

# **ZEC Delimitation Report: Electoral Rigmarole and Elite Discohesion?**

**POLITICAL REVIEW PAPER: 13 JANUARY 2023**



**Zimbabwe Democracy Institute: 2023**

## **Introduction**

The Preliminary Delimitation Report done by the Zimbabwe Electoral Commission (ZEC) and the attendant politics have highlighted three key issues peculiar to competitive authoritarian regimes that need to be identified and resolved ahead of 2023. First is the capture of the electoral system by the ruling elite to influence the electoral outcome through gerrymandering, calculated to disorient the main opposition and benefit the ruling party. These include collapsing of constituencies with more registered voters to beef-up constituencies with less registered voters, multiplying constituencies with ZANU PF majorities in Harare to list a few. This paper gives an analysis of the ZEC preliminary delimitation report to underline evidence of this. Second is ZEC's incompetence shown by failure to follow constitutional provisions, failure to follow simple arithmetic calculations to determine constituency and ward delimitation and lack of consultation of key stakeholders. Third is the elite dis cohesion within ZANU PF which is identified as a precursor for a possible authoritarian breakdown. This is shown through a sudden dis cohesion within ZEC and between ZEC and key allies of Mnangagwa affected by the preliminary delimitation. Fundamentally, the botched delimitation report speaks to infighting within the ruling party elites. It is a continuation of the post-coup and post-2022 ZANU PF congress - the unresolved ZANU PF leadership question post-Mugabe. Our view is that, the delimitation report generally and overall benefits ZANU PF as a political party but disadvantages one faction in the power matrix and configuration of the securocratic state.

## **Legal Framework on Delimitation**

The measure of the extent of democracy an electoral process is provided for in Article 17 of the African Charter on Democracy, Elections and Governance read together the Declaration on the Principles Governing Democratic Elections in Africa particularly article 4(a,b,e) which stipulates that:

4. Democratic elections should be conducted:
  - a) freely and fairly;
  - b) under democratic constitutions and in compliance with supportive legal instruments;
  - e) by impartial, all-inclusive competent accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics;

The emphasis is placed on the need for ZEC to conduct its delimitation process in a manner that is free, fair and in accordance with the constitution and by 'well-trained personnel'. In the Constitution of Zimbabwe the delimitation process is stipulated in section 160 and 161. For this paper, particular attention is given to section 161(6) which states that:

- (6) In dividing Zimbabwe into wards and constituencies, the Zimbabwe Electoral Commission must, in respect of any area, give due consideration to—
  - (a) its physical features;

- (b) the means of communication within the area;
- (c) the geographical distribution of registered voters;
- (d) any community of interest as between registered voters;
- (e) in the case of any delimitation after the first delimitation, existing electoral boundaries; and
- (f) its population;

and to give effect to these considerations, the Commission may depart from the requirement that constituencies and wards must have equal numbers of voters, but no constituency or ward of the local authority concerned may have more than twenty per cent more or fewer registered voters than the other such constituencies or wards.

The law intended to balance two key principles of democratic elections applicable when doing delimitation. First being to ensure numerical equality of constituencies and wards in terms of registered voters (section 161(3- 4)). The second being to prevent gerrymandering or creation of constituencies with physical and geographic settings that make it difficult for voters to participate in a uniform manner (section 161(6)). Thus the criteria to balance these two principles deduced from this section is that, the number of voters in each constituency or ward cannot vary by more than 20 per cent. This section 161(6) has been criticised for lack of clarity and explicit design of the formula to be used to calculate constituency and ward sizes (Mutambara, 2023).

### **ZEC's Deliberate Calculation Errors**

In attempt to calculate the constituency and ward sizes to implement requirements of section 161(6) above, ZEC has erroneously come up with constituencies that vary by up to 20 per cent above and 20 per cent below the average as explicitly stated in the Preliminary Delimitation Report page 11 which states that:

“In order to determine the voter population thresholds permissible in line with section 161(6) of the Constitution, the total number of registered voters at the national level was divided by 210 constituencies resulting in a national average of 27 640 voters per constituency. A twenty per cent variance from the national average was then determined resulting in a maximum registered voter threshold of 33 169 and a minimum threshold of 22 112 voters. Thus, any such constituency delimited was expected to fall within the minimum and maximum thresholds.”

