

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

**Issue 7
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INTRODUCTION

The period under review witnessed a number of interesting events including the handing over of the draft constitution to the principals in the GNU, the start of the census, the 32nd SADC Troika Summit in Maputo, Mozambique and the celebration of the national heroes and defence forces days. In addition, the period saw the non recognition of the Deputy Prime Minister Authur Mutambara within the SADC and the resultant acrimony that ensued within the parties to the GNU as a result. The SADC facilitator President Zuma made a brief visit to Zimbabwe to have discussions with the principals ahead of the summit. These and other events will be explored in more detail in this update.

The Zimbabwe Election Support Network remains dedicated to the promotion of democratic elections in Zimbabwe. Through its monitoring of the political and social environment, ZESN continues to provide objective information and analysis on implications for the conduct of free and fair elections in Zimbabwe. This update is informed by observations from these constituencies and broadly captures national political developments in Zimbabwe.

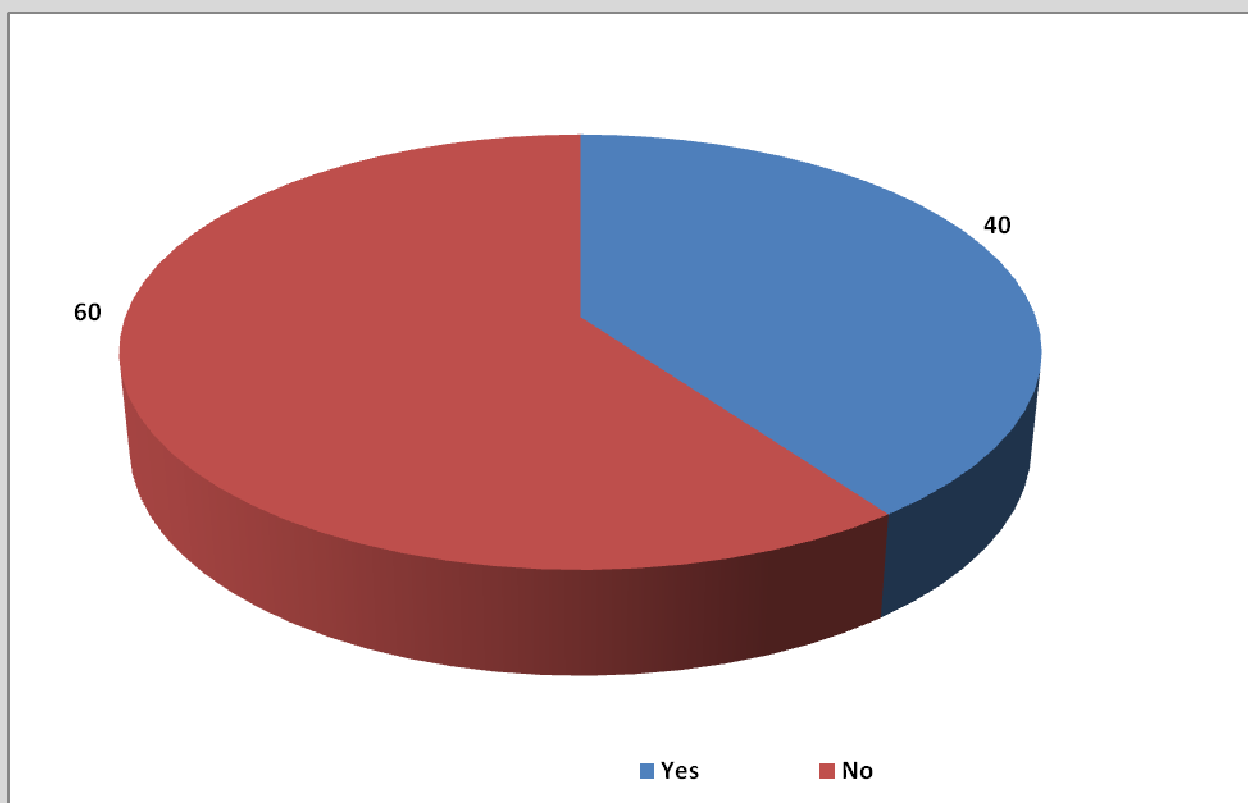
ISSUE	COMMENT
The GPA	The GNU continues on its fragile course while the constitution making process continues on its ailing path with ZANU PF proposing amendments that have potential to derail and delay the process even further. The removal of Professor Arthur Mutambara as a principal in the GNU, on the basis that he does not represent any interests and that the MDC N remains unrepresented in the GNU. The SADC Troika agreed that Professor Mutambara was chosen as the Deputy Prime Minister as a representative of a MDC and now that he was not a leader of the party, he could not continue to claim to represent it. Such developments further complicate an already complicated GNU. ZESN encourages the parties to put national interests ahead of their personal interests. The SADC Troika encouraged the parties in the GNU to cooperate and bring to finality the constitution making process to enable the country to move ahead politically. The SADC facilitator President Zuma visited Zimbabwe briefly to speak to the principals in the GNU. He urged them to agree to the draft constitution and put it to referendum so that the stage can be set for a general election.
Constitution making process	After the relief that COPAC finally had a draft constitution, Zimbabweans woke up to new demands by ZANU PF with potential to stalemate and delay the process. While ZESN recognises that the draft is in fact a negotiated draft between parties in the GNU, it is surprising that fresh demands emanate from an already negotiated position. MDC T and MDC endorsed the draft, ZANU PF had new demands which included removal of devolution, removal of the peace and reconciliation commission, and removal of indigenous languages from being official languages, restored presidential appointments of the judiciary and wide ranging executive powers, introduced compulsory national youth service, removed the provisions for presidential running mate among other demands. ZANU PF has also been calling on COPAC to release the national report to citizens as it is basing its demand on the views expressed therein. The constitution process was meant to be people driven and the views of the people of Zimbabwe must prevail. It is critical to ensure that partisan interests do not overtake national interests. Parties in the GNU need to be reminded that the constitution is timeless for generations to come and not for partisan interests significance lies beyond any political aspirations and affiliations. Following the impasse, the SADC facilitator returned to Harare to speak with the principals. ZANU PF has remained adamant that their draft should be taken to the 2nd National all Stakeholders conference and that their amended draft is “final and non negotiable”. ZESN is concerned over the contempt expressed by Professor Mutambara to the SADC facilitation team, it is important to note that SADC is the guarantor of the GPA and as such it is important for them to mediate when there is a deadlock in the process.
32 nd SADC Troika Summit	During the period under review a 32nd SADC Troika Summit was convened in Maputo, Mozambique on the 17th and 18th of August 2012. Prior to the summit, civic groups in the SADC had convened in Maputo to find ways of influencing reforms within the SADC under the theme

