ZEC Delimitation: A ZANU PF Two-Thirds Majority Scheme

Introduction

The Zimbabwe Electoral Commission (ZEC) final delimitation report gazetted by President Mnangagwa on the 20th of February 2023 can best be understood as a ZANU PF scheme for maintaining a two-thirds majority in Parliament. Three observations in the ZEC's final delimitation report corroborate this argument. First is that, ZEC deliberately applies 2007/8 total seats per province as its basis in coming up with the 2023 framework for allocating constituencies and sticks to its erroneous application of section 161(6). There is no justifiable reason for adopting this framework other than the desire to avoid loss of constituencies from ZANU PF stronghold provinces needed to secure a two-thirds majority in Parliament. Second is that, ZEC disregarded adult population dynamics per province presented in the 2022 census when it allocated constituencies per province. If it was used, 7 seats were going to be transferred from ZANU PF stronghold provinces to the opposition stronghold provinces. Third is that, ZEC disregarded registered voter proportions per province in the total national voter population in coming up with its constituency allocation framework. If they were used as basis for allocating constituencies per province, 3 constituencies were going to be transferred from ZANU PF stronghold provinces to opposition stronghold provinces. The purpose of delimitation is to ensure proportional representation of the adult population per province in Parliament. The ZEC delimitation report defeats this purpose. ZEC states on page ix that delimitation seeks to ensure equality of voting strength determined by number of "registered voters". However, an analysis of the total number of seats (constituencies) allocated per province shows that ZEC accepted this objective of delimitation but acted the opposite way through manipulation and gerrymandering.

Gerrymandering through threshold Politics

ZEC cites section 160(1) of the constitution which obliges it to divide Zimbabwe in to 210 constituencies for purposes of electing Members of Parliament. ZEC goes on to display a grotesque spectacle of discretionary conduct and gerrymandering. On page xiv ZEC states its framework for determining the number of constituencies per province where it notes: "voter population within each province was divided by the '*number of existing constituencies'* in the respective province. Once the average number of voters per constituency at a provincial level was determined, it was then compared to the minimum and maximum national thresholds." There is nowhere in the constitution where ZEC is directed to use "number of existing constituencies" which means number of constituencies delimited in the previous 2007/8 delimitation to serve as basis for allocation of seat in each province. Even section 161(6)(e) stipulates that ZEC should consider existing electoral boundaries "in the case of any delimitation after the first delimitation." This clause applies to the 2032/3 delimitation because the current delimitation is the first since the adoption of the Constitution in 2013. And even if it is applied in due course, it cannot offset the founding

values in section 3(2) of the constitution - the need for equality of votes and adequate representation in Parliament among others.

When section 160(1) is read together with section 161(1) of the Constitution obliging ZEC to conduct delimitation once every ten years as soon as possible after a population census, there is no reasonable doubt that adult population published in the Population and Housing Census ought to serve as the basis of allocating seats per province. ZEC acknowledges this in page viii where it states “population dynamics and changes in land use since the last delimitation” have created the need for redrawing of constituencies. This means ZEC concedes that changes in adult population across provinces have affected the 2007/8 number of seats allocated per province thus necessitating the redrawing of constituencies in those provinces. Population dynamics determine the need for delimitation not stability of existing boundaries as claimed by ZEC on page xiii. However, there is nowhere in the delimitation report where ZEC uses the census population dynamics to determine the number of constituencies per province. Instead, the population census, and its emphasis by the constitution is disregarded as ZEC rushes to priorities its so called national thresholds and stability of existing electoral boundaries mantra that has been discredited for its mathematical errors and causation of disproportionate representation. This is where the centre of electoral manipulation lies.

