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Citizens Must Resist ZANU PF Bully Tactics

The parliamentary led constitutional review process in Zimbabwe is not a perfect process and the draft constitution released is a reflection of that. It was simply being too optimistic and farfetched in our imagination and hopes to think that a process led by three political parties would produce a “perfect” constitution. Yet what we have as a draft is something that can be worked with, at the minimum, to allow society to move on and deal with this matter comprehensively at a later stage.

There is no way that the current draft can be the end document of a constitution in Zimbabwe, but at some point, by whatever means, in whatever age, this matter has to be revisited again. The sad part is that ZANU PF’s shenanigans are now at play once again in the life of the people of Zimbabwe. The ZANU PF leadership has basically torn to shreds the draft and came up with amendments of its own in a series of long meetings at the party’s HQ. If ZANU PF had spent half this time focusing on the interests of the people of Zimbabwe then we can be sure that this country would not be in this mess.

ZANU PF has basically revised all the key elements of this constitution that represented slight changes to the current document, and this includes the need for balance and equitable sharing of power between the Executive and the legislature, an improved bill of rights and the reform of state institutions that have been abused for partisan political ends and these include the police, Intelligence, Military and Attorney General’s Office. The Executive Presidency of President Robert and the abuse of national state and legal institutions are the pillars of ZANU PF in this present political set up and these need to be whittled down to ensure long term stability and rebuilding of key state institutions.

The abuse of these institutions has often been felt in the area of human rights where we have seen the intelligence, police and



First Secretary and President of Zanu pf, Robert Gabriel Mugabe

military, the AGs office all being mobilised to protect and advance the interests of ZANU PF. Such protection has overridden the interests of the majority of the people of Zimbabwe and has taken the form of murder, kidnapping, harassment and threats, and abuse of the law to restrict opposition to unpopular ZANU PF’s policies and actions. It is therefore interesting that while attempting to prop the Executive’s unfettered power to

political and corrupt ends.

It is not surprising to hear ZANU PF spokesperson Rugare Gumbo say that his party will not yield on its demand for the COPAC draft to be revised and that the other parties are stupid. Gumbo went on, to wrongly state that the ZANU PF revisions represent the majority of the people, which is not true as the party was clearly outvoted in 2008. Interestingly ZANU PF

rights as under the old system. This is politics at its dirtiest when a small group uses its political muscle to control society for its own ends. This is the moment that the people of Zimbabwe are being called to resist ZANU PF and its shenanigans.

The history of this country for the past decade represents all that goes wrong when power is bestowed on a clique more so one that is all designed to self serve. The discussion on the draft constitution more so on ZANU PF’s attempts at subverting this process must remind us that there is a line that should never be crossed in national governance, that is surrendering the peoples will and determination to a small clique. The real elephant in the room is not so much what ZANU PF is proposing on the constitution but simply putting ZANU PF in its rightful place as a minority party that can no longer dictate its policies on the majority.

Noting that ZANU PF is still dominant through its abuse of weak constitutional provisions and control of state institutions, this resistance is not going to be easy, but so are the other options of keeping quiet and making muted protestations. It is good that the other MDC parties have taken a stand and are maintaining their positions that the draft be taken to the referendum as is.

It is important that the SADC mediation process be informed by both civil society and other parties that the constitution represents a major step in Zimbabwe’s transition and that there is need to support a process and document that meaningfully changes Zimbabwe not tinkering with a few words. Citizens of Zimbabwe must equally be made aware on what this means so that informed decisions are taken at a personal level. In our political odyssey as a society, this part of the struggle represents a chapter we must overcome.

By David Mutomba

The history of this country for the past decade represents all that goes wrong when power is bestowed on a clique more so one that is all designed to self serve. The discussion on the draft constitution more so on ZANU PF's attempts at subverting this process must remind us that there is a line that should never be crossed in national governance, that is surrendering the peoples will and determination to a small clique. The real elephant in the room is not so much what ZANU PF is proposing on the constitution but simply putting ZANU PF in its rightful place as a minority party that can no longer dictate its policies on the majority.

control these institutions through its revised draft, ZANU PF is also undermining the human rights protection provisions to nothing thereby exposing its true intentions that is to continue abusing both state power and the citizens of Zimbabwe for

only survived 2008 through its control of state institutions that include all that it is now protecting through its revised draft. Interestingly again the victims of repression are citizens who ZANU PF is giving thin protection and sometimes undefined

MDC-T Must Confront the Elephant in the Room

Coordinator's Note 89



Dr P Zamchiya

One easy way is to tear to shreds a report conducted by Mass Public Opinion Institute (MPOI) and compiled by Professor Susan Booysen which is entitled 'change and new politics in Zimbabwe'. The report shows a massive decline in MDC support, from 38% to 20%, as opposed to growth in ZANU PF support, from 17% to 31%, in the past 18 months.