As argued by Veritas (2023), constituencies that vary up to 20% above that average (33169) and 20% below the average (22112) have a difference of up to 40%, which contravenes section 161(6) of the Constitution, and the Declaration on the Principles Governing Democratic Elections in Africa particularly article 4(b). To correct this error, the formula proposed by Veritas makes lots of sense. ZEC should have allowed constituencies to vary up-to 10% above the average (30 404) and 10% below (24 876) and make sure all constituencies range from 24876 to 30404 registered voters. This will give them a 19% variation. If ZEC had widely consulted key stakeholders in Zimbabwe as stated in section 37(A) of the Electoral Act, this error could have been avoided. Zimbabwe has been described as an ‘electoral authoritarian regime’ which holds regular and competitive multiparty elections while the electoral process systematically violates the basic principles governing democratic elections (Schedler, 2010). The lack of quality consultation was deliberate in order to simultaneously push and advance a factional position in

the ZANU PF elite power struggles and disadvantage the opposition.

### **Politics of Gerymandering Defines ZEC Report**

The report shows evidence of ZEC's gerrymandering done to benefit ZANU PF. This is clearer when one looks at the constituencies affected by the erroneous delimitation. Many constituencies delimited by ZEC fall outside the permissible limits. Gerrymandering strategies identified so far include i) use of a wrong formula to calculate minimum and maximum number of registered voters to determine size of each constituency; and ii) inconsistent application of criteria used to determine the number of constituencies per province.

#### ***Use of a wrong formula***

For example, Binga North constituency has a total voter population of 81118 which could create three constituencies with 27039 voters, the registered voters according to ZEC are 31307 which is above the maximum of 30404 (Parliament Ad-hoc Committee, 2023). A logical explanation is that Binga North would have resulted in additional 2 constituencies created in an opposition stronghold. Churu (33 001 voters), Harare South (32676) and Harare East (33 103) are well above the maximum (30 404) (Veritas, 2023). What this error does is to under represent Harare population while over representing others. It can be argued that ZEC sought to use this to avoid creation of additional constituencies in areas prone to be won by the opposition and the net outcome is the protection of ZANU PF majority in parliament.

In Harare province which is known to be an opposition stronghold, two constituencies were affected the most, that is Harare South and Epwoth. A historical analysis of these two constituencies shows that ZEC's delimitation had an outcome of multiplying the number of ZANU PF parliamentary seats in Harare. For instance, Harare South out of all the constituencies in the province has a history of being won three times by ZANU PF since 2008 till date and was divided into three new constituencies namely Churu, Hunyani and Harare South. In 2008, it was won by ZANU PF with 57.2%, 69% in 2013 and 38.6% in 2018. Combined, these figures indicate that ZANU PF has an average 55+% possible win in the constituency. It should be noted that in 2018 when Tongai Mhangagwa won with 38.6%, then incumbent former ZANU PF legislator Shadreck Mashayamombe contested under the opposition ticket thereby reducing the ZANU PF winning margin through divided votes - a usual impact of elite dis cohesion on electoral performance. The general import of these machinations is to split a ZANU PF stronghold constituency into three. Epwoth has a history of being won by ZANU PF for two times since 2008 and was divided into two new constituencies. There is a possibility of a safe-zone constituency created for ZANU PF among these two. In actual fact, there are now 5 new possible ZANU PF constituencies created in Harare.

In Manicaland province, three constituencies affected were Musikavanhu, Chipinge West and Dangamvura-Chikanga. Musikavanhu constituency was collapsed by ZEC and its voter population assimilated into Chipinge West

which is a swing constituency. Musikavanhu constituency has a history of being previously won by the opposition in 2008 with 73.8%, 51.7% in 2013 and lost to ZANU PF with barely -6.4% in 2018. This means, to ZANU PF, this constituency is not a sustainable source of parliamentary power. It was therefore likely to be destroyed or diluted with supporters from elsewhere. What these constituencies have in common is that they are usually won by the opposition. Dangamvura-Chikanga which was spit into two is the only purely opposition stronghold constituency among the affected.

In Matabeleland North, 6 out of 13 constituencies delimited by ZEC are below the legally permissible minimum threshold of 24876 voter population. These are Hwange Central with 22636, Lupane East with 22161, Nkayi North with 22639, Nkayi South with 22757, Tsholotsho North with 23310 and Tsholotsho South with 24328 voter populations. If the delimitation is to be reworked following the Veritas (2023) formula, some wards in Bubi can be transferred to Umguza, while some wards in Umguza transferred to Tsholotsho south so that Tsholotsho North gets some wards that are currently in Tsholotsho south to ensure that none of these constituencies is collapsed. Collapsing some of the constituencies listed above will obviously lead to a loss of a parliamentary seat for ZANU PF. It can therefore be reiterated that ZEC's deliberate miscalculations served to protect ZANU PF's parliamentary majority because a shrinkage in Matabeleland North would result in more seats deserved in Harare Province which will go to the opposition.

