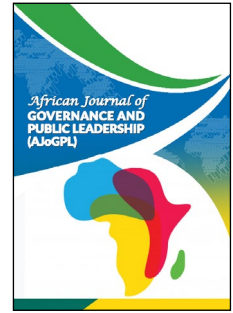


# The timing and legitimacy in the announcement of presidential results in the 2018 general elections in Zimbabwe



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## **Abstract**

Presidential elections since the formation of the Movement for Democratic Change (MDC) in 1999 have become highly contested and disputed. The announcement of presidential election results in 2018 were reinforced by existing political divisions following two important historical events: (1) the delayed presidential results that took five weeks to be announced in 2008, and (2) the palace-military coup that took away power from President Mugabe in 2017. The suspicious MDC supporters took it onto the streets in protest to what they perceived as rigging processes caused by delays in election results announcements with dire consequences on seven lives gunned down by heavy-handed military personnel.

The study aims at establishing the best timing and legitimacy of announcing presidential results in view of the election laws and human rights observance for purposes of political and institutional success.

Election results for parliamentary and council results were announced immediately after the results, but there was a halt in the announcement rhythm after this. This convinced opposition supporters that Zimbabwe African National Union Patriotic Front (ZANU PF) was purposefully delaying the announcement to rob them of their vote. MDC supporters went onto the streets demanding for an immediate release of this strategic and tactical electorate decision. This qualitative study used Mobile Instant Messaging Interviews (MIMI) to collect data from key informants and focus groups.

Results of the study indicate that the legitimacy of the 2018 presidential polls became based upon the military reaction on protesters rather than miscounting of results. It was also revealed that the Zimbabwe Electoral Commission (ZEC) was short-staffed, and could not quickly verify and collate all the 210 constituency results into single figures for each of the 23 presidential candidates for release to the public. These challenges highlight the need for electoral reform, civic education on electoral law and political maturity on the part of parties to improve on timing and legitimacy in announcement of presidential results at the peak of the election-tide.

This article argues that the timing and legitimacy of presidential election results must be examined from the theory of the 'duration model' (period between start of elections and announcement of presidential results). The 2018 elections thus were criticised on the basis of human rights abuse by heavy-handed military reaction rather than rigging and the duration question as ZEC was left with five or seven days from its Constitution-mandate to release the presidential results. ZEC needs to be empowered to give all results within the election-tide, hence should act within the constitutional duration and in the context of human rights. The public needs to be educated on the law and processes of elections, including the challenges of ZEC at every moment. The armed forces do not need to be leashed against peaceful protesters.

*Key words: Elections - Zimbabwe, Electoral democracy*

## **Introduction**

The constitution in Zimbabwe has mandated the Zimbabwe Electoral Commission (ZEC) to administer all national electoral processes; hence ZEC is responsible for presiding over, and the announcement of presidential results. Presidents are important national stakeholders on economic, political and social development whose personal inclinations have a substantial impact on national relations between the army, civil society and business (Pigou 2019). This strategic election result sets political parties, the armed forces, and business into motion as soon as they are announced. Presidential elections have been a cause for concern since the formation of the MDC in 1999 reaching its peak in the 2008 presidential elections, and the 2017 military coup. Political party supporters were vigilant during the announcements of election results hence the 2018 peaceful protests that their vote could be stolen turned out to be bloody as the military dissented heavily upon civilians. The study aims to establish the significance of timing and legitimacy of announcing the strategic and tactical electorate decision (presidential results) with regards to existing election laws and human rights observance using the 2018 election experiences. The qualitative study has been done using media assisted interviews through Whatsapp platforms. The case under study indicated that state reaction was instigated by poll realities that were rigged, while ZEC hid from the truth using staffing shortages as its excuses. Electoral reforms, public education on elections and political maturity is required during the peak of the election-tide. The study used the theory of the duration model to examine inconsistent counting of votes and human rights abuses by armed forces.

## **The Duration Model Theory**

This study examines the timing and legitimacy of the 2018 presidential elections in Zimbabwe in view of the duration model theory (DMT), which is the amount of time that elapses between two important events. The DMT is used in various fields of study and captures the concept of time, for example in economics it allows for an opportunity to present itself – also survival tactics (Cleves, Gould & Gutierrez 2004). In politics, they use frustration to provoke reaction, having put all the moves in strategy to win a lost battle using non-battle specific tactics such as provoking violence to justify announcing a wrong result arguing that opposition parties knew they have lost the election that is why they are breaking the law. Presidential elections in Zimbabwe are presently treated with an aura of interesting puzzle. The 30th July 2018 general elections were carried out under the euphoria of both the 17th-21st November 2017 coup and the delayed pronouncement of presidential results in the 2008 general elections that took five weeks to be released. The controversy that challenged the legitimacy of the presidential results are based on incidences of 1st August 2018, following the shooting down of seven people rather than suspected rigging caused by delayed announcements of results as ZEC legally had five or seven days to announce the presidential election results. Interpretation of this section of law could give ZEC to announce results by the 5th or 7th day of August 2018 depending on how weekends were treated in the interpretation of the law, hence the duration model. Preliminary speculations on the election results were that the presidential race was tightly contested (Lewanika 2018). The duration between the pronouncement of council and parliamentary results on 31st July 2018 and the announcement of the presidential results could appeal to the question of how long ZEC could take to compile the 120 constituency results for every presidential candidate into single figures for each presidential candidate. Supporters, who did not appreciate the constitutional mandate, marched on 1st August 2018 to pressure ZEC to announce results resulting with gunfire that claimed seven innocent lives.

