



BALLOT UPDATE

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Introduction

The post-election update covers the period from November, 2008 to February, 2009. An analysis of the electoral socio-economic and political environment obtaining in the country is made and their relationship with the electoral processes linked. The report centres mostly on political processes that took place during the reporting period. The operating environment for civic organisations towards the

end of 2008 was volatile, marked with high levels of tension, fear, and punctuated by military style abductions, harassment and torture of civic and political activists.

Talks To Resolve the Political Impasse in Zimbabwe

After the signing of the global political agreement on 15 September 2008, the parties to the agreement held talks regarding the allocation of portfolios on September 18, but failed to reach an agreement. They then called in the negotiators on September 19, but again failed to reach an agreement as both parties wanted to hold all of the most important portfolios of finance and home affairs. On September 30, President Robert Mugabe and Mr. Morgan Tsvangirai met again but they were unable to reach an agreement on the allocation of Cabinet portfolios and "the matter was referred to the mediator, the three met once again in Harare on October 4 for talks on the distribution of portfolios, but could not reach an agreement. Both parties and acknowledged the failure to reach an agreement with the MDC-T charging on October 5 that all of the Cabinet portfolios were actually in question, not just the two Ministries of Finance and Home Affairs, as had been claimed by ZANU PF.

The negotiators met briefly on October 7 after the parties failed to reach an agreement, with the South African government confirming that Mr. Mbeki was still available to continue with mediation. An attempt by ZANU PF to unilaterally allocate ministries to all parties was met with resistance by the MDC T. The facilitator was then called in and the parties met for over seven hours on October 14 and the following day but no agreement was reached. On October 20, SADC met in Swaziland but Mr. Tsvangirai failed to attend after he was issued with a single entry visa on a temporary document. The meeting was later held in Harare and was again unsuccessful. On November 24, Mr. Tsvangirai called upon the facilitator to step down arguing that he was biased and had no appreciation of the urgency of problems in the country but another meeting was held in South Africa. On December 13, the draft constitutional amendment was published in the government gazette which marked a major step towards the formation of an inclusive government in Zimbabwe. On January 4, President Robert Mugabe relieved 12 ministers and deputy ministers who had lost their seats in Parliament from the cabinet. Another SADC meeting was on 27 January 2009 which resolved some outstanding issues on the negotiations and called upon the parties to the talks to ensure the immediate formation of the all-inclusive government. Accordingly on February 5, both houses of parliament passed the unity government bill unanimously after it was fast –tracked. The resolution of the political impasse in Zimbabwe was well timed in that it took place before the AU Summit which endorsed the global agreement.

The Zimbabwe Joint Monitoring and Implementation Committee (JOMIC) to oversee a unity government, when it is formed, were established. The committee's mandate is to ensure that a unity government proceeds according to the political agreement signed last September 2008. The Committee has three chairmen, one from each of the country's main parties. It was inaugurated on 30th January, 2009 in compliance with the SADC resolutions. The following comprise the committee:

MDC-T: Elton Mangoma (co-chairman), Elias Mudzuri, Thabita Khumalo and Innocent Chagonda.

MDC-M: Welshman Ncube (co-chairman), Frank Chamunorwa, Edward Mkhosi and Priscilla Misihairabwi-Mushonga.

Zanu-PF: Nicholas Goche (co-chairman), Patrick Chinamasa, Emmerson Mnangagwa and Oppah Muchinguri.

Although the committee met, it was reported that one party had not received instructions from its principle to deliberate on the issues of their mandate which led to the temporary halt of any meaningful deliberations. The committee has a lot of work on its hands given the complexity of issues and divergence of views between the parties.

The Prime Minister, Morgan Tsvangirai, and the two Deputy Prime Ministers, Thokozani Khupe and Arthur Mutambara, were sworn in at State House. Under the Interparty Political Agreement signed on September 15 by the political parties. The number of Ministries allocated to each party was specified as ZANU-PF 15, MDC-T 13 and MDC-M 3 giving a total of 31 Cabinet Ministers. ZANU PF announced that it would appoint 21 names contrary to the 15 that was agreed on. This was 8 more positions for ZANU PF, 1 for the MDC T and MDC M respectively. This was ZANU PF's ploy to accommodate their cronies who would have otherwise lost seats. It was also meant to inflate their numbers in cabinet given the fact that failure to agree at the National Security Council meeting would be referred to cabinet. It is unfortunate that such machinations would be perceived to be bad political will. The ministers would have been ministers of state who also sit in cabinet. A compromise was reached and ZANU PF appointed 18 ministers and 15 for MDC T. The following were announced as cabinet ministers:

