

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

October-November Issue 2011

INTRODUCTION

The period has been characterised by escalating violence and tension in the country. Violence and tension characterised the public outreach exercise of the electoral amendment bill and the various political party activities resulted in violence. This update provides an expose and analysis of political developments for the period and their implications for the conduct of elections in Zimbabwe.

The Zimbabwe Election Support Network remains dedicated to the promotion of democratic elections in Zimbabwe. In line with this objective, the organisation continues to analyse the political environment in the 210 House of Assembly constituencies where its observers are deployed. This update is informed by observations from these constituencies and broadly captures national political developments in Zimbabwe. For comments and feedback email: info@zesn.org.zw or zesn@africaonline.co.zw.

ISSUE		COMMENT
The GPA		<p>The period under review clearly demonstrated the inability of the GNU to bring tangible political reform to the country. The politics of continuity remain very visible where the status quo has not reformed. While the GNU was meant to foster among other things respect for human rights and non violence conflict resolution, violence and intimidation remain weapons of choice for political parties. The occurrence of violence is an indication that Zimbabwe political protagonists are a long way from peaceful resolution of disputes and tolerance of diversity.</p> <p>The inclusive government, having achieved economic stability, service delivery and some reforms, has not been able to swiftly move on other key issues like Media and Security Sector reforms. The principals to the GPA have not been able to stop the violence that has been rocking some parts of the country.</p> <p>ZESN notes the premature calls for elections in 2012 yet general elections should be premised on the completion of the constitution making process. ZESN condemns these premature calls as they divert attention from important issues such the constitution making process, national healing, peace building in communities and electoral reforms among others.</p> <p>ZESN analysis shows a clear relationship between calls for elections and the increase in the incidence of violence.</p> <p>The GNU has failed to bring in fundamental reforms that will lead to durable peace and change the rules of the political game that will sustain peace. The violence that took place in Hatcliffe and Chitungwiza are clear illustration of the fragile peace that Zimbabwe is in and the need to transform it to a durable peace. Violence also characterised the public hearings on the electoral amendment bill yet after experiencing post-elections violence one would think that Zimbabweans making progressive contributions to the bill.</p>

