

ZIMBABWE ELECTION SUPPORT NETWORK



March 2005 Parliamentary Elections

PRELIMINARY REPORT

Number. 2

Introduction

Zimbabwe's 2005 parliamentary election still remains a "litmus test" for implementation of SADC guidelines for the conduct of democratic elections. As a follow up to the 1st preliminary report for the upcoming elections on the 31st of March 2005, the Zimbabwe Election Support Network (ZESN) has produced this 2nd report covering period of 15th of February 2005 up to end of March 2005. This report is going to consider all the reports that we have from the media and other civic groups as well as from ZESN's long term observers on the ground that have been providing us with all the information pertaining to voter registration and inspection, political climate, use of state resources by the contesting political parties, campaigning by political parties, use of headmen and chiefs to force people to attend party meetings and the application of the legal framework on political parties. We attached as an annexure an assessment of SADC Principles and Guidelines so far.

Election Management Bodies

The Electoral Supervisory Commission's role is to supervise the elections. Zimbabwe Electoral Commission undertakes the management of elections in Zimbabwe. On the 1st of March 2005 ZEC formed the National Elections Logistics Committee that is a reclamation of the Election Directorate. ZEC started to conduct voter education in the print and electronic media and this started two weeks before the elections. ESC has also managed to accredit a about 8500 local observers, 45 regional and international organisations whom were invited by the Minister of Foreign Affairs as well as journalists that are going to cover the elections. ZEC has managed to

conduct briefing meetings to the accredited observers on the 23rd and 29th of March 2005. On 28th of March, ZEC trained polling officers and were deployed on 28th of March. It is alleged that some polling officers were refused entry in parts of Mashonaland East especially in Mudzi. The ESC decentralized accreditation of observers to Bulawayo to reduce transport costs for observers than for all to come to Harare. Of concern is that the accreditation of observers was only done in Harare and Bulawayo, and this needs to be decentralized further to other constituencies. The cost of accreditation rose from ZW\$10 000 up to ZW\$100 000, and this meant organizations which had a large number of observers such as ZESN had difficulty in getting the accreditation fees. ESC should design a faster, cheap and easy way of accrediting local observers at constituency level.

ZESN had about 6500 observers accepted by the Minister of Justice and Parliamentary Affairs. At the time of writing, accreditation was still going on. The ZCTU observers were not invited because of their links to COSATU. Of concern is the selective invitation of observers leaving out the Parliamentary Forum observer team and Electoral Institute of Southern Africa (EISA) with vast experience in election observation in the region. On the other hand the Minister stated that the team did not represent any state and it is not an official organ of SADC and had no right to be invited and that the teams had no legal right to be invited, only SADC members could be invited.

Though ZEC became effective in February, they announced the polling stations on 18 March 2005 as well as their polling officers on the 14th day before the elections as Section 51 (3) and 52 (2) (a) of the Electoral Act (Chapter 2:13). The number of polling stations kept on changing from the figure announced by ZEC chair and the one published in newspapers.

Voter Education

Voter education started late in March by ZEC though it was an ongoing process before by ESC. The ESC advertised the inspection and voter registration though in some areas this was not extensively undertaken. ZEC also has been airing its adverts in the print media and electronic media especially the one day voting advertisements. It lacked other key aspects about the procedures of voting in 3 lines; boundaries of constituencies and also maps were also not available easily. A copy of the delimitation report was sold at \$ 350 000.00 an amount high for members of the public. ZESN was given permission through the telephone to conduct voter education by ZEC and this has resulted in more ZESN's adverts in the print as well as the electronic media for the first time since inception. Since the Electoral Act came into effect in February 2005, more time was required for voter education especially on new changes using samples of new ballot boxes.

Voter's Roll Inspection and Registration

ZEC did not supervise the voters' registration and inspection processes since they came in office after the processes were completed. It has been alleged that voter registration is still an on-going process after 4th of February inspection deadline. According to the Zimbabwe Independent (24/03/05), the Registrar General stated that this was meant for future elections. Though the voter's roll inspection was extended by nearly a week, in some areas, people did not know about it because it was not adequately publicised especially in rural areas.

