
ZIMBABWE ELECTION SUPPORT NETWORK



ZESN PRELIMINARY STATEMENT ON THE ZAKA EAST NATIONAL ASSEMBLY AND INSIZA RURAL DISTRICT COUNCIL WARD 15 LOCAL AUTHORITY BY-ELECTIONS

22 September 2019 – Harare – In pursuit of its mission to promote democratic elections in Zimbabwe, the Zimbabwe Election Support Network (ZESN) observed the Zaka East National Assembly and Insiza Rural District Council Ward 15 by-elections. A total of 17 observers were deployed to observe the two by-elections. This preliminary statement is based on reports received from ZESN observers.

Observation Methodology

For the Zaka East National Assembly by-election, ZESN trained and deployed a Long Term Observer, Short Term Observers (STOs), and mobile observers. Thirteen (13) observers were deployed to observe at selected polling stations, at all Ward Collation Centres, at the Constituency Collation Centre, and the environment in the constituency and around polling stations. ZESN deployed four observers to observe polling in the Insiza RDC Ward 15 and at the Ward Collation Centre.

ZESN election observation methodology is guided by election-related provisions in the Constitution of Zimbabwe and Electoral Laws of the country. In addition, ZESN's assessment of elections is also guided by a number of regional and international conventions and declarations which Zimbabwe is signatory to, such as, the SADC Principles and Guidelines Governing Democratic Elections, the African Charter on Human and Peoples' Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR). The Network is also guided by the GNDEM's Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organisations, Code of Conduct for Nonpartisan Citizen Election Observers.

Pre-election Observations

The pre-election environment in the two by-elections was reported to be tranquil, however in Zaka East, it was fraught with threats of unspecified action by ZANU-PF supporters should the party lose the by-election. ZESN is concerned by the reported cases of the partisan behaviour of traditional leaders who mobilised the electorate in favour of ZANU-PF and threatened their subjects with partisan exclusion from government benefits.

ZESN noted that ZANU-PF and MDC Alliance held rallies which were addressed by their senior party officials, meetings, and door to door campaigns as part of their by-election campaigns in Zaka East. By contrast, campaigns by Free Zimbabwe Congress and the NCA were low key, with only posters of the candidates seen around the Constituency and no observed rallies or meetings. The same was observed in Insiza where campaigns by ZANU-PF and the MDC Alliance were more prominent. Posters of candidates for the two political parties were the most visible around the Ward and also in Zaka East.

Set up and Opening of Polling Stations

ZESN observers reported that ZEC posted the voters' roll outside all polling stations in both by-elections. This administrative reform is commendable as it enables the easy identification of polling stations by voters.

ZESN also commends ZEC for setting up polling stations in accordance with the requirements of the law and in a manner that ensured voters could mark their ballots in secrecy. ZESN observers also reported that essential voting materials such as ballot boxes, ballot papers, ZEC stamp, indelible marking pens, and biometric voters' roll were present at all polling stations observed in the two by-elections. Furthermore, observers reported that all the polling stations opened on time. However, some polling stations were reported not to be easily accessible to people with disabilities. On average, there were seven polling officers per polling station.

Voting Process and Procedures

ZESN observers reported that the voting process in the by-elections was done in accordance with the law at all polling stations, with procedures such as showing ballot boxes to be empty, checking voters' names against the voters' roll, examining voters' fingers for indelible ink and applying the ink, issuance of a stamped ballot papers and other key procedures being duly followed. In addition, observers reported that all voters were required to present identification documents before voting with those having defaced or invalid identification such as driver's licences being turned away.

Redirected and Turned Away Voters

The posting of the voters' roll outside polling stations as done in these by-elections is commendable as it contributed to a decrease in the numbers of redirected voters. However, ZESN noted the need for a ZEC officer at each polling station with the responsibility of informing voters that they need to check their names on the voters' roll displayed outside polling stations before they proceed to their respective polling stations.

Electoral Malpractices

While freedom of association is provided for in the Constitution, traditional leaders are bound by the same Constitution (Section 281) not to support any political party or cause.

In terms of this Section (281) (2) Traditional leaders must not – (a) be members of any political party or in any way participate in partisan politics, (b) act in a partisan manner, and (c) further the interests of any political party or cause. ZESN is therefore concerned that at Vhurumuku Primary, in Ward 25 of Zaka East, a well-known Headman was serving as a ZANU-PF party election agent. In Ward 32, a village head turned up to vote at Machiva polling station wearing ZANU-PF regalia. Though he removed the cap and put on a jacket to conceal the ZANU-PF t-shirt upon ZEC's instruction, the village head went out and sat at the gate of the school where the polling station was located, within the vicinity of the polling station, in ZANU-PF party regalia.

Putting on party regalia on election day is prohibited in terms of the Code of Conduct for Political Parties, Candidates, and Other Stakeholders, Schedule 7 (1) (d) of the Electoral Act which stipulates that “No political party or candidate may, from midnight twenty-four hours before polling day in any election or referendum until polling stations are closed on that day—campaign or display campaign material within 300 metres of a polling station or counting centre. ZESN commends ZEC for taking action. However, the Commission could have done more, possibly by turning the voter away for turning up at a polling station displaying a party's campaign material.

ZESN also received a reports of a worrying incident of assault of a MDC Alliance agent who claims he was beaten and had his phone seized by ZANU PF supporters who accused him of taking photos of them bussing redirected voters to other polling stations. ZESN strongly condemns any form of violence, particularly in elections as it has a potential to impact on the credibility of an election.

