

ZIMBABWE ELECTION SUPPORT NETWORK



BALLOT UPDATE

June-July Issue 2011

INTRODUCTION

Political developments in Zimbabwe continue to unfold in intriguing ways. The months of June and July witnessed a number of inconsistencies regarding election dates messages and the electoral road map, which impact negatively on the nation's confidence in the Inclusive Government. Of importance was the statement by President Mugabe admonishing Parliament to leave "his" generals alone and its implications for free and fair elections in the country. During this period there was also the disturbing disruption of public hearings for the Human Rights Commission Bill at the Parliament building and in Masvingo. These and other political development are analysed in this Ballot Update.

The Zimbabwe Election Support Network remains dedicated to the promotion of democratic elections in Zimbabwe. In line with this objective, the organisation continues to analyse the political environment in the 210 House of Assembly constituencies where its observers are deployed. This update is informed by observations from these constituencies and broadly captures national political developments in Zimbabwe. For comments and feedback email: info@zesn.org.zw or zesn@africaonline.org.zw.

<p>The Constitution Making Process</p>		<p>environment in the country. It remains silent on what defines an election period and the campaign period. The lack of such distinctive timeframes, has led to perpetual campaigns by some political parties in Zimbabwe. In addition, the Bill does not