



***OCCASIONAL VISITORS?  
ATTENDANCE IN THE SEVENTH  
PARLIAMENT OF ZIMBABWE***

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## Executive Summary

After its five year term, the Seventh Parliament of Zimbabwe - which existed during the life of the Global Political Agreement - was widely believed to have been ineffective. This motivated a need to analyse whether the Seventh Parliament was in reality an idle body or it performed its role to the best of its ability, under the circumstances. This paper is first of a three part series of an intensive analysis of the performance of the Seventh Parliament in its last year of tenure from June 2012 until June 2013. Key indicators including attendance of parliamentary sittings, participation in ordinary plenary sessions, participation in portfolio committees, and participation in question and answer sessions were used in the assessment of the Seventh Parliament. This is the first of the three reports and is concerned only with attendance of Parliamentarians in the House of Assembly and Senate.

Some findings were not pretty. Among other things, it emerged that:

- i. During the period under study, the Parliament passed 13 bills;
- ii. Juxtaposition of the average cost of maintaining an MP (\$1,115 per sitting), versus time spent in Parliament (2 hours and 30 minutes per sitting for the House of Assembly and 1 hour and 14 minute per sitting for Senate) and attendance (on average 31/48 for House of Assembly and 17/50 for Senate) in general is at great odds;
- iii. Attendance in the House of Assembly is relatively good while in the Senate the patterns of non-attendance are shocking. Out of a possible 48 sittings in the House of Assembly the average attendance was 64.9% and out of a possible 50 sittings in the Senate, the average rate of attendance was only 33%;
- iv. Criticisms of the Seventh Parliament include: self-aggrandisement, incompetence and poor attendance to plenary sessions;
- v. There is only one female out of the 10 highest attending members to both the House of Assembly and Senate sittings. Highest attendance was observed among men in both houses;
- vi. While the House of Assembly sat for significantly long periods, the Senate did not do so well. The longest sitting in the House of Assembly was 6 hours 58 minutes while that of the Senate was 3 hours and 38 minutes. The shortest sitting in the House of Assembly lasted for 5 minutes while the shortest in the Senate lasted for 4 minutes.
- vii. The House of Assembly debated for a period twice as long as Senate. In the period June 2012 to June 2013, the House of Assembly debated for 120 hours while the Senate only debated for 62 hours and 39 minutes;
- viii. Among the plausible reasons for poor attendance in both houses of Parliament are concerns about non-payment of allowances and the issue of absentee MPs who are also Ministers serving doubly as executive and legislature.

This report also discusses whether a technocratic government is the answer to the country's development agenda. Would it be ideal to have a technocratic government in which ministers of government are *not* career politicians, and, in some cases, not even members of political parties, but composed of experts in the fields of their respective ministries? In short, the paper interrogates whether or not Parliament is "*a meeting of more or less idle people.*"

## 1. BACKGROUND

*“A Parliament is nothing less than a big meeting of more or less idle people.”- Walter Bagehot (1826-1877)*

Was Bagehot’s worldview too cynical? Are parliaments really that ineffective? If so, what has history taught human beings about governance and the representation of ordinary people through Parliament from the 19<sup>th</sup> Century into the 21<sup>st</sup> Century?

On 25th June 2013, ‘The Zimbabwean’<sup>1</sup> carried a report which, in essence, stated that the Seventh Parliament of Zimbabwe was a “useless” Parliament. The Seventh Parliament existed under the inclusive government set up by the Global Political Agreement (GPA).<sup>2</sup>The report in ‘The Zimbabwean’ explained that the Seventh Parliament had been ineffective and disastrously marred by political divisions leading to the failure by the Parliament to contribute towards the country’s social, political, and economic development. As a matter of priority, beyond civil and political reforms, there was an expectation for improvements to the social and economic status of citizens, including improvements to access to health care, education, housing, and food security. Expectations for visible development in communities such as improvements to roads and other infrastructure also existed among the population.

Under the GPA, political parties had a duty to adhere to the principles of the rule of law and to end violence as a means of resolving political differences.<sup>3</sup>This raised hopes for a shift to democratic rule, promotion of democratic values, human freedom, and security of the person. There were also expectations to amend existing legislation to conform to the “spirit of the Agreement. “Politically, changes were expected relating to a shift in the interpretation and implementation of provisions in the Public Order and Security Act (POSA) relating to the exercise of the freedom to assembly and association;<sup>4</sup> media reforms - including an amendment to or repeal of the Access to Information and Protection of Privacy Act (AIPPA);<sup>5</sup> and security sector reform, including the promulgation of a Code of Conduct for members of the security forces such as the police, the army, the prison services, and the Central Intelligence Organisation (CIO) to conduct their duties in a non-partisan and non-biased manner. Analysts however dismissed the concept of the “spirit of the Agreement” arguing that it was subject to a variety of interpretations, more so in the context of Zimbabwe where the GPA itself was badly drafted.<sup>6</sup>

Furthermore, given that no judicial body was established with the power to determine whether there was adherence to the undertakings under the GPA or to give binding orders to ensure such compliance, these hopes were dashed. Although the GPA set up the Joint Monitoring and Implementation Committee (JOMIC) to address breaches of the GPA, JOMIC had political power rather than legal power.<sup>7</sup> And, furthermore, SADC had accepted “facilitation” rather than “mediation” as its role in guaranteeing the GPA, which meant that

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<sup>1</sup>Masunugure E speaking to ‘The Zimbabwean’ “Seventh Parly: Analysts Speak Out” available at <http://www.thezimbabwean.co/news/zimbabwe/66412/seventh-parly-analysts-speak.html>, 25<sup>th</sup> June 2013.

<sup>2</sup> The Global Political Agreement was officially signed between ZANU-PF, the MDC-T and the MDC on 15th September 2008. The Agreement was negotiated by the former President of South Africa, Thabo Mbeki under the auspices of the Southern African Development Community (SADC). Its official title is the Inter-Party Agreement.

<sup>3</sup> Articles 11.1 (b) and 18 of the GPA respectively.

<sup>4</sup> [Chapter 11:17] 2002.

<sup>5</sup> [Chapter 10:27] 2002.

<sup>6</sup> Matyszak D (2009), *Losing Focus-Zimbabwe’s Power Sharing Agreement*, IDASA and RAU.

<sup>7</sup> See Article 22.1 of the GPA.

there was no manner in which it could exert authority in the event of disagreement or deadlock.

However, by the time that the Seventh Parliament sat for the last time on 27<sup>th</sup> June 2013,<sup>8</sup> very few of these expectations had been achieved. Parliament was officially dissolved at midnight of 28<sup>th</sup> June 2013 after it had sat its full 5 year term in terms of Section 63 (4) of the old Constitution of Zimbabwe<sup>9</sup>, which stated that;

*“Parliament ... shall last for five years, which period shall be deemed to commence on the day the person elected as President enters office ... and shall then stand dissolved.”*

Prominent political commentators have described the tenure of the Seventh Parliament as a lost opportunity for a shift in power to address the dominance of the executive over the legislature.<sup>10</sup> Others remained cynical towards the belief that the inclusive government would change anything, given the improbability of ZANU PF assenting to any reforms that would either limit its power in the inclusive government, or affect its chances in the inevitable future election.<sup>11</sup> However, whatever the problems, it was still the case that Parliament could exert a serious oversight role at the least, and become the site of push for serious reform at best, especially with the two MDCs having a majority in the House of Assembly.

This study was therefore motivated by the need to analyse whether the Seventh Parliament was in reality an idle body or whether it performed its role, but that role was not complemented by the other arms of government. In other words did Parliament debate and enact legislation and make relevant policy recommendations but these were not fully implemented by the executive or judiciary? This study explains the functions of Parliament, the roles and responsibilities of parliamentarians in building a vibrant democracy and the contributions that parliamentarians can make to the success of the work that Parliament does using a number of indicators. These indicators include attendance of parliamentary sittings, participation in ordinary plenary sessions, participation in portfolio committees, and participation in question and answer sessions.

This report, the first of the three-series study shall focus on attendance of parliamentary sittings only. Another two reports will follow focusing on gender and participation.

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<sup>8</sup> Veritas, Bill Watch 27/2013 [3<sup>rd</sup> July 2013].

