

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

Issue No 14: June-July, 2010

INTRODUCTION

The period under review saw a number of developments including the start of the Parliamentary Select Committee on the Constitution (COPAC) outreach process, the announcement of the proposed reforms to the Electoral Act by the Ministry of Justice, the exciting South African World Cup, and a surprise reshuffle of Ministers by MDC-T's President. In addition, the squabbles between Temba Mliswa, George Marere and Martin Mutasa revealed interesting dimensions of corruption and power struggles involving senior government officials.

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 and the 45 rural constituencies that have been systematically selected. The constituencies were especially selected owing to a number of reasons including those where by-elections are due, areas that experienced inordinately high levels of political violence in 2008 as well as constituencies in which a candidate succeeded by notably small margins. This update is informed by observations from the chosen constituencies and broadly captures national political developments in June and July 2010.

ISSUE		COMMENT
The Constitution Making Process	Civil society	The constitution making process which was nine months behind schedule was finally launched on the 16th of June and the outreach teams were deployed shortly after the launch. COPAC teams were deployed across the country; the teams experienced some problems relating to poor logistical arrangements regarding accommodation, transport and the payment of allowances. ZZZICOMP an initiative of three organisations that is ZESN, Zimbabwe Peace Project and Zimbabwe Lawyers for Human Rights Independent Constitution Monitoring Project has monitors deployed in the provinces to monitor outreach process. ZZZICOMP monitors and ZESN Long Term Observers' (LTOs) have reported that, low turn-out characterized some of the meetings and the co-chairpersons of COPAC were also quoted in local media confirming low turn outs in some of the meetings especially the preliminary meetings held. This could have been attributed to citizens not having adequate information about meeting centres or poor mobilisation of citizens. ZZZICOMP monitors were arrested and detained in Manicaland and Midlands provinces. Intimidation and threats were also issued to monitors. Two monitors were chased away from a COPAC meeting in Shamva South at Madziwa mine. The co-chairpersons instructed the police to arrest the monitors in The Sunday Mail of 4-10/07/2010 while they retracted their statements and encouraged organizations that wish to monitor the process two days later at a press conference convened in Harare on the 7th of July 2010. The reports received also shows that political parties have been coaching people on what to say when questions are asked by the outreach teams. This is more common in Mashonaland Provinces and this has been reported by ZESN's LTOs. People were chosen to speak on behalf of everyone and the rest are asked to say that they agree with the sentiments of the chosen speaker. ZESN observers reported that in some areas such as Hurungwe North many villagers have been warned against speaking in the outreach process. Some individuals have been nominated and told what to say. ZESN reiterates that this is a violation of freedom of expression and citizens should be able to freely express their views in the constitution making process. An observer in

