

ZIMBABWE ELECTION SUPPORT NETWORK



Chikomba and Rushinga Parliamentary By-Election and Rural District Council Elections

Preliminary Report

5 October 2006

Introduction

The Chikomba and Rushinga parliamentary by-elections, both of which ZESN will be observing, will be held on the 7th of October 2006 following the deaths of ZANU PF legislators Tichaona Jokonya and Sandura Machirori. The two had been elected Members of Parliament for these constituencies respectively, in the March 2005 general elections.

Candidates from the ruling ZANU PF and the opposition MDC party will contest both by-elections. Stephen Chiurayi of ZANU PF and Moses Jiri of the anti-senate faction of the MDC will battle for the Chikomba parliamentary seat. Chiurayi is the ZANU PF Deputy Chairperson for Mashonaland East while Jiri is a businessman in Chivhu, the major town in the constituency. Mr Jiri also unsuccessfully contested for the same seat in 2000 under a United Parties ticket.

Meanwhile, in Rushinga Lazarus Dokora, the former ZANU PF Member of Parliament for the same constituency, will contest against Kudakwashe Chideya of the anti-senate MDC. Chideya is a former MDC youth chairperson for Rushinga. The pro-senate MDC, which had vowed to contest every election when it was formed, did not field any candidates.

Both Rushinga and Chikomba are located in the rural areas of Mashonaland Central and East respectively. These provinces are traditional ZANU PF strongholds in which the opposition MDC has never won any major election or by-election since 2000. Previously these provinces have been described as 'no go' areas for the opposition and civic organisations.

Methodology

This report is based on information collected from field visits conducted by the ZESN secretariat as well as information provided by ZESN members resident in both constituencies. It is also based on media reports in both the electronic and print media.

Legal framework of these elections

These by-elections will be the second to be held under the sole management and supervision of the Zimbabwe Electoral Commission following the adoption of the Constitutional Amendment (No. 17) Act. The seven Commissioners were appointed on 17 May 2006. After the Parliamentary by-election in Budiriro, ZEC admitted that as a newly established body, it is still on a learning curve. ZEC's primary function is to *prepare for, conduct and supervise all elections and to ensure that such elections are conducted freely, fairly, transparently and in accordance with the law*. It is hoped that going into these elections, the Commission's state of preparedness is adequate.

Delimitation

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 by the Delimitation Commission prior to the March 2005 election.

Registration of voters and the Voters Roll

The Registrar of Voters remains involved in elections, as his office is responsible for voter registration, albeit under ZEC's supervision. The ZEC is also in charge of the compilation of voters' rolls and registers and ensuring the proper custody and maintenance of the same.

The office of the Registrar by its own admission has failed to conduct mobile registration of voters this year citing the lack of adequate funds. Only static registration has been in progress. This is inadequate in ZESN's view. With offices centralized and mainly located in urban areas, voter registration is therefore not easily accessible to the majority of Zimbabweans, who are resident in the rural areas.

It is of paramount importance for continuous voter registration to be conducted as provided in our laws. This will give persons who, were previously unregistered, who changed residence or who turned 18 years the chance to register. ZESN therefore questions whether effective voter registration has been done. Citizens who have been unable to register will be denied the opportunity to exercise their right to vote. An all-inclusive voters' roll is the basis of any democratic free and fair election. The compilation and maintenance of the voter's roll should be done in such a way as to enable the realisation of people's democratic rights. ZESN therefore urges the ZEC to effectively perform its statutory duty to oversee the functions of the Registrar-General of Voters

ZESN calls for the decentralisation of registration to district level to be completed speedily. It further continues to urge government to wholly transfer the functions of the Registrar of Voters to the ZEC.

Inspection of the voters' roll

The inspection of the voters' roll took place from the 21st of August 2006 to the 7th September 2006. 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.

Selection of candidates

The ruling ZANU PF did not hold any primary elections in both constituencies. It chose the Rushinga candidate by consensus and nominated Chiurayi ahead of two other candidates namely Mike Bimha and Esau Mupfumi, a Mutare businessman.

The opposition MDC held primary elections to choose its candidates for both the Rushinga and Chikomba seats. In Chikomba, Jiri won over Pimiel Kadengu in an election in which 522 party members voted. Kadengu was the losing MDC candidate in the March 2005 Parliamentary elections. In Rushinga, Chideya triumphed over Samuel Ndaradza and John Samhu. More than 350 party members participated in this primary election.

