audience or media and is nowhere reported in any public CNE or STAE document. No list was ever made available (MPPB 29 December 2004). Carter noted that the whole final tabulation process was done in secret and the lack of transparency meant there was no check on possible manipulation. He stressed that the level of access was unacceptable and said that in elections in other countries 'we have rarely been excluded from any significant part of the process' (ibid.).

Again in 2009 the Constitutional Council (CC) reported more than 300 polling stations were excluded by the CNE – in secret and never saying it had done so (Conselho Constitucional, Acórdão n° 30/CC/2009 de 27 de Dezembro.) More bizarrely, the CNE excluded national parliamentary candidates from the third parliamentary party, MDM, on the basis that documents were incomplete or submitted late. MDM appealed to the CC. The CNE responded by submitting its *mapa de controlo*, a secret log of document submissions, which the CC accepted and rejected the appeal, although the document remained secret (Conselho Constitucional, Acórdão n° 24/CC/2009 de 2 de Outubro). After the election the CNE announced that in the election for the provincial assembly, the small PDD party (*Partido Para a Paz, Democracia e Desenvolvimento*) had won 21% of the vote in Mocuba district, Zambézia, enough to gain one seat in the provincial assembly. When the CNE discovered that PDD had not stood in Mocuba and not submitted a list of candidates, it took away the seat. PDD appealed to the CC saying it was

on the ballot paper and enough people had voted for it to win the seat. The CNE replied to the CC that the still secret *mapa de controlo* had major errors in it, leading the CNE to put PDD on the ballot paper by mistake (*MPPB*, 11 January 2010). As the 2009 *mapa de controlo* is still secret and no one outside the CNE and STAE has ever seen it there is no way MDM, PDD or anyone else could challenge it, but the CC accepted that the *mapa de controlo* was right with respect to MDM and wrong with respect to PDD.

What is astounding is that in this electoral democracy, the CC and CNE should agree that a mundane document such as a log of document submissions should be so secret that it can be used as evidence in appeals to the highest electoral court, yet neither the appellant nor anyone else may see and challenge the document. There is no public record of the most basic actions and decisions of the CNE.

Both sides have reasons to want secrecy. Dhlakama always felt that he had more power acting in secret and that it was easier to make deals. Before important CNE decisions, Renamo members had to use their mobile telephones to confirm their actions with Dhlakama. Information is power and he did not want it shared with the press and public.

On the Frelimo side, the secrecy often involved concealing things left to the last minute and then done sloppily. In 2004 electoral registers were never made public because they were still being corrected and cleaned two days before voting started. A complete list of polling stations and their register books was declared a 'state secret' but probably never existed. Last minute updating of the computer software and many errors in the data bases meant that corrections of results sheets and of the final results were done in a rushed and chaotic manner, and a full record of changes may never have existed.

Brazão Mazula, first CNE president and in 2004 head of the Electoral Observatory, the CSO observation coalition, commented: 'if you want to prepare a fraud, you start by disorganising the process' (*MPPB* 29 December 2004).

### COUNTING IN SECRET

The electoral law has always specified a complex cascade count. Results sheets are sent by polling stations to municipal and district elections commissions (CDEs) where they are added up. The CDE produces results sheets which are then sent to the province where they are tabulated, and forwarded to the CNE. Thus, in law, each election commission simply adds up the totals of the level below. Furthermore, the tabulation process should be open to press, observers and party agents. Finally, the CNE submits the results for validation by the Constitutional Council, which serves as the highest electoral court.

In practice, the count is not done that way. In reality, the tabulation at each level has been done by STAE, with decreasing involvement of the commissions. At national level STAE does an entirely separate count ignoring the cascade of provincial and district results.

The various electoral laws give specific tasks to STAE, for example organising polling stations. But through the 2013/4 elections, tabulations at municipal/district, provincial and national level were specified as being done by the elections commissions. And, at each level, elections commissions publish official results.

Polling stations are required to send a copy of their results sheet (*edital*) to the CNE and, with those, national STAE has always done its own provisional count (*apuramento provisório*). In the 2013 municipal elections the official results published by the CNE and confirmed by the CC were different from those, also official, published by CDEs. CNE spokesman João Beirão conceded that the CNE did not even look at the city, district, and province results, and used the STAE *apuramento provisório*, so the CNE did not know that major changes had been made. CNE spokesman João Beirão said (2013): 'We know nothing about these changes. We are given the numbers by STAE. You have to speak to the director of STAE' (MPPB 26 December 2013).

In its ruling in 2014 the CC noted differences between the CNE reported results and those declared by the provincial elections commissions (CPEs). The CC made it clear that the CNE could not use the STAE *apuramento provisório* and must base its decisions on the provincial and city counts. 'The results made public by the provincial electoral commissions ... are the only data, allowed by law, for the general and national tabulation of votes' (Conselho Constitucional, Acórdão n° 21/CC/2014 de 29 de Dezembro).

So the law was changed to override the CC and officially give STAE the dominant role in the tabulation. This was done in the now confusing form of different changes to three different electoral laws. The law for the 2018 municipal elections says 'The National Electoral Commission is responsible for the general tabulation of local elections, and the material operations are carried out by the Technical Secretariat for Electoral Administration'. At municipality level, 'the District or Municipal Election Commission, through the Technical Secretariat for Electoral Administration, centralizes, polling station by polling station, the electoral results obtained at all polling stations' (Lei n° 7/2018 de 3 de Agosto art 110, 122, 124).

But in what has been all too common, these changes were not carried forward into the national elections law (Lei n° 2/2019 de 31 de Maio) which meant that for the 2019 general elections, the CNE and other elections commissions were still expected to carry out the tabulations. However, one key change was made

in the law for the 2019 national elections (Lei n° 2/2019 de 31 de Maio art 149, 150, 151). An entirely new body was created, called a 'national tabulation assembly ... consisting of the plenary of the National Election Commission'. The only new task of this assembly is for tabulation verification to be done in secret. Party agents and observers are only allowed to attend this new assembly. The national tabulation assembly of 26 October 2019 was not actually a count, and simply consisted of showing the PowerPoint slides which had been approved at a closed CNE meeting the day before, by a 9–8 vote. That tabulation and compilation of results was done entirely by the STAE, as if the changes to the municipal elections law had been put into the national elections law. Then the election was approved by the Frelimo-aligned majority, with the president, Sheik Abdul Carimo, casting the key vote in favour.

#### CHANGING PUBLISHED DOCUMENTS IN SECRET

There was no way that political parties or observers could challenge or question the results, because they had no access to the data or the decisions involved in compiling the total. But the numbers done in secret by STAE and announced on 27 October 2020 were incorrect. As journalists began to work with the numbers, they quickly discovered that the published results included the registration in the diaspora but not their votes. The victorious President Filipe Nyusi had been denied 144 934 votes and the percentage turnout was incorrect (*GE-MPPB* 27 October 2020).

The incorrect STAE numbers in the slide had been sent to the CC and were approved and published as *Acórdão n° 25/CC/2019 de 22 de Dezembro*, nearly two months after press reports of the error, repeated on 23 December (*GE-MPPB* 23 December). In a remarkable display of transparency, on 2 January 2020 the CC replaced the document on its website with a new '*Acórdão n° 25/CC/2019 de 22 de Dezembro*'. It was pointed out that this corrected only some of the errors (*GE-MPPB* 5 January 2020) so a third '*Acórdão n° 25/CC/2019 de 22 de Dezembro*' was posted on 6 January. This still contained errors that were never corrected.

All versions of the ruling (*acórdão*) have a 14-page section highlighting the importance of transparency. But apparently this does not apply to the CC itself. No announcement was made of a change to the results; more seriously, there is nothing in the ruling that says it has been changed - all three versions are called '*Acórdão n° 25/CC/2019, de 22 de Dezembro*' with no indication of any change.<sup>5</sup>

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5 The original 23 December 2019 is posted on <http://bit.ly/CCAc25-Orig>. The second 2 January 2020 version, altered in secret, is on <http://bit.ly/CCAc25-Corr-1>. The third 6 January 2020 version, which in secret altered the second version which in secret altered the first version, is on <http://bit.ly/CCAc25-Corr-2>.

## SECRECY TO COVER FRAUD

The 2019 results fiasco shows how secrecy was used unsuccessfully to try to cover up slipshod administration. But it has also been used to cover fraud. In the 2018 municipal elections, STAE began to post its *apuramento provisório* on its website, which showed outcomes different to those in the official results. In Alto Molócuè, Zambézia province, and Monapo, Nampula province, the STAE *apuramento provisório* gave victory to Renamo but the CDE and CNE official results awarded the win to Frelimo. When that became obvious, STAE stopped posting the *apuramento provisório*. But posting results sheets (*editais*) on the door of the polling station makes it possible to do parallel counts, and a count done by journalists showed a Renamo victory in Moatize, Tete province, where the CDE and CNE awarded the victory to Frelimo. A civil society count in Alto Molócuè agreed with the STAE *apuramento provisório* which said Renamo had won. So in at least three municipalities, it appears the results were tampered with. In Marromeu, Sofala province, civil society observers reported that Renamo had a substantial lead when election officials ordered the police to stop the count.

Because the law does not specify transparency, key changes are often procedural and dependent on good will, which is often missing. The system of counting in polling stations avoids transporting ballot papers to counting centres – a key area of fraud in other countries. In 1998 STAE published a thick volume with the full results of the 1994 election by polling station (Mazula 1998). The data shows that in the now notorious district of Changara, in Tete province, some polling stations were claiming an impossible 95% or even 98% turnout, suggesting ballot box stuffing. This was not done in the disputed 1999 election. Data was released on a CD-ROM but only down to the level of voting centre; in a school there would be a polling station in each classroom, with the entire school called the voting centre. One of the issues of that election was that there were 241 000 more votes for president than for parliament, while no one ever reported seeing a voter putting a ballot paper in the presidential box instead of in the parliamentary box. The less-detailed results made it impossible to pinpoint ballot box stuffing. For the 2003–4 elections a CD-ROM down to the level of polling station was widely distributed. For the 2008–9 elections a similar CD-ROM was produced but was only distributed to international election observer teams at the 2014 elections and not to Mozambicans, who received copies from observers. A CD-ROM for the 2013–4 elections was produced but never distributed, although it was leaked, and reveals increasing fraud.<sup>6</sup> Without anything in law specifying transparency and publication, elections officials are free to suppress or publish

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6 The most detailed results available from all the elections are posted on <http://bit.ly/MozEIData>

as they wish; voters and political parties have no rights to see basic information held by the electoral officials.

Subtle changes in procedures can also be used to cover up fraud. A problem in all elections has been that semi-literate voters are often not careful about putting the X or fingerprint on the paper ballot paper, and their mark often spreads toward other candidates. The law says a vote is valid if the intention of the voter is clear. The count in the polling station is done in the presence of party agents who can protest, so there should be agreement on ballots labelled invalid (*nulo*). But local officials are often too strict in their rulings, and from 1994 all invalid ballot papers (sometimes 300 000 or more) were sent to Maputo for reconsideration, where many were accepted. From 2004 this was done by CNE members (with Maputo CDE members to assist) and in public. It became clear in 2004 that some opposition votes had been intentionally invalidated; in the piles being reconsidered there would be a whole series of papers with a second candidate marked by an ink fingerprint in exactly the same place. It would have been easy to identify, because the fingerprint was clear and as this was a criminal offence, the small number of people involved in the polling station count could have been fingerprinted to identify the culprit. However, the procedure was that all invalid ballot papers from a district were put together in a single pile, making it hard to identify the polling station. No attempt was ever made to prosecute the culprits or make it easier to do so. By the 2014 elections Frelimo-nominated polling station staff members were under increasing local party pressure and during the requalification in Maputo a new version of this fraud was noticed. During the count in the polling station, ballot papers are sorted into piles on the floor. In the 2014 Maputo revalidation, handfuls of valid ballot papers for the opposition, with no extra mark, had been put into the piles of invalid votes sent to Maputo. It appeared that some polling station staff members wanted to look good for local Frelimo party leaders but knew the votes would eventually be counted at national level. For the 2019 election, the law was changed so the invalid ballots were reconsidered only by the district STAE, in secret. No record is available of local reconsiderations.

All versions of the electoral law require that certain electoral records are deposited in the national historic archive (*Arquivo Histórico de Moçambique*), (Lei n° 12/2014 de 23 de Abril art 273; Lei n° 2/2019 de 31 de Maio art 245) but this has never been done.

#### POLITICS DETERMINES THE NEED FOR ELECTORAL INTERVENTION

Frelimo is the party of liberation and the one-party state and so has become the predominant party of the multi-party era. But its dominance has had its highs and lows, as has Renamo, the party of Afonso Dhlakama. The 1994 election was the election to end war; it seems to have been largely fair and well run under



difficult post-war conditions. Renamo boycotted the 1998 municipal elections, and did unexpectedly well in the 1999 national elections. The official results were close and serious questions have been raised about the outcome and the Frelimo victory. Frelimo's own analysis was that President Joaquim Chissano was being blamed by voters for growing corruption, and Frelimo did not select him as candidate for 2004.

Frelimo's predominance was not seriously challenged in the 2003–4, 2008–9, and 2013–4 electoral cycles. Results were released of those elections down to the level of polling station. Combined with PVT and other data, it was clear that there was ballot box stuffing and invalidation of opposition ballot papers (detailed below). Substantial sloppiness was concealed by secrecy; some appears to have been intentional.

This period also saw the return to the one-party state and what Manning (2010) called 'a growing Frelimo monopoly on power at all levels' (Hanlon & Smart 2008; Cruz et al. 2020). However, in the 2018–9 elections Frelimo came under more pressure due to public discontent over the \$2bn secret debt and more general corruption, as well as growing inequality and the lack of development. Local party officials were under additional pressure to assure a Frelimo victory, and elections commissions (which all have a Frelimo majority under Mozambique's party-based system) became totally partisan. In the 2018 municipal elections the opposition officially won 9 of 53 municipalities including three important cities (Nampula, Quelimane and Beira) and parallel counts showed the opposition with the most votes in four others officially awarded to Frelimo. In 6 of the 53 municipalities no party has a majority in the municipal assembly. The opposition did far better than many commentators and Frelimo leaders expected.

Pressure on Frelimo members of STAE and elections commissions increased for the 2019 general elections. In the March–May electoral registration the total was significantly inflated in the Frelimo voting areas of Gaza and Cabo Delgado provinces and the diaspora, and suppressed in Renamo voting areas of Zambézia province. It is estimated that ghost voters, ballot box stuffing and invalidating opposition votes increased President Filipe Nyusi's majority by 557 000 votes (*MPPB* 26 January 2020). Another major issue was the suppression of independent monitoring.

#### OBSERVATION, INDEPENDENT MEDIA, DATA COMPARISONS, AND JUDGES

The growing secrecy around STAE and CNE, the general decline in transparency, the failure of opposition parties to use the people they have inside STAE and

CNE, and the increasing fraud and misconduct in elections have put greater emphasis on outsiders watching those parts of the process they are allowed to see. Four groups are important: observers, independent journalists, a small group of numerate researchers who can compare public data and expose changes made by CNE and other misconduct, and a neutral judiciary.

For the 2014 elections there were 17 202 polling stations. These were monitored by 10 408 national observers and 526 international observers, as well as 1 851 national journalists and 85 foreign journalists (Conselho Constitucional Acórdão n° 21/CC/2014 de 29 de Dezembro).

From the first election, independent observation has been considered a key check on the integrity of the elections. Observers have total access to the processes on polling day and also report on the registration and campaign. International observation has been important but domestic observation has probably been more useful. For several elections there was a coalition called the Electoral Observatory which included religious groups. In 2019 CSO observation was coordinated by EISA Mozambique.

Domestic observation is probably most important psychologically, because it gives the message that polling station staff are being watched. But equally important has been the use of domestic observers to carry out a parallel vote tabulation (PVT) which is based on recording the posted results sheets (*editais*) at a statistically selected sample of polling stations. These have proved highly accurate. In 2014 the PVT covered 10.6% of polling stations and accurately predicted the 57% vote for Frelimo's Filipe Nyusi and 43% for the two opposition presidential candidates (MPPB 28 November 2014).

But there have always been problems with election officials who do not like being watched, and the biggest problems have repeatedly been Tete and Nampula (where the vote is close) and Gaza (where it is overwhelming Frelimo). In 2004 in Tete, Júlio Kalengo, the provincial sample count coordinator, was jailed for five days and not allowed to contact the Electoral Observatory (MPPB 29 December 2004). In 2014 in Tete observers were not allowed to collect data in 27% of polling stations. By law, CSO observers must be given credentials, but in 2014 in Nampula, 20% of PVT observers were never given credentials by the electoral authorities (MPPB 28 November 2014),

The 2019 election was much worse. On 7 October a police hit squad assassinated Anastácio Matavel, the coordinator of observation in Gaza, barely a week before the elections. EISA applied for observer credentials for 6 955 observers, but only 4 039 (58%) were issued. In Zambézia only 24% of credentials were issued and in Gaza only 27%, followed by Tete (39%) and Nampula (58%) (MPPB 26 January 2020).

## INDEPENDENT MEDIA

Mozambique continues to have a vibrant and free independent media, including more than 100 community radio stations and many web-based local newspapers. In addition, the *Mozambique Political Process Bulletin (MPPB)* has covered all of Mozambique's multi-party elections.<sup>7</sup> During this period the *MPPB* developed an apparently unique journalist-observer system (Nuvunga & Hanlon 2018; Hanlon & Ahlbäck 2016). In 2019 there were 465 local correspondents (at least two in every district, most from community radios) and a team of ten in Maputo. Election editions of the *MPPB* were published daily in key periods on Facebook, the web and e-mail, and twice weekly on community radio stations in seven local languages.

The effectiveness of this was shown as early as 2004, when observers and independent journalists found that more than 400 000 people in more than 700 polling stations, mainly but not entirely in pro-Renamo areas, were unable to vote. This was due to polling stations which did not open, opened very late, were in the wrong place, or did not have the correct register book. The Electoral Observatory PVT showed that in 3.1% of polling stations in their survey, fewer than 5% of those registered actually voted, indicating that something very serious had gone wrong (*MPPB* 29 December 2004).

## USING DATA

Mozambique's electoral process is highly unusual and totally non-transparent because STAE and the elections commissions can make any changes they wish without indicating these changes. There are circumstances where changes and decisions must be made – results sheets with arithmetic mistakes can sometimes be corrected, and it is reasonable to exclude polling stations with more than 100% turnout. But there is no indication that any record of changes exists. There is no audit trail which would make it possible to reconstruct what has been done. Indeed, at least in 2019, STAE only presented the final electoral results to the CNE for approval, with no explanation of the changes made.

Although the tabulation and compilation of the results is done by STAE in secret, a surprising amount can be discovered by using available information. Details of the PVT and results from polling stations are available, and CDEs, CPEs, the CNE and the CC all publish results which can be compared.

Comparisons make it possible to pinpoint secret actions. For example, in 2009 more than 104 000 votes were excluded by the CNE, apparently from

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<sup>7</sup> It was published first by AWEPA (European Parliamentarians for Africa) and more recently by a Mozambican CSO, CIP (Centro de Integridade Público).

polling stations with a turnout of near 100%, and in response to reports of ballot box stuffing. In Tete, 85 693 votes were excluded, 16% of the total votes. Of these, 74 555 were for Frelimo candidate Armando Guebuza. The change in Tete was discovered simply by comparing the results announced by the Tete Provincial Elections Commission (CPE) with those announced for Tete by the CNE. In the Niassa parliamentary contest, the CNE withdrew 11 130 votes for Frelimo. That was enough to shift one parliamentary seat to Renamo (*MPPB* 19 November 2009). No mention of these secret changes was made in any official statement or public document.

And, as noted at the beginning of this article, despite the secrecy, public data make it possible to identify errors and sloppiness. Statistical techniques can be applied and most election data follows a 'normal' or Gaussian distribution. In many provinces in many elections in Mozambique, turnout does indeed follow a Gaussian distribution, except that there is an unexpected group of polling stations with a turnout of over 85%. These are polling stations with ballot box stuffing. Similarly, the percentage of invalid ballot papers in a polling station follows a normal Gaussian curve with a centre at about 3%. Thus, the group of polling stations with over 7% invalid votes almost surely have opposition ballot papers improperly invalidated. Revisiting past elections, it is possible to estimate the extent of ballot box stuffing, and to use scatter diagrams to show that the extra votes are almost always for Frelimo (*MPPB* 26 January 2020; Hanlon & Fox 2006).

As noted above, detailed election results only become available five years after an election, and a detailed statistical analysis of the first four presidential elections showed the first indications of serious fraud in 2004 and that it became much worse in 2009 (Ahlbäck 2017; Hanlon & Ahlbäck 2016).

In 2004 data from individual polling stations was temporarily posted on a public computer system that was used to estimate ballot box stuffing in Tete province. In the parliamentary election it is estimated that there were 95 000 extra 'stuffed' ballots for Frelimo, enough to take two national parliament seats away from Renamo (*MPPB* 29 December 2004).

Unexpectedly, even in polling stations being observed, polling station staff stuff extra ballot papers or invalidate opposition ballot papers and thus it is possible to use the PVT to estimate fraud. In 2009 it was estimated that 6% of polling stations had a significant number of intentionally spoiled opposition ballot papers. In addition, 3% of polling stations had significant ballot box stuffing, but some of these were excluded, in secret, by the CNE. It was estimated that there were 148 000 extra, stuffed ballots, and 48 000 improperly invalidated – 6.5% of the total vote of victorious candidate Armando Guebuza (*MPPB* 19 November 2009; Hanlon 2011). In the 2014 elections there were problems and probable misconduct or fraud in 12.4% of polling stations. In the presidential election, it

was estimated that there were 107 000 extra, stuffed votes for victorious candidate Filipe Nyusi, and 30 000 taken from the opposition by fraudulently spoiling ballot papers (MPPB 28 November 2014; Hanlon 2015). There was a sharp increase in misconduct in the 2019 presidential election. Using PVT data, it was estimated that there were 148 000 stuffed ballots for Nyusi and 110 000 votes taken improperly from opposition presidential candidates – 5.6% of Nyusi’s total vote (MPPB 26 January 2020). These figures are necessarily underestimates because these statistical techniques can identify only gross violations. There is also substantial evidence from observers and journalists of widespread, small-scale misconduct in polling stations which appeared otherwise normal, with a few stuffed or falsely invalidated ballot papers.

### ACTIVE AND NEUTRAL JUDGES

The courts are the other outside force which should guarantee the integrity of elections. The various iterations of the electoral law have set up complex procedures which make it virtually impossible to protest. However, the highest electoral court is the Constitutional Council (CC, *Conselho Constitucional*), which has no public rules of procedure and is free to intervene.

This was shown after the 2013 municipal elections. The CC rejected the appeal by MDM over Gurué municipal elections because it was made too late, but in an unprecedented action went on to carry out its own investigation and found ‘flagrant violations of the law by members of polling stations as well as by the Provincial Election Commission of Zambézia’. It cancelled the election and ordered a rerun. The CPE and CNE had declared a Frelimo victory but a parallel count showed an MDM win. First the CC called for a recount, only to find the ballot papers missing. Further investigation showed polling station results sheets replaced by new ones or altered, and two even written by the Zambézia provincial elections commission, not the polling station president (Conselho Constitucional Acórdão n° 4/CC/2014, de 22 de Janeiro). The election was re-run on 8 February 2014 and MDM won with 55% of the vote.

However, in Mozambique as in many other countries, many magistrates, judges and even CC members are nominated by the party in power. The activist CC judges had retired, and in 2019 the CC chose not to investigate or intervene.

### FLAUNTING THE END OF INTEGRITY

Integrity is defined as honesty, rectitude, and incorruptibility, and is central to free and fair elections. Integrity had been deteriorating in previous elections in Mozambique, but the 2018–9 elections were notable because of the way the

ruling party Frelimo flaunted its power. It brazenly changed the results to give it four extra victories in the 2018 municipal elections, and in the 2019 national election inflated the electoral register with 329 430 ghost voters, and blocked civil society observation.

What was most striking is that Frelimo publicised rather than hid what it was doing. Two senior and highly respected officials in the National Statistics Institute were not just dismissed for challenging the registration of ghost voters in Gaza, but were public humiliated by President Filipe Nyusi. The CNE brazenly limited the national tabulation assembly to STAE presenting a set of PowerPoint slides, and invited the press to the show. And the Gaza head of CSO observation, Anastácio Matavel, was gunned down in the street, in broad daylight. In previous elections there was some attempt to hide misconduct, whereas in 2019 Frelimo's power to control the elections was blatantly displayed.

Equally notable was the widespread failure of opposition parties to use their deputies in the parliament to dispute changes to the electoral law, and their members of elections commissions and hundreds of appointed people in STAEs to expose the growing misconduct during the elections. It was left to press, observers, and academic researchers to expose the gross frauds in municipal elections, registration, and observer credentials.

Before his death on 3 May 2018, Renamo head Afonso Dhlakama used his remaining military power to push for changes in the electoral laws that deepened the partyization of the electoral process. This in turn deepened the control of the ruling party and ensured Renamo could never become the ruling party. The opposition cannot win at this game.

In 2019 the arrogance of power was on show. This begs several questions:

- whether the imbalance of power means it is now too late to create an electoral process with integrity;
- whether the middle class is so dependent on party patronage that there is no one left who can afford to be independent;
- whether there are enough honest, competent and independent people left who could fill smaller elections commissions and key posts in STAE, and who would be willing to risk being barred from future jobs for not having obeyed a party instruction;
- whether civil society, the opposition, and honourable people in Frelimo could come together to rethink the electoral process;
- whether it would be possible to follow the South African model and have open, public hearings to appoint elections commission members; and finally,

- whether the elections commissions and STAEs would be prepared to work with total transparency, with all meetings and documents open and accessible.

This depends on whether there are enough Mozambicans ready to demand electoral integrity, or whether it is too late.

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# ELECTIONS, LEGITIMACY, AND DEMOCRATIC CONSOLIDATION IN SOUTHERN AFRICA

*Lessons from Zambia, Zimbabwe and Malawi*

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## ABSTRACT

*Regular elections are now the norm across most of sub-Saharan Africa, but repeated elections have not guaranteed the consolidation of democracy. Election legitimacy is crucial for democratisation. When losing political actors and their supporters are not satisfied with the electoral process, there is potential for growing political tensions. Fraudulent or controversial elections fail to confer legitimacy on the winners, and undermine the integrity of elections and democracy. Drawing on Afrobarometer data and media accounts, this paper focuses on the most recent elections held in three southern African countries: Zambia, Zimbabwe and Malawi. We show that when citizens believe that elections were not free and fair, there is a decline in their satisfaction with democracy and the trust they have in institutions such as electoral commissions and courts of law. The absence of political reforms to address disputed election outcomes increases the likelihood that future elections will not be contested fairly. This sets countries on a path of democratic decline rather than consolidation.*

**Keywords:** elections, legitimacy, democratic consolidation, Malawi, Zambia, Zimbabwe, southern Africa.

## INTRODUCTION

That governments should be elected by citizens at regular intervals is a key democratic principle. While competitive multi-party elections may give governments legitimacy, they are often imperfect and their legitimising effect is

uneven. Those who support a winning party may accept the outcome as legitimate, while supporters of a losing party may not. In this paper we consider a number of recent cases in southern Africa in which there was contestation over whether an election was free and fair. We explore what happened in the aftermath of the election, for the legitimacy of an election is not decided on polling day itself but is derived from a process that includes the election campaign, the election itself and the aftermath. Do those who lose at the polling booth reject the system or become reconciled to the outcome, hoping to do better in the next election? If the latter, does this mean that at least to some extent, they accept the legitimacy of the process?

In a number of African countries, flawed elections have led to violent clashes between supporters of the winning party and opponents, threatening the very future of the democracy in that country. After a disputed election in Tanzania in October 2020, the leader of the losing opposition party fled the country. Elsewhere, in South Africa for example, those who supported the losing side in an election have come to accept the outcome. In yet other African countries, such as Guinea in 2020, authoritarian leaders have stage-managed elections and used repression to stay in power. We cannot here survey the entire recent history of elections in southern Africa to show how those who lost at the ballot box have responded to the outcome, but will examine a few cases, drawn from Anglophone countries in the region, to see if lessons can be drawn from them. While we are not the first to attempt to survey the legitimacy of African elections and to explore how citizens hold their governments accountable through elections (see for example, Moehler 2013; Lockwood & Krönke 2020; Wahman 2014), we draw on survey data and media reports and believe we can offer new insights.

Though most countries in the southern African region – which we define as the southern half of the continent, minus the Democratic Republic of Congo – have held national elections in the last five years, their electoral systems vary greatly, and so too the legitimacy of their elections. Much of the southern African region remained under colonial or minority rule until the last quarter of the twentieth century, and liberation wars were fought before independence was achieved. The liberation movements that emerged triumphant when those wars ended remain in power in over half of the countries of the region. Though repeated elections have taken place, this has often not meant any consolidation of democracy. This requires that the outcome of elections be acceptable to both winners and losers, and that elections result in transfers of power between incumbent and opposition (Moehler & Lindberg 2009). In southern Africa only three countries have seen such transfers of power since independence (or, in the case of South Africa, the transfer of power from the white minority to the black majority in 1994): they are Zambia and Malawi, which both emerged from the dissolution of the Central

African Federation, a British colonial project, in the early 1960s, and the small country of Lesotho, which is totally surrounded by South Africa. In Zimbabwe, as elsewhere in the region, the party that came to power after a liberation struggle has won a series of elections and remains in power. In the anomalous case of Swaziland, now eSwatini, no electoral contestations have taken place in what remains an absolute monarchy.