<sup>9</sup> Constitution of Zimbabwe published as a Schedule to the Zimbabwe Constitution Order 1979 (S.I. 1979/1600 of the United Kingdom) and as amended by Amendment Act of 1981 (No. 2), Amendment (No. 2) Act of 1981; Constitution of Zimbabwe Amendment (No. 3) Act of 1983; Constitution of Zimbabwe Amendment (No. 4) Act, 1984; Constitution of Zimbabwe Amendment (No. 5) Act, 1985; Constitution of Zimbabwe Amendment (No. 6) Act of 1987; Constitution of Zimbabwe Amendment (No. 7) Act of 1987; Constitution of Zimbabwe Amendment (No. 8) Act of 1989; Constitution of Zimbabwe Amendment (No. 9) Act of 1989; Constitution of Zimbabwe Amendment (No. 10) Act, 1990, Constitution of Zimbabwe Amendment (No. 11) Act, 1990, Constitution of Zimbabwe Amendment (No. 12) Act of 1993; Constitution of Zimbabwe Amendment (No. 13) Act of 1993; Constitution of Zimbabwe Amendment (No. 14) Act of 1996; Constitution of Zimbabwe Amendment (No. 15) Act of 1998; Constitution of Zimbabwe Amendment (No. 16) Act, of 2000; Constitution of Zimbabwe Amendment (No. 17) Act of 2005; Constitution of Zimbabwe Amendment (No 18) Act of 2006 and Constitution of Zimbabwe Amendment (No 19) Act of 2012.

<sup>10</sup> Makova P, ‘Mixed feelings over Zimbabwe 7<sup>th</sup> Parliament performance,’ The Standard, 23 June 2013, available at <http://www.thestandard.co.zw/2013/06/23/mixed-feeling-over-parly-performance/>.

<sup>11</sup> RAU (2010) *What are the options for Zimbabwe? Dealing with the obvious!* Report produced by the Governance Programme. 4 May 2010. Harare: Research & Advocacy Unit.

## 2. METHODOLOGY

This study focused on the last year of the Seventh Parliament, running from June 2012 to June 2013. During this period, there were 48 sittings of the House of Assembly and 50 sittings of the Senate. Data relating to participation of parliamentarians was derived from a total of 98 Volumes of the Hansard, accessed directly from the Public Records Section of the Parliament of Zimbabwe, each corresponding directly with the sittings of the Houses.<sup>12</sup> The Hansard is a near-verbatim parliamentary record of the procedures of Parliament which is produced and made available on the morning after every sitting.<sup>13</sup> It reports, in the first person, the details of every speaker's speech in every sitting, removing repetitions, omitting redundancies, correcting obvious mistakes without leaving out anything or adding meaning to the details of the speeches.<sup>14</sup>

The name of the Hansard derives from the name of Thomas Cursan Hansard, an observer of the proceedings of the House of Commons who began the work of reporting on the debates in the House of Commons in Westminster in the United Kingdom in 1811.<sup>15</sup> The name "Hansard" was then adopted as the unofficial title for the document in the United Kingdom and Commonwealth countries, Zimbabwe included.<sup>16</sup> This name remains the same for Zimbabwe, despite its withdrawal from the Commonwealth.<sup>17</sup> The statistics relating to attendance derive from the attendance register, as maintained by the Papers Section of the Parliamentary Secretariat for the period June 2012 to June 2013. The Attendance Register was secured through a formal request made to, and approved by the Clerk of Parliament.

## 3. LIMITATIONS OF THE METHODOLOGY

The first limitation relates to the attendance register. Although this register showed which members ticked themselves as having attended, it did not reflect those who attended but never spoke or those who marked themselves present and immediately left. Hence, mere reflection of attendance by ticking the register does not imply effectiveness of a particular member.

The second limitation lies in the fact that the last year of parliament's life may coincide, as it did in the period under study, with the period running up to a fresh election. At this time, members' energies are focused on ensuring their re-election and continued tenure. Consequently, attendance could either be temporarily improved in order to make a good impression on the electorate or it could be dismal because of the multiplicity of roles that divide members' attention. This makes it unclear what the actual levels of commitment or non-commitment members had.

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<sup>12</sup> These are Volumes 39/1 to 39/30 and Volumes 38/36 to 38/53 for the House of Assembly and Volumes 21/31-21/49 and Volumes 22/01-22/29 for the Senate.

<sup>13</sup> Zimbabwe is one of the few countries that are able to do this and the Parliament Secretariat must be commended for its good work as the availability of the Hansard enables timeous and timely distribution of vital information pertaining to Parliament's work.

<sup>14</sup> Parliament of Zimbabwe- 'Background to the Hansard' available on [http://www.parlzim.gov.zw/index.php?option=com\\_content&view=article&id=4&Itemid=5](http://www.parlzim.gov.zw/index.php?option=com_content&view=article&id=4&Itemid=5).

<sup>15</sup> As above.

<sup>16</sup> As above.

<sup>17</sup> Zimbabwe formally withdrew its membership of the Commonwealth on 7 December 2003 following a decision by the Commonwealth states to indefinitely suspend Zimbabwe for human rights violations.

#### 4. THE ROLE OF PARLIAMENT

The role of parliament is generally four-fold; oversight, law-making, fostering public debate, and representation.<sup>18</sup> The core mandate of the Zimbabwean Parliament is provided for in the Constitution. The Seventh Parliament was unique in that it was governed by two constitutions. The majority of the tenure<sup>19</sup> was governed by Chapter V of the old Constitution which, among other things, defined Parliament's legislative authority,<sup>20</sup> its composition,<sup>21</sup> tenure of members' seats,<sup>22</sup> as well as powers and procedures of Parliament.<sup>23</sup> The mandate of Parliament was defined under the old Constitution as that of making laws for peace, order and good governance, as well as amending the Constitution.<sup>24</sup>

Under the new Constitution,<sup>25</sup> the mandate of Parliament is provided for in section 117 (2) which states that "The legislative authority confers on the legislature the power to:

- a. *Amend this Constitution in accordance with section 328;*
- b. *Make laws for the peace, order and good governance of Zimbabwe; and*
- c. *Confer subordinate legislative powers upon another body or authority in accordance with section 134."*

Parliament is also tasked with protecting the Constitution, promote democratic governance, and ensure that the provisions of the Constitution are upheld, that state and all institutions and agencies of government at every level act constitutionally and in the national interest, and that all institutions and agencies of the state and government at every level are accountable to it.<sup>26</sup>

Parliament exercises its oversight role through thematic committees, portfolio committees, the Public Accounts Committee, the Post Audit Committee, and such other processes. These committees give parliamentarians a chance to question and critique decisions made by the executive. Ncube argues that, despite these procedures, the time frames allotted to Parliament to give its input are so short that Parliament ends up fast tracking and rubber stamping decisions made by the executive.<sup>27</sup>

The Inter-Parliamentary Union (IPU)<sup>28</sup> perceives Parliament's major role to be that of addressing the paradox of the perception of democracy as the ideal that forms the aspirations of many citizens against the perception that democracy does not work. In other words, Parliament's role is to address society's disillusionment with Parliament, which disillusionment is rooted in the contrast between what was promised with what was actually

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<sup>18</sup> Ncube MJS (2013) *Accountability and Democracy* in K.Chitsike and A. Eaglestone (Eds) *Compromise or Compromised: An Assessment of Democracy in Transitional Zimbabwe*, the Democracy Index for Zimbabwe, p 76.

<sup>19</sup> From March 2008 when Parliament was elected to March 2013 when a new constitution was adopted.

<sup>20</sup> Sections 32 and 33 of the old Constitution.

<sup>21</sup> Section 38 of the old Constitution.

<sup>22</sup> Section 41 of the old Constitution.

<sup>23</sup> Sections 50 to 57 of the old Constitution.

<sup>24</sup> Section 50 and 52 of the old Constitution.

<sup>25</sup> Constitution of Zimbabwe Amendment (No 20) Act, 2013.

<sup>26</sup> Section 119 of the new Constitution.

<sup>27</sup> Ncube MJS (2013) *Accountability and Democracy*, as in note 18 above p 78.

<sup>28</sup> Inter-Parliamentary Union 'Parliament and Democracy in the 21<sup>st</sup> Century' Preliminary Report, Convened by the Inter-Parliamentary Union at United Nations headquarters, New York, 7 to 9 September 2005, p 5, available at <http://www.ipu.org/splz-e/sp-conf05/democracy-rpt.pdf>.

done, what the famous Italian political theorist Norberto Bobbio has coined ‘broken promises.’<sup>29</sup>

In its study on the relationship between Parliament and democracy in the 21<sup>st</sup> century, the Inter-Parliamentary Union sets a model for a democratic Parliament.<sup>30</sup> That Parliament must embody the characteristics of representativeness, transparency, accessibility, accountability, and effectiveness. Parliament is representative when it embraces and addresses, both socially and politically, the aspirations of all citizens in their diversity, ensuring equal opportunities and protection for all. In exercising transparency, it must be open to scrutiny by any interested citizen, communicating its programmes and conduct of business, and responding to all questions by different media and interest groups.