An audit was done by a local NGO and alleged that 800 duplicates and ghost names are in the voters roll. The voter's roll was compiled before ZEC was established making it difficult for ZEC to review and address concerns relating to it. Transparency, openness and access of the voters' roll should be enhanced by ZEC post election era.

ZESN requested a copy of the voter's roll but has not received it at the time of writing. Copies of the voter's roll should be available to all stakeholders but it is costly going for about ZW\$2 000 000 for one constituency and a total of ZW\$ 240 000 000.

Postal Voting

Postal voting has only been afforded to members' of diplomatic representatives and of the uniformed forces and outside the country. For Zimbabweans in the diaspora, they lost a court judgment case handed down on 17 March 2005. However the Minister of Justice alleged that these people do not have a constituency in which they fall under. These people were also denied the ability to inspect the vote's roll. According to the Herald (14/03/05), the Minister reiterated that Zimbabweans outside the country could not vote on the 31st of March. As a result a number of eligible voters are disenfranchised. The number of postal votes was announced late but information on which constituencies they belong to is still unknown. Transparency on postal votes needs to be improved.

The Electoral Court.

One of the cases that the court has convened is that of the jailed MDC MP (Roy Bennett), the ZEC in its judgment of 15th March 2005 had allowed jailed MP Roy Bennett to contest in the upcoming election and had set the 4th of April as the new nomination date of the candidates to contest the election and the 30th of April as the date for the election. The president described this as “madness” to the March 15 judgment of Justice Uchena putting pressure on the judiciary thereby affecting its independence. On Sunday the 27th of March, the decision was reversed and that the election should go on as set out in the Presidential Proclamation. The court has also turned down the claim by Renson Gasela that Josaphat Madubeko should not contest the upcoming election, as this is unlawful according to the Traditional Leaders Act.

Political Climate

Though the political environment has been not as tense as the previous elections, there are some cases of violence that were reported in the independent and even state media, and in the state media it is said that the perpetrators were brought to book. According to the Herald (09/03/05), the Police Commissioner stated that 109 cases of violence had been committed and of these 67 offences were committed by ZANU PF and 47 by MDC. It is alleged that MDC activists and candidates distributing campaign material have been arrested in some places. It is alleged people in some areas like Mutare West were forced to attend rallies.

The opposition alleges that it was barred to campaign in places like Mudzi. It is alleged that in Mudzi and Mberengwa, opposition supporters had their national identity cards confiscated by ruling party activists. In some areas, people were forced to buy cards of the ruling party. Failure to hold party cards makes it difficult to access the food for work programmes, or even buy maize from the GMB.

There are also allegations of threats and retribution during post election period especially that now votes are now counted at polling stations and that translucent ballot boxes make it easy to see how one could have voted. Adequate voter education and information by ZEC should have assisted to reverse these fears.

Role of Traditional Leaders

It has been alleged that the ruling party has been forcing people to buy party cards as well as to attend ruling party rallies used some partisan traditional leaders. It is also alleged that traditional leaders have been used in the distribution of food. Traditional leaders are required to know those who hold party cards and these are the people who receive food aid. It is also alleged that traditional leaders are supposed to go with their villagers marking them on registers on voting day so that they can be in a position to know who might have voted. The timing of more to benefit to chiefs just increased towards election time means that they would have to be influential in drumming up support for the ruling party. Traditional leaders are supposed to be non – partisan and protect all citizens despite which political party they belong to.

Media Access

On 16 February, the government gazzetted regulations governing political parties access to the electronic media during the impending elections this as a result improved coverage of all contesting candidates than before. In the electronic media the political parties were free to air their party manifestos but need to pay for their adverts, which is too costly.

Access and coverage to the electronic media has been different. The MDC complained on the transmission of Mr. Tendai Biti's programme that was only clear in Chitungwiza and Harare but not in other parts of the country on the 20th of March. The MDC claimed that this was a form of sabotage. Newly formed ZIYA also had a share of the electronic media and it was on television on the 22nd of March 2005. The access to media by all political parties should be a continuous process not only during election period.

