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Media Monitoring Project Zimbabwe
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Election Watch 2012-9

CONSTITUTIONAL ISSUES

ZANU PF rewrites draft constitution

THE decision by ZANU PF's Politburo to rewrite large sections of the Constitutional Parliamentary Select Committee (Copac)'s final draft constitution was the highlight of the media's coverage of Zimbabwe's protracted constitution-making process.

All media reported ZANU PF as having made wholesale changes to the draft and declaring that its amendments were non-negotiable, setting the stage for possible confrontation with its coalition partners, who were reportedly in favour of Copac's draft.

It reportedly took about five meetings for the ZANU PF Politburo to come up with its draft, a development which Veritas – an independent legal and parliamentary watchdog – viewed as an indication of considerable internal disagreement within the party (*Constitutional Watch*, 15/8/12).

The ZANU PF-controlled state media defended ZANU PF's actions even though they amounted to a rejection of the jointly negotiated Copac draft and threatened to stall the constitution-making process.

These and the private media, all reported ZANU PF scrapping clauses on **"so-called gay rights"**, devolution of power; dual citizenship; and presidential running mates (ZTV, 9, 10, 15, 16, 17, & 24/8, 8pm and *The Herald & Sunday Mail*, 10, 22 & 26/8). The party also rejected the proposed establishment of a Constitutional Court, a land commission and the restructuring of the Attorney-General's Office. ZANU PF also demanded that the new constitution recognize the significance of Zimbabwe's liberation struggle; and reflect the role and rights of youths, women and traditional leaders and empowerment of Zimbabweans.

Instead of assessing the implications of ZANU PF's actions, the official state media reported senior party officials such as Patrick Chinamasa, Paul Mangwana and Rugare Gumbo and **"experts"**, such as Jonathan Moyo and Goodwills Masimirembwa, claiming that ZANU PF's proposed amendments were in line with **"people's views"**, gathered during the outreach programme, while discrediting concerns by the two MDC formations.

In one such case, *The Sunday Mail* (26/8) splashed a front-page lead: 'ZANU PF won't move an inch' in which it reported the party's Politburo declaring that it had **"resolved not to open negotiations on the amendments, saying the changes are final"**.

Speaking after one of the Politburo's lengthy meetings, Gumbo dismissed MDC threats to declare the amendments void, claiming that his party had the right to amend the draft, **"even after party representatives in Copac appended their signatures"**. He added: **"They (party representatives) are not the principals. Therefore, they should accept amendments...It (the draft) is not an MDC-T document but an effort of all the parties..."**

Earlier, *The Herald* (10/8) failed to assess the validity of the MDC's concerns and gave more space to Gumbo to dismiss them. MDC-T spokesman Douglas Mwonzora had accused ZANU PF of **"using factional politics in dealing with the constitution"** and **"deviating"** from the Global Political Agreement (GPA) by taking the document to the principals. Mwonzora complained: **"We are totally against any further negotiations because it is time-wasting and unproductive. Besides, this document is a product of the outreach and negotiation process. The document must be taken to the Second All Stakeholders Conference where ZANU PF is included...Our position as a party is that this is decision-time for the people of Zimbabwe to decide and not for one party to make a decision on their behalf"**.

The private media also viewed ZANU PF's move as a desperate attempt to sabotage the constitution-making process to facilitate the holding of the next harmonized elections under the current Lancaster House Constitution.

Even if the MDCs were to back down and re-open negotiations with ZANU PF, *Veritas* expressed doubts over the prospects of the parties reaching a consensus within a reasonable time (*Constitutional Watch*, 15/8/12).

Veritas also expressed reservations over suggestions by the MDCs to include ZANU PF's draft in any constitutional referendum, warning that such move would not only be **"difficult"** especially in the absence of **"a binding commitment from all parties to respect the outcome of the referendum"**, but also increase **"the danger of inter-party conflict degenerating into violence"**.

State media downplays SADC concerns

DEBATE over South African President Jacob Zuma's visit in preparation for the SADC summit in Mozambique and resolutions of the meeting over the implementation of the Global Political Agreement (GPA) also attracted significant media attention in the month.

While the state media downplayed the significance of Zuma's visit, which formed the basis of SADC's resolutions on Zimbabwe, the private media reported the region as getting increasingly frustrated with President Mugabe's perceived reluctance to resolve Zimbabwe's political crisis.

The official state media claimed that Zuma was **"impressed"** with the implementation of the GPA and celebrated SADC's call for the lifting of Western sanctions against Zimbabwe; its decision to uphold the suspension of the **"controversial"** SADC Tribunal; and satisfaction with **"progress"** in drawing up a new constitution (ZTV, 16, 17 & 18/8, 8pm and *The Herald & Sunday Mail*, 18 & 19/8).

While *The Sunday Mail* (19/8) reported the passing of another resolution recognizing Industry Minister Welshman Ncube as the leader of the MDC-N even though their party leadership dispute is still pending at the Supreme Court, *The Herald* (21/8) reported presidential spokesman George Charamba downplaying its significance under its front-page lead: *Mutambara remains principal*. Charamba told *The Herald* that Ncube's recognition by SADC as leader of the MDC-N **"would not upgrade him to the status of principal when it comes to Zimbabwe government matters"**.

Charamba added that Mutambara would continue with his briefs, including the ongoing constitution-making process: **"The long and short of all this is that Prof Mutambara remains principal in the same way PM Morgan Tsvangirai is and the same way President Mugabe is. He remains so in spite of the SADC decision, which relates to political parties anyway"**.

The government media's tendency to report on SADC's resolutions from an exclusively ZANU PF perspective significantly distorted the information supplied to their audiences.

For example, *The Sunday Mail* (19/8) reported Mugabe expressing satisfaction with SADC's discussions on Zimbabwe, while addressing journalists in Maputo.

Said Mugabe: ***"We are very happy about the meeting...We all agree with the conclusions. We hope that the next meetings will be as successful as this one...We will be working with the facilitator (in implementing our election roadmap) and we hope that work on the constitution will end soon and there will be a referendum before we have an election, so we are very happy"***.

Mugabe indicated that the principals would meet to decide the way forward on the draft constitution, adding that the Copac management ***"had no mandate to endorse the draft"***.

The private media's coverage of the SADC summit was diverse.

Although these media reported SADC as having criticized ZANU PF for ***"backtracking"*** on the constitution-making process, they condemned the region for coming up with ***"watered down"*** resolutions, which they argued would do little to resolve the Zimbabwean crisis (SW Radio Africa and *NewsDay*, 20/8).

The private media also viewed Mugabe's refusal to invite Ncube for the principals' meetings, which are traditionally held on Mondays, as an act of defiance to SADC (*Daily News*, 21/8).

But they accused SADC of bowing to pressure from Mugabe by acceding to his demands to extend the suspension of the SADC Tribunal (SW Radio Africa and *Daily News*, 20 & 21/8).

The private media reported Mugabe demanding that the Tribunal's powers be reduced, a condition the region has already accepted. Reportedly, Mugabe also wanted SADC leaders to remove the court's human rights jurisdiction – meaning the court would only deal with inter-state disputes. The *Daily News* (21/8) also reported Zimbabwe tabling a fresh demand at the summit that the court should not have the authority to grant individuals access to appeal against their governments, a recommendation that delayed the revival of the court as the SADC Council of Ministers would have to revise the protocol further.

The private media reported Zimbabwe's latest demands as having ***"outraged"*** a coalition of legal organizations, including the Southern African Litigation Centre (SALC), International Commission of Jurists and the SADC Law Association, who have been lobbying for the revival of the Tribunal with its full human rights mandate (SW Radio Africa, *Daily News* and *The Standard*, 20, 21 & 26/8).

ZANU PF fight over Save Conservancy

THE dispute between Environment Minister Francis Nhema and Tourism Minister Walter Mzembi over the issuing of 25-year leases to indigenous operators in the Save Valley Conservancy also competed for the media's attention.

All the media reported Nhema defending the leases to 25 individuals; most of them senior ZANU PF or military officials, saying the move was part of government's wildlife-based land reform programme (*The Herald*, SW Radio Africa, Studio 7 and *New Zimbabwe.com*, 23, 27, 30 & 31/8). Mzembi refuted this, and said the move threatened Zimbabwe's chances of successfully hosting next year's United Nations World Tourism Organisation General Assembly.

The Herald (23/8) reported that the new operators received the leases in 2007 and started issuing hunting permits to interested hunters recently. The state daily reported Nhema saying a meeting chaired by Vice-President John Nkomo (then Special Affairs Minister in the President's Office responsible for Land Reforms) resolved that indigenous people "partner" the white operators.

Nhema claimed that problems in the conservancy had no effect or bearing on the UNWTO meeting. But Mzembi said the take-over of the farms would be detrimental to tourism growth. He urged the Presidency and Cabinet to deal urgently with the matter: ***"It is a unilateral action from the line ministry concerned and it's implementing agency, National Parks"***.

Mzembi argued: ***"To the best of my knowledge, in the life of the current Government, no such policy as Wildlife-Based Land Reform and Empowerment has been tabled in Cabinet"***, adding: ***"If what is happening in the conservancies is the outcome of the policy as conceived by the Environment Ministry, then it is obviously a very regressive instrument"***.

"It promotes greed and alienation of our masses who are the legitimate broad-based empowerment partners in community share ownership and empowerment trusts as currently being applied in the mining sector. This business of empowering people who are already empowered severally in other sectors, such as farming, ranching, sugar cane farming, mining, etc, will not pass the moral test nor will it endear us to the people except to ourselves", he added.

Mzembi complained that the imposition of partners on the conservancy was against Zimbabwe's laws: ***"It is wrong to have minority ownership of conservancies, but it is even more unpardonable to replace that minority white with a minority black, in the face of a crisis of expectations and thirst for empowerment from our black majority"***.

The media reported disturbances in the Save Valley Conservancy as having been so serious, resulting in the dismissal of the Save Valley Conservancy board chairman Basil Nyabadza and his deputy Wilfred Pabst by the new partners, and intervention from Acting President Joice Mujuru, Prime Minister Morgan Tsvangirai and ZANU PF national chairman Simon Khaya Moyo (*The Herald* and SW Radio Africa, 22, 25, 28 & 29/8).

But the private media viewed the conflict between Nhema and Mzembe as a manifestation of factionalism within ZANU PF and reported environmentalists and white conservancy managers accusing new black players of engaging in **“rampant poaching”** and lacking the expertise to manage conservancies (SW Radio Africa and *NewZimbabwe.com*, 22, 23, 27, 30/8).

As this report was going to print, the private media reported the European Union and the US threatening fresh sanctions against Zimbabwe over the issue (SW Radio Africa, *NewsDay*, *The Standard*, and Studio 7, 28 & 31/8 and 2 & 3/9).

HUMAN RIGHTS

Land invasions top list of rights abuses

THE seizure of conservancies in Save by ZANU PF officials, reportedly led by Chiredzi South MP Ailess Baloyi, and similar invasions in other parts of the country constituted 11 of the 24 incidents (46%) of rights violations the media recorded.

While the state media only reported on disturbances in the Save Valley Conservancy and attempts by Chief Zvimba to evict 31 farmers from Lion Kopje Farm (*The Herald*, 20 & 22/8), they ignored land and property disputes in Chinhoyi, Chitungwiza, Matabeleland South and Victoria Falls (SW Radio Africa, 22, 23 & 29/8).

Other incidents included:

- Reports of ZANU PF thugs forcing commuter omnibus drivers in the capital to pay daily protection fees to operate on certain routes (SW Radio Africa, 27/8).
- The alleged recruitments of youths in Midlands Province by suspected CIO operative Owen Ncube, who also holds a position in ZANU PF, to terrorize anyone supporting the MDC (SW Radio Africa, 29/8), and
- The arrest of 44 gays and lesbians who were discussing the draft constitution and a report on violations of their rights at their Milton Park offices in Harare on August 11th. They were reportedly beaten by the police and denied access to their lawyers while in detention (Radio VoP, 18/8).

What they said...

“We hear that there are some people who are harassing commuters and commuter operators in the name of the party. Cde Midzi if you tell me that you don’t know that group, I will tell you that you are lying. Instead, I want to know what is not ending it” - ZANU PF Secretary for Administration Didymus Mutasa rebuking the party’s leadership in Harare for failing to reign in a Mbare-based vigilante group, Chipangano, at a meeting in the capital (*The Herald*, 25/7).



“The principals have not yet met on the draft. It is Copac that says that they have endorsed the draft and not us. The final say is with the principals and not ministers. That is why we are the principals” – President Mugabe speaking to journalists after the conclusion of the SADC summit in Maputo (*The Sunday Mail*, 19/8 and ZTV, 19/8, 8pm).

“The essence of the GPA was never about writing a new constitution. So if there is a stalemate, we will go for elections with the old one. The conditions are now conducive for the conduct of peaceful elections” – ‘Political scientist’ Jonathan Moyo (ZTV, 24/8, 8pm).

“If we are going to reform our security sector, the motivation should come from us because we can’t allow foreigners to come and do that. These are not just soldiers but are liberators of this country and they should be respected for that. Any changes in the security sector must be by soldiers themselves not foreigners” – Deputy Prime Minister Arthur Mutambara speaking on the sidelines of Defence Forces Day celebrations in Harare (*The Herald*, 15/8).

“The security sector reform is a scheme by our former oppressors who are not happy that those who commanded us and brought us independence are still in the force. These calls...are nonsensical. We have a professional force. If they are not professional then why are they being invited to take part in peacekeeping missions?” – State Security Minister Sydney Sekeramayi rubbing calls for security sector reform (*The Herald*, 15/8).

“Environment (Ministry) are the custodians, and our mandate is to market, and we can only market value not a threat. Wildlife management and conservation are also investment and philanthropic areas, in some instances protected by BIPAS, which are a sincerity test of trade goodwill between nation states” – Tourism Minister Walter Mzembe calling for the speedy resolution of problems in the Save Valley Conservancy that are threatening to tarnish Zimbabwe’s image (*The Herald*, 23/8).

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