No doubt the report could have been strengthened in its methodology, particularly the measure of trust in media sources and public institutions. In its overall approach, a clearer juxtaposition of the statistics and the narrative could have improved the report. In many instances, the researchers end up burying the grain in bushels of chaff hence as Shakespeare writes, 'you shall seek all day ere you find them; and when you have them', fortunately, unlike of Shakespeare's Gratiano, the grains are worth the search. Yet the threshing of the grain and the chaff by the MDC-T leaves a lot to be desired.

The MDC-T spokesperson dismissed the report on three major grounds. First, that the research was held under a climate of fear and respondents who failed to declare their vote are assumedly MDC-T supporters. Honorable Mwonzora said, 'we note that a lot of people interviewed refused to disclose their political preferences. This is obviously for fear of intimidation and the violence they have been subjected to by ZANU-PF and its military junta.' Here the MDC seeks to substitute the actual position of the report because a careful scan shows that, the 47% who did not overtly declare their support, specifically those who said their vote is their secret, exhibit crossbreed characteristics of both the MDC-T and ZANU PF. Further holistic analyses reveal that the 47% category of undeclared support does not



MDC-T Spokesperson, Douglas Mwonzora

mirror a linear or homogeneous party preference. In other words, the report is clear that, 'should these persons vote in a next election, their support is likely to be diffused across party categories'.

Second, the MDC-T spokesperson argues that, 'the margin of error fundamentally impugns the conclusion that can be derived from this report'. The MDC is obviously creating a straw man fallacy by misrepresenting the actual insights of the report. The research definitely factors in a margin of error of 2.8% at a 95% level of confidence. The writers acknowledge that, this margin of error might affect the actual level of party support, but the margin is surely not fundamental to change the negative trend portrayed in the report as the MDC would like us to believe.

The third reasoning by the MDC is that, 'regrettably, the report does not distinguish between people in communal lands and people who were settled on commercial farms.' An electoral victory is an electoral victory whether one is voted for by people in resettlement schemes or in the communal areas especially for the Presidency. Hence I shall not spend much time on this. Rather, there are a number of cropping issues in the report that the MDC-T should seriously consider in order to turn the tide in the next election.

First, ZANU PF supporters are more likely to vote than MDC-T supporters.

81% of the surveyed ZANU PF supporters are very sure that they will vote in the next election compared to 71% of MDC-T supporters. This is reflective of the macro voting trends that depict low voter turn-out in the MDC strongholds and high turn-out in ZANU PF strongholds. The MDC simply needs a breakthrough 'go vote campaign' that increases participation in electoral processes by its membership. Second, socio-economic issues are very central to voters' needs hence the MDC must walk on two legs, emphasising political and civil rights as well as the material condition of the people. People's quotidian concerns in the report include food, clean water, access to healthcare and cash.

Third, the 4G (Fourth Generation), those aged between 18 and 24 years, who were aged between 5 and 11 years when the MDC was formed seem not to be automatically ingrained in the party. The 18-24 year olds constitute 51% of the MDC-T's declared support base which is almost the same with ZANU-PF's 48% in this category. More worrying is that only 44% of the surveyed members of this group are registered voters hence a first time voters' project is something to consider for the MDC if it wishes to turn the tide. The MDC needs to capture the generational needs of this demographic generation which might not easily resonate with those of the 3G (Third Generation), 2G

(Second Generation) and 1 G (First Generation). The former groups were pretty much active when the party was formed.

Fourth, unemployment is singled out as the biggest problem and probably the reason why the 'indigenisation' bait resonates with most respondents in the survey. With the collapse of the formal economy most Zimbabweans have long been engaged in informal activities. To them the indigenisation rhetoric provides hope to grow their self-help projects or start new ones. An alternative blue-print that deals with unemployment and increases prospects for the poor is a possible game changer for the MDC. Fifth, legitimacy by performance is a reality. Political support is neither constant nor given on a silver platter because the people are not blind. History is littered with major shifts in political allegiance and the MDC is not immune. Consequently, MDC-T councillors and government officials must shed bad habits that erode the brand of the party and work for the betterment of the ordinary people.