Political Party Funding

According to the Political Funds Act, ZANU PF got ZW\$3,36 billion and the MDC got at least about ZW\$3,1 billion dollars. The threshold in the law disadvantages emerging smaller parties that do not meet this percentage in the parliament, thus funding it difficult to fund their campaign programmes and moreover the Zimbabwe law does not allow political parties to seek foreign funding.

Campaigning By Political Parties

Campaigning has been peaceful in most areas although there have been minor cases of clashes between the contesting parties such as in Glen View. According to the MDC, one MDC rally

was disrupted at Manyame Business Centre on the 12th of February. The police had earlier disrupted an MDC meeting in Harare on 17th of February 2005. According to Zimonline dated 25th March 2005, it alleges that scores of MDC activists have been arrested in the last two months and recently Trudy Stevenson was arrested for distributing fliers at a traffic junction in her constituency and was only released after paying guilty fine. All the political parties have had some chances to campaign freely though at times the opposition has been restricted because of such laws as POSA and AIPPA. Despite POSA, the opposition political parties candidates have been able to campaign freely. MDC has also campaigned in areas that were previous no-go areas such as in Mutoko North and South on the 25th of February 2005 according to their Road-show schedule.

Freedom Of Association

The Law Society has criticised POSA, AIPPA and the BSA, claiming that only one party is allowed to effectively communicate with potential voters. Such laws as POSA, AIPPA, Miscellaneous Act and the NGO Bill are all seen as curtailing freedom of association, assembly and expression and this is seen in the closures of Daily News, Daily News on Sunday, the Tribune and the Weekly Times by MIC. These laws have to be an agenda of all the stakeholders in the post election period and have to be reviewed or repealed.

An Analysis of Polling Stations

In terms of the Section 51 (3) and 52 (2)(a) of the Electoral Act (Chapter 2:13) announced a list of polling stations and their polling officers on the 17th of March 2005. ZESN through its contacts with the electorate has been concerned with some of the locations of the polling stations

to be used in the upcoming elections. Some are established in homesteads and prison farms such as Mazowe Prison Farm. These seem to be located in non-neutral areas and ZESN hereby urge ZEC to look into this issue. Some of the polling stations are listed below and this may likely compromise the secrecy of the vote and instill fear to the electorate. Some of the polling stations include the following:

Constituency	Name of Polling Station
Chimanimani	Saweronber Homestaed
Chipinge North	Chief Mapungwana Homestead
Chipinge North	Chief Gwenzi Homestead
Rushinga	Chief Makuni (Mukazika Village)
Seke	Muza Store
Mudzi West	Tizova Homestead
Chiredzi North	Favershah Lot 3 Homestead
Gwanda	Highway Homestead
Insiza	Mpalawani Homestaed
Insiza	Gwamanyanga Homestead
Insiza	Albany Homestead (Tent)
Chirumanzu	Mahamara Homestead
Zhombe	Bonstead Homestead
Harare South	Airport Compound Store
Guruve South	Gangarahwe Village
Mazowe West	Ballinety Farm
Mt Darwin South	Gwetera Village

Muzarabani	Kingston Deveril Resettlement
Rushinga	Wara Village
Rushinga	Chinaka Village
Zvimba South	Mhandu Village
Zvimba South	Mwanga Resettlement
Masvingo Central	4 Brigade Headquarters
Hwange East	Mwemba Chiefs Hall
Bubi-Umguza	Molo Forestry (Wejiwa Homestead)

An analysis of the overall polling station as announced by ZEC shows disparities between rural and urban areas. It has been noted that few polling stations (with an average of about 30) have been allocated to all urban constituencies regardless of the huge populations in these areas. Rural areas allocated on average of 90 polling stations. It is still to be seen on polling day with the one-day voting if most voters will be able to exercise their right to vote by the end of the day, though it seems as if polling stations have increased as compared to 2000 and 2002. **See Annexe attached. 2**

Polling stations in most rural areas have been sited very close to each other, with distances of less than 5km between them in many cases. For example in Zvimba South Constituency, stations like Kutama Day Primary, Kutama Day Secondary and Kutama Farm Primary are all in one small area. The siting of these polling stations might facilitate voter processing but also likely to instil fear to some people. It has been alleged that every traditional leader in the area will have to go with “his people” to vote.

