



BALLOT UPDATE

Issue No. 10, January, 2010

INTRODUCTION

The three main political parties have been wrangling over the implementation of the Global Political Agreement since it was signed in September 2008. The MDC-T has argued that ZANU-PF has consistently violated the terms of the agreement and demands, among other issues, the reversal of the appointments of the Central Bank Governor and the Attorney General. ZANU PF is calling for the removal of targeted sanctions and the closing down of external radio stations. The forthcoming consultative phase of Zimbabwe's constitutional revision process is expected to last about three months, followed by the process of drafting the document, then a national referendum probably by September or October 2010.

The Zimbabwe Election Support Network (ZESN) remains dedicated to the promotion of democratic elections in Zimbabwe in order to realise its vision. The current update continues to analyze the national political context and 45 rural constituencies that have been systematically selected. These 45 constituencies were selected according to criteria noting areas with pending by-elections, areas that experienced high levels of violence as well as those which had a candidate winning by a small margin in the last election. The update thus captures the political developments in the country in January, 2010.



Issue	Region	COMMENT
Constitution Making Process	National	The process of constitutional reform though six months behind schedule advanced another step when from 11 to 13 January 2010 COPAC trained more than 625 outreach personnel for the constitution process in Harare after similar sessions the previous week for parliamentarians and thematic committee heads. ZESN observed disturbances during the training sessions as women complained that they were grossly under-represented. Some of the chiefs present were reported to have attempted to influence the process of the training sessions. Generally members of the civic society did not attend the training. ZESN also learnt that a number of people who were brought in were not on the initial list. All political parties were represented. ZESN notes with concern that some participants remain unaware of how involving the process is, and seem to lack experience and knowledge of what they are expected to do. COPAC has since announced that the forthcoming consultative phase of the reform process was going to last about three months, followed by the actual drafting and a referendum by October. Parliamentary Select Committee co-chairman Munyaradzi Mangwana of the ZANU-PF party and Douglas Mwonzora of the Movement for Democratic Change formation were extensively quoted in the media explaining that the training was meant to

		ensure uniformity in the consultative process and avoid partisanship. They also said that outreach teams were to be deployed the following week equipped with a questionnaire to help them compile the views of Zimbabweans on the new constitution. This was later followed by disagreements on the political parties' representation in the process and the quality of rapporteurs.
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		The Chief's Council of Zimbabwe President Robert Mugabe, was quoted in the state-run Herald newspaper, warned the government to be wary of civic groups which he threatened might attempt to hijack the constitution-making process.
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		On the other hand, the Constitutional Affairs Minister Eric Matinenga repeated that everything was proceeding according to plan. Matinenga further appealed to a government constitutional committee to be guided by the views of ordinary citizens in crafting a new charter for Zimbabwe, in what appeared an attempt to allay civic society fears that the executive will manipulate the reforms. Civic society groups remain sceptical over the government-led constitution reform exercise. The national labour and student movements and the outspoken National Constitutional Assembly (NCA) political pressure group have vowed to campaign against the reforms arguing that the process is open to abuse by the country's three governing parties.
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		Furthermore on 27 January Zimbabwe Peace Project (ZPP),
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		Zimbabwe Election Support Network (ZESN) and Zimbabwe Lawyers for Human Rights (ZLHR) launched its Independent Constitution Monitoring Project dubbed the 'ZZZICOMP'. During the launch the three organisations explained that the project has been set up to independently assess and evaluate the Article 6 constitution-making process against established principles, benchmarks and standards of constitutionalism and constitution-making, including openness and transparency, inclusivity, legitimacy, accessibility and receptiveness.
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They further raised concern on the issue of selective application of the law targeting human rights defenders and perceived and real supporters of the Movement for Democratic Change is still rampant.

ZZZICOMP added that the institutions of justice delivery remain unreformed and continue to contribute to the culture of impunity. Incidents of political violence continue to be documented, and the polarization of society that marred the 2008 elections has not been addressed. In January alone they cited that there have been at least 8 documented and confirmed incidents of torture, assault and various forms of intimidation, allegedly by ZANU-PF youths, Zimbabwe Republic Police and Zimbabwe National Army personnel in Mudzi, Kuwadzana, Domboshava, Chimbondoro, Chiramwiwa and Harare.