Nomination court

The nomination court for the Chikomba parliamentary by-election sat at Chivhu Jubilee Hall on the 8th of September 2006 to receive nomination papers. On the same day another court presided over the nomination process at Rushinga Boardroom. Both events took place peacefully as ZESN did not receive any reports of any prospective candidates being barred from filing nomination papers.

In Chikomba, Stephen Chiurayi of ZANU PF and Moses Jiri of the MDC successfully filed their nomination papers while in Rushinga Lazarus Dokora of ZANU PF and Kudakwashe Chideya of the MDC did the same. Mr. Nyamushamba of the United People's Party had his papers rejected after failing to get enough signatures.

The pro-senate MDC gave two conflicting statements as to why they did not field candidates. The first was that they were opting to give the anti-senate faction a chance to test ZANU PF. They later stated that their candidate for Chikomba was disqualified for lack of a valid police clearance while the Rushinga candidate's vehicle broke down on his way to nomination and he failed to make it on time.

Invitation of observers

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 organizations and eminent persons from within Zimbabwe.

Section 27(1) of the Electoral Regulations, 2005 (SI 21 of 2005) provide that "every observer shall be accredited for the period beginning on the day before the nomination day for the election concerned and ending on the fifteenth day after the last polling day of the election concerned."

Nomination Court was held on Friday the 8th of September 2006. The Minister of Justice legal and Parliamentary Affairs subsequently invited individuals representing local organisations and eminent persons from within Zimbabwe to submit their names to his offices. However, this notice was only published on 24 September 2006, some sixteen days later. In these elections therefore the provisions of the law were clearly not adhered to. Accreditation by ZEC subsequently commenced on 26 September 2006.

This would appear to be a case of one hand not knowing what the other is doing. It clearly illustrates the point that there should be one election management body with the sole mandate to deal with all aspects of the electoral process, from delimitation to polling. ZESN proposes that the primary responsibility for inviting and accrediting observers should lie with the ZEC. In respect of foreign observers, this should be done in consultation with the Ministry of Foreign Affairs. Further, ZESN proposes that a broad cross section of local and international observers be accredited to observe elections.

Status of observers

Going into this election the void left by the abolition of the ESC and the subsequent failure to amend and correct the Electoral Act remains.

The role of monitors in elections fell away with the ESC under whose mandate they fell. Therefore while the Electoral Act¹ still provides that observers are required to bring any irregularities in the

¹ Section 14 (1) (c)

conduct of the poll or the counting to the attention of a monitor who will in turn inform the presiding officer, no mention has been made of the provision of these monitors under the ZEC. It remains unclear whether the ZEC will take over this function or how this will be done.

In previous elections, observers were informed by the ZEC that they could bring irregularities to the attention of the presiding officer. ZESN observers were able to do this on the whole, however this arrangement creates problems where the presiding officer may be involved in any electoral malpractice. Therefore there is still need for the amendment of the Act to rectify such anomalies.

ZESN proposes that independent monitors drawn from civil society be appointed to monitor the administration of the election by members of staff of the ZEC and that an accreditation advisory committee consisting of two Commissioners and three civic society members should assist the Commission identifying suitable persons to act as monitors.

Electoral Court

These by-elections will be held in the wake of the Supreme Court of Zimbabwe's ruling that the country's Electoral Court is unconstitutional. The Supreme Court struck down a provision of the Electoral Act that allowed the Chief Justice to name judges of the Electoral Court, which was set up in early 2005.

This decision left candidates contesting in all elections without legal recourse for any complaints. ZESN is concerned that the law is still to be rectified in order to bring it in line with the Constitution. ZESN urges government to engage all stakeholders and to work with speed to resolve this issue.

Results of Previous elections

Below are results of the 2000 and 2005 parliamentary elections and by-elections in Chikomba and Rushinga:

Chikomba Parliamentary Election 2000

Name	Party	Result
Chenjerai Hitler Hunzvi	ZANU PF	13417
Peter Kaunda	MDC	6776
Julia Kunzekwenyika	Independent	470
Moses Jiri	United Parties	362
Patrick Charles	Independent	161
Leticia Mujeni	ZIP	103
Total registered voters		49850
Percentage poll		43.9%

Chikomba Parliamentary By-election 2002

Bernard Makokove	ZANU PF	15570
Takaindisa Muzondo	UP	165

Oswald Ndanga	MDC	5207
Thomas Mudzinga	ZANU	347
Total registered voters		52774
Percentage poll		41.13%

