

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

Issue 7

July 2012

INTRODUCTION

The period June to July 2012 has witnessed an upsurge of events with a bearing on the GPA and the relations of the parties to the GNU. Of significance, ZESN noted the passing of the Electoral Amendment Bill by both houses of Parliament. The Bill contributes to the creation of a platform in which elections can be guided and conducted and will hopefully foster a space for democratic, free and fair elections. ZESN has noted the upcoming SADC ordinary meeting which will be held in Maputo and hopes that the summit will effectively tackle and fully brace the issues challenging and confronting the full implementation of the GPA. ZESN observers report on a tense political environment widely characterised by contestation amongst political parties as well as the predominance of the ZANU PF party in the major activities taking place in the constituencies.

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 constituencies where observers are deployed. This update is informed by observations from these constituencies and broadly captures political developments in Zimbabwe.

ISSUE		COMMENT
The GPA		The GNU continues to tread its unstable path as several issues continue to bedevil its effectiveness. The publishing of the COPAC final draft constitution has just about spelt the end of the three and a half year old Inclusive Government born of the Global Political Agreement. The power-sharing document makes it clear that the coalition government must come to an end as soon as the three cooperating coalition partners agree to a draft constitution that will pave way for a constitutional referendum and general elections. ZANU PF, however, appears to be frustrating the progress of the transitional process by taking its time to come up with a position regarding the draft and apparently negating the mandate of their duly appointed negotiators. It is only reasonable to assume that the current haggling over issues, clauses and wording should have been done during the negotiation process and fed into the party's representatives at the negotiation table. The two MDC formations have endorsed the draft despite having some misgivings with some of its clauses. While ZESN appreciates the stabilization and relative peace that has been brought about by the GPA, there is a need for greater political will, commitment and urgency from the parties in order to take the country forward. ZESN continues to advocate for full implementation of electoral reforms, as we believe that the inclusive government must continue to fulfil its mandate of ushering in progressive reforms.
Constitution making process		The constitution making process has witnessed several developments as COPAC has handed over the draft Constitution to the GPA principals. Various issues in the constitution which have a bearing on electoral issues have been noted and of interest to ZESN is Chapter 7 which highlights the following election related issues; • <i>Elections, which must be held regularly, and referendums, to which this Constitution applies must be peaceful, free and fair;</i> • <i>Elections must be conducted by secret ballot; based on universal adult suffrage and equality of votes;</i> • <i>Elections must be free from violence and other electoral malpractices;</i> • <i>Ensure that all eligible citizens are registered as voters;</i> • <i>Ensure that every citizen who is eligible to vote in an election or referendum has an opportunity to cast a vote,</i> • <i>Facilitate voting by persons with disabilities or special needs;</i>