ZEC was still within its constitutional mandate to announce presidential results as the law gave up to the 5th or 7th to announce results. The use of the duration model on announcement of results has been supported by participants who also argued that election controversy changed from rigging to violence, hoodwinking observers to question the legitimacy of the results on the legitimacy of ZANU PF victory after the 2017 coup (Le Bas 2006). The duration model theory has proven to be inadequate in the politically polarised state. This study has purposefully interrogated the DMT in the increasing challenges of deligitimised election victory of the Mnangagwa administration (Lewanika 2018). However, participants showed no mixed feelings on the delay of the presidential results using the DMT. The DMT remains an inconclusive theory on the timing and announcement of presidential results in Zimbabwe.

## **Methodology**

The study used literature studies, election reports, court papers and results, observations and field studies on data collection. The study carried out four interviews and two focus groups using mobile instant messaging interviews (MIMI) due to SI 77 of 2020, on COVID-19 Prevention, Containment and Treatment Regulations. MIMI used WhatsApp to collect in situ data. MIMI was developed in the real-time life experiences of study participants during the COVID-19 period (Kaufmann, Peil & Bork-Huffer 2021). The study contacted political parties, especially at ZANU PF and MDC headquarters in Harare. Most parliamentarians were unavailable. Respondents contacted were informed and gave key data on the timing and announcement of election results using purposive and convenience sampling for five parliamentarians. Also researchers in government ministries and embassies who were previously engaged in national elections were picked to participate. Seven key informants were successfully contacted. Participants were fairly distributed between men and women with seven women and five men. The study managed to send interview questions to a total of twelve participants. It was impossible to perform focus groups as planned as political parties did not provide their personnel for the study. This gap was filled by literature studies.

The study met required validity and reliability tests as the researcher acquired written court responses on the court challenge by the opposition, fulfilling an otherwise legal and constitutional requirement to the legitimacy of the presidential results. While the court proceedings and results did not represent the will of the challengers, the process met some semblance of the application of the law on the legitimacy of the election result. This study goes beyond the 2018 general elections as it attempts to provide progressive and international best practices on the timing and legitimacy of the announcement of presidential elections. Reliability has been met by the engagement of key institutions involved general elections.

Data was interpreted using Atlas.ti 8 and the study met minimum ethical requirements of informed consent, confidentiality and anonymity.

## **Presentation of Results**

### **Timing of Announcement of Presidential Results and the Law**

Participants indicated that they have the knowledge of electoral laws and national constitutions that provide timelines within which election results can be released and announced.

Most participants agreed that post-election conflicts in most parts of Africa emanate from controversial elections since attainment of independence and adoption of western principles of democracy (Huntington 2004). The first sub-Saharan African countries to attain independence were Ghana (1957); Democratic Republic of Congo (DRC) (1958), and Zambia (1964). Between 1960 and 1980, there were waves of military coups. Beyond 1980, when Zimbabwe attained independence, the continent was introduced to new governance principles of democracy that took place in the 1990s and beyond. Since then, African states have moved away from inter-state conflicts to defend boundaries like in Ethiopia and Eritria; Botswana and Namibia (which was mediated by President Robert Gabriel Mugabe); and Nigeria and Cameroun to intra-state conflicts. With intra-state conflicts, frequent elections were introduced as defined by national constitutions and electoral laws. They moved away from violent usurpation of power through civil wars, secessionist conflicts (Sudan), liberation wars and ethnic cleansing to election disputes. Participants indicated that conflicts around the announcement of presidential results emanate from justice issues which may be presented as procedural or substantive in form (Ceva 2009). 'Procedural justice is defined herein more broadly as the fairness of a dispute management system' (Nyamutata 2012:64). 'Substantive (or outcome-oriented) theories of justice, by contrast, draw on the characterization of the inherent properties of just outcomes' (Nyamutata 2012:65). On justice, Nyamutata (2012:70) says 'Regional and sub-regional organizations are custodians of norms and therefore implementers of justice principles in managing conflict. Justice is vital to the management of conflict. This is because, in general, conflicts arise because of perceived injustices'. Thus conflict arises as a justice issue, hence even 'Electoral conflict is [also] a justice conflict' (Nyamutata 2012:70). In other words, we cannot understand the challenges of the 2018 election results in Zimbabwe without looking at the two justice concepts, procedure and outcome (Ceva 2009).

