

ZIMBABWE ELECTION SUPPORT NETWORK



Chiredzi Parliamentary By-Election

Preliminary Report

14 February 2007

Executive Summary

Chiredzi South Parliamentary by-election

The Chiredzi South parliamentary by-election, which the Zimbabwe Election Support Network (ZESN) will be observing, will be held on the 17th of February 2007. The by-election will be held following the death of the then Member of Parliament Aaron Baloyi in September 2006.

Four candidates will contest this election These are: Callisto Gwanetsa of ZANU PF, Immaculate Makondo of the anti-senate MDC, Nehemiah Zanamwe of the pro-senate MDC and the United Peoples' Party (UPP) Miyethani Chauke. Whereas The Herald and other media reports have portrayed Gwanetsa as a retired soldier the president of the council of chiefs Chief Fortune Charumbira, at a ZANU PF campaign meeting at Chilonga Primary School, disclosed that he is still a serving soldier. Makondo is a local businesswoman while Zanamwe once stood as an independent candidate in the same constituency during the 2005 general election. Chauke is based in Masvingo where a telecommunications company employs him.

Gwanetsa was chosen to represent ZANU PF after winning a primary election in which he beat three other candidates. Makondo was chosen to represent the anti-senate MDC without going through a primary election. She lost the 2005 election to Baloyi while on the united MDC's ticket. Although Chauke is based in Masvingo Chiredzi South is still his rural home.

While the election campaign has been peaceful Chief Fortune Charumbira has allegedly made disturbing comments in which he has threatened opposition supporters with eviction from the constituency should they vote for the parties of their choice.

The alleged statements by Chief Charumbira are unconstitutional, illegal and in gross violation of human rights. These statements violate the following laws and regional and international standards. The Constitution of Zimbabwe section 23 protects all citizens against discrimination on the various grounds, one of which is political opinion. It is also a serious criminal offence in terms of section 134 of the Electoral Act to use undue influence to induce or compel any person to vote or refrain from voting. The Administrative Justice Act provides in section 3 that administrative authorities have a duty to act lawfully, reasonably and in a fair manner. The SADC Principles and Guidelines Governing Democratic Elections require political tolerance and freeness and fairness in the electoral process. The International Covenant on Civil and Political Rights provides in Article 24 that every citizen has the right and opportunity to have access, on general terms of equality, to public service in his country, without distinction on the ground of political opinion and without unreasonable restrictions.

The ZANU PF candidate has argued that it would be prudent to vote for him arguing that the relations he already enjoys with government would make it easier for him to address the constituency's problems. The use of food as a campaign tool has also been a central issue in this election. Chiredzi South is a drought prone constituency that often relies on food aid from organizations such as World Vision. The Grain Marketing Board also sells maize to villagers who can afford to buy it. The food shortages and the high illiteracy levels have left the electorate prone to political manipulation.

Tribal issues have also dominated the election. Almost eighty percent of the constituency is Shangani while the remainder includes the Karanga. Of the four contestants only Gwanetsa is Karanga while the others are Shangani. Chiredzi South has traditionally been a ZANU PF stronghold. ZANU PF's supporters might therefore be in a rare catch 22 situation in which they might have to decide whether to choose party or tribal allegiances. This is the first time that ZANU PF will be fielding a Karanga candidate in this predominantly Shangani constituency.

The stakes in this election are high for both the ruling party and the opposition. In view of the constitutional amendments that are likely to be made if ZANU PF is to proceed with its harmonization of elections plan, the party will require every seat to be sure of getting the two-thirds majority. Meanwhile the opposition will also aim to win the seat to enhance their chances of frustrating such amendments. It will also view such a win as the beginning of the end of ZANU PF dominance in the rural areas and this might invigorate their campaign for elections to be synchronized in 2008 or 2010.

Methodology

This report is based on information collected from the ZESN long-term observers as well as field visits conducted by the ZESN secretariat to the constituency. The report also relied on media reports as well as ZESN members based in the constituency.

Legal framework of elections

This by-election is the fourth to be administered by the Zimbabwe Electoral Commission since the appointment of the present Commissioners in May 2006. Going into this election, the legal framework established by the Electoral Act No. 25 of 2004 and Regulations as well as the Zimbabwe Electoral Commission Act remains unchanged. No further reforms have been legislated.

There will however be one change in the voting procedures, as voters will not dip their small fingers in indelible ink. Instead voters will have their fingers marked using a marker. No adequate voter awareness campaign has been carried to enlighten voters of this administrative change.

Although the Zimbabwe Electoral Commission has been conducting voter education there have been concerns raised by residents that known members of the armed forces are conducting the exercise.

Subsequent to the abolition of the Electoral Supervisory Commission by Constitutional Amendment No. 17, Parliament has still not amended and corrected the Electoral Act to remove various inconsistencies created by the change in the election management body.

It seems apparent that no provision has been made yet for 'monitors' who previously fell under the mandate of the ESC. Therefore at polling station level there remains a void despite the fact that the Electoral Act in section 14 (1) (c), states that observers are required to bring any irregularities in the conduct of the poll or the counting to the attention of the monitor on duty at the polling station. Further, as the aspect of monitors is not mentioned in the role of the ZEC, it remains unclear whether ZEC will take over this function.