Parliament must be accessible, all its work must encompass all sectors of society, including civil society, and the public must be involved in the work of parliament. The accountability of Parliament can be measured by the extent to which its members perform; their integrity and the extent to which they carry through the mandate of the constituency which brought them into office. If all these mandates are carried out, then Parliament can be at its most effective, carrying out its work in accordance with democratic values and the needs of the whole population.

The role of Parliament is therefore clear.<sup>31</sup>

- *it must be responsive to the needs of citizens;*
- *it must resolve the most pressing problems that confront society in its daily lives;*
- *it should represent society in all its diversity;*
- *it must reconcile the conflicting interests and expectations of different groups and communities;*
- *it should adapt society’s laws to its rapidly changing needs and circumstances; and*
- *it must ensure that government is fully accountable to the people.*

#### **4.1 Duties of Parliamentarians**

In choosing parliamentarians, citizens seek representation. Parliamentarians thus have a duty to be available to represent the communities that elect them. Such representation is possible if they attend parliamentary sessions, participate effectively, and seek to influence policy in ways that respond to the needs of their constituencies. Parliamentarians must communicate and collaborate with their constituents’ to document, know, understand, profile, and solve the problems that affect their constituencies. Parliamentarians must also update their constituents on progress made or challenges met in resolving the same. The availability of parliamentarians to their constituents is thus a fundamental requirement. In South Africa, Parliament executes what is called the “Constituency Period” in which parliamentarians are forced to be in their constituencies, answer questions, and report back on election promises in order for them to remain in touch with the people they represent.<sup>32</sup> Political parties are also

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<sup>29</sup> Bobbio N (1987) *The Future of Democracy: A Defence of the Rules of the Game*. Bellamy R(Ed), Translated by Griffin R, University of Minnesota Press.

<sup>30</sup> Inter-Parliamentary Union Report as in note 28 above p.5.

<sup>31</sup> Inter-Parliamentary Union Report as in note 28 above p.5.

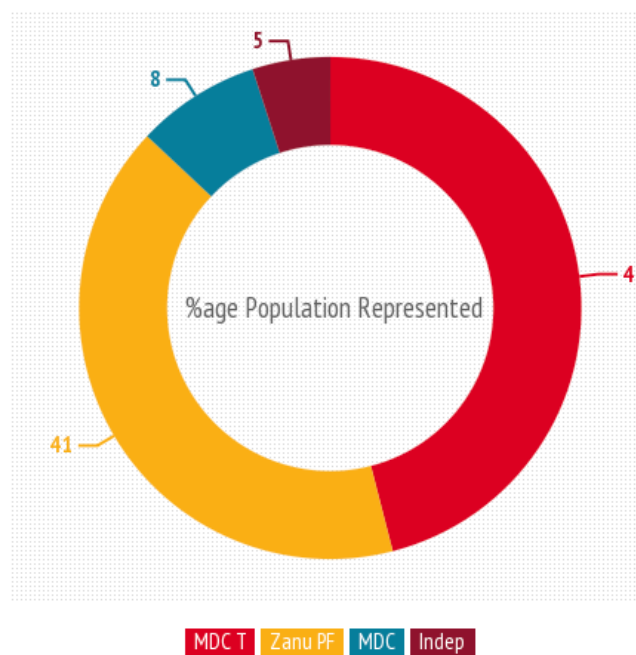
<sup>32</sup> Constituency Work-Parliament of the Republic of South Africa Website, available at [http://www.parliament.gov.za/live/content.php?Category\\_ID=29](http://www.parliament.gov.za/live/content.php?Category_ID=29).

given a fund to run constituency offices,<sup>33</sup> similar to the Constituency Development Funds given to parliamentarians under the Zimbabwean system.

#### 4.2 Composition of the Seventh Parliament

The Seventh Parliament came into being through a general election held on the 29<sup>th</sup> March 2008. The Figure below illustrates the population size represented in the Seventh Parliament by each party.

### Populations represented by each Party in the 7th Parliament



Voter population sizes represented by each party in the two Houses of Parliament based on the constituencies each party won in the 2008 elections.

Infographic by Natasha Msonza

The Seventh Parliament existed under a constitutional dispensation in which Zimbabwe ran a bicameral system of legislation where two houses, the Senate and the House of Assembly, co-existed. The bicameral system under the old Constitution<sup>34</sup> was sustained in the new Constitution with a number of changes made to it.<sup>35</sup> First, changes were made in nomenclature (names) with the lower House of Parliament from the ‘House of Assembly’ to the ‘National Assembly’. ‘Second, the number of parliamentarians changed in both Houses. In 2008, when the Seventh Parliament came into being, the lower House (the House of Assembly) consisted of 210 members,<sup>36</sup> representing 210 constituencies.<sup>37</sup> The upper House (the Senate) had 93

<sup>33</sup> Constituency Work- Parliament of the Republic of South Africa as in note 32 above.

<sup>34</sup> Adopted in 1979 and subsequently amended 19 times.

<sup>35</sup> Also known as the COPAC Constitution, this Constitution was adopted through the work of an appointed Parliamentary Select Committee tasked to spearhead the constitution making process as one of the major objectives of the government formed under the Global Political Agreement.

<sup>36</sup> These numbers were subject to change to fit the formula of the Inclusive Government under the GPA.



Senators.<sup>38</sup> In the new Constitution the National Assembly has 270 members while Senate has 80 members. These new provisions did not affect the Seventh Parliament as they only came into effect at the holding of the general election on 31<sup>st</sup> July 2013.

Third, the systems of election of members significantly changed. In 2008, all 210 members of the House of Assembly were directly elected by secret ballot in a first-past-the-post system.<sup>39</sup> Senate on the other hand had different dynamics. While 60 members (six in each of the ten provinces) were directly elected in the general election in a first-past-the-post system, the other 33 were direct Presidential appointments. Of the 33 appointees, ten were provincial governors, two were the President and the Deputy President of the Council of Chiefs, and 16 were Chiefs: two Chiefs per province other than Harare and Bulawayo metropolitan provinces, and the remaining five were appointed non-constituency Senators by the President.

Under the new Constitution, 210 members of the National Assembly are elected directly in a first-past-the-post and winner-takes-all system where the one who scores the majority of votes is declared the winner. The other 60 seats are reserved for women, chosen from each party with six seats allocated per Province, including the Metropolitan Provinces. Political parties will elect these women through a system of proportional representation, based on the total number of votes that each party received in the general election.<sup>40</sup> The election of Senators is conducted in accordance with the Electoral Law. 60 Senators (six from each province) are elected under a party-list system of proportional representation.<sup>41</sup> This election is based on the votes cast for candidates representing political parties in each of the provinces in the general election for members of the National Assembly, and in which male and female candidates are listed alternately.<sup>42</sup> The remaining 20 are appointed: 16 chiefs- two per province elected by the provincial assembly of Chiefs from each of the eight non-metropolitan provinces namely Matebeleland North, Matebeleland South, Midlands, Mashonaland East, Mashonaland Central, Mashonaland West, Manicaland, and Masvingo, and a further two who are the President and Deputy President of the National Council of Chiefs, as well as two representatives of people living with disabilities.<sup>43</sup>

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<sup>37</sup> Section 38(1) of the old Constitution.

<sup>38</sup> Section 34 of the old Constitution.

<sup>39</sup> Whoever received the popular vote was declared the winner in accordance with the electoral law of Zimbabwe.

<sup>40</sup> Section 124 (1) (b) of the new Constitution.

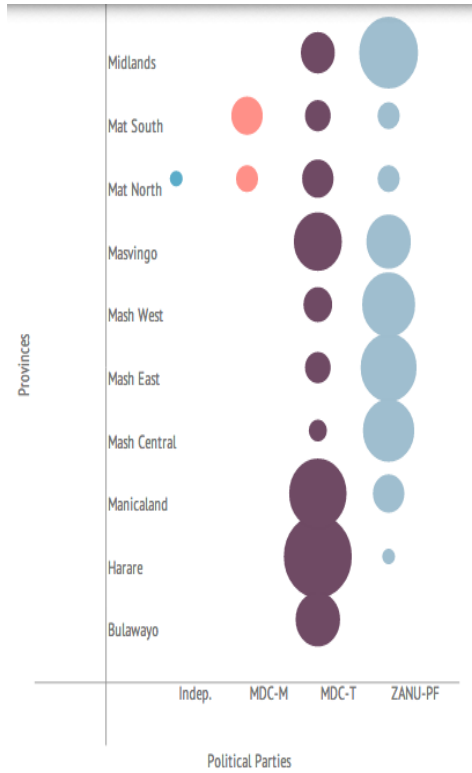
<sup>41</sup> Section 120 of the new Constitution.

<sup>42</sup> Section 120 of the new Constitution.

