

ANGLICAN SAGA

Kunonga loses Anglican case

THE Supreme Court ruling that renegade Anglican Bishop Nolbert Kunonga and his followers were no longer part of the Church Province of Central Africa and should hand over control of church properties to a rival faction led by Bishop Chad Gandiya made the headlines in the media towards the end of the month.

The ruling finally brought to an end a five-year battle for control of Anglican Church property in the Harare Diocese after Kunonga left the CPCA in 2007 to form the breakaway Anglican Church of the Province of Zimbabwe, ostensibly over the CPCA's alleged support for homosexuality.

While the state media and most of the private media's reports of the latest ruling and the subsequent eviction of Kunonga and his priests were generally balanced, the *Daily News*' reportage was largely sensational.

The private daily repeatedly prefixed Kunonga with adjectives such as **"disgraced"**, **"defrocked"**, **"deposed"**, **"rogue"** and **"ex-communicated"**, apart from describing the Supreme Court ruling as a **"deadly"** and **"devastating blow"** to the **"ZANU PF-aligned"** clergyman (20, 21, 22, 23, 25, 26, 27, 28, 29 & 30/11).

The Daily News' headlines, most of which were front-page leads, were also sensational based on unsubstantiated claims: *Kunonga in a mess* (21/11), *Children raped at Kunonga churches*, and *Kunonga faction poisons food* (23/11).

The Daily News also failed to report that the ACPZ, led by Kunonga, had filed two separate High Court applications, the first seeking to stop the eviction of its clergy and the second seeking to reclaim possession of the Anglican Church properties (*The Herald*, 28/11). They only made brief reference to the eviction application at the end of their story, *Kunonga runs amok* (29/11).

Although *NewsDay* (28/11) reported Kunonga's appeal, it mostly identified one aspect: that ACPZ wanted the High Court to **"stop their eviction from Anglican properties across the country"** on the grounds that their eviction would render at least 150 priests destitute.

Only *The Herald* (28/11) provided clear details of Kunonga's application.

Apart from filing an urgent chamber application **"to stay execution of the eviction order"**, the state-owned daily also reported Kunonga as having sought an order declaring the ACPZ **"the legitimate owners of the church properties, including the Anglican Cathedral in Harare"** (*The Herald*, 28/11).

The two court proceedings were instituted on the basis that ACPZ was never part of the proceedings that gave rise to the recent Supreme Court judgment. Kunonga, according to the court papers filed on November 27th, was a separate legal entity from the ACPZ. He argued that the outcome of the Supreme Court case had no bearing on the church and that the Gandiya-led CPCA's Diocese of Harare had no right to control the churches, schools and colleges.

NATIONAL BUDGET

Media report mixed reaction to national budget

For the second year running, the official state media's news reports did not contain the usual propaganda against Finance Minister Tendai Biti and his MDC-T party following Biti's presentation of the 2013 National Budget on November 15th.

These media gave both Biti and those opposed to his \$3,8 billion budget the opportunity to express their opinions.

Highlights of the budget included setting aside just \$50 million for the constitutional referendum and general elections expected early next year; the increase of a tax-free bonus from \$700 to \$1,000; a directive for banks to exempt deposits below \$800 from bank charges; and the award of an inflation-linked salary increment for civil servants next January.

But the major talking points in both the government and private media were the allocation of \$50 million for elections; the proposed banking reforms; and an increase in the military budget.

Apart from agreeing that the money allocated for the polls was entirely inadequate considering that the Zimbabwe Electoral Commission (ZEC) had submitted a budget of \$220 million, these media also quoted a wide cross-section of Zimbabwean society expressing mixed sentiments over other issues.

The Herald (16/11), for instance, reported Confederation of Zimbabwe Industries president Kumbirai Katsande saying the budget ***“covered almost every aspect of the economy”*** and ***“was created in consultation with many stakeholders and the Cabinet”***, while economist Christopher Mugaga argued that the budget was ***“ambitious”*** and ***“discordant”***.

Mugaga singled out government's proposed 15-point plan, which Biti said would increase economic performance next year, arguing that the plan cannot ***“be achieved in an economy set to grow 5,4 percent with a few players involved”***. Mugaga also criticized Biti for inadequately funding the health sector and the scrapping of bank interest charges on deposits below \$800,

arguing that the move **“was set to suffocate”** bank operations (*The Herald*, 16/11).