The Ministries of Foreign Affairs and the Justice, Legal and Parliamentary Affairs were both involved in the invitation of election observers. While the former was responsible for inviting selected foreign observers, the latter was responsible for inviting representatives of local organisations and eminent persons from within Zimbabwe.

The Registrar of Voters also remained involved in elections through the registration of voters albeit under the supervision of the ZEC.

For the purpose of this election no delimitation exercise was conducted and therefore the election will be held using the constituency boundaries that were drawn prior to the March 2005 election.

Inspection of the voters' roll

The inspection of the voters' roll took place from the 2nd to the 14th of January 2007 and was characterized by a low turn out. ZESN did not receive reports of any voters who were obstructed from inspecting the voters' roll or of any prospective voters being barred from registering as voters.

The exercise started slowly with most voters ignoring proceedings. However the last two days of the exercise were more hectic. The number of people inspecting the rolls had increased to about 50 to 70 per day unlike at first when they were as few as 10 people.

Nomination court

The nomination court for the by-election sat at Chikombedzi Hall on the 16th of January 2007 to receive nomination papers. ZESN observed the event, which went on peacefully with no reports of disturbances or hindrances on prospective candidates from filing their nomination papers. Four candidates were duly nominated by the end of the session; Callisto Killian Gwanetsa (ZANU PF), Immaculate Makondo (MDC Tsvangirai), Nehemiah Zanamwe (MDC Mutambara) and Miyethani Chauke (UPP).

ZESN observers noted that there were two army trucks, which ferried ZANU PF supporters to and from the court. The observers also noted that the ZANU PF candidate was driving a suspected Zimbabwe National Army (ZNA) truck. The vehicle was however fitted with civilian plates. ZESN believes that the presence of these trucks could be related to the suspicion that Gwanetsa is still a serving army officer.

Results of Previous elections

Below are previous parliamentary elections' results for the Chiredzi South constituency:

Year	Party	Candidate	Votes gained
2000	ZANU PF	Aaron Baloyi	11 611
	MDC	Patrick Tsumeke	6 414
	ZANU	Joel Kenneth Sithole	794
2005	ZANU PF	Aaron Baloyi	14 165
	MDC	Immaculate Makondo	6 170
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	Independent	Nehemiah Zanamwe	778
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2002 Presidential elections results for the Chiredzi South constituency

Candidate	Party	Votes garnered
Mugabe Robert Gabriel	ZANU PF	19 437
Tsvangirai Morgan	MDC	6389
Kumbula Wilson	ZANU Ndonga	375
Maya Shake	NAGG	194
Siwela Paul	ZAPU FP	214

During the 2006 Rural District Council elections, Chiredzi district (which includes both Chiredzi North and South constituencies) had 24 wards. Of these, 16 went to ZANU PF unopposed. The party went on to win all the eight contested wards. It also made a clean sweep of all the six wards in Chiredzi town.

Campaigning and Political environment

The campaign period has seen the District Development Fund grading the constituency's poor roads ahead of the election. The road from Chilonga to Chikombedzi has benefited from this development.

Most of the people in the constituency rely on relief food that is often distributed to them by World Vision. This has exposed the voters in the area to political manipulation. At a campaign meeting held at Chilonga on 2 February, the president of the Zimbabwe Council of Chiefs, Fortune Charumbira warned the people of Chiredzi South against voting for the opposition, as doing so would mean the end of government assistance. He said that an opposition victory would not be acceptable to government and its officials would not cooperate with an opposition member of parliament. He further stated that such an arrangement was normal in politics.

Charumbira also revealed that the ZANU PF candidate was still a serving army officer who would only retire from the army once he had won the election. Normal procedures would require such a candidate to resign from the service before contesting an election. He also instructed all headmen to ensure that they would herd all their subjects to the polling stations on voting day. Charumbira also held another meeting with traditional leaders earlier in the same day at Chikombedzi.

There were also media reports that the former Zimbabwe National Army General Vitalis Zvinavashe threatened villagers in Chikombedzi against voting for the opposition. He allegedly said that if the people voted for the opposition they would be treated like rebels. The government would cut food aid and deploy soldiers to deal with such 'rebellious' residents.

The most high profile ruling party official to address a political rally was the Vice President Joyce Mujuru who warned ZANU PF members against fighting. She said this at Chishinya Secondary School. This was probably in response to the friction within the party in the constituency after its

primary elections. Some ZANU PF supporters have threatened to vote for the opposition in protest against Gwanetsa's candidature.

Meanwhile MDC (anti-senate) and UPP posters were dotted all around the constituency on 1 February. However when the ZESN team visited the constituency on 2 February most of the posters had been pulled down. The party also held a campaign rally at Chikombedzi. The MDC pro-senate was not visible in the areas that ZESN visited nor did ZESN witness any of its campaign posters. Newspaper reports have quoted the MDC pro-senate accusing their erstwhile colleagues in the anti-senate faction of pulling down their campaign posters. ZESN was unable to independently confirm these allegations.

