

# **ZIMBABWE ELECTION SUPPORT NETWORK**



## **BALLOT UPDATE**

**Issue No. 12  
April and May 2010**

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## INTRODUCTION

This period saw a number of developments including the acquittal of Roy Bennett of all charges of banditry and terrorism laid against him. In an interesting twist the Herald of 10/05/2010 also noted the offer by Bennett to forego his deputy ministership post for the good of the inclusive government. While the swearing in of Bennett was an “outstanding issue” in the inclusive government, other unilateral appointments such as Reserve Bank Governor and the Attorney-General remain outstanding issues with no indications of compromise from other parties in the inclusive government. The period also saw the appointment of George Chiweshe as Judge President, yet another unilateral appointment by President Robert Mugabe.

The month of April witnessed a number of events such as Independence Day celebrations, the return of the SADC negotiator’s team, which recommended the three principals to read the reports presented by the negotiators. ZESN is concerned that these delays that do not seem to advance the resolution of outstanding issues. There is the assumption that the principals would know the content of the report since negotiators negotiate based on already set parameters by the principals and the request by the negotiating team that the principals read the reports by the negotiators seems a delaying tactic. In addition, doubts have been cast on the neutrality of the SADC negotiator after the visit by Julius Malema, ANC Youth League Leader in which he openly condemned MDC and boasted of his party’s (ANC) support for ZANU PF.

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 and closely observe 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 April and May 2010.

ISSUE		COMMENT
GPA/ GNU	Electoral Reforms	<p>ZESN has been advocating for wholesome electoral reforms and welcome the proposed reforms agreed to by political parties. The media revealed that political parties had not been able to resolve the major outstanding issues; however agreed on a number of electoral reforms. ZESN sent out an analysis of the issue on the 26<sup>th</sup> of April 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 officer from the polling station and from assisting voters, delimitation processes, voter education, the creation of various centres for handling results among other issues. 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 for democratic elections such as ensuring the freedoms of citizens through the institution of security sector reforms. There is need to reform the role of the security sector as a service and not a “force” that maintains law and order and not a reign of terror on citizens.</p> <p>Proposed reforms did not open up the space for provision of voter education by civic society as ZEC faces a number of limitations financial and human constraints in undertaking this process. Negotiators did not provide for issues of electoral violence and 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 who powers and composition were not 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 in the security makes citizens vulnerable to electoral violence. ZESN advocates</p>

		<p>for the transformation of the security sector to enable them 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 times.</p> <p>ZESN continues to express concern about calls for elections that continue to emanate from principals of the inclusive government. There is need for energies to be directed towards the constitution making process which is key to the conduct of democratic elections in Zimbabwe.</p> <p>ZESN notes with sadness the passing away of Member of Parliament for Mabvuku Honourable Shepherd Madamombe. This adds to the number of constituencies that have been affected by the moratorium on by elections agreed to by political parties. While the reasons for the moratorium were noble, they have resulted in the non representation of some constituencies which violates the principle of representativeness as some constituencies remain unrepresented. ZESN calls for the conduct of by-elections or other ways to ensure that all constituencies are represented through internally democratic principles. An appendix of constituencies without representation are attached to this update. Elections are the way in which people directly participate in their governance and denying people a chance to choose their leaders denies the choices of people and at the same time denies people representation in the house of assembly and senate.</p> <p>The GNU has suffered yet another blow through the unilateral appointments made by the president RG. Mugabe of Judge George Chiweshe as Judge President of the High court. This appointment comes in the wake of similar issues that have resulted in problems in the implementation of the GPA. MDC (T) has called for the regularisation of these appointments. The appointment has been controversial and civic organisations criticised the appointment for its lack</p>
	The GNU	