Chikomba Parliamentary Election 2005

Name	Party	Result
Tichaona Jokonya	ZANU PF	17928
Pimiel Kadengu	MDC	7403
Total registered voters		53794
Percentage poll		45.73%

Rushinga Parliamentary Election 2000

Name of Candidate	Party	Result
Lazarus Dokora	ZANU PF	20027
Joel Mugariri	MDC	2483
Michael Chingono	UP	439
Total registered voters		37353
Percentage poll		63.7%

Rushinga Parliamentary Election 2005

Name	Party	Result
Sandura Machirori	ZANU PF	22494
Braine Mufuka	MDC	2298
Total registered voters		39822
Percentage poll		64.59%

Campaigning and Political environment

ZANU PF officially launched its political campaigns in both constituencies on the 9th of September 2006. The party held several rallies in the two constituencies. Among the party's leaders who addressed these rallies were former Zimbabwe National Army commander General Solomon Mujuru and the Mashonaland East Governor Ray Kaukonde. These rallies enjoyed wide coverage on national television

Of significance is the Air Force of Zimbabwe Commander, Air Marshal Perrance Shiri's visit to the constituency a week before the election. He further urged people to vote wisely and vote for a party that stood for development.

The MDC also held rallies in Chikomba, which were addressed by the local leadership of the party. The party's leader Morgan Tsvangirai is scheduled to hold two rallies on the 5th of October 2006. The party's spokesperson Nelson Chamisa claimed that they had been unable to hold any rallies in

Rushinga following the police's refusal to grant clearance under the Public Order and Security Act (POSA).

Voter education

ZESN undertook preliminary visits to the Rushinga constituency during which it was noted with concern that there were a number of people in the constituency who were not aware of the impending parliamentary by-election. Some of the people that the team spoke to indicated that they were not aware that there had been an inspection of the voters' roll from the 23rd of August to 7th of September 2006. The evident signs of lack of information in Rushinga constituency are a cause for concern

In this regard, ZESN urges the ZEC to undertake vigorous and continuous voter education efforts in order to ensure increased citizen participation in all elections

ZESN activities

ZESN however held two community workshops in the Rushinga and one in Chikomba where it urged the electorate to participate peacefully in the election. The workshops urged them to exercise tolerance of opposing views and stressed that there was strength in diversity. It also discussed the qualities of good leaders and emphasized the importance of elections.

ZESN also distributed fliers on democracy and the importance of citizen participation in both constituencies.

Polling stations

The ZEC has set up 81 polling stations in Rushinga and 77 in Chikomba. These are less than the 90 polling stations that were used during the March 2005 parliamentary election in each of the two constituencies. ZESN believes that the reduction of polling stations is likely to impact on voter turnout, as citizens would be forced to walk longer distances in order to vote. This is of particular concern as both of these rural constituencies have a poor road network and public transport system. This obstacle will particularly affect the elderly and the infirm.

Accreditation

Accreditation of observers will be taking place at the ZEC Boardroom in Harare from the 26 September to the 7th of October 2006. ZESN intends to field fifty observers who will be derived from its secretariat, the national election observation taskforce and their respective members. ZESN has chosen a representative sample of polling stations in each constituency and will have an observer at 19 polling stations in Rushinga and 18 in Chikomba. It will also deploy five mobile teams, which will assess the political environment in the constituency on polling day.

RURAL DISTRICT COUNCIL ELECTIONS

Rural District Council Elections will be held simultaneously with the parliamentary by-elections in each constituency. Out of a total of 27 wards in Chikomba only 14 will be contested while ZANU PF won the remaining 13. In Rushinga, 6 Wards will be contested out of 17.

Going into these elections complaints have already been raised, particularly by the opposition and independent candidates about the new qualification requirements put in place for nomination. The requirement for producing police clearance puts a lengthy and costly obstacle into the path of any aspiring candidate. In view of the lack of facilities in the rural areas, it is only reasonable to deduce that many candidates would fail to meet these requirements. Further, the role of given to traditional chiefs of “vetting” candidates seems calculated to discriminate against the opposition as these chiefs have in the past openly shown their alignment and loyalty to the ruling party.

Candidates were also given very short notice of these requirements, which justifiable can be viewed as an “ambush” by the ruling party and government.

ZESN condemns this shifting of the goal posts, which detracts from the freedom and fairness of the whole electoral process.

Conclusion

ZESN hopes that the people of Chikomba and Rushinga will turn out in their large numbers to exercise their rights to vote. It also hopes that these people will do so in a peaceful manner and that losers of the election will be magnanimous in defeat.