Participants are categorical that procedures are very important in that they rid the process of any possible manipulation, in which case the counting and posting of results at every polling station, filling in of official result documents (V11 and V23) as well as the timely announcement of results was a case in point. This concern was cited by participants in reference to the past where votes were not properly counted (Dorman 2005). While presidential results could be easily compiled in the same way with the council and parliamentary results, the compilation of the total vote was not completed neither in the district command centre nor the provincial command centre, but in the national command centre. Participants stated that presidential results were the last to be announced because all constituencies had to ferry their filled forms and ballot papers to the national command centre for recounting and verification before a result could be reached. While the outcome was as important as the procedure, embassies concurred that ZEC had up to five days to finish the process and release its results. While procedural or substantive justice is the case in point here, fears of election rigging by the incumbent presidents have been topical across the continent inclusive of constitutional manipulations to extent their terms of offices. Where constitutional manipulations were difficult to carry out, incumbents, delayed in announcing results. This has thwarted the aspirations of most African people as opportunities for economic growth slipped away due to predatory and authoritarian rules by liberation movements (Juma & Brazaville 2018).

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<sup>1</sup>This has happened in Burundi, where Pierre Nkurunz stole elections; and it happened in Cote de Voire as well. In 2007 the Kenyan Uhuru/Odinga saga was caused by this; and in 2008 Zimbabwe's Robert Mugabe/Morgan Tsvangirai, was based on delayed announcement of the polls.

## The Electoral Law and the Delayed Announcement of Results in Zimbabwe

Participants in the 2008 delayed announcement of presidential results stated:

The problem of Zimbabwe was not on the death toll or the atrocities that were meted against the people by the government in 2008 but the delayed announcement of the presidential results. At the time, the country had no clear legal provisions to force the ZEC to announce the elections because the legal 'concept of reasonableness' they were using could mean anything to the applicant of the law.

In Section 18 (6) of the Lancaster House Constitution it says that an adjudicatory authority should conclude a case within a 'reasonable time'. What one asks is the 'reasonableness' of investigating an election result after five weeks, especially in terms of the eligibility of 4 million or 5 million voters, yet results that triggered conflicts were posted on the boards at the polling stations. One also needed to ask what 'reasonableness' meant to the mediator who said 'I wouldn't describe that as a crisis. It's a normal electoral process in Zimbabwe. We have to wait for ZEC to release [presidential results]' (Harper & Mkhabela 2008). The 2008 lengthy delay in the release of presidential results was a novel thing that was never experienced before. This delay was curious for the opposition MDC, and is termed 'electoral authoritarianism' (Schedler 2006) as the ZANU PF party President, after consulting the Judicial Service Commission (JSC), appointed the ZEC chairperson, and if he chose to appoint another person other than the recommended candidate could inform the Senate without informing the JSC. The President would further appoint six other members of the ZEC of whom three were women according to Section 61 (1) (b) of the Constitution. In this case, ZEC has been labeled as partisan because the procedures for its appointment were always not independent.

In the 2018 saga, findings indicate that the law was clear for the presidential results, which had to be announced or released within five days, and depending on our interpretation of the law, if weekends were not included, it could take up to seven days. The Zimbabwe Constitution under Section 156, as read with Section 110 of the Electoral Act provides for the timing of announcement of Presidential Election results. Specifically, section 110 (3) (h) (i), empowers the Zimbabwe Electoral Commission (ZEC), to announce results within five (5) days from date of polling. Depending on the interpretation of such a law, ZEC had 5 to 7 days to announce the presidential results, as the literal number of days was five or legal number of five working days gave it seven days to do so. Thus in terms of procedural justice, ZEC could be justified although we still have another justice question the international community has not asked, the substantive justice question (Ceva 2009). Firstly, the 2018 general elections had the highest number of presidential hopefuls in the history of Zimbabwe (23 candidates), although the contest was largely between ZANU PF's Emmerson D. Mnangagwa and the then MDC-Alliance's Nelson Chamisa. For the parliamentary elections, there were 1648 candidates from 55 political parties of which 220 were independent candidates to fill the 210 parliamentary seats (Lewanika 2018). It needs to be understood that the Afrobarometer in its opinion polls in May 2018 predicted a tightly contested election where the ZANU PF candidate, Emmerson D. Mnangagwa had a slight upper hand of 40% after losing 3% from 43% in the earlier month, and the MDC-Alliance leader, Nelson Chamisa had gained 7% from 30% to 37% (Lewanika 2018). In this context, it can be argued that Nelson Chamisa was not clearly sure to win the election, and neither was the incumbent Emmerson D. Mnangagwa due to factional fights within ZANU PF. Rather, Mnangagwa's formidable party that was conflated with government