I guess Zimbabwe's transitional election is too important for the MDC to be spent in semantic denials of empirical findings that can otherwise be harnessed positively to boost its chances of winning. Confronting the elephant in the room rather than being dismissive is for the party's own ultimate good and not for the researchers. On cost-benefit analysis, even if the party is to fairly acknowledge the report's shortcomings, it would lose nothing in seeking the grain which is definitely worth the effort. If anything the MDC would emerge stronger from such an approach going forward.

Dr. P. Zamchiya (DPhil, Oxford), Regional Coordinator, Crisis in Zimbabwe Coalition

Inbrief Around Zimbabwe

Draft Constitution Deadlock

ZANU PF held a Politburo meeting over the weekend to endorse its proposed amendments to the draft constitution. The amendments, summarized below, were reportedly handed to Prime Minister Morgan Tsvangirai, Deputy Prime Minister Professor Arthur Mutambara and MDC leader Professor Welshman Ncube by President Robert Mugabe last week Tuesday's cabinet meeting. This has created a new deadlock over the draft constitution that has already been endorsed by the MDC formations in its current state. ZANU PF made the following changes to the draft:

- Removed devolution entirely from the draft and deleted all references to devolution
- Removed the Peace and Reconciliation Commission
- Removed all indigenous languages from being official languages
- Introduced mandatory National Youth Service
- Removed the open, transparent and public interview process for the appointment of judges and replaced it with a Presidential appointment system places including by deleting all references to democratic society
- Done away with a separate Constitutional Court and reverted to the status quo in terms of which the Supreme Court doubles up as a Constitutional Court
- Banned dual citizenship for those who are Zimbabwean citizens by descent or registration
- Mutilated the Bill of Rights in many places by deleting all references to democratic society
- Redefined agricultural land to include any land used for poultry so that they would be able to take any building used to rear chickens
- Taken out the Presidential running mate provisions and replaced them with the current system with the new provision that in the event of the office becoming vacant, the replacement will be chosen by the party to which the President belonged
- Reposed all executive authority in the President by deleting the provision which vested it in the President and Cabinet
- Reconstituted the imperial Presidency by restoring virtually all the current Presidential powers and even added the new provision that Cabinet can only exercise authority under the direction of the President
- Restored the current Presidential immunity provisions
- Restored the Presidential power to declare war without any restraint or constraint
- Made all State institutions subject to the obligation to promote and defend the values of the liberation struggle
- Stripped the Speaker of the National Assembly of all administrative powers and vested these in the Clerk of Parliament
- Increased the composition of Senate by four
- Introduced unfettered powers of the President to dissolve Parliament at his or her whim
- Put one Chief into the Judicial Service Commission
- Removed provisions limiting permanent secretaries to two five-year terms
- Taken out the provisions requiring a law regulate the Central Intelligence Organisation (CIO) and requiring the CIO to be non-partisan, professional and national in character
- Inserted provisions which require independent commissions and the judiciary as well to promote and to be guided by the ideals and values of the liberation struggle
- Reintroduced the useless and failed Office of Public Protector
- Removed the democratic provisions for the appointment of the Anti-Corruption Commission
- Deleted the provisions establishing an independent prosecuting authority and re-established the present political office of Attorney-General.

Commenting on the proposed changes to the draft PM Tsvangirai said the principals cannot renegotiate the document and do not have a veto on the constitution and so the people should be left to be the final arbiters. The MDC National Executive held an extensive meeting last week at which it restated the party's position of endorsing the draft Constitution that was scrutinised by the National Council early this month and said the draft must be subjected to a referendum and the people of Zimbabwe must exercise their right of saying Yes or No.

Welshman Ncube commented that the MDC-N is not going to betray the peoples struggle for a democratic constitution and so will not yield an inch.

SADC Facilitation Team Visits Zimbabwe

The SADC facilitation team comprised of President Zuma's International Relations advisor, Lindiwe Zulu, Charles Nqakula and Mac Maharaj was in Zimbabwe yesterday to hold meetings with Principals of the GNU. The visit comes at a time when the parties in the GNU are at loggerheads over the draft constitution the bone of contention being ZANU PF's raft of proposed reforms to the new draft constitution. Lindiwe Zulu confirmed that President Zuma was not going to be part of the team which was hoped will break the deadlock.