		• <i>Ensure that all political parties and candidates contesting an election or participating in a referendum have reasonable access to all material and information necessary for them to participate effectively,</i> • <i>Provide all political parties and candidates contesting an election or participating in a referendum with fair and equal access to electronic and print media, both public and private;</i> • <i>Ensure the timely resolution of electoral disputes,</i> • <i>Results of the election or referendum to be announced as soon as possible after the close of the polls;</i> • <i>Appropriate systems and mechanisms should be put in place to eliminate electoral violence and other electoral malpractices;</i> • <i>The need to ensure the safekeeping of electoral materials,</i> • <i>No amendments may be made to the Electoral Law, or to any subsidiary legislation made under that law, unless the Electoral Commission has been consulted and any recommendations made by the Commission have been duly considered</i> • <i>Delimitation of electoral boundaries once every ten years, on a date or within a period fixed by the Commission so as to fall as soon as possible after a population census,</i> • <i>The Zimbabwe Electoral Commission mandated to conduct a delimitation of the electoral boundaries into which Zimbabwe is to be divided</i> • <i>A Code of Conduct for political parties, candidates and other persons participating in elections or referendums should be established and enforced;</i> • <i>A system of proportional representation for the election of persons to the seats in the Senate referred to in section 6.5(1)(a) and the seats reserved for women in the National Assembly referred to in section 6.9(1) of the constitution,</i> • <i>A Constitutional and Electoral Court and an Electoral Commission with extended powers.</i> • <i>President, cabinet, ministry permanent secretaries and all commissioners limited to two five year terms.</i> • <i>Creation of a devolved system of government to provincial and metropolitan councils and local authorities to exercise responsibilities to ensure development and equitable sharing of local and national resources</i>
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The passing of the Electoral Amendment Bill	• <i>Of interest is the issue on running mates as this will stop the culture of deliberately frustrating debate on succession among political parties in Zimbabwe as it faces an acid test as the new draft constitution demands that party leaders to choose their running mates</i> • <i>The draft constitution captured the issue of citizenship as Zimbabwean citizens currently termed “aliens” are now being catered for in the constitution, which consequently will restore their right to vote</i> ZESN has noted that battle lines are drawn over the latest COPAC draft constitution, with Zanu PF trying to compel wholesale amendments to the document while the two MDC parties endorsed it without changes. The MDC parties have made it clear the draft is a negotiated document which will not be negotiated further. The release of the long awaited “final draft’ has revealed the positions of different political parties on the draft constitution with the mainstream MDC-T party has since endorsed the new draft together with MDC-N which is pushing for a Yes vote in the coming referendum. However, MDC 99 and NCA have rubbished the draft constitution as a negotiated settlement of political parties saying it fails to capture the collective contributions of Zimbabweans. Further, they argue that they are unhappy with a number of provisions in the draft which include the bloated parliament, the exclusion of other public offices from adhering to term limits and the contentious issue of executive powers. Instead MDC99 is calling for the convening of a Zimbabwe Conflict Resolution Conference by SADC at the earliest possible time to come with a transitional constitution to take the country to the next election. Civil society has remained tight lipped on their position except the NCA which has come out rejecting the draft constitution. Divisions at various levels including within and among parties, civil society and the public have left battle lines on the draft drawn ahead of key stages such as the stakeholders’ conference, parliament and referendum that will decide the fate of the document. ZESN noted the passing of the Electoral Amendment Bill by both Houses of Parliament. The Electoral Amendment Bill is amongst some of the bills such as Zimbabwe Human Rights Commission Bill and the Older Person’s Bill that have been passed but awaiting the Presidential to assent. ZESN acknowledges the efforts by the parties in the GNU to initiate this reform as this will pave way for elections which are guided and enshrined by ethical principles. The Electoral Amendment Bill’s
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Supreme court ruling on by elections	significance cannot be ignored as it determines the manner in which elections will be conducted and thus can influence the legitimacy of the electoral process. ZESN has noted some of the proposed changes in the Electoral Amendment Bill and these include: • <i>The introduction of a polling station-based voters' roll</i> • <i>Announcement of presidential election results within five days of polling</i> • <i>Establishment of the Electoral Court to speedily deal with electoral disputes</i> • <i>Restriction of police officers as they will no longer be allowed inside the polling station</i> • <i>The visually impaired and illiterate will be allowed to bring any person of their choice to assist them in voting in the presence of a polling officer.</i> • <i>Postal voting will be restricted to State employees who are outside the country;</i> • <i>Provisions of special voting are now provided for people who are electoral officers and members of the disciplined forces who will be performing security duties during the election day.</i> • <i>Procedures for counting and collating votes will be made more transparent,</i> • <i>Setting up of committees to minimize violence and intimidation during elections</i> ZESN welcomes the provision of timelines to the announcement of election results and the establishment of the Electoral Court. However the establishment of the polling station based voters' roll though it is international best practice might not be ideal at this moment in time given the volatile political environment in Zimbabwe but could be taken on board later when the environment is more peaceful. Although most of the provisions are welcome, it is however sad to note that observers are not included under the special voting provisions. ZESN therefore will continue to advocate for the inclusion of observers in special voting and their role to be recognised as important by the relevant authorities. ZESN acknowledges the decision by the Supreme Court which ruled that the President is to declare a date for by elections by 31st of August 2012. The ruling was on the by elections that are set to be held in Nkayi South, Bulilima West and Lupane East constituencies which were left vacant after the three MDC members of parliament were expelled
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		from the party and relieved off their parliamentary duties. ZESN issued a statement last month in which it commended the Supreme Court for expressly showing that people are entitled to choose representatives and to be represented. While the political parties have expressed different sentiments towards the ruling by the supreme court decision, ZESN believes that the ultimate test is directed towards the Electoral Commission and its level of preparedness and ability to run credible elections. The same can be said for the political and other stakeholder on their ability and willingness to abide by the Code of Conduct to desist from violence and intimidation of voter and manipulation of the process. ZESN however notes that the decision for by elections came late as the 3 constituencies have gone for 3 years without representatives in the house of parliament hence ZESN also calls for faster judicial processes in the future as well as full implementation of court rulings by the state.
Upcoming SADC Summit		ZESN has noted the upcoming SADC ordinary Summit which will take place in Mozambique at Maputo on Friday 18th and Saturday 19th August 2012. The Summit will be of significance to Zimbabwe as the mediator to the country will be tasked to report on the position of the country in relation to the reforms proposed in the GPA that will lead to the general election. ZESN hopes that the SADC summit will be effective in giving impetus to holistic and attainable reforms as well as enforcement mechanisms.
Media Reforms: Licensing of more media		ZESN notes the licensing of one more independent daily newspaper, The Observer which is expected to be on the streets in September 2012. Another private radio station, ZiFM is expected to start operations on the 15th of August 2012. Though the licensing of these new players is a positive step towards media diversity and plurality, ZESN remains concerned with the continued persecution of journalists and the tedious pace at which the licensing of new players is being conducted. ZESN also expresses concern over the failure by the Broadcasting Authority of Zimbabwe (BAZ) to licence community radio stations when Zimbabwe is reported to have the capacity to register 56 community radio stations and 31 commercial radio stations. ZESN continues to call for the licensing of more private radio, television stations and newspapers and for more guarantees to freedom of the press and of expression. Legislation that is inimical to the total enjoyment of press freedoms and access to information must be repelled and legislation that curtails hate speech and media bias must be put in place.