	“The SADC we want.” The overarching theme of the conference was the reform of the SADC to a people centred institution that serves the needs of the people within the SADC region. The summit commended the efforts of the parties to the GNU towards the constitution making process and further urged them to finalise the constitution making process and conduct a referendum. ZESN urges the parties to the GNU to pay heed to the summit recommendations and put an end to regressive politicking. The summit recognised Welshman Ncube the principal to the MDC which led to the ouster of Professor Arthur Mutambara. The summit called for the strengthening of JOMIC so that SADC team can assist in the creation of a level playing field for free and fair elections.
Heroes Day and Defence forces Day	ZESN joined the nation in commemorating Heroes and Defence Forces Day. ZESN continues to call for national celebrations to be national and not partisan. ZESN also recognises the contribution of civilians during the struggle through provision of shelter, food and other logistical support to fighters including moral, they deserve to be saluted on these day. The President stressed the need for the defence forces to keep peace. While the President’s call for the improvement of the conditions of living for the defence forces personnel is welcome, it is equally important to recognise that all civil servants require equal attention to their living conditions as they earn below the poverty datum line. ZESN is concerned about the reports that villagers in some constituencies were forced to contribute \$5 for Heroes’ celebrations. Villagers are already struggling with poverty given the poor harvests and unemployment and the collapse of safety nets and cannot afford to be abused further.
The census	Beginning of August saw the start of a census. The process began with chaos as soldiers, the police and office of the president personnel sought to be involved in the process crowding out traditional departments that conducted census in the past such as the Ministry of Education. In some areas training of census personnel was disrupted for two to three days. The process was also marred by logistical problems and lacks of materials, changes in payment commitments and general confusion as people engaged as enumerators were at some point sent home and later recalled. While the census data is important for other development purposes such as education and health, it also serves as an important mechanism for electoral processes such as delimitation of constituency and ward boundaries as well as an indication of eligible voters.
By elections	ZESN’s call for by elections has been ignored since 2010. The by-elections debate that has heated up following the judgement that by-elections be held comes at a time when citizens in the respective constituencies have been prejudiced and under-represented. The timing is problematic given that the term of office for the current house of assembly ends in less than a year’s time. The suspension of by elections under the GPA moratorium was unlawful and infringed on the rights of the affected citizens.