<sup>43</sup> Section 120 of the new Constitution.

The Figures below illustrate the representation of the different political parties in the Seventh Parliament from the 2008 General Elections.

## House of Assembly



In the House of Assembly, there were 210 seats

1 was taken by an Independent candidate

ZANU PF had 98 seats

MDC-T had 102 seats

MDC had 9 seats

In the Senate there were 93 seats

None were taken by independent candidates

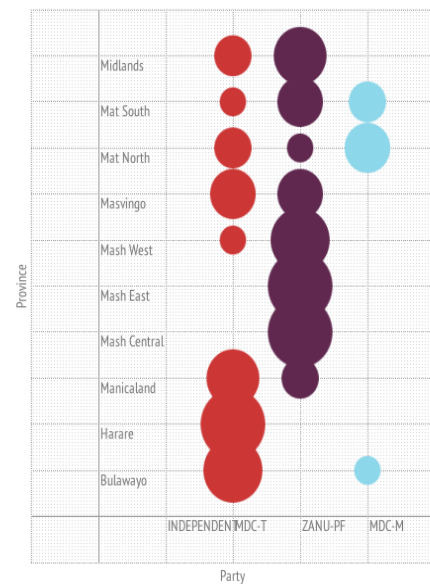
ZANU PF had 30 seats

MDC-T had 24 seats

MDC had 6 seats

The rest were Presidential appointees

## Senate seats by Province



Infographic: Natasha Msonza

### **4.3 Working conditions**

Parliamentarians get paid US\$75 per sitting per person. This means that for every sitting that Parliament had between June 2012 and June 2013, if it constituted a full complement, Treasury had to release US\$15,750 for the House of Assembly and US\$6,975 for the Senate. The House of Assembly alone had 48 sittings in the period June 2012 to June 2013, meaning that for that period the budget set aside, just for sitting allowances, was approximately US \$756 000. This does not include the cost of accommodation to house the members, the transport allowances they were awarded for travelling from their constituencies, the food they ate during their stay, and any other contingent measures that could have been taken during these sitting periods, not to forget the fixed salaries of US\$1400 per month per parliamentarian. A recent press report claimed that the cost of hosting Parliament under the new Constitution, including accommodation, travel allowances, subsistence allowances, and sitting allowances will add up to at least US\$200,000 per week.<sup>44</sup>

Clearly, it is expensive to have a Parliament, and, with the increased number of parliamentarians under the new Constitution, it will be even more expensive to sustain the work of Parliament. These are large sums of money, public funds that require strict accountability and performance by those benefitting from the funds. Elected parliamentarians represent constituencies. They are the voice and eyes of these constituencies at the level of government. Hence, it follows that citizens should have high expectations of parliamentarians, and, if these expectations are not met, citizens should be able to pass a vote of no confidence in their leadership, and be allowed to elect new representatives to get value for their money, and not merely at the next general election.

During its tenure, the Seventh Parliament was tasked with a number of functions. Among these were the responsibilities to enact legislation and amend existing ones; approve the state budget including scrutinising taxation and expenditure in the context of the national budget; ratify international treaties and comply with the requirements of international treaty bodies; spearhead the constitution-making process; debate and make recommendations on issues of import on the nation's social and economic wellbeing; as well as scrutinising and overseeing the performance of the executive through assessing the personnel performance and the quality of state policy.

## **5. FINDINGS OF THIS RESEARCH**

### **5.1 Criticisms about the Seventh Parliament**

Various criticisms were expressed by the media and the public in the duration of the Seventh Parliament.

#### ***5.1.1 Self-Aggrandisement***

Reviewing reports in the public domain, it seems that the main criticism of Parliament was that parliamentarians were more concerned with making financial gains rather than improving the welfare of the citizens whom they represented. Among these allegations were the following;

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<sup>44</sup> Gumbo L, 'More Headaches for Parly,' The Herald, 7 October 2013, available at <http://www.herald.co.zw/more-headaches-for-parly/>.

- That members were given car loans amounting to US\$30 000 each,<sup>45</sup> which loans were supposed to be repaid, but were written off in December 2013 by the Finance Ministry in a bid to appease members;<sup>46</sup>
- That members demanded sitting allowances and were paid a flat deposit of US\$15 000 each, pegged at US\$75 per sitting, even though some never attended Parliament;<sup>47</sup>
- That many members abused the Constituency Development Funds they were given, using them for personal gain than community benefits.<sup>48</sup> Constituency Development Funds are made available to facilitate frequent visitation by parliamentarians to their constituency through engagement and dialogue over use of the funds;<sup>49</sup>
- That members are supposed to be paid a monthly salary of US\$1400 with no corresponding procedure for evaluating their performance in a value-for-money-scenario;<sup>50</sup> and
- That since the inception of the Seventh Parliament, members demanded:-
  - all-terrain vehicles to carry out their duties (even though most of them never visited their constituencies);
  - increased sitting allowances;
  - exemptions from paying utility bills;
  - increased salaries;
  - increased personal vehicle financing; and
  - free residential stands.<sup>51</sup>

It is difficult to be precise about the remuneration of Parliamentarians, although, since they are paid with public funds, it should not be, but, during the last year of the Seventh Parliament, Parliamentarians would have received approximately US\$20,400, as well as expenses and the US\$30,000 car loans that were written off.

### ***5.1.2 Incompetence***

The study revealed that the competencies of the Seventh Parliament were highly questionable. According to the Parliament of Zimbabwe Baseline Survey on Sector Specific Capacity Building Requirements for Committees of Parliament,<sup>52</sup> as of 31<sup>st</sup> October 2012, the Seventh Parliament had a 70% skills gap. Given that the tenure of the Seventh Parliament came to an end on 28<sup>th</sup> June 2013, it means that for the better part of its existence, the Seventh Parliament operated at a 30% efficiency capacity, or even lower. The Baseline Survey revealed that parliamentarians lacked the basic skills that were highly critical to their performance, such as analysis of legislation, budget analysis, and report writing.

<sup>45</sup> The likelihood that members never intended paying back these loans and that the loans were taken with the eventual write-off in mind suggests the commercialisation of the work of parliamentarians.

<sup>46</sup> Moyo H, 'MPs obsessed with money and luxury.' The Zimbabwe Independent, 7 December 2012, available at <http://www.theindependent.co.zw/2012/12/07/mps-obsessed-with-money-and-luxury/>.

<sup>47</sup> Moyo H 'MPs obsessed with money and luxury' as in note 46 above.

<sup>48</sup> Moyo H 'MPs obsessed with money and luxury' as in note 46 above.

<sup>49</sup> VOA News 'Police Arrest Zimbabwe lawmaker for alleged abuse of development funds,' 2 March 2012 See also Zimbabwe Independent, 'Probe about CDF abuse hit by funding hitch,' 21 June 2013, <http://www.theindependent.co.zw/2013/06/21/probe-on-cdf-abuse-hit-by-funding-hitch/> and Newsday, 'CDF Scandal MP's named,' 16 February 2012,

<https://www.newsday.co.zw/2012/02/16/2012-02-16-cdf-scandal-mps-named/>.

<sup>50</sup> Moyo H 'MPs obsessed with money and luxury' as in note 46 above.

<sup>51</sup> Crisis in Zimbabwe Coalition, 'MPs set your priorities right,' Harare: 2012.

<sup>52</sup> The Report was commissioned by the Parliament of Zimbabwe with support from the European Commission and United Nations Development Programme (UNDP), 31 October 2012.

## 5.2 Attendance in the Seventh Parliament

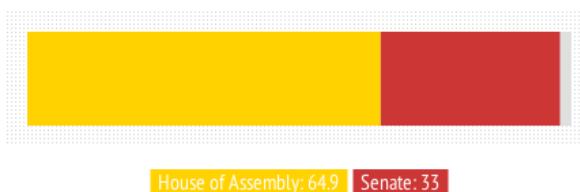
What were the attendance trends in the Seventh Parliament?

### 5.2.1 House of Assembly versus Senate

The average rate of attendance in the House of Assembly was 64.9% whilst Senate recorded an extremely low attendance rate of 33%, meaning that the House of Assembly did much better than the Senate.

Interestingly across both genders and all parties, none of the Senators attended 75% of the sessions. In the House of Assembly the dynamics were different. 83 men and 12 women reached this threshold and some even surpassed it. Of the male

## Attendance: HOA vs Senate



Infographic by Natasha Msonza

This figure shows the average attendance for both Houses members 1 belonged to the MDC, 32 to ZANU PF and 50 to the MDC-T. Of the women none were from the MDC, 9 were from ZANU PF and 4 were from MDC-T. Altogether 95 members of the House of Assembly, about 45% of the whole House, had a 75% attendance rate. These must be commended.