Several southern African opposition parties have in recent years challenged the outcomes of elections in the courts. With the major exception of Malawi, one of our case-studies, courts have upheld the election results even in the face of flagrant irregularities. International election observers have often endorsed the results of elections, however flawed they have been. Protests from opposition parties and, increasingly, ordinary citizens, have grown and the issue of legitimacy derived from elections has become key to the evolving nature of the democracies in the region.

We focus here on three members of the Southern African Development Community (SADC): Zambia, Zimbabwe and Malawi. Zambia has witnessed two electoral turnovers since democratising in 1991, but the outcomes of the most recent elections have led to fierce contestation, and democracy in Zambia is faltering, if not in decline. Unlike the other two cases, in Zimbabwe a major liberation war took place before independence and the liberation party that emerged victorious from that war has remained in power since independence. Zimbabwe has consistently performed very poorly when judged by most measures of democracy, and elections have been marred by violence and other gross irregularities. There is little more than a pretence of a working multi-party electoral system, and some dispute that there is any significant space for democratic politics. The situation in Malawi, our third case, is quite different, for Malawi is now only the second African country to have had the outcome of a presidential election overturned by a court (the first was Kenya) and the first to witness a transfer of power after the court required a fresh election to be called.

We first discuss theoretical arguments regarding elections and legitimacy and consider the implications of election legitimacy for democratic consolidation, then employ Afrobarometer data to analyse trends in the measurement of election legitimacy. After discussing the legitimacy of the recent elections in the three countries, the paper concludes by returning to the implications of legitimacy for democratic consolidation.

## ELECTIONS, LEGITIMACY AND DEMOCRATIC CONSOLIDATION

Jaimie Bleck and Nicolas van de Walle argue that Africa has witnessed an 'institutionalisation of elections without democratisation' (Bleck & Van de Walle

2018, p. 49). In southern Africa, it is only in eSwatini that opposition parties are not legalised. Elsewhere, regular democratic elections have been held since the democratic wave of the 1990s, though because of the civil war Angola held no election between 1992 and 2008. But despite the holding of elections, Freedom House rated only seven countries in sub-Saharan Africa ‘free’ in 2020, a decline from nine countries in 2015 (Freedom House 2020).<sup>1</sup> Zambia, Zimbabwe and Malawi are among the countries classified as ‘partly free’ (ibid.).

It is clear that conducting regular elections does not guarantee democracy. Yet citizens and political actors expect elections to be of acceptable quality. Staffan Lindberg has argued that the quality of democratic elections must be underpinned by at least three core democratic values: participation, competition, and legitimacy (Lindberg 2004). Participation requires that a range of candidates compete in an election. A decent level of competitiveness among the parties is vital to the democratic values of self-government, accountability and the responsiveness of electoral representatives, and it increases the likelihood of alternation in power. We focus here on the third of these values, legitimacy.

Election legitimacy has been defined as the extent to which political actors believe that an entire election process is legitimate and binding (Elklit & Reynolds 2002). Williamson (2020, p. 6) defined it as the extent to which the outcome of an election gives the winner the right to govern. The legitimacy of an election can be measured in various ways:

- Was it accepted as ‘free and fair’?
- Was there widespread politically-motivated violence during the election campaign or on election day?
- Did the losing party accept the outcome?

The confidence that political actors and citizens have in commissions that oversee elections may be crucial. An expectation that the losing party will accept the results of a legitimate election does not suggest that a challenge to the results is somehow invalid (Erlich & Kerr 2016; Lindberg 2004).

The existing literature on elections and legitimacy has focused on the extent to which elections provide democratic legitimacy to competitive authoritarian regimes (Diamond 2002; Levitsky & Way 2010; Schedler 2002). Levitsky and Way (2010, p. 306) identified 14 African countries (including Zambia, Zimbabwe and Malawi) that they classified as ‘competitive authoritarian regimes’. These countries had democratic institutions on paper, held regular democratic elections, and

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1 Freedom House rates people’s access to political rights and civil liberties in 210 countries ranging from the right to vote to freedom of expression and equality before the law. In southern Africa, only Botswana, Namibia and South Africa are listed as ‘free’.

had a level of competition that gave opposition parties a theoretical chance of winning; but, in practice, incumbents subverted democracy (Bogaards & Elischer, 2016, p. 7). In competitive authoritarian regimes, elections are held to convince the public that elected leaders have a democratic mandate to govern, but leaders in such regimes utilise democratic institutions and procedures to win legitimacy as a means to entrench their power (Williamson 2020, p. 4).

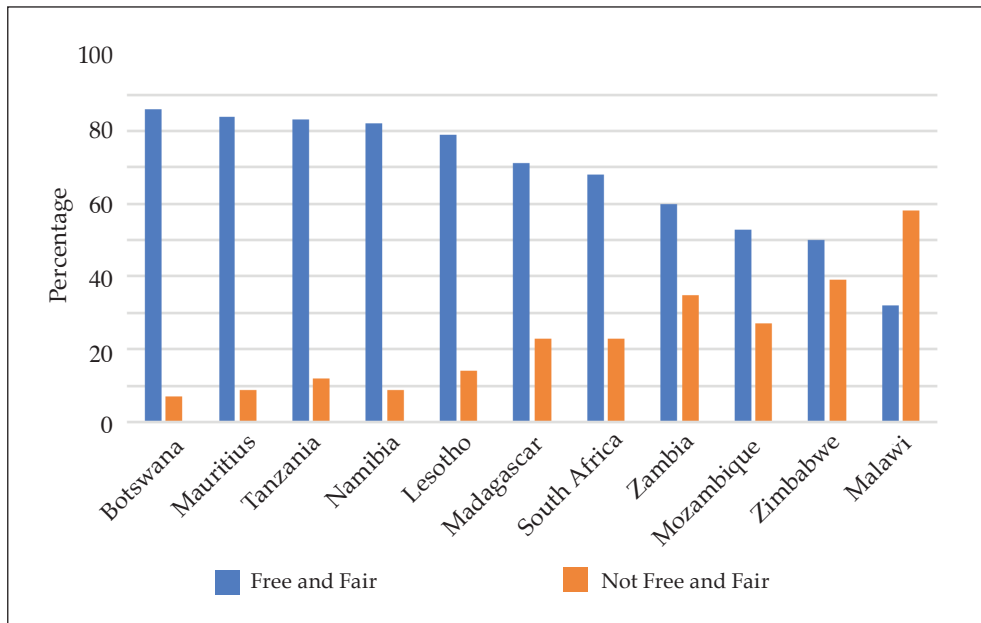
Regular elections are a necessary, but far from sufficient condition for democratic consolidation (Bleck & Van de Walle 2018, p. 31). A democracy is consolidated when it can be assumed to have survived the threat of democratic breakdown, which occurs when election cycles are aborted or replaced by coups or civil wars (Lindberg 2009). If the ultimate measure of legitimacy is that there is no such breakdown, it follows that the extent to which political actors believe that an election was credible is a key factor in democratic consolidation. A focus on election legitimacy challenges the idea that repeated democratic elections, regardless of their quality, provide a set of institutions, rights and processes that gradually promote and consolidate democratisation (Lindberg 2009). This argument has been challenged by, for example, Matthijs Bogaards, for whom alternation in power, helped by such institutional features as term limits, is crucial for democratic consolidation. Democratic elections need to be complemented by institutional reforms that promote democratisation (Bogaards 2013, p. 159).

When elections fail to confer legitimacy on the winners, the likelihood of breakdown is increased, and the sustainability of democracy is undermined. This may result in increased political protests as a way of disapproving the governing regime (Williamson 2020, p. 1). For its part, the regime may resort to more coercive measures to sustain power. We show that there is reason to be concerned about the quality of recent elections in the three countries in the SADC region that we consider. When elections fail to confer legitimacy on the winners, there is an urgent need for political and institutional reforms before the next election cycle. Failure to achieve such reforms will diminish the confidence that political actors and citizens have in the electoral process and is likely to set countries on a path of democratic decline, and perhaps even breakdown, rather than consolidation.

#### POPULAR ATTITUDES TOWARDS ELECTIONS, DEMOCRACY AND INSTITUTIONS IN SOUTHERN AFRICA

Afrobarometer surveys provide a resource to measure aspects of democracy and elections. These surveys include citizens' evaluations of the freeness and fairness of elections, their satisfaction with democracy, and their trust in electoral commissions and courts. We use these evaluations as measures of election legitimacy and confidence in institutions that are crucial for conducting and legitimating elections.

The seventh round of Afrobarometer surveys, conducted between 2016 and 2018, asked respondents: ‘on the whole, how would you rate the freeness and fairness of the last national election?’ The response categories to this question were: ‘not free and fair’, ‘free and fair with major problems’, ‘free and fair with minor problems’, and ‘completely fair’. Of the 16 countries that constitute the SADC region, Round 7 surveys were conducted in 11. In Figure 1, we present the results to the question from across these 11 countries. Rather than reporting all four response categories, we report results by highlighting the proportion of citizens who rated the elections as ‘free and fair’ (i.e. free and fair with minor problems and completely fair) and those who rated elections to be ‘not free and fair’ (i.e. not free and fair, and free and fair with major problems). Respondents in Madagascar and Zimbabwe rated the freeness and fairness of elections held in 2013. In six countries – Botswana, Malawi, Mauritius, Mozambique, Namibia and South Africa – the most recent elections held before Round 7 of the Afrobarometer survey were in 2014. At the time of the surveys the most recent elections were in 2015 in Tanzania, 2016 in Zambia, and 2017 in Lesotho. Since the survey, elections have been held in all but one of the 11 countries. Zambia is scheduled to hold its next national elections in August 2021.



**Figure 1: Freeness and fairness of last SADC elections**

Source: Afrobarometer Data, Round 7, 2016-2018

The results show that citizens from across the SADC region generally rated the last elections held in their country to be free and fair. In five of the countries, more than three quarters of respondents rated the last national elections to be free and fair. At 86%, Botswana citizens were the most satisfied with their last elections. In 10 of the 11 countries, at least half of all citizens surveyed rated the last national elections to be free and fair. Fewer citizens considered the last elections to have been 'not free and fair'. Malawi was the exception. Only 32% of Malawian respondents rated the 2014 elections to have been free and fair, while about 6 in 10 people (58%) rated the elections to have been 'not free and fair'. The three countries discussed in this paper were among the four countries where citizens reported the highest levels of dissatisfaction with the freeness and fairness of the last national elections.

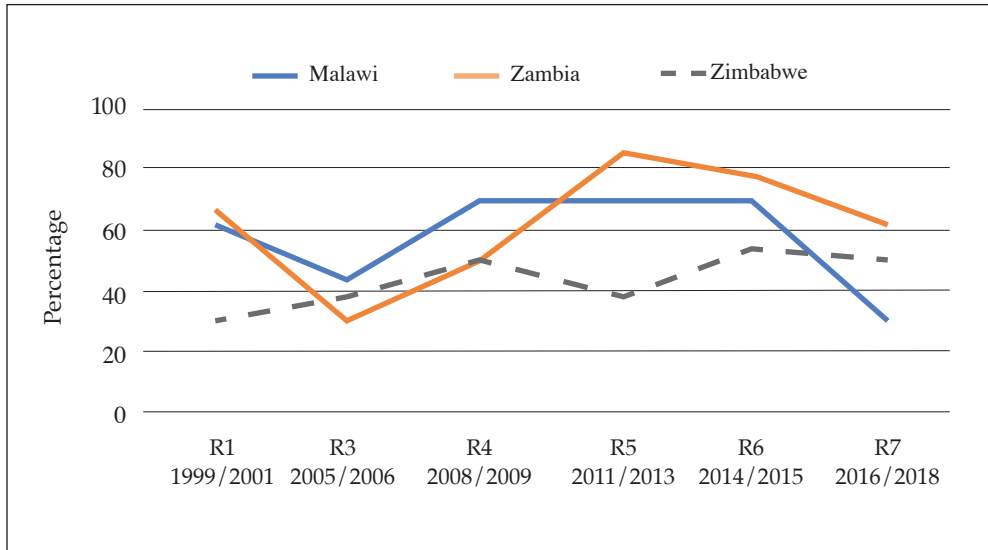
We now interrogate survey data for Zambia, Zimbabwe and Malawi in more detail to uncover trends over time. Analysing the freeness and fairness of the last national elections serves as a proxy for the credibility of elections. We also analyse trends in citizens' satisfaction with democracy. Doing so allows us to establish whether citizens' satisfaction with elections reflects broader evaluations of democracy, or the specific election, notwithstanding satisfaction with democracy. Because of our interest in the role of institutions that are crucial for conducting and legitimising elections, we also analyse trends in citizens' trust in electoral commissions and judiciaries.

### *Freeness and Fairness of Elections*

Zambia, Zimbabwe and Malawi were all surveyed in the first round of the Afrobarometer surveys conducted between 1999 and 2001. With the exception of the second round conducted between 2002 and 2003, Afrobarometer surveys have consistently asked respondents to rate the freeness and fairness of the last elections. Figure 2 shows the trends from Round 1 to Round 7 for the three countries in question.

The data indicates that Zimbabweans have generally had low ratings for the freeness and fairness of their elections. This is not surprising, given that elections in Zimbabwe are often characterised by 'systematically high levels of violence' (Bleck & van de Walle 2018, p. 97). Only in Round 6 (51%) and Round 7 (50%) did at least half the Zimbabwean survey respondents believe that their last elections were free and fair. In both surveys, Zimbabweans were rating the elections held in 2013. Notably, Round 5 results show that only 38% of Zimbabwean respondents believed that the contentious elections held in 2008 were free and fair. The controversy around these elections resulted in the formation of a Government of National Unity, brokered by the SADC, that brought together the ruling

Zimbabwe African National Union–Patriotic Front (Zanu-PF) and two factions of the opposition Movement for Democratic Change (MDC).



**Figure 2: Freeness and fairness of last elections: Zambia, Zimbabwe and Malawi**

Source: Afrobarometer Data, Rounds 1 and 3-7, 1999/2001 to 2016/2018

In Zambia and Malawi citizens were more likely to rate the last elections as free and fair when incumbents won with a commanding majority or when an electoral turnover occurred. For example, in Malawi's fifth and sixth surveys – which both asked about the 2009 elections – about 70% of Malawians considered the last elections to have been free and fair. Bingu wa Mutharika had won the elections with 66% of the vote, the largest margin by which a candidate had won a presidential election in Malawi since the founding elections in 1994. In Zambia, the majority of respondents in the fifth and sixth surveys – both of which asked about the 2011 elections – rated the last elections to have been free and fair. The 2011 elections resulted in the defeat of an incumbent party and the election of the opposition Patriotic Front (PF) led by Michael Sata. In Round 6 which was conducted in 2012, a year after the election, 86% of Zambians regarded their election as free and fair.

By contrast, elections that were controversial, or in which the incumbent won narrowly, were rated lowly. Malawi's Round 7 data show that only 32% of survey respondents regarded the 2014 election that elected Peter Mutharika



to have been free and fair. Although Mutharika defeated the incumbent Joyce Banda, his closest rival was another opposition candidate, Lazarus Chakwera. Mutharika's Democratic Progressive Party (DPP) contested the elections from a rather bizarre position. The party had won the last elections in 2009 but was 'forced' into opposition when Bingu wa Mutharika died in office in 2012. He was succeeded by the DPP Vice President Joyce Banda, who had formed her own political party in 2011, despite remaining vice president of the country.<sup>2</sup> Banda herself rejected the 2014 election results, suggesting they were rigged in favour of the DPP (Patel & Wahman, 2015, pp. 84–85). Chakwera's Malawi Congress Party (MCP) and other opposition parties also called for a recount of the votes (*ibid.*). Commissioners on the Malawi Electoral Commission (MEC) were apparently split on a decision to conduct a full recount and took the issue to court. In the end, the High Court ordered the MEC to announce the results within eight days, while acknowledging the MEC's authority to undertake a recount (*ibid.*).

The results and aftermath of the elections helps to explain why only 32% of those surveyed rated the elections free and fair. Mutharika won the election with only 36% ahead of Chakwera, who obtained 28%. The 11 candidates who competed against Mutharika won a combined 64% of valid votes. This provides some context to explain why 58% of Malawian citizens rated the elections as not free and not fair. The dissatisfaction with the 2014 election also helps to explain attitudes towards the outcome of the subsequent national elections in 2019, when the opposition rejected the results announced by the MEC and successfully challenged them in court. We discuss this in more detail later in this paper.

Similarly, in Zambia, the lowest ratings of the freeness and fairness of elections were recorded in Round 3 which asked about the 2001 elections. Only 29% of survey respondents believed that elections in 2001 were free and fair, a finding which is not surprising. Levy Mwanawasa won the 2001 presidential vote with 29%, defeating his closest rival by only 2%. Mwanawasa's 10 opponents won a combined 71% of the vote. Some presidential candidates challenged the results in the Supreme Court and although the court ruled in favour of Mwanawasa, it established that there had been 'several irregularities' in the presidential election (Sishuwa 2016a).

Taken together, the results on the freeness and fairness of the last election demonstrate that controversial elections potentially undermine the legitimacy

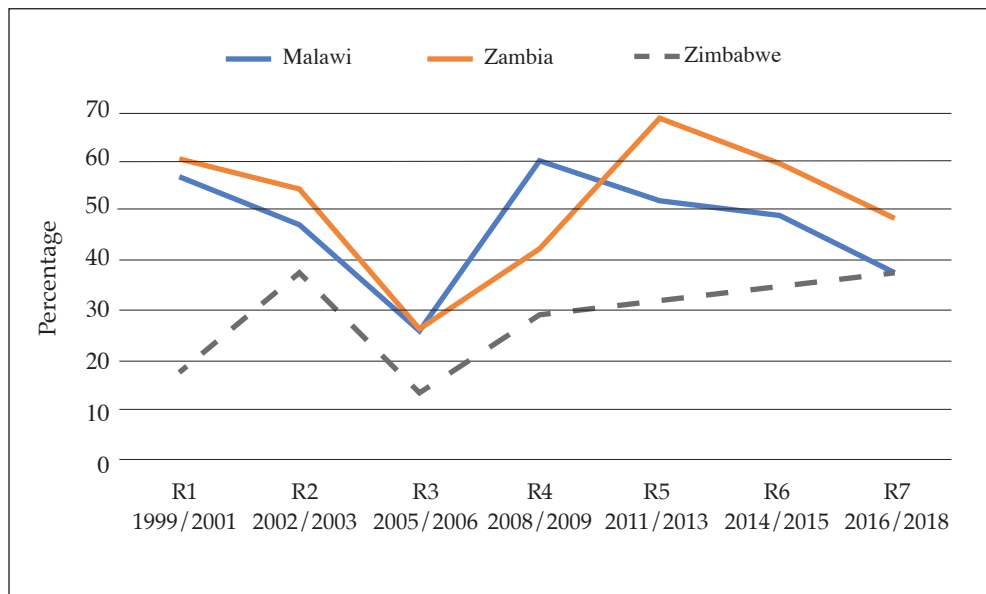
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2 Joyce Banda was elected vice president of Malawi in 2009 as Bingu wa Mutharika's running mate. In 2010, Mutharika anointed his younger brother, Peter Mutharika, to succeed him as DPP leader at the end of his second term in 2014. Banda opposed this move because it frustrated her own political ambitions. She was expelled from the DPP in 2010 for opposing Mutharika's succession plan, but she remained republican vice president in accordance with the constitution. She formed the People's Party (PP) in 2011 and assumed the presidency in 2012 after the death of Mutharika, as the leader of the PP. The DPP was effectively relegated to the opposition.

of the winning candidates. The formation of a Government of National Unity (GNU) in Zimbabwe, and the splits within Malawi's MEC and the court challenge regarding the results – which appear to have had implications for the elections held in 2019 – lead us to conclude that when citizens perceive that elections were not free and fair, this has the potential to undermine their confidence in future elections, unless meaningful reforms are implemented before the next election.

### *Satisfaction with Democracy*

Across the seven rounds of Afrobarometer surveys, respondents were asked: 'overall, how satisfied are you with the way democracy works in [your country]?' We analyse this question to consider whether trends in the freeness and fairness of elections reveal broader trends in the satisfaction with democracy. The response categories were: 'not a democracy', 'not at all satisfied', 'not very satisfied', 'fairly satisfied', and 'very satisfied'. In Figure 3 below, we present the results for respondents who reported that they were 'fairly satisfied' or 'very satisfied' with the way democracy works. We use the two response categories as an indication of high levels of satisfaction.



**Figure 3: Satisfaction with democracy: Zambia, Zimbabwe and Malawi**

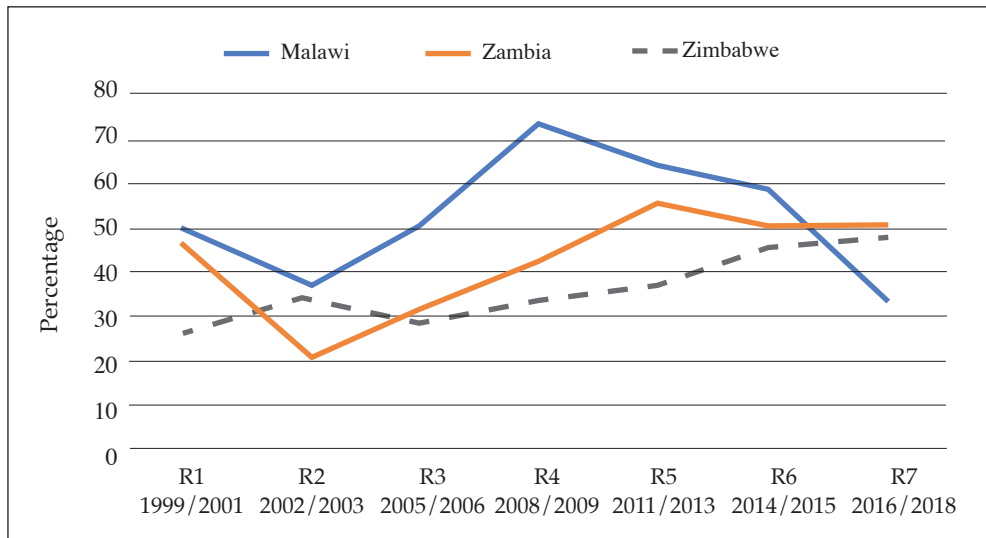
Source: Afrobarometer Data, Rounds 1–7, 1999/2001 to 2016/2018

The satisfaction with democracy amongst Zimbabweans was consistently below 40% and lower than the satisfaction amongst Malawians and Zambians. The exception was the Round 7 surveys, when satisfaction amongst Malawians fell to 37% from 49% in the preceding survey, and that of Zimbabweans peaked at 38%. At the very low level of 14 %, satisfaction with democracy in Zimbabwe was at its lowest in the 2005/2006 survey which followed the 2002 elections. Elections held that year have been described as ‘a turning point in Zimbabwe’s electoral history, when the ruling Zanu-PF went from a 93% majority in 1996 presidential vote to 52% in 2002’ (Benjamin 2014). This dramatic decline in the ruling party’s fortunes set the stage for even more violent and controversial elections in 2008 (ibid.). In Malawi, satisfaction with democracy peaked at 60% in 2008/2009 after the 2004 elections, which were considered to be free and fair by 69% of survey respondents in the same round. The decline in satisfaction with democracy amongst Malawians dropped to its lowest (37%) in 2016/2018 in the same survey, in which only 32% of citizens reported that the last national elections were free and fair. The results from Zambia show that satisfaction with democracy was at its lowest in 2005/2006 after the controversial 2001 elections and at its highest in 2011/2013 after the defeat of an incumbent in 2011.

These results reveal at least three patterns. First, there appears to be a positive correlation between citizens’ ratings of the freeness and fairness of elections and their satisfaction with democracy across the three countries. Second, Zimbabwe is the laggard of the three countries, which is not surprising given its more authoritarian record and no previous democratic alternation of power. Lastly, Zambians generally have higher levels of satisfaction with democracy, peaking at 68%, than Malawians and Zimbabweans. However, satisfaction declined to less than half (49%) in Round 7. The most recent survey results also represented the first time in a decade that more than half of citizens surveyed in all three countries were dissatisfied with democracy.

### *Trust in Electoral Commissions and Courts of Law*

Afrobarometer surveys asked respondents to report how much trust they had in public institutions, including the country’s electoral commission and its courts of law. The question asked was: ‘how much do you trust each of the following, or haven’t you heard enough about them to say?’ The response categories were: ‘not at all,’ ‘just ‘a little,’ ‘somewhat,’ and ‘a lot’. In Figure 4 below, we report the results of respondents who indicated that they trusted the electoral commission and the courts of law somewhat or a lot. We use the two response categories as measures of high levels of trust. Figure 4 shows results for trust in the electoral commission.



**Figure 4: Trust in electoral commissions: Zambia, Zimbabwe and Malawi**

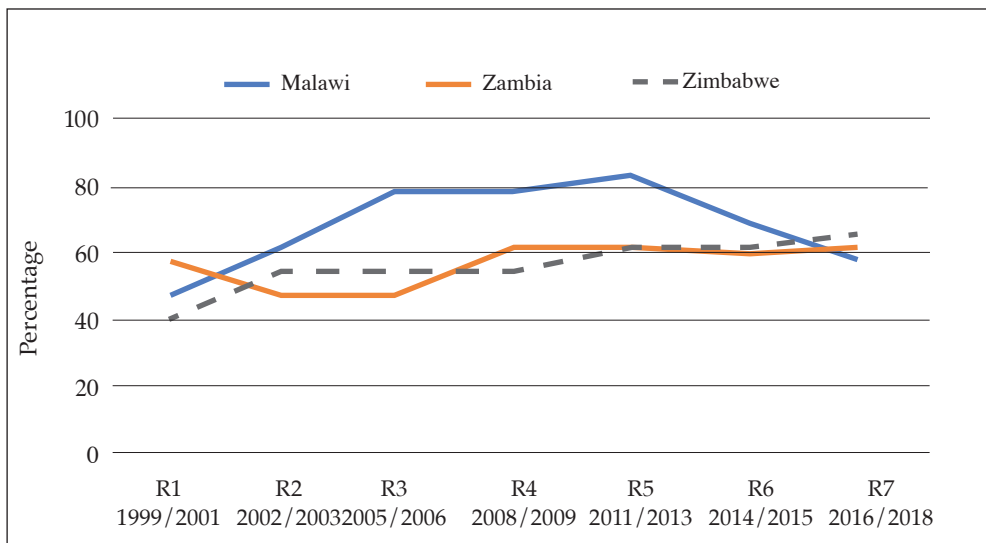
Source: Afrobarometer Data, Rounds 1–7, 1999/2001 to 2016/2018

Between 1999/2000 and 2014/2015, Malawians had more trust in their electoral commission than Zambians and Zimbabweans had in theirs. Trust in the electoral commission was higher in Malawi than in Zambia, despite Zambians reporting higher levels of satisfaction with the quality of elections and of democracy. However, trust in the MEC plunged from 57% in Round 6 to 33% in Round 7. The data show that there was a significant decline in trust for the MEC after the contested election outcome in 2014. The results from Zambia show that trust in the Electoral Commission of Zambia (ECZ) was closely associated with ratings of the freeness and fairness of elections and satisfaction with democracy. Trust in the ECZ was at its lowest in 2002/2003, at 21%, after the contested election outcome in 2001, and at its highest in 2011/2013, at 56%, after the 2011 elections that brought the PF into power. Trust in the Zimbabwe Electoral Commission (ZEC) hovered between 26% and 36% between 1999/2001 and 2011/2013 but increased steadily after the 2013 elections, peaking at 50% in Round 7, just before the 2018 elections.

Figure 5 below shows citizens' ratings of the courts of law. It shows that citizens from all three countries generally trusted their courts of law. Malawians had the highest average ratings of all three countries, reaching 81% in 2011/2013. Zambia's rating ranged from a low of 49% in 2002/2003 and 2005/2006 to a high of 63% in 2008/2009 and again in 2016/2018. Zimbabwe's ratings began from a low of 43% in 1999/2001 and increased gradually across rounds reaching a high of 65% in 2016/2018.

These results reveal at least two broad patterns. First, citizens surveyed in Malawi, Zambia and Zimbabwe generally had more trust in their courts of law than they did in their electoral commissions. They also rated their courts more highly than they rated the freeness and fairness of elections and satisfaction with democracy. The relatively high ratings of the courts of law were specifically notable for Zimbabwe, which performed poorly on the other measures. Second, the results appear to show that there was an association between contested election outcomes and trust in the courts of law, which was surprising for Zimbabwe, given the extent to which the courts had lost their independence (Chifamba 2020). Trust in the Malawian courts declined considerably from 81% in 2011/2013 (Round 5) to 71% in 2014/2015 (Round 6) before declining further to 59% in 2016/2018 (Round 7). The Round 6 survey was held after the 2009 elections and Round 7 survey after the 2014 elections.

Similarly, trust in the *Zambian* courts declined from 57% in 1999/2001 to 49% in 2002/2003 and 2005/2006, after the 2001 elections. However, trust in the *Zambian* courts increased slightly from 59% in 2014/2015 (Round 6) to 63% in 2016/2018 (Round 7) even after disputed elections in 2016, in which the courts played an important role. These results suggest that citizens’ ratings of the freeness and fairness of elections are not necessarily correlated with their trust in the courts, even though some trend patterns were observed. Moreover, these results are insufficient to establish a statistically significant relationship between trust in courts of law and ratings of elections and democracy.



**Figure 5: Trust in courts of law: Zambia, Zimbabwe, and Malawi**

Source: Afrobarometer Data, Rounds 1–7, 1999/2001 to 2016/2018

## CASE STUDIES

We now consider recent elections in Zambia, Zimbabwe, and Malawi, discussed in the order in which they held their last national election. Though it is difficult to generalise from these examples, we suggest that some common themes emerge.