The Freedom House Survey Report: Change and New Politics in Zimbabwe

The Freedom House survey conducted by South African political analyst Susan Booysen and the Mass Public Opinion Institute (Zimbabwe) in June and July this year demonstrated that Zanu PF was becoming more popular than MDC-T. The survey report, based on a sample of 1 198 adult Zimbabweans concluded that backing for MDC-T dropped from 38% in 2010 to 20% this year while that for Zanu PF grew from 17% to 31% over the same period. The report also says the MDC-T support base shifted from being 63% in the rural areas and 37% urban in 2010 to being 59% rural and 41% urban in 2012. ZANU PFs support base in rural areas emerged as 77% rural in 2012 down proportionately from the 89% of 2010. Asked who they would support in parliamentary elections, 47% of survey respondents said they would not vote, or refused to indicate who they would vote for. Some 20% said they would support the MDC (down from 38% in 2010) and 31% would back Zanu-PF (up from 17% in 2010).

National Census Ends

The Zimbabwe national census ended on Monday the 27th and the Finance Minister expressed satisfaction at the exercise. There are reports from various areas including Mhondoro in Mashonaland West, Matabeleland North's Lupane District and other regions that people were not counted raising fears that thousands of people might not have been counted during the exercise.

Save Conservancy Land Grabs

Concern continues to be raised at the latest land grabs by ZANU PF party heavy weights in the Save Conservancy. Diplomats have raised concern that the Government risks losing a major portion of the Western aid it depends on if the land-grab does not stop. Zimbabwe relies heavily on aid and losing a big portion of the already limited aid it is receiving will have tremendous consequences on ordinary Zimbabwean. The UN Food Agency reports that hunger is worsening in Zimbabwe after erratic rains, shortages of seeds and fertilizer and "poor agricultural practices" in the troubled economy led to a reduction in fields planted with the main staple foods. It estimates that about 1.1 million rural people will need food aid up to December and US\$119 million is needed for upcoming food assistance.

Summary of the Final Communique of the 2012 SADC Lawyers' Association Annual General Meeting and Conference on the SADC Tribunal.

- The SADC Lawyers' Association will not support the Tribunal in the form proposed by the 32nd SADC Summit held in Maputo, Mozambique on 17 and 18 August 2012, in which form the Tribunal will be an interstate court and its jurisdiction limited to the interpretation of the SADC Treaty and SADC Protocols.

Lawyers however remain committed to working with the SADC Summit and regional governments to ensure that the SADC Tribunal is revived in an acceptable form, retains its mandate and is effective and independent.

Access to Information Crucial for Monitoring Government Projects

ONE of the major impediments to the success of government projects in Zimbabwe is lack of adequate access to information. Lack of information is also responsible for poor service delivery and rampant corruption in the country. Unless it is realised that information availability is an important component of ensuring transparency and accountability in the operations of holders of public office and government institutions, the people of Zimbabwe will continue receiving sub-standard services from the government and local authorities while development projects will continue failing to achieve the desired goals.

It is high time efforts are made to ensure that dissemination of information becomes part and parcel of the operations of public bodies, local authorities and government departments as part of the broader goal of improving provision of public services, improving the success rate of public projects and dealing with corruption in public institutions. As a starting point, it would be useful for Zimbabweans to realise that the discourse on access to information should not be limited to the media and the operations of journalists as is currently happening. Of course journalists should have access to public information so that they can disseminate it to the benefit of the larger populace, however, access to information should be recognised as a right that should be afforded to all residents.

It is everyone's right to access information, because information is an empowerment tool that enables a person to be better equipped to deal with his day to day life, and in the parlance of democratic discourse, make informed political choices that have a bearing on his/her liveli-

hood. For instance residents in a community should have access to the budgets of the local authority so that they can monitor the conduct of the authority and ensure that enough funds are set aside for service provision that meets the socio-economic rights of residents. Also, residents in a community should have access to information on government projects that are operational in their area. This would enable them, in their localities, to monitor the progress and implementation of such projects to ensure that the projects are benefitting the intended beneficiaries and also to ensure that there is no corruption in the implementation of the projects.