### ***Inconsistent application of criteria used to determine the number of constituencies per province***

The report shows that the criteria used to determine number of constituencies allocated to Harare Province is different from the one used in Bulawayo, Masvingo and Midlands. For instance, ZEC divided the number of registered voters (952102) by the number of previous constituencies (29) to get the constituency size with according to their formula fell "above the national minimum and average voter population thresholds allowable". However, this determination was based on an erroneous formula. The correct formula provided by Veritas (2023) above indicates that 32831 is above the allowable maximum upward variation (30404). A similar criteria was used in Midlands Province although instead of getting 27 seats (the calculation gives 27.2), this province was given 28 seats. This under represented Harare Province with 1+ seats when using the maximum limit per constituency and 8+ new seats when using the lower limit of 24876. The use of the lower limit to determine number of constituencies was evidently used in Bulawayo Province resulting in an unfair over representation of the province in parliament. In general, the formula used in section 161 creates unfair representation differences as shown in Mashonaland West province with 661289 voter population given 22 seats whereas Masvingo with 632320 voter population given 26 seats. Masvingo with less voter population is given 4 seats more than Mashonaland West province.

### **Implications on Possible Transition**

ZEC's Preliminary delimitation report should be understood in the auspices of

the vertical transition agency theory within the broader transitology literature. Agency theory posit that transition does not depend on structural context but relies on the ruling elite and business actors who create it - their commitment and willingness to initiate, institutionalise and accomplish the transition (Grugel, 2002:57). Three key transition agencies are problematised in the agency theory: horizontal - where ruling elite cause transition, vertical - where citizens cause transition and external agencies - where external forces cause transition. This paper focuses on the horizontal agency thesis. Horizontal or lateral transition agency refers to the change of an authoritarian regime that is initiated or spearheaded by elites within the ruling regime (Schedler, 2010). Studies by O'Donnell and Schmitter (1986) reveal that the extent of survival of the authoritarian regime depends of the extent of unity within its ruling elite, "there is no transition whose beginning is not the consequence – direct or indirect – of important divisions within the authoritarian regime" (O'Donnell and Schmitter, 1986: 19). Geddes (2005: 6) adds that the most serious challenge to the survival of authoritarian regimes are not masses and their street protests or external intervention but high level allies within the ruling elite. In this line of reasoning, the uncertainty of the life of the authoritarian regime begins when the incoherence of the ruling elite becomes certain. The findings (O'Donnell and Schmitter, 1986; Geddes, 2005: 6) imply that authoritarian breakdown becomes very likely with the genesis of incoherence within the ruling elite. In 2017, this kind of elite discohension resulted in overthrow of former president Mugabe but no democratic break throw. Reasons for this being lack of adherence to Stepan's five tasks for the opposition presented latter in the paper.

This critical juncture of elite discohension continues post-Mugabe in ZANU-PF. The fact that 7 out of 9 commissioners most of whom are recent appointees of President Mnangagwa have written distancing themselves from the preliminary report leaves ZEC divided between its Chair and deputy Chair vis-a-vis the rest. The divisions within ZEC when understood in the context of the court challenge by Tonderai Chidawa a renowned ally of President Mnangagwa during the ZANU PF factional fights that led to Mnangagwa's ascendancy to power and the fast rebuke by the Parliament ad hoc committee headed by Pupurai Togarepi give an insight into ZEC independence and elite discohension. Honourable Togarepi's constituency of Gutu South in Masvingo was wiped out despite having more registered voters 18 645 compared to Gutu East 16 822 and Gutu North 15 359. It is therefore not surprising that the committee that he heads has dismissed the report. One can argue that key Mnangagwa allies such as Togarepi were key victims of the delimitation report in the grand power struggles in ZANU PF. In addition, the Parliamentary Ad hoc Committee notes that the Preliminary Delimitation report was not signed by other commissioners, a clear example of infighting within ZEC along ZANU PF factions.

### **The Role of the Opposition**

In the context of elite discohension, the opposition is expected to correctly identify it and creating a strong democratic alternative. According to Stepan (2001:162), the study of authoritarian breakdown and overthrow must not

focus on the final collapse of authoritarian regimes but must take into consideration the incremental process of authoritarian erosion and the opposition's contribution to it. Stepan (1990) argued that the dynamics of authoritarian regimes and the prospects for transition also depend on the relationship between the regime and democratic opposition. He argued that we can understand regime dynamics on the basis of the interactions among the core regime supporters, the coercive apparatus, passive supporters, passive opponents, and active opponents. He thus outlined five critical tasks for the opposition in roughly ascending order of complexity: i) resisting integration into the regime; ii) guarding zones of autonomy against it; iii) disputing its legitimacy; iv) raising the costs of authoritarian rule; and v) creating a credible democratic alternative. These five make the key pillars of opposition politics in Zimbabwe.