### *Zambia*

Zambia's most recent national elections were held in August 2016. They followed two consecutive competitive elections in 2011 and 2015. The 2011 national elections were won by the opposition PF led by Michael Sata, who defeated the governing Movement for Multiparty Democracy (MMD) led by Rupiah Banda. The January 2015 presidential by-election, which was triggered by the death in office of Sata in October 2014, was won by Edgar Lungu for the PF with a margin of 27 000 votes against his closest rival Hakainde Hichilema of the United Party for National Development (UPND). The electoral turnover of 2011 and the narrow win for the PF in 2015, raised the possibility of another turnover in 2016. Various media and electoral observer reports showed that the ruling party deployed its incumbent advantage in a manner that disadvantaged the opposition. This included the use of state media in favour of the ruling party (Carter Center 2016); a decision by the president to maintain cabinet ministers in their positions after the dissolution of Parliament in May 2016 (which the courts subsequently ruled was in violation of the Constitution) (*Lusaka Times* 2016a); and the closure of the largest independent newspaper, *The Post*, which was critical of the ruling party, ostensibly for tax evasion (Siachiwena 2020; Sishuwa 2016b). There was also widespread political violence before voting, involving clashes between ruling and opposition party supporters. This prompted the ECZ chairperson to issue a statement on the eve of voting, noting that the ruling party had a 'bigger responsibility' for ensuring peace before and after the polls (Electoral Commission of Zambia 2016).

The UPND challenged the official results, claiming that irregularities had been uncovered in Lusaka's urban constituencies. These included the intimidation of the party's polling agents and the ECZ's failure to provide documents for party agents to record results. Furthermore, the UPND requested a recount of results for Lusaka because of an alleged discrepancy between the polling station totals and the constituency level result. The ECZ did not grant the recount and the UPND challenged the election results in the Constitutional Court, which had been created only a few months earlier. The Court spent 14 days addressing preliminary issues and, on 30 August, it extended hearing by five days, concluding on 8 September. Yet, when the Court reconvened on 5 September, it argued that its jurisdiction had ended and dismissed the UPND petition without hearing the case on its merits (Goldring & Wahman 2016). It argued that the Constitution provided that an election petition must be heard within 14 days of being filed.

Lungu was sworn in as president on 13 September without the Court ruling on the validity of his election. The Carter Center argued that ‘the legal and judicial processes surrounding the presidential petitions failed to meet Zambia’s national and international obligations under the Zambian constitution, the African Charter for Human and People’s Rights, and the International Covenant on Civil and Political Rights to ensure due process, a fair hearing, and effective legal remedy’ (*Lusaka Times* 2016b).

The UPND then argued that Lungu had not been legitimately elected because the Court had neither determined nor dismissed the merits of the petition. The post-election period was characterised by violence in parts of the country and ‘further infringement of independent media’ – who had their broadcasting licenses suspended for ‘posing a risk to national security and peace’ (Goldring & Wahman 2016, pp. 116–117). Eight months after the 2016 elections, Hichilema was arrested and charged with treason when his convoy failed to give way to Lungu’s presidential motorcade. Both leaders were heading to a traditional festival in the west of the country (Sishuwa 2017). Hichilema was also accused of planning to accord himself the status of Republican president at the festival. Hichilema remained in prison for four months until the intervention of domestic Catholic bishops and the Secretary-General of the Commonwealth, who prevailed upon Lungu to release his opponent.

The events in the aftermath of the 2016 elections can be attributed to the failures of the electoral commission and the courts to preside over the electoral process in a manner that satisfied both winners and losers. This had the effect of undermining Lungu’s credibility – at least in the eyes of Hichilema and his supporters, who maintained that Lungu had not won. It was suggested at the time that Hichilema conceding defeat was crucial for his release from prison and for dialogue between the PF and UPND (News Diggers 2017). It appears that Hichilema’s concession of defeat was necessary to provide credibility to the 2016 election process and to confer legitimacy to Lungu’s election.

### *Zimbabwe*

The most recent national election to be held in Zimbabwe took place at the end of July 2018, to elect both the president and parliament. It took place eight months after a coup that had removed Robert Mugabe, who had ruled first as prime minister and then as president, since independence. Nelson Chamisa of the Movement for Democratic Change Alliance (MDC-A) was the main challenger

to Mugabe's successor, Emmerson Mnangagwa.<sup>3</sup> Though his election to head the Alliance had been challenged within the MDC, many expected the MDC-A to win a free and fair presidential election. The constitution provided that unless a candidate won 50% of the vote, there would have to be a runoff election.

In the event, the Zimbabwe Electoral Commission (ZEC) announced that Mnangagwa obtained 50.8% of the vote, compared to Chamisa's 44.3% (there were other candidates in the election). The margin of Mnangagwa's victory, less than one percent of the 50% threshold to avoid a runoff, was so small that Chamisa argued the results were obtained by fraudulent counting and tallying of votes (Beardsworth, Cheeseman & Tinhu 2019, p. 592). Not surprisingly, the result was contested both on the streets of Zimbabwe and in the country's courts.

Street protests were met with force by the police and army, who killed six unarmed protestors. Immediately after the election, the opposition MDC-A accused the governing Zanu-PF of rigging the vote and claimed that the figures announced by the ZEC did not tally with what was recorded on forms issued at each polling station. The MDC-A argued that provisions for assisting illiterate and blind voters had been manipulated. Observer missions also commented on assisted voting and bemoaned the ZEC's failure to release the total number of votes cast in this way (Beardsworth, Cheeseman & Tinhu 2019, p. 593).

When Chamisa launched a court challenge of the result, the inauguration of Mnangagwa for a new term as president was postponed. At this point, the judiciary was no longer considered to be independent (Chifamba 2020). The Constitutional Court ruled on 24 August that the evidence of irregularities was not 'sufficient and credible'. Mnangagwa was finally inaugurated as president two days later. The MDC-A was unable to prove that polling irregularities were widespread enough to change the outcome of the vote (Beardsworth, Cheeseman & Tinhu 2019, p. 592). The court's verdict on the election was widely rejected and the limited legitimacy the Mnangagwa government had gained has since declined further, partly because of the severe economic crisis that has brought the country to the brink of being a failed state (Ndlovu 2020).

### *Malawi*

In Malawi there was sustained popular protest against the result of the presidential election that took place in May 2019. The election itself passed off peacefully and observer missions praised the MEC for its organisation of the polls, which included the use of a new biometric system of voting. When early results suggested that

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<sup>3</sup> Some advised Chamisa to boycott the election, arguing that to participate would help legitimate the 2017 coup, but he rejected that advice. He did ask for SADC and AU help to ensure the election was free and fair.



Chakwera had not won the election, the MCP obtained a court injunction to delay the release of the final results because of alleged irregularities, and called for a recount in some districts. After the MEC announced that Mutharika had won 38.6% of the votes and Chakwera 35.4%, Mutharika was sworn in for a second five-year term as president. Saulos Chilima, who came third in the presidential poll with 20.2% of the votes cast, rejected the result, and called for fresh elections.

In the aftermath of the election, opposition parties and the Human Rights Defenders Coalition (a civil society organisation) organised a series of nationwide protests which gained momentum as the months passed. Some turned violent and led to clashes with the police. The army was restrained in its response. The government tried to ban further protests, but in early August 2019 the High Court upheld the right to protest. In that month, the Constitutional Court started hearing an opposition application to have the results of the presidential election overturned. The protests continued into early 2020, until on 3 February the Constitutional Court ruled that the election had been flawed and that a new one should be held within 150 days.

In its 500-page ruling the court mentioned widespread irregularities, including duplicate forms and the use of Tippex correction fluid and missing signatures on some result sheets. The court also determined that 'majority' in Section 80 of the Constitution should be interpreted as a 50% +1 majority electoral system, and it directed the National Assembly's Public Appointments Committee (PAC) to assess the competence of the MEC's commissioners. Parliament then passed electoral reform legislation to meet the court's requirements and, after some equivocation, set 23 June as the date for the new election. The PAC recommended that the MEC commissioners be replaced. Mutharika and the MEC rejected the court's ruling, and filed an appeal to the Supreme Court, arguing that there was no evidence that the outcome of the election had been affected.

Mutharika refused to assent to Parliament's electoral reform bills and to replace the MEC commissioners, and declared a state of disaster, without reference to parliament, over the coronavirus pandemic. His announcement of a three-week lockdown led to street protests in the major cities, and the High Court granted a temporary interdict against its implementation because the government had not announced any measures to cushion the impact. In May the Supreme Court rejected Mutharika's appeal and confirmed that the new election should go ahead (Moffat 2020).

In the run-up to the election Chakwera and Chilima forged a Tonse ('All of Us' in Chewa) Alliance, while Mutharika, who chose as his running-mate a son of a former president, cast doubt on whether a credible election could be held after the way in which the courts had overturned the 2019 election. Civil society had been energised and most Malawians were desperate for change. The MEC, under

new and impressive leadership, had little time to organise the election, which took place as cases of COVID-19 were increasing; but the election nevertheless went ahead on 23 June with only local observers, and was, overall, peaceful.

Within days it was clear that it had been won decisively by Chakwera, who, the new MEC announced, won 58.6% of the vote. Mutharika received fewer votes than in the 2019 election. Chakwera was swiftly sworn in as president, with Chilima as his vice president. This was the first time in Africa that a leader had won an election, the result had then been overturned, and the incumbent had been defeated in a subsequent election. The Malawi judiciary, along with the support the security forces gave to the protests, had played a crucial role in upholding democracy. In October 2020, the five judges who in February had annulled the result of the election, were awarded the Chatham House prize in recognition of their 'courage and independence in the defence of democracy'. At a time when standards of democratic governance are under threat not only in Africa, but in many democracies', said Chatham House, 'Malawi's constitutional court judges set an example for their peers across the world by upholding the centrality of the rule of law and separation of powers' (Matenga 2020; Moffat 2020).

## CONCLUSION

The evidence from Afrobarometer suggests that as elections become more competitive, so the outcomes become more contested and the results are more likely to be perceived to be fraudulent, whether or not they are in fact significantly fraudulent. Yet those who assume power as a result of an election perceived to be flawed are likely to face legitimacy challenges. A desire to retain power may further undermine democratic gains and can lead to democratic breakdown unless meaningful reforms are implemented in the aftermath of flawed elections. When citizens in Zambia, Zimbabwe and Malawi believed that elections were not free and fair, this had implications for their satisfaction with democracy. Without meaningful political reforms, this lack of legitimacy can set the stage for subsequent elections to be even more contested and has the potential to undermine democracy.

Zambia goes to the polls in 2021 and observers of the pre-electoral environment are already pointing to a contested election outcome (Sishuwa 2020a; 2020b). The challenges Zambia is facing flow in part from the contested nature of the 2016 elections. The controversy that erupted around Malawi's 2019 election had roots in Peter Mutharika's controversial 2014 victory. His administration did little to win public trust or broaden electoral support and when his DPP won a second consecutive controversial election in 2019, the opposition, citizens and the courts all played roles in overturning the results, paving the way for Chakwera's MCP

to win a fresh election. Had Mutharika held on to power, Malawi might have descended into chaos.

After controversial elections in Zimbabwe in 2008, a Global Political Agreement was reached, and a GNU formed. There were some political and constitutional reforms (including setting term limits), and these provided a semblance of economic stability (Raftopoulos 2013). These reforms appear to be part of the explanation as to why Zimbabweans rated freeness and fairness of the 2013 elections more positively than they did all the preceding elections since 1996. Relative satisfaction with democracy reached a peak, though the proportion of citizens who were satisfied with elections and democracy hardly breached the 50% barrier. Zimbabwe remains, for all intents and purposes, highly authoritarian, with very little democratic space. If trends from previous Afrobarometer surveys are indicative of future survey results, it is likely that Zimbabwean citizens would have rated the freeness and fairness of the 2018 elections much lower than they did elections that were held in 2013, and that any degree of satisfaction with democracy – always very low – would have dropped even further.

These examples demonstrate that in the absence of meaningful political and constitutional reforms, and a failure to stabilise economic conditions, incumbent parties with weak mandates – resulting from winning controversial elections – may face stronger resistance from the opposition and citizens, or those parties may undermine democracy further to hold onto power. Either scenario has the potential to retard democracy significantly. The evidence from our three case studies suggests that contestation over election results has made the role of institutions such as electoral commissions and the courts more crucial than ever in the promotion of democracy. Where election outcomes are contested, even after court rulings, incumbents face serious legitimacy problems. These have implications for stability in the period after elections, and can undermine democracy in the long run rather than consolidate it. Such problems can result in an increase in authoritarianism to contain public discontent with the government. They may also include attempts to undermine the quality of future elections in a way that disadvantages the opposition further and undermines the ability of citizens to hold their government accountable. Such measures may take the form of constitutional amendments, for example abolishing or circumventing term limits, electoral reforms that may restrict the voters' roll, or the appointment of pro-ruling party officials to courts and electoral commissions.

Afrobarometer has found that where electoral reforms and assistance help citizens to feel better about the integrity of the electoral process, they become more supportive of government institutions and more willing to consent to official policies. Individuals often view similar election processes very differently; improvements in the quality of elections may not always be perceived as such,

especially by the losers. Furthermore, even if losers can be convinced that the electoral procedures are fair, they may still hold residual negative attitudes. Even if losers can be convinced that they lost fair and square, they may still doubt the legitimacy of government institutions, at least in comparison to winners. Where losers withdraw their consent, they may act against a government that they deem illegitimate, if they are given an opportunity. In Lesotho, the introduction of a mixed electoral system meant that losing parties were less likely to be critical of government legitimacy (Matlosa 2010; Moehler 2013).

Processes should be put in place to resolve disputes arising from controversial or fraudulent elections, otherwise countries may slide from democracy to autocracy. Observers and institutions committed to promoting democracy in the region should support measures to meet the challenges of disputed elections. Where mechanisms to promote such reforms are lacking, international partners should not merely observe the voting process. Hichilema (2020) suggested that they should, in addition, actively assist the broader process of strengthening those institutions that help ensure legitimate elections.

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# ZIMBABWE'S 2018 HARMONISED ELECTIONS

## *An Assessment of Credibility*

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### ABSTRACT

*This paper assesses the credibility of Zimbabwe's 2018 harmonised elections using an electoral cycle approach, arguing that the free expression of voters' choice is a sine qua non for credibility. A study of Election Observer Missions' reports (EOMs), media reports, and observation in relation to the 2018 elections, points to inadequate legal reforms; questionable independence and impartiality of the Elections Management Body (EMB); media bias; partisan distribution of aid; abuse of state resources; vote buying; partisan involvement of traditional leaders and of the military; intimidation; and suspicious results management. The paper concludes that the 2018 harmonised elections did not pass the credibility test owing to the cumulative effect of structural inadequacies. There is thus a need to comprehensively reform Zimbabwe's electoral laws, improve elections administration, and ensure a level playing field for contestants by addressing the political environment within which elections are held.*

**Keywords:** voters' choice; harmonised elections; credibility; Zanu-PF; militarisation

### INTRODUCTION

This paper assesses the credibility of Zimbabwe's 2018 harmonised elections in relation to the question: *To what extent can the outcome convincingly reflect the free choice of the voters?* The question is fundamental in that the basic purpose of an election is to afford the electorate an opportunity to choose leaders rather than have leaders imposed on them. An election based on induced preferences or manipulation of any kind cannot be adjudged credible as it cannot reflect the will of the people. In short, the free choice of voters is a *sin qua non* for a credible election.



The paper adopts the electoral cycle framework in which elections are considered to be a process encompassing the pre-election, election, and post-election periods. What happens both during and between political elections regarding the legal framework and election administration processes throughout the cycle affects the quality of an election. The thesis of the paper is that the 2018 harmonised elections did not pass the credibility test due to various factors. These include the questionable independence of the EMB; media bias; the partisan role of traditional leaders and of the military; politicisation of aid, abuse of State resources, and vote buying; intimidation; and suspicious results management.

### LITERATURE REVIEW

There has been a significant rise in multiparty elections for the executive in Africa over the past two decades (da Rocha & Khuon 2018, p. 153), but the continent has had mixed experiences with elections. Credible elections have included Liberia's first post-conflict election in 2005 and Sierra Leone's first election in the absence of peacekeeping troops in 2007 (Sweeney 2014, p. 3). Ghana's 2008 presidential election reaffirmed that country's successful democracy after the ruling party, which had won the first round, handed over power to the opposition following the latter's victory in a runoff vote (*ibid.*). Botswana, Namibia and South Africa hold elections that are internationally recognised as free and fair (Soler-Crespo 2019, p. 10).

However, the United Nations Economic Commission for Africa (UNECA) contends that the increased regularity of multiparty elections in Africa has not necessarily enhanced their value (UNECA 2013, p. 1). Even in countries considered models of democracy in Africa, there have been concerns about the denial of rights, manipulation of votes and prevention of individuals, groups, and associations from contributing to and engaging in electoral democracy (Afolabi 2017, p. 14).

A common observation regarding elections in Africa has been the lack of integrity and credibility (Afolabi 2017, p. 13). Electoral malpractices have included vote-buying, politically-motivated violence, intimidation, sectarian mobilisation, and mud-slinging as different political parties seek to outwit each other (Chikwanha & Masunungure cited by Mapuva 2013, p. 88; UNECA 2013, p. 1). Incumbency and abuse of state resources have also been exploited in pursuit of victory (da Rocha & Khuon 2018, p. 153; Cheeseman cited by Bob-Milliar & Paller 2018, p.7). This was true even for Ghana, where prior to 2016, no opposition candidate had defeated an incumbent presidential candidate in the context of a strong incumbency bias (Bob-Milliar & Paller 2018, p.11).

This paper seeks to add a voice to the challenges of electoral democracy in Africa, focusing on Zimbabwe's 2018 harmonised elections. Zanu-PF has been

declared winner in successive elections despite contestations. In the Economic Intelligence Unit's 2018 rankings, Zimbabwe comes after South Africa, Namibia, Tanzania, Mozambique, and Angola because of decades of government violence and repression against opposition parties, and discredited electoral outcomes (Soler-Crespo 2019, p. 8).

## BACKGROUND TO THE ZIMBABWE 2018 HARMONISED ELECTIONS

Zanu-PF victories have, since 1980, been ensured by several factors: government control of the electoral machinery, the media and ideology; overturning election results (in 2008); the curtailment of fundamental freedoms and massive constraints on the opposition; violence and intimidation with military backing; the benefits of incumbency and abuse of state resources as well as vote buying; and the manipulation of traditional leaders. Zanu-PF's hegemony has also been partly due to the first-past-the-post electoral system used since 1985. This was after proportional representation was abandoned as it was felt, at that time, to prevent a clear victory by African nationalists, thus enabling opposition parties to form a coalition government (Sithole & Makumbe 1997, p. 125). The winner-takes-all system has guaranteed Zanu-PF plurality rather than majority victory in seats and disposed the opposition towards intra-party competition rather than coalition against Zanu-PF.

### *Peculiarities of the 2018 Harmonised Elections*

Vicious factionalism in Zanu-PF led to the intervention of the military and the activation of an impeachment process in Parliament, culminating in the resignation of long-serving Robert Mugabe on 21 November 2018. Emmerson Mnangagwa, sworn in on 24 November 2017, replaced Mugabe and made repeated promises of free, fair, credible, and peaceful elections. In the main opposition, the Movement for Democratic Change (MDC-T), Nelson Chamisa controversially succeeded Morgan Tsvangirai, who had died on 14 February 2018. There were contestations regarding which of the three MDC-T vice presidents was to take over, resulting in a party split.

Opposition parties had hoped to increase their prospects of dethroning Zanu-PF by forming a coalition (Mungwari & Vhutuza 2017, pp. 172, 173). Fragmentation cost the opposition the presidency in March 2008 when the main opposition MDC under Morgan Tsvangirai scored a plurality but fell short of a majority (Afrobarometer 2018, p. 1). However, attempts at an umbrella coalition failed ahead of the 2018 elections, and instead the largest splinter became the Chamisa-led MDC Alliance.

The elections also recorded the highest number of parties and candidates to contest in the presidential, National Assembly, and local authority elections. However, these were essentially a contest between Zanu-PF and the MDC Alliance, reflecting the binary nature of electoral politics that had hitherto been dominated by Zanu-PF and the MDC.<sup>1</sup>

The elections were held in a largely peaceful environment. Fundamental freedoms of movement, speech, and association were respected more than in previous elections, largely without the selective application of restrictive legislation such as Public Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA) (Catholic Commission for Justice and Peace (2018, p. iv). As a result, political parties held virtually unhindered rallies across the country. One notable exception was when former vice president and National People's Party leader, Joice Mujuru, and her supporters were attacked by suspected Zanu-PF activists in Harare on 1 February (*NewsDay* February 2018). There were also instances where people were forced to attend or blocked from attending rallies, and supporters of opposing parties disrupted rivals' rallies (Zimbabwe Election Support Network (ZESN) 2018a). Invited observers included those from the Commonwealth and European Union – a wider array than since the early 2000s.

In a bid to minimise the perception that it was biased, the Zimbabwe Electoral Commission (ZEC) also tried to engage stakeholders, particularly political parties, through Multi-Party Liaison Committees (MPLCs) (*The Sunday Mail* 2017). However, the MPLCs met infrequently at national level and generally did not serve as a forum where decisions were made, undermining their effectiveness (ZIEOM 2018, p. 9). Some political parties also expressed dissatisfaction with the manner in which ZEC conducted itself and reacted to issues during meetings (*ibid.*).

The adoption of biometric voters' registration (BVR) produced a new and cleaner voters' roll (ZESN 2018b). The Electoral Act Amendment of 28 May 2018 introduced a raft of significant amendments, including:

- the adoption of polling station-based voting (previously, voting was ward-based meaning a voter could vote from any polling station in their ward, sometimes resulting in multiple voting);
- a 10% threshold for the number of ballot papers to be printed in excess of the number of registered voters; and
- a detailed code of conduct for political parties, candidates, and other stakeholders.

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1 Despite splits at different junctures, a splinter group of the MDC would always be the main opposition in elections. In the 2018 harmonised elections, the Khupe-led MDC-T was far less popular than the MDC Alliance led by Chamisa.

However, the extent to which polling station-based voting would be productive in Zimbabwe remained questionable. Addressing Zanu-PF rallies ahead of by-elections in 2015 and 2016, Mnangagwa and Saviour Kasukuwere threatened retribution, telling voters that polling station-based voting would expose which community had sold out (*The Standard*, 24 January 2016; VOA 2 December 2015).

### *Lack of Political Will to Reform*

Although reforms were instituted as noted above, individuals in the ruling party were reluctant to allow electoral reforms. After the 2013 harmonised elections, the opposition decided not to participate in by-elections without electoral reforms. In 2016, opposition parties agreed that reforms were needed to guarantee the secrecy and security of the vote and the voter, entailing amendments to the Constitution and laws to facilitate free and fair elections (Charamba 2016). This was expressed through a unified platform they had created to push for electoral system reforms, the National Electoral Reform Agenda (NERA).

In April 2018, the MDC-T Secretary General Douglas Mwonzora agreed to amendments to the Electoral Act to level the playing field, but argued that these proposed amendments did not touch the 'real fundamentals' in terms of election management. He singled out the ZEC's logistics committee which he said remained in the hands of the state, run by officials seconded from state security (Chidza 2018). Mwonzora called for the demilitarisation of the committee if elections were to be truly credible, free, and fair.

However, in June 2015 Mnangagwa had told a rally in Manicaland that Zanu-PF would not agree to reforms but would go ahead with elections and continue to rule forever (Zulu 2015). For Zanu-PF, the 2013 Constitution had fully addressed electoral reform issues. Party stalwarts Patrick Chinamasa, Jonathan Moyo, and Ziyambi Ziyambi agreed that no legislative reforms were needed as the law allowed for democratic elections. Moyo and Chinamasa noted that the Constitution was negotiated with opposition involvement. Moyo added that a majority had supported the Constitution in a referendum (*The Herald* 2016; *The Chronicle* 2016), interpreting the call for reforms as 'clear codes to say come with reforms that will ensure that you are out' (*The Chronicle* 2016). Echoing Moyo's sentiments, Paul Mangwana, then Zanu-PF's Deputy Secretary for Legal Affairs, said the opposition should push for electoral reforms as Zanu-PF could not be expected to 'reform itself out of power' (Southern African Political Economy Series (SAPES) and National Endowment for Democracy (NED) Conference 2017).

Despite the imminent harmonised elections, the ruling party remained adamant that no electoral reforms were needed. Ziyambi, minister of Justice,

Legal, and Parliamentary Affairs, said that there was no need to ‘just waste resources doing cosmetic changes to the legislation on issues that are already materially covered by the existing legislation’ (*NewsDay* 2018). Closer to the election, Mnangagwa said of the opposition march on 4 June 2018 demanding electoral reforms ‘They are enjoying democracy which exists in this country. I think they are so happy that there is an environment where they can express themselves right, left and centre’ (*The Herald* 2018). He said that the playing field was ‘perfectly level’ as he had recently signed into law the 28 May Electoral Act Amendment. The pertinent question was the extent to which piecemeal eleventh-hour reforms, eventually agreed to by a reluctant Zanu-PF, would have a material effect on the elections.

#### ASSESSMENT OF THE CREDIBILITY OF THE 2018 HARMONISED ELECTIONS

This paper does not substantiate the ‘theft by numbers’<sup>2</sup> thesis. The MDC Alliance did not deploy party agents nor attempt a Parallel Vote Tabulation (PVT), but could not support this claim against Zanu-PF when it challenged their victory in court. The paper therefore focuses on other aspects that may have worked against the free choice of voters.

##### *Electoral Malpractices in By-elections*

Following the electoral cycle approach, the paper starts with the by-elections held after the 2013 harmonised elections. Reports by observer groups indicate a number of irregularities including incidents of partisan distribution of food aid; the misuse of state resources by the incumbent; the partisan role of traditional leaders in favour of Zanu-PF; and intimidation (ZESN 2015, p. 14; ZESN 2017, p. 14; CCJP 2018). Some of these malpractices had been observed in previous elections and others were a precursor to what would happen closer to the 2018 harmonised elections.

##### *Questionable Independence and Impartiality of the Elections Management Body*

An EMB that is not independent and impartial cannot be trusted to respect the voters’ choice or election outcome if the favourite does not emerge victorious.

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2 The phrase was used by Makumbe (2009) arguing that ZEC manipulated figures to ensure a victory for Zanu-PF in 2008.

The non-partisanship of independent commissions is guaranteed in Section 236 of Zimbabwe's Constitution.

Public confidence is critical to the integrity of elections; perceptions matter in elections. Yet ZEC suffers from residual mistrust because of the manner in which it has conducted previous elections. Makumbe (2009, p. 132) asserts that ZEC's establishment was controversial from the outset and the commission was biased towards Zanu-PF. Ahead of the 2018 elections, a significant number of stakeholders perceived ZEC as impartial towards Zanu-PF (ZESN 2018d; ZESN 2018e; Afrobarometer 2018, p. 35). Executive interference in ZEC (ZESN 2018c, p. 21) was of concern. But perhaps the most contentious issue was the militarisation of the ZEC which opposition political parties demonstrated against between 2016 and 2017, claiming that it compromised the independence of the commission.<sup>3</sup> This was denied by Chinamasa who argued that there 'never have been serving members of the uniformed forces working for ZEC' (Charamba 2016).

The militarisation of the EMB dates back to the Electoral Supervisory Commission (ESC) that administered elections before the formation of ZEC. Major-General Douglas Nyikayaramba was appointed as head of the ESC and was said to have resigned from the army, yet he later returned to his old job. The ZEC conceded less than 15% presence of former military personnel (*NewsDay* 2018). The appointment of former army Major Utoile Silaigwana as Chief Elections Officer in 2018 further heightened concerns about ZEC's militarisation. The Crisis in Zimbabwe Coalition (2018) expressed concern that Silaigwana was among those leading to the militarisation of the EMB as he had joined the ESC when he was still in the army. Apart from his military background, CiZC also expressed concerns that as part of the 2008 ZEC secretariat, Silaigwana was complicit in the commission withholding the March 2008 election results for nearly a month, resulting in a heavily contested electoral outcome.

Constance Chigwamba, who was replaced by Silaigwana, had her employment contract terminated five months before the election. She returned to the public service with the unanimous agreement of ZEC commissioners that the move would guarantee the independence of the commission (*DailyNews* 2018). Chigwamba's resignation followed that of Justice Rita Makarau as ZEC chairperson under unclear circumstances three months previously, on 7 December 2017. Justice Priscilla Chigumba, who replaced Makarau, argued that the ZEC policy did not preclude the commission from employing retired and inactive former military members. However, the history and loyalty of such persons justifiably raises fears, particularly after the controversial military intervention of November 2017 revealed the military's role in elections.

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3 As of February 2017, NERA consisted of 13 opposition political parties.

Confirming the militarisation of the commission, the former Minister of Home Affairs, Dumiso Dabengwa, averred:

The staffing in ZEC comprises people who *are* and have been in security, people who take orders to do those vote manipulations... it is the army, police, and other security personnel that actually administer the process of voting. We also recommend that their influence and participation in elections should be done away with such that we have proper elections that are run by an independent administration.

(Muvundusi 2017)

Another former Zanu-PF senior cadre, Rugare Gumbo, agreed, saying: 'We need professional people handling the elections, it's time all the people from the military and state security get out of election management' (*DailyNews* 22 May 2017). The involvement of the military in elections was also confirmed by Namibian President Hage Geingob, who indicated that Mnangagwa and the military had trained them on elections when they visited Zimbabwe on a learning mission shortly before gaining independence (Mhlanga 2017).

In the ZIEOM assessment, the presence of a significant number of former military personnel in ZEC management positions undermined trust in the EMB (2018, p. 9). Not surprisingly, the African Union Election Observation Mission (AUEOM) found a lack of confidence among many opposition party members regarding the impartiality of ZEC and its ability to conduct transparent and credible elections (AUEOM 2018, pp. 3–4).