		Tsholotsho North reported that people have been instructed to say they want the Kariba Draft. ZESN urges Zimbabweans to be diligent and express their views. ZESN observers also reported that at Nyamakate Business centre on the 2nd of June 2010, Councillor Jealous Mutesanwa was reported to have said; “only Mr Mugabe is the recognized leader, Tsvangirai does not exist...” Political leaders of this area encouraged councillors to choose the people who would speak on behalf of the people. ZESN emphasises that genuine participation will provide legitimacy to the outcome as the constitution is a national document and not a means to an end for political parties. Observers also reported that in Mt Darwin North, kraal heads were told to be in the ZANU PF structures so as to strengthen the party. ZESN again reiterates that traditional leaders are apolitical and should not abuse their authority against the people. ZESN observers noted that venues were suddenly changed without adequate notice and this confused citizens, thus ZESN urges COPAC to provide a consistent schedule of meeting dates, times and places which are closer to communities for easy accessibility. ZESN acknowledges the role fundamental freedoms play in ensuring that people make free and informed choices. ZESN observers have noted a litany of human rights violations that are taking place in their respective constituencies. Intimidation and harassment are still experienced in some areas like Bindura North where people are threatened with unspecified action if they are too vocal about some issues like the issue of land or presidential term of office during the ongoing outreach process. Promises of violence and that there “will be no re-run as President Mugabe will win in the first round of election” have been reported in rural areas where the reign of terror is beginning to rear its ugly head. The constitution making process has resulted in the reawakening of political tensions and citizens are uneasy about participation. We also note the selection of speakers during COPAC meetings as a violation of fundamental rights as people are deprived an opportunity to
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Ministry of Justice	Electoral Reforms	participate in the governance of the country. In addition, the mushrooming of the militia bases in Guruve North has been noted. At times roads to outreach meeting places have been blockaded in areas such as Guruve Centre and this does not give confidence on the participatory nature of the process. ZESN applauds the work that has been done by civil society organisations such as Zimbabwe Lawyers for Human Rights, Crisis in Zimbabwe Coalition, Plumtree Agenda, Musasa Project and ZimRights in increasing citizen awareness of the constitution making process in rural and remote areas. ZESN reiterates that genuine citizen participation is citizen power and not manipulation or the empty ritual of participation that does not take into account citizens' views. ZESN warns against symbolic participation in the constitution making process and calls for genuine participation empowers citizens. ZESN continues to advocate for wholesome electoral reforms and welcomes the proposed reforms that were published in the Herald of June, 30 2010. Parties agreed on a number of electoral reforms which include: the introduction of a polling station based voters' roll, the removal of the police officers from polling stations and from assisting voters, delimitation processes, voter education, the creation of various centres for handling results among other issues. ZESN has noted that with a polling station based voters' roll, there is the risk that voters are exposed to violence and political retribution which might result in lower turn out. ZESN notes with concern that while the agreed reforms improve transparency of electoral processes, negotiators did not speak to a number of issues that have serious ramifications on the conduct of democratic elections such as the promotion and protection of citizens' freedoms and rights which increases confidence of citizens in electoral processes. There is continued silence on security sector reforms and limitation of the role of the security sector to maintaining law and order and not campaigning or reigning terror on citizens. Reforms did not open up the space for provision of voter education to civic society as ZEC still faces a number of limitations which include financial constraints in undertaking this important process.
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		ZESN in its comment on the proposed reforms also called for a ZEC and a secretariat that is independent of the executive and impartial to political party influence. The proposed reforms did not provide for issues of electoral violence and the measures to be taken against political parties involved in violence except that matters will be reported to the police and a special body will be established whose powers and composition were not clearly defined. ZESN notes that during past violations, observers reported that the police did not respond to cases of political violence and for the negotiators to entrust the same police with protection of citizens where they failed in the past without real transformation of the police renders citizens vulnerable to electoral violence. ZESN continues to call for the transformation of the security sector to enable the sector to protect citizens and not perpetrate violence. There is need to restore citizens trust in these institutions before they can be given important roles to ensure peace and security in pre-election, election and post election periods.
Media Reform		ZESN notes with concern that media reforms that were stipulated in the global political agreement have not been implemented wholly. While a new commission has been set up, ZESN is concerned about the slow pace of reforms as media is critical in the levelling of the playing field in electoral processes. ZESN observers reported that in rural and remote areas of provinces such as Mashonaland central and Mashonaland east access to newspapers, television and radio is sporadic, and people received biased news. The fact that in areas such as Mashonaland Central people are victimised if they are seen with newspapers from independent media houses denies people the right to information. Observers also reported that foreign media especially in border towns serves as important sources of information in addition to the Weekly Agenda, Voice of the People, Studio 7 among others.

Human rights and fundamental freedoms		ZESN observers reported that in Lupane some officials from the Ministry of Youth, Indigenization and Empowerment are encouraging youths to buy ZANU PF party cards so that they can be employed at Lupane State University. ZESN s condemns abuse of power and urges the Ministry to separate party politics from government business. Such partisan acts compromise the quality of service as people without qualifications are employed on a partisan basis. A similar occurrence was reported by ZESN observers in Shamva North who noted that people were being forced to buy party cards at a cost of \$5 each. ZESN condemns the intimidation and harassment against citizens and encourages political parties to respect voluntary citizen participation in politics.
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