

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

Issue No. 11, February, 2010

INTRODUCTION

The 13th of February marked the first anniversary of the Government of National Unity. The year has been witness to a series of deadlocks, and bickering over “outstanding issues” of the Global Political Agreement of September 2008. While the much awaited JOMIC review on the implementation and results of the GPA has yet to be released, the Civil Society Monitoring Mechanism of which ZESN is a participant launched its annual review of the Government of National Unity at a reception in the Jameson Hotel on Friday the 12th of February. The report highlights the continued violence targeted at MDC supporters, human rights defenders and activists. It also notes delays in resolving the outstanding issues of the GPA and non-compliance on a number of issues.

The month has witnessed trading of legislative blows regarding each party’s “outstanding issues”. A motion calling on the Prime Minister Morgan Tsvangirai and the Deputy Prime Minister Arthur Mutambara to “engage the European Union, the United Nations and the British and American governments to urgently and unconditionally remove the illegal sanctions imposed at their instigation” was moved by ZANU PF in the House of Assembly. The MDC countered this action by reintroducing a motion calling for an investigation into election violence during the 2008 harmonised elections. Notably, a Private Members Bill to amend the Public Order Security Act was moved in the house.

On a positive note the principals of the inclusive government have agreed on the chairs of the Electoral Commission, the Human Rights Commission and Media and Information Commission. The three chairs were named as Justice Simpson Mtambanengwe, Professor Reg Austin and Mr Godfrey Majonga respectively.

There has been notably little progress regarding the constitutional outreach process this month. However ZESN has observed minimal levels of local public discussions regarding the constitution reform process.

The Zimbabwe Election Support Network remains dedicated to promotion of democratic elections in Zimbabwe. In this vein the organisation continues to analyse the national political environment in 45 rural constituencies that have been systematically selected. The criteria for selection has been to identify areas with pending by-elections, areas that have experienced inordinately high levels of political violence as well as constituencies in which a candidate succeeded by a notably small margins. This update is informed by observations from the chosen constituencies and broadly captures national political developments in February 2010.

ISSUE		COMMENT
GPA GNU	Anniversary of the GNU:	February 13 2010 marked the first anniversary of the Government of national Unity. The year has been witness to a series of deadlocks, and bickering over “outstanding issues” of the Global Political Agreement of September 2008. The remaining critical outstanding issues at this point include the appointment of the reserve bank governor and the attorney general, the removal of Western Sanctions on Zimbabwe, the continued broadcasting of external radio stations (labelled pirate radio stations by ZANU-PF). Progress in terms of achieving the goals of the GPA has been minimal as the timelines for the constitutional writing and outreach processes have not been kept to.
	JOMIC’s review	The much awaited JOMIC review on the implementation and results of the GPA is currently still being compiled. The committee has announced that the report in keeping with Article 23 of the GPA will be out in due course.
	Civil Society Reviews of GNU	The Civil Society Monitoring Mechanism of which ZESN is a participant launched its annual review of the Government of National Unity at a reception in the Jameson Hotel on Friday the 12th of February. The report highlights the continued violence targeted at MDC supporters, human rights defenders and activists. It also notes delays in resolving the outstanding issues of the GPA and non-compliance on issues including economic reform and recovery, humanitarian and food assistance, constitutional reform, political justice and transition and media reform among a plethora of other issues. The report also gives a number of specific recommendations under each cluster as well as general

		recommendations and conclusions.
	Appointment of commission chairs	February has been witness to some progress on the part of the GNU, particularly in relation to the appointment of the chairs for the Electoral, Human Rights and Media and Information Commissions following lengthy meetings between the three principals in the inclusive government. The members of the Commissions are yet to be officially sworn into office. The chairs of the Electoral and the Human Rights Commissions were named as Justice Simpson Mtambanengwe and Professor Reg Austin respectively. Mr Godfrey Majonga has also been named as the chairperson the Media and Information Commission. The creation of these bodies was mandated under the GPA. However they are still concerns on the slow process of setting up these commissions. On ZEC, ZESN is concerned with the Chair being based outside the country.
	POSA amendment bill	Mutare Central Member of Parliament and MDC-T Chief-whip Mr Innocent Gonese successfully moved a motion to introduce a private members bill on the Public Order and Security Act (POSA). The bill was gazetted, amid strong resistance from ZANU-PF Members of Parliament, on the 11th of December 2009. The bill, named the POSA amendment 2009 stands before the defence and home affairs portfolio committee and the parliamentary legal committee which have since conducted public hearings at different venues across the country in order to gather the views of stakeholders and members of the public. The bill focuses on ten areas of reform which include the definition of public gathering, the shortening of the notification period for public meetings from 7 to 4 days, and removal of the obligation to carry identifications, which has already been judged unconstitutional. Public hearings on the bill were held across