could use this 'election as an opportunity to legitimize the November 2017 coup' (Lewanika 2018:2). Chamisa who had inherited a financially broke party, with no support from the international partners, civil society nor white farmers, and was conservative on women and gender, could hardly mobilize and organize MDC machinery by use of social media which could not guarantee numbers on polling day (Lewanika 2018). In the process, opposition MDC-Alliance had publicly warned that it would defend its vote, and the 'public mood' was contradictory, giving ZEC a 'hazard caution' in hope for positive change (Bratton and Masunungure 2018:1-22). This therefore was a 'closely watched vote' and 'tensions' were rising and souring after the election (Pigou 2018). This influenced the timing of the announcement of the presidential results as well as the August 1st events. For purposes of this study, the 2018 MDC petition for the release of the presidential results was concerned about substantive justice, yet the constitutional court used procedural justice to defeat the petition (Pigou 2019; Malaba 2018). This therefore makes many believe that the announcement by 'the Progressive Democratic Party leader and former finance minister in the 2009-2013 Zimbabwe Government of National Unity, Tendai Biti, [who] claimed [that] Chamisa had won [the election]; But the parliamentary results pointed to a massive ZANU-PF victory, which the opposition did not believe was possible without rigging' cannot be trusted (Pigou 2019:4). For this reason, Tendai Biti is believed to have preemptively announced the figures they compiled from the posted results on the polling stations and had to run from arrest to Zambia for he was charged with announcing the results yet the law specifically mandates the ZEC to carry out the duty of announcing the polls. It is not the purpose of this paper to judge whether the opposition was justly treated or not, but to state the facts in rolling out the need for a re-engagement strategy in a deeply divided nation concerning who should and who should not rule the country.

In Zimbabwe, struggles to deal with time-lines of announcing the presidential polls under the new Constitution began in 2013, where Tsvangirai claimed that the results were rigged, and he went to the courts but did not win the case. Similarly, on the 30th of July 2018 Zimbabwe went to the polls, but on the 1st of August 2018, the populace was angry that the results were not released or announced during the election-tide. The result was announced 2 days after the closure of the polls on the 30th of July 2018. Though within its time limits, the populace argued that ZANU PF wanted to rig the election; while on the other hand, ZEC argued that they needed to verify the result at the national command centre, even though the ballots, V11 and V23 forms had been completed and verified by the district and provincial command centres. The verification processes were done first at the polling stations where councilors were announced winners or losers, then at the constituency levels, where Members of the National Assembly (members of parliament (MPs)) were announced winners or losers, and finally at the national centre, where the president was announced winner or loser. One participant with government stated:

Candidates for the ward councillors were pronounced winners or losers at district/constituency command centres; MP candidates were declared winners or losers at provincial command centres and the presidential candidates were announced winners or losers at the national command centre.

Further, the MDC-Alliance leaders claimed that their examination of the commission's results and the poll results posted at the polling stations indicate that the numbers were falsified to give the ZANU PF candidate a 50+1 result so as to avoid a re-run. The argument that was finally taken to the court was seeking substantive justice, yet the events of August 1st were provoked by procedural justice, which makes the argument against the 2018 presidential results, in our view, not a legal argument per se, but

one of both perception and politics (Ceva 2009). As stated above, the 2018 elections were regarded as a watershed election that was tightly contested (Lewanika 2018).

It further needs to be understood that the 2018 election was done under the 2013 national constitution, but that the nation had lost trust in the institutions of government, reaching to a state of fatigue. People believed the nation had no political leaders and were almost on their own, especially basing on the 2017 'palace coup that was not regarded as a coup' (Bratton & Masunungure 2018:1; Pigou 2018:5). The behaviour of ZANU PF to its long-serving president by removing him through forceful means placed democratic processes at stake in Zimbabwe, meant elections could be manipulated by the same means to install a candidate favourable to the security system (Oxford Analytica 2018). Participants were convinced that 'The 2018 general elections were to define the course of Zimbabwean history', hence everyone regarded them as 'watershed elections' - just like a shed that determines where to throw the water. The premises of 'watershed elections' were on that the opposition had a chance to turn a new leaf in the political landscape of Zimbabwe, and to be numbered among a few cases where opposition parties defeated incumbents in Ghana, Zambia and Nigeria. In the history of elections in Africa, since the collapse of colonialism, MDC hoped, through a new leader, Nelson Chamisa, to bring a new political horizon on Zimbabwe (Juma & Brazaville 2018).

Participants openly stated that they hoped MDC-A had a chance because both candidates were new leaders, although the MDC faction was bedeviled by factional fights, pitting the youthful Nelson Chamisa against the veteran of the liberation struggle, Emmerson D. Munangagwa who had been at the helm of government for over 37 years and was involved in factional politics for many years. Participants further acknowledged that the ZEC followed International Best Practices (IBP) as its Electoral Act clearly stated that ZEC should announce the election through the public address system within a period of five days from close of election. This means honourable Tendai Biti violated the Zimbabwean electoral law by announcing his own figures for the presidential results before the ZEC announced its own figures. Biti's announcement was justified in that Zimbabwe's authoritarian ZANU PF party, cum, military government, which had forcibly taken power from the country's erstwhile founding leader could be reluctant to allow ZEC to announce a genuine result, hence was buying time to manipulate the results in favour of ZANU PF candidate (Oxford Analytica 2018). The question however remains on the truthfulness of the results, whether they were 'nicely counted this time' (Dorman 2005:155-177). 'The army's deployment on the streets of Harare to quell protest confirms the uncomfortable truth that the military remains a pre-eminent force in Zimbabwe's politics' (Pigou 2019:5). Previously, the MDC was fighting for the cleaning up of the electoral roll, gerrymandering and vote-buying, which had been posed as tipping points for the election scale against opposition candidates during the polls. The declines in opposition election victories have further been cited as being caused by improper vote counting, which is the reason why the timing of the elections has become an issue in Zimbabwe.