The Table below (Table A) shows the link between the members who attended Parliament and the population size they represented with each attendance. The average attendance is worked out from a spread-sheet that the researcher manually created based on the physical register, requested from the Clerk of Parliament as kept at Parliament. The voter population is derived from the figures on the voters roll as of 29<sup>th</sup> March 2008.

**TABLE A [Link between attendance and population size represented]**

House	Attendance Rate		Voter Population represented	
	Average	Percentage	Number	% of voter population
Senate	17	33%	2,391,042	40.3%
House of Assembly	31	64.9%	2,283,299	38.5%

### 5.2.2 Male versus female Parliamentarians

As a whole, there were no marked differences in the attendance of male parliamentarians as compared to female parliamentarians. The average attendance in the House of Assembly was 30.59 (64.5%) for females while that of males was 31.2 (64.9%). However, a more nuanced look at the attendance trends across both genders yields interesting results when one looks at the most and least attending members.

### House of Assembly<sup>53</sup>

The Figure below shows the highest 10 attendance scores in the House of Assembly with regard to the highest attendance. Attendance is measured out of a possible 48 sessions that the



House sat in the period June 2012-June 2013 and the figure consists of the 10 MPs who scored 98% attendance and above. 3 men had 100% attendance rates; a further 6 scored 98% attendance while the one woman had 98% attendance. As can be seen, there are more males with very high, and some with perfect scores, and only one female achieves an attendance rate similar to the top nine male attenders.

The table below (Table B) juxtaposes the performance of female against male members of the House of Assembly with regard to the lowest attendance. The figures show that of the male members who attended the least, most of them had very dismal attendance scores, with the bottom ten males missing almost all sessions. Of the female members that had low attendance rates none of them, with the exception of one had rates below 25%, thus women performed significantly better than men.

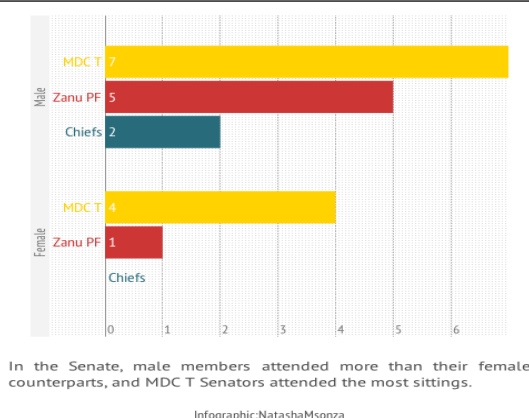
**TABLE B (lowest attendance)**

Female		Attendance		Male		Attendance	
Name of MP	Party	No	%	Name of MP	Party	No	%
Makone TM	MDC-T	18	38	Ndlovu MM	MDC	8	17
Mpariwa P	MDC-T	17	35	Sibanda CC	MDC T	8	17
Nyoni SGG	ZANU PF	14	29	Nhema CDF	ZANU-PF	7	15
Buka F	ZANU PF	14	29	Mlilo OS	ZANU PF	6	13
Muchena ON	ZANU PF	13	27	Moyo JN	Independent	3	6
Mujuru Joice	ZANU-PF	11	23%	Mpofu OM	ZANU PF	3	6

<sup>53</sup> The list of members who least attended Parliament does not include Honourable SI Mudenge who died on the 4<sup>th</sup> of October 2012 and had not attended a single session between June 2012 and the time of his death, probably due to illness.

## Senate

### 20 most frequent attenders in Senate



This Figure illustrates the following dynamics along gender and political party affiliation relating to the attendance trends in the Senate. Of the 20 most frequent attenders in the Senate, six were female while 14 were male. Of these 20, two were chiefs who in terms of the law are supposed to be independent and non-partisan, six were ZANU PF members and 12 were MDC-T members. It is thus clear that in the Senate male members attended more than female members while MDC-T Senators attended sittings the most.

### 5.2.3 Political parties

The Seventh Parliament had no dominance in terms of representation by any single party. Members of Parliament came from three main political parties, namely ZANU PF, MDC-T and MDC and only 1 was a nominally independent representative.<sup>54</sup>

The table below (Table C) illustrates the population size represented by each political party in the two Houses of Parliament based on the sizes of the constituencies that each party won in the general elections in 2008.

**TABLE C**

Political Party	Population Size Represented		% Voter -Population	
	Senate	HoA	Senate	HoA
ZANU PF	1,098,931	1,102,180	46.1%	46.4%
MDC-T	1,102,718	983,006	42.5%	41.4%
MDC	189,393	198,113	7.9%	8.3%

In the Senate, the MDC-T had the highest rate of attendance with an average of 23 attendances. ZANU PF was next with an average attendance of 13 while the MDC had an average of 8. In the House of Assembly the attendance rates were 34 for the MDC-T, 30 for ZANU PF and 18 for the MDC. Given these statistics, it appears there was greater commitment to attend parliamentary sessions by MDC-T than by ZANU-PF members of Parliament.

The table below (Table D) shows the attendance trends for the different political parties in both Houses of Parliament.

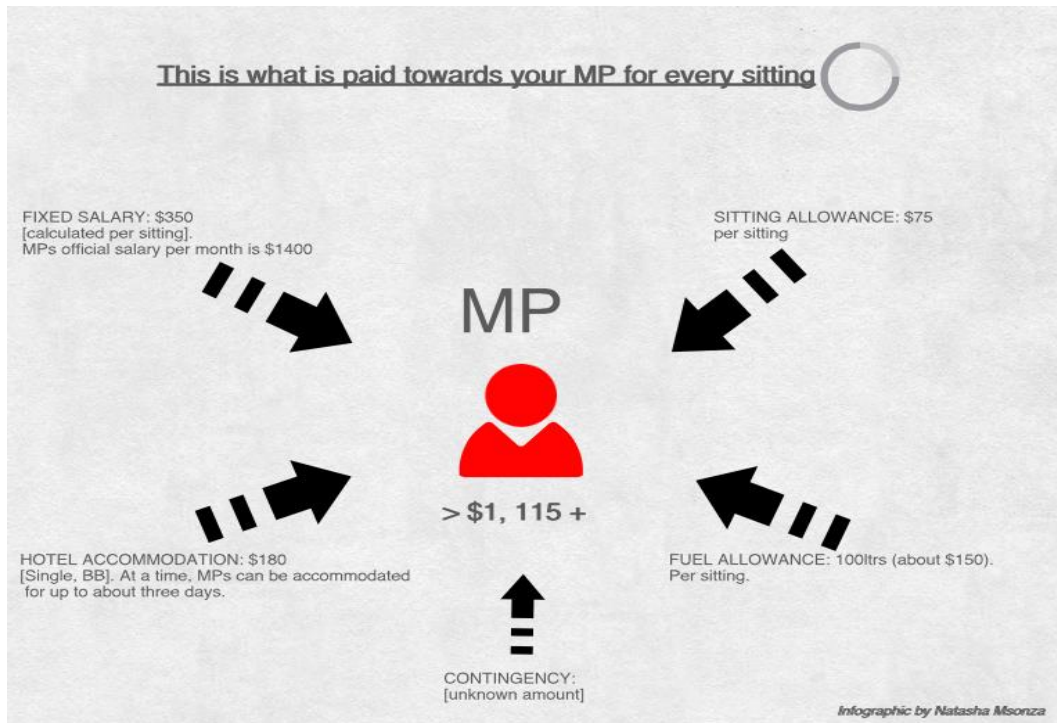
**TABLE D**

Political Party	Average attendance in Senate		Average attendance in House of Assembly	
	Average Attendance	% Attendance	Average Attendance	% Attendance
ZANU PF	13	27%	30	60%
MDC-T	23	44%	34	71%
MDC	8	17%	18	37%
Chief	22	47%	-	-

<sup>54</sup> Although elected on an independent ticket, Jonathan Moyo later announced his allegiance to ZANU PF.

## 5.2.4 Value for money? Duration of sittings

The Figure below shows how much was paid towards sustaining a single MP per sitting in the House of Assembly during the Seventh Parliament.<sup>55</sup>



### House of Assembly

The House of Assembly had a total of 48 sittings. With the exception of two sittings on 30<sup>th</sup> October 2012 and 14<sup>th</sup> June 2012, which began at 11:45 and 15:00 respectively, all the other sittings convened at 14:15 sharp. The shortest sitting lasted for three minutes between 15:00 and 15:03 on Thursday the 14<sup>th</sup> June 2012 while the longest went on for 6 hours and 58 minutes running from 14:30 to 21:13. Altogether, from June 2012 until June 2013, the House of Assembly sat for a total of 120 hours. On average, each sitting lasted for two hours and 30 minutes. Given that members get paid \$75 per sitting it means on average they were paid \$30 per hour. The House of Assembly only had 2 sittings that lasted less than 30 minutes, the most minimal time frame in which any substantive discussions could be carried out.