By the time 9th of February 2007 all the four contesting parties had put up campaign posters throughout the constituency. Most of the people that ZESN interviewed were aware that MDC had split into two camps but few knew anything about the UPP. Both the UPP and the MDC (anti senate) were said to be holding door-to-door campaigns.

ZESN also received a report that on the 26th of January the ZANU PF candidate attended a PLAN Zimbabwe function at Chilonga where he was introduced to the gathering as the MP. PLAN confirmed this incident but argued that Gwanetsa had not been invited to the function. Instead he had just taken advantage of the gathering to push his agenda. The pro-senate MDC also held door-to-door campaigns. The faction's leader Arthur Mutambara was involved in a road accident on his way to address a rally in Malipati, south of the constituency.

Use of public resources

ZESN observers witnessed an incident in which army vehicles were used to ferry ZANU PF supporters to the nomination court. The headmaster of Chilonga primary school, on behalf of Chief Charumbira, also invited traditional leaders and their subjects to attend a ZANU PF meeting. The leaders received invitation letters with the school stamp. There were also allegations that the ZANU PF candidate was using an army vehicle to conduct his campaigns.

ZESN observers also witnessed a Grain Marketing Board truck with the ZANU PF candidate's campaign poster ferrying maize towards Chikombedzi. Gwanetsa's campaign truck closely followed behind.

Media coverage

All media inadequately covered the forthcoming Chiredzi South by-election. Apart from piecemeal reports in the private media on ZANU-PF's use of unorthodox means to tilt the scales in its favour, there was no report that comprehensively examined the electoral process. As a result, there was no adequate examination of the electoral process such as the state of the voters' roll, the location and number of polling stations to be used in the poll except adverts by the Zimbabwe Electoral Commission. Neither did the media provide the electorate with meaningful election analysis and candidates profiles nor was there any coherent presentation of the candidates' manifestos. Some questions on the credentials of the candidates remain vague to the electorate, for instance whether the ZANU PF candidate is a 'retired' army official or not.

Otherwise, the government media was preoccupied with either campaigning for ZANU PF or discrediting the opposition. For example, of the four stories the official Press carried on the elections between Sunday February 5th and February 11th, two were on the ruling party's campaign while one projected the MDC as violent. The remaining story was a passive report on ZEC's readiness for the poll.

ZBH adopted a similar slant. All its five stories – some of which were presented as government events – were on the ruling party's campaigns. None were on the MDC and the UPP. In fact, the broadcaster briefly mentioned the opposition only in the context of informing its audiences on who ZANU-PF's opponents were.

According to MMPZ, the private radio stations and papers were also no better. Except for the three stories they carried (*The Daily Mirror* [1] and *The Standard* [2]), there was hardly any useful detail on the election in these media. Even then, *The Mirror* story was an unquestioning report on ZEC's preparations while one of *The Standard's* report referred to the poll in the context of MDC leaders Arthur Mutambara's car accident. The other highlighted discontent in ZANU PF over the imposition of its candidate and the ruling party's alleged undemocratic campaign activities.

Generally there was a lack of voter education awareness in both the electronic and print media about the by-election. Both the private and public media were also largely quiet on the campaign process while most government officials used the ZBC to campaign on behalf of the candidate.

The private media also failed to investigate and subject the allegations on use of food aid as a campaign tool to scrutiny as witnessed by its failure to comment on the statement by ZESN condemning politicisation of food aid by traditional leaders.

ZESN activities

The Zimbabwe Election Support Network (ZESN) held several community workshops and distributed flyers from December 2006 up to January 2007. It is also running radio adverts from the 12th up to the 16th of February. The adverts which are encouraging people to go out and vote as well as not to succumb to intimidation, vote buying or any form of threats, will be aired on Radio Zimbabwe and National FM that caters for minority groups. The advertisements will be in Shona and Shangani which are the two major languages in the constituency.

Accreditation

Accreditation of election observers will be held in Masvingo at the DA's Boardroom and in Harare at the ZEC Boardroom. Accreditation will take place from the 12th to the 17th February 2007. This is the first time that ZEC has decentralized the accreditation of election observers to provincial centres in a by-election since its establishment in February 2005.

ZESN will have 46 observers. Of these 35 will be static while the rest will be deployed in four mobile teams.

Polling stations

The Zimbabwe Electoral Commission (ZEC) has established 94 polling stations for the purposes of polling in this by-election. There were 90 polling stations in 2005. The ZEC has indicated that it will set up new polling stations if political parties feel that it is necessary for them to do so. These 94 polling stations will most likely adequately serve the electorate. It is commendable that the ZEC publicised these polling stations more than two weeks before the election.

Conclusion

ZESN hopes that the people of Chiredzi South will go in large numbers to exercise their democratic right to choose a leader of their choice in a peaceful manner. The network hopes that losers of this election will be magnanimous in defeat and will not resort to retribution against the victors and their supporters.

