

ZIMBABWE ELECTION SUPPORT NETWORK



*2018 or 2023:
A Summary of the Two Opinions on Delimitation in
Zimbabwe*

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1. Introduction

Delimitation is the process of redistricting of constituencies for the purposes of elections. It divides the country into constituencies and wards for the purposes of elections of persons to constituency seats in the National Assembly and of councillors to local authorities. In Zimbabwe, the process is carried out in terms of sections 160 and 161 of the latest Constitution (2013). The last delimitation exercise in Zimbabwe was carried out in 2008, shortly before the harmonised elections held on 29 March. By the time the 2018 elections are held, Zimbabwe would have gone 10 years without any delimitation of electoral boundaries. The Zimbabwe Electoral Commission (ZEC) is currently carrying out a Mapping Boundary Verification exercise which commenced on the 18th January 2017 and is expected to end on 4th April 2017. This process entails comparing details on the preliminary map made by ZEC during the first phase of the polling station mapping exercise against what is on the ground. This is done in consultation with relevant stakeholders who include local traditional leaders and local government authorities. This phase will culminate in the printing of the final polling station boundary maps. This is an important step towards the re-drawing of electoral boundaries. The Zimbabwe Election Support Network (ZESN) commissioned a research to ascertain the best timing for the next delimitation exercise in Zimbabwe. The results of this study, as outlined in this paper, presents the pros and cons of the two schools of thought concerning the best timing for the next delimitation exercise in Zimbabwe.

2. The Importance of the Delimitation Exercise

Over the last thirty-six years of Zimbabwe's existence as an independent country, electoral boundaries have always been a critical factor to the electoral outcome. The determination of electoral boundaries is an important factor that has to be managed properly as it can easily be manipulated if one contesting political power has undue influence to the exclusion of others. The current framework for determining and reviewing electoral boundaries is provided in a number of laws that include the Constitution of Zimbabwe Amendment No. 20 (the Constitution) as read together with provisions of the Electoral Act [Chapter], and the Census and Statistics Act [Chapter 10:29]. There have been recent amendments to the Electoral Act that have been passed by parliament as provided in the Electoral Amendment Bills of 2014 as well as the General Laws Amendment Act.

Voting areas may need to be redrawn periodically because of population changes or changes to administrative or electoral boundaries. Because of continuous spatial demographic shifts, urban boundaries need to be routinely redrawn. For example, it may be necessary to redraw a voting area if the area's population has grown too large for a single polling site or, alternatively, if the voting area has lost population and it is no longer cost effective to keep the polling site operational. Ten years may be a very long time for the redrawing of boundaries in Zimbabwe given the push and pull factors that cause regular voluntary or involuntary movement of people within and outside the country. Over the years, there has been population migration from rural to urban areas and vice versa due to a number of factors. This has been caused by political and economic factors as people seek greener pastures or flee political violence.

Although the 2018 elections are fast approaching, at the moment, and despite the current mapping verification exercise taking place, there is no clarity on the timing of the next delimitation processes. The Constitution only states that delimitation must be carried out once every ten years. There appears to be no obligation for ZEC to take into consideration the last delimitation exercise in computing the ten-year period. The transitional provision in the Constitution does not address the issues of delimitation for the purpose of the first elections.

3. The Two Schools of Thought on the Timing of Delimitation in Zimbabwe

The first proposal¹ on the next delimitation submits that unless Zimbabwe undertakes a delimitation exercise before the 2018 election, the credibility and legitimacy of that election will be put at risk. It will be critical to ensure that the 2018 elections are held on the basis of a new delimitation exercise. The fact that the last delimitation exercise was conducted in 2008 must be taken as the starting point, in which case 2018 would be the next natural date for the delimitation exercise. Based on this interpretation, the next delimitation process after 2018 would be in 2028 which is also consistent with the elections of that year. There was cause for concern that the electoral boundaries in the 2013 elections were not accurate or representative of the population distribution. That risk will be higher in the 2018 elections, leading to gross distortions in the electoral outcome. Therefore it would be undesirable for Zimbabwe to go into another election without a proper delimitation of electoral boundaries, particularly given

¹ <http://www.zesn.org.zw/wp-content/uploads/2017/02/DELIMITATION-OF-BOUNDARIES-IN-ZIMBABWE-IN-2018.pdf>

the migration patterns between 2008 and 2018. The current verification process will assist in mapping out more accurate boundaries ahead of the 2018 elections.

However, there are also weaknesses with carrying out delimitation before 2018. The population census data will be outdated given that the last census was carried out in 2012. 6 years between the census and the delimitation exercise is a long period and that data may not be reliable anymore. It is highly unlikely that the delimitation process will be completed in time for the report and maps to be adopted for use in the 2018 elections, as the delimitation process must be completed six months before any election. Another challenge will be availability of the new maps and boundaries to all stakeholders including civil society organisations in time for adequate voter education.