### Senate

The Senate had 50 sittings from June 2012 until June 2013. All the sittings began at 14: 30 hours except for two sittings on 14<sup>th</sup> June 2012 and 30<sup>th</sup> October 2012, where the Senate met at 14:58 and 12:00 respectively. The shortest sitting lasted for four minutes while the longest sitting took three hours and 38 minutes. In total Senate met for 61 hours and 39 minutes in the period of this study. Each sitting, on average, lasted for an hour and 14 minutes. This means that members of the Senate were paid an average of \$61 for every sitting they had per

<sup>55</sup> The fixed salary is calculated at \$1400 per month x 12 months for the year June 2012-June 2013 ÷ 48 sittings. The Hotel Accommodation is based on the quotation that was made available to the Researcher by Rainbow Towers for 1 night, bed and breakfast upon enquiry. MPs are always housed at Rainbow Towers when they come for sittings. The fuel allowance is the standard amount that is given to MPs when they come for a sitting, especially if they are not local.



hour. The Senate's sitting time was very low with 16 out of the 50 sittings lasting less than 30 minutes each.

**Table E [10 shortest sittings in both Houses in ascending order]**

House of Assembly		Senate	
Date	Length of session	Date	Length of session
14 June 2012	3 minutes	14 June 2012	4 minutes
18 June 2013	15 Minutes	12 June 2013	5 minutes
11 June 2013	38 minutes	19 June 2013	5 minutes
20 June 2013	50 minutes	7 August 2012	7 minutes
30 October 2012	1 hour	18 June 2013	9 minutes
28 November 2012	1 hour 5 minutes	4 June 2013	10 minutes
4 June 2013	1 hour 9 minutes	24 July 2012	11 minutes
22 May 2013	1 hour 10 minutes	25 June 2013	12 minutes
19 June 2013	1 hour 10 minutes	11 June 2013	15 minutes
25 June 2013	1 hour 26 minutes	4 September 2012	16 minutes

**Table F [10 longest sittings in both Houses in descending order]**

House of Assembly		Senate	
Date	Length of session	Date	Length of session
27 November 2012	6 hours 58 minutes	19 July 2012	3 hours 38 minutes
24 July 2012	4 hours 45 minutes	25 July 2012	3 hours 15 minutes
10 July 2012	4 hours 34 minutes	6 February 2013	3 hours 5 minutes
26 February 2013	4 hours 19 minutes	5 June 2013	2 hours 56 minutes
8 May 2013	4 hours 5 minutes	6 June 2013	2 hours 39 minutes
6 February 2013	3 hours 55 minutes	11 July 2012	2 hours 31 minutes
20 June 2012	3 hours 46 minutes	20 June 2012	2 hours 25 minutes
13 June 2012	3 hours 30 minutes	19 June 2012	2 hours 25 minutes
21 June 2012	3 hours 24 minutes	8 August 2012	2 hours 25 minutes
11 July 2012	3 hours 19 minutes	14 May 2013	2 hours 21 minutes

### 5.3 Reasons for low attendance

#### 5.3.1 Non-payment of allowances

On 11<sup>th</sup> July 2013, there were reports that Parliament faced a possible suit from former legislators who had not been paid their outstanding allowances from the various sittings of the Seventh Parliament.<sup>56</sup> Previously it had also been reported that Parliament had adjourned from 24<sup>th</sup> October 2012 until 11<sup>th</sup> November 2012 because of lack of funds from the government to pay members their sitting allowances.<sup>57</sup> It is highly possible that the low attendance by members of Parliament was a result of a lack of motivation because of the non-payment of these allowances during this period, but will not explain low attendance generally, and other reasons need to be found.

<sup>56</sup> Staff Reporter 'Parly faces lawsuit,' available at <http://www.financialgazette.co.zw/parly-faces-lawsuits/>.

<sup>57</sup> Sibanda T, 'Parliament suspended as Mnangagwa claims no cash,' SW Radio Africa, 24<sup>th</sup> October, 2008

### **5.3.2 Absentee MPs, full time Ministers**

One of the findings of the study was that most of the members who recorded the lowest attendance frequency were members also serving as Ministers within government. This meant that these members were serving double roles, as legislators, but also as a core component of the executive. This situation arises from the Westminster model of government where the executive is chosen from members of the legislature.<sup>58</sup> The extent of this absenteeism was a cause for concern among the members themselves. Honourable Tabitha Khumalo emphasised this issue, pointing out that particular Ministers were not attending Parliament, and, when they attended, they only rubber stamped the passing of their bills and did not engage in substantive issues.<sup>59</sup>

Honourable Sisulu also expressed concerns about the failure by ministries to respond to the Parliamentary Portfolio Committees' recommendations, and their avoidance of Question and Answer segments held on Wednesdays.<sup>60</sup> Honourable Eddie Cross explained that Ministries' lack of regular submission of financial affairs, and failure to respond to Parliamentary suggestions and resolutions, as well their failure to submit suggested quarterly reports, six monthly reports, and annual reports was also out of order. These points were all supported by Honourable Matshalaga and Chikwinya. It is noteworthy, however, that the one member singled out for extreme absenteeism, Honourable Jonathan Moyo, was neither a Minister, nor did he occupy any executive post, yet he consistently and frequently failed to attend parliamentary sessions.

Additionally, other members in the Seventh Parliament expressed concern with this problem, identifying the appointment of Ministers from Parliament as one of the key inherent weaknesses of the august body. Honourable Webber Chinyadza, member of the House of Assembly for Makoni West, intimated that MPs' aspirations to become Ministers sometimes stood in the way of the exercise of their role to critically assess and investigate the performance of the Executive. He explained that this was because most Ministers are seniors within their different political parties and would also be influential in determining who else among the members might be chosen as Minister.<sup>61</sup> Table G (over) shows the attendance rate of the different Ministers.

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<sup>58</sup>Commonwealth Education 'Parliamentary Committees and Scrutiny of the Executive' available at <http://www.parliamentarystrengthening.org/commonwealthmodule/pdf/Commonwealth%20Unit%206.pdf> p.7.

<sup>59</sup> Hansard Volume 38 No 53.

<sup>60</sup> Hansard Volume 38 No 53.

<sup>61</sup>Chibaya M 'Accounts Committee lacks depth' The Standard, 12<sup>th</sup> May 2013, Available at <http://www.thestandard.co.zw/2013/05/12/accounts-committee-lacks-depth-mp/>.