		the country between the 15th and the 23rd of February. ZESN observers at the Harare public hearing noted that despite the relatively low public turnout, there were submissions from a number of civic organisations including ZLHR, ZIMRIGHTS, GALZ, MISA, and VERITAS. ZESN welcomes this bill which it views as timely amendment to this repressive and often selectively applied law. Since its inception in 2002 this bill has served to curtail public meetings, gatherings, and has resulted in the arrests of as many as 1446 people in 2008 alone according to ZLHR submissions to the public hearing. A ZESN member of staff still faces charges under POSA from an arrest in October of 2009. On the 3rd of February Hon Bhasikiti [ZANU-PF] attempted to introduce a motion calling on <i>“the Hon. Prime Minister Morgan Tsvangirai and the Hon. Deputy Prime Minister Arthur Mutambara to engage the European Union, the United Nations, the British and the American governments to urgently and unconditionally remove the illegal sanctions imposed at their instigation...”</i>. The highly contested question of sanctions, their origins as well as the power to repeal them remains ZANU-PF’s fundamental “outstanding issue” in the Coalition Government’s stale-mated negotiations. In a riposte to the Hon. Bhasikiti’s motion regarding sanctions MDC-T’s Hon Gonese re-introduced a motion calling on Parliament to investigate military-led June 2008 political violence that the party says left 200 people dead. Hon Gonese stated that the ZANU-PF motion on sanctions is in violation of the spirit and letter of the Global Political Agreement (GPA), especially after we agreed to hold our violence motion in abeyance after representations from ZANU PF that it would open old wounds. We can’t discuss sanctions without discussing violence.
	ZANU motion on sanctions	
	MDC motion on political violence during 2008 elections	

	Indigenisation Bill	The indigenisation regulations gazetted on the 29th of January will come into operation on Monday 1st March as they had been originally endorsed by the ZANU-PF politburo. This is despite condemnation of the regulations as being null and void by the Prime Minister Tsvangirai. The regulations are due to be discussed at an extraordinary meeting of the Council of Ministers on Thursday 4th March; however it is unlikely that they will be modified given recent rhetoric by the proposers. Remarks by economic analysts have shown that the regulations could possibly impact negatively on the proposed economic recovery programmes and efforts.
	Civil Service Strikes	ZESN observers in districts in Masvingo and Midlands have revealed attempts to co-opt the civil service strike by political parties. At ZANU-PF rallies it has been argued that the MDC was untruthful about improving people's lives and salaries having got into power. This has been made in reference to a campaign speech by Prime Minister Tsvangirai on the issue of salary hikes following an MDC victory. Conversely, MDC rallies in these provinces have confronted ZANU-PF claims that the state lacks money for salary improvements. Speakers at MDC rallies have alluded to the profits from the Chiadzwa diamond field. Civil Servants are being encouraged to strike in order to benefit from the resources. It has furthermore been reported that members of the Public Service Association accompanied by soldiers and members of the Central Intelligence Organisation, coerced workers at the Masvingo registrar's office and teachers at Victoria High School to join the strike.
Constitution Making	ZANU PF and MDC position papers on the	ZANU PF has produced a 96 page document outlining the party's positions on the 17 thematic areas of the new constitution of Zimbabwe. The document consists of a table