ZANU-PF

Ministry

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|---|---|
| 1. Kembo Mohadi [MP Mat South]
Minister in last government] | Home Affairs |
| 2. Emmerson Mnangagwa [MP Midlands]
Minister in last government | Defence |
| 3. Patrick Chinamasa [Appointed Senator]
Minister in last government | Justice and Legal Affairs |
| 4. Herbert Murerwa [Elected Senator Mash East]
Minister in a previous government | Lands and Rural Resettlement |
| 5. Simbarashe Mumbengegwi [Elected Senator Midlands]
Minister in last government | Foreign Affairs |
| 6. Nicholas Goche [MP Mash Central]
Minister in last government | Transport and Infrastructural Development |
| 7. Ignatius Chombo [MP Mash Central]
Development
Minister in last government | Local Government, Urban and Rural |
| 8. Obert Mpofu [MP Mat North]
Minister in last government | Metals and Mining Development |
| 9. Joseph Made [Appointed Senator]
Development
Minister in last government | Agriculture, Mechanisation and Irrigation |
| 10. Francis Nhema [MP Midlands]
Management
Minister in last government | Environment and Natural Resources |

- | | |
|---|---------------------------------------|
| 11. Stan Mudenge [MP Masvingo]
Minister in last government | Higher and Tertiary Education |
| 12. Sithembiso Nyoni [F] [MP Mat North]
operative Development
Minister in last government | Small and Medium Enterprises and Co- |
| 13. Webster Shamu [MP Mash West]
Minister of State in Presidents Office | Media, Information and Publicity |
| 14. Olivia Muchena [MP Mash East]
Development
Minister in last government | Women's Affairs, Gender and Community |
| 15. Saviour Kasukuwere [Mash Central]
Empowerment
Deputy Minister in last government | Youth Development, Indigenisation and |
| 16. Walter Mzembi [MP Masvingo prov]
Deputy Minister in last government | Tourism and Hospitality Industry |

Ministers of State in the President's Office

- | | |
|--|--|
| 17. Didymus Mutasa [MP Manicaland]
Minister in last government | Minister of State for Presidential Affairs |
| 18. Sydney Sekeramayi [Elected Senator Mash East]
the President's Office
Minister in last government | Minister of State for National Security in |

The following were invited for swearing-in but were actually not sworn in as they formed the excess of members from ZANU PF.

John Nkomo [Appointed Senator] and Former Speaker and Minister in a previous government
David Parirenyatwa [MP Mash East] and Minister in last government
Flora Buka [F] [MP Midlands] and Minister of State in Presidents Office
Paul Mangwana [MP Midlands] and Minister in last government
Sylvester Nguni [MP Mash West] and Minister in last government

MDC-T

1. Giles Mutsekwa [MP Manicaland]
2. Tendai Biti [MP Harare]
3. Paurina Gwanyanya [MP Harare]
4. Nelson Chamisa [MP Harare]
5. Fidelis Mhashu [MP Harare]
6. Joel Gabuza Gabuza [MP Mat North]
7. Elton Mangoma [MP Manicaland]
Promotion
8. Elias Mudzuri [MP Masvingo Prov]

Ministry

- | |
|--------------------------------------|
| Home Affairs |
| Finance |
| Labour |
| Information Communication Technology |
| Housing and Social Amenities |
| State Enterprises and Parastatals |
| Economic Planning and Investment |
| Energy and Power Development |

9. Eric Matinenga [MP Manicaland]	Constitutional and Parliamentary Affairs
10. Eliphas Mukonoweshuro [MP Masvingo Province]	Public Service
11. Henry Madzorera [MP Harare]	Health and Child Welfare
12. Theresa Makone [MP Harare]	Public Works
13. Heneri Dzinotyiwei [MP Harare]	Science and Technology
14. Samuel Sipepa Nkomo [MP Bulawayo]	Water Resources and Development

Minister of State in the Prime Minister's Office

15. Gordon Moyo [no parliamentary seat]

MDC-M

1. Welshman Ncube [no parliamentary seat]	Industry and Commerce
2. Priscilla Misihairabwi-Mushonga [no parliamentary seat]	Regional Integration and International Co-operation
3. David Coltart [Elected Senator Bulawayo]	Education, Sport, Art and Culture

Gibson Sibanda [no parliamentary seat] was also listed for swearing-in but was actually not sworn –in.