**TABLE G**

<b>Name of Minister</b>	<b>Ministry</b>	<b>Party</b>	<b>House</b>	<b>Attendance%</b>
Matinenga Eric	Constitutional and Parliamentary Affairs	MDC-T	HoA	63
Dzinotiwei Heneri	Science and Technology	MDC-T	HoA	54
Zwizai Murisi	Dep: Media, Information and Publicity	MDC-T	HoA	54
Komichi Morgan	Dep: Transport and Infrastructural Development	MDC-T	Senate	52
Biti Tendai	Finance	MDC-T	HoA	46
Gabbuza Joel	Public Works	MDC-T	HoA	46
Tapela Lutho	Dep: Higher and Tertiary Education	MDC	Senate	46
Majome Jessie	Dep: Women Affairs	MDC-T	HoA	44
Matutu Tongai	Dep: Youth Dvpt, Indigenisation & Empowerment	MDC-T	HoA	42
Chamisa Nelson	Information and Communication Technology	MDC-T	HoA	42
Mutambara Arthur	Dep: Prime Minister	MDC	HoA	42
Georgias Aguy	Dep: Public Works	ZANU PF	Senate	42
Nkomo Samuel Sipepa	Water Resources Development and Management	MDC-T	HoA	38
Chidhakwa Walter	Dep: State Enterprises and Parastatals	ZANU PF	HoA	38
Gutu Obert	Dep. Justice and Legal Affairs	MDC-T	Senate	38
Zvidzai Sesel	Dep. Local government, urban and rural development	ZANU PF	Senate	38
Makone Teressa	Home Affairs	MDC-T	HoA	38
Mutsvangwa Monica	Dep: Labour and Social Welfare	ZANU PF	Senate	36
Mutsekwa Giles	National Housing and Social Amenities	MDC-T	HoA	35
Mangoma Elton	Energy and Power Development	MDC-T	HoA	35
Mpariwa Paurina	Labour and Social Welfare	MDC-T	HoA	35
Shamu Webster	Media, Information and Publicity	ZANU PF	HoA	33
Matibenga Lucia	Public Service	MDC-T	HoA	33
Makhula Rabson	Dep: Foreign Affairs	MDC	Senate	32
Buka Flora	Minister of State in the Vice President's Office	ZANU PF	HoA	29
Nyoni Sithembiso	Small & Medium Enterprises & Cooperative Development	ZANU PF	HoA	29
Mashakada Tapiwa	Economic Planning and Investment Promotion	MDC-T	HoA	29
Mnangagwa Emerson	Defence	ZANU PF	HoA	29
Chimanikire Gift	Dep: Mines and Mining Development	MDC-T	HoA	29
Bimha Michael	Dep: Industry and Commerce	ZANU PF	HoA	27
Muchena Olivia	Women Affairs, Gender and Community Development	ZANU PF	HoA	27
Mohadi Kembo	Home Affairs	ZANU PF	HoA	27
Timba Jameson	Minister of State in the Prime Ministers' Office	MDC-T	HoA	25
Moyo Gordon	State Enterprises and Parastatals	MDC	HoA	25
Mzembi Walter	Tourism and Hospitality Industry	ZANU PF	HoA	25
Dokora Lazarus	Dep: Education, Sports, Art and Culture	ZANU PF	HoA	25
Nyanhongo Hubert	Energy and Power Development	ZANU PF	HoA	25
Khupe Thokozani	Dep: Prime Minister	MDC-T	HoA	25
Undenge Samuel	Economic Planning and Development	ZANU PF	HoA	23
Tsvangirai Morgan	Prime Minister	MDC-T	HoA	23
Mujuru Joice	Dep: President	ZANU-PF	HoA	23
Langa Andrew	Dep: Public Service	ZANU PF	HoA	23
Mutasa Didymus	Min of State: Presidential Affairs in the President's Office	ZANU PF	HoA	21
Goche Nicholas	Transport and Infrastructural Development	ZANU PF	HoA	21
Kasukuwere Saviour	Youth Development, Indigenisation and Empowerment	ZANU PF	HoA	21
Chombo Ignatius	Local government, urban and rural development	ZANU PF	HoA	21
Chinamasa Patrick	Justice and Legal Affairs	ZANU PF	Senate	20
Holland Sekai	Organ on National Healing, Reconciliation & Integration	MDC-T	Senate	20
Mombeshora Douglas	Dep: Health and Child Welfare	ZANU PF	HoA	19

Nguni Silvester	Minister of State in the Vice President's Office	ZANU PF	HoA	19
Made Joseph	Agriculture, Mechanisation & Irrigation Development	ZANU PF	Senate	18
Madzorera Henry	Health and Child Welfare	MDC-T	Senate	16
Murerwa Herbert	Lands and Rural Resettlement	ZANU PF	Senate	16
Nhema Francis	Environment and Natural Resources Management	ZANU PF	HoA	15
Sekeramayi Sydney	State Security in the President's Office	ZANU PF	Senate	14
Marumahoko Reuben	Dep: Regional Integration, & International Cooperation	ZANU PF	Senate	14
Mumbengegwi Simba	Foreign Affairs	ZANU PF	Senate	8
Mpofu Obert	Mines and Mining Development	ZANU PF	HoA	6
Ncube Welshman	Industry and Commerce	MDC	Senate	2
Coltart David	Education, Sports, Arts and Culture	MDC	Senate	2
MisihairambwiPriscilla	Regional Integration and International Cooperation	MDC	Senate	0%

[Purple =less than 10%; Red=above 10% below 25%; Orange = above 25% below 50%; and Blue=50% and above]

These figures illustrate that MDC-T ministers attended Parliament more than their ZANU PF and MDC counterparts, and therefore struck a balance between their roles as ministers and as members of Parliament. The figures also show that despite their few numbers, female ministers attended Parliament relatively well although their male counterparts attended more. So the question that can be asked, is the current arrangement the most effective for both an efficient executive and legislature, or should Zimbabwe consider alternatives? One possible solution attempted in Kenya and Italy is the adoption of so-called “technocratic governance.”

## 6. IS TECHNOCRATIC GOVERNANCE THE SOLUTION?

### 6.1 What is a technocratic government?

A technocratic government is a government in which the ministers of government are *not* career politicians, and, in some cases, they will not even be members of political parties.<sup>62</sup> Technocratic governments are composed of experts in the fields of their respective ministries; for instance, the Minister of Justice would be an individual with an academic background in law, with years of experience working in the legal fraternity, even though he/she may not have previously run for elective office or been heavily involved in politics. These ministers may be chosen in different ways, but most realistically will be chosen by the governing political party, responsible to this party, but subject to parliamentary oversight.

### 6.2 Is this democratic?

The dichotomy presented by the appointment of technocrats over politicians is always premised on the enquiry whether putting what others have described as “*wise men with no mandate to govern but clutching glittering Curriculum Vitae*”<sup>63</sup> is a democratic decision. While, one of the major tenets of democracy is that citizens should decide who governs them, technocratic appointments mean that those who actually govern are not those whom the people on the ground elected to govern.

However, academic scholars have argued that although the right to choose who governs is vested in the electorate, the electorate's choices vacillate like yo-yos from one electoral cycle

<sup>62</sup> Tucker J ‘It’s a bird...it’s a plane...it’s a technocratic government’ The Monkey Cage, 7 November 2011, available at <http://themonkeycage.org/2011/11/07/its-a-bird-its-a-plane-its-technocratic-government/>.

<sup>63</sup> BBC News Magazine ‘Who, What, Why: What can technocrats achieve that politicians can’t’ 14 November 2011, available at <http://www.bbc.co.uk/news/magazine-15720438>.

to another.<sup>64</sup> Such vacillation creates instability in the implementation and execution of government policies. However, if those who implement such policies cannot be fired by the vote, there is bound to be continuity and stability. In the event of underperformance, technocratic governments can easily be removed by a vote of no confidence, a process that is much more difficult if Ministers are also elected officials.

As the ‘Zimbabwe Independent’ aptly noted, “*Cabinet is a key executive government body which deals with major policy issues, including important spending proposals and financial commitments, legislative agenda, decisions on international agreements, politically controversial questions, diplomatic matters and any other functions and tasks which affect citizens, business and the country’s international relations.*”<sup>65</sup> The need for Cabinet to comprise capable individuals who perform effectively cannot be overstated. It appears, however, that as long as these Ministers are appointed from individuals who serve in specific constituencies, one of the two - the constituency or the cabinet - will not get the full commitment of the individual serving both.

### **6.3 Is this feasible in Zimbabwe?**

A technocratic government means that individuals appointed are skilled, capable, and perform their duties in an objective, unbiased, and non-partisan manner. They have their professional jacket to lose should they perform badly and could have impeccable reputations should they succeed.<sup>66</sup> To achieve their goals then, they must be transparent and accountable. Zimbabwe has many such highly skilled citizens, and, with literacy levels pegged at 92%, the likelihood of finding capable individuals who are not politicians who could lead key ministries is very high. However, this form of government, and the level of accountability it demands, is highly unlikely to be executed because of a couple of reasons.

Firstly, the current system of appointing Ministers seems to be guided by their level of loyalty to the political party nominating them and their seniority within the party rather than their competence. There is a general tendency to provide ministerial portfolios as perks to the loyal and mighty rather than awarding them on the basis of expertise. Appointments to the Cabinet in Zimbabwe following the 31<sup>st</sup> July 2013 elections, illustrate the level of cronyism characterising the process to such an extent that even the President of Zimbabwe admitted that, “*The decision was based on how much of ZANU PF [you are], how long [you] have been with us and how educated you are?*”<sup>67</sup> Selection of Ministers based on their political affiliation, and their loyalty to the party of the President, contravenes the selection criteria set out in the new Constitution, that Ministers must be chosen for their “*professional skills and competence*” with considerations made to regional and gender balance.<sup>68</sup>

Secondly, parties within government are reluctant to relinquish power to non-politically aligned individuals which seems to be driven by the assumption that this will make them seem less relevant in the public eye. During the tenure of the Seventh Parliament, it was

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<sup>64</sup> Yong B and Hazell r *Putting Goats amongst the Wolves: Appointing Ministers from outside Parliament* The Constitution Unit, Department of Political Science, UCL (University College London).

<sup>65</sup> Zaba F ‘Zim needs dynamic, pragmatic Ministers’ *The Zimbabwe Independent*, 16 August 2013, available at <http://www.theindependent.co.zw/2013/08/16/zim-needs-dynamic-pragmatic-ministers/>.

<sup>66</sup> There were such individuals in the past for instance in the First Parliament, Prime Minister, Robert Mugabe, appointed Dennis Norman as Minister of Agriculture, and later to other portfolios and in the Fifth Parliament he appointed Simba Makoni as the Minister of Finance.

