

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

**August to September Issue
2011**

INTRODUCTION

This period was marked by a number of critical political developments at the domestic level as well as at the regional level. At the domestic level, Parliament opened amid reports of violence and surprising revelations from WikiLeaks, the contents of which astounded the electorate. The main question is what the implications of these events are on Zimbabwe's political landscape as Zimbabwe heads for elections. SADC's decision to boost JOMIC by providing three delegates appears to have exposed the cracks in the GNU. Zambia's tripartite elections demonstrated its maturity to a democracy. This ballot update provides an analysis of these issues and their implications for elections in Zimbabwe.

The Zimbabwe Election Support Network remains dedicated to the promotion of democratic elections in Zimbabwe. In line with this objective, we continue to analyse the political environment in the 210 constituencies where observers are deployed. This update is informed by observations from these constituencies and broadly captures national political developments in Zimbabwe.

Electoral reforms		to make way for future processes. ZESN observed with disquiet the failure by the Parliamentary Portfolio Committee on Justice and Legal Affairs to conduct public hearings on the proposed electoral reform bill that has been tabled before Parliament. Input from the public on such an important Bill is critical, adding value to the debate on the bill, and illuminating public opinion on sticking issues in the Bill. While the holding of public hearings is entirely within the discretion of Parliament, ZESN strongly urges Parliament to take a participatory approach and not to overlook the views of the citizens. This, in ZESN's view is essential as politic in Zimbabwe cannot continue to be focus on three political parties to the point of exclusion of all else. ZESN is also apprehensive about a number of issues that have not been comprehensively dealt with in the Bill such as: the lack of a specific campaign period, inability to clarify the role of the security sector in electoral processes, inability to remove the voter registration component from the Registrar General's office among others. ZESN observed Zambia's tripartite elections that took place on the 20th of September 2011. While the process encountered a few problems, ZESN's overall assessment was that it was credible election which enables the free expression of the will of the people of Zambia. From its observation of the election, ZESN highlighted a number of critical issues that Zimbabwe can draw as lessons from its northern neighbour.
Zambia Tripartite Elections		• The voter registration process in Zambia resulted in a biometric voters' roll that was complete, up to date and comprehensive, which in turn increased the confidence of voters in the electoral process. Sufficient time and resources appear to have been put into this process. In addition to this, the voter register was accessible to all stakeholders at a reasonable price further enhancing transparency and confidence. • While limited voter education was provided, by the Electoral Commission of Zambia (ECZ), a central message that permeated the electoral campaigns by the Commission, political