### *Media Bias*

According to Makumbe, 'the mass media have the task of effectively and impartially informing the electorate on the character, views, policies and other relevant details of candidates and/or their parties' (2006, p. 49). Section 160J of the Electoral Act of Zimbabwe requires all media outlets, both print and electronic, to ensure that all political parties and candidates are treated equitably, in terms of the timing and prominence of coverage accorded to them, in the news media (Media Monitors 2018c, p. 49). This was not complied with in the 2018 harmonised elections.

There was no equal access to media for all parties and the coverage of political parties on the public broadcaster was not equal (CCJP 2018, p. 15; Eminent Persons Observer Mission Report to the Zimbabwe Harmonised Elections 2018, p. 16; SADC PF EOM 2018, p. 8). The ZIEOM observed that state-owned media

showed systematic and extreme bias in favour of the ruling party (2018, pp. 9–10). Coverage on radio and national television was disproportionately biased towards the ruling party and unfair towards the opposition (Media Monitors 2018c, pp. 50). In six weeks, Zanu-PF had 52% coverage; MDC Alliance 19%; while 22% went to the other 47 political parties that were also covered (ibid.). Table 1 below shows the coverage of presidential candidates in all media while Table 2 shows media coverage of Zanu-PF and MDC Alliance in state-owned media.

**Table 1: Coverage of presidential candidates in all media**

Candidate	Political party	% coverage
Emmerson Mnangagwa	Zanu-PF	57
Nelson Chamisa	MDC Alliance	15
Nkosana Moyo	APA	5
Others		23
<b>Total</b>		<b>100</b>

Source: Media Monitors 2018

**Table 2: Parties' coverage in the State-owned media**

Political party	% coverage	
	<i>State-run newspapers</i>	ZBC
Zanu-PF	76	48
MDC Alliance	17	6

Source: Media Monitors 2018

Tables 1 and 2 clearly indicate that Zanu-PF received disproportionately high media coverage. Throughout the campaign period, Zanu-PF adverts predominated on all radio stations and the party accounted for 93% of advertising space on ZBC stations (ibid.). Zanu-PF received largely positive coverage in the government-controlled media whereas MDC Alliance received more negative coverage than other parties (ibid.). The MDC Alliance presidential candidate was often portrayed as a liar and immature. Mainstream media, both private and public, print and electronic media was polarised in its election coverage (SADC PF EOM 2018, p. 8). A media monitoring committee established by the ZEC was largely ineffective in identifying offences and in enforcement, and therefore did not affect coverage (ZIEOM 2018, p. 10).



*Partisan Distribution of Aid, Abuse of State Resources, and Vote Buying*

Popular choice may also have been influenced by vote buying, the partisan distribution of aid, and abuse of state resources. The Presidential Input Scheme was evidently abused by Zanu-PF for vote buying. Significantly, then Zanu-PF Member of Parliament and minister, Jonathan Moyo, revealed in a public lecture at SAPES Trust on 1 June 2017 that despite the bad state of the economy, his party was difficult to dislodge 'because it was organically linked with the people'. Moyo pointed out that 1.6 million households had been given support through the scheme for the current season in a country where the livelihoods of 1.8 million households in Zimbabwe (nine million people) depended on land. While addressing a campaign rally in Mutoko on 9 June 2018, Zanu-PF presidential candidate, Mnangagwa, made the following comment about the same scheme:

Those we gave farms under the land reform programme can join command agriculture where we give everything, though of course they will pay back. For the rest, 1.8 million families countrywide, we used to give 5.6 million USD each year, we gave 30 million last year. But this coming year it will be 487 million so that people can get free inputs and have enough to feed themselves and sell the surplus to the Grain Marketing Board.

Mnangagwa made copious promises to communities when campaigning. For example, in Mutoko he said that since the area was not conducive for farming but had minerals, 'artisanal miners' as he referred to them (no longer called '*makorokoza*'<sup>4</sup>) would be supported. Instead of having to get licences before they could mine, Mnangagwa said that they now had to mine first to be able to raise money for the licences. Regarding the black granite that is abundant in Mutoko, he promised that his government would introduce a law requiring companies to partner with black people and that all communities around a mining area would benefit from the mining. For the past seven years the community had wanted a bridge in the area mended, and he promised to tell Minister Gumbo to do so by Parliament's next meeting.

Masunungure observes that the use of state-financed patronage has been a constant in Zanu-PF's election strategy (2009, p. 68). The CCJP notes that food aid, agricultural inputs, access to land and local resources, and local employment opportunities, livestock and everything else needed for livelihoods have been politicised over the past decade and used to coerce voters to support Zanu-PF (CCJP 2018, p. iv). Yet this use of public resources as a form of patronage to sway

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4 A derogatory name referring to illegal miners.

voters is not an option for opposition parties, especially in rural areas (Sachikonye 2005, p. 70). In the CCJP's observation (2018, p. vi):

Often, the State has ceased to exist beyond the provincial levels. Political party functionaries – some of whom have been recruited within the traditional leadership, civil and security service – take charge of all the State welfare and livelihood support interventions from the province to the village level. As such, some poor and marginalised citizens, who are the majority of voters, have been heavily coerced to give up democracy and political independence to secure their residential places and benefit from welfare and humanitarian aid.

Ahead of the 2018 elections, EOMs noted the abuse of state resources and politicisation of aid (CCJP 2018; ZIEOM 2018, p. 9). The CCJP records most of the cases. Those who were not Zanu-PF members or supporters were explicitly told not to bother attending distribution gatherings as they would not receive anything. In one case, a desperate family pleaded for a chance to rejoin Zanu-PF so that they could benefit (CCJP 2018, p. 10). The CCJP notes many other similar cases where well-known opposition party activists were denied food aid while some families had to switch political parties and liaise with the headmen to receive food relief. In this way Zanu-PF courts voters, particularly in rural areas. The rural voter has received, and will retain, largesse through affiliation to Zanu-PF and as a result is at the mercy of Zanu-PF and may exercise his or her vote accordingly.

### *Partisan Role of Traditional Leaders*

Against the principle of non-partisanship enshrined in Section 281(2)(a-c) of the Constitution of Zimbabwe, the institution of traditional leadership has been an appendage of Zanu-PF. Traditional leaders played a partisan role in the 2018 harmonised elections (ZESN, 2018c, p. 10; ZEOM 2018, p. 9). The CCJP notes cases of traditional leaders who were coerced into encouraging their villagers to vote for Zanu-PF. Village heads were instructed to threaten villagers with the loss of land if they did not vote for Zanu-PF, and those village heads accused of supporting candidates opposing Zanu-PF were replaced (*ibid.*).

The abuse of traditional leadership was a well-intended strategy. Addressing a rally in Mutoko on 9 June 2018, Mnangagwa counselled those who hoped to be elected to Parliament:

If you are wise, for those who are campaigning to be MPs, let me tell you a secret. If you go to the Chief in your constituency with a new

blanket, groceries, and a goat and say to him, Chief I want to work in your area, humbling yourself, clapping your hands in honour. If he receives, then you know 50% is done because the Chief will call his headmen and *sabhuku's* and tell them that he has received you and ask them to do the same. That way you will easily find your way to Parliament.

He advised traditional leaders to work with Zanu-PF since their authority was limited to their respective areas and not the whole country, unlike Zanu-PF. Traditional leaders therefore have a critical role to regiment voters in rural areas and they did so for the 2018 harmonised elections. The Election Resource Centre tried in vain to use the courts to compel the president of the Chief's Council to retract statements, implying that traditional leaders have always supported Zanu-PF and would do so again in 2018 (Zimbabwe Legal Information Institute). Heal Zimbabwe Trust (2018) notes that traditional leaders served as party agents for Zanu-PF at some polling stations, and at others literally force-marched people to vote. The use of traditional leaders is effective in a closely-knit rural community and Zanu-PF is organised down to the smallest cell grouping. Also, the possible impact of traditional leaders should be properly understood as traditional leadership is the immediate form of government in Zimbabwe's rural areas where more than 68% of Zimbabweans reside (CCJP 2018, p. 7). Given the power and influence of traditional leaders, the strategy to mobilise through them probably had considerable influence on voters' choices.

### *Partisan Role of the Military*

According to Masunungure (2009, p. 69), democracy requires that the military and security organs of the State should be non-partisan and not serve the state or political actors, whether as individuals or parties. When the military interfere in elections, the peoples' choice is likely to be adversely affected. Historically, the military has covertly and overtly supported Zanu-PF at different junctures in Zimbabwean elections. Zanu-PF used its military wing, the Zimbabwe African National Liberation Army (ZANLA), in the build-up to the 1980 elections (Sithole & Makumbe 1997, p. 134). Sachikonye notes that the Joint Operations Command (JOC) comprising commanders of the army, air force, police, intelligence, and prisons became prominent in political and election strategies in the post-2000 era (2009, p. 82). Dabengwa commented on the role of the JOC and the military in elections:

It is obvious that JOC is in control of the country. Nothing can be done without reference to that security system that was created since

2008. After the results of the 2008 election were cleared, it was JOC which said they were not to be announced over a period of time until they were able to manipulate everything and come up with a result that would keep Zanu-PF government in power. They (JOC) are physically there. They are deployed each time there are elections. Army commissars go around to influence voting in each constituency. Besides that, it is the army, police and other security personnel that actually administer the process of voting.

(Muvundusi 2017)

Endorsing Dabengwa's comments were reports of a sudden increase in army and police presence in Chimanimani West constituency ahead of a by-election held on 26 November 2016 (Zimbabwe Peace Project By-elections Update 2016). Following the determinative role of the military in November 2017, the question of the role the military would play in the 2018 harmonised elections remained fundamental. But the enthusiasm in the country, particularly Harare, because Mugabe was finally going, led many to overlook the implications of the role the military played at a time when the end appeared to justify the means.

There were however reservations regarding the role of the military as well as the so-called 'new dispensation' on free, fair, and credible elections (ZESN, 2018f p. 37). The ZIEOM notes that, while the Zimbabwe Defence Forces (ZDF) stated that it would not interfere in the elections, it did not clearly commit to respecting the outcome regardless of the winner (2018, p. 9). The ZIEOM also notes incidents of military personnel in civilian clothing engaged in politically intimidating activities. A pre-election Afrobarometer survey conducted between June and July 2018 showed that 44% of Zimbabwe's population believed that the security forces would not accept a ruling party loss (ibid.).

The 2017 military intervention dubbed 'Operation Restore Legacy' arguably confirmed the stakes of the military in party and electoral politics. In a document attached as Annexure 1 to its petition to the AU and the SADC, the New Patriotic Front (NPF)<sup>5</sup> notes the following as part of the rationale for 'Operation Restore Legacy':

More worrisome were the divisive, manipulative, and vindictive acts by a cabal (the so-called G40 cabal that was characterised as negative, counterrevolutionary elements who had hung around President Mugabe) which threatened the electability of Zanu-PF in

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5 The NPF – formed after Mugabe was dethroned - comprised disaffected members of a faction (the so-called G40) that was violently opposed to the so-called 'Team Lacoste' which supported Emmerson Mnangagwa as Mugabe's successor.

the impending 2018 harmonised elections, thus raising the spectre of an electoral defeat which harkened [sic] to 2008 electoral crises and more broadly, to a similar fate suffered by Zambia NPF.

(NPF Petition to the AU and SADC 2018, p. 8)

The rationale of military intervention as presented by the NPF supports Masunungure's observation (2009, p. 69) that owing to the history of the protracted liberation struggle of the 1970s, there is a symbiosis between the military elite and the political elite mediated by Zanu-PF. He asserts (*ibid.*, p. 70) that:

In the new party-state, many who constitute the military and security elite have found it difficult to dissociate themselves from the party... In this complex scheme of things, when the party is in trouble, it is incumbent on the soldier class to come to the party's aid.

Professor Miles Tendi, who has extensively researched and published on the military in Zimbabwe, states that:

In 2006, I interviewed high-ranking members of the military in Zimbabwe, including Chiwenga. I can authoritatively state that sections of the Zimbabwean military with liberation war experience, which are dominated by generals such as Zvinvashe, Chiwenga and Perence Shiri, have never been professional. They have always had a stake in national politics. They see themselves as 'guardians' of the legacy of Zimbabwe's liberation struggle and of the country's sovereignty. They believe the country's independence and sovereignty are only safe in Zanu-PF's hands.

(*The Guardian* 19 June 2008)

The involvement of the military in Zanu-PF's campaign for the 2018 elections was later hinted at by some Zanu-PF politicians. Special advisor to Mnangagwa, Christopher Mutsvangwa, was amongst those who led the civilian process of popularising and legitimising the November 2017 military intervention. He allegedly claimed that Zanu-PF would mobilise for and win the 2018 elections working with the Zimbabwe Defence Forces (Mushava 2017). Mutsvangwa later argued that he was misquoted (*The Zimbabwe Mail* 19 December 2017). But similar remarks were made by others in Zanu-PF. In a statement construed to be a reminder of the role he played in previous elections, Zanu-PF Political Commissar, Retired Lieutenant General Engelbert Rugeje, addressed party supporters in January 2018 as follows:

We are getting towards important elections this year. I came here in 2008 when things were bad. I don't know where Masvingo had got this spirit and I came and sorted things out. I came back again in 2013 and led the campaign team and I moved around the province addressing rallies and the results were impressive and this saw the current party president [Mnangagwa] giving Masvingo the post of political commissar. I expect you to give ZANU-PF all seats in Masvingo now that I am full time in politics.

(Bishi 2018)

Rugeje's statement betrays the partisan role of the military in elections; though he was still with the military, he intervened to 'sort things out and lead campaign teams', addressing rallies in both the 2008 and 2013 harmonised elections. In 2016, Josiah Hungwe, Minister of State for Masvingo Province, was quoted in *The Zimbabwean* (5 December 2016):

Yes, we can go to war. We can hire our army .... Our soldiers can come in to help us. We will never allow opposition political parties to rule this country. We are going to have President Mugabe as our candidate in 2018 and his predecessors must have war credentials. Don't forget what Rugeje did in Masvingo in 2008 ... we can call him again in 2018.

In December 2017, Hungwe said that Zanu-PF would campaign side by side with the army as in the Bible kings ruled with the army on their side (Pindula 2017).

An even more threatening statement was made by then Deputy Minister for Finance, Terrence Mukupe. Addressing party supporters at a Zanu-PF cell meeting on 23 May 2018, he said 'It is difficult to imagine that the military forcibly seized power from Mugabe to hand it over to a kid talking about spaghetti roads and impregnating all women' (Ndawana 2018). This implies that the military would not countenance the electoral defeat of Zanu-PF.

The NPF petition (2018, p. 8) claims that over 2 000 commissars comprising retired senior officers from the army were embedded in communities across the country before the elections. Closer to the election, the Zimbabwe Democracy Institute (ZDI) published a report corroborating the deployment of the military in communities (ZDI 2018). This was echoed by the opposition MDC Alliance and Joice Mujuru who wrote to Mnangagwa calling for the withdrawal of 3 000 soldiers from communities (Mhlanga 2018).

On 1 August, a day after the elections, the military intervened to quell protests by MDC Alliance supporters who accused ZEC of attempting to rig the

election by colluding with Zanu-PF in delaying the announcement of presidential election results.<sup>6</sup> The military's use of a disproportionate amount of force and live ammunition resulted in the death of at least seven civilians. The military reportedly imposed unofficial curfews, indiscriminately assaulting people in some high-density suburbs, particularly in Harare. The military involvement in the pre-election period and elections administration may have influenced voter choice.

The preponderant role of the military has been the basis of calls for security sector reforms from civil society and opposition political parties in Zimbabwe. But Knox Chitiyo and Steve Kibble (2014, p. 22) note that the military and Zanu-PF made it clear that security-sector reform is not an option. Chitiyo quotes one senior ZNA officer in a confidential interview (*ibid.*):

Why should we reform? We are a professional organization which has operated in Zimbabwe and in operations across Africa. So what is there to reform? To us security sector reform means regime change, so that is not going to happen [...] If the British want to talk to us, then they must forget about this security sector reform.

With Mnangagwa in power, it is difficult to fathom the possibility of even a modicum of genuine security sector reforms. At a time when he was Defence Minister, Mnangagwa said:

As long as we are here in leadership, we will make sure the Defence Forces of the Republic of Zimbabwe will continue to defend the national interests and to safeguard our values and ideals which our people died for. They want to hear that you are compliant, that you accept security sector reforms. ... They would want you to say you are non-political, you must serve any government.

*(NewsDay 2013; The Herald 2013)*

Yet the continued involvement of the military in elections raises fears that with militarised elections, 'if the ballot produces an outcome that is incongruent with the expectations of the gun wielders, then the bullet will shred the ballot' (Masunungure 2009, p. 84), alleging 'that in the political world of Zanu-PF, the ballot is subservient to the bullet which is supreme'; arguing that this view is the supreme vitiation of elections as an expression of democratic choice (*ibid.*).

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6 Though the Constitution provides for the announcement of election results 'as soon as possible after the close of the polls', ZEC was still within the five-day period provided for in the Electoral Act to declare presidential election results.

### *Intimidation*

Intimidation has been a constant tactic in Zanu-PF's electoral campaigns since 1980 (Kriger 2005). EOMs concur that ahead of the 2018 harmonised elections the environment was largely peaceful with minimum levels of overt violence (CCJP 2018, p. 4; ZESN 2018c, p. 42; ZIEOM 2018, p. 9). A peace pledge was signed for the first time, with the coordination of the National Peace and Reconciliation Commission, whereby political parties committed to peaceful campaigns. However, not all conditions for peaceful elections were met. *SADC Principles and Guidelines* (2015, p. iii) define 'peaceful' to mean:

electoral pro(cesses [that] are punctuated by calm; are undisturbed and untroubled by violence or intimidation; are conflict-free and generally exude an atmosphere where all citizens are free and unhindered to express their right to vote, are able to offer themselves without intimidation for election, communicate freely their electoral choices, and enjoy freedom of assembly and association.

While few cases of overt violence were recorded, covert violence or intimidation was rife. This includes deliberate misinformation that BVR would make it possible to track votes, and threats of retributive violence reminiscent of those which marked the campaign period ahead of the 2008 runoff elections, should Zanu-PF lose the elections (ZESN 2018, p. vi; ZIEOM 2018, p. 9). ZESN notes that BVR-related intimidation, which misled registrants into losing faith in the secrecy of the ballot, was prevalent in most villages and some urban centres. Traditional leaders, Zanu-PF district chairpersons, Zanu-PF councillors, members of parliament, and other party officials were implicated (ZESN 2018, p. 38). Voters were also threatened with unspecified retribution in cases of non-compliance while the perpetrators of harassment and intimidation did so with impunity (*ibid.*).

The CCIP argues that the strategy of intimidation, isolation, and violence has been similar and implemented at almost the same time across the country, pointing to the fact that it was deliberate and well planned. Those structures, institutions, and individuals implicated were rewarded through a well-resourced patronage system (ZESN 2018, p. 4).

On election day in the 2018 elections, named Zanu-PF members threatened voters with violence in the event of a runoff in Mt Darwin Ward 34 (Heal Zimbabwe Trust 2018). Zanu-PF won with 1 580 votes followed by the MDC Alliance with 307 votes. The probable impact of intimidation on voter choice should not be underestimated. In a survey conducted by the CCJP ahead of the 2018 elections, more than 95% of respondents, especially those from peri-urban



and rural areas, indicated that elections meant fear, violence, coercion and intimidation, especially by traditional leaders and political activists, as well as the burning of houses and killing of political opponents (ibid.). Elections reminded respondents of the violent 2008 elections when they had to vote as instructed. Elections were also associated with internal displacements, especially in the event of a presidential runoff when they might have to desert their homes and become internal refugees after voting for their preferred candidate.

### *Assisted Voting*

Observers reported high levels of assisted voting nationwide which could have compromised the secrecy of the ballot (IRI/NDI ZIEOM 2018, p. 10). Assisted voting is a concern in Zimbabwe's elections with a history of cases where illiteracy has been feigned, including by teachers, at the behest of Zanu-PF activists who would then become voting assistants. In the harmonised elections, Heal Zimbabwe Trust (2018) reported that a named Zanu-PF supporter assisted several people to vote at Mutauto Secondary School polling station in Buhera Ward 18. At Somthanyelo polling station in Matebeleland North, at least six youths who had completed 'O' Level were assisted to vote by the same elderly persons before this was noticed and stopped by the Presiding Officer (CCJP 2018, p. 41). Zanu-PF possibly relied on the same tactic, contrary to the practice stipulated in the ZEC 2018 elections manual that a confidante can assist only one person.

### *Suspicious Results Management*

Suspicious results management by ZEC diminishes the credibility of the 2018 elections. In terms of Article 4.1.12 of the SADC Principles and Guidelines, member states should ensure that all electoral stakeholders accept the election results to have been free, fair, transparent, credible and peaceful, as proclaimed by competent and independent national electoral authorities in accordance with the respective laws of the land. Because losers may refuse to accept results, efforts must be taken to ensure the incontestability of election results. This can be partly achieved by having EMBs that meet the above criteria.

According to the EU EOM (2018, p. 35), citing the earlier lack of V11 forms, ZEC officers in Makoni North were still completing the forms two days after election day in the absence of polling staff and party agents. Further, ZEC revised the election results and there were mistakes in the final set of results, though these were found to have no material effect on the overall outcome of the election (ZESN 2018c, p. 67). In a PVT it conducted, ZESN found the results announced by the ZEC to be within its projections (ZESN 2018). Without evidence to back

claims of vote manipulation, the MDC Alliance found it difficult to convince the Constitutional Court to reverse the declaration of Mnangagwa as the victor. However, inconsistencies in the results understandably raised fears that the people's free choice may have been disregarded as even the ZESN PVT could not confirm whether or not there had to be a runoff. Both the Commonwealth and European Union recommended transparency and verifiability in the results management process (Commonwealth Observer Group 2018, p. ix).

### *The Court Case*

Article 5.1.4 of the *SADC Principles and Guidelines* requires member states to ensure justice in the resolution of disputes arising from elections by means that include constitutional and electoral courts. In 2018 the MDC Alliance filed a petition seeking to overturn the ZEC decision to announce Mnangagwa as the winner of the election on the basis of alleged rigging. The case was dismissed because the complainant could not prove the case beyond doubt, as the fixation on numbers and disregard of other issues pointed to an unfair environment. The judiciary has been identified as one of the key institutions that experienced a devaluation of their powers and autonomy from 2000 to 2008 (Bratton & Masunungure 2008, p. 46; Sachikonye 2009). Article 4.1.13 of the *SADC Principles and Guidelines* calls for the condemnation and rejection of non-acceptance of results, after due process, as announced by the legally competent authorities. The key question remains whether the Constitutional Court could be adjudged competent after commenting on the position the opposition continues to hold, ignoring the court judgement and maintaining that Mnangagwa is an illegitimate president without a mandate from the electorate.

### *Verdict*

John Makumbe (2006, p. 46) asserts that 'in some, if not many, African countries, the ruling party has mastered and perfected the art of manipulating electoral systems with the primary objective of deceiving the people into believing that they govern themselves'. He argues that 'For the most part, the incumbent party elites are able to thwart the people's choice and desperately hold on to political power' (ibid.). The paper argues that when the cumulative effect of the issues discussed above is considered, voters may not have been able to express free choice in Zimbabwe's 2018 elections.

Owing to some of these discussed malpractices, ZESN concludes that 'the integrity of the 2018 harmonised elections was undermined by an uneven playing field' (ZESN 2018c, p. 71). The ZIEOM (2018, p. 6) asserts

... while some significant incremental improvements were demonstrated in the 2018 elections, Zimbabwe has not yet established a process that treats all political parties equitably and allows citizens to be confident that they can cast their vote and express their political opinion free from fear of retribution.

In short, the 2018 elections in Zimbabwe did not pass the credibility test.

### CONCLUSION

Credible elections should afford voters free choice when they cast their ballot, without manipulation of any kind. While there were notable improvements in Zimbabwe's elections (as discussed in the paper), the 2018 harmonised elections still lacked credibility.

Evidence, particularly in the pre-election and election periods, suggests that some voters may not have been able to exercise free choice through the ballot box. Piecemeal legislative reforms were instituted at the eleventh hour despite Zanu-PF having been initially reluctant, insisting that the situation was fair. But besides legislative issues, the political environment still favoured Zanu-PF with a questionable independence of the ZEC. There was also voter intimidation or covert violence; media bias; the partisan role of traditional leaders; politicisation of benefits, abuse of State resources, and vote buying; and the involvement of the military. The immediate post-election period compounded these suspicions.

While it may not be easy to quantify the cumulative effect of these concerns, there is reason to conclude that they diminished the credibility of the elections. Zimbabwe's electoral laws need comprehensive reform, with improved election administration to ensure a level playing field.

### RECOMMENDATIONS

The study recommends the following:

- Strengthening ZEC's independence and impartiality by freeing it from executive interference, addressing militarisation concerns, and meaningfully engaging stakeholders;
- Ensuring equitable treatment, in terms of timing and prominence of coverage, of all political parties and/or electoral candidates in all print and electronic media;
- Legislating and enforcing laws against partisan aid distribution, abuse of State resources, and vote buying in elections;

- Enforcing constitutional provisions on non-partisan traditional leaders and establishing an integrity and ethics committee, envisaged under Section 287 of the Constitution, whose responsibilities would include dealing with complaints against traditional leaders;
- Instituting security sector reforms to stop the military from meddling in electoral politics, and setting up an independent complaints mechanism as enshrined in Section 210 of the Constitution to allow for receiving, investigating, and remedying the public's complaints against state security personnel;
- Limiting the use of assisted voting to cases in which it would be absolutely necessary to ensure secrecy of the vote;
- Taking stern punitive measures against perpetrators of election-related violence and intimidation;
- Ensuring an unassailable, transparent and verifiable results management process; and
- Strengthening the competency, independence, and impartiality of the courts to ensure justice in the resolution of electoral matters.

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# EXPLORING THE SOCIO-DEMOGRAPHIC DISTRIBUTION OF INDEPENDENT SWING VOTERS IN GHANA

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## ABSTRACT

*Ghana has become a two-party state by default, with the National Democratic Congress (NDC) and the New Patriotic Party (NPP) emerging as the only political parties with sufficient national appeal to win elections and form governments. Through the power of the ballot, each of them has had the chance of being in government as well as serving as the official opposition. Notwithstanding their dominance in Ghana's democratic politics, neither party has the support of more than forty percent of the country's electoral population. This leaves a significant proportion of the electorate unaligned to any political party. Given that candidates in presidential elections in Ghana can only win with more than 50% of valid votes cast, swing voters undoubtedly hold the balance of power. Yet, scholarly attention to this category of voters in emerging democracies has been marginal. Using a Ghana national opinion poll survey conducted in 2019 in which 27% of respondents self-identified as independent voters, this paper explores the social and demographic characteristics of these voters. The result is surprising and indicates that the regions and ethnic categories considered as strongholds of the two major parties also hold the highest proportion of independent swing voters.*

**Keywords:** swing voters, elections, realignment, Ghana, electorates, political parties

## INTRODUCTION

The electoral performance of the smaller political parties in Ghana has been in decline since the 2012 presidential and parliamentary elections. In 1993, the

smaller parties collectively obtained 11% of total valid votes cast in the presidential polls; however, results of the 2016 presidential election show that these parties cumulatively obtained only 1% of total valid votes. Similarly, the portion of parliamentary seats held by the smaller parties has reduced from 4% to nothing within the same period (Bob-Milliar 2019). The persistence of this trend even after the 2020 presidential and parliamentary elections indicates that Ghana has become a two-party state by default. This means that the National Democratic Congress (NDC) and the New Patriotic Party (NPP) have become the only parties with a chance of winning presidential elections and majority parliamentary seats (Addae 2019; Daddieh & Bob-Milliar 2014). The smaller parties were instrumental in shaping the chances of winners of presidential elections, especially in situations where such parties forced elections into a second round. This they do through improving their own electoral performance in a manner that prevents either of the two major parties from being able to obtain more than 50% of valid votes cast in the first round of voting. However, the 2012 and 2016 elections produced outright winners (the NDC in 2012, and NPP in 2016) thus depriving the smaller parties of their role as kingmaker.

The results of the 2020 presidential elections as announced by the Electoral Commission followed a similar pattern, although several questions have been raised about the credibility of those results. Thus, as the electoral topography of the country's democracy takes shape, the NDC and the NPP have established themselves not only as dominant political parties but also as the only ones to have been successful at winning elections and forming governments. Records from successive election results show that both parties have a core membership and support base of not less than 35% of the electorate. But like all electoral democracies, in Ghana there are always voters who are neither affiliated nor committed to any political party. Given that the two major political parties have almost equal support bases, unaffiliated or swing voters undoubtedly play crucial roles in deciding electoral outcomes. Although there is growing literature on Ghana's democratic processes, very little is known about the unaffiliated swing voter in terms of social and demographic characteristics, especially from the perspective of nationwide survey data.

The study addresses this gap by analysing the socio-demographic background of respondents who claimed to be independent voters. Using data from the Ghana Opinion Survey involving 35%, 37% and 27% of self-identified members of the NDC, NPP and independents respectively, the paper made a surprising discovery. This is that the two regions, Ashanti and Volta, traditionally known as the strongholds of the NPP and the NDC respectively (Fridy 2007) are also the regions with the highest proportion of respondents who self-identified as independent voters. Proportionately, this is also consistent with findings that there

are more independent voters among Akans and Ewes than in other ethnic groups. Among those who described themselves as independent, persons without higher education and urban (city and town) dwellers constitute a significant proportion.

Beyond the implications for the two parties, the topic and findings in this paper contribute significantly to an understanding of the changing dynamics and emerging patterns in Africa's young electoral democracies. They thus provide researchers and policy makers with insight into the relationship between demographic factors and electoral choices. Although this study focuses on Ghana, it has considerable relevance for other African countries and beyond, and opens up possibilities for similar research in other national or cross-national jurisdictions. Such further research can lead to the development of a more comprehensive theoretical perspective on the interface between socio-demographic factors and partisan affiliations, as well as political behaviour in general.