Human rights and fundamental freedoms	ZESN Observers have however reported that residents are expressing dissatisfaction with the objectivity of the state controlled media and said that they relied on the private media for objective media coverage. They also said that among some of the alternative media outlets that the people rely on are private radio stations broadcasting from outside the country that include Voice of America's Studio 7 and Voice of the People (VOP). In the urban areas, online social media platforms such as Facebook and Twitter were mentioned as alternative sources of news. Human rights form the basis of the individual hence the state should put in place effective mechanisms which guard these rights. However, in most constituencies, observers have reported on the blatant abuse of these human rights. Observers in Rushinga constituency have stated that militia bases are beginning to resurface and youths are singing revolutionary songs and perpetrating violence in the constituency all these activities have created an environment of fear as well as intolerance. Observers in the same area have also stated that there are high degrees of intolerance in the area as the MDC party supporters are not free to wear their regalia and attend political meetings. Observers in Shamva North have stated that war veterans and headmen are writing down and noting people who support other political parties which are not ZANUPF, a clear indication of violating freedom of association. Observers in Insiza North have cited that a youth militia led by a brother [name withheld] to Hon. Andrew Langa, continues to terrorise Miners and opposition supporters as they are forcibly recruiting youths to join them. Observers have noted that whilst there are reports of human rights abuses in most constituencies, other areas have reported on the respect of these human rights, an aspect we hope will cascade to all constituencies. Observers in Hurungwe East have stated that there are improved tolerance levels in the constituency as residents are able to wear party regalia without discrimination or fear. Observers in the Midlands and Bulawayo provinces have also reported that the human rights situation is still relatively calm with very few instances of violations being recorded. People are relatively free to express themselves and discuss national political issues in these provinces. The major political parties have been able to hold meetings and campaign rallies without being harassed and denied their right to freedom of expression. Observers have made an analysis that in Gweru Urban and Mkoba areas, there is relative respect for human rights as compared to the more rural areas of the Province. The observers reckon that this is
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		because the people in the urban areas are generally more enlightened about their rights are not afraid to demand them while many in the rural areas are barely literate and can easily be taken advantage of due to their proximity from the urban centres. All political parties should be granted equal access to conduct their political meetings and rallies; however observer reports have indicated that in Mt Darwin East, ZANU PF youth disrupted a meeting organized by the MDC on the 1st of July 2012 as they invaded the meeting and started chanting ZANU PF slogans. While the observers in Mazowe South stated that only the ZANU PF is able to conduct meetings and political rallies as other political parties fear the eruption of violence during their rallies while in Shamva South have stated that the MDC failed to conduct a meeting after the ZANU PF threatened them. ZESN has expressed concern over the incident in Zvimba West which witnessed a clash occurring between the ZANU PF youths and MDC youths. Observers reported that the fallout occurred after both youth structures failed to reach a consensus on who should conduct a meeting as they had been both cleared by the police to conduct meetings hence resorted to violence which later saw the arrest of some MDC youth. Observers in Hatcliffe have stated that whilst ZANU PF is able to conduct meetings and rallies the MDC seems to be conduct secret meetings. Observers in Muzarabani South, Mutoko North, Hurungwe East and Murehwa South cited that residents are usually coerced to attend ZANU PF meetings and rallies. Observers in Rushinga constituency have reported on the disruption of an MDC meeting by ZANU PF youth which had been scheduled for the 16th June 2012. Observers in Highfield East, Seke, Chitungwiza, and Hurungwe West have reported that the ZANU PF party is the only party which is able to conduct meetings. Observes in Bindura North have cited that the ZANU militia is prohibiting the MDC from conducting meetings and rallies. In Mashonaland East, Jabulani Sibanda descended in Murehwa West were he called for a meeting that residents were forced to attend on the 27th of June 2012 and allegedly failure to attend would result in severe assaults and harassment as claimed. ZESN believes there needs to be a clear cut clear delineation between state resources and personal resources as the absence of this has witnessed blatant abuse of these resources by the incumbents. Observers in Chegutu East have noted the use of Chambara Primary School and Wicklow Secondary School by ZANU PF in conducting their meetings. Observers in Mazowe South, Muzarabani South and Mavise
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Conclusion	area in Chirumanzu have reported on the use of state vehicles which were used to ferry supporters to ZANU PF rallies. ZESN believes that all citizens are equally entitled to inputs distributed by the state and therefore these inputs ought to benefit citizens disregarding their political affiliation. However observer reports have revealed that these inputs are generally being distributed on a partisan basis and largely benefit the ZANU PF party. Observers in area under observation have reported on the partisan distribution of inputs to residents as ZANU PF supporters are usually the sole beneficiaries of these projects. ZESN notes and acknowledges the work of various civic organisations in areas under observation. 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>he creation of a violent-free environment where freedom of assembly, association and speech among others are upheld.</i> • <i>lection 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>urthermore, ZESN remains concerned about the state of the voters' roll and calls for the production of a fresh voters' roll.</i> • <i>SN 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> <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</i>
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