In all, the timing of the announcement of presidential elections in Zimbabwe was reviewed in light of the national constitutional mandate that gives timelines for the announcement of results.

### **ZEC's Constraints in the 2018 General Elections**

Participants sympathetic to ZEC indicated that events of the 1st of August 2018 should not be associated

with ZEC's competence or incompetence because it had within five or seven days to announce the results. Some sections of the opposition interviewed criticised Justice Priscilla Chigumba for triggering conflict that resulted in the killing of seven lives during the protests (Pigou 2019). As observed by several lieutenants of opposition politics, ZEC moved quite fast in announcing parliamentary results, but its feet became tied-up and moved too slowly for the comfort of the voters to bring to the fore an authentic presidential election result. In this case, ZEC waited for over 3 days after closure of the polling on the 30th of July, and 2 days after all other elections had been released, to announce the presidential results. Given the enormity and importance of the presidential results for the nation of Zimbabwe, participants concurred that local, regional and international observers wondered why it took ZEC so long to announce the results. They questioned why ZEC did not seize the election-tide mood to announce the presidential results before many speculations could be given? Participants observed that ZEC announced rural constituencies first before announcing results for Harare and Bulawayo. However, demonstrations happened before the lapse of the time to announce, which connotes towards the duration model. Chikwawawa (2019:315) says:

There were apparent anomalies in the announcement of results, which ZEC claimed were being physically delivered from the constituencies and were being announced as they came. What was surprising was why ZEC started announcing results from remote parts of the country before announcing results from constituencies in Harare, where the results were being announced. This triggered unrest, which resulted in demonstrations in the city centre in Harare. However, the demonstrations were controversial, since ZEC was still within the time-lines within which it is legally required to announce election results.

The experiences of the 2018 election results' announcement have a lot of loopholes from the political parties because in every institution ZEC acted out of suspicion. Despite this, presidential results carry substantive importance to the army, business and civil society. While paying attention to the 2018 alleged delays in the announcement of presidential results, anticipation created despair and civil unrest as happened on August 1st. The August 1st was the first experience when the military fired live ammunition upon opposition protesters on the Harare streets since independence, which further deepened divisions between political parties and 'the election left the generality of the Zimbabwean populace deeply disillusioned, with their hopes of returning to democracy and economic revival depressingly shattered' (Chikwawawa 2019:312). Chikwawawa further argues that:

The government reacted by unleashing soldiers with live ammunition on the demonstrators, resulting in the fatal shooting of at least six people. The unconstitutional deployment of the army to shoot unarmed civilians dented the credibility of the elections and President Mnangagwa's pledge to entrench constitutionalism and democratic governance. The shooting was followed by a police crackdown on the MDC Alliance leadership, including senior leaders Tendai Biti and Morgen Komichi, further undermining the credibility of the elections (2019:315).

The release of the army onto the civilians delegitimized the incumbent even though he requested the nation to remain peaceful, and blamed the opposition MDC for the violence, but said nothing against the security forces (Le Bas 2006). On the other hand, the ZEC argued that it needed to go through the verification process as the V11 and V23 that were presented were presumably a larger workload compared to parliamentary constituency results, and that they were short-staffed to finish as early as the electorate expected.



The importance of the presidential elections thus forced ZEC to be thorough in its verification process and hope the results were 'nicely counted this time' (Dorman 2005:155-177). A ZEC official also stated that:

There were 3 ballot papers, one for the councilor, one for the Member of Parliament and another for the President, yet the MDC did not challenge the two-thirds majority in Parliament, but only the presidential result. Unlike parliamentary results which are fully compiled and released as complete results at the provincial command centre, presidential results are compiled and completed at the national command centre, hence the delay in the announcement of such results.

This study attempted to assess the experiences of announcing results from the presidential results of the Zimbabwe 2018 general elections as well as systematically study how the timing of the announcement of the presidential results can improve the legitimacy of the winning candidate. The study suggests how announcements of presidential results should be conceived, the timing of announcing and the constraints associated with the verification process for purposes of legitimacy. The study argues that the electoral law's provisions of one week to announce the elections could justify that ZEC did not delay on the timing to announce the presidential results, but that winning the trust of the people required her to set aside the legality of the process by taking advantage of the election-tide rhythm to announce the presidential result. The study further assessed the tenability of the electoral law and the ground realities of the counting process.