The Constitution Making Process	SADC facilitator returns to Zimbabwe	<p>of transparency and oversight by parliament.</p> <p>Facilitators returned following the submission of the report to the SADC Chair, South African President Jacob Zuma to re-engage with the negotiators after they failed to resolve fundamental areas of disagreement. It seems that the negotiations have taken a back seat as the mediation team sent in another delegation appointed this time to ask the principals to study the report that had been delivered to them by the mediation committee. This seems a tactic meant to buy time as one assumes that before the negotiating teams submitted the report to the mediator, the principals of the political parties would know the contents of the report.</p>
	The indigenisation and Empowerment Act	<p>During the month of April, ZESN observed continued debate on the regulations of the indigenisation and empowerment bill as these regulations have been controversial and were received with mixed feelings by the citizenry. ZESN observers reported that while community members appreciate the need for ownership to means of production, there is need to balance these with the country's need for economic rejuvenation that comes with foreign direct investment. Thus ZESN recommends that national interest needs to be at the heart of any regulations that are made for the country.</p>
	Progress on the constitution making process	<p>The constitution process continued to face delays and is currently nine (9) months behind schedule going by the provisions in the GPU. While the constitution making process seemed like it was taking off, ZESN noted with concern another obstacle in the form of new budgetary obligations placed by</p>

		<p>the Police sector for the provision of security during the outreach process which had not been budgeted for. Such developments only lead to further delay a process that is already behind schedule by many months.</p> <p>ZESN welcomed the training of rapporteurs though the training was brief and left a lot to be desired. The terms of reference for the rapporteurs remained unclear after training. There have been press statements that claiming that a new constitution will be ready by April 2011 despite the delays. ZESN notes that a hurriedly made constitution does Zimbabweans a disservice as this is the most important document in the governance of their country. ZESN urges all stakeholders to begin the constitution making process in earnest to avoid a hurried process where some voices will not be heard.</p> <p>Funding limitations were cited by COPAC as the greatest obstacle to the commencement of the constitutional outreach process. Although COPAC had experienced shortfalls to the amount of USD\$2.5 outstanding from the pledges made by donors, the Chairperson Mr. Douglas Mwonzora recently announced that USD\$7, 1 million had been availed and noted that the process would start in mid June 2010. Mr. Mwonzora also reported that the committee is working on logistics necessary to conduct the outreach process at the 2868 meeting centres that have been designated. ZESN hopes that this not yet another false start. On the 08<sup>th</sup> of June 2010, ZBC announced that outreach officers were to report to provincial centres for a briefing before they begin the outreach process. While this is a welcome development which was long overdue, ZESN is concerned by the delays in publishing the scheduled meetings with date and times, information very critical for citizen participation. ZESN is concerned that lack of relevant information will not enable citizens in rural and remote places to know when outreach meetings will be held in their areas, consequently denying them participation.</p>
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Media Reform		<p>ZESN observers reported that in some areas access to newspapers and television and radio is sporadic and people received biased news. The fact that in some areas people are victimised for being seen with independent media</p>

		<p>denies people the right to information.</p> <p>ZESN welcomes the granting of licensing to 4 media houses and urges the newly constituted commission on media to speed up reforms and open up media space. A plurality of media voices in Zimbabwe will provide the necessary checks and balances necessary for people to hold the government accountable.</p> <p>An analysis of the coverage of the Herald has revealed that while there has been increased coverage of the MDC (T), all the stories have been negative, and the same has not been the case of their coverage of ZANU PF. There has been much emphasis on the divisions with MDC (T) and ZESN encourages balanced coverage of political parties within the inclusive government.</p>
Respect for Human Rights and Fundamental Freedoms	Independence Celebrations Day	<p>Independence celebrations took place in the rest of the country with the main celebrations in Harare.</p> <p>ZESN acknowledges the role that enjoyment of freedoms plays 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 including intimidation and harassment in some areas such as Chimanimani East where people are threatened with unspecified action if they are too vocal about some issues during the outreach process.</p> <p>While there has been some improvement, ZESN observers have noted tension within communities as people in some areas are reminded of the violence of 2008 which can be repeated if they say the wrong things during public outreaches. There is need to address such forms of intimidation that can hinder effective participation of communities during this critical process.</p> <p>ZESN observers have noted that what has been termed “tisu tichataura” (we are</p>