### **Conclusion and Recommendations**

In conclusion the ZEC preliminary Delimitation Report confirms assertion that have been averred by the Zimbabwe Democracy Institute since 2012 that the independence of ZEC is compromised by its strong links with the ruling party and the securocratic state complex and incompetent to handle democratic, free and fair election in Zimbabwe. ZEC should implement the Parliamentary Ad-hoc Committee's position which says that ZEC should be inclusive in its delimitation, adhere to section 161(3),(4) and (6) in calculating constituency and ward delimitation and ensure that in collapsing of constituencies must ensure that those with less registered voters are collapsed to keep those with more registered voters.

## Apendixe 1.1: The effect of ZEC's 2022 Delimitation Exercise on ZANU-PF & MDC/CCC's constituencies

Key:

	ZANU-PF
	MDC/CCC

Affected constituency by Province		2008		2013		2018 (Latest – 2022 By-elections)	
		Won by:		Won by:		Won by:	
Harare Province Constituencies	How they were affected	ZANU-PF	MDC/CCC	ZANU-PF	MDC/CCC	ZANU-PF	MDC/CCC
Harare South	Divided into 3 constituencies	57.2% (Hubert Nyanhongo)		69% (Shadreck Mashayamba)		38.6% (Tongai Mhangagwa)	
Epworth	Divided into 2 constituencies		56.6% (Elias Jembere)	61.1% (Amos Midzi)		51.7% (Zalerah Makari)	
Manicaland Province Constituencies	How they were affected						
Musikavanhu	Collapsed/Dissolved		73.8% (Prosper Mutseyami)	51.7% (Prosper Mutseyami)		41.6% (Murire Joshua)	
Chippinge West	Merged with Musikavanhu to create Chippinge West		61.2% (Sibonile Nyamudeza)	50.4% (Adam Chimwamuro mbe)			54.6% (Nyamudeza Sibonile)
Dangamvura-Chikanga	Split into 2		66.4% (Giles Mutsekwa)	45.8% (Arnold Tsunga)			66.3% (Prosper Mutseyami)
Mashonaland East Province Constituencies	How they were affected						
Chikomba Central	Dissolved/Collapsed		56.3%	63.6% (Felix Mhona)		54.3% (Mhona Felix)	
Masvingo Province Constituencies	How they were affected						



Gutu South	Dissolved/Collapsed <sup>1</sup>		52.8% (Eliphas Mukonowes huro)	68% (Paul Chimedza)		54.2% (Pupurai Togarepi)	
Zaka East	Dissolved/Collapsed <sup>2</sup>	53% (Samson Mukanduri)		70.9% (Samson T. Mukanduri)		67.1% (Gumbwan da Katson Ringisai)	
Zaka West	Dissolved/Collapsed		50.2% (Festus Dongo)	68.4% (Mapetere D.V Mawere)		66% (Murambia Ophias)	
Mat South Province Constituencies	How they were affected						
Bulilima East	Dissolved/Collapsed		37.5% (Norman Mpfu)	48.2% (Mathius S. Ndlovu)		52.4% (Mangaliso Ndlovu)	
Midlands Province Constituencies	How they were affected						
Mberengwa South	Dissolved/Collapsed <sup>3</sup>	79%		86.8% (Chiratidzo Mabuwa)		84.7% (Tasara Hungwe)	

Changes in the distribution of constituencies after the 2022 delimitation exercise

Province	Distribution/Number of constituencies	
	Before (for 2008, 2013 & 2018 elections)	After delimitation (for 2023 elections and subsequent elections)
Harare	29	30 <sup>4</sup>

<sup>1</sup> However the collapsed constituency was replaced by the creation of a new Chiredzi Central Constituency.

<sup>2</sup> The dissolution and reconfiguration led to the creation of a new Zaka South Constituency. One of the collapsed constituencies was replaced by the creation of a new Mwenezi North constituency.

<sup>3</sup> However, this collapsed constituency was replaced by the creation of a new Mkoba North constituency. It means the Province retains its previous number of constituencies of 28.

<sup>4</sup> The Commission allocated Harare province an extra National Assembly Constituency seat to bring the total number of allocated constituencies for the province to 30 due to the province's average voter population for a constituency of 32 831 which was above the national minimum average voter population thresholds allowable in terms of

Bulawayo	12	12
Manicaland	26	26
Masvingo	26	26
Midlands	28	28
Mat North	13	13
Mat South	13	13
Mash Central	18	18
Mash West	22	22
Mash East	23	23

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the Constitution but less than the maximum threshold.