### **Experiences of Delayed Announcement of Results in Africa**

There is extant research on the timing of the announcements of presidential results in Southern Africa although most elections in Africa are marred by post-election violence instigated by delayed announcements of presidential results (Smith 2004). The nation was assured that the 2018 general elections were going to enhance Zimbabwe's credibility in order to help the country recover economically. The delays in announcing presidential results in Africa vary from country to country (Githaiga 2012), and the length of time it takes to finally announce the results is usually constitutionally vague. To note are the delays that were done in other countries, and announcement of presidential results have been cited in the 2019 Democratic Republic of Congo elections; it has also been cited in Kenya, Zanzibar, Lesotho, Angola, and Ivory Coast (Kaaba 2015). These delays suggest that the electoral commissions have little liberty and independence to announce the outcomes without seeking for confirmation. Timing in this case takes regard of power-politics, the office of president and the candidate under consideration. Little information has been extracted to assist in this exploratory study, but allegations from participants indicate that results were meant to favour candidates who were compatible with the national historical ideology; conversant with a complex diversity of stakeholders; and whose credentials will not stifle the feathers of the national security system. For Zimbabwe, the unprecedented numbers of voters, and the result that came out that E.D. Mnangagwa had won the election was of little shock to the pollsters who predicted a tight election; but to MDC it was not a shock because ZANU PF rigged the election. Thus 'The opposition is accusing the electoral commission of bias and fraud in its legal petition to overturn the election results' (Pigou 2019:5). The ZEC personnel who responded to study questions however indicated that verification of presidential results was time-consuming and that the disposition for announcing presidential results ranged from a couple of days to a week due to the enormity of the process as stated in the national constitution.

Opposition supporters who participated in the study stated that ZEC was a 'captured institution' because 'ZEC sought to announce an election result in favour of its preferred candidate'. They further argued that: 'The ZEC used a model of election release that is in harmony with the desires of the incumbent', but ZANU PF participants suggested that 'ZEC acted in the interest of national sovereignty, stability and security'. A few publications on the subject (Lewanika 2018) have been confirmed by participants who argued that 'The ZEC cannot immediately announce a result that negatively affects the incumbent as we saw from the 2008 election result'. Participants were pessimistic that even the judiciary was captured as 'There are no legal appeals against the ZEC announcements of results that have been won in court, making the ZEC release of the results final'. The announcement of results, while they conformed to legal parameters, did not legitimise the correctness of the votes cast and counted as the result always indicated that the incumbent was always leading in every poll.

This qualitative study has observed that there were strategic differences between the opposition leader, Nelson Chamisa and the incumbent leader and President of Zimbabwe, Emerson D. Mnangagwa on the timing and strategic behaviour of the candidates to the masses. ZEC personnel were appointed by the incumbent, pitting the opposition against ZANU PF. Thus opposition participants argued that 'The ZEC Chairperson, who is appointed by the incumbent president for both credentials and partisan politics, acted in favour of the ruling party'. Use of legal constraints thus meant to be used for personal security concerns of the masses by either delaying or fast-tracking the announcement after confirmation of final results. A ZEC official who declined to be mentioned stated: 'The process of verification can be done by junior officers, while in the case where the indication is that the election result is tightly contested; the senior officers in the commission are called upon to do a thorough verification process'. This may allude to the accusation of the Commission by the opposition that it acted in favour of the losing incumbent.

Further, the claim by ZEC that it had staffing challenges to release election results remains inconclusive. ZEC was given its annual budget for 2018, and the general elections had their own budget, making the claim that ZEC was short-staffed very difficult to sustain. This study focuses on the theoretical and strategic aspects of the timing of the announcement of results, where a mannequin reasons have to do with the difficulty of verifying the results in a minimum period of time or the anticipation of the effects of the results. Some participants mentioned 'palace theories' on the ZEC rationality of ZEC's delays on releasing results acceptable to power-holders. This dynamic has to consider inter- and intra-party relations as an announcement may trigger rising tensions within an organization or organizations hence the need to test the mood of the voters by holding on to contestable result due to human error or manipulation (Kadima 2006). The predicament which faces electoral authoritarian regimes 'is an unexpected electoral outcome that poses a threat to non-democratic rule ... in which a new opposition inflicts a surprising defeat on the non-democratic regime' (Nyamutata 2012:69). In other words we expect intra-party tensions rather than inter-party tensions to constrain the timing of the release and announcement of presidential results in which case it was less about MDC rather than G40 in the 2018 delay of the announcement of presidential results.

Finally, ZEC had to follow the etiquette and courtesy of announcing results for the office of President of the Republic in line with the legality of the office. While ZEC cannot prioritize candidates for the office, it is very difficult for the Commission to veto a result without going through consultations on how

to present a seemingly contestable result. Timing of the results thus, which the opposition could have regarded as having been fabricated in favour of the incumbency, where the opposition could not concede defeat, could have required the Commission to make necessary consultations and allow the security services to provide adequate measures and backup to contain a revolt. Participants also argued that 'The legitimacy of a delayed result has always been shrouded in questions of legitimacy', wherein similar cases in Malawi have been cited, where they delayed to announce a forged result (Smith 2004). This process, rather than the verification of results, may lengthen the period of time in which results can be announced, and we hereby hypothesize that presidential courtesy need to be attended to before the announcement is made.

In all, ZEC was also constrained by the constitutionality of their mandate. The job of ZEC is to receive results, verify them and then make announcements. In its limitations, it needed to observe both the constitutional requirements, election-tide mood and public concerns as well as public security and social stability. In all, ZEC must expedite its processes to avoid unnecessary excuses.

## **Discussion of the Results**

### **The Hazard Rate in Election Announcement**

The results indicate that ZEC had to consider the hazard rate in the announcement of results because there was instantaneous risk if the result was presented without considering public reaction. The hazard rate is conveniently evaluated in view of the duration model below, which is a length of time between the end of election and the period when the announcement is finally made and the inverse relationship between the two. The study supports claims that intra-party conflicts rather than inter-party differences posed a greater challenge to the announcement of results as factional fights could escalate violence within political parties. The dynamics of hazard therefore determined the amount of time to announce results within the ZEC Constitutional mandate.