The paper is structured as follows: the first section situates the study in the broader theoretical reflections on independent swing voters, while the second section briefly discusses the research design and methods of data collection and analysis. The third section explains the findings based on the disaggregation of respondents who self-identified as swing voters. In section four, the paper discusses the findings in relation to what is known about the socio-demographic characteristics of the two major parties. Finally, the concluding section highlights the relevance of the study and points to some areas for future research to unravel the complexities embedded in the independent swing voter phenomenon.

#### INDEPENDENT SWING VOTER IN CONCEPTUAL PERSPECTIVE

Political parties are founded on the belief that in democratic societies, the electorate needs institutional vehicles through which shared interests and ideas can be aggregated and articulated with the ultimate goal of fielding candidates to public office through elections (Maclvor 2009). Political parties thus serve as a platform for people who share similar ideas and interests to converge and find expression of their worldviews. Yet, in most democracies a substantial number of voters are not affiliated to, nor support or hold membership of a political party. This is particularly true of democracies that have evolved into two-party systems, where a segment of the electorate that does not necessarily subscribe to the principles, ideologies, and policy platforms of the two dominant parties is often left in limbo between elections. Such voters have been variously described by political commentators and journalists as swing voters (Mayer 2007; 2008), unaffiliated voters (Alvarez & Sinclair 2013; Gerber & Green 1999), independent voters (Girvan, Weaver, & Snyder 2010), undecided voters (Schill & Kirk 2017)), unaligned (Rohrschneider 2002) and floating voters (Zelle 1995). The multiplicity

of terms and concepts used in relation to the phenomenon has led to conceptual stretching resulting in definitional ambiguity. Lindberg and Weghorst (2010), for instance, expressed concerns about the lack of precision in the usage, application, and definition of the voting behaviour these concepts seek to capture. This notwithstanding, these concepts are used to refer to individuals within an electoral population who hold no cemented support or affiliation to any political party, and whose electoral choices are open, uncertain and unpredictable. In other words, such electorates include those

...who are not firm supporters of either major party candidate, who cannot be reliably counted on to march behind either party's banner, perhaps it would make more sense to think of swing voters simply as political independents, as those respondents who, in answer to the standard party identification question, express no affiliation with either party.

(Mayer 2007, p. 366)

In Eldersveld's view (1952), this group includes voters who transfer their allegiance over time, those with no clear partisan disposition, as well as those who waver when making voting decisions.

Some concerns have been raised about the extent to which persons who identify themselves as independents or as unaffiliated to political parties can be trusted. In the US where the two-party system is most exemplified, the number of independent voters has been increasing since the 1970s and is now estimated to surpass those who self-identified with each of the major parties (Mayer 2008). According to the American National Election Studies (ANES), in 2016 38% of Americans were independent, while only 33% identified as Democrats and 29% as Republican. The rise in the number of persons who profess to being independent or unaffiliated to any of the major political parties meant that electoral victory depends significantly on the extent to which parties appeal to the interests or are successful in persuading this category of the electorate. There are, however, other arguments that persons who profess to be floating or independent voters often hide their partisan affiliation. In one study in the US, it was discovered that approximately two-thirds of self-declared independents share some hidden partisan sympathies, and thus have strong political leanings that only become obvious after careful analysis (Keith et al. 1992). While this concern is legitimate, the idea of an independent, floating and undecided voter should not necessarily be taken to mean that such voters are blank slates without any ideological disposition or leanings. Rather, they must be understood as persons who are flexible in their dispositions, open to persuasion, and more pragmatic than dogmatic. As Mayer (2008, p. 2) observed:

In simple terms, a swing voter is, as the name implies, a voter who could go either way, a voter who is not so solidly committed to one candidate or the other as to make all efforts at persuasion futile. If some voters are firm, clear, dependable supporters of one candidate or the other, swing voters are the opposite: those whose final allegiance is in some doubt all the way up until election day. Put another way, swing voters are ambivalent or, to use a term with a somewhat better political science lineage, cross-pressured. Rather than seeing one party as the embodiment of all virtue and the other as the quintessence of vice, swing voters are pulled – or repulsed – in both directions.

Eldersveld (1952, p. 732) argued that independent voters ‘can swing the balance of power and decide elections’, yet a methodological and theoretical study of this group of political actors remains largely underdeveloped. For the most part, the study of swing voters has focused mainly on the American political system and has been characterised by a reliance on multiple sources of data. While some of these data sources drew on inferences from election statistics in the hope of obtaining ‘some measure of the amplitude of independent voting in the aggregate, in terms of transference of party allegiances overtime’ (ibid.), others rely on official records of straight and split voting. For example, Chapin (1912) examined election results data in the US between 1856 and 1905 to analyse voting trends, and argued that the number of independent voters was on the rise. Ogburn and Jaffe (1936) used similar data to explore the factors that shape swing voting in the same country. Other scholars including Burden and Kimball (1998) and Ames, Baker and Lucio (2009) used data from single elections to explore the issue of split-ticket voting, in which electorates vote for a candidate on one party’s ticket for particular office, and for a different candidate on a different party’s ticket for another office. This type of study usually focuses on the differences between the percentages of major party votes secured by candidates of the same party whose candidates run for different offices. Split-ticket voting, which is known in Ghana as skirt and blouse voting, occurs when a voter casts his or her vote for a presidential candidate on the ticket of one party, and for a candidate of a different party on the parliamentary ballot.

Public opinion surveys have also become one of the main mechanisms through which the choices and voting behaviour of independent voters are assessed. Since the 1930s, voters in the US have consistently been asked to declare their affiliation or otherwise to political parties as a way of ascertaining those who are partisan as well as those who profess no party identity. The survey was the method of choice of Weghorst and Lindberg (2013) in one of their early articles on swing voting in Ghana, and as a tool the survey has thus been judged as the most valuable especially because:

... [it] can provide more than aggregative information; it can identify the independents and discover their characteristics (demographic, social, political); and it can relate independence to factors such as attitudes, group membership, community integration, and perceptions of the party system and political process.

(Eldersveld 1952, pp. 733-34)

Although there is generally nothing that obliges a citizen to profess political affiliation, existing knowledge on swing voters is imprecise. Persons in this category may be many or few, clever or fickle, informed or uninformed, and it is against this background that more needs to be known about their likely impact on the electoral system and democratic process as a whole. This challenge is even more pronounced in terms of relatively young democracies like Ghana where most of the scholarly attention is focused on other aspects of electoral behaviour. For instance, it is not known whether citizens change their voting behaviour because they are less informed, are unengaged, or are well informed but unimpressed by both political parties and their choice of candidates. In particular, knowing who the swing or independent voter is in emerging democracies in terms of their location and demographic characteristics can be instrumental in shaping the campaign behaviour of political parties and candidates. Hotelling (1929), for instance, argued that when parties compete for the votes of electorates on one specific policy issue, there is a likelihood that they will converge on the preferred policy position of the median voter in that policy domain.

Studies by Cox and McCubbins (1986) and Lindbeck and Weibull (1987) present two interesting but contrasting perspectives on independent voters as far as their relevance in electoral mobilisation processes is concerned. Cox and McCubbins (1986) are of the view that swing voters are obviously unreliable and so should not be the focus of politicians. Instead, politicians should focus campaign investments on mobilising their core supporters because that is safe, and the probability of getting their votes is almost certain. In contrast, Lindbeck and Weibull (2010) suggests that for parties to invest substantial campaign efforts in core supporters may be a waste of time and effort since those individuals are less likely to leave parties and will vote for them regardless. Stoke (2005, p. 317) emphasises this perspective by arguing that 'voters who are predisposed in favor of a party on partisan or programmatic grounds cannot credibly threaten to punish their favored party if distributive rewards are withheld. Therefore, parties should not waste rewards on them'. By this logic, the swing or independent voter becomes a prime target in electioneering campaigns. There have been empirical studies that focused on both the swing (Dahlberg & Johansson 2002) and core (Calvo & Murillo 2004) models of voting behaviour. But with the exception of few articles (for example Fridy 2012; Lindberg & Weghorst 2010) most of what is known

about independent voters in the literature is shaped by data and experiences from democracies outside Africa. Multi-ethnic countries like Ghana are faced with multiple and competing priorities ranging from socioeconomic transformation, democratisation and human welfare, to nation-building. The lack of attention to this category of voters who often switch their votes in terms of the choices they make in elections is troubling, given that such voters arguably hold the balance of power.

Currently in Ghana neither of the two major parties (the NDC and the NPP) can boast of cemented membership or support above the required constitutional formula for presidential victory. Swing voters here are crucial in shaping an understanding of political campaign strategies and electoral outcomes for a number of reasons. First, swing voters are deemed persuadable (Mayer 2008) which means they are very important in the electoral calculations of political parties and candidates canvassing for support. Knowing who these categories of voters are, and their challenges and policy preferences, can be instrumental in shaping the cognitive position of parties and their candidates insofar as the development of election mobilisation strategies are concerned. Second, in one of the very few studies that touches on swing voters in Ghana, Fridy (2012) contends that these voters are mainly non-Asante Akan of Central, Western and Brong Ahafo Regions. They filter their electoral calculations through pre-colonial and colonial political experiences. Other swing voters engage in retrospective voting by reviewing the performance of parties and candidates. The findings on retrospective voting as a major reference point for swing voters is consistent with conclusions drawn by Lindberg and Morrison (2005, p. 577) who observed that ‘all “swing voters” voted for the NPP in 2000, and of those 62.5% said they did so to “throw the rascals out”’.

Although these findings are instructive, they remain silent on who the swing voters actually are. The use of election results by Fridy (2012) for drawing such a conclusion has the potential to blur the actual situation, especially as neither study reveals anything about the social and demographic characteristics of the swing voters. In addition, given the demographic changes occurring in Ghana as well as the overall political experience since independence, conclusions associating non-Ashanti Akan with swing voting on account of historical memory, can at best be seen as anecdotal. The current study therefore builds on these pioneering researches about swing voters in Ghana by attempting to understand and situate them within appropriate socio-demographic contexts.

#### RESEARCH DESIGN AND METHODOLOGY

Data for this study was collected across the country in April and May of 2019 using an instrument designed to ascertain the national mood on a series of

socio-economic and political issues. The processes involved the face-to-face administration of questionnaires. Data was collected and submitted through a computerised system that enables enumerators to capture and submit data instantly through an online database. In doing so, each enumerator's mobile device – smartphone, tablet, or iPad – was fitted with an application developed for the survey, and linked directly to the central database of the study for the purposes of ease in submitting data collected in real time. For quality assurance purposes, each enumerator's gadget was also fitted with a GPS tracker, making it possible to ascertain whether data submitted at any given time was collected from the designated communities. Although all the enumerators had previous experience in field data collection, additional training was organised for them to acquaint themselves with the context and expectations of the research, and also to improve their skills. The process served as a unique opportunity for enumerators to share their experiences and for the researchers to clarify concerns and issues raised by the field agents. The questionnaire covered a broad range of issues designed to ascertain the perceptions and preferences of voters about major political, economic, and social issues, as well as biographical information about the respondent. The instrument was administered on the basis of a probability sample of 8 800 persons, and the sampling was done in a manner intended to ensure fair representation of respondents from both rural and urban areas.

Based on historical voting patterns, the original ten administrative regions were divided into six clusters consisting of Greater Accra and Central regions as cluster one; Western Region as cluster two; Ashanti and Eastern regions as cluster three; Brong-Ahafo Region as cluster four; Northern, Upper East and West regions cluster five; and Volta Region as cluster six. In all, 216 administrative districts and 275 constituencies make up these clusters. The cluster model also took into account the total number of electoral constituencies as well as the rural-urban dynamics associated with each cluster. So, for instance, in selecting the specific communities for the data collection, where a constituency is considered to be rural, data collection was directed at ensuring that two-thirds of the sampled communities come from the rural areas while one-third is reserved for urban. Overall, more sampling occurred in the urban areas than in the rural areas. From the clusters, twenty-two administrative districts were covered in terms of data collected for the study. The administration of the survey involved sampling 400 individuals aged seventeen years and above from each of the twenty-two selected districts. The individuals for the survey were randomly selected from communities in the chosen constituencies.

To ensure standardisation within the national framework, four communities were selected in each constituency for the study. In each community, four



enumeration areas were selected based on the updated 2010 sampling frame of the Ghana Statistical Service (GSS). Based on the 2010 population census, the total projected population to 2018 for the 22 districts is 1 655 062. Thus, the sample size estimated for each district was approximately 400 of the targeted population, making a total of 8 800 for the 22 districts. The total response received from the survey is 8 659. The dependent variable for this study is the political affiliation of the respondent. The question asked was: *'Generally speaking, do you see yourself as an NDC, NPP, Independent or something else?'*

Table 1 below indicates how the sampled respondents identified themselves as far as political party affiliation in Ghana is concerned. With the exception of the major political parties, that is the NDC and the NPP, and those who self-identified as independent, responses in respect of all other parties are classified under Others. A total of 2 301 representing 27% of the population sampled self-identified as independent voters.

**Table 1: Self-identified Party Affiliations in Ghana**

Affiliation	Frequency	Percentage
<b>Independent</b>	<b>2301</b>	<b>27%</b>
NDC	2947	34%
NPP	3260	38%
Others	146	2%
Total	8654	100%

Source: Ghana Survey Data, 2019

In terms of the analytical approach, the study employed descriptive statistics to explore the sociodemographic distribution of persons who self-identified as independent voters. In Table 1 above, of the 8 654 sampled, 38% representing 3 260 of the sample population described themselves as NPP, and 34% representing 2 947 of the same said they are NDC. Given that the number of self-identified members in both NDC and the NPP falls below what is constitutionally required for victory in the presidential election, independent voters become crucial in deciding the outcome of elections. Thus, we proceed further to extract and analyse the independent voter category to understand how they are distributed within specific sociodemographic variables such as educational status, place of residence, region, religion, employment status, employment sector, ethnicity, marital status, and gender, using a simple descriptive statistic based on SPSS.

### SELF-IDENTIFIED DISTRIBUTION OF VOTERS IN GHANA

The tables below show the distribution of independent voters in Ghana within various sociodemographic variables. In terms of regional distribution, Ashanti Region has the highest (17.5%), followed by Volta (15%) and Greater Accra (14.8%). Central and Northern regions have more than 10% each of those who described themselves as independent voters. Upper West has the least number of independent voters followed by Western Region, which indicate 3.7% and 5.1% respectively. Eastern, Brong Ahafo and Upper East regions constitute a third category of regions with independent voter populations of 8.6%, 7.7%, and 6.4% respectively.

In terms of employment status, 51% of the employed and 26% of the unemployed (in that order) described themselves as independent voters. Similarly, when the data of independent voters is analysed against the religious backgrounds of the respondents, about 71% of Christians and 25% of Muslims consider themselves not affiliated to any political party. In terms of levels of educational attainment, 33.6% of those who self-identified as independent voters had up to secondary education, and 31% had less than secondary education. In addition, respondents with college level education; tertiary graduates consisting of respondents with university and polytechnic qualification; and those with technical and vocation levels of educational attainment, represent 16.6%, 10.2% and 8.6% respectively.

**Table 2: Distribution of Voters' Party affiliation in Ghana**

<i>Generally speaking, do you usually think of yourself as an NDC, NPP, or Independent</i>												
	NDC		NPP		Independent		Other		None		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
SG94. Sex												
Male	1,938	65.8	2,045	62.7	1,360	59.1	44	72.1	49	57.6	5,436	62.8
Female	1,008	34.2	1,214	37.3	941	40.9	17	27.9	36	42.4	3,216	37.2
Total	2,946	100.0	3,259	100.0	2,301	100.0	61	100.0	85	100.0	8,652	100.0
AGE												
15-19	102	3.5	164	5.0	177	7.7	4	6.6	5	5.9	452	5.2
20-24	311	10.6	387	11.9	379	16.5	9	14.8	6	7.1	1,092	12.6
25-29	610	20.7	675	20.7	620	26.9	11	18.0	31	36.5	1,947	22.5
30-34	538	18.3	582	17.9	397	17.3	10	16.4	17	20.0	1,544	17.8
35-39	488	16.6	578	17.7	296	12.9	10	16.4	12	14.1	1,384	16.0
40-44	311	10.6	324	9.9	160	7.0	8	13.1	2	2.4	805	9.3
45-49	225	7.6	249	7.6	111	4.8	5	8.2	3	3.5	593	6.9

50-54	184	6.2	135	4.1	66	2.9	2	3.3	2	2.4	389	4.5
55-59	79	2.7	80	2.5	58	2.5	0	0.0	2	2.4	219	2.5
60 +	99	3.4	86	2.6	37	1.6	2	3.3	5	5.9	229	2.6
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
MARITAL STATUS												
Single	1,044	35.4	1,240	38.0	1,159	50.4	23	37.7	40	47.1	3,506	40.5
Married	1,543	52.4	1,630	50.0	908	39.5	28	45.9	27	31.8	4,136	47.8
Separated/ Divorced	97	3.3	88	2.7	51	2.2	4	6.6	4	4.7	244	2.8
Widowed	69	2.3	62	1.9	41	1.8	1	1.6	1	1.2	174	2.0
Co-habitation	177	6.0	232	7.1	123	5.3	5	8.2	12	14.1	549	6.3
Never Married	16	0.5	8	0.2	19	0.8	0	0.0	1	1.2	44	0.5
Total	2,946	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,653	100.0
HIGHEST LEVEL OF EDUCATION												
Secondary	956	32.4	1,108	34.0	773	33.6	23	37.7	17	20.0	2,877	33.2
Technical/ Vocation	265	9.0	272	8.3	198	8.6	2	3.3	10	11.8	747	8.6
College	418	14.2	657	20.2	383	16.6	8	13.1	10	11.8	1,476	17.1
Polytechnic /university	228	7.7	303	9.3	234	10.2	5	8.2	5	5.9	775	9.0
Up to JHS	1,080	36.6	920	28.2	713	31.0	23	37.7	43	50.6	2,779	32.1
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
ETHNIC BACKGROUND												
Akan	679	23.0	1,850	56.7	814	35.4	19	31.1	37	43.5	3,399	39.3
Ewe	687	23.3	243	7.5	472	20.5	13	21.3	9	10.6	1,424	16.5
Ga- Adangbe	447	15.2	289	8.9	212	9.2	6	9.8	13	15.3	967	11.2
Mole- Dagbani	574	19.5	412	12.6	401	17.4	8	13.1	4	4.7	1,399	16.2
Guan	65	2.2	89	2.7	57	2.5	0	0.0	3	3.5	214	2.5
Gurma	29	1.0	37	1.1	23	1.0	0	0.0	1	1.2	90	1.0
Grunsi	118	4.0	75	2.3	86	3.7	5	8.2	8	9.4	292	3.4
Other	348	11.8	265	8.1	236	10.3	10	16.4	10	11.8	869	10.0
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0

RELIGIOUS BACKGROUND												
ATR	84	2.9	55	1.7	70	3.0	1	1.6	1	1.2	211	2.4
Christian	1,901	64.5	2,521	77.3	1,645	71.5	44	72.1	64	75.3	6,175	71.4
Muslim	947	32.1	663	20.3	566	24.6	16	26.2	20	23.5	2,212	25.6
Atheist	15	0.5	21	0.6	20	0.9	0	0.0	0	0.0	56	0.6
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
PLACE & LOCATION												
City	831	28.2	1,156	35.5	687	29.9	15	24.6	27	31.8	2,716	31.4
Town	1,674	56.8	1,832	56.2	1,284	55.8	34	55.7	51	60.0	4,875	56.3
Village	412	14.0	238	7.3	304	13.2	10	16.4	2	2.4	966	11.2
Other	30	1.0	34	1.0	26	1.1	2	3.3	5	5.9	97	1.1
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
PROFESSIONAL BACKGROUND												
Teacher	369	12.5	505	15.5	355	15.4	11	18.0	10	11.8	1,250	14.4
Lawyer	6	0.2	9	0.3	8	0.3	0	0.0	0	0.0	23	0.3
Doctor	14	0.5	21	0.6	14	0.6	0	0.0	0	0.0	49	0.6
Nurse	142	4.8	227	7.0	109	4.7	0	0.0	2	2.4	480	5.5
Engineer	97	3.3	117	3.6	60	2.6	1	1.6	3	3.5	278	3.2
Farmer	357	12.1	272	8.3	175	7.6	6	9.8	6	7.1	816	9.4
Banker	28	1.0	43	1.3	32	1.4	0	0.0	1	1.2	104	1.2
Accountant	65	2.2	74	2.3	59	2.6	3	4.9	2	2.4	203	2.3
Administrator	42	1.4	66	2.0	45	2.0	0	0.0	0	0.0	153	1.8
Pharmacist	21	0.7	29	0.9	16	0.7	1	1.6	1	1.2	68	0.8
Business	703	23.9	848	26.0	523	22.7	12	19.7	16	18.8	2,102	24.3
Others	1,103	37.4	1,049	32.2	905	39.3	27	44.3	44	51.8	3,128	36.1
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
EMPLOYMENT STATUS												
Employed	1,655	56.2	1,906	58.5	1,174	51.0	35	57.4	34	40.0	4,804	55.5
Unemployed	769	26.1	681	20.9	599	26.0	9	14.8	24	28.2	2,082	24.1
Student	202	6.9	304	9.3	276	12.0	9	14.8	6	7.1	797	9.2
Unpaid house work	20	0.7	25	0.8	24	1.0	1	1.6	1	1.2	71	0.8
Wife/man	51	1.7	74	2.3	32	1.4	0	0.0	4	4.7	161	1.9

Others	250	8.5	270	8.3	196	8.5	7	11.5	16	18.8	739	8.5
Total	2,947	100.0	3,260	100.0	2,301	100.0	61	100.0	85	100.0	8,654	100.0
SECTOR OF WORK												
Public Sector	466	21.4	712	27.6	409	24.0	11	21.2	6	9.8	1,604	24.4
Formal private sector	211	9.7	267	10.4	166	9.8	5	9.6	10	16.4	659	10.0
Informal sector	205	9.4	206	8.0	95	5.6	1	1.9	2	3.3	509	7.7
Self-employed	898	41.2	853	33.1	592	34.8	21	40.4	20	32.8	2,384	36.3
Other	398	18.3	541	21.0	440	25.9	14	26.9	23	37.7	1,416	21.5
Total	2,178	100.0	2,579	100.0	1,702	100.0	52	100.0	61	100.0	6,572	100.0

Source: Ghana Survey Data, 2019

In the professional category, the study shows that there are more independent voters among blue-collar workers than among white-collar workers. With the exception of the teaching profession which recorded 15.4% self-identifying as independent voters, only a small number of respondents in each of the white-collar professions (such as doctors, lawyers, engineers, bankers, accountants, administrators, pharmacists, and nurses) self-identified as independent voters. On the other hand, about 70% of the respondents in the blue-collar workforce self-identified as independent voters. These consist mainly of individuals in manual labour in sectors such as agriculture, construction, mining, artisanal, cleaning and maintenance, and petty trading. In terms of age, the data shows that the majority of the independent voters are under 40 years with a high 27% within the 25-29 age bracket, followed by 13% for those in the 30-34 cohort. Overall, these two cohorts, plus those in the 20-24 age cohort, constitute about 60% of those who described themselves as independent voters in Ghana. Most of those independent voters reside in cities (30%) and towns (56%) compared to 13.2% in the villages. Measured by religious background, only 7.5% of the independent voters are Christians, and 24.6% are Muslims. The remainder are believers in African Traditional Religion (3%) and atheists (0.9%). The distribution of independent voters in the marital status variable also indicates that those who are single or have never married are in the majority (51.2%), followed by married respondents who constitute 40%, making the two categories very important in electioneering strategies. In addition, as far as the employment sector is concerned, the self-employed and those employed in the public sector have 34.8% and 24% respectively of independent voters. The

formal private sector and the informal sector have fewer respondents describing themselves as independent, but there are also 25% the respondents in this category who consider themselves as plying trade in either of these sectors.

## DISCUSSIONS

Politicians, campaign strategists and political science scholars have long been interested in the characteristics of swing voters in the hope that once identified, messages can be developed to target their concerns and mobilise their support in elections. The importance of independent or swing voters is illustrated by Spiro Agnew, a former vice president of the United States in the late 1960s, in his description of this category of voters as a 'silent majority' (Campbell 2008). As the label suggests, independent swing voters tend to cast their votes without the influence of membership of political parties; on the contrary, it is assumed that their choices are based on a critical evaluation of the choices available within the broader context of interests and socio-economic circumstances. To this extent, they are not only persuadable, they also hold the key to electoral success, especially in a democracy like Ghana in which party affiliation and membership are evenly distributed among the major political parties.

The thesis that independent swing voters can turn elections in the direction of particular candidates or parties means that an understanding of how these voters are distributed within the various socio-economic demographics of the voting population is key to reaching and persuading them. The ability of political parties to compete for the attention and support of independent swing voters can possibly elevate issues-based politics and minimise what has generally been described in Ghana as the 'politics of insults', and in the process enhance democratic competitiveness. In an earlier study, Lindberg and Morrison (2005) argued that 'majority of swing voters went from NDC to NPP in 2000, while a smaller number went the other way...' (pp. 978-979). Thus, this study has important implications not only for our understanding of voters and voting behaviour in Ghana, but also for political parties and candidates in terms of campaign strategies and the mobilisation of voters.

Since 1992 the Ashanti and Volta regions have voted heavily in support of the NPP and NDC respectively (Whitfield 2009; Fridy 2007). The two major parties accordingly consider these two regions as their respective electoral strongholds. Yet, as the data indicates, these are also the two regions with the highest percentages of the electorate who consider themselves as unaffiliated to any party and hence as independent swing voters. The responses point to fundamental shifts in the area of party alignments in these two regions, although this may take several years to openly manifest. While the NDC had already

experienced increases in its presidential votes in Ashanti region since 1996, the NPP has improved its performance in the Volta Region – at least from the year 2000. Nonetheless, the emergence and rise of independent swing voters in these regions means that both the Volta and Ashanti regions will remain very important in Ghana's electoral politics for the foreseeable future. As strongholds of the two parties, they are already considered the powerhouse of each party

In each election, both the NDC and the NPP have anticipated high turnouts in their respective bases to nullify the votes from other regions. On the other hand, regions such as Central, Greater Accra, Brong Ahafo, and Western regions that are relatively flexible in their electoral choices often shape the eventual outcome of the elections. Although the switch to independence in voter preference is not necessarily a bad thing, the NDC in particular must also be concerned about the slow rise in independent swing voters in regions such as Northern, Upper East, and Upper West which traditionally turn out in large numbers in support of the party during elections (Fridy 2007).

Bob-Milliar (2011) argued that voters in the Upper West in particular have consistently supported the NDC in gratitude to former President Jerry John Rawlings for creating an administrative region in that part of the country during the military era. On the basis of Whitfield's (2009) argument that founding myths are important in party identification, the perceived unhealthy relationship between the NDC and its founder, before his death, could partly account for the growth in swing voters in regions with a perceived strong affinity to Jerry Rawlings. From this perspective, although the death of Jerry Rawlings in 2020 could further exacerbate the dwindling fortunes of the NDC in the Volta Region, it also offers an opportunity for the party to revive the myths and ensure their retention in the political belief system of those who adhere to them.

Similar realignments are also observed in other demographic variables. For instance, the NDC is perceived as a mass party and is known to have a significant following among ordinary people. This is especially true of the less-educated, as well as being a home for the 'educated commoner, where people not born into elite families rise up the social ladder through education and become politicized and/or aspire to elite status' (Whitfield 2009, p. 632). Lindberg and Morrison (2005), for example, noted that the NDC also drew support from students, and evidence indicates that prominent student leaders including Haruna Iddrisu, Baba Jamal, Edem Agbana, Wonder Madilo, Samuel Okudjeto Ablakwa, and Omane Boamah, have found the NDC their party of choice in the pursuit of their national political ambitions. Yet, as the data suggests, a significant proportion of the respondents with secondary, university and pre-secondary education now identify themselves as unaffiliated to any political party. These findings are consistent with the general trend of noncommittal to any political party among persons in the youth cohort

as seen in the data. But the rise of independent voters in the voting population usually associated with the NDC could be a problem of party branding and a lack of synchronisation between ideological labelling and policies pursued by the party in government. There is a sense in which social democracy is misconstrued to mean the democratisation of poverty; hence a young person with aspirations to achieve career objectives and wealth, tends to subscribe to the NPP's claim to be a party that promotes individual ownership of property. For students and the youth, more broadly speaking, the situation is further exacerbated by the NDC's replacement of professional teacher's and nurse's training allowances with student loans – a decision many students consider insensitive and uncaring.

One of the known differences between the NDC and the NPP is that while the former is perceived as primarily rural, the latter is urban. The NDC's association with rural voters has its roots in the activities of the Provisional National Defence Council (PNDC) from which it sprang. It was the PNDC that took several initiatives to open the rural parts of the country with basic amenities. These include road infrastructure to enable peasant farmers to cart their produce to the cities; the expansion of electricity to rural communities; and revived agricultural activities. For instance, the increased cocoa production during that time was interpreted as 'protection of rural interests ignored by previous governments' (Jeong 1998, p. 222). Although there are fewer rural respondents who identified themselves as independent voters than those in the cities and the urban areas, the general drift of population from the rural areas to urban centres could have future implications for the NDC.

The NPP, on the other hand, is known for its support from voters in towns and cities. While it may seem that the population drift towards the cities might work in its favour, the data shows that most respondents from both cities and towns self-identified as independent voters. In other words, although more and more people are moving into urban areas in Ghana, that movement does not indicate increased support for the NPP, which is known to be urban based. The position is similar with public sector workers who appear from previous studies to be structurally inclined to support the NPP (Lindberg & Morrison 2005). However, a significant proportion of these now self-identified as independent voters. This trend confirms the decline of support for the NPP in cities and towns. Overall, the battle for the attention of persuadable voters by the two major political parties will be in the cities and towns where affiliation to political parties appears fluid, relatively weak, and in endless flux.