<sup>67</sup> Chikwanha T and Munyuki G, ‘Mugabe defends appointments’ 12 September 2013 available on <http://www.dailynews.co.zw/articles/2013/09/12/mugabe-defends-appointments>.

<sup>68</sup> Section 104 (3) as read with Section 104 (4) of the new Constitution.

through their Minister of Youth, Indigenisation and Empowerment, and a member of their party, Honourable Saviour Kasukuwere, that ZANU PF proposed a nationalist agenda to the public, anchored in the need to empower blacks, especially young people economically. It is also through their Minister of Finance, and a member of their party, Honourable Tendai Biti, that the MDC-T claimed fame as having restored sanity and stability to the national economy. It was also through their Minister and member of their party, Senator David Coltart, that the MDC argued their efficiency to the public, arguing that the education system had lost motivation, integrity, and was performing dismally prior to Senator Coltart's appointment as the Minister of Education.<sup>69</sup>

#### ***6.4 Why is attendance important?***

The business of Parliament is undertaken on the floor of Parliament as well as in parliamentary committees. The policies to govern the political, social, economic, literary, scientific, and religious life of the country are deliberated and subjected to the laws made by Parliament. During sittings, members are engaged in parliamentary duties, including debating and voting on bills (proposed laws), representing the views of their electorate, working on parliamentary committees that examine important issues, scrutinising the work of the government, and discussing issues of national and international importance. A Member of Parliament is hence the spokesperson of his/her constituency throughout these debates. It therefore is clear, that his/her role is mostly exercised when he/she attends these sittings. And this overall role of oversight is the way in which the choices of the voters can be made manifest during the life of Parliament, and, without a very active Parliament, the involvement of citizens is restricted to merely periodic voting.

Thus, when Parliament is not sitting, members must continue to be engaged in electorate duties. These include visiting their constituencies; working to collect information on the business of their Portfolio Committees, engaging and gathering views and concerns of their constituencies to present in parliament, as well as addressing the local concerns for constituents, such as road construction, water and sanitation needs, or environmental issues. In this way the elected members will provide the link between Parliament and their constituents, and increase the role of citizens in the political life of the country.

#### ***6.5 Is attendance wholly effective in the Zimbabwean context?***

There is no straightforward response to this query. In the Democracy Index for Zimbabwe, it was argued that the problem with the Zimbabwe's current governance structures is the fact that Parliament partially follows the Westminster system.<sup>70</sup> The characteristic feature of this system is the whipping system. The whipping system, which is enforced in terms of the Standing Rules and Orders of Parliament, forces individual members of Parliament to vote according to party lines or risk getting whipped, hence suppressing the individual opinions and concerns of individual constituencies should they be inconsistent with party positions.<sup>71</sup>

A Member of Parliament is a three-in-one package; namely a parliamentarian, a constituency representative, and a party member/independent politician. What the Westminster system, as partially practised in Zimbabwe does is to create stages of hierarchy giving different levels of importance to these three functions. A member of Parliament generally seems to be a member

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<sup>69</sup> Notably, in reality it is technocrats in the form of Permanent Secretaries who do most of the work for ministries. Their independence and impartiality as civil servants is however questionable given that, the scourge of partisanship, that came with the powers of the President to appoint key bodies also affected their tenure and survival as individuals.

<sup>70</sup> Dube R, *Political Freedom and Democracy* (2013) in Chitsike K and Eaglestone A (Eds) *Compromise or Compromised: An Assessment of Democracy in Transitional Zimbabwe*, the Democracy Index for Zimbabwe.

<sup>71</sup> Dube R, *Political Freedom and Democracy* as in note 69 above, p117.

of his party in parliament before he is a representative of his constituency or a parliamentarian. The party's interests come first, before those of the constituency that the MP purports to represent, or of the demands of his/her role as a Parliamentarian. This can result in a situation where decisions made in Parliament are reached at the level of political party caucuses rather than through the long and protracted debates that the august Houses engage in during their plenary sessions.

## **7. CONCLUSION**

It still remains important, however, for parliamentarians to attend plenary sessions, because this is the space in which most of the debates take place. It is also where the majority of bills are passed, legislation enacted, international instruments adopted, budgets passed or rejected, and reports by Committees, Ministers and the Presidium are discussed. In a multi-party Parliament, debate is often confrontational and partisan, but it still raises the relevant issues, or else Parliament risks becoming exactly the body that Bagehot feared, a "*meeting of more or less idle people.*"

## **8. RECOMMENDATIONS**

- Parliamentarians must sign and not just tick the attendance register. If the register is merely ticked and not signed, it becomes easy for members to record ticks without attending.
- The register must also be signed both at the beginning and the end of the sessions to separate members who stayed throughout the sittings from those who attended either the beginning or closure of sittings.
- Given the amount of money that taxpayers are contributing towards sustaining the work of Parliament, parliamentarians ought to attend all sessions, at the least half of them.
- Parliament must develop a more effective mechanism of ensuring MP's availability to their constituencies when they are not sitting in Parliament or away on Parliamentary or Ministerial business.
- Government must be strict in evaluating the use of CDF's. The misuse of these must always result in expulsion and a lifetime from running for public office for the responsible individuals.
- Constituency vehicles given to MP's must remain government property and should be made available to each MP during each tenure; returnable upon the expiry of the Members' term. It is unsustainable for taxpayers to award vehicle loans to every Parliament.

## ANNEXURES

**TABLE 1: (Results of the 2008 Elections by Province: House of Assembly)**

PROVINCE	MDC-T	ZANU-PF	MDC-M	INDEPENDENT	TOTAL
Bulawayo	12	0	0	0	12
Harare	28	1	0	0	29
Manicaland	20	6	0	0	26
Mash Central	2	16	0	0	18
Mash East	4	19	0	0	23
Mash West	5	17	0	0	22
Masvingo	14	12	0	0	26
Mat North	6	3	3	1	13
Mat South	4	3	6	0	13
Midlands	7	21	0	0	28
All (Numbers)	102	98	9	1	210
<b>All (%age)</b>	<b>48.6</b>	<b>46.6</b>	<b>4.3</b>	<b>0.5</b>	<b>100</b>

**TABLE 2: (Results of the 2008 Elections by Province: Senate)**

PROVINCE	MDC-T	ZANU-PF	MDC-M	INDEPENDENT	TOTAL
Bulawayo	5	0	1	0	6
Harare	6	0	0	0	6
Manicaland	4	2	0	0	6
Mash Central	0	6	0	0	6
Mash East	0	6	0	0	6
Mash West	1	5	0	0	6
Masvingo	3	3	0	0	6
Mat North	2	1	3	0	6
Mat South	1	3	2	0	6
Midlands	2	4	0	0	6
All (Numbers)	24	30	6	0	60
<b>All (%age)</b>	<b>40</b>	<b>50</b>	<b>10</b>	<b>0</b>	<b>100</b>

**TABLE 3: (Highest attendance in the House of Assembly)**

Female		Attendance		Male		Attendance	
Name of MP	Party	No	%	Name of MP	Party	No	%
Matianga M	MDC-T	47	98	Nezi W	MDC T	48	100
Kumalo M	MDC-T	45	94	Mungofa PF	MDC T	48	100
Karenyi L	MDC-T	44	92	Matibe	MDC-T	48	100
Maposhere D	ZANU PF	41	85	Shoko M	MDC T	47	98
Chinomona M	ZANU PF	40	83	Mushonga SL	MDC T	47	98
Zinyemba M	ZANU PF	40	83	Nemadziwa N	MDC T	47	98
				Mudiwa S	MDC T	47	98
				Gwiyo CC	MDC-T	47	98
				Muza I	ZANU-PF	47	98

**TABLE 4: (20 most frequent attenders in Senate in descending order)**

Name of Senator	Sex	Party	Total attendance	% attendance
Chabuka K	F	MDC-T	33	66
Chitaka P	M	MDC-T	31	62
Makore J	M	MDC-T	31	62
Sibanda A	F	MDC-T	31	62
Makamure E	M	MDC-T	31	62



Mandaba M	M	ZANU PF	30	60
Marava M	M	MDC-T	29	58
Muchihwa R	F	MDC-T	29	58
Femai M	M	MDC-T	29	58
Muchenje V	M	ZANU PF	29	58
Chibagu G	F	ZANU PF	29	58
Makunyana C	M	MDC-T	28	56
Mumvuri DDE	M	ZANU PF	27	54
Rugara K	M	MDC-T	27	54
Kabayanjiri O	M	ZANU PF	27	54
Ncube S	F	MDC-T	27	54
Ngungubane	M	Chief	27	54
Chiduku	M	Chief	27	54
Mbambo L	M	ZANU PF	27	54

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