But another economist, Rongi Chizema, said the budget was **“realistic”**. Chizema defended measures imposed on banks, arguing that they would **“boost confidence in the banking sector”**, as they were meant to discourage banks from imposing high charges on depositors and using that same money to make more. He also argued that the 15-point plan, which includes macro-economic stability, expenditure control and attraction of foreign-direct investment, was **“a good basis to plan for next year”** and **“shows that the minister had done some prioritization and is focusing on growing the economy”**.

Although the state newspapers' news reports were balanced, their editorial pages were biased.

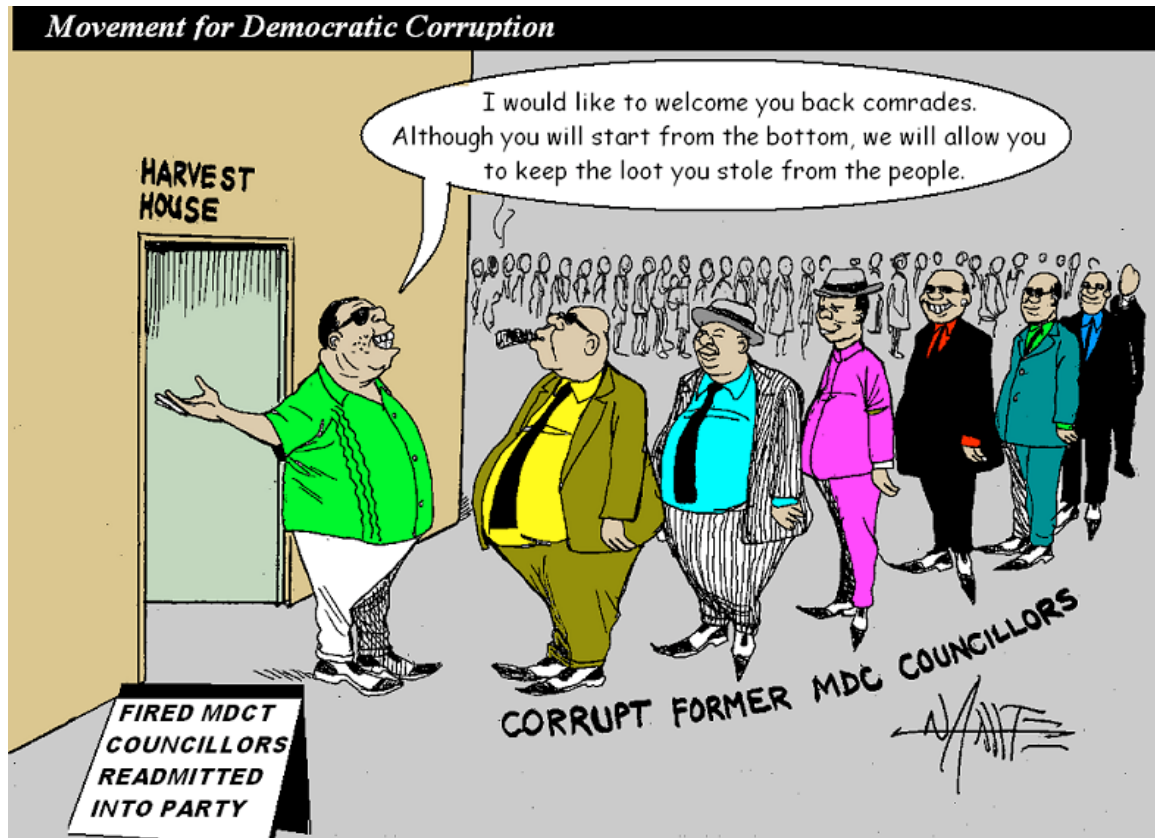
For instance, a comment in *The Herald* (19/11) criticized Biti for setting aside insufficient funds for elections, a move it claimed **“...leaves one to speculate that he has a plan to get external funding...a development that threatens the efficacy of our electoral democracy”**.

The comment also took strong exception to Biti showing **“very little commitment to enhance”** Zimbabwe's agricultural sector since he took over as Finance Minister four years ago.

The private media's coverage of the budget was balanced.

Not only did they carry stories criticizing Biti for increasing the military budget from \$318 to \$356 million, in what they claimed to be an attempt to placate the army, but they also reported various individuals and organizations commending Biti for allocating more funds to the health and education sectors (*Daily News* and *Daily News On Sunday*, 16 & 18/11).