Rigmarole through Under-representation

Harare is an opposition stronghold; the growth of its voter population increases the preponderant power of the opposition in the National Assembly. Despite having 16.4% of total voter population according to ZEC’s own figures, Harare was allocated 30 constituencies which make 14.29% of the 210 constituencies. If proportional representation based on ‘registered voters’ was the basis of allocating seats, Harare was supposed to get 16.4% of the total 210 seats which would have left it with 34 seats. Additional 4 seats were mathematically wiped out. The under-representation is worse when one considers that Harare province has 17.98% of the national adult population in the 2022 national census report also cited in ZEC’s delimitation report. If adult population was used as a basis for allocating the constituencies, Harare was going to get 38 seats. Manicaland Province with 12.73% share of the total voter population was given 26 seats instead of 27 seats proportionate to its number of registered voters. The same applies to Mashonaland Central, with 9.24% share in national voter population, it was allocated 18 seats instead of 19 seats proportionate to its share of registered voters and adult population. Mashonaland West with 11.39% of the voter population and 12.6% of the national adult population was given 22 seats which make 10.48% of the 210 seats. It is under-represented with 2 seats if voter population was used to allocate seats and 4 seats if adult population was used to as basis in allocating constituencies.

This should be understood in the context the 2018 election where the opposition MDC Alliance needed 7 seats to upset ZANU PF’s two-thirds majority in parliament. When combined with 2 seats won by an independent candidate and NPF, only 5 seats were needed. Being a stronghold of the

opposition, Harare province had presented the needed 5 seats if ZEC had proportionately represented registered voters in its constituency delimitation formulae. The under-representation in ZANU PF stronghold provinces is cancelled through over-representation in some of its stronghold provinces whereas under-representation in opposition stronghold provinces outweighs the over-representation. The net outcome is that, ZEC's delimitation helped ZANU PF to avoid transfer of seats from its stronghold provinces to opposition stronghold provinces.

Theft by Over-representation hidden behind Regional Pities

Unlike Harare, Bulawayo province with 4.68% of registered voters was allocated 12 constituency seats which is 5.7% of the total 210 seats. If voter population percentages were used, Bulawayo ought to get 10 seats proportionate to its 4.68% registered voters. If adult population was used as a basis for allocating constituencies, Bulawayo with 5% was going to be allocated 11 seats. This was obviously going to be avoided at all cost if ZANU PF controlled ZEC because more downsizing woes were to be expected across many ZANU PF rural provinces. A political strategy that ensures ZANU PF benefits from these spoils was preferred. Matabeleland North with 5.87% of national voter population was allocated 13 seats which make 6.19% of the 210 seats whereas Matabeleland South with 4.6% of the national voter population was allocated 12 seats which translate to 5.7% of the total 210 seats in Parliament. Matabeleland North was going to get 12 seats which are proportionate to its 5.87% of total registered voters whereas Matabeleland South 10 seats if either registered voters or adult population proportions were used as basis of allocating constituencies per province.

Why was Bulawayo over-represented with 2 additional seats? Two possible political calculations are perceivable. First, retaining Bulawayo seats despite the need to downsize clouds the opposition's sight of the bigger picture, that Harare province is the most possible beneficiary of seats lost anywhere because it has the numbers. The seat lost in Matabeleland South made it possible for Harare to rise from 29 seats to 30. Secondly, appeal to national objectives of including Matabeleland people as justification for their over-representation benefits ZANU PF the most. Whilst this over-representation helped Bulawayo to keep 2 seats, Matabeleland North and South, the traditional strongholds of ZANU PF, managed to keep 3 seats. Over-representation is also observed in two more ZANU PF stronghold provinces. Masvingo Province with 10.89% of the total registered voters, and 9.84% of adult population was allocated 26 seats in the House of Assembly which make 12.38% of the total 210 seats. The ZEC constituency allocation framework avoided a loss of 3 constituencies in this province if allocation was based on registered voters and 4 seats were to be lost if constituencies were allocated based on the adult population. The Midlands province with 11.64% of the adult population and 13.14% of voter population was allocated 28 seats which make 13.33% of the total 210 house of assembly seats which are proportional to its share in the national voter population. If adult population was used as the basis for allocating constituencies per province, Midlands was going to lose 4 seats and get 24 proportional to its 11.64%

adult population.

Conclusion

The ZEC delimitation secures ZANU PF's two-thirds majority disguised as maintaining stability of previous electoral boundaries. It violates the constitutional demands for adherence to the census population dynamics and national values of equal representation in conducting boundary delimitation. The framework used to allocate constituencies per province contradicts the constitution and its net outcome gives ZANU PF stronghold provinces over representation in Parliament whilst under representing opposition stronghold provinces.