The formation of the coalition government is a development which was greeted with mixed reactions of hope, pessimism, scepticism, and optimism. Some civic society organisations accepted the Global Political Agreement as an opportunity for both democratic and economic development, whilst others as evidenced at the National Civil Society Constitutional Conference rejected it mainly on the basis of what they perceived a flawed constitutional making process outlined in the GPA Article 6 arguing that the oversight role given to the parliament of Zimbabwe is undemocratic and subject to political party control. They prefer instead to have a people driven constitution making process as proposed by the NCA.

For a lot of Zimbabweans this agreement embodies greater hope of economic recovery, an end to political hostilities and the normalization of their livelihoods. However others are anticipating that it will create the foundation for justice, reconciliation and restoration of law and order in society.

The UN High Commissioner for Human Rights Navi Pillay expressed hope that the establishment of the new Zimbabwe government would result in an immediate effort to restore the rule of law, mark a refrain from a culture of impunity and infringements on the judiciary, ***“all eyes will be on this new government to see if it can undo that damage”***, she retorted.

Save Zimbabwe Campaign New Zealand echoed the hope placed on the new government noting in their press release that the formation of the new government was the second step in the right direction following the initial signing of the GPA.

Even the international community is also watching in anticipation of a strong and genuine commitment of the signatories to rebuilding the country. The United States of America Acting State Department spokesperson Robert Wood said soon after Prime Minister Morgan Tsvangirai took oath of office that

“we need to see evidence of good governance and particularly real, true power sharing on the part of Robert Mugabe before we are going to make any kind of commitment”. The British government almost echoed similar sentiments which largely bordered on cautious approach to the power sharing pact hoping for early signs of behavioural reformation on the part of political players especially erstwhile leaders of the previous government. The international community demands a strong political will and genuine commitment and set the following conditions: the immediate release of political prisoners, an end to political violence and intimidation, the repeal of repressive legislation, more importantly the appointment of a credible financial team and the production of a credible economic plan, and a clear road to the national elections, with guarantees that they will be conducted freely and fairly, in full view of the international community.

The continued arrest of human rights activists and MDC members does not show good will by involved parties to the GPA. The government of national unity will be judged by the success on the results that it produces in fulfilling the mandate that the people of Zimbabwe gave it. That mandate is "to improve the life, that is, to reconstruct the economy and to stop political oppression. That mandate is "to improve the lives of Zimbabweans and to reconstruct the economy and to stop political oppression. It is important to note that Zimbabwe's economic recovery will be difficult without the assistance of the international community.

However the much vaunted launch of the fledgling Zimbabwe government has been tainted by the continued perpetration of human rights abuses. The pattern of enforced disappearances, unlawful arrests, torture and abductions of human rights defenders like Jestina Mukoko and Broderick Takawira of the Zimbabwe Peace Project as well as similar abuses on journalists, opposition activists for which the government has acknowledged responsibility, has cast a disturbing shadow over the sincerity of the other party to the GPA on the implementation of the pact. The continuing flouting of the pact culminated in the recent arrest of nominee Deputy Agriculture Minister Roy Bennet. The fresh incidences of violence reported on national television on 17 and 18 February 2009 in Mutoko and Bindura amongst alleged members of ZANU PF and MDC raises serious concerns. This development violates Article V11 of the Global Political Agreement which seeks the promotion of equality, national healing, cohesion and unity. ZESN urges the parties to this agreement to practice good faith towards the unity government, a development which lays the needed ground for Zimbabwe's prosperity.

Largely the GPA has been viewed as a window of hope for Zimbabweans which have to be given a chance.

Ministers` of State and Deputy Ministers

On 20 February 2009, twenty-five more people were called upon to be sworn in as either deputy ministers or ministers of state. Twenty-four were subsequently sworn in, with five of them assigned as Minister's of state, and 19 people were appointed Deputy Ministers in various portfolio's. One the Deputy Minister's, a nominee of the MDC-T for the deputy ministership of Agriculture Roy Bennet was not sworn in as he is still under police custody. This has aroused profound interest and amazement on how the number swelled from the originally scheduled 15 people, meant to become deputy ministers.

This results in a cabinet of 41 ministers (if like before, ministers of state attend cabinet sessions), working with 20 deputy ministers and 10 resident ministers (governors) meaning the all inclusive government would be comprised of a bloated executive arm of 71 Ministers. This is an unusually huge executive branch, especially in view of the comatose economic situation Zimbabwe is reeling under. It appears that the politics of patronage and appeasement continues to pervade the fabric of Zimbabwe's body politic. The only logic behind such a huge executive is the need to find positions in the new government for respective party officials. Zimbabweans are left to hope that this power sharing government doesn't pre-occupy itself with the "power acquisition" at the expense of the development of the ordinary citizen.

