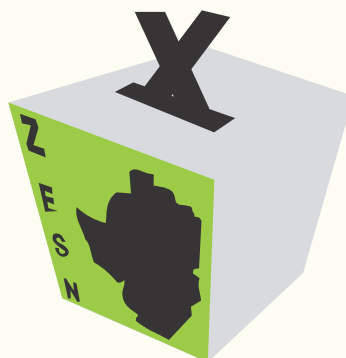

A REVISED POSITION PAPER

Pragmatics and Purposes of Political Party Regulation in Zimbabwe



**Zimbabwe Election
Support Network** ■

Promoting Democratic
Elections In Zimbabwe

EXECUTIVE SUMMARY

The centrality of political parties to democracy in Zimbabwe is unanimously acknowledged. However, there is often a contradiction where political parties that have glaring capacity deficits expect that everything around them has to change to meet their demands while they continue to operate the same way. That is, parties expect to be funded by the state, demand constitutional and electoral reforms yet remain silent on the pragmatics of how they too need to comply with the formal rules and regulations of the game. Political parties ought to be regulated through a mechanism that establishes the minimum requirements in terms of how they organize themselves and conduct their business. Regulation should embody how political parties are registered, deregistered and how they access finances, manage and account for their finances whether provided under the law, donations or otherwise.

In Zimbabwe, political parties financing has been the sole regulated aspect, with other aspects such as registration and deregistration remaining unregulated, raising accountability and internal democracy challenges. The absence of a legislation regulating political parties in Zimbabwe has been identified as the major problem contributing to lack of sanity in some of their operations. Consequently, the country is faced with challenges of election related disputes and conflict, volatile party systems and lack of political party accountability. Absence of legislation regulating political parties has also led to a wide range of other electoral challenges, impacting the integrity and effectiveness of democratic processes particularly in the 2023 elections. Additionally, this situation contributed to the administrative challenges faced by the Zimbabwe Electoral Commission (ZEC) and other electoral stakeholders who engage with political parties. Following the CCC 2023 recalls and the subsequent by-elections to fill the vacant seats, the Minister of Justice, Legal and Parliamentary Affairs highlighted this burden, suggesting that political parties ought to be register. In his view, 'structureless parties were engaging in endless squabbles and recalls of parliamentarians, wasting state money that could be better utilized for other purposes'¹.

This paper identifies the fault lines in the legal framework which although not inhibiting the formation and operation of political parties, falls short of defining what political parties are or ought to be as well as categorically stating how they are to be established, what their functions, limits, modalities for their funding and accountability measures are. An absence of these has led to a ballooning number of political parties especially during an election season where in the period before the 2018 Harmonised elections, record over 130 political parties mushroomed. Though a notable decline, with 44 political parties having registered with ZEC as at October 2022², political parties seem to resurface during election time. The paper rebuts the notion that political parties are private entities and therefore reserving the right to manage their affairs and conduct their business as they please. It argues that since they contest power to run public office and become beneficiaries of public funds this makes them accountable and therefore fit for regulation like any other public institution.

The paper uses four (4) examples from the Southern African Development Community (SADC) and East African Community (EAC) to motivate for the regulation of parties. In an example from the SADC region, Lesotho and South African legal frameworks provide for the regulation of political parties where the Election Management Body (EMB) is bestowed with the powers to register and de-register political parties, intervene in their disputes and demand them to account on public funds it dispenses to them on behalf of the Treasury. In the East African Community (EAC) region, Kenya and Tanzania are used to illustrate a case where there is legislation that governs the registration, operations, funding and accountability of political parties as well as legislation establishing an oversight mechanism in the form of the office of the Registrar of Political Parties.

¹ [Pros. cons of registration of political parties -Newsday Zimbabwe](#)

² [Factsheet: Registered political parties - ZimFact](#)

EXECUTIVE SUMMARY

The paper concludes by underscoring the fact that political parties are crucial actors in Zimbabwe's democratic transition. It agitates for resourcing through regulation that allows for public and private sources of funding. At the same time, it underlines the need for their urgent regulation so that they are held accountable as public institutions. The paper ends by recommending that:

- The legal clauses that ban private funding of parties must be amended and a comprehensive campaign and party funding law must be promulgated based on best practices.
- Political parties must be regulated to ensure that they adhere to a certain legal and normative framework in terms of their internal functioning, financing and code of conduct.
- A statutory body akin to the Kenyan Registrar of Parties, be established to deal with the registration of parties instead of the EMB.
- Care must be taken to ensure that calls for the regulation of political parties are genuine and meant to enhance of multi-party systems, inter-party relations and build stronger political parties.



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INTRODUCTION

Political parties are a cornerstone of electoral democracy. Generally defined as organised groups of people usually with similar political aims and opinions and seeking to exert permanent influence on the formation of public policy, political parties partake in electoral processes to get their candidates elected to public office. To achieve this, one of the prerequisites is that political parties must have structures and programmes for public outreach (ACE Encyclopaedia, Democracy Encyclopaedia, Heywood 2002, Thesing 1995). According to Heywood (200:248), four characteristics that distinguish parties from other groups (including interest groups and social movements) include the following:

- Parties aim to exercise government power by winning political office (small parties may nevertheless use elections more to gain a platform than to win power);
- Parties are organised bodies with a formal card-carrying membership. This distinguishes them from broader and more diffuse social movements;
- Parties typically adopt a broad issue focus, addressing each of the major areas of government policy (small parties, however, may have a single-issue focus, thus resembling interest groups); and
- To varying degrees, parties are united by shared political preferences and a general ideological identity.

The existence and increased number of political parties in Zimbabwe like elsewhere on the continent is a manifestation of the colonial legacy and victory over colonialism at the same time. This is because political parties were formed as vehicles through which power would be transferred to the indigenous people (Selolwane and Shale 2008). But, because such power was not necessarily given on a silver platter, political parties had to mobilise and take up arms to free the country from the colonial masters. It is on this basis that political parties, especially former liberation movements carry themselves as custodians of the people instead of seeing themselves as the products of people's struggles and therefore owned by the people. Whether ruling or in opposition, most political parties indulge in clandestine activities that leave their membership and general public in the dark. The political parties habitually pay lip-service to popular consultations in their policy formulation process (Kadima, Matlosa and Shale 2006).

Political parties in Zimbabwe are not different from others elsewhere on the continent. As previously observed by Chege (2007) when studying political parties in Ethiopia, Kenya, Sudan, Tanzania and Uganda, political parties, they exhibit signs such as fragility and structural weaknesses, lack of adherence to formal clearly defined rules, regulations, procedures and programmes, leadership centred on dominant personality, family or clique, a strong tendency to break up, a weak and unreliable financial and human resource base and lack of activity except at election time. Under the circumstances, it is not difficult to fathom the proliferation of political parties in Zimbabwe during election time. This paper therefore submits that for political parties to add value to Zimbabwe's democracy and development policy agenda, there is a need for a strong regulatory framework governing their registration, deregistration, functioning, funding and accountability.

The paper is divided into six (6) sections. Following this introduction is the statement of the problem pertaining to political party regulation in Zimbabwe. The third section deals with the Legal Framework highlighting what is provided for and what is lacking. Experiences from other countries will constitute the fourth section where examples of political party regulation and key considerations from these countries are looked at. The fourth section also investigates the effects of not regulating political parties as manifesting through the Zimbabwe 'recall crusade' of 2023. The paper will then extract lessons for Zimbabwe in section five before making conclusions and recommendations in section 6 on what may need to be fixed going forward.

STATEMENT OF THE PROBLEM

There is no gainsaying that political parties are indispensable in the democratisation process hence a commonly held view that democracy without political parties is an illusion. Zimbabwe has in recent years experienced a burgeoning number of political parties especially during election years. For instance, during the 2018 Harmonised elections, the ZEC reported to have as many as 127 political parties by May 2018 (Zimbabwe Mail May 2018). It follows therefore that as late as May 2018, which was barely two months before the elections, no one really knew how many political parties existed in Zimbabwe because such a determination could only be made after the nomination court sitting. Before the 2023 elections, a total of 44 political parties were recorded as of October 25, 2022.³ By the conclusion of the Nomination Courts on June 21, 2023—just three months before the Harmonised Elections on August 23—about 19 political parties had fielded candidates for various positions. While this is significantly lower from the 55 contesting parties in 2018⁴, most of these parties emerged or resurfaced during the election only to become inactive afterwards.

In Zimbabwe, the lack of a regulatory framework for political party registration, operations, funding, and accountability has led to persistent election-related disputes, conflicts, a volatile party system, and insufficient accountability among political parties. In 2023, the interim Secretary General initiated a 'recall crusade' resulting in numerous vacant seats. The wave of recalls that hit the Citizens Coalition for Change (CCC) post 2023 Harmonised Elections reveal a scenario where self-interested politicians found fertile grounds, in the absence of defined hierarchy, for political manipulation, potentially eroding democratic governance. Sengezo Tshabangu's, the CCC interim Secretary General's actions were partly a result of simmering internal squabbles within the opposition, that largely capitalised on lack of registration of political parties that could have clearly cleared leadership controversies. The registration of political parties usually defines their leaders, hierarchy, roles and responsibilities, providing a clear framework of governance.

From its genealogy, the recall clause has had a negative implication on democracy in political parties in Zimbabwe. Although from a premise of normative democratic theory, a recall of an elected official from office can be a valuable instrument of direct democracy that can give citizens more control over their representatives to expand opportunities for reinforcing legitimate, responsive and accountable governance at all times, this has not been the case in Zimbabwe. The recall clause was introduced in 1989 when Robert Mugabe aimed to recall Edgar Tekere. However, the recall was not eventually used on Tekere who formed a new party, the Zimbabwe Unity Movement (ZUM) and contested Mugabe in the 1990 presidential election.⁵ The MDC, under the leadership of Morgan Tsvangirai was the first to use the recall clause in November 2002 when Munyaradzi Gwisai, the then MDC MP for Highfields, was expelled from the party and the seat was declared vacant in December 2002. Thereafter, Welshman Ncube, who led an MDC splinter faction recalled MPs for working with the rival opposition MDC-T party led by Tsvangirai in 2012.⁶ The way political parties have implemented recalls justifies the need for regulation of political parties and protect the gains and progress of democracy. More often than not, recalls have been used for personal political gains resulting in the abuse of power by individual political rivalries to try and reverse election results, causing voter apathy in by-elections and citizen disgruntlement.

³ Factsheet: Registered political parties - ZimFact

⁴ ZESN 2023 Harmonised Elections Report

⁵ Tekere E. 2009. A Lifetime of Struggle, Harare, Sapes Books.

⁶ <https://www.herald.co.zw/speaker-blasts-ncube-over-unilateral-decision-to-recall-legislators/>

Additionally, in the absence of proper regulation of political parties, the threshold for forming a political party and contesting in elections is very low thereby making the country prone to election related disputes and conflict. In 2022, the CCC was formed barely three months from the 26 March by-elections, which became its first contest. While very low costs were involved in formation of the party, there were implications when Douglas Mwonzora of the opposition was awarded over RTGS 59 million through the political finance quota courtesy of the Political Finance Act (Chapter 2:11). The Act provides for political parties funding under Section 3(3) which stipulates that *any political party that received a minimum of 5% of the total votes casts is eligible for Treasury funding*. CCC did not benefit from the funds because of a 2020 court ruling that stripped it off its leadership of the MDC, leaving Douglas Mwonzora as the beneficiary of the party assets and funding. In 2024, through General Notice 1377 of 2024, the Minister of Justice, Legal and Parliamentary Affairs announced the total amount payable to political parties for the year 2024 as seventy million ZiG. Of this, ZANU PF received ZiG 47,883,500, representing 68.4% of the votes cast, and CCC ZWG 22,116,500, representing 31.6% of the votes cast. With the fragmentation of the opposition outfit, Sengezo Tshabangu-Welshman Ncube's faction benefitted from the political parties finances following the resignation of Nelson Chamisa. Chamisa resigned in January 2024, citing infiltration of the party following recalls initiated by Sengezo Tshabangu.

The proliferation of political parties has also led to a volatile party system in Zimbabwe, creating hostilities between the parties and the splinter parties as witnessed in the case of the numerous Movement for Democratic Change (MDC) splits into MDC-Tsvangirai (MDC-T), MDC-Ncube (MDC-N) which regarded itself as the real MDC, MDC-Mutambara (MDC-M) and later the Coalition of Democrats (CODE), People's Democratic Party (PDP), the MDC 99, MDC Alliance and later the CCC. This was also the case of ZANU PF and Joyce Mujuru's Zimbabwe Peoples First (ZPF), between the ZPF and its splinter, the National People's Party (NPP) and between ZANU PF and the National Patriotic Front (NPF).

Proliferation also heightens rivalry as political parties may focus on undermining each other, fostering an adversarial atmosphere. As the opposition continued to go through a series of splits and reorganisations, the MDC-Alliance came into being in 2018 and later CCC formed out of this outfit, in 2022. However, the CCC struggled with internal challenges as members focused more on infighting than unity. This turmoil culminated in multiple recalls of more than 100 elected officials shortly after the 2023 Harmonised Elections, which had a negative implication on democracy in political parties. Intra-party challenges also triggered several lawsuits, affecting the finalisation of election plans. In her latest submissions, the ZEC chairperson, Justice Priscilla Chigumba stated that the 'chaos surrounding the 2023 harmonised plebiscites, which saw numerous court battles can be avoided if political establishments are formally registered.⁷¹

The lack of political party regulation also places a huge burden and expectation on the ZEC and other electoral stakeholders to consult all organisations that identify themselves as political parties. This is both administratively and logistically challenging and very costly because the ZEC and other stakeholders can never plan and budget accurately in the absence of a properly compiled political parties data base. Prior to proclamation and nomination court sitting, anyone who forms a political party simply writes to the ZEC to advise of the new party's existence and provides contact details and addresses, details of the Executive and membership. All this is done for the sole purpose of establishing contact with the ZEC so that the Commission can invite such a party during its engagement with political parties. The problem with this practice is that ZEC has no basis in law nor the capacity to authenticate the bona fides of such a group of people.

⁷ ZEC tables proposal to compel registration of political parties to avert a repeat of 2023 elections chaos - NewZimbabwe.com

Statement Of The Problem (Cont...)

This means that it is possible that on the day of nomination, organisations that are inherently extremist and not befitting of recognition as political parties in a democratic setting can still pass the nomination test. The only time the ZEC can and does exercise authority and make demands on political parties and candidates is during nomination. It must be noted that even at this point, the ZEC is merely doing this for compliance with Part XII of the Electoral Act for purposes of an election or by-election. In 2023, ZEC experienced challenges emanating from the absence of a law establishing a central registry for the registration of party names, symbols, colours, and logos, multiple political parties adopted similar or nearly identical identifiers leading to conflicts between parties and legal battles that delayed finalisation of election planning. The use of similar names, logos, symbols, and colours can also confuse voters, hindering their ability to make informed choices and increasing the risk of voter manipulation.

Legal Framework

The Zimbabwe 2013 Constitution allows for an open and unencumbered existence of political parties. Although the constitution does not expressly pronounce on how they are to be established or regulated, it presupposes their existence and proper functioning. Section 3 of the Constitution provides for the founding values and principles while Section (2) (a-d) specifically commits the State and all institutions and agencies of government at every level to: -

- a. a multi-party democratic political system;**
- b. an electoral system based on-
 - i. universal adult suffrage and equality of votes;
 - ii. free, fair and regular elections;
 - iii. adequate representation of the electorate;
- c. the orderly transfer of power following elections;
- d. respect for the rights of all political parties;**

On the other hand, Section 67 (2) provides for fundamental rights including the right:-

- a. to form, to join and to participate in the activities of a political party or organisation of their choice;
- b. to campaign freely and peacefully for a political party or cause;
- c. to participate in peaceful political activity; and
- d. to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.

From the above clauses and from Section 155 (c) and (d), the Constitution makes political parties and candidates central to contestation of power in Zimbabwe. In Section 157 (1) (c) the Constitution imposes on the Electoral Act to provide for among others “a code of conduct for political parties, candidates and other persons participating in elections or referendums”. In line with the Constitutional dictates, the Electoral Act 6 of 2018 Electoral Amendment Act, 2018 makes provisions on how political parties participate in the electoral process and prescribes the code of conduct that is binding to them and other electoral stakeholders.

However, like the Constitution, the Electoral Act makes a tangential reference to political parties in terms of what they are and what is their function. Under Section 4 on interpretations, the Act simply defines political parties as “any political organisation”. This is problematic in that it basically says nothing more to define them. As Meyer and Phèlippeau (2018:16) rightly note, the term “political party” does not always apply to the same reality. They posit that “the seemingly simple term can prove deceptive as its narrow legal and constitutional definition often leads to the multiplication of outside organisations that exist in the shadows of the parties themselves....”. This is more so in the context of Africa where there is a lot of external interests advanced through political parties on the one hand and the emerging trend of vigilantes or militarised groupings including youth groups especially in South and West Africa.

Legal Framework (Cont...)

Section 3 of the Electoral Act that deals with general principles of democratic elections indicates that:

(c) every political party has the right:-

- (i) to operate freely within the law;
- (ii) to put up or sponsor one or more candidates in every election;
- (iii) to campaign freely within the law;
- (iv) to have fair and equal access to electronic and print media, both public and private;
- (v) to have reasonable access to all material and information necessary for it to participate effectively in every election;

(d) every candidate has the right:- (i) to have fair and equal access to electronic and print media, both public and private; (ii) to have reasonable access to all material and information necessary for him or her to participate effectively in the election;

The Electoral Act is silent on the exact measures the ZEC may take to fulfil the demands on it to enforce the code of conduct especially during the non-election periods. This presents a challenge to the ZEC because as highlighted earlier, the only time the ZEC can hold the parties to account is from nomination to polling periods. Evidence from the 2013-2018 election cycle shows that political parties get away with acts prohibited in the code of conduct because they are aware of legal gaps.

The legal framework also provides for the public funding of political parties while prohibiting private funding. The Political Parties (Finance) Act [*Chapter 2:11*] sets a threshold of five percent of the total votes cast in an election for a political party to qualify to get public funding. Section 3 provides that:

For the purpose of subsection (2), each political party whose candidates received at least five *per centum* of the total number of votes cast in the most recent general election shall be entitled to the same proportion of the total moneys appropriated as the total number of votes cast for its candidates in the election bears to the total number of votes cast for all its candidates in that election:

The main problem with the Zimbabwe legal framework is that it affirms the existence of political parties and even commit as the Political Parties (Finance) Act does, utilisation of public funds to cater for their operations after being elected to serve in parliament. Yet, none of the legislations speak about how political parties come about, are managed and held accountable. The fact that the law provides for the public funding of organisations whose operations are not regulated anywhere is major weakness of the Zimbabwean political set up in comparison to other contexts where political parties are regulated and held accountable.

Key considerations from other contexts

There are at least two preponderant types of party regulation on the continent. The first one is the EMB Model where responsibility is bestowed upon it, with the powers to register and de-register political parties, intervene in their disputes and demand them to account on public funds it dispenses to them on behalf of the Treasury. Registration of political parties may also fall outside the functions assigned to an EMB and conducted by the Registrar of political parties.

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Electoral Management Body Model

EMBs may assume responsibilities of registering political parties. In South Africa, regulation of political parties has been key in bolstering the post-conflict reconciliation measures. It was also critical in guiding the conduct of political parties whose behaviour was ordinarily shaped by the opposing worlds of Apartheid imperialism and the liberation struggle. The South African Electoral Commission Act 1996 provides for the Independent Electoral Commission (IEC) of South Africa to register political parties at two spheres namely, the national sphere where parties so registered can contest national elections (Section 15) and the local municipal sphere where parties under this category can contest election within municipalities where they are registered (Section 15 A). The Act sets conditions under which registration of a political party may be prohibited or an existing registration cancelled. The Electoral Act has accompanying regulations that provide a detailed guide on the requirements for the registration of political parties and documents the IEC must use in administering the registration.

Besides the Electoral Act, there is another Act of Parliament, the Public Funding of Represented Political Parties Act 1997 which provides a framework for the public funding of political parties. This Act derives from the Section 236 of the Constitution that political parties participating in national and provincial legislatures must be funded on an equitable and proportional basis to enhance multi-party democracy. Section 4 of the Public Funding of Represented Political Parties Act 1997 provides that the funds shall be administered by the Chief Electoral officer acting in the capacity of head of the administration of the Commission. Political parties are legally obliged to account to the IEC on how the funds are used.

The regulation of political parties through an EMB also obtains in Lesotho where the legal framework requires registration of political parties. Lesotho has for a long time battled with election related conflicts and extremely polarising party politics. Regulation has therefore bridged the gap and ensured that all political players are guided by the same standards. Lesotho is one of the only three countries in the SADC region including Angola and Mozambique that provide campaign funding (Shale 2018). Therefore, Section 25 (1) of the National Assembly Electoral Act 2011 demands that the Independent Electoral Commission (IEC) registers political parties that intend to contest an election and must administer the campaign funds to all parties that qualify to contest in an election. Political parties must however, first be registered with the Law Office under a different Act of Parliament, the Societies Act No. 3548 of 1966, before registration with the IEC. For a political party to qualify for registration with the IEC, the following are required:

- The application must be submitted by the President or Secretary-General of the party;
- 500 signatures of registered voters;
- Proof of physical office through a property lease or sub-lease;
- Founding constitution;
- Assets and liabilities;
- Minutes of the party convention with names of newly elected office bearers;
- Bank details.

The National Assembly Electoral Act demands the Director of Elections must conduct due diligence on the party applying to be registered. Therefore, the IEC conducts random checks to verify that at least 10% of the membership of the targeted parties to ascertain whether the members are in the voters list and whether they have the membership cards. The IEC is also tasked with de-registration of the parties which do not comply with the Act. The provision of party funding is without doubt a best practice. However, an evaluation carried out by the African Union Commission (AUC) on the EMB performance during the 2015 elections established that there is no clear mechanism to enable the IEC to carry out oversight over the disclosure of and accounting for the funds received from it parties. The law simply bestows this responsibility but lacks the requisite regulations for this to be effected (AUC Report 2017).

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Registrar of Political Parties Model

There are also countries that have specific legislation that governs the registration, operations, funding and accountability of political parties as well as legislation establishing an oversight mechanism in the form of the office of the Registrar of Political Parties. Kenya and Tanzania offer a good example in this category. Key considerations in both countries have been to ensure level political playing field and to curb the inter-party, ethnic and election-related conflict. The Kenyan legal framework is the most comprehensive and is worth capturing in extenso for lessons to be drawn for Zimbabwe. In Section 91, the Constitution lays down basic requirements for political parties as follows.:

(1) Every political party shall— (a) have a national character as prescribed by an Act of Parliament; (b) have a democratically elected governing body; (c) promote and uphold national unity; (d) abide by the democratic principles of good governance, promote and practise democracy through regular, fair and free elections within the party; (e) respect the right of all persons to participate in the political process, including minorities and marginalised groups; (f) respect and promote human rights and fundamental freedoms, and gender equality and equity; (g) promote the objects and principles of this Constitution and the rule of law; and (h) subscribe to and observe the code of conduct for political parties.

(2) A political party shall not:- (a) be founded on a religious, linguistic, racial, ethnic, gender or regional basis or seek to engage in advocacy of hatred on any such basis; (b) engage in or encourage violence by, or intimidation of, its members, supporters, opponents or any other person; (c) establish or maintain a paramilitary force, militia or similar organisation; (d) engage in bribery or other forms of corruption; or (e) except as is provided under this Chapter or by an Act of Parliament, accept or use public resources to promote its interests or its candidates in elections. Legislation on political parties

The constitution further directs under Section 92 that Parliament shall enact legislation to provide for:-

(a) the reasonable and equitable allocation of airtime, by State owned and other specified categories of broadcasting media, to political parties either generally or during election campaigns; (b) the regulation of freedom to broadcast in order to ensure fair election campaigning; (c) the regulation of political parties; (d) the roles and functions of political parties; (e) the registration and supervision of political parties; (f) the establishment and management of a political parties fund; (g) the accounts and audit of political parties; (h) restrictions on the use of public resources to promote the interests of political parties; and (i) any other matters necessary for the management of political parties.

In accordance with the constitution, the Political Parties Act 2011 has been enacted as the primary legal reference for management of political parties in Kenya. The Act can be summed up in the following table 1.

Table 1: Kenyan Political parties Act, 2011.

Issue	Details of what is covered
Registration and Regulation of Political Parties	Formation of political parties; Requirements of a political party; provisional registration of a political party; Conditions of provisional registration; Conditions of full registration; Parties with certain names not to be registered; Contents of constitution or rules of a political party; Coalitions; Mergers; Restrictions public officers in a political party; Disqualification from holding executive office in a political party; Resignation from political party; Rights and privileges of political party; Corporate status of political party and declaration of assets etc; Records of political party; Duty of political party to inform Registrar; Public meetings of political party; Notification of changes, as well as alterations in constitution etc of political party.
Funding and Accounts of Political Parties	Political Parties Fund; Sources of moneys in the Fund; Distribution of the Fund; Purposes of the Fund; Other sources of funds; Offences related to sources of funds; Publishing sources of funds; Declaration of assets, liabilities and expenditure in relation to elections; Audit of political parties accounts; Accounts and audit of Office of Registrar.
Office of the Registrar of Political Parties	Establishment of the Office of the Registrar; Functions of the Registrar; Appointment of the selection committee for appointment of the Registrar of Political Parties; Procedure for appointment of the Registrar and Assistant Registrars; Removal of Registrar and Assistant Registrar; Establishment of Political Parties Liaison Committee.
The Political Parties Disputes Tribunal	Establishment of Tribunal; Jurisdiction of Tribunal; Determination of disputes; Removal of member of Tribunal; Staff of the Tribunal; Expenses of the Tribunal.

Tanzania has a set up similar to Kenya where Parliament enacted the Political Parties Act, (No. 5 of 1992) and Political Parties Regulation 1992 to provide for the terms, conditions and the procedure for the registration of political parties. The Act also established the office of the Registrar of Political Parties in the office of the Prime Minister. The Registrar is responsible for the registration of political parties in accordance with the provisions of Political Parties Act. The legal framework also includes the Elections Expenses Act 2010 which has been enacted to make provisions for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibited practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds and to provide for consequential and related matters.

Lessons for Zimbabwe

From the foregoing examples of jurisdictions where political parties are regulated, there are some lessons that can be useful for Zimbabwe. Reforming the law to mandate the registration of political parties is essential for creating a transparent, accountable, and democratic leadership structure, ultimately enhancing the parties' effectiveness and resilience. The challenges faced during the June 21, 2023, nomination process, including instances of double candidacy, highlighted the need for such reforms. Additionally, the recalls that affected the CCC shortly after the elections and the administrative burdens placed on the ZEC underscore the necessity of regulating political parties which will bring order to the electoral landscape and help prevent the electoral challenges as those experienced in 2023 from recurring.

Zimbabwe ought to draw several lessons from other jurisdictions in regulating its political parties. Firstly, regulation of political parties must be cognizant of the system of government. The South African scenario where there is registration at two different spheres, i.e. national sphere where parties so registered can contest national elections (Section 15) and the local municipal sphere where parties can contest election within while also addressing problems associated with costs for parties running for elections nationally. Most parties in Zimbabwe have pleaded poverty saying the USD20,000 and USD1000 for aspiring Presidential and Parliamentary candidates respectively is too high.

Secondly, in the case where regulation is bestowed on the EMB as is the case in Lesotho and South Africa, authority lies with the Chief Electoral Officer (CEO) as the head of the administration of the EMB. Therefore, once Parliament has allocated funds for political parties' use, it is the prerogative of the CEO to distribute the funds guided by the law. This helps avoid situations where a member of the Executive is responsible for the distribution of funds leading to real or perceived conflict of interest owing to failure to timely release the funds or other complications that may arise. The third lesson is that regulation of parties ensures that political parties are held accountable by the EMB or a relevant oversight body. Third and finally, the Tanzania and Kenya examples show that regulation of political parties removes a lot of pressure from the EMB. The establishment of a separate statutory body to be responsible for the registration of and oversight over political parties allows the EMB to focus on its core business which is administering and managing elections. This also means that some of the issues that when left unattended lead to some political parties' being disruptive and stifling the electoral process can be effectively dealt with by a body such as the registrar of political parties.

Conclusions and Recommendations

Political Parties are crucial actors in Zimbabwe's democratisation process as they must play a vital role of aggregating and articulating interests of the people and developing competing policy proposals that provide voice and choice for their constituencies. Therefore, they need to be adequately resourced so that they can contribute to shaping the country's development trajectory. For this to happen, political parties must also be regulated. It can be concluded that their contest for public office and demand for public funding renders their regulation unavoidable and long overdue. It cannot be correct that these organisations that aren't regulated and accounting to no one are allowed to continue to demand accountability on those that are regulated and complying with formal rules while they do not so the same. The following recommendations are proffered.

Conclusions and Recommendations (Cont...)

- One of the areas that need urgent attention to mitigate the growing trend of non-acceptance of election results is the promulgation or amendment of the party financing law. At the moment, only ZANU PF, and CCC are the beneficiaries of the current law. Hence the need for the revision of the clauses that ban private funding of parties. A comprehensive Political Parties Regulation Campaign and Funding Law must be promulgated based on best practices.
- A prerequisite to the above recommendation is that the parties themselves must be regulated to ensure that they adhere to a certain legal and normative framework in terms of their internal functioning, financing and code of conduct.
- It is also recommended that given that Zimbabwe is still going through a transition and exhibiting low levels of trust among and between political parties and on the EMB, a statutory body akin to the Kenyan Registrar of Parties, be established to deal with the registration of parties instead of the EMB.
- The agitations for the regulation of political parties must be for genuine reasons such as the enhancement of party systems and inter-party relations and building stronger political parties, so that it is not abused by those who have power and those who don't have it.



Political Parties are crucial actors in Zimbabwe's democratisation process as they must play a vital role of aggregating and articulating interests of the people and developing competing policy proposals that provide voice and choice for their constituencies...

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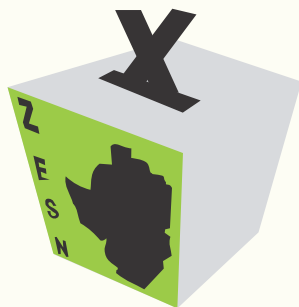
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