		parties and civic groups was peace and how it was important to have a peaceful election. • In a new development, the ECZ provided a tactile ballot paper for Presidential election to assist voters with visual impairment. This however was not extended to ballot papers for parliamentary and local government candidates, an issue that raised the ire of civic groups representing people living with disability. Though a positive development, this was generally viewed as an insufficient step towards inclusivity for people living with disability. The ECZ was further taken to task about accessibility of polling stations among other issues. It is important for Zimbabwe as we prepare for elections to take note of the needs of people living with disability in the preparation of the vote. Such deliberate measures will increase inclusivity and reduce marginalization in political affairs that affect their daily lives. • An important lesson that can be gleaned from Zambia is existence of a code of conduct for political parties and the media that is enforceable through a system of Conflict Management Committees. In order to popularise it, the ECZ advertised this code of conduct in newspapers, magazines and other forms of media. • While there was sporadic incidence of politically motivated violence, citizens in Zambia have respect for political diversity. There was ability to interact among citizens of different political persuasion to interact without acrimony. The respect for difference is a sign that Zambia is maturing as a democracy and people can agree to disagree. • Zambia provided a model of transparency in the invitation of international observers. It is commendable that the ECZ is in charge of all invitations and accreditations of international observers. Observer groups such as the European union, Commonwealth, the Chinese, EISA, SADC Parliamentary Forum, SADC Elections Commissions Forum, African union were represented, a demonstration of respect for diversity, tolerance and
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Expulsion of Dr T Mutinhiri Respect for human rights in Zimbabwe		openness. While the change of leadership in Zambia came as a surprise to many especially the Movement for Multiparty Democracy (MMD), their ability to gracefully relinquish and hand over the reins to the Patriotic Front (PF), is a sure sign of a maturing democracy. The essence of elections is to allow citizens to choose leadership of their choice and political parties need to respect people's choices. The presence of power transfer mechanisms in the constitution and the professional role of the security sector in Zambia are also factors contributing to the smooth transfer of power. The expulsion of Dr Tracy Mutinhiri which took place during this period creates another constituency in Parliament without representation. Since the moratorium on by-elections in Zimbabwe, the number of constituencies without Members of Parliament increases to 14 and 9 Senatorial Constituencies. The appendix below shows the number of constituencies without representation. ZESN remains concerned about the lack of representation and urges the government to find ways of dealing with these problems. Zimbabwe is a representative democracy and the lack of representation prejudices these constituencies as their issues and views cannot find expression on the national agenda. ZESN observers continue to monitor the political environment in Zimbabwe. While there is a semblance of calm in most parts of the country, political tension remains present as evidenced by restrictions to freedom of assembly and expression that remains pervasive. In Chiredzi North, observers have reported the presence of a "base" in ward 21, Mkwesine Estates which is manned by approximately 36 youths and presided over by two war veterans (names withheld). Residents around this area are being forced to contribute towards the welfare of this group. The phenomenon of 'bases' has been problematic since 2008 when these places were used as places for torture of perceived opponents mostly MDC supporters. ZESN continues to condemn the resurrection of such bases as inimical to tolerance and peaceful coexistence. Observers in constituencies such as Mberengwa West, Gokwe Chireya, Mutasa South and Zaka
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		Central reported that people are being forced to attend ZANU PF meetings as well as buy party cards, actions which should be voluntary not coerced. Observers in Chirumanzu North reported that at a rally presided over by ZANU PF on the 9th of September 2011 at Fairfields, the official speaker (name withheld) stated that Chirimanzu must be only for ZANU PF people. Such statements do not promote peaceful co-existence between people of differing political parties and does not show respect for diversity. ZESN condemns the use of language that sows seeds of division among citizens in a country that is grappling with unity and reconciliation. In Nyanga South observers reported that village heads that are perceived to be MDC supporters have been removed and replaced with perceived ZANU PF supporters. Further, the impartiality of some chiefs and headman remains questionable given observations from observers on the role they are playing in canvassing for support for ZANU PF in rural constituencies. Observers in constituencies such as Chiredzi South, Zaka Central, Gutu West and Chipinge East among others have reported the partisan role of traditional leaders. This ranges from canvassing for support for ZANU PF to threatening residents of expulsion if they are found to be supporting MDC. Observers have reported the resurgence of farm invasions in areas such as Chipinge East, Chegutu, Chiredzi and Mwenezi West, accompanied by different levels of violence. In Chiredzi, farm invasions remain a constant threat as youths use them under the rubric of “empowerment”. Also in Chegutu District, private properties being forcibly taken away from white owners. There has also been confiscation of houses belonging to individuals under the Garikai Housing Scheme in Shamva, and Sunway City in Epworth. In Hurungwe Central, the death of General Mujuru resulted in vendors being forced to contribute towards buying fuel to ferry people to Harare for the burial. While the role of Cde Mujuru in Zimbabwe’s liberation struggle is unquestionable, ZESN condemns coerced participation and encourages political party activists to use suasion for citizen participation in such activities in the future.
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		Observers also reported partisan distribution of inputs, market stalls and food packs in some constituencies such as Makoni West, Makoni Central and Highfield East. Observers reported violence at Machipisa's open market in Highfield where running battles took place between stall owners and ZANU PF youths as they wanted to evict perceived MDC supporters from the market. These disruptions in people's livelihood activities do not show respect for the welfare of people. In addition, in places such as Chitungwiza-Makoni Centre, Highfield-Machipisa Shopping and other high density suburbs where there are shopping malls and open markets, traders and vendors are asked to produce Zanu PF party cards as a prerequisite to acquire market stalls. All Zimbabweans are equal and have rights to opportunities to make a living and ZESN condemns all forms of discrimination and urges tolerance among political parties.
Conclusion		ZESN remains committed to monitoring Zimbabwe's political environment and analysing their implications for the conduct of elections in Zimbabwe. While some areas in Zimbabwe are experiencing human rights violations in various ways, observers have also noted areas where people's rights are respected. ZESN envisages a Zimbabwe where people's rights are respected and protected. In pursuance of our mandate of promoting a democratic Zimbabwe where free and fair elections are conducted, ZESN advocates for these minimum conditions: • <i>The creation of a violent-free environment where freedom of assembly, association and speech among others are upheld.</i> • <i>Election observation forms a critical element in any election, ZESN calls for the opening up of election observation to all interested stakeholders and for the invitation to be given by ZEC and not an executive arm of government.</i> • <i>Furthermore, ZESN remains concerned about the state of the voters' roll and calls for the production of a fresh voters' roll.</i> • <i>ZESN advocates that ZEC should be independent of executive influence and report to</i>