### **The Duration Model in Election Announcement**

The duration model allows candidates to re-evaluate the effects of their performance before a final result is announced. An assessment of the timing and announcement of results need to use the regression model where intra-party conflicts may be the major causes for the delay of the announcement of results rather than the effect the results may have on the candidates. Duration should also consider the distances through which the ballot materials and the result slips moved from across the nation to the national command centre for the purposes of verification.

### **The Acceptability of Results by the Incumbent**

The timing and announcement of presidential results depends on the extent to which results are acceptable by the incumbent. ZEC can expeditiously complete the counting of ballots and the process of verifying results in view of the time constraints meted against its office if the results are favourable or unfavourable to the incumbent. Where the incumbent leads in all the ballots, the process is done speedily; but where the incumbent lags, the process is slowed. ZEC has a great incentive when the incumbent leads as the ruling party acts in friendly terms and results announced immediately are acceptable. Given that announcement of results is a political act, ZEC has to consider intra-party conflicts as well as contestable polls, especially

where ties are probable, making an immediate announcement futile. The announcement has to be done in the best interests of the country and the candidates where ZEC should have less incentives to act quickly or delay, hence not all presidential candidates.

## Conclusion

The paper has discussed the timing in the announcement of presidential results by ZEC, and suggests that there must be more innovative ways of managing the process in light of a variety of outcomes. This may be because the long-drawn struggle for democracy, economic recovery, and the well-being of citizens in Zimbabwe has been on the agenda of many people, hence this great interest in presidential elections as they provided an opportunity to transform both politics and economics (Chikwawawa 2019). It is obvious that the important role of ZEC has been neglected on its treatment of results due to past experiences of rigging and delayed announcements of presidential results. This study has focused on the legal, practical and theoretical aspects of the timing of the announcement of presidential results, and there is much to be gained by studying the 2018 general elections, especially ZEC's choice and strategies of the time to announce the results.

## References

- Asuelime, L.E., 2018. The African Union and election related violence in Zimbabwe. *Gender and Behaviour*, 16(2), pp.11790-11804.
- Bratton, M. and Masunungure, E.V. June 2018. 'Public attitudes toward Zimbabwe's 2018 elections: Downbeat yet hopeful?' *Afrobarometer*, 47:1-22
- Bratton, M. and Masunungure, E.V. September 2018. 'Heal the beloved country: Zimbabwe's polarized electorate'. *Afrobarometer*, 49:1-20
- Ceva, E., 2009. Just procedures with controversial outcomes: On the grounds for substantive disputation within a procedural theory of justice. *Res Publica*, 15(3), pp.219-235.
- Chikwawawa, C. 2019. Zimbabwe 2018 Elections: Shattered Hopes for Change and Economic Recovery. *International Journal of Research and Innovation in Social Science (IJRISS)* 3(3):312-315
- Cleves, M.A., Gould, W.W. & Gutierrez, R.G. 2004. An Introduction to Survival Analysis Using STATA. Texas: STATA Corporation.
- Dorman, S.R. 2005. 'Make Sure They Count Nicely This Time': The Politics of Elections and Election Observing in Zimbabwe'. *Commonwealth & Comparative Politics*, 43(2):155- 177
- Dube, N., 2018. *Impunity from accountability for election crimes: analysis of crimes committed by Zimbabwe authorities and ZANU-PF militia during the 2008 election* (Doctoral dissertation), University of Pretoria.
- Edwin, Y. 2018. When bullets replace ballots: The role of SADC in promoting peace through democratic governance in Zimbabwe. *Journal of African Union Studies (JoAUS)*, 7(3):147-167
- Githaiga, N. 2012. The 2011 DRC election polls and beyond. ISS Situation Report, viewed 20 November 2021, <[https://media.africaportal.org/documents/DRC\\_Sit\\_Rep\\_21Jun12.pdf](https://media.africaportal.org/documents/DRC_Sit_Rep_21Jun12.pdf)>
- Harper, P. and Mkhabela, M. 2008. 'Crisis? What Crisis?' The Sunday Times, 13 April 2008, in *Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008* (21 May 2008). Johannesburg, South Africa: Solidarity Peace Trust
- Huntington, S.P., 2004. *The third wave: Democratization in the late twentieth century* (Vol. 4). University of Oklahoma press.
- Juma, T.O. & Brazaville, T. 2018. *Flashpoints in Zimbabwe Elections: The Local and Regional Implications*, viewed 20 November 2021, < [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3251304](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3251304) >
- Kaaba, O.B., 2015. 'The challenges of adjudicating presidential election disputes in domestic courts in Africa'. *African Human Rights Law Journal*, 15(2):329-354.