## CONCLUSION

The extent to which structural factors define, determine or shape the political identification and electoral choices of voters remains an issue of intellectual



debate. However, the structural classification of voters has the potential to point political strategists, parties and campaign planners in directions that explore important issues for key segments of the voting population. This is particularly true in African countries where social identities are complex.

This study has implications for what is known about independent swing voters in Ghana. First, it confirms that there is a high 'proportion of swing voters in the system sufficient to sustain a high level of competition and the prospects of repeated changes in government in the future – a hallmark of a functioning democracy' (Lindberg & Morrison 2005, p. 583). This claim is supported by the practical experience of electoral competition in Ghana, especially since 2000, and the accompanying electoral volatility resulting in changes in government in both 2008 and 2016. Evidence from this study shows that the number of voters with loyal party identification is on the decline, and those who self-described as independent swing voters are on the increase. Thus, it is fair to argue that the levels of electoral competition and volatility are expected to increase further.

Second, it does not appear from our analysis of the data that citizens' partisan and non-partisan identifications are necessarily defined or determined by specific socio-demographic factors such as gender, levels of education, age, and socio-economic status. In other words, swing voters share the same socio-demographic characteristics as do their partisan counterparts. As the analysis shows, there are swing voters across all categories – among women, men, age cohorts, the employed, unemployed, highly-educated, those with little or low education, public sector, private sector, rural and urban communities, as well as in different ethnic groups and regions in Ghana. Yet a socio-demographic analysis of voters of this kind provides a useful guide for understanding how partisan and non-partisan citizens are structurally distributed within and across the country.

Third, the high proportion of independent swing voters in Ghana illustrates the point that the patron-client relations thesis alone cannot explain party identification and electoral politics in African countries. According to this thesis, African countries are locked in a patron-client relationship in which leaders use public resources to buy and keep the loyalty of the electorates (Bratton et al. 2012). The same cannot be said of independent swing voters who are arguably open to persuasion and thus base their electoral choices on other factors. These include an assessment of past records and a performance evaluation of parties and candidates. In another study on Ghana, Weghorst and Lindberg (2013, p. 730) observed that:

... [a] significant number of swing voters evaluate incumbent MPs in terms of collective constituency goods, lawmaking, and improvement of the economy. The greater the dissatisfaction with performance on collective goods, the more likely these citizens will support challenger MPs, and the other way around.

The very idea of evaluative voting in an environment known for clientelistic political behaviour suggests the phenomenon of swing voting in Ghana (and perhaps other African democracies) is much more complicated than generally assumed in the literature. Overall, the rise in the swing voter population has the potential to limit the proportion of confirmed supporters on whom parties can count, and this places swing voters in a position to significantly determine electoral outcomes. Neither of the two major political parties in Ghana commands an absolute majority support from the electorate, and the swing voter population is expanding. Thus, the future of electoral competition in Ghana is likely to be a fight over swing voters even as parties and candidates engineer enthusiasm among their bases. If swing voters are also evaluative voters, then it stands to reason that the future of electoral campaigns in Ghana would move the country's national electoral discourse from one of pettiness and insults to more creative solutions that appeal to the interests of such voters. As Jeong (1998, p. 228) observed:

...[voters] want more than social peace, due process in the judicial system, and political accountability. The hope for economic equity as much as legal order, improvement in opportunities to feed their children is as important as the opportunity to vote for one or another-party candidate.

Overall, with almost 30% of the voting population identifying themselves as independent swing voters, political parties in Ghana should be compelled to prioritise a deep reach into their ideational storehouses in order to creatively design and articulate policy options that resonate with the lived experiences of an otherwise unimpressed electorate.

These findings open new doors for future research. This could, for instance, unravel the increasing numbers of independent swing voters in the two main regions which both the NDC and the NPP consider as their stronghold. Such research could also scientifically ascertain the implications of such a phenomenon for the electoral politics in Ghana. Anecdotally, however, the NDC's impressive records in terms of development projects and achievements in the Ashanti Region, especially during the John Mahama era, may have been instrumental in shaping the cognitive position and preferences of voters in that region. The NPP has taken it for granted that just because the Ashanti Region is its stronghold, it has an automatic claim to votes from that region. What is lost on many observers of Ghana's democracy is that in terms of absolute numbers of votes obtained, Ashanti Region has given the NDC the second highest number of votes after Greater Accra Region in the 2020 presidential elections. In this case, following the creation of new regions, the Ashanti Region, which is generally perceived as

the NDC's weakest electoral link, also gave the party more votes than even the Volta Region which is considered the foremost stronghold of the party.

An important lesson from this study is that the rise in independent swing voters in an opponent's stronghold holds the key to a party's electoral performance – at least in that region. In that sense, the rise in independent swing voters in Ashanti Region, for instance, could be a result of the poor electoral performance of the NPP in the region compared to that of the NDC. Similarly, there are complaints that although the NDC harvests significant support from the Volta Region, it has not given that region top priority in its approaches to socio-economic development. This has caused general disaffection and frustration among voters in the Volta Region, some of whom described themselves as independent swing voters and whose electoral choices will be based on which party offers more in terms of development. For example, the 2020 parliamentary victory of Peter Amewu on an NPP ticket in the Hohoe constituency in the Volta Region suggests that the gradual rise in independent swing voters in Volta Region is due to widely held perceptions that the NDC has done less when it could do more for that region. Amewu is credited with his ability to bring development to that constituency, and he might not have won the Hohoe seat without the gerrymandering by the Electoral Commission of Ghana. This led to the electorates from the Santrokofi, Akpafu, Lolobi and Likpe (SALL) being excluded from participating in the elections (Kwawukume 2020). The conduct of the Electoral Commission in the 2020 presidential and parliamentary elections is a surprising deviation from its startling performance in previous elections (Omotola 2012). Nonetheless, the mere fact that Amewu won in polling stations that have traditionally been known to vote for NDC with comfortably wide margins, supports the claim that even electorates with the most entrenched support for a party are open to persuasion and change when the need arises.

Overall, the findings from this research suggest that party affiliation preferences are not fixated on categories. Thus, the ethnicity and patronage-based explanation for party identification in Ghana and Africa is not enduring and can be mediated by other factors. What is now required is further research to understand the interests and lived experiences of persons who consider themselves as swing voters, and a broader interrogation of the factors that shape their electoral choices.

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# VOTING RIGHTS OF ZIMBABWEANS IN THE DIASPORA

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## ABSTRACT

*The Constitution of Zimbabwe states that citizens who have reached the age of 18 years may vote in local and national elections. However, the Electoral Act states that only Zimbabwean citizens who are on diplomatic missions, civil servants and members of the armed forces on external missions may vote from abroad. This legal requirement effectively disenfranchises millions of Zimbabwean citizens who live and work in other countries. Why the current Zimbabwean authorities do not allow or enable their citizens to vote from abroad in Zimbabwe's national elections is contentious, especially ahead of the 2023 general elections. This article uses the desktop approach to argue that the right to vote in one's country of origin by citizens working and living abroad is a barometer of a nation's deepening democratic practices, of which elections are a lynchpin. This study hopes to contribute to international human rights law. A study of voting from abroad contributes to discussions regarding the evolving and multifaceted relationship between sending states and their diaspora communities.*

**Keywords:** Zimbabwean citizens, diaspora, voting, Constitution of Zimbabwe, disenfranchising, national elections

## INTRODUCTION

There are increasing debates in international law regarding 'elections and voting in democratic versus authoritarian regimes' (Brand 2010, p. 81). On one hand, citizenship ought to entitle one to vote in the national elections of one's country of origin from anywhere, including abroad. On the other hand, some governments believe that citizens who are not 'directly subject to the implications of their vote should not have the right to participate in determining the composition of representative organs whose decisions are not binding on them' (Nohlen & Grozt 2000, p. 1136). Despite the above contrasting perspectives on external voting,

many countries hosting citizens of other countries increasingly consider allowing external voting as the norm (Lacy 2007). According to Baubouk (2005), voting rights are traditionally regarded as the core of democratic citizenship. This view is based on tested assumptions in some parts of Africa where external voting by citizens of one country in the elections of another country cannot be viewed as neutral political space.

In those African states where authoritarian politicians seek to stay in power at all costs, constitutions have been manipulated through restrictive electoral processes and the open rigging of elections (Tungwarara 2013), as well as by the use of 'illegitimate and excessive violence aimed at terrorising people and forcing actual and potential protesters into submission' (Mavungu 2013, p. 25). Undermining the right of citizens in the diaspora to cast their votes attempts to subvert the 'right to vote [which] is a basic pre-condition for preserving other fundamental civil, social and political rights' (Maseko 2010, p. 243). Voting rights distinguish whether people are considered citizens or subjects and refugees (Mamdani 2018). Discriminating between citizens who can vote and those who are denied the right to vote is one of the repressive methods used by authoritarian states to define who belongs to the nation and those marked as being outside the definition of citizenship. Those citizens whose rights to vote from abroad are suppressed through legislation may not participate in the politics of the nation state.

In the theory of bounded citizenship, communal and individual citizen rights are linked to a state that 'exerts power over a geophysical territory and grants the individual the capacity to act' (Bankowski & Christodoulidis 1999, p. 84). This restrictive definition of citizenship curtails and undermines the voting rights of those citizens of one country who are living and working in other countries. Convergence of contemporary legal thought suggests that residence in another country is not a sufficient factor to bar citizens from political participation and voting in the national elections of their countries of origins (Baubouk 2005, p. 683). Since the 1970s, emigrants from Africa had different reasons for moving; these included both pull and push factors such as escaping political persecution and searching for greener pastures. Others were economic refugees, where the notion of transnational identities and citizenship was deliberately promoted by host countries in search of skilled workers. Still others chose to settle in countries of their preference as permanent residents while retaining their citizenship in their countries of origin. These people continued to have powerful cultural links with their countries of origin and often tried to influence political processes in democratising their native countries.

Thus, the voting rights of citizens of one country exercised in host countries are linked with migration; both emigration and immigration expose the people of the diaspora to new experiences that they might take back to their countries of



origin (Lupoli 2007). Diasporans who remitted money to their countries of origin feel that they need to be accorded the right to vote by their countries of origin. Citizens working abroad pay tax through remitted funds and this is a critical reason why such citizens should be entitled to vote from abroad. Bankowski and Christodoulidis (1999) argue that the idea of 'citizen unbound' means that the membership of individual citizens in a state should emphasise voting rights and equal treatment, as well as governance performance which takes into account citizens' preferences. The real meaning of being a citizen in relationship to voting rights would consist of the capacity and power of citizens to retrieve their voting rights and ensure equal treatment, as well as influence effective decision-making in the polis, from any country of residency. The idea of national identities acquired beyond the borders of one's country of origin shifts perceptions of what constitutes citizenship. It also re-defines the parameters of how and from which geographical territories one should be enabled by legal institutions, and allowed by the laws of the land to vote in national elections. In the theory of expanded citizenship (Baubouk 2005) citizens could be resident abroad and yet continue to contribute politically in their countries of origin.

### *Diaspora Voting Rights in the EU*

The debates over granting voting rights to non-resident citizens within the EU may be traced to the Maastricht Treaty of 1992. The impetus that informed this treaty arose out of the European Commission report of 1986, which asserted that 'in order for the right to vote to be truly universal, it must be extended to all residents of the territory irrespective of nationality' (Maseko 2010, p. 243). Article 4 of the directive that emerged from the Maastricht Treaty clarified that:

... in order to vote, nationals of the member state of residence must have spent a certain minimum period as a resident in the territory of that state, the non-national EU citizen is deemed to have fulfilled that condition of residence by residing in any other member states for an equal period of time.

Non-resident citizen rights to vote are further emphasised in the 2000 Report of the Committee on Migration, Refugees and Demography on Participation of Immigrants and Foreign Residents in Political life in the Council of Europe Member States, as reiterated in article 34 of the Lisbon Treaty. Furthermore, the rights of non-residents to vote in host countries is also entrenched in the Charter of Fundamental Rights of the European Union (Maseko 2010). Current and positive global trends by countries that have decided to enable their citizens to vote from

abroad is largely a norm in the EU where firm and robust legal and institutional frameworks allow it, and most of their member states have decided to abide the rules of this new normal.

### *Diaspora Voting Rights in Canada*

In Canada, the voting rights of non-citizens wishing to vote in their country of residence is justified in the *Frank v Canada* case. On 11 January 2019, a majority of the Supreme Court Judges of Canada ruled that certain provisions in Canada's electoral law which denied federal voting rights to Canadian citizens who resided outside of Canada for more than five consecutive years, were unconstitutional (McGrade, Cassels & Graydon 2019, pp. 1–3). It was concluded that

[in a] globalised world many Canadians living abroad have deep political, familial, financial or cultural roots in Canada...and that many laws have extraterritorial application and confer both benefits and burdens on non-resident citizens, including laws with respect to taxation, criminal law, foreign anti-corruption measures, government benefits and citizenship.

### *Diaspora Voting Rights in Africa*

In contrast, many African states have tended to use the idea of bounded citizenship when determining whether or not to extend voting rights to their citizens working in other countries. Different socio-economic, political and security factors motivate people to move out of their countries of origin and settle in other countries. A major reason for migration in Africa is that nationalist movements fought colonialism using the language of one man, one vote. In addition, after independence it became clear that some nationalist leaders were not interested in upholding the rule of law regarding the people's rights. Coups and countercoups in West Africa, political instability in the Democratic Republic of the Congo (DRC), and the threat of starvation in some countries within the Southern African Development Community (SADC) in the post-independence period, continue to force many people from these regions to move to more economically stable countries.

Fortunately, the African Union (AU), which replaced the OAU in 2000, reaffirms the need to promote and protect people's rights in accordance with the African Charter on Human and People's Rights and other relevant human rights instruments (Constitutive Act of the AU 2000 Article 4d). The African Charter on Democracy and Elections (2007 articles 3(7)) supports 'effective participation of citizens in democratic and development and in governance of public affairs'.

Article 23(4) and (5) contemplates sanctions on 'any refusal by an incumbent government to relinquish power to a winning party or candidate after free, fair elections, regular elections or any amendment, or revision of the constitution or legal instruments which is an infringement on the principle of democratic change of government'.

The main hurdle to diaspora voting is that the AU regulations on the right of African migrants to vote from abroad are interpreted differently by different African countries. Individual African nations are expected to enforce the actual process that will enable citizens working abroad to vote in national elections. However, the motivation by individual African countries to implement voting by Africans in the diaspora will depend on various factors. These include the political will of the ruling elites and the availability of a 'friendly' legal and institutional framework that simplifies the process and legal requirements to vote from abroad.

Implementation of the diaspora right to vote from abroad in the national elections of their native countries is unevenly applied across African countries. Botswana, Mozambique, Senegal, and South Africa allowed and then implemented diaspora voting for presidential elections in 1997, 1993 and 1994 respectively (*The International IDEA Handbook: Voting from Abroad* 2007, pp. 233–245). Emerging democracies in Africa deliberately put in place legislation that enabled their citizens to vote from where they were living and working. Kenya, for example, allowed the registration of eligible diaspora voters to cast their votes in the Kenyan presidential elections of 26 October 2017. However, this was initially limited to only those Kenyan citizens in some East African countries (Burundi, Rwanda, Tanzania and Uganda) and South Africa (Akwei 2017). While this important development is a step in the right direction of enhancing electoral reform and as such is likely to deepen democracy in Kenya, that country needs to extend its electoral reform to enable more Kenyan citizens to vote from abroad.

Lesotho, Uganda and Zimbabwe have not yet allowed their increasing numbers of citizens in the diaspora to exercise their right to vote from abroad. The ability to vote from abroad by citizens in Lesotho, Uganda and Zimbabwe is currently confined to state officials at foreign embassies. This lacuna in the experiences of African citizens to vote from the host countries where they live and work, means that some African countries have yet to recognise its citizens with full voting rights that authorities should respect. For the majority of the citizens in these countries the ability to vote in presidential elections is determined by whether or not the citizens have satisfied certain legal requirements as stipulated in the electoral laws of these countries. Many of these legal requirements appear calculated to discourage and disallow citizens in the diaspora to vote in national elections in their native countries.

The legal requirements that might enable African diaspora populations to vote from abroad tend to be restrictive for African migrants who have become

permanent residents in their host countries. The restrictions arise from the constraints imposed on migrants because of the time spent travelling back to their country of origin to vote. Most Africans in the diaspora perform menial jobs that do not enable them to save enough money to return home to vote. Perhaps, and most importantly, it is difficult to satisfy the legal provisions that determine eligibility to vote as being based on several years of proven continuous domicile at a recognisable single address in their native countries. Even if this legal requirement could be satisfied, most African migrants in foreign lands are likely to retain their work rather than opt to take leave in order to vote back home. Of the many African migrants in the diaspora, very few are prepared to risk losing their jobs in host countries where competition for jobs is intense. Taking all these factors into account, it is likely that many African migrants who are resident in other countries lose their right to vote in the general elections in their countries of origin. As a result, African migrants are denied the right to participate meaningfully in the political processes that might lead to the re-shaping of better futures for their countries of origin.

### *Diaspora Voting Rights in SADC countries*

As mentioned above, South Africa and Botswana provide examples of SADC member states that do allow their citizens working in other territories to vote in national elections. In South Africa, for instance, the rationale for allowing citizens who are resident in other member states to vote in national elections was established in the *Richter v Minister for Home Affairs and Others* case in 2009. The court identified the link between economic integration, voting rights and the need to create a shareable political culture as inseparable. In addition, non-resident South African citizens were viewed as possessing valuable experiences that they could use through the exercise of their voting right in ways that could reshape South Africa in positive directions that would deepen the country's democratic agenda. In *Richter v Minister for Home Affairs and Others*, the court observed that:

... we now live in a global economy which provides opportunities to South African citizens and citizens from other countries to study and work in countries other than their own. The experience that they gain will enrich our society when they return, and will no doubt enrich, too, a sense of a shared global citizens... to an extent that citizens engaged in such pursuit want to take the trouble to participate in elections while abroad, it is an expression both of their continued commitment to our country and civic mindedness from which our democracy will benefit.

(Maseko 2010, p. 247)

This view promotes active participation in the national elections of the country by South African citizens who are resident abroad. Self-rule recognises that sovereignty is shared and that transnational identities forge new forms of citizenships. This means that community citizenship should be viewed as one that contests its own political space in order to question the idea of fixing citizenship within the territorial boundary of a single country. To reiterate, allowing citizens who are resident abroad to vote in national elections of their countries of origin is a form of acknowledging that sovereignty is shared between member states.

This acknowledgement in some countries within the SADC underlines the significance of transitional justice in the context of deepening democratic and electoral processes. These forms of good practice in regional governance also strengthen the countries' human rights-oriented institutions in the countries where this is practised. In other words, some SADC countries such as South Africa and Botswana that have implemented legal and institutional frameworks to allow their citizens to vote from abroad, are better placed to establish supranational institutions that can play the vital role of oversight to ensure that human and people's rights to vote are recognised and respected.

## ZIMBABWE

The disturbing questions that engage the balance of this study are: Firstly, why has Zimbabwe not embraced transparent electoral practices to allow all the country's citizens working and living abroad to vote when this is increasingly becoming a norm in SADC? Secondly, what challenges does Zimbabwe face which deny her diasporic citizens, such as refugees and economic migrants, the right to vote from abroad? These questions are important and should be posed not only because Zimbabwe is scheduled to have another general election in 2023; citizen participation in the affairs of their country of origin is a critical barometer of deepening democratic practices. In the context of the development of international human rights law, it does not seem reasonable to exclude expatriate citizens and refugees from voting from abroad because many of these social groups might be 'keen to return in the future and their chances of doing so may be heavily on political changes in their countries of origin' (Mandal 2003, p. 4).

The issue is not the right to vote when one returns home, which Zimbabwe allows, but the right to cast a vote from abroad. In discussing these questions this study uses an interdisciplinary theoretical approach ranging from the legal and institutional framework and the power of ideological interests to the political perspectives of those in authority. The objective is to understand why Zimbabwean politicians would want to remain in power at the expense of democratic institutions that should open up elections to all citizens (Moyo 2013;

Mavungu 2013). According to Chigara (2018) some conservative scholars would prefer those questions not to be posed. However, other more progressive scholars welcome the questions because Zimbabwe's commitment to democracy, free and fair elections and good governance is complicated by the military coup of 17 November 2017 that effected an unconstitutional change of an elected government. What is already known openly by many Zimbabweans, both local citizens and those abroad, is that on 17 November 2017 the incumbent president of Zimbabwe, Mr Emmerson Mnangagwa, was propelled to power through a military coup (Asuelime 2018; Zimbabwe Human Rights Report 2018). After the controversial elections of 30 July 2018, the same military protecting the incumbent president shot and killed some of the demonstrators protesting against the failure of the Zimbabwe Election Commission (ZEC) to announce the election results of their preferred candidates (Goredema 2019). Neither SADC nor the AU spoke out against the Zimbabwe coup (Chigara 2018; Saurombe 2019).

### *Diaspora Voting Rights in Zimbabwe*

In its founding values, the Constitution of Zimbabwe Amendment (No 20) ACT 2013. s3, Founding Values and Principles, subsection 2(a-c)) states that the electoral system is based on universal adult suffrage and equality of votes; free fair and regular elections; and adequate representation of the electorate. However, there is a selective interpretation of the Constitution on who fits the definition of a Zimbabwean citizen. This is so because '...the current Zimbabwean laws permit external voting for Zimbabweans through postal voting. However, that right is limited to citizens that are outside the country while in the service of the state such as diplomats, civil servants and members of the armed forces' (Moyo 2013, p. 6).

The link between which types of citizens can exercise their right to vote, where, and how, is clarified in the Zimbabwe Electoral Act 2 p. 13. Part V of the ACT S (23) requires that citizens must satisfy the residence qualification, which means that the aspirant voter must have lived in Zimbabwe at that location or address for not less than twelve months. Zimbabwean citizens in the diaspora who can vote from abroad are restricted to those in the diplomatic corps, or government officials on official duties outside the Zimbabwean territory. This restriction effectively denies Zimbabwean citizens working abroad the right to vote. Zimbabwe has more than three million people in different southern African countries, and nearly a million of its citizens in the UK, North America and other countries outside Africa (Mandal 2003). This means that millions of Zimbabwean citizens in the diaspora may not vote in Zimbabwe's national elections.

Section (23) of the Electoral Act suggests that even for citizens resident in Zimbabwe the right to vote is not absolute but conditional. Zimbabwean citizens domiciled in the country qualify to vote 'Subject to this Constitution'.

Moyo (2013, p. 4) points out that this phrase suggests that citizens' rights to vote are limited, and further identifies a contradiction introduced by this legal proviso when he argues that:

When one considers that the right to vote was at the core of the struggle for independence, and adult suffrage is such a universally recognised right, one would expect it to be one of the most absolute rights from which there should be no derogation whatsoever.

The struggle for political freedom that was a major aspiration of nationalist movements did not contemplate all the complexities implied by the term citizen. This is the reason why questions of social identity based on class, racial, gender and age differences often play themselves out openly and violently during and after independence (Krieger 1995). The definition of citizen was underplayed during the armed struggle in favour of an imagined collective national identity. However, as Chimedza (2008) argues, after 1980 citizenship became a contested issue and a more visible site of struggle. In contrast, *Constituteproject.org* (2021), a pro-Zanu-PF organisation, believes that an argument can be made that the silence in the Constitution on the critical matter of voting by a critical mass of Zimbabwean citizens does not *in and by itself* undermine voting rights of the people in the diaspora. It is politicians who give life to a piece of legislation through amendments. It thus appears that the possibility of transnational citizenship continues to be subverted by Zimbabwean authorities who seem to insist on bounded citizenship as the main qualification for participation in the political affairs of the country.

### *Restrictions on Diaspora Voting Rights in Zimbabwe*

From a legal point of view, it might be argued that the reasons for denying Zimbabweans in the diaspora the right to vote are found in the judgement of the *Shumba and Others Vs the Ministry of Justice, Legal and Parliamentary Affairs and Others* (2018). However, there may be other important reasons why non-resident citizens of Zimbabwe are denied their right to vote from the adopted countries where they now work and live. Odok (2019) has argued that although Zimbabwe's independence was gained after a protracted armed struggle in which the elites and the masses had different roles, the armed struggle itself was shaped by authoritarian and totalitarian tendencies. Zimbabwean leaders from Zanla and Zipla, the two armed wings of the struggle, were trained politically in China and the former Soviet Union, neither of which could be described as democratic societies. Odok argues that the repressive tendencies learnt from these countries

infiltrated the political ideologies of Zimbabwe's leaders who view Zimbabwean citizens abroad as sell-outs and not citizens.

Estimates of the number of Zimbabweans living in the diaspora vary widely, but it is probably between two and four million. This means that any of the political parties in Zimbabwe could benefit from Zimbabwe's diasporan vote. However, most politicians from Zanu-PF view Zimbabwean citizens in the diaspora as '...[an] unpatriotic, angry and less engaged group' (Murithi & Mawadza 2011, p. 4). When citizens abroad are labelled unpatriotic, it is unlikely that Zanu-PF's political matadors will enable these citizens abroad to vote in the country's national elections due in 2023 (DFAT Country Information Report Zimbabwe 2019). Zimbabwe's citizens in diaspora are further described as an angry social group by their own leaders in Zimbabwe, which might mean they fear that these citizens might become 'irrational' and vote for the opposition political parties. This assumption homogenises the political affiliations of Zimbabwean citizens in the diaspora.

Zimbabweans in the diaspora have multiple affiliations to Zimbabwe, and their personal views of their status as citizens of Zimbabwe are enhanced and not diminished by working and living in other countries (Nyamnjoh 2007). Citizens in the diaspora are a 'heterogeneous social groups [with] differentiated diasporan identities, connections claims, like those of many other groups, [that] are often fluid and contested changing over time and space' (Muzondidya 2011, p. 113). This perspective offers a reason for Zimbabwean authorities not to extend voting rights to those Zimbabweans living abroad. In addition, the economic role of Zimbabweans in the diaspora in keeping Zimbabwe's economy afloat during the near-total collapse since 2000 continue to be minimised by Zanu-PF leaders to create the false impression that the diaspora vote is inconsequential to running Zimbabwe (Mandela Institute for Development Studies 2018; African Commission on Human Rights 2015, p. 29). For example, demeaning public statements by government officials in Zimbabwe describe the work performed by Zimbabweans in the diaspora as that of 'British bottom cleaners' (Madziva, McGrath & Thondhlana 2013, p. 1).

Zimbabwean leaders have also used extra-legalistic means to deny universal suffrage to the majority of Zimbabweans in the diaspora. According to Hlatshwayo and Mangongera (2020, p. 7), after the military coup of 2017 social movements for justice were terrorised by the security sector as President Mnangagwa 'retained the systems that Mugabe sustained, namely a captured judiciary, biased state media, draconian laws, repression and ... a partisan security sector'. After 2017, a military-led government showed little political will to offer Zimbabweans in the diaspora the opportunity to exercise their right to vote from abroad. External voting is still limited to the government's functionaries who are resident in other countries (Constitution of Zimbabwe 2013). In a meeting with the Zimbabwean



community in Namibia, President Emmerson Mnangagwa defended his administration's refusal to accord Zimbabwean citizens in the diaspora their right to vote from that country. He argued that Zimbabwe had insufficient funds, and also lacked adequate human and material logistics and capacity to enable diaspora voting in 2018 (*AmsterdamNews* 2018). Moyo (2013, p. 3) adds that:

The question of diaspora voting is usually presented as a matter of principle, based on the universality of the right to vote. In reality, however, the practice of such a right is enabled by legislation and procedures put in place by politicians. Politicians, by definition, are partisan individuals whose first interests are for the party they represent. The fact that such a right has to be made possible by politicians who will first consider the impact of such a law on the future of the party leads to legislators, more often than not, disabling that right for the diaspora. Such disablement is premised on the untested belief that the diaspora will mostly vote for the opposition parties (in cases where the ruling party is the reason why such people are in the diaspora).

This view suggests that Zanu-PF politicians calculated that giving the diaspora the right to vote might undermine their rule, a view shared by Bertelsmann Stiftung (2018, p. 36) which argues that 'Zanu-PF's rhetorical support for democracy is put into practice only as long as its hold on power is not endangered by elections'.

### *Why the Zimbabwean Diaspora Lacks Robust Cohesion*

In identifying different categories of Zimbabwe's diaspora that lack a common shared perspective on the issue of their voting rights, Kuhlmann (2010, p.12) observes that:

Even though the main and most visible activism is human rights and opposition activism, diaspora politics include various different voices and there are also political activists with different political agendas such as anti-opposition and government supporters, tribal secessionist activism and an ominous 'Rhodesian lobby' which, however, do not operate as much in the public sphere as the human rights and political opposition activist do.

His study shows that the Zimbabwe Vigil and Free Zimbabwe Youth engage in street demonstrations. This is opposed to 'Epistemic members such as

*NewZimbabwe.com* and *ChangeZimbabwe.com*' (ibid.) who debate the economic future of Zimbabwe using online platforms. Furthermore, Kuhlmann also discusses what he calls the 'dormant members' (ibid.) of the Zimbabwe diaspora, whom he says are inactive as they fear the long reach of Zimbabwe's dreaded secret services. Amongst Zimbabwe citizens in diaspora there is also the fear of unpredictable behaviour by host countries who can report Zimbabwe citizens' activities to Zimbabwe, and even deport them back to Zimbabwe. Some members of the Zimbabwe diaspora may not wish to be identified as Zimbabwean, although they have taken new identities such as Zimbabwe-South Africans (Kuhlmann 2010, p. 13).