Process	constitution making process	listing a series of expected COPAC questions on each of the thematic talking points for the outreach programme and the corresponding ZANU PF answers. The document draws on the Kariba draft constitution. Similarly the MDC T has also produced its position papers on the thematic areas. ZESN observers have broadly noted a conducive environment for public input and debate regarding the development of a new constitution, in areas in which public consultation has indeed taken place. In areas where there has been no public consultation, as observed by ZESN in areas in the Capital such as Kuwadzana and Dzivarasekwa, it would appear that public confidence in the constitution making process seems significantly low. Despite the examples of relatively peaceful and open public consultation, lack of adequate information and unbiased discourse seem to be pervasive in the process. ZESN observers are generally not confident that the constitution making process will be completed according to timeframe set in the GPA. It has been observed that speakers at ZANU-PF rallies have “coached” participants to unite under the Kariba Draft Constitution. Other points raised at ZANU-PF rallies have been the qualifications and term of office of an executive president, the prohibition of holding dual citizenship, the legality of homosexuality, and the reinstatement of the Zimbabwean Dollar. Rallies have also been used to select specific supporters and members who will be charged with emphasising the party’s position during the outreach process.
Electoral Reform	Diaspora Vote and Dual Citizenship.	ZESN has noted that the ZANU PF position paper for the constitutional outreach process has proposed a nationality programme which bars dual citizenship and by consequence would preclude the extension of the vote to the approximately 3 million Zimbabweans in

		the Diaspora. The current constitution also prohibits dual citizenship. A 2003 amendment to the Citizenship Act tightened the Law by requiring Zimbabweans who hold citizenship of any other state or whose parents are foreign nationals to formally renounce their “foreign citizenship” before qualifying as Zimbabwean citizens. Page 20 of the position paper proposes that only children born in the Diaspora could claim dual citizenship. ZESN continues to advocate for the extension of the voting franchise to the three million Zimbabweans who live outside the country.
Media Reform	MMPZ Report	The Media Monitoring Project of Zimbabwe noted its “disappointment” on the failure by the GPA to implement meaningful media reforms in fulfilment of its obligations in the GPA. In a statement on the GNU anniversary the organisation highlighted the dominant state controlled media continued to provide a distorted and biased news service.”They portray a false picture of the reason for the power sharing government and continue to be used as the messengers of hate-language particularly against the former political opposition...”, echoed the statement. ZESN observers have reported the echoing of these sentiments in the society at large. ZESN learned of the detention and questioning without charge of photo-journalist Andrison Manyere at Zanu-PF’s provincial offices in Harare at the start of a march by the party’s supporters against targeted sanctions imposed by the West against senior Zanu-PF officials
Respect for Human Rights and	Activists arrested	22 WOZA activists were arrested on the 2nd of February in a private home in Pumula where they were holding internal consultations of their structures on the constitutional

Fundamental Freedoms		reform process. This is one in a series of incidents in which the Organisation and its members have been targeted by police this year alone. Eleven students, including four ZINASU officials were arrested on The students were holding a meeting to address students' grievances regarding tuition fees and accommodation problems. The ZINASU Secretary General was beaten after campus security guards and police surrounded the union's meeting with the students and started making arrests. ZINASU has demanded the arrest of a University of Zimbabwe security guard, after a student leader was “severely” beaten in a crackdown by police on a public students meeting Farmers in Chipinge are reportedly still living in fear following new threats of arrest for failing to vacate their farms despite a High Court Order authorizing them to remain on the properties until finalisation of their cases. This has followed the conviction of four farmers in the district by a Magistrate with an interest in one of the farmers’ properties.
Electoral Environment	Operating environment	Generally the political environment has shown signs of stabilisation with respect to overt political violence in ZESN’s analysed constituencies. ZESN observers in areas with impending elections have broadly noted no signs of harassment or intimidation. A number of Long Terms Observers have commented on the increasing “political maturity” in their respective constituencies. Despite the above there remain a number of stark examples of indirect campaigning, and politically biased distribution of agricultural outputs. There have been several reports of biased distribution of agricultural outputs across the country, where some members of Parliament, Councillors and traditional leaders have overtly asked for ZANU-PF cards before providing seeds or fertilizer. There has been minimal activity in terms of overt campaigning for senatorial and by-elections.

	Possible election date	However the space for civil society to operate has been significantly curtailed within the past 2 months. Despite the optimism resulting from the GNU, a number of human rights violations have been reported during the month under review. ZESN learnt of the arrests of the staff of its member organization, CIVNET in Bindura. The ZIMRIGHTS Directors and some of its board members and staff have also been threatened via text and email messages. Meanwhile the Secretary General of GAPWUZ is currently in hiding after having been summoned before the Joint Operations Command regarding her role in the making of a documentary surrounding the land reform programme. ZESN is concerned about the apparent curtailment of civil society operating space particularly given the critical moment of the constitutional outreach process which will require broader participation by the citizens if the new constitution is to gain the legitimacy which it would require. ZESN emphasizes its position on the need for significant electoral reforms before the next elections.
--	-------------------------------	---