<p>Electoral reforms</p>		<p>ZESN notes with concern threats of enforced disappearances that observers have recorded as a new tool of violence in the next elections. ZESN Observers have reported a change in strategy by supporters of ZANU PF from overt violence during elections as was experienced in the past to enforced disappearances.</p> <p>The GNU has not been able to resolve the Diamond issues and ensure that proceeds from these minerals feed into the national fiscus. There have been leakages and ZESN fears that failure of these resources to be accounted through the treasure has implications for political finance and could be used to finance political violence. National resources should be used to advance the development of the country and not benefit a few people.</p> <p>The socio-economic rights that include the right to food, health, education, work, shelter and basic utilities such as water remain unreachable for the majority of Zimbabweans. While there have been improvements, there remains major gaps in provision and affordability. The right to work has not been fulfilled as unemployment remains over 90 per cent with the majority being youths. ZESN is concerned about levels of unemployment as they create a pool of desperate that can be used as instruments of violence.</p> <p>The Electoral Amendment Bill was put to the public for views and comments in the month of October 2011. ZESN shadowed the public hearings conducted by the Parliamentary Portfolio Committee on Justice and Legal Affairs. ZESN welcomes measures to consult citizens on the laws that affect the very core of their lives. However, while the process was commendable, it was marred with intimidation and violence. The environment in which the views were aired was in most cases inimical to freedom of expression due to the tense atmosphere created by fear of victimisation and intimidation. Citizens seemed agreed that the polling station based voters roll</p>
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<p>The Constitution Making Process</p>		<p>would provide opportunity for retribution and victimisation of the electorate. There was disagreement on the time frame of elections results with some citizens noting that if Zambia could announce results in 24 hours, Zimbabwe can do the same as five (5) days seems to be too long a time and some citizens aired fears of results manipulation if too much time was given between the end of polling and the announcing of results.</p> <p>There are a number of issues ZESN notes that the bill is silent on such as transparency on the number of ballot papers printed, the ambiguity of special voting and the lack of a specific campaign period which has led to perpetual campaigning form the last election. In addition, issues around the role of the security sector in electoral issues remain unclear. In addition, the Voters Roll remains with the Registrar of Voters in Registrar General Mudede’s office yet it should fall totally under the control of ZEC in its entirety. ZESN notes the inadequacy of the meeting points which made participation exclusive instead of inclusive given the few centres that the committee visited. The hearings need to be more widely spread in the future for them to be truly national.</p> <p>ZESN notes progress in the constitution making process with the drafting team constituted and the national reports having been compiled in this period. ZESN condemns the secrecy with which the process is being done outside of scrutiny of civic groups. The continued politicisation of the process, has led to the alienation of citizens and the question of whose interests the parties advancing remains pertinent.</p> <p>The constitution making process has been marred by mistrust and suspicion, at intra-party and inter-party levels which has not provided for the vision of crafting a document that will move Zimbabwe from the political crisis to sustainable peace and good governance.</p>
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<p>Human rights and fundamental freedoms</p>		<p>Respect and protection of human rights in Zimbabwe has been uneven with incidents of violence and intimidation distributed more in some constituencies than others. One of the objectives of the GPA was to ensure respect, protection and enjoyment of human rights for citizens. To a large extent this has not been realised as there continues to be curtailment of various freedoms such as freedom of association, freedom of assembly, freedom of speech among others.</p> <p>Regarding the right to assembly which has been a critical issue in Zimbabwe, the police have gone beyond their mandate of being informed of a gathering and providing security and giving permission. Failure to uphold freedom of assembly, association and speech led to the violence that took place in Hatcliffe, Harare North and Chitungwiza. ZESN observers have reported that youth militia have been responsible for violent acts in Mbare, Muzarabani and Zengeza 4. ZESN observers have reported that most acts of violence and intimidation are aimed at MDC supporters or perceived opposition supporters. Observers have reported that opposition supporters have been warned with unspecified actions if they continue with their activities.</p> <p>The Matebeleland provinces have remained largely peaceful except for constituencies such as Insiza and Lupane. Lupane has been cordoned off other political parties except ZANU PF and civic groups since July. In Insiza constituency citizens live in fear of Para reserve, a youth group that is invading mines belonging to perceived anti- ZANU PF supporters. The right to association and assembly have been most violated in Matebeleland north where the authorities in charge of the police have refused civic organisations and other political parties except ZANU PF police clearance. The lack of tolerance to other groupings is highly problematic given that the GNU was meant to work to increase cooperation among previously contending groups. Such incidents</p>
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		<p>point to a grave lack of institutional reform that would make these public institutions more accessible and more non partisan.</p> <p>While there is a moratorium on farm invasions in the country, they have continued in areas such as Mountezuma and Katsvairo which are located in some parts of Magunje. Farm invasions have also been witnessed in Mangwe.</p> <p>Citizens have a right to livelihood and given the agrarian nature of our economy, input distribution is critical to livelihoods of the farming communities. ZESN observers in Mashonaland provinces have observed partisan distribution of inputs and the increasing trend of using army structures as well as political structures in the distribution of inputs. Such occurrences have been reported in Marirangwe, Zaka Central, Ward 8, Nyanga South, Magunje, Mazowe South, Harare North- Hatcliffe, Mhangura and Uzumba.</p> <p>The arrest of political party activists and human rights activists continues unabated. ZESN has observed the continued arrest and intimidation of human rights activists from organisations such as ZimRights, the surveillance of Jestina Mukoko and the arrests of MDC (T) activists.</p> <p>Human rights violations have been reported in Mkoba, Gokwe Central, Gutu West, Headlands, Mutare South and Nyanga South. The gravity of the violations has been varied with citizens in areas such Mutare South facing serious human rights violations that include destruction of private property by fire.</p> <p>ZESN observers continue to report forced attendances to ZANU PF rallies in constituencies such as Buhera North, Mwenezi East, Zaka East, Mberengwa North, Mbare, Gokwe Mapfugautsi, Gokwe Kabuyuni, Gokwe Sengwa, Chiredzi East, Hurungwe North, and Musikavanhu. ZESN urges</p>
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		<p>political parties to respect the will of the people and to attract supporters through their programmes and not through coercion. ZESN observers have reported the partisan allocation of residential stands to ZANU PF supporters in areas such as Harare north where there are housing cooperatives. Beneficiaries of these residential stands are then forced to attend meetings nearly every day which disrupts other income generating activities. The liberation was meant to give people choices and the ability to make their decisions and have these decisions respected.</p> <p>ZESN is concerned about the threats of violence being levelled on the citizens during political party meetings. ZESN observers in Hurungwe North have reported that during a political meeting, the electorate were warned that to lose elections for ZANU PF means war and many will disappear. The threats of disappearances have been made in a number of constituencies in the Mashonaland east and central provinces. The electorate have been warned that the new strategy is not overt violence but enforced disappearance phenomena Zimbabweans experienced in 2008. ZESN cautions the electorate to be cautious and to take their security seriously particularly those political party activists.</p> <p>ZESN notes the continued violation of the GPA provisions particularly at the political level. Political parties have not adhered to Article X of the GPA which provides for free political activities. The right to political parties to canvass for support and to sell its programmes to the electorate. The article provides for freedom from harassment and intimidation which have not been realised as the preponderance of observers in the 210 have reported that there is a lack of freedom for the electorate to support political parties of their choice. The police have not been trained as provided for in the GPA to understand and appreciate the right of freedom of assembly and association as well as the proper interpretation of security legislation. This has resulted in the police continuing to violate the right to assembly and association in Zimbabwe. Freedom of association and communication has been continually violated with citizens in some</p>
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<p>By-elections</p>		<p>constituencies being denied the right to read newspapers of their choice. Observers have reported harassment to citizens for reading independent newspapers as well as civil society publications such as the Legal Monitor.</p> <p>Bulawayo High Court Judge Justice Nicholas Ndou ordered President Mugabe and ZEC to announce dates for the by-elections in three constituencies within a period of two weeks. The Bulawayo High Court ordered that the President call for the three by-elections in Matebeleland (Lupane East, Nkayi South and Bulilima East). ZESN notes that the lack of parliamentary representation in these constituencies and many others has resulted in uneven voices in parliament. ZESN notes that the two weeks deadline has lapsed and there is a lack of political will to ensure equality of representation for Zimbabweans. ZESN calls for the lifting up of the moratorium on by-elections as it infringes on citizens right to choose and to have leaders of their choice. The suspension of by-elections is against the ethos representative democracy.</p>
<p>Conclusion</p>		<p>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:</p> <ul style="list-style-type: none"> • <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>

		<ul style="list-style-type: none">• <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 Parliament, be well resourced and be given its full mandate in the management of the election.</i> <p><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></p>
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