The next census is only due in 2022 according to the Census and Statistics Act.² Any delimitation exercise that is carried out before the next census will lead to all other processes relying on census reports that will be more than four years old unless the census and delimitation timelines are harmonised. This can only be achieved through harmonisation of the Census and Statistic Act to the Constitution, or through a Constitutional Amendment, possibly reducing the timeline for delimitation from 10 to 5 years to synchronise delimitation and with future census exercises.

The second school³ of thought proposes that delimitation should only take place in preparation for the 2023 elections. This is based on the view that since the Constitution is silent on the commencement of the 10-year duration, 2023 is the correct date for the next delimitation exercises that being 10 years after the adoption of the new Constitution in 2013. The advantage of having 2023 as the date for the next delimitation exercise is that it will align the delimitation process with the population census which is next due in 2022. It will also align with the next elections after 2018, which are due in 2023. On this basis, waiting for 2023 would seem to be a perfect scenario to align delimitation not only with the election but also with the census which would have taken place a year before. This is a significant point, but it would mean going into the 2018 elections without any delimitation having taken place.

Furthermore, while there is some merit in that view, the costs of not having a delimitation exercise before the 2018 elections seem to outweigh the benefits of waiting for 2023. The

² [Chapter 10:29] Section 12(1) provides that census is only conducted every ten years.

³ <http://www.zesn.org.zw/wp-content/uploads/2017/02/DELIMITATION-OF-BOUNDARIES-IN-ZIMBABWE-IN-2022.pdf>

relevant data such as the population census data, which is necessary for purposes of carrying out a proper delimitation exercise is fast losing reliability with the passage of time since the last census was conducted in 2012.

In addition, while population data is an important factor in the delimitation process, it is by no means the only crucial data set required. More significant is the data on voter registration and the voters' roll. If that data can be captured in time for the 2018 elections and there is a credible and trusted voters roll, that should be a good data set to complement the census data for purposes of carrying out the delimitation process. This means there is a need to focus strongly on the establishment of a new and credible voters' roll which subscribes to international accepted standards of accuracy, accessibility, efficiency, inclusivity and transparent.

4. Conclusion

Given both the merits and demerits of having the delimitation exercise carried out either in 2018 or in 2023, this presents a dilemma of choice. In such situations, democracy dictates that the matter be referred back to the people for consideration. The people of Zimbabwe must decide whether they want the delimitation to be held in 2018 or 2023. However, irrespective of what the people will choose it remains imperative that there be a reliable, accurate voters' roll in place in order for the process to produce accurate electoral boundaries first. This process can however only be conducted subject to adequate legal and administrative reforms and the finalisation of other electoral related processes that produce information for fair delimitation of electoral boundaries to take place.

5. Recommendations

In light of the above, and regardless of whether the delimitation is carried out in 2018 or 2023, a number of recommendations can be made to the relevant authorities to improve the delimitation exercise in Zimbabwe:

5.1 Legislative Reforms

- The provisions of the Electoral Law which are no longer consistent with the new Constitution must be amended. While the Constitution and the Electoral Act go some way to advance the principles which underpin delimitation, more can be done to ensure that the delimitation process is open, efficient, effective and independent.

- The law must provide for provisional delimitation maps to be advertised widely to ensure their accuracy to enable interested parties to properly scrutinise the maps. The delimited maps must be made available to the public at ward level and at constituency level and the public must have access to them.
- The Electoral Law must also specifically include factors such as the principle against non-discrimination of minorities among issues to consider when drawing electoral boundaries. The ease and convenience of travel to polling stations within a delimited area is an important factor of consideration in the delimitation process.
- The law should also provide guidance of a reasonable time within which ZEC must produce a delimitation report.

5.2 Political and Administrative Reforms

- Ideally, the Constitution must bestow the sole responsibility of delimiting constituency boundaries to ZEC and exclude candidates such as the President and even members of parliament. At the moment the Constitution still creates room for the involvement of interested parties in delimitation, being the executive and legislature.
- ZEC must roll out the new voter registration system, based on BVR or any other system, as soon as possible to ensure that there is a credible and trusted voter's roll which can be the basis of the delimitation process. Redistricting must be computer-assisted to instil the confidence of stakeholders in the process, as it is efficient and is likely to produce more accurate results.
- While ZEC has discretion on the choice of methods it can use for carrying out the mapping and delimitation exercise, it is encouraged to adopt and use new computer-based and digital technologies which is more accurate, faster and easier to audit. Such a move would be a worthy investment and would give confidence to stakeholders.
- Accreditation of observers must be extended to cover other electoral processes, such as registration of voters, or the delimitation of constituency boundaries.
- ZEC must also set its delimitation budget in consultation with relevant stakeholders and all its operations during the delimitation process must be as transparent as possible.