Media report council corruption



REPORTS exposing widespread corruption and incompetence by many local government authorities, particularly Harare City Council, dominated the media's coverage of poor service delivery this month.

The media's interest in local government affairs was stoked by Harare City Council's decision to attach property from defaulting residents; a demonstration by the Harare Residents Trust against City Fathers over exorbitant rates and poor service delivery; and council's resolution to buy new top-of-the-range vehicles for two senior managers, amid reports of a fresh outbreak of typhoid in Harare's Glen View suburb, which reportedly left four people dead.

These developments coincided with the release of a damning report by a team set up by Local Government Minister Ignatius Chombo to investigate allegations of corruption and inefficiency in council. The report allegedly confirmed the existence of **"rampant corruption, lethargy and underhand dealings"** at Town House (NewsDay, 13/11).

The recent expulsion by the MDC-T of 12 of its councillors countrywide, including Harare Deputy Mayor Emmanuel Chiroto, on corruption allegations,

and complaints by Harare Mayor Muchadeyi Masunda about the calibre of councillors he was working with, appeared to give some credibility to this (*The Herald*, *NewsDay* & *NewZimbabwe.com*, 25/8 and ZTV, 24/10, 8pm).

All the media reported a demonstration by the HRT, demanding Harare City Council ***“cancel all debts accrued by residents before 2010, arguing the bills were based on estimates”*** (ZTV, 6/11, 8pm). Led by its coordinator, Precious Shumba, the residents’ association handed over a petition to Chiroto, arguing that services from council before 2010 ***“were not commensurate with the money charged”*** and demanding the ouster of Masunda.

In response, Harare City Council, through Councillor Herbert Gomba, accused the HRT of ***“singing loud for their supper”*** by ***“unnecessarily”*** criticizing the local authority (*NewsDay*, 12/11). Gomba labeled the residents’ association ***“mercenaries”***. He declared: ***“We should know that there are incentives for them (HRT) from donors and we should know that it’s difficult to knock sense into their heads. If you do well, they will criticize because if they clap hands for you, nothing will come out from their donors...”***

Matters came to a head again when Harare City Council announced that it was buying expensive vehicles for Town Clerk Tendai Mahachi and chamber secretary Josephine Ncube.

To rub salt into the residents’ wounds, *Daily News* (24/11) reported that the vehicles, worth \$350,000, would be bought ***“without going to tender”*** – a possible violation of Section 211 of the Urban Councils Act, which states that any procurement by a local authority valued at more than \$11,000 should go for public tender.

The HRT reportedly responded by questioning Masunda’s leadership qualities describing him as being ***“detached from reality”***, adding that the move had demonstrated that the City Fathers ***“have misdirected priorities”*** (*The Sunday Mail*, 18/11).

The *Daily News’* editorials expressed similar anger.

One of them viewed the City Fathers’ decision to buy vehicles as not only ***“horrifying”***, but also an indictment for Prime Minister Tsvangirai’s MDC party, which had touted itself as ***“a government in waiting”*** (*Daily News*, 17/11).

The other, titled: *Mayor Masunda a disgrace to Harare*, emphasized that Masunda, like his predecessors, ***“has done little to serve Harare and belongs to a hall of shame!”***

These problems were not limited to Harare, as other councils such as Mutare, Chitungwiza, Chinhoyi, Chipinge and Rusape were reported to be facing similar problems (ZTV, 12/11, 8pm and *NewsDay* & *The Herald*, 14, 19, 22, 27 & 28/11).

RIGHTS ABUSES

Soldiers accused of rights violations

The media recorded 33 incidents of rights abuses, 25 (76%) of which appeared in the private media.

The remaining seven featured in the state media.