Ministers of State Sworn in;

Minister of State in the Prime Minister's Office — Sekai Masikana Holland MP (MDC-T)
Minister of State in Deputy Prime Minister Mutambara's Office — Gibson Sibanda, Sen (MDC)
Minister of State in Vice President Msika's Office — Flora Bhuka MP (Zanu PF)
Minister of State in Vice President Mujuru's Office — Sylvester Robert Nguni MP (Zanu PF)
Minister of State in the President's Office — John Landa Nkomo (Zanu PF)

Deputy Ministers Sworn in;

Deputy Minister of Foreign Affairs — Moses Mzila Ndlovu MP (MDC)
Deputy Minister of Industry and Commerce — Michael Chakanaka Bimha MP (Zanu PF)
Deputy Minister of Regional Integration and International Co-operation — Reuben Marumahoko MP (Zanu PF)
Deputy Minister of Public Works — Aguy Georgias, Sen (Zanu PF)
Deputy Minister of Public Service — Andrew Langa MP (Zanu PF)
Deputy Minister of Local Government, Urban and Rural Development — Sesel Zvidzai MP (MDC-T)
Deputy Minister of Transport and Infrastructural Development — Tichaona Mudzingwa MP (MDC-T)
Deputy Minister of Mines and Mining Development — Murisi Zwizwai MP (MDC-T)
Deputy Minister of Media, Information and Publicity — Jameson Zvidzai Timba MP (MDC-T)
Deputy Minister of Higher and Tertiary Education — Lutho Addington Tapela MP (MDC)
Deputy Minister of Health and Child Welfare — Douglas Tendai Mombeshora MP (Zanu PF)
Deputy Minister of Labour and Social Welfare — Tracy Mutinhiri MP (Zanu PF)
Deputy Minister of Education, Sport, Arts and Culture — Lazarus Dokora MP (Zanu PF)
Deputy Minister of Economic Planning and Development — Samuel Undenge MP (Zanu PF)
Deputy Minister of Energy and Power Development — Hubert Nyanhongo MP (Zanu PF)
Deputy Minister of State Enterprises and Parastatals — Walter Kufakunesu Chidhakwa, MP (Zanu PF)
Deputy Minister of Youth Development, Indigenisation and Empowerment — Thamsanqa Mahlangu MP (MDC-T)
Deputy Minister Women's Affairs, Gender and Community Development — Evelyn Pfugamai Masaiti MP (MDC-T)
Deputy Minister of Justice and Legal Affairs — Jessie Fungai Majome MP (MDC-T)

Deputy Minister of Agriculture- Roy Bennett (MDC-T)-still to be sworn in

2009 Parliament Budget: The Acting Minister of Finance Mr Chinamasa presented the 2009 National Budget Statement in the House of Assembly on Thursday 29th January his announcement that the use of multiple foreign currencies will be permitted, alongside the Zimbabwe dollar. He accordingly presented the Budget Estimates in both local and selected multiple foreign currencies.

The total estimated expenditure is US\$1.9 billion. One hopes that this will revive the sectors that had collapsed like the education, health, infrastructure, agriculture among others. This will also further impoverish the already poor especially women, children, people living with HIV and AIDS and people living with disabilities. With no access for foreign currency earnings against expenditure in foreign currency, the stated groups will have an insurmountable task to irk out a living. This has on the other hand come as a relief to those who earn in foreign currency because it has increased the availability of basic commodities and in some cases the price has actually gone down. Organisations have also benefitted in that planning has been made a lot easier and the liberalisation and removal of conditions in terms of bank withdrawals has also been positive for institutions and companies alike.

Cholera and food security: President Mugabe agreed to accept a high-level UN team led by assistant secretary general on humanitarian affairs Catherine Bragg, who would assess the crisis and find ways to deliver aid. A cholera epidemic, which started in August, has infected 62 909 people and killed 3 229 others according to the World Health Organisation. Seven million people - more than half the population need emergency food aid according to UN figures. The food situation in the country remains critical in both rural and urban areas. The levels of poverty have also reached serious levels with most families failing to make ends meet. The RBZ sponsored BACCOSI programme ended without making any significant impact to ameliorate the country's poverty-stricken citizens. Most people benefitted therefore from the World Food Programme and other humanitarian aid agencies.

Political Abductions, Torture and Arrests

The most recent clampdown on civic society organizations and political opponents of ZANU PF can be traced back to April 2008 after the victory of the MDC T in the Harmonised elections of March with over a hundred victims falling prey to alleged state assailants.