Assisted Voters

ZESN observers reported relatively low numbers of assisted voters were recorded in Insiza RDC Ward 15. Zaka East Constituency had relatively high numbers of assisted voters. ZESN observers reported that, most of the voters were being assisted to vote on account of illiteracy and old age, for example at Zibwowa Primary School in Zaka East out of the 252 people who voted 47 people were assisted to vote as at 6.00 pm. At Chitedzana Sub Office polling station, more than 30 people had been assisted to vote by end of polling.

Election Agents

In terms of the law, political parties and candidates can deploy one election agent inside the polling station and an additional agent within the vicinity of a polling station. ZESN continues to encourage political parties to comprehensively deploy agents to monitor electoral processes on their behalf. ZANU-PF and the MDC Alliance deployed party agents comprehensively in Zaka East Constituency while at polling stations where ZESN observers visited of where deployed, Free Zim and NCA did not deploy party agents to polling

stations. For Insiza, ZANU-PF and MDC Alliance deployed party agents at all polling stations where ZESN had observers.

Turnout

Whereas section 67 of the Constitution of Zimbabwe states that, “every Zimbabwean has the right to vote,” there seems to be less uptake on exercising this constitutional right to elect leaders by eligible voters in Zimbabwe during by-elections.

ZESN observed that, there was generally low voter turnout in Insiza RDC ward 15. In Zaka East Constituency, a slightly above average turnout of voters at 56% compared to approximately 80% in the 2018 harmonised elections.

Based on ZESN’s observations, the low turnout in by-elections can be attributed to voter apathy that has been consistently observed in the previous by-elections.

Table 3: Zaka East Constituency By-election and the 2018 harmonised elections National Assembly results

2019 by-election				2018 harmonised elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Clemence Chiduwa	M	ZANU-PF	7119	Gumbwanda Katson Ringisai	M	ZANU-PF	8855
Derick Charamba Gudzameso	M	MDC Alliance	1518	Gumbi James	M	MDC Alliance	3804
Lazarus Mubango	M	Free Zim Congress	63	Chavarika Clemence	M	NCA	280
Clemence Chavarika	M	NCA	83	Ngirivani Tavengwa	M	PRC	165
				Nyuni Patrick	M	ZIPP	77
Valid votes cast			8783	Valid votes cast			13181
Votes rejected			85				
Total votes Cast			8868				

Table 4: By-election and 2018 harmonised elections results for Insiza RDC Ward 15

2019 by-election				2018 harmonised elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Zenzo Moyo	M	ZANU-PF	163	Ngwenya Thembinkosi	M	ZANU-PF	1298
Ronald Mugadza	M	MDC Alliance	86	Sibanda Bhekimpilo	M	MDC Alliance	670
Shepard Juta	M	Independent	287	Siyakhangelana Sithabile	F	PRC	33
Ndumiso Ndlovu	M	Independent	89	Sithole Admire	M	MUP	39
Bertha Jambwa	F	NPF	14	Sibanda Somandla	F	NPF	224
Valid votes cast			639	Valid votes cast			2264

Analysis of by-election results

ZANU-PF retained the Zaka East National Assembly having garnered 7119 votes. In the by-election, the party got 1736 fewer votes than it got during the 2018 harmonised elections in the same Constituency. The MDC Alliance garnered 2286 fewer votes than it had in the National Assembly election in the 2018 harmonised elections. In 2018, the MDC Alliance lost to ZANU-PF by a margin of 5051 votes and in the by-election the margin widened by 550 more votes. The valid votes cast decreased by a significant 4398 between the harmonised elections and the Zaka East Constituency by-election.

For the Insiza RDC Ward 15 by-election, Independent candidate, Juta Shepard won with 287 votes. The number of valid votes cast indicates that turnout was very low. While in 2018 a total of 2264 valid votes were cast, only 639 valid votes were cast in the by-election – a difference of 1625 votes. Juta beat the second leading candidate by 124 votes in the by-election. ZANU-PF's votes in the Ward decreased by 1135 between the harmonised and the by-election while the MDC Alliance's votes decreased by 584.

Conclusion

ZESN is concerned with the conduct of traditional leaders who openly supported ZANU-PF, mobilising voters to support the party and even acting as party agents. The network is also worried about the low voter turnout observed in by-elections, particularly for local authorities.

Recommendations

ZESN makes the following recommendations:

1. Political parties should shun all forms of intimidation and allow people to freely associate and assemble;
2. Traditional leaders should desist from engaging in partisan politics in violation of the Constitutional provisions for the non-partisanship of the institution of traditional leadership;
3. Political parties should not compel support by politicising, withholding or threatening to withhold, government aid;
4. CSOs should embark on civic and voter education that emphasises the importance of, and encourage the electorate to participate in, by-elections;
5. There is need for political parties to deliberately emphasise the importance of, and mobilise their supporters to participate in, National Assembly and Local Authority by-elections.
6. ZEC's number of days for VE need to be increased and VE should be continuous
7. Political parties should desist from any form of violence or violent actions. In cases where disputes arise amongst political party supporters, ZESN encourages the use of available election dispute resolution mechanisms such as Multi-Party Liaison Committees and the Electoral Court.

FOR COMMENTS AND FURTHER DETAILS CONTACT

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