Here is a selection of some of them:

- Reports that soldiers went on a rampage at Samambwa business centre in Zhombe, attacking MDC-T supporters. Forty people were injured, two of them seriously. The MDC-T chairman for Midlands North, Constain Muguti, told SW Radio Africa (30/11) that soldiers guarding farming inputs under President Mugabe's inputs distribution scheme, felt '**insulted**' by the MDC-T for organizing a rally near where they were based, even though they had police clearance.
- Allegations that soldiers deployed in Hurungwe were reportedly campaigning for ZANU PF by forcing villagers to divulge their political affiliations and threatening to evict them from the area if they refused. (SW Radio Africa, 21/11).
- Reports of soldiers and police officials in remote areas of Binga threatening to cut off the arms of MDC-T supporters and forcing villagers to pay fines for failing to attend ZANU PF rallies (SW Radio Africa, 20/11), and
- The arrest of three workers from the Counselling Services Unit in Harare on November 5th after police raided CSU offices and confiscated its computers and files. The police, who were reportedly armed with a search warrant to recover "**offensive and subversive material**", charged Fidelis Mudimu, Zachariah Godi and Tafadzwa Gesade with defacing property in Bulawayo using spray paint in contravention of section 46 of the Criminal Law (Codification and Reform) Act. (SW Radio Africa, *NewsDay* and *Daily News*, 5, 6, 7, 8 & 9/11).

What they said...

“The court agrees with (Advocate Adrian de Bourbon) that the evidence proved that Dr Kunonga and his followers created the schism. The schism in the circumstances of this case is clear evidence of withdrawal of membership by Dr Kunonga and his followers from the appellant church. They left the Church and then formed the new Church. It was the court’s finding that anyone who leaves a church for some reason should leave the property with the remnants no matter how few they are” - Deputy Chief Justice Luke Malaba giving the Supreme Court’s ruling quashing an earlier High Court decision granting Nolbert Kunonga and his followers power to control the mainstream Anglican Church property in the name of the Diocesan Trustees of the Diocese of Harare (*The Herald*, 20/11).

“When one leaves a club, he or she does not take its property with him or her. It has long been established as a salutary principle of law in this area of property ownership that when one or more people secede from an existing Church they have no right to claim church property even if those remaining members of the congregation are in the minority. The learned judge (High Court) was wrong in giving Dr Kunonga and his followers the right to possess and control the property of the church without its consent” - Justice Malaba (*The Herald*, 20/11).

“They are not important. What do they have? Can they shoot us with guns? No, they can’t” - renegade Anglican Bishop Nolbert Kunonga dismissing an eviction order the CPCA obtained from the High Court, ordering Kunonga and his followers to vacate all Anglican Church properties by 4pm on November 27th (*Daily News*, 27/11).

“I do not belong to that church” - Police Commissioner-General Augustine Chihuri said this when *NewsDay* (21/11) asked him if the police would assist in enforcing the Supreme Court order.

“Councillors lack depth in what is required of them. They seem to be drowning and their decisions are based on personal benefits. Service delivery is not the driving force behind the business at Town House. It’s more of personal benefits. There is no powerful management system and this is leading to gross mishandling of the financial register” – Local Government Minister Ignatius Chombo-appointed probe team chairperson Ellen Chivaviro speaking to journalists during the handover of their findings to the minister (*NewsDay*, 13/11).

“I accept these donations and hand them over to you chief so that when we leave you can then give your people, but you have to work with the party structures who will help you donate these inputs. We are deliberately bringing this programme to the ward level after realizing that in the past government programmes were not getting to the ward level and they had to survive with the help of NGOs who bring with them their own agendas to destabilize our country” - Acting President Joice Mujuru ordering Chief Njelele to work closely with ZANU PF members in distributing farming inputs donated by various local companies to villagers in Njelele, Gokwe (*NewsDay*, 27/11).

“With the MDC, we no longer have a relationship, at all. This must be

stressed. Our relationship with the MDC was simply on the basis that the NCA helped to form the MDC, that the MDC would become a political wing of the broad project of trying to make the country more democratic. They have since abandoned that. I think from 2008 after the elections” – NCA Lovemore Madhuku speaking in an interview with the Daily News (29/11).

“Politically, on the constitution-making process, I do not see us ever coming back together. They should not even expect us to support them even when they go into the next government. We think they do not have any principles...” - Madhuku (Daily News (29/11).

“He (PM Tsvangirai) allowed them (ZANU PF) to reach the next election without any reform. The purpose of the inclusive government was to create a transitional arrangement at the end of which we would be able to have a stable country that can run free and fair elections. Tsvangirai spent the last three-and-half-years in an arrangement where he extracted no fundamental reforms. He will still agree to go to an election where there are no fundamental reforms. I do not see him winning without fundamental reforms. What has been reformed? The security sector is quite intact, Mugabe is still having the levers of all” - Madhuku (Daily News, 29/11).

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