The negative effects of lack of adequate access to information in Zimbabwe abound. According to Transparency International, Zimbabwe ranked 154 out of 182 countries in a survey on corruption in 2011. This means that corruption is a big problem in the country. Also, many government projects, including Garikai/Hlalani Kuhle, the Basic Education Assistance Module (BEAM) and more recently the Harmonised Social Cash Transfer Programme (HSCTP) are dogged by controversy with citizens alleging corruption in their operations. For instance, it is argued that BEAM, which is a programme that is meant to benefit orphans and vulnerable children by paying their tuition is also benefitting the children of teachers and other connected people while many orphans and children from poor families fail to attend school. While these allegations may sometimes border on conspiracy due to the unavailability of evidence, what is clear is that efforts should be made to improve accountability and transparency in government and lo-

cal authority projects.

Ensuring adequate access to information to residents is the way to do so. Improving residents' access to information is also a key way to deal with corruption. So how can Zimbabwe improve access to information? The answer lies in the law. The only tool that the government has at its disposal to ensure that public bodies, government departments and local governments afford residents access to information is the law.

Through the law, the government can ensure that institutions behave in a manner that will promote transparency and accountability – actively providing residents with information. But the problem that the country faces is that the government has historically been reluctant to provide Zimbabweans with information. Instead of affording residents access to information, the government has established draconian laws that inhibit access to information. These laws include the Official Secrets Act (OSA) and the inappropriately named Access to Information and Protection of Privacy Act (AIPPA). The government's reasoning is not hard to follow. Access to information empowers people at the grassroots level and is therefore thought to reduce the power hold of the government. But this is a myth. Affording people access to information, in the process empowering them does not weaken the government. It instead enhances the development process by empowering people to make informed choices and by increasing accountability and transparency in the operations of public officials thus putting a lead on corruption. In any case, how does availing information such as council budgets, the state

budget, information on government projects, registers of listed companies in an area or cadastral constitutions constitute a risk to the primacy of the state?

This is an opportune moment in Zimbabwe's history, as the country is in a political transition, to begin a process of ensuring that residents in all localities are actively afforded access to information on critical issues affecting their lives. Access to information should become a major point of discussion in the current body politic in the same manner that the issues of devolution of power and depoliticisation of the security forces have been.

The concessionary environment characterising political discourses at the moment creates an opportunity for advocates of access to information to put the topic on the national agenda. And the kind of access to information advocated for in this article is not at odds with the ideologies of any sober minded Zimbabweans. Unless of course if political struggles in the country are not decided on democratic principles but on hoodwinking the masses, using among other tools the ignorance of citizens.

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Around Africa

Amnesty Urges Gambia to Halt Executions

Dakar - Amnesty International on Tuesday said it was appalled at the execution in Gambia of nine death row prisoners by firing squad and urged government not to kill an estimated 38 prisoners remaining.

Gambia's interior ministry said on Monday nine death row prisoners including a woman had been executed by firing squad on Sunday night, a week after President Yahya Jammeh vowed to carry out all death sentences by mid-September.

Libyan Minister Withdraws Resignation

Tripoli - Libyan Interior Minister Fawzi Abdelali said on Tuesday he was withdrawing his resignation. His resignation was announced two days earlier amid criticism over a surge of violence, including the destruction of shrines.

Abdelali had resigned on Sunday after coming under fire for the performance of security forces during a surge of violence that has rocked Libya, including attacks by Islamist hardliners on shrines across the country

Mali Forms National Unity Government

Bamako - Mali's interim president Dioncounda Traore has formed a national unity government in an attempt to bring stability to a country split in two after Islamists seized northern regions following a coup.

The west African nation has been in crisis since March when democratically elected president Amadou Toumani Toure was overthrown by the military, who two weeks later handed over power to a transitional administration

Togo Frees 119 Detained During Protests

Lome - Togo's security minister said on Sunday that authorities have re-

leased 119 people who were detained during rallies organised by an opposition coalition that led to clashes between police and demonstrators. The coalition Let's Save Togo said more than 100 people were injured and 125 arrested during the rallies on Tuesday and Wednesday that were dispersed by police with teargas, with some demonstrators throwing rocks and burning tyres in response. According to the ministry's statement, 119 people "without identification" were detained overnight August 21 to 22 during an "identity check operation", but were released on Friday after "detailed verifications".