		<i>Parliament, be well resourced and be given its full mandate in the management of the election.</i> <i>ZESN believes that for elections to be free and fair there is need for transparency in all processes of the elections which include among others results management, transparency in the processing of postal votes.</i>
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Appendix 1

As of 28 September 2011, according to Parliament of Zimbabwe, there were 14 vacant seats in the lower house of Assembly and 8 in the Senate.

HOUSE OF ASSEMBLY					
	CONSTITUENCY	REASON FOR BY-ELECTION	PARTY		
1.	Gokwe Gumunyu	MP Ephraim Mushoriwa deceased	ZANU PF		
2.	Matobo North	Incumbent was elected to be Speaker of Parliament (Lovemore Moyo)		MDC T	
3.	Mt Darwin	Retained Vice President position	ZANU PF		
4.	Guruve North	Death of MP Cletus Mabharanga	ZANU PF		
5.	Bindura North	Death of MP Elliot Manyika	ZANU PF		
6.	Mutare North	MP Charles Fungai Pemhengahayi deceased	ZANU PF		
7.	Nkayi South	MP Abednico Bhebhe expelled from party			MDC M
8.	Bulilima East	MP Norman Mpofu on expelled from party			MDC M
9.	Lupane East	MP Njabuliso Mguni on expelled from party			MDC M
10.	Emakhandeni - Emtumbani	MP Conelius Raphael Essalph Dube deceased		MDC T	
11.	Makoni Central	MP John Nyamande deceased		MDC T	
12.	Mabvuku	Mp Shepherd Madamombe deceased		MDC T	
13.	Mwenezi West	MP Neddie Masukume	ZANU PF		
14.	Marondera East	MP Dr Tracy Mutinhiri	ZANU PF		
TOTAL SEATS VACANT (14)			7	4	3

SENATORIAL CONSTITUENCY					
1.	Chegutu	Incumbent was elected to be President of Senate (Edna Madzongwe)	ZANU PF		
2.	Chiredzi	Incumbent appointed to be provincial governor (Titus Maluleke) for Masvingo	ZANU PF		
3.	Gweru – Chirumhanzu	Senator Patrick Kombayi deceased		MDC T	
4.	Chitungwiza	Senator James Makore		MDC T	
5.	Non –Constituency	VP Joseph Musika	ZANU PF		
6.	Gokwe South	Sen Machaya J. elevated to Governorship	ZANU PF		
7.	Mberengwa	Senator Richard Chemist Hove	ZANU PF		
8.	Chiefs Rep in the Senate Mat South	Chief Joseph Bidi			Chiefs Electoral College
9.	Hwange Constituency	Jabulani Ndlovu		MDC T	
TOTAL SEATS VACANT 9			5	3	1