Constitution Making Process	Initiatives of NGOS in conscientizing communities on the constitution-making process	On 16 January a member organization of ZESN, Zimbabwe Human Rights Association (ZIMRIGHTS) launched its report entitled Grassroots Views on The Constitution which revealed that many rural Zimbabweans do not trust politicians to correctly put through their views as said in the constitution making process despite the implementation of the GNU. The civic group said the constitution making process might, as a result of this mistrust, suffer from apathy. Many people still do not believe that mere participation in national issues such as the ongoing constitution-making exercise will change their situation for the better. The organization said it consulted more than 65 000 people in the 10 provinces of the country in compiling the report. The consultations were concentrated in rural areas and were held on a ward bases. In most parts of the country that include some areas in Masvingo, Matetebeleland, Manicaland, Midlands and Mashonaland provinces there is little knowledge on the constitution making process although NGOs have taken the initiative to inform people. NGOs cited include Zimbabwe Legal Resources Foundation, ZESN, ZimRights and CIVNET among others. Bulawayo Agenda is also continuing with its series of awareness workshops on the new constitution while ZESN has also been disseminating information on conflict transformation and peace building and focus group discussions on 'Electoral Systems, systems of Governance and Electoral Management Bodies.
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	The Constitution-Making Time Table	22 WOZA activists were arrested on 18 January in a private home in Pumula where they were holding internal consultations of their structures on the constitutional reform process. The meetings were held ahead of the constitution making process which began on Monday the 4th of January, 2010 with a meeting of all members of parliament to discuss their role in facilitating the consultative process in their constituencies. On Tuesday 5th January, 2010, there was a training workshop for members of parliament and their deployment to their respective constituencies for the consultative process. Registration for all outreach personnel took place on Sunday 10 January, 2010 from 11 to 13 January. Deployment of outreach teams to provinces was expected to start on Wednesday 13 January, 2010, however this has been delayed due to lack of resources and disagreements on the <i>rapporteurs</i>. Rapporteurs were forwarded by ZANU-PF and the two MDC formations. COPAC also announced that there will be 3 consultative meetings in each rural ward and 1 meeting in every urban ward. Constitution Outreach teams will visit all the 1548 wards in Zimbabwe's every constituency. The outreach programme has not started and it is considered unlikely to commence before the third week in February, it is also planned to last for at least 65 days.
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		A ZESN representative co-chaired the thematic committee on executive organs of the state. The organisation also provided technical support to the thematic committee on elections, transitional mechanisms and independent commissions. ZESN presented a paper to this latter committee and assisted in the drafting of the questionnaire that will be used by the outreach team.
	Land	Zimbabwe's unity government faces serious hurdles following fresh farm invasions that started end of 2009 and continued through January 2010. According to media reports, one farming family in Rusape was physically attacked by land invaders on Tuesday 19 January 2010. In addition ZESN also received reports that at least five more farmers in Rusape have been handed notices to leave their properties, as the drive to remove the remaining white commercial farmers continues to intensify. The Commercial Farmers Union also reported that soldiers have been deployed across the country to ramp up seizures of land belonging to Zimbabwe's few hundred remaining white commercial farmers. The spokesman for Movement for Democratic Change (MDC), Nelson Chamisa warned that any further farm invasions by Zanu (PF)

		would result in the opposition party considering withdrawing from the inclusive government. But President Robert Mugabe's spokesman, George Charamba, vehemently dismissed claims that there were further farm invasions in Zimbabwe arguing that the process was called "farm repossession". The General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ) reported that the continued disruptions on farms have resulted in more than 1 500 farm workers losing their jobs in the month of January alone.
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Human Rights And Fundamental Freedoms	Southern African Development Community Tribunal	In mid January, a South African High Court judge again granted permission to three Zimbabwean farmers backed by the AfriForum rights group to launch a legal action against the Zimbabwean government to force compliance with a ruling by the Namibia-based Southern African Development Community tribunal that seizures of white-owned commercial farms were illegal. The tribunal also ordered government to compensate dozens of farmers who had already lost their properties under its compulsory land seizures that began in 2000. On 26 January Justice Patel dismissed an application for the registration and enforcement in Zimbabwe of the SADC Tribunal's decision of 28th November 2008. He further rebuffed the ruling saying it did not recognize the tribunal, and has recently stepped up expropriations. The ruling paves way for the litigants to move the case to the Supreme Court seeking to compel Zimbabwe and South Africa to enforce the November 2008 SADC tribunal ruling in keeping with a recently signed bilateral agreement for the protection and promotion of cross-border investments.
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Healing And Reconciliation	Community Perspectives On National Healing And Reconciliation	ZANU PF supporters are pushing for the resignation of provincial governor Jason Machaya, whom they accuse of fuelling divisions and lawlessness in the Midlands province. The squabbles have sucked in senior party officials from rival factions in the former ruling party. Machaya is also ZANU PF provincial chairperson for the Midlands. Among other things, those calling for Machaya's resignation are saying he has failed to demonstrate leadership in a case where his son Farai Machaya and three others have been charged with the murder of Moses Chokuda, a Movement for Democratic Change (MDC-T) activist in March last year.
	Distribution of farm implements	In Mashonaland Central ZESN monitors have reported that a ZANU PF official distributed agriculture inputs (fertiliser) on the 6th of January 2010 at Bindura Town House. There was no discrimination along party lines. Still in Mashonaland Central in Guruve North a ZANU PF councillor also distributed fertiliser only to supporters of his party in the area. This was done on the 9th of January 2010 in the councillor's ward.
	Media	The Zimbabwe Broadcasting Holdings has failed to open a second television channel as announced in December to the public mainly because of under capitalization. Media reports revealed that the state controlled sole broadcaster is reported to have failed to equip the new television station which has been only showing the company logo since December last year when it was launched.

Note on internal functioning of political parties:

MDC T	Corruption	The MDC-T has set up a 13-member team to probe at least three ministers and several legislators and councillors on corruption charges. The party, led by Prime Minister Morgan Tsvangirai, says those implicated in underhand dealings would be dismissed. The team, led by the party's deputy secretary-general Tapiwa Mashakada, is also comprised of Local Government deputy minister Sessel Zvidzai, Last Maengahama, Kadoma Central MP Editor Matamisa and Chimanimani West MP Lynette Karenyi. Media reports initially said three ministers were being implicated in allegations which have been strongly denied by the MDC T. However there were also reports that the party had come up with a code of conduct which was soon to be taken to the national executive committee and then national council for approval. The code would require MDC-T ministers, legislators and councillors to declare their interests and assets in line with modern trends to ensure that there is accountability and transparency.
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