With the sustained allegations that the MDC T was recruiting and training youths in order to engage in terrorism against ZANU PF from Botswana in October 2008, abductions of key MDC officials and human rights defenders began. Most of those abducted between October and December 2008 were later brought before the courts. The refusal by the state, through a certificate from the Minister of State Security, barring the courts from investigating or revealing those responsible for the abductions vindicates the argument that all abductions and disappearances that have occurred throughout 2008 were state sponsored. Abductions have continued to date and the state continues to act with impunity even though the feuding political parties have come up with an inclusive government. With the arrest of Roy Bennet, the abductions and incarceration of ZPP staff members and alleged abduction of other MDC activists, it remains to be seen if the state under an assumed new leadership including MDC will change its ways.

What is also of great challenge as the new government takes shape is the nearly predictable appointment of ZANU PF's old guard, which has run Zimbabwe since independence, to the cabinet.

Electoral Developments: Court petitions-electoral contestations on the March 29 2008 were raised in nearly 105 constituencies with varying disputes and complaints on both the electoral process and system. Most of these petitions were resolved by the Electoral Court. The court challenge by Justin Chihota in which he was contesting his disqualification at nomination for the presidential election remains unresolved by the Supreme Court. This continued dispute portends an interesting scenario in the unlikely event that the case ends in the complainant's favour. Will the presidential result be nullified? Would it mean a re-run of the presidential election? It is also interesting to note that this court petition may have not been treated with deserving urgency because at a point, as proclaimed by President Robert Mugabe at his party's congress in December, ZANU PF's political game plan envisaged a fresh round of elections in the then likely potential of a failure to the mediation process. ZANU PF could have then manipulated the Supreme Court to give a judgment that necessitates the nullification of the presidential outcome. In December 2008 the ZEC Chairperson made pronouncements to the effect that the election management body was readying itself for by-elections.

By-elections: There remains great uncertainty on the actual number of by-elections that must be held because of the uncompleted formation of the envisaged all-inclusive government. At present by-elections are expected in Matobo North (House of Assembly) left vacant at the election of Lovemore Moyo to be Speaker of Parliament, Chegutu (Senatorial), Chiredzi (senatorial) after the election of Edna Madzongwe to be President of the senate, Gokwe Gumunyu (house of assembly) after the death of the incumbent MP, Bindura North following the death of Elliot Manyika towards the end of 2008. In Chinanimani East MDC T lost a House of Assembly seat after its member forged signatures on the nomination papers. This was contrary to Section 46 (20) of the Electoral Act.

An aura of uncertainty still hangs, on which of the ten governors appointed last year from ZANU PF by the President of Zimbabwe would be recalled by their party following the SADC resolution on the Global Political Agreement that the appointment of governors be shared amongst the parties to the all-inclusive government at an agreed criterion.

Legislators like Titus Maluleke from Masvingo province and Jaison Machaya of the Midlands left their seats vacant following their appointment as governors of Masvingo and Midlands respectively. However, in the event that they are relieved of their governorship posts this might see them reverting to their original positions of legislators. More by-elections might arise in the event that MDC-T appoints sitting MP's to the office of governors. Constitutional Amendment 19 stipulates that in the case of a vacancy arising in respect of the upper and lower houses of parliament, such vacancy shall be filled by a nominee of the party which held that position prior to the vacancy arising.

This however does not suggest that the Zimbabwe Election Commission would not declare a vacancy and call for nominees to the election. Only parties to the GPA would not contest each other, but any other interested party or candidate can contest the election.

There exists, therefore, a growing likelihood that by-elections would go ahead with contestants who might be from the revived ZAPU, Mavambo/Kusile Project or independent candidates filing their names for nomination as candidates. It also remains possible that any of the parties to the Global Political Agreement might contest the election incognito or by proxy through sponsoring an independent candidate.

Conclusion

It is indeed important to note that the performance of the GNU continues being monitored by various stakeholders and will be reviewed in six months. It is also necessary to consider what happens in the event that one party pulls out before the inception of a new constitution. Such an occurrence might necessitate a fresh round of elections. Our hope is that the pledge for a new constitution would come with far reaching electoral reforms capturing the nascent principles on democratic elections. It is ZESN's submission that there is no hope for democratic elections which can be conducted in Zimbabwe without meaningful electoral reforms and a new people-oriented constitution. It is of intrinsic importance that before any election is called for; there should be a review of the operations of ZEC, media laws and to enable a conducive electoral environment by repealing POSA, AIPPA and by religiously upholding basic freedoms and best standards. Measures should also be taken to ensure electoral openness and transparency on all electoral processes from the registration of voters to the timeous announcement of results.

The formation of this composite government comprising of people of diverse political background can be taken as an opportunity for civic society to engage government in influencing people-oriented policies.