ZESN observers have reported reduced levels of violence in their various constituencies. Of the 210 constituencies, 10 per cent of observers reported the occurrence of violence in their constituencies. Political tolerance remains problematic in Zimbabwe with observers reporting high levels of intolerance as shown by 46 per cent of observers who reported a lack of political tolerance.

As Zimbabwe prepares for elections, which are about choice, the right freedom of expression is a critical component in ensuring people are able to make free choices. The diagram below presents a picture of freedom of expression.

Figure 1: Freedom of expression in the constituencies



ZESN applauds political players in 40 per cent of the constituencies who reported that people are able to express themselves freely. However, there is concern about 60 per cent of the constituencies where observers have reported a lack of freedom of expression. This was mostly prominent in constituencies in Mashonaland Central, Mashonaland East, Mashonaland West, Matebeleland South. These findings are in agreement with various opinion surveys which have reported that citizens are not able to express their opinions freely. The lack of freedom of expression brings concerns about the manner in which citizens are able to share opinions and persuade others in electoral processes. Observers have reported inability by citizens to talk about political issues, this is evidence of self censorship because of the consequences of self expression. Self censorship does not promote the growth of a democratic culture as citizens are

unable to demand accountability from political leaders.

Ability to wear regalia of the political parties by citizens is a form of freedom of expression. Observers have reported that in 53 per cent of the constituencies citizens are not able to wear the regalia of their party if that party is not ZANU PF. Observers in Bulawayo province reported that in 80 per cent of constituencies people were free to wear their regalia without problems. In constituencies in the following provinces; Mashonaland Central and Mashonaland East, 90 per cent reported inability to wear party regalia outside of ZANU PF regalia. These bring concerns of political tolerance and ability to accept diverging political views.

Observers have reported that discrimination based on which political party one supports remains rife in the various constituencies. Access to particular services such as loans for women and youths have been more accessible if one supports a particular party. Observers' reports show that in 56 per cent of the constituencies, discrimination is still rife compared to 44 per cent of constituencies where citizens are treated equally regardless of political party affiliation. Discrimination is also evidenced by reports that partisan distribution of food is rife in 26 per cent of constituencies in Zimbabwe.

The political violence of 2008 resulted in citizen displacement. Observers have reported that in some constituencies displaced people have started to return to their former homes. However, in 62 per cent of the constituencies observers have reported that displaced residents have not been able to return to their homes. ZESN notes that the impacts of violence are long term and that violence disrupts people's lives in tangible ways.

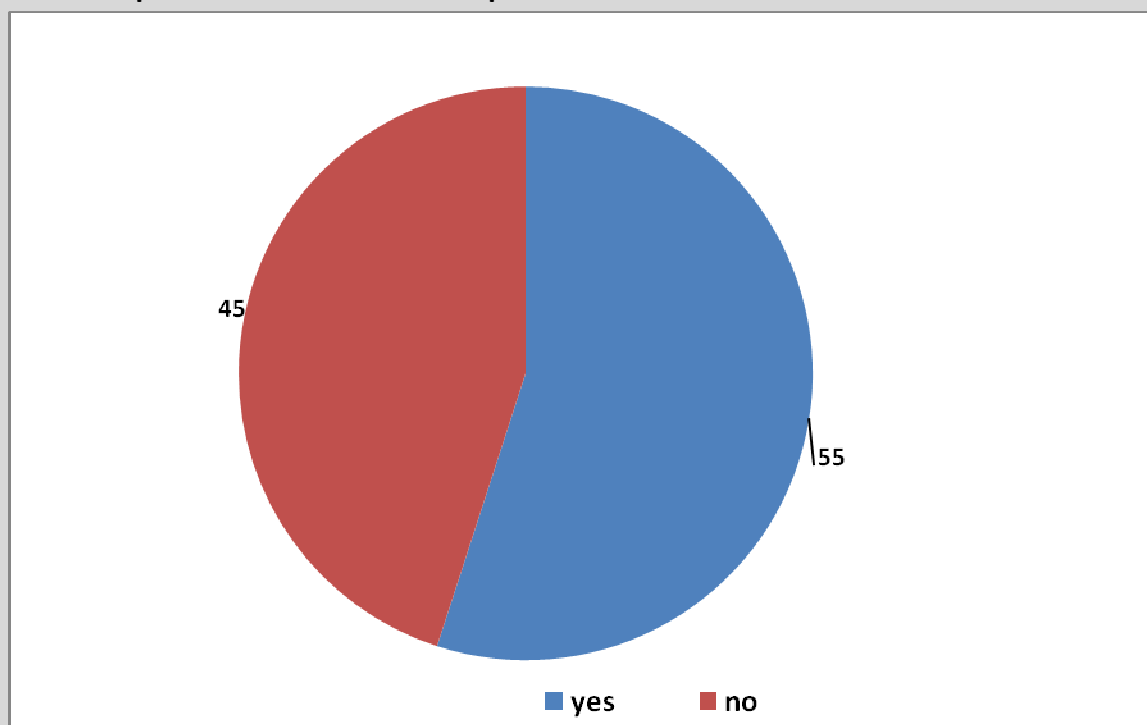
Observers have reported a worrisome feature of some form of youth militia being recruited and trained in their constituencies. This was reported in 8 per cent of the constituencies particularly in parts Mashonaland Central and Mashonaland West. As Zimbabwe prepares for the referendum and elections, the spectre of violence that continues to hang on citizens does not instil confidence in their ability to make free choices. 17 per cent of observers have reported some youth militia activities in their constituencies characterised by marching and singing revolutionary songs in the early morning hours. This has served to intimidate residents and remind them that violence can be unleashed on them if they hold divergent views.

Observers in 21 per cent of the constituencies reported that people were forced to attend political rallies, an infringement of their ability to their freedom of conscience. ZESN reiterates that people should participate in political activities out of their own volition not coercion. Political parties should not coerce support through intimidation and violence.

The GNU has brought a semblance of calm on the political scene, traces of violence remain as observed by observers in 24 per cent of constituencies who reported the prevalence of assaults, threats and harassment of people in their constituencies. Observers have also reported inability

of citizens in certain constituencies to read newspapers of their choice. The GNU sought to foster a culture of tolerance through the organ on National healing and reconciliation which has become moribund. There is somewhat an improvement as reported by 54 per cent of observer who reported the existence of political tolerance and peaceful co-existence in their constituencies as shown by the diagram below.

Figure 2: The presence of tolerance and peaceful co-existence in constituencies

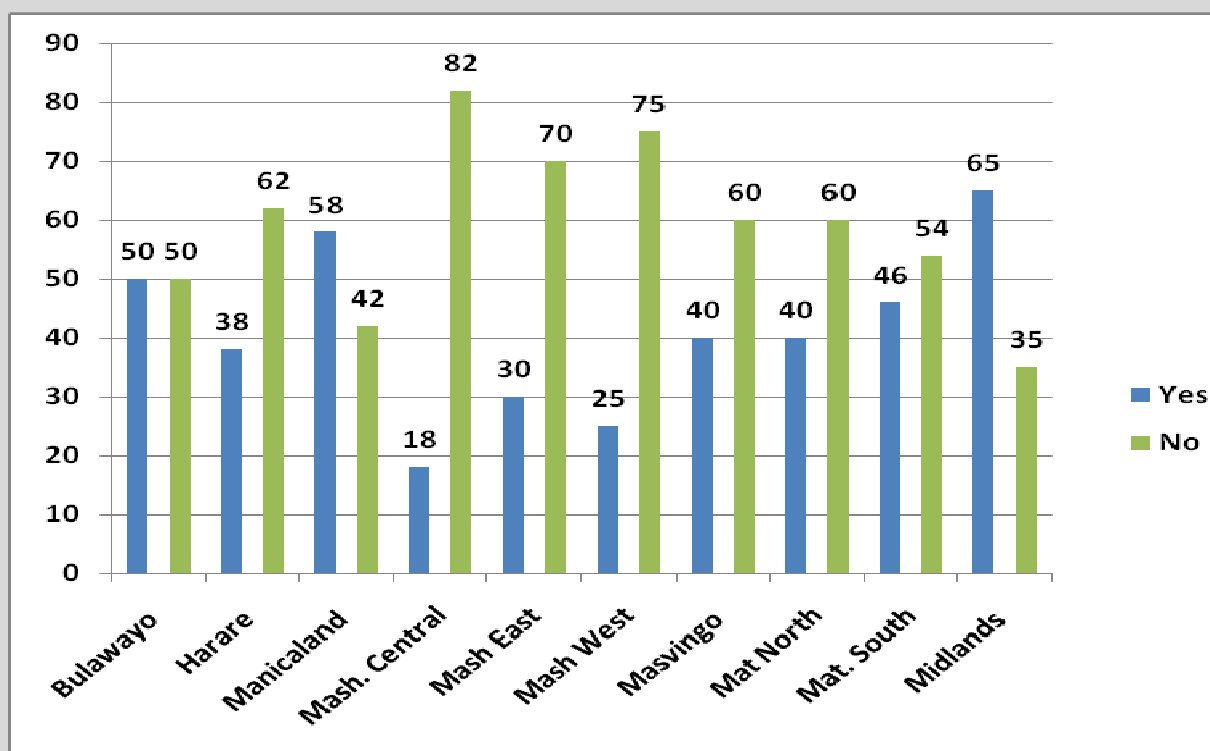


Elections entail political campaigns by different political parties and the ability of citizens to express themselves through song, regalia, slogans and persuading others. The ability to do this is curtailed if there is a dearth in political tolerance within communities. Some provinces reported a total lack of political tolerance as was reported by observers in Mashonaland Central provinces.

Political “bases” have been a structure of violence that served as “torture” base for people perceived to be supporters of MDC. Observers in 4 per cent of the constituencies have reported the resurrection of these “bases” in their constituencies. These serve as a barrier to peaceful co-existence and curtail the freedoms of citizens as they are punished for their constitutional right to *“enjoyment of his freedom of expression that is to say, freedom to hold opinions, and to receive and to impart ideas and information without interference and freedom from interference with his correspondence.”* Activities of youth militia were reported mainly in constituencies in the following provinces which remain problematic, Mashonaland central, Mashonaland east, Masvingo and Mashonaland west. These activities are disguised under a number of activities such as political party mobilisation centres and as political education centres depending on the area.

Respect for human rights and violations have not been uniform in the various constituencies. It is important to note that in some areas there are more human rights violations than others. Some constituencies are peaceful while others experience a tense and fragile peace and yet others experience overt violations in various forms such as people being forced to attend rallies, and inability to support parties of their choice. the diagram below provides a picture of respect for human rights across provinces:

Figure 3: Respect for fundamental freedoms in constituencies



The graph shows a mixed picture of respect for fundamental freedoms with some areas experiencing more human rights violations than others. It is important to note that constituencies in Mashonaland Central, Mashonaland East, Mashonaland West report an increased lack of respect for fundamental freedoms. ZESN encourages political parties, state institutions and citizens to respect the dignity of man and the rights of people regardless of political orientation.

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:

- **The creation of a violent-free environment where freedom of assembly, association**

and speech among others are upheld.

- *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.*
- *Furthermore, ZESN remains concerned about the state of the voters' roll and calls for the production of a fresh voters' roll.*
- *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.*

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.