Similarly, large numbers of polling stations have been sited in the “new” resettlement areas where most the so-called War-veterans reside. It is believed that in these areas there may be many ZANU PF supporters who benefited during the land redistribution programme. In Bindura, for instance, out of 83 Stations, 43 are situated in new resettlement areas and the remainder are split between Bindura urban and Bindura rural.

However, by contrast, the Delimitation Commission merged Mbare East and West constituencies into one constituency. A new constituency named Manyame has been created and it is alleged that ZANU PF has got also a strong support base there and this area is also made up of “new” resettlement areas. In other urban constituencies, rural areas have been deliberately slotted in the urban constituencies so as to dilute the votes of the urban people, as it is well known the urban dwellers most likely vote for the opposition such as in Masvingo Central where areas like Shonganiso Primary School, which is only a few kilometres from Zaka, Chatikobo Primary School, Chenhowe Business Centre and Nemamwa Primary School have all been slotted into Masvingo urban constituency.

In Mutoko North it has been established that Mutoko ruins have been turned into polling station when it is well known fact that no one lives in the ruins and who will vote at this station. Quarries where few people live temporarily as workers such as Manwick Quarry in Mutoko North have also been turned into a polling station.

Some National Youth Training Centres have also been turned into polling stations. Very few members of the public will go into these centres to vote. These centres include Magamba Training Centre (Mutasa South), Mashayamombe Training Centre (Mhondoro), Kaguvi Training Centre (Gweru Rural), Chaminuka TC (Mount Darwin) South, Mount View TC (Marondera East), Mbuya Nehanda TC (Seke) and lastly Mount Hampden TC (Manyame).

Use Of Public or Government Resources

In some areas schools have been used as campaign stations and venues for the ruling party star rallies. DDF trucks were used in most areas as well as Telone trucks were used to ferry people to campaign places in Matebeleland South. Agricultural inputs, maize and mealie-meal were also being given to the electorate at these campaigns. ZUPCO buses and social welfare trucks were also used to ferry people in places like Chitungwiza at a rally at Ngaone business center.

Vote Buying

Timing of the distribution of computers to schools wherever the President will be holding a rally is alleged to be an attempt to influence the choice of voters. Mashonaland West province received nearly 1000 computers from the president and in other provinces an average of nearly 50 or more computers have been donated. The alleged vote buying in the form of maize and mealie-meal were given to the people or sold at lower prices during campaigns especially by ruling party candidates. The Zimbabwe Independent dated (18/03/05) reported that the food factor could have an influence on voters and the Herald dated (29/03/05), stated that government has distributed 72 000 tonnes of maize in Matebeleland. Maize from the Grain Marketing Board is also sold at lower prices and this was done in Gutu areas where a 50kg bag of maize was sold

at \$40 000 per bag and food aid has been used to buy votes. Some candidates promised food aid if voted into power.

This has been a trend since campaigning started and both Matebeleland North and South have not been spared. A donation of money to schools such as at Benhura Secondary School, which was given \$1 million dollars by the ZANU PF aspiring candidate. Maize meal was sold to ruling party cardholders such as in Dangamvura, Musani area and at Ngaone business center where agricultural inputs were given to the people just to name a few.

Conclusion

The Zimbabwean elections remain a ‘litmus test’ of the SADC principles and guidelines for conducting democratic elections. There are other areas that have to be reviewed in the post election period and these include such laws as POSA, AIPPA and the NGO Bill that curtail freedom of association, expression and assembly. We commend both the ZEC and ESC for the administrative aspects handled despite being set in place late. We also commend the police, all the political parties and their supporters for the maintenance of peace and tranquility that has been prevailing in most places though there are some cases of intimidation that were reported in the public media and from the police force.