As Pasura (2008) has also noted, these views suggest that the Zimbabwe diaspora community is a dynamic but also a fragmented community. The critic suggests that not all the different social groups of the Zimbabwean diaspora appear to think that the struggle for the right to vote is central to their lives. This means that the repressive politics within the territory of Zimbabwe (Makumbe 2009) and 'variable patterns of constraints, and controls of opportunities' (Esman 1992, p. 3) by host countries appear to conspire against a solid organisation of the Zimbabwean diaspora to speak with a single voice. These arguments acknowledge the ambiguities and social differentiations within the diaspora social group. The Zimbabwe government has tended to take advantage of this social fragmentation to enable its state officials not to feel obligated to include a provision in the Constitution that accords the right to vote for Zimbabwe's diaspora. Other scholars point to the weak structures of civil society in Zimbabwe as contributing to the lacklustre attitude towards according the Zimbabwe diaspora the right to vote from abroad (Vambe 2019).

### *Why Opposition Political Parties Appear Reluctant to Promote Diaspora Voting from Abroad*

Opposition political parties in Zimbabwe could be expected to canvass for political votes that might be cast in their favour by Zimbabwean citizens working abroad. This expectation is grounded on the popular assumption that Zimbabwean citizens in the diaspora were forced out of Zimbabwe overtly or covertly by the failures of Zanu-PF's economic policies, and the outright political persecution of some dissenting voices (Chari 2017, p. 84). However, in 2009 Tendai Biti (then a senior member of the MDC-T) and finance minister under the Government of National Unity (GNU) between Zanu-PF and MDC-T, blocked the diaspora vote by proposing that Zimbabwean citizens in the diaspora would have to pay taxes to the Zimbabwean government in return for the right to vote from their adopted countries of residence (Oliver 2009). Zimbabwean citizens in the diaspora felt that this was an uncharitable demand. According to Ryhove (2013, p. 4), 'rights

do not cease to be rights simply because they have not yet been confirmed by legal processes'. The Zimbabweans in the diaspora argued that the right to vote is a fundamental right that ought not to be exchanged for political expediency.

Between the years 2000 and 2013, Zimbabwean citizens in the diaspora were already burdened by remittances they sent to their families. They were largely responsible for enabling Zimbabwe to remain financially afloat in a global environment where foreign direct investment had dried up due to the West's response to Zimbabwe's chaotic land reform. However, as Tungwarara observed (2007, p. 57), 'despite increasing demands, the government maintains that it has no obligation to introduce external voting arrangements to allow the growing numbers of Zimbabweans living outside to the country to vote'. Therefore, Biti's proposal for the Zimbabwean citizens in the diaspora to accept the condition to pay or remit tax to Zimbabwe in exchange for voting in the country's national elections in the diaspora was not welcomed by Zanu-PF, MDC-T and some Zimbabweans abroad. Ryhove (2013, p. 4) comments that for Zimbabweans in diaspora:

[although]...the diaspora does not directly pay tax to the state, remittances sent to relatives at home (which get taxed through value-added tax when these relatives purchase commodities) still contribute massively to the economies of such countries. Remittances are indeed a major source of foreign exchange.

Dumaphi Mema, president of the US-based Association of Zimbabweans Based Abroad (AZBA) argues that Zimbabwean citizens should not pay their government in order to vote. Mr Kimenyi, another Zimbabwean citizen resident in Washington, USA argued that enabling Zimbabwean citizens in the diaspora to vote from their adopted countries would 'work against Mugabe and he would see it as direct opposition' (ibid.).

Since 2018 when the MDC Alliance was defeated by Zanu-PF, opposition political parties have fragmented into smaller inconsequential splinter parties, unable to speak with one voice on the matter of the diaspora vote ahead of the 2023 general elections. This political development in Zimbabwe appears to go against normative thinking which is that smaller parties are likely to mobilise around each other in order to defeat a political party deemed hegemonic. Braun and Gratschew et al. (2007, p. 8), argue in this direction when they point out that:

It is also the case that international migrants are a potentially important political force whose votes can in many cases significantly affect

election results. Political parties, sitting governments and oppositions are therefore likely to have different views on participation in the elections. If large groups of citizens have left the country for political reasons, it can be assumed that the ruling party will not favour extending voting rights to these groups.

When Romanian President Traian Basescu was re-elected in 2009, he garnered a higher share of diasporic votes after promising more democratic reforms, concrete economic freedom, and less corruption (Burean 2011). This is in stark contrast to Zanu-PF's track record that shows electoral fraud, voter harassment and shooting of people who protest against election rigging. The Bertelsmann Stiftung country report on Zimbabwe (2018, p. 38) claims that Zanu-PF's habit of orchestrating electoral violence among political opponents shows that the 'Zimbabwean government is not efficient in the use of human, financial and organisational resources'. In contrast, Reilly (1989) views political inefficiency as willed by dominant elites who use it as a new model of misgovernance to entrench their politico-economic interests. The gravity of this view is that as things now stand, Zimbabwean citizens living abroad appear not to be a priority for either Zanu-PF or MDC-T and its allies.

## DISCUSSION AND ANALYSIS

### *Implications of Denying Voting Rights to Zimbabwean Citizens in the Diaspora*

The legal framework of the Zimbabwe Constitution 'contains several gaps' (ZESN 2018, p. 6). The main gap that negatively impacts the possibility of participation in the political life of the country by Zimbabweans in the diaspora, is the apparent silence of Zimbabwe's Constitution on the provision that might have enabled and then encouraged the diaspora to vote from abroad. Other critical gaps in the Zimbabwe Constitution are those requirements that limit local citizens to vote only in the constituency in which they are registered. A requirement in the Constitution that people have to vote from their registered constituencies undermines the voting process through apathy. Many Zimbabweans are reeling under economic hardships and COVID-19 intensifies this suffering (Gumbu 2020). This means that local citizens who have moved from the constituencies where they were registered would not be able to vote in the new constituencies where they had settled. Voter absenteeism benefits the establishment because public officials from the ruling party can use the state machinery to monitor and limit polling stations in those areas where opposition parties might do well.

Regional and international organisations such as SADC and the African Union promote granting voting rights to African citizens but without distinguishing between local citizens and those working and living abroad (Sarkin 2009). The African Union's rhetoric on its responsibility to protect Africans from injustice and electoral violence is on paper (Yihdego 2011). In addition, AU member states have the power to enforce municipal authority within their territorial borders, and this enables Zimbabwe to delay the voting process and disenfranchise her citizens in the diaspora. Zimbabwean citizens working abroad remit finances to their families and also use their money to invest in the country. Today, most Zimbabwean families depend on remittances from sons, daughters, husbands and wives to sustain their livelihoods. The refusal by the Zimbabwean authorities to grant this category of Zimbabwean citizens abroad the right to exercise their right to vote from their adopted countries is intended to slow down the wheels of democratic and electoral reform in the country. This benefits elites but undermines the potential economic growth that Zimbabwe might register, had these citizens been assured of retaining their political rights in the country. An argument can be made to the effect that had Zanu-PF authorities in Harare openly assured Zimbabwean citizens abroad that their economic interests in Zimbabwe would be politically and legally protected and promoted through exercising their right to vote in national elections, Zimbabwe could benefit economically, culturally, technically and politically. This assumption was tested during the GNU of Mugabe and Tsvangirai.

Maseko's (2010) study shows that transnational identities emerge from the constant trafficking of cultural resources experienced elsewhere, and that these can be grafted onto the political cultures of the country of origin. Such cultural resources often have a dynamising effect that can change or promote the spirit of adopting or developing new electoral reforms in places where electoral provisions lag behind human experiences. As has been observed in the court judgment in *Richter V Minister for Home Affairs in South Africa*, the significance of the cultural benefits of allowing non-resident citizens to vote in national elections derive from the fact that:

we now live in a global economy which provides opportunities to South African citizens and citizens from other countries to study and work in countries other than their own. The experience that they gain will enrich our society when they return, and will no doubt enrich, too, a sense of a shared global citizens...to an extent that citizens engaged in such pursuit want to take the trouble to participate in elections while abroad, it is an expression both of their continued commitment to our country and civic mindedness from which our democracy will benefit.

(Maseko 2010, p. 247)

It is evident from the discussion above that the refusal to grant Zimbabwean citizens the right to vote tends to undermine the image of SADC as a dynamic regional block with the potential to promote the rule of law and deepen democratic practices. These include the participation of the region's citizens to vote and shape their destinies from abroad or locally. Nyawo (2019, p. 411) referring to the *Country Reports on Human Rights Practices of 2017*, observed that in the aftermath of the 2018 elections:

[the] most significant human rights issues included government-targeted abductions, arrest, torture, abuse and harassment, harsh prison conditions, executive political influence on and interference in the judiciary, restrictions on freedoms of expression, press, assembly, association, and movement and government corruption.

The picture of post-election violence painted above transmits a foreboding sense that if steps are not taken to reform Zimbabwe's electoral law, both local citizens and Zimbabweans working and living abroad will be deprived of their voice to participate positively in the culture of democracy in Zimbabwe in the forthcoming 2023 elections. If the Zimbabwean authorities can kill local voters, as happened on 1 August 2018, what will become of Zimbabwean citizens living and working abroad who want to voice their concerns through a peaceful vote? In raising these difficult questions ahead of the 2023 general elections, this current study contributes to widespread concern, for Zimbabwe currently has a military-led government (Asuelime 2018). In other words, Zimbabweans now need to put the issue of the voting rights of Zimbabweans in the diaspora at the centre of the country's debate. Recent scholarship acknowledges the fact that citizen identities have become transnational, which means that citizens of one country who are working and living in another country should be able to cast their votes from their host countries. This current study is an unapologetic contribution towards that debate ahead of the 2023 national elections in Zimbabwe.

## RECOMMENDATIONS

Local citizens, Zimbabweans living abroad, civic organisations, and some democratic voices within Zanu-PF and opposition political parties, should foreground Zimbabwe's diaspora vote as the main agenda or talking point for the 2023 general elections. The study recommends that democratic forces both inside and outside the country should engage in serious dialogue with the Mnangagwa government on the inclusion of Zimbabwe's diaspora vote, as follows:

- There must be a solid coalition of people in the diaspora willing to struggle for the Zimbabwe diaspora vote to be realised.
- Democratic voices need to use the Political Actors Dialogue platform to debate with Zanu-PF the inclusion of the Zimbabwean diaspora vote.
- Zimbabweans in the diaspora need to undertake critical research on models of diaspora voting and how they are practiced regionally and internationally.
- The political opposition in Zimbabwe should make the Zimbabwe diaspora vote the talking point in anticipation of the 2023 general elections.
- SADC and the AU are well placed to promote voter education for Africans in the diaspora (Earnest 2004).
- Zimbabwe's legislation on electoral reforms must accord with those of progressive countries in the EU, US, Africa and the SADC region.

## CONCLUSION

The main aim of this study is to offer a critique of Zimbabwe's electoral laws. It demonstrates that the Zimbabwean Constitution confines external voting to diplomats, civil servants and the armed forces. Bounded citizenship is discriminatory and undermines the prospects of embracing expansive citizenship, and recent scholarship acknowledges the significance of transitional citizen identities. The discussion shows that in many EU and some African countries, citizens of one country who are resident and live in another country are enabled by legislation to vote in the national elections of their original countries. This is a progressive trend which is promoted on paper by the AU and SADC. Senegal, South Africa and Botswana represent progressive legal and institutional frameworks that allow citizens working abroad to vote in their country of origin. However, Lesotho, Uganda and Zimbabwe are among the African countries which have regressive/restrictive electoral laws with a negative impact on their citizens abroad.

This current study sought to question why Zimbabwe has not followed other progressive SADC states in enabling Zimbabwean citizens working and living abroad to vote in the country's elections in 2018. This is a serious question because Zimbabwe lags behind in reforming its electoral laws, especially those that might enable diaspora voting. The Constitution of Zimbabwe emphasises bounded citizenship in which voting rights are granted only to citizens domiciled in the territory. Even on this point, the Constitution of Zimbabwe allows citizens in the territory the right to vote 'subject to this constitution'. The requirement of

residence, of identity cards and of addresses where citizens in the territory live suggests that the exercise of the right to vote is limited.

More than 3 million Zimbabwean citizens living and working abroad would like to vote in the country's elections but are not yet able to do so. The main reason why they are denied the right to vote is in the 2018 judgement of *Shumba and Others Vs the Ministry of Justice, Legal and Parliamentary Affairs and Others*. This study seeks to contribute to the growing scholarship on citizen rights and voting rights by identifying the gaps in Zimbabwe's Constitution. The study argues that there are demonstrable facts suggesting that both ideological and political expediency are used by Zimbabwean authorities to deny her citizens the right to vote from abroad. Politicians belonging to dominant political parties are motivated by the desire to remain in power, and it is not beyond the bounds of possibility that these politicians might amend the constitution to safeguard their own political interests.

The study offered tentative recommendations, some realistic and others controversial. For example, if it is true that President Mnangagwa took a bold step in promulgating Statutory Instrument 62 of 2020 to negotiate with former white settlers on the land issue, this study remains optimistic that if approached in a different way, he might amend the Constitution to enable Zimbabwean diaspora voting. He is said to have pointed out that in principle he agrees with idea of allowing Zimbabwean citizens to vote from abroad (Mumbere 2018). For as long as Zimbabwean 'citizens in the diaspora still continue to engage in the socio-economic well-being of their country, they should enjoy all rights owed to the country's citizens' (Ryhove 2013, p. 4). Looking forward to the 2023 general elections, political representatives of the Zimbabwean diaspora should make this the core election issue and point of mobilisation.

Voting from abroad introduces the concept of flexible citizenship, which recognises the different levels at which the right to vote shall be exercised, 'from the most global to the most local or autochthonous, from the ethnic to the most civic, from the individual to the collective' (Ryhove, p. 9). This study claims that this is the time to debate the scope, content and legal implications of expanding democratic spaces for Zimbabwe's diaspora to vote freely.

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# SOCIAL MEDIA PENETRATION, PARTY POLITICS AND ELECTIONS IN TANZANIA

## *Emerging Practices and Challenges*

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### ABSTRACT

*Tanzania has witnessed an increased use of social media in political party campaigning over the last decade. Use of social media was nonetheless curtailed by a changing techno-political framework regulated by acts relating to cybersecurity and statistics. This study was guided by two hypotheses: firstly, that despite restrictive cybersecurity laws, social media in recent years has been effectively institutionalised as a new civic cyberspace for political party campaigns during elections. Secondly, increasing use of social media in elections has had a transformative effect on the way party structure was organised to conduct political mobilisation, promote party ideology and both inter- and intra-party interaction, and for fundraising. The study interviewed party members and leaders from five political parties which participated in the 2015 and 2020 general elections and concluded that social media had a transformative effect on core political party campaign activities.*

**Keywords:** social media, political parties, election campaigns, cybersecurity laws

### INTRODUCTION

Mobile phone technology use such as Mobile Money Services (MMS) transactions now account for nearly US\$ 1.6 billion in Tanzania, representing 2% of Gross Domestic Product (GDP), according to Global Systems Mobile Association (GMSA 2014), Tanzania Communication Regulation Authority (TCRA 2017) and the International Telecommunications Union (ITU 2016). According to the ITU (2016) and Cross (2016), 87% of urban residents in Tanzania report using a mobile phone every day. In addition, 34% now have access to the internet. TCRA (2017) reports that there were 40 044 186 subscribers to mobile phone networks in 2016.

An increase in the number of subscribers was driven by prepaid bundles offered by service providers which made data more affordable, and sometimes included free access to social media platforms for subscribers (Guermazzi 2016).

Political parties and party activities contributed to Tanzania's leapfrogging into the digital age. Both the ruling party and the opposition made widespread use of social media (especially WhatsApp, Facebook, Twitter and Instagram) as well as websites for political mobilisation, promoting party ideology, promoting both inter-party and intra-party interaction, and fundraising during election campaigns (Cross 2016).

### *Political Party Participation in Elections*

Tanzania re-introduced political pluralism in 1992 after it had been banned in 1965 for 27 years (Shaba 2007). The first multiparty election was held in 1995, three years after the ban on political parties was lifted. Ever since, the ruling CCM has retained both the presidency and majority in Parliament, although until September 2020 it witnessed a gradual decline in both presidential votes and its proportion of MPs.

All political parties in Tanzania are driven by pragmatic developmental ideals that aim at articulating the best approaches to promote human development (Stieglitz & Dang-Xuam 2012; Grimmer, Hersh, Feinstein & Carpenter 2011; Konrad-Adenauer-Stiftung 2011). A careful study of party election manifestos reveals that they contained few ideological differences (Shaba 2007; Ewald 2011).

The ruling CCM professes to be an African socialist party and follows a Fabian approach as opposed to one based on Marxist-Leninist principles. This position has been challenged even within the rank and file of CCM due to the liberal market approach of its economic policy. CHADEMA members on the other hand identify themselves as conservative social democrats. They embrace market liberalisation with a strict ethical code and consideration for issues such as social justice and human rights, and the same is true of the other main opposition parties. None oppose market liberalisation but the emphasis is on enforcing ethics, social justice and market reforms.

Tanzania's 2015 elections experienced the most competitive presidential election since the founding of multiparty elections. The opposition formed the UKAWA Coalition and fronted a single presidential candidate (Collord 2015).<sup>1</sup>

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1 UKAWA stands for Umoja wa Katiba ya Wananchi (roughly meaning Coalition for the People's Constitution - which comprises CHADEMA, CUF, NCCR and TADEA). CHADEMA is an acronym for Swahili words Chama cha Demokrasia and Maendeleo, meaning Party for Democracy and Development. CCM is an acronym of Swahili words Chama cha Mapinduzi meaning Revolutionary Party. ACT Wazalendo means Patriots. SAU is a Swahili acronym for Sauti ya Umma which means Peoples Voice.

The CCM presidential candidate won the elections with 58.46% followed by CHADEMA (UKAWA) which garnered 38.97%. None of the other candidates from smaller political parties attracted significant votes with the highest fetching 0.6% and lowest 0.05% (<http://www.nec.go.tz/>). After the 2015 election, 252 MPs were from CCM (68.8%) and the balance of 31.1% from opposition parties. Within the opposition, CHADEMA had 61.4%, CUF 36.8%, NCCR and ACT 0.87% each (NEC 2016; Collord 2020).

### *Social Media Restrictions in Political Party Activities*

The foregoing political developments did not take root without challenges. The legal environment surrounding social media use soured following the enactment of the Cybersecurity Act in February 2015, a few months before the 2015 general elections (Walker & Robinson 2020).<sup>2</sup> In practice, according to Cross (2016), Macha (2016), LHRC and ZLSC (2017), implementation of the Act had unintended consequences.<sup>3</sup> As a result, political party campaign activities were curtailed, including open discussion on alternative development policy options during elections (Macha 2016). According to CRS (2020) and Walker and Robinson (2020), dissemination of research activity through social media also became increasingly regulated under the Statistics Act (amended in 2015) which introduced the concept of and criminalised the publication of 'false official statistics', and 'distortion of facts', as well as questioning official government statistics as shown by Table 1 below.

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2 The Act was initially intended to curtail cybercrimes as defined in international law such as publishing child pornography, false information, racist and xenophobic material, excessive harassment through unsolicited messages, disclosure of details of an investigation, obstruction of investigation, and cyber bullying.

3 LHRC and TACCEO (2016) note that the positive side of the Cybersecurity Act helped to control defamatory statements, hate statements, immoral pictures, and fabricated news, which to a large extent controlled public unrest driven by social media use.

**Table 1: Key Offences and Restrictions under Cybersecurity, Statistics and Electronic and Postal Communications Acts**

<b>Cybersecurity Act No. 14 of 2015</b>	
Section 16: Publication of false information	Any person who publishes information or data presented in a picture, text, symbol or any other form in a computer system knowing that such information or data is false, deceptive, misleading or inaccurate, and with intent to defame, threaten, abuse, insult, or otherwise deceive or mislead the public or counselling commission of an offence, commits an offence, and shall on conviction be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than three years or to both
Section 20: Unsolicited messages	<p>(1) A person shall not, with intent to commit an offence under this Act -</p> <ul style="list-style-type: none"> <li>(a) initiate the transmission of unsolicited messages;</li> <li>(b) relay or retransmit unsolicited messages, or</li> <li>(c) falsify header information in unsolicited messages;</li> </ul> <p>(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than three million shillings or three times the value of undue advantage received, whichever is greater or to imprisonment for a term of not less than one year or to both</p>
<b>Statistical Act No. 9 of 2015</b>	
Section 5 and 6	<p>(5) An agency or person who publishes or communicates official statistical information which may result in the distortion of facts, commits an offence and shall be liable on conviction to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years or to both.</p> <p>(6) Any person who is authorized by the Bureau to process any official statistical information, shall before publishing or communicating such information to the public ensure that such person procures an authorisation from the Bureau.</p> <p>(7) For the purposes of this section, "communication media" includes radio station, television station, newspaper or magazine, website or any other</p>
<b>Electronic and Postal Communications Act No. 3 of 201</b>	
Section 118 Penalty for transmission of obscene communication	<p>Any person who-</p> <ul style="list-style-type: none"> <li>(a) by means of any network facilities, network services, applications services or content services, knowingly makes, creates, or solicits or initiates the transmission of any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person;</li> </ul>



<b>Electronic and Postal Communications Act No. 3 of 2010</b>	
Section 118 Penalty for transmission of obscene communication	<p>(b) initiates a communication using any applications services, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threatens or harass any person at any number or electronic address; (c) by means of any network services or applications service provides any obscene communication to any person; or</p> <p>permits any network services or application services under the person's control to be used for an activity described in section 117 (3), commits an offence and shall, on conviction, be liable to a fine not less than five million Tanzanian shillings or to imprisonment for a term not less than twelve months, or to both and shall also be liable to fine of seven hundred and fifty thousand Tanzanian shillings for every day during which the offence is continued after conviction</p>

There were numerous instances where the new laws contravened free speech online. In October 2015, Benedict Angelo Ngonyani, a 24-year-old student at the Dar es Salaam Institute of Technology, was charged with publishing information which was 'false or not verified by relevant authorities'.<sup>4</sup>

In November 2015, Leila Sinare and three others were charged under Section 16 of Tanzania's Cybersecurity Act for disseminating false, election-related information via WhatsApp. Public prosecutors alleged that the accused had published audio information on a WhatsApp group called the Soka Group, intended to mislead the public during the October 2015 general elections. Isaac Abakuki Emily and Bob Chacha Wangwe also were found guilty of similar charges. Emily was convicted in June 2016 by the Arusha Resident Magistrate's Court for insulting the president on his Facebook page, and sentenced to three years in jail or a TSh. 7 million (\$3 190) fine payable in two instalments (Kazeem 2016). On 17 November 2017 Bob Chacha Wangwe, a law graduate from the University of Dar es Salaam, was sentenced by the Kisutu Resident Magistrate's Court to a jail term of one year and six months or a fine of TSh 5 million (\$2 278) for publishing his views on political affairs in Zanzibar and the state of the Union through his Facebook account. In March 2019 the High Court quashed the judgement and Wangwe has not yet (at the time of writing) had his fine refunded. In January 2021 Mbusuyo Aninanine Mwakihaba, a resident of Kigamboni, was also fined TSh 5 million, or three-months imprisonment, for writing in his

4 It was alleged that he posted a Facebook post claiming that Tanzania's Chief of Defence Forces, General Davis Mwamunyangwe, had been hospitalised after eating poisoned food.

WhatsApp account that security operatives were reportedly seen in Nairobi where the chief opposition whip was hospitalised after a shooting incidence while attending parliamentary sessions in Dodoma (<https://pratiloma53.rssing.com/chan-23711956/article25438.html>).

Cross (2016) reports that the effects of Tanzania's Cybersecurity Act on general elections became evident during election day in 2015. Opposition CHADEMA coalition's exit-polling centre had been raided by police late on election night, and 38 people were detained (LHRC & ZLSC 2017). According to Cross (2016), during the arrests police confiscated the opposition coalition's laptops and intimidated members of the media. As a result, CHADEMA staff were charged under Section 16 of the Cybersecurity Act. Prosecutors accused them of publishing 'inaccurate and unverified data' on Facebook, Twitter, and the party's election management system (EU 2015; Lynch 2015; LHRC & ZLSC 2017). Walker and Robinson (2020) reported that internet restrictions – including the blocking of many social media and messaging platforms – were introduced in the days leading to the November 2020 elections when election-related content was restricted.

In September 2016, Dennis Mteywa and four others were arrested for sharing offensive content targeting the president on social media under Section 118 (a) of the Electronic and Postal Communications Act No. 3 of 2010. This section imposed a criminal penalty on 'any person who knowingly makes, creates, solicits or initiates the transmission of any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person'. Prosecutors alleged that Mr. Mteywa posted an abusive and offensive comment on a WhatsApp group called DSM 114U Movement (Cross 2016; LHRC & ZLSC 2017).<sup>5</sup>

In yet another case, Dr. Oscar Magava, a lecturer at Mkwawa University College of Education in Iringa Region, was arrested for allegedly insulting the president on social media. LHRC and ZLSC (2017) report that 14 people had already been arrested between September 2015 and September 2017 for insulting the president on social media. Leonard Mulokozi was charged on 22 June 2015 under Tanzania's Electronic and Postal Communications Act over a WhatsApp message that authorities said was 'abusive' to the president.

The eagerness of members of various social media groups to protect their free speech online had already been expressed in their reaction to social media users who were found guilty of cybercrime charges because they had posted their

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5 Its Regulation was revoked on 17 July 2020 and replaced by the Electronic and Postal Communications (Online Content) Regulations of 2020. This enables the same kind of internet censorship such the blockage of all major social networks that took place across the country on the eve of the election, leaving users to rely on virtual private networks (VPNs) to send messages and access information.

political views on social media. Their fines were paid through crowd-funding on social media (Cross 2016). This demonstrated that social media users will oppose a restrictive approach to political discussion in cyberspace, including satirical ridiculing of political leaders.

The study was guided by two hypotheses. Firstly, despite restrictive cybersecurity laws, social media has been effectively institutionalised as a new civic cyberspace in which to organise political party campaigns during elections. Secondly, increasing use of social media in election campaigns had a transformative effect on the way party structure was organised to conduct political mobilisation, promote party ideology, promote both inter-party and intra-party interaction, and for fundraising.

Guided by CEPPS and IRI (2017) for a conceptual framework, the study investigated specific functions of political parties in election campaigns for which technology can be used in political mobilisation, promotion, interaction, and fundraising.

**Table 2: Typology of Party Use of Technology (Dimension & Description)**

Dimension	Description
<b>Mobilisation</b>	Mobilise citizens to take action such as rallies, protests, vote
<b>Promotion</b>	Promote policy platform to the public
<b>Interaction</b>	Voters shape party platform through direct consultations, web or phone-based surveys; party is receptive to voters' wants and needs
<b>Fundraising</b>	Raise money to support party, campaigns, and candidates

Source: CEPPS & IRI (2017)

The two study hypotheses are significant in that they will provide information on the extent to which social media is being used in political party campaign activities in Tanzania. A determination of the first hypothesis will provide information on the extent of social media penetration in political party activities, elections in particular. The second hypothesis is equally significant since it will show which areas social media has the most penetration in elections. This is in line with CEPPS and IRI (2017) main party use of new technologies areas. The main areas were mobilisation of general citizens and voters, promotion of party ideology including key messages and election manifesto, interaction with voters on key alternative policy issues, and fundraising. The second hypothesis will

determine the extent to which social media penetration is transforming traditional approaches to elections, including organisation, structure, decision-making, and logistics. Both hypotheses inform us of the effects of social media penetration in elections in the wake of a restrictive techno-political environment driven by changing cybersecurity laws.

## METHODOLOGY

The study interviewed political party leaders and party members at ward and branch levels.<sup>6</sup> The interviews focused on the transformative effect experienced by political parties as institutions, their leaders, and members, in the use of various social media during political party campaigns.

The study used a multi-staged stratified sampling procedure. The first sample stratum was selected through purposive judgmental sampling criteria. The two districts selected from the main metropolitan city of Dar es Salaam were Ilala and Kigamboni. The main criteria used were their political pluralism, mixed population and peri-urban nature. Hai district in Kilimanjaro was purposively chosen because it was an opposition stronghold.

Participating wards in the second stratum were chosen through simple random sampling. Gongo la Mboto ward was identified in Ilala, Magogoni in Kigamboni and Kikavu Chini in Hai. Party branches which participated in the interviews were recommended by party leaders at ward level, or in some instances key informants knowledgeable about party politics in case-study communities.

The study administered two types of interviews of 100 party leaders and members at ward and branch levels. The first was a semi-structured quantitative questionnaire survey, and the second consisted of 20 open-ended qualitative key informant interviews (KIIs) with party leaders at ward, zonal and national-level.<sup>7</sup>

A main limitation faced by the study was the reluctance of study respondents to discuss party politics and political campaign issues. Their main concern was the possibility that information they provided could be used against their party interest. Secondly, the respondents were concerned about overexposing their party campaign strategies to the competition. As a result, 39% of study respondents who were approached declined to participate.

The study mitigated these limitations by informing study respondents that interviews would be anonymous, and all individual responses remain confidential. Study questionnaires and interview guide transcripts did not record individual names or identities.

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6 A ward is the third administrative level and coordinates party branches which are typically situated at second administrative levels.

7 The distribution of 61 study respondents to the semi-structured quantitative questionnaire survey were: 30% CUF, 28% ACT, 20% CHADEMA, 18% CCM, and 2% SAU and NCCR respectively.

### *Ethical Considerations*

The study was submitted to the Directorate of Research and Publications at the Open University of Tanzania (OUT) for ethical review. An ethical clearance was provided in accordance with OUT ethical review policy for research and publication. All standard ethical practices were observed, including reading the study objectives out loud to respondents before interviews were conducted. Informed consent was obtained from study respondents before interviews commenced. All published data and information used have been properly cited and acknowledged in accordance with OUT ethical review policy for research and publication.

Findings have been sourced from various studies conducted by the author, most notably an assessment of social media use in Tanzanian elections with the International Republican Institute (IRI), the contents of an international conference paper presented at an American Evaluation Association (AEA) International Conference at Cleveland, Ohio, USA in October 2018, and a review of secondary data sources.

### FINDINGS AND DISCUSSION

According to McNamee et al. (2017) social media provides ease, speed, convenience, and inclusivity in conducting political party campaign activities. Impending legal and regulatory issues had the net effect of limiting, by criminalising, some aspects related to the utilisation of social media in political party activities including political 'small-talk'. Nonetheless, the study established that social media continued to be widely used by all political parties for conducting political campaign activities. A ward-level youth secretary from the ruling CCM said: 'we used mobile phones to send instructions to implement party directives'. This was echoed by a ward chairman from the opposition CUF who said 'we used mobile phones to send invitations to party meetings'. In similar vein, a branch treasurer from CHADEMA said 'we used mobile phones to conduct quick online meetings and reach decisions on a matter'.

These responses attest to the fact that phone-based technologies were already used in election campaign activities. More complex and diverse social media platforms were also in circulation. A ward treasurer from CHADEMA said: 'all party members in our area had social media'. A young branch member of CHADEMA said: 'I preferred to use Telegram because I can share documents with youth members, and Instagram and snapchat for sharing pictures. This helped me to share various types of information with our social media group in a timely manner'.

Comments on the general benefits derived by political parties from social media included the following: cutting down the number and time spent in meetings, able to hold emergency meetings with limited agenda for discussion (party member CHADEMA); easy to share tasks and actions across different levels (ward chairman, CCM); get results from different polling stations in a timely and accurate manner including through photos of declaration forms, and reduce electoral fraud by competing political parties (party member CUF), and communicating the party position or that of their candidate in a way that could not be intercepted by another person so as to smear them (ward chairman, CCM).

Table 3 below presents how the main types of social media were used by different political parties during the election campaigns.

**Table 3: Proportion of Main Social Media Used by Political Parties (%)**

Type of Social Media	CCM	CHADEMA	CUF	NCCR	ACT	Total
Facebook	19.05	23.81	28.57	2.38	26.19	100
Twitter	22.22	16.67	27.78	5.56	27.78	100
WhatsApp	20.93	25.58	25.58	2.33	25.58	100
Instagram	21.43	25.00	17.86	3.57	32.14	100
E-mail	17.39	26.09	17.39	4.35	34.78	100

Based on a questionnaire survey of party members from five political parties

Table 3 shows that all main social media platforms were used by all political parties, both the ruling CCM and opposition, suggesting an increasing shift towards political cyberspace activity. Table 3 however reveals an uneven use of social media platforms across political parties. McNamee et al. (2017, p. 10) underscore this concern by arguing that inequalities in the skills to operate social media platforms in elections meant it could be applied only in pockets, leading to exclusion. This was confirmed by the chairperson of a CHADEMA women's wing ward who said: 'the problem of using social media was many people in rural areas did not have smartphones'. This indicates unequal access to social media in different parts of the country.

The effects of this digital divide imposed by the widening use of social media by political parties was clearly communicated by a ward chairman from CHADEMA who said: 'social media was very good as it increased the ability to communicate messages especially to the youth – but only those who are educated'. This suggests underlying levels of inequality according to access to technology index (ITU 2016).

According to McNamee et al. (2017) the social media effects of political exclusion have two auxiliary dimensions of access, namely location and age.<sup>8</sup> Access to social media varies from rural to urban; and between more fervent users, youth and adult (Simplice, Asongu, Jacinta & Nwachukwu 2016). The youth increasingly present themselves as an important electoral demographic in Tanzania. According to LHRC and TACCEO (2016) 50% of voters in the 2020 general elections for president, members of parliament and ward councillors were youth. The youth are gradually becoming more influential voters as an increasing number have attained a certain level of education and are active users of social media.

Political party members who did not own phones that supported social media or did not own social media accounts said they used simpler platforms to conduct party campaign activities, such as making direct phone calls, using phone SMSes (short message service), posters, and public meetings. Some smartphone owners reported using more sophisticated platforms such as viber, linkedin, IMO, snapchat and the *jamii forums* blog.

Restrictions imposed by the Cybersecurity Act of 2015 were found to impinge on the core functions of political parties during the 2015 and 2020 general elections. According to CEPPS and IRI (2017) core functions of political party campaigning are political mobilisation, the promotion of party ideology, promoting both inter-party and intra-party interaction, and fundraising.

It was already evident that members of social media groups from both opposition and the ruling party had taken steps to overcome restrictions in the use of social media, as shown in Table 4 below.

**Table 4: Extent to which Restrictions on Social Media Users were Overcome (%)**

Degree	CCM	CHADEMA	CUF	SAU	ACT	Total
Large Extent	16.67	16.67	66.67	0	0	100
	33.33	11.11	28.57	0	0	16.22
Average	5.88	17.65	41.18	0	35.29	100
	33.33	33.33	50	0	60	45.95
Small Extent	25	0	50	0	25	100
	33.33	0	14.29	0	10	10.81
Have not been able	0	50	10	10	30	100
	0	55.59	7.14	100	30	27.03
Total	8.11	24.32	37.84	2.7	27.03	100
	100	100	100	100	100	100

Based on a questionnaire of 61 party members from five political parties

8 Access in this case has a triple dimension - access to phone sets which support social media apps; access to disposal income with which to buy the phones and recurrent internet bundles costs; and access to information related to signing-up and the utilisation of particular social media apps.

It is evident that social media users were not passive, but active in transforming the technopolitical environment. The above data indicates that political party officials and activists had not been complacent about infringements of their free speech in cyberspace.

It is also evident that members of both the ruling CCM and opposition parties were constrained by restrictions on the use of social media in election campaigning. A branch youth secretary from the ruling CCM summed this up as ‘community members did not dare to participate in online discussions because they feared the new law regulating communicating over social media’. A ward chairperson from the opposition CUF added ‘there was some information that we had as a political party, and we felt it was within the confines of our constitutional mandate to criticise and hold the government accountable, but we could not just put it into social media’. The majority of political party officials from both sides said these experiences led to limiting the use of social media for interaction with both political party members and voters; thus, not making effective use of social media in promoting political dialogue during elections. This was summarised by a study respondent from an academic background who said: ‘negative effects of the law regulating social media affected all political parties, but mostly the opposition’.

A study respondent who served as a social media coordinator in the main opposition party CHADEMA said opposition parties had found ways to circumvent the grip of fear surrounding their party members and voter-base to use social media in political discourse during elections. One such CHADEMA coordinator said: ‘those who feared to expose evidence of information that was critical to government policy were told to post the information to the coordinator of social media at party headquarters and it would be posted by the party while they remained anonymous’.

A member of CHADEMA’s national secretariat interviewed for the study indicated that these control measures were meant to curtail political opposition far beyond the Cybersecurity Act. The government had suspended live coverage of parliamentary proceedings and opposition political rallies. However, these restrictions on mainstream media had a counterfactual effect leading to an increased reliance on social media as a tool for political communication – especially Twitter, Facebook, WhatsApp and Instagram. The same source from CHADEMA said: ‘there was no other way available than to use social media, given the position that had been taken by Government through the police force to suspend public rallies and ternal meetings of political parties’. Table 5 below shows how those party members who completed the questionnaire were affected by the new laws.

**Table 5: Extent to which Political Parties were Affected by**



### Cybersecurity Act

Core Party Functions	%	
	Large Extent	Average
Intra-party communication in previous election	54	20
Ability to conduct campaigns in previous election	52	27
Party strengthening	39	28
Online dialogue with voters	38	24
Fundraising	37	28
Promotion of political ideology and priorities	30	30
Political mobilisation	27	14

Based on questionnaire survey of 61 party members from five political parties

According to Collord (2021), CHADEMA and ACT reported using social media for news releases when official media channels remained largely silent.

Table 5 indicates that the areas most affected by restrictions were intra-party communication and the ability of political parties to conduct campaigns. Other areas affected were long-term party strengthening, dialogue with voters, and fundraising. According to CEPPS and IRI (2017), key areas where social media is most influential in political party election campaigns are political mobilisation, promotion of party ideology, promoting both inter-party and intra-party interaction, and fundraising.

#### *Political Mobilisation*

The study found that 62% of political party officials, activists and members from across the political divide used social media to conduct their political activities, including political mobilisation, as shown below in Table 6.

**Table 6: Key Areas Transformed by Intensification of Social Media in Political Campaigning**

Degree	Mobilise to attend party meetings	Political mobilisation and campaigns	Attend meetings/public rallies	Obtain feedback from public	Fund-raising	Implement Campaigns
Large Extent	62	54	48	37	30	44
Average	20	33	31	37	22	23
Small Extent	5	4	5	5	12	6
Very Small Extent	5	2	9	11	18	11
Never used	7	7	7	9	18	15
Total	100	100	100	100	100	100

Based on questionnaire survey of party members from five political parties

A party branch leader from the ruling CCM party said ‘we used social media during elections to mobilise our party members to get out and vote, to ask for votes from voters through our phones, to remind voters [of] the election date, and remind them to vote’. This was also mentioned by a voter who said: ‘you would find yourself receiving several messages saying we should go and vote’.

A branch youth leader from the opposition CHADEMA had a similar view: ‘we used social media to mobilise our members to attend political party campaign meetings/rallies, especially those addressed by national party leaders’, adding: ‘social media was very useful for us to communicate to each other when we had to convene a quick meeting at short notice. We also used social media to post events and party news in our party members WhatsApp group’. A branch chairperson from CHADEMA commented that ‘we used social media to canvass for votes by sending messages, video clips, and art clips... Social media enabled us to motivate different people to join our party campaign, and add those who had recently joined our party as members’. Other comments on the use of social media were to mobilise voters to get out and vote, appeal for votes by phone (CCM member), remind voters about the voting date (CCM branch youth secretary), broadcast news about impending meetings (CUF ward youth secretary), and rapidly share news about emergency meetings (CHADEMA ward treasurer).

Despite the foregoing, Table 6 indicates that a small number of political party officials and activists used social media to a limited extent in political mobilisation, indicating that there were some political party officials and members who had

reservations regarding social media use. This dilemma was confirmed by a CCM member who said 'our main media for election campaigns was and remains party rallies'. A ward secretary from CUF said 'when discussing some sensitive issues, we preferred to meet face-to-face'. A member of ACT said 'I do not know about those social media', while a ward treasurer from CHADEMA said 'we gave ourselves information mainly through statutory party meetings'.

### *Promotion of Party Ideology*

According to Table 6 above, the study found that social media was instrumental as a platform for party members to disseminate, obtain feedback, discuss political party ideology and rapidly disseminate campaign catchphrases. Political parties increasingly adapted to social media in order to disseminate their agenda, including party ideologies, campaign manifestos, and party position on various issues during elections. A CUF ward secretary said 'we preferred to use social media to disseminate information on various ongoing party activities by sharing pictures of events, activities, and quotes from party leaders including video clips'. A CUF ward youth secretary noted: 'We also used social media to promote our party candidates'. A CCM member said 'we used social media to widely disseminate the main slogan of our presidential candidate'. More than half the political party organisers and activists expressed their support for social media: 'We preferred to use social media to promote party ideology' (CCM party member); 'We found WhatsApp and Facebook very useful to spread information about party meetings' (CHADEMA member); 'We found WhatsApp as very useful to share agreed actions after internal meetings' (ward secretary CUF); and passing information especially when party rallies/meetings were cancelled at short notice for one reason or another, including failure to obtain permission/permit from the police to hold rallies (CHADEMA party member).

This being said, there were some political party leaders who refrained from using social media to promote party ideology. A CCM ward-level party parents-wing chairperson said: 'I do not know whether there was a party directive to use social media in elections'. Another CCM member commented: 'We refrained [sic] to use social-media to share sensitive party information as social media are not safe/secure'. A member of CHADEMA national secretariat said 'some members of our party had been hijacked, disappeared, and several had cases opened against them because of posting messages in social media during elections', adding: 'the problem is many people in villages in the rural areas do not have a smartphone'. Overall, this study found that the use of social media platforms to promote political ideology and election manifestos was more widespread in the CUF and CHADEMA, followed by CCM.

### *Interaction with Voters*

According to Table 6, political parties continued to use SMS and traditional platforms such as posters and public rallies despite the benefits presented by social media. The full potential of leveraging social media when interacting with voters was not optimised due to limitations imposed, and uncertainties regarding compliance with Cybersecurity Act. Social media was used to a large extent in political mobilisation, but less so for voter interaction. This indicates that social media was used less as a platform for impromptu (interactive) political discourse than for one-way dissemination (Windeck 2015; Chooma 2016).<sup>9</sup>

A ward chairperson from CHADEMA said the main reason why political parties shied away from using social media for active political interaction with voters was the uncertainty regarding the legal position in terms of the Cybersecurity Act of 2015. This was incorrectly interpreted to cover restrictions against 'any form of political opinion critical to Government policy... You see it is no longer safe to communicate political messages through social media'. A party member from CHADEMA said: 'our members were threatened for belonging to politically oriented social media groups, and to receive messages that were political in nature'. He added: 'after voters received such threats they simply left party social media groups'. A ward secretary from CUF also said: 'community members were not free to use social media for interactions in politics because of the law that has been passed to regulate social media'.

As further testimony that social media was disproportionately used for dissemination as opposed to interaction with voters, a ward-level treasurer from CHADEMA remarked:

we used social media to send instantaneous information to those who had not attended our political rally to give them instant updates especially pictures on events which had happened. We also used social media to inform those who could not attend campaign meetings such as the disabled. We also used social media to disseminate party announcements, and party priorities during the elections.

A branch secretary from CCM said 'we used social media to promote dialogue with different sections of the society/communities; disseminate the priorities of our party and party candidates in the elections'. Despite restrictive conditions,

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9 The picture emerging from this analysis is that political party officials preferred to use social media for disseminating prepared political information, and/or political party members were hesitant to use social media for interactive communication – probably due to uncertainties created by the Cybersecurity Act of 2015.

there was evidence of interaction between party leaders across various levels through social media. 'We had interactive discussions, and sometime even had "fights" [serious disagreements] through social media', remarked a member of the CUF opposition party.

This being said, the findings reveal that political parties used social media platforms as a medium to conduct research to assess political opinion on certain topics they wished to consider, or obtain feedback from party members, voters, or general citizens. This was aptly communicated by a CUF ward chairperson who said: 'we used social media as a crafty means to informally interact with our friends to know what voters' expectations were from our candidates'. A CCM branch youth secretary said 'we used social media to collect data'. This is an important interactive function involving the collection of feedback, including data and information from both inside and outside political parties. Interestingly, there appear to be no controls, within the context of the Cybersecurity Act, on research and opinion polling as a way of interaction between political parties, party members, and general public. Table 7 below presents those channels preferred by political parties to receive feedback from party members, citizens, and voters.

**Table 7: Preferred Channels for Obtaining Feedback from Political Party Members, Voters, and Citizens**

Degree	Public Rallies/ Meetings	Survey Questionnaires	Website	E-mail	Mobile Phone SMS
Large Extent	55.36	38.89	12.00	14.29	63.64
Average	21.43	22.22	30.00	32.65	21.82
Small Extent	10.71	22.22	12.00	16.33	7.27
Very Small Extent	5.36	11.11	14.00s	14.29	3.64
Never used	7.14	5.56	32.00	22.45	3.64
Total	100	100	100	100	100

Based on questionnaire survey of party members from five political parties

As indicated in Table 7 above, political parties were more likely to interact through mobile phone SMS services, followed by public rallies/meetings. The reason why these platforms were preferred was explained by a CUF branch secretary: 'many party members did not have social media. No party wants to exclude anyone'. As a result, party leaders, especially in rural settings, preferred to use tried and tested means of communication media such as SMSes. This was a less risky means

of communication requiring less expensive phone sets, and did not need the internet to operate. SMSes had over the years become affordable and could then be bought as bulk SMS bundles. SMSes were convenient as they did not require sophisticated technology, an internet bundle, and did not fall within the ambit of cybercrime laws. This can be summarised by a CCM chairperson as: 'we used SMS because many people now own a phone'.

The study's findings indicated that public rallies closely followed SMSes as the most preferred media for interaction with voters. A ward-level party official from the ruling CCM said: 'no matter what technology comes it cannot totally replace political rallies/public meetings'. To a lesser extent, political parties sometimes conducted opinion polls using hard copy questionnaires at public rallies. A CCM member commented 'we used questionnaires to obtain feedback from party members, general citizens, and voters. We asked them to give feedback if our candidate was accepted'. This was collaborated by a citizen who did not belong to any political party: 'there were public rallies in our area and there was freedom for those who attended to ask questions'. Another citizen said: 'political party officials welcomed questions during campaign meetings or sometimes gave phone numbers where voters can send their questions by SMS/WhatsApp message'.

A CCM ward-level secretary said 'e-mails were usually used to receive and send district-level party reports to higher levels at regional and national level, and to receive documents from national headquarters'. A CHADEMA party member said they used online news blogs such as *jamii forums*. *Jamii forums* is an independent, critical, and politically charged news blog operated by Tanzanians in the diaspora, particularly in the US. It is therefore free from the ambit of the Cybersecurity Act. The CHADEMA party member said: '*jamii forums* had been very useful to obtain information on political affairs, including news of political activities during campaigns. I got information directly and instantaneously from *jamii forums* through my mobile phone'. This was confirmed by LHRC and TACCEO (2016) who reported that CCM, CHADEMA and CUF employed various campaign methods such as public rallies, indoor campaigns, mobile campaigns, social media campaigns, open discussion forums, e-mails, website, posters, banners and performances to communicate campaign messages.

### *Fundraising*

Table 6 above shows that social media channels were the least used for fundraising, mainly because donors preferred to make clandestine contributions to elections, and because of past misuse of campaign funds.

Fundraising has been a difficult and controversial area in Tanzania's political party financing (Babeiya 2011; Magolowondo et al. 2012) with a lack of enthusiasm for making contributions to political activities in general, and in particular through social media. A CCM branch youth secretary said 'there was no enthusiasm for the public to contribute to political activities', and a ward treasurer from CHADEMA said: 'for many people social media was not a preferred channel to make contributions to political parties'.

This was confirmed by a member of CUF who said: 'because of the 2010 Elections Act, some sponsors of opposition parties preferred to remain anonymous and give their contributions in cash as opposed to sending money through mobile phones'. The Elections Act of 2010 was designed to control financing to political parties during party nominations and elections (EISA 2010; Babeiya 2011). There have been domestic and international concerns over the connection between party fundraising, politically sponsored corruption, lobbying, and influencing (Bryan & Ber 2005). Political parties in Tanzania received subsidies or operational grants based on the proportion of presidential and parliamentary votes obtained in an election. Genuine concerns were raised by the Controller and Auditor General (CAG) regarding accountability measures concerning almost all major political parties receiving the subsidies. This was particularly over handling contributions such as issuing receipts, or whether funds provided to party officials – particularly at sub-national and party branch levels – were used for intended purposes. It was no wonder that social media was least used for fundraising activities.

Table 8 below presents the extent to which political parties used social media for fundraising, showing that a comparatively small number of respondents indicated they used social media for online fundraising.

**Table 8: Proportion of Political Parties who Used Social Media in Conducting Fundraising**

Degree	CCM	CHADEMA	CUF	Overall (All Respondents)
Large Extent	14	9	48	37
Average	19	19	25	28
Small Extent	71	14	0	12
Very Small Extent	0	40	40	9
Never used	0	50	25	14
Total	19	21	31	100

Based on questionnaire survey of party members from five political parties

Our data suggests that opposition parties led the category of political party organisers who had never used social media for conducting fundraising activities, or used it to a very small extent.

Among those who did fundraise online through mobile phones, MMS (Mobile Money Services) and social media were leading platforms. A CUF member said: 'we used M-Pesa (MMS) to receive contributions from our party supporters. Even those who could not come to the office they could now send their contribution through M-Pesa'. A CCM branch treasurer added 'we identified rich people and community members, and party sponsors and appealed for them to make contributions by M-Pesa'. A branch executive committee member from CHADEMA said: 'It (a special money transfer mechanism known as USSD (Unstructured Supplementary Service Data) was a safer way for the party headquarters to raise funds from its members. It goes straight into the party headquarters account instead of passing as cash through different hands. The party headquarters preferred this type of contribution'. Table 9 below indicates the extent to which different types of social media were used for fundraising during general elections.

**Table 9: Type of Social Media Used for Fundraising**

Degree	Social Media	Mobile Money Services	Website Portal	Other Platforms
Large Extent	26.00	27.08	8.51	15.79
Average	28.00	29.17	8.51	28.95
Small Extent	8.00	6.25	17.02	5.26
Very Small Extent	18.00	18.75	10.64	13.16
Never used	20.00	18.75	55.32	36.84
Total	100	100	100	100

Based on questionnaire survey of party members from five political parties

It is evident from Table 9 above that MMS was the preferred medium for fundraising by political parties, as 21.08% used this service to a large extent. MMS was used in different ways, as explained by a CUF ward secretary : 'we used mobile phone money services to receive operating funds/grants from our party district headquarters'. A ward secretary from CHADEMA said: 'we use our mobile phone to send our cost estimate to implement quarterly activities'. Social media such as WhatsApp, Instagram and Facebook closely followed MMS as digital media platforms used for fundraising to a large extent.



Several political party officials from both the CCM and opposition said they found social media an important platform for fundraising. A CHADEMA ward-level party secretary summarised their views:

WhatsApp made it easy for us to create special groups of our sponsors, and contributors. We could then make appeals for funds through sending video and voice clips. Those who wished we acknowledged their contributions in the same WhatsApp group so they can see they were mentioned, acknowledged, and as an assurance through transparency that their contributions had been received and everyone knew about it. Members applause [sic] contributors through sending *emoji* icons.

In practice, these two platforms were linked when it came to fundraising. Political parties appealed for funds through social media; however actual money was transferred through MMS. 'When you receive funding through the phone it is safer than social media, as the phone number would be the first obvious point of contact for follow-up', commented a CHADEMA ward treasurer.

According to Table 9, websites are the least preferred for fundraising, with over half of party officials and members in the survey saying they had never used a website for fundraising, even for posting an appeal for funds. A lesser number used the donation tab on political party websites; a CHADEMA ward treasurer remarked that 'party members and sponsors used the party website to make party contributions'. Despite the fact that most funds were received through MMS, party officials said they had never evaluated which media reached the highest number of people with information about fund-raising. This was because people receive fund appeals from different media than those used for donations.

Other channels used for political fundraising were loudspeakers mounted on cars, posters, announcements during public rallies, private member blogs, internal party strategy meetings attended by party leaders, appeals through traditional print and electronic media (radio and newspapers), party leaders motivating members to contribute, and appeals to community interest groups. A branch youth secretary from CCM said 'we used party conferences, meetings, or sent a group of party members to visit a certain area with a specific message about fundraising'.

#### TRANSFORMATIVE EFFECT OF SOCIAL MEDIA

The study showed that an increased use of social media had a transformative effect on previously existing party structures. Social media facilitated new forms

of virtual meetings through cyberspace, involving people who were not statutory members of party structures. The majority of party officials and members in the survey acknowledged that social media had transformed the way they had conducted political campaign activities by creating new, virtual structures. A CUF ward chairperson mentioned that instead of issues being decided in formal meetings and committees as had been the practice, they now 'used social media to conduct online meetings and reach real-time decisions when a quick decision had to be made'. Such virtual meetings were a clear transformation and departure from statutory party structures.

More than three quarters of party officials and members participating in the survey said social media transformed the way their parties organised political campaigns. Organisation was now more informal and involved non-statutory auxiliary staff and different levels, though these changes were more an extension of statutory structures rather than their replacement. This connection between new social media structures and extension, not a replacement of formal structures, was expressed by a CCM ward-level party secretary who said: 'what structures can you change when the party has a constitution?' However, many political party officials, activists and organisers acknowledged that social media gave rise to informal structures which allowed more inclusive, flexible participation, the incorporation of other non-statutory cadres, and deviation from formal structures and rules. A CHADEMA ward secretary said:

WhatsApp has really transformed the way we conduct our fundraising activities. We created WhatsApp groups of our party sponsors and frequent contributors. It has made it easier than ever before to send appeal for funds in an instantaneous manner, including through video and voice clips. When contributors sent in their money, they were immediately acknowledged in the WhatsApp group to ensure transparency and as a confirmation the funds had been received and was known to all who were in office. Other members of the group could applaud contributors by sending WhatsApp clip art showing clapping of hands.

More than half of the study's respondents said the use of social media had strengthened party structures from branch to national level. A member of CHADEMA's national secretariat said:

social media has strengthened our party structure by bringing us closer together in conducting our political activities. It made it possible for us to reach many more people. We were able to plan and execute our

campaign activities in a more transparent, participatory, inclusive manner, and quicker... This was especially true in the case of youth.

This proportion rose if those who said it had strengthened party structures to an average level are taken into account. A member of the ACT branch campaign team confirmed this, saying:

it made it easy for party members, including party agents, in polling stations, to work for long hours. We used mobile phones to send them payments, and to receive payments for them from district level. We used mobile phones to strengthen the implementation of our campaigns by sending them money for purchasing and receiving campaign items such as party flags, loudspeakers, and public rally platforms from one geographically party level to another by using social media and mobile phones in ways that were done during implementation of previous campaigns. Procurement of campaign items in this way was not witnessed before. In the past we had to travel physically and verify the items before purchase. This was slow and time consuming.

The purchase and distribution of campaign items and materials within political parties was previously closely controlled to avoid vandalism in case they fell into the wrong hands.

Communication with party members was one area with a demonstrable impact on the way social media transformed party organisation during general elections. A member of CHADEMA's zonal secretariat said: 'for the first time, through using WhatsApp, we were able to involve Tanzanian party supporters who were far away, including the USA, in planning and implementing our campaign activities. They became active members of our campaign WhatsApp groups without any additional costs at all!'

This shows how social media had transformed party structures by imposing itself as the dominant medium in conducting political party campaign activities, especially political mobilisation, promotion, interaction, and fundraising.

## CONCLUSION

Social media is spreading fast across all aspects of society in Tanzania, as in the rest of sub-Saharan Africa. However, rapid adoption of social media in and particularly by political parties has attracted the development of a restrictive technological legal environment. While the restrictions are justified, and founded on international conventions on communication, there was little awareness

among their framers on the benefits that come with the use of social media in politics. The study has shown how social media helped all main political parties to perform their key functions in conducting political campaign and elections, thus contributing to higher goals such as achieving more effective governance, and meaningful, peaceful, and informed elections, which ultimately translate to effective plans to achieve long-term and sustainable development goals.

The findings of this study have validated the first hypothesis, showing that despite the enactment of restrictive cybersecurity laws, social media has been effectively institutionalised as a new civic cyberspace to organise political party campaigns during recent elections. The findings have shown that social media was appreciated by both ruling and opposition political parties; however, opposition parties were more affected by the restrictive techno-political environment as their primary role is to challenge political decisions made by the incumbent by proposing alternative policy positions. These findings have also shown that the increasing use of social media in elections had a transformative effect on the way party structure was organised to conduct political mobilisation, promote party ideology, promote both inter-party and intra-party interaction, and fundraising consistent with the study's second hypothesis.

At a practical level, social media was most extensively used in disseminating party ideology, mass mobilisation during elections, and interaction with voters. It was least used in fund-raising. WhatsApp and Facebook were the most widely used social media platforms, with websites and other types of new media being least used. The findings show that political parties preferred a multimedia approach involving traditional media such as posters, loudspeakers and SMSes in order to include voters who were digitally excluded. Income, demographics, and location were found to be barriers to ownership of smartphones which support social media.

Future social media use by political parties will depend to a large extent on techno-political developments in Tanzania, which itself will depend on interparty and party-state relations over the next few years. The introduction and enforcement of the Cybersecurity, Electronic and Postal Communications (Online Content), and Statistics acts will be a definitive factor in any future techno-political environmental orientation. Given its advantages and deepening use, technology will probably continue to be used in political activities including elections. Social media users will in all likelihood increasingly assert their freedom of expression in cyberspace to the extent that a determination of what is right or wrong in a future techno-political environment will be made on the basis of social media user demands in Tanzania.

The study established that the use of social media has been institutionalised in key party functions during election campaigns in Tanzania in accordance

with the first hypothesis. Social media use was widespread across party lines, and in an increasing number of campaign functions – most notably mobilisation, and interaction with party members, voters, and general citizens – as proven by the second hypothesis. The prediction is that social media will continue to gain traction in future political space in Tanzania. Voters will probably assert their rights for free speech in cyberspace, leading to reforms on the use of social media in political activities. As both these hypotheses have been validated, the study confirms the irreversible nature of social media use in political party election campaign activities, and is a reminder that the application of cybersecurity laws as they stand remains futile.

Future interventions in this area should strengthen the capacity of law enforcers and the judiciary on cybersecurity issues, and include direct dialogue between enforcers and political parties. Sociological analysis suggests the same benchmark should be used to evaluate freedom of speech in public social space, as in cyberspace. It is hard to justify why what is safely said in one space should be criminal in another. This article recommends that future research should focus on the extent to which the application of new international laws in Africa contravenes existing legislation. Further research is also needed to examine the changing techno-political environment in Africa, the extent to which it limits social media use in elections, and political discourse more generally. The article calls for particular attention to developments on restrictive cybersecurity law in Tanzania, and the extent to which social media users are reacting to protect the freedom of online speech. Further writing should include documentation of case studies on the extent to which international law has impinged on individual human rights among member states.

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