		<p>the ones who will speak) which provides for those that are selected to speak. This has been noted in Chivi Central, Makoni South, Masvingo West. Observers have reported that it seems like parties are preparing only a few people to speak yet it would be more fruitful for all people to be empowered to speak in this process.</p> <p>ZESN is concerned that such occurrences defeat the intents of the outreach programme under COPAC, if such issues are not dealt with, only the views of a minority will be heard. ZESN urges all parties to desist from imposing their views on the citizenry and to allow people to freely express themselves during this process.</p> <p>ZESN observers have also noted that due to limited information citizens have been made to believe that, the constitution making process is about defending the positions of party leaders and this miscommunication results in intimidation and harassment to any dissenting voices. There is need for quality, non partisan information regarding the constitution making process to allow the full participation of people in rural and remote areas.</p> <p>In some areas such as Mbire, ZESN observers report that it has become an “offence” to read independent newspapers and this curtails people’s access to information.</p> <p>Members of WOZA were arrested for demonstrating against ZESA and power cuts yet the electricity tariffs remain high. The continued arrests of human rights defenders that are seeking accountability from the state is intimidatory and meant to silent the voices that seek transparency and accountability from institutions of the state.</p>
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	Commemoration of World Press Freedom Day	<p>ZESN observers in Chivi Central reported that in Shangwa Village an MDC supporter activists who had fled the violence in 2008 returned home, only to have his house burnt on the 24<sup>th</sup> of March 2010 by alleged ZANU PF youths. ZESN urges increased political tolerance and respect for different political opinions.</p> <p>ZESN observers have also noted that in some areas such as ZAKA North, Mbire, people have been told to support the Kariba draft constitution, although it remains unclear if these people are aware of the contents of this draft. ZESN deplores imposition of views and silencing of people's voices.</p> <p>ZESN observers have reported that in some areas such as Masvingo West, Chivi South, people are being forced to attend ZANU PF rallies or meetings against their will. This defies freedoms of association and assembly that people are entitled to by the constitution and other human rights protocols that Zimbabwe is signatory to.</p> <p>ZESN observers in Chiredzi North noted that residents were forced to contribute \$5 and 5 litres of sorghum for brewing beer towards independence celebrations and those who refused were threatened with eviction from the area.</p> <p>Zimbabwe celebrated World Press Freedom Day on the 4<sup>th</sup> of May 2010. There was emphasis that media freedom and access to information need to be constitutional rights. The existence of laws such as AIPPA that curtail freedom of the press and consequently freedom of expression have dented freedom of press in Zimbabwe. ZESN notes that while there is considerable improvement in the media freedoms since the formation of the inclusive government, the continued arrest of journalists have curtailed media freedoms. The</p>
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		<b>independence of the media has not been promoted as arrests and harassment are ways to censor and muzzle the media.</b>
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Appendix 1

HOUSE OF ASSEMBLY					
	HA CONSTITUENCY	REASON FOR BY-ELECTION	PARTY		
1.	Gokwe Gumunyu	MP Ephraim Mushoriwa deceased	ZANU PF		
2.	Matobo North	Incumbent was elected to be Speaker of Parliament (Lovemore Moyo)		MDC T	
3.	Mt Darwin	Retained Vice President position	ZANU PF		
4.	Guruve North	Death of MP Cletus Mabharanga	ZANU PF		
5.	Bindura North	Death of MP Elliot Manyika	ZANU PF		
6.	Mutare North	MP Charles Fungai Pemhengahayi deceased	ZANU PF		
7.	Nkayi South	MP Abednico Bhebhe expelled from party			MDC M
8.	Bulilima East	MP Norman Mpofu on expelled from party			MDC M
9.	Lupane East	MP Njabuliso Mguni on expelled from party			MDC M
10.	Emakhandeni - Emtumbani	MP Conelius Raphael Essalph Dube deceased		MDC T	
11.	Makoni Central	MP John Nyamande deceased		MDC T	
12.	Mabvuku	MP Shepherd Madamombe deceased		MDC T	
TOTAL SEATS VACANT (12)			5	4	3
SENATE					
13.	Chegutu	Incumbent was elected to be President of Senate (Edna Madzongwe)	ZANU PF		
14.	Chiredzi	Incumbent appointed to be provincial governor (Titus Maluleke) for Masvingo	ZANU PF		
15.	Gweru – Chirumhanzu	Senator Patrick Kombayi deceased		MDC T	
16.	Chitungwiza	Senator James Makore		MDC T	
17.	Non –constituency	VP Joseph Musika	ZANU PF		
18.	Gokwe South	Sen Machaya J. elevated to Governorship	ZANU PF		
19.	Mberengwa	Senator Richard Chemist Hove	ZANU PF		

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20.	Chiefs Rep in the Senate Mat South	Chief Joseph Bidi			Chiefs Electoral College
TOTAL SEATS VACANT 8			5	2	1