- Kadima, D., 2006. 'The study of party coalitions in Africa'. *The Politics of Party Coalitions in Africa*, EISA, South Africa, pp.1-14.
- Kapomba, W. 2018. *Election management in Zimbabwe: an analysis of the electoral system and democracy*. Midlands State University, viewed 20 November 2021, <[https://scholar.google.com/scholar?hl=en&as\\_lection+management+in+Zimbabwe%3A+an+analysis+of+the+electoral+system+and+democracy.&btnG](https://scholar.google.com/scholar?hl=en&as_lection+management+in+Zimbabwe%3A+an+analysis+of+the+electoral+system+and+democracy.&btnG)>
- Le Bas, A. (2006). Polarization as craft: Party formation and state violence in Zimbabwe. *Comparative Politics*, 38(4):419-438.
- Letseka, M. 2005. *The Zimbabwe election: tragedy of a country torn apart by its violent past, its oppressed present, and its uncertain future*. HRSC, viewed 20 November 2021, <<https://repository.hsra.ac.za/handle/20.500.11910/7236>>
- Lewanika, M., 2018. # ZimElections2018: charismatic appeals vs performance legitimacy. *Africa at LSE*.
- Mbunge, E., Vheremu, F. and Kajiva, K. 2018. Licensed Under Creative Commons Attribution CC by a Tool to Predict the Possibility of Social Unrest Using Sentiments Analysis - Case of Zimbabwe Politics 2017 – 2018'. *International Journal of Science and Research (IJSR)*, 6(10):1541-1545
- Mbunge, E., Vheremu, F. and Kajiva, K. 2018. Licensed Under Creative Commons Attribution CC by a Tool to Predict the Possibility of Social Unrest Using Sentiments Analysis - Case of Zimbabwe Politics 2017 – 2018'. *International Journal of Science and Research (IJSR)*, 6(10):1541-1545
- Naidoo, J. 2016. *Scenario Analysis: Venezuela and Zimbabwe 2025*, viewed 20 November 2021, <[https://scholar.google.com/scholar?hl=en&as\\_sdt=0%2C5&q=Naidoo%2C+J.+2016.+Scenario+Analysis%3A+Venezuela+and+Zimbabwe+2025.&btnG](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Naidoo%2C+J.+2016.+Scenario+Analysis%3A+Venezuela+and+Zimbabwe+2025.&btnG)>
- Nyamutata, C. 2012. 'Electoral Conflict and Justice: The Case of Zimbabwe'. *African Journal of Legal Studies*, 5:63–89
- Nzira, W.K. 2018. *A critical analysis of the impact of factionalism on political development in Zimbabwe: the case study of ZANU PF*, viewed 20 November 2021, <[https://scholar.google.com/scholar?hl=en&as\\_sdt=0%2C5&q=Nzira%2C+W.K.+2018.+A+critical+analysis+of+the+impact+of+factionalism+on+political+development+in+Zimbabwe%3A+the+case+study+of+ZANU+PF.&btnG](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Nzira%2C+W.K.+2018.+A+critical+analysis+of+the+impact+of+factionalism+on+political+development+in+Zimbabwe%3A+the+case+study+of+ZANU+PF.&btnG)>
- Oxford Analytica, 2011. Election rigging may erode Africa's democratic gains. *Emerald Expert Briefings*, (oxan-db).
- Oxford Analytica, 2018. 'Election rigging may erode Africa's democratic gains'. *Emerald Expert Briefings*, (oxan-db), viewed 20 November 2021, <[https://scholar.google.com/scholar?hl=en&as\\_sdt=0%2C5&q=Oxford+Analytica%2C+2018.+%E2%80%98Election+riggering+may+erode+Africa%E2%80%99s+democratic+gains%E2%80%99.+Emerald+Expert+Briefings%2C+%28oxan-db%29.+&btnG](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Oxford+Analytica%2C+2018.+%E2%80%98Election+riggering+may+erode+Africa%E2%80%99s+democratic+gains%E2%80%99.+Emerald+Expert+Briefings%2C+%28oxan-db%29.+&btnG)>
- Pigou, P. 2018. *Tensions Rise Ahead of Zimbabwe's Elections. Report from International Crisis Group*, 27 July.
- Pigou, P. 2019. *After Elections, Zimbabwe Government's Legitimacy in Limbo. Crisis Group*, viewed 20 November 2021, <<https://www.crisisgroup.org/africa/southern-africa/zimbabwe/after-elections-zimbabwe-governments-legitimacy-limbo-1/7>>
- Rawls, J. 1993. *Political Liberalism*. New York: Columbia University Press
- Schedler, A. (ed.) 2006. *Electoral Authoritarianism: The Dynamics of Unfree Competition*. Boulder, CO: Lynne Rienner Publishers
- Smith, A. 2004. *Election Timing*. New York: Cambridge University Press
- Zimudzi, T.B. 2012. *A predictable tragedy: Robert Mugabe and the collapse of Zimbabwe*. Taylor & Francis, viewed 20 November 2021, <[https://scholar.google.com/scholar?hl=en&as\\_sdt=0%2C5&q=Zimudzi%2C+T.B.+2012.+A+predictable+tragedy%3A+Robert+Mugabe+and+the+collapse+of+Zimbabwe.&btnG](https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Zimudzi%2C+T.B.+2012.+A+predictable+tragedy%3A+Robert+Mugabe+and+the+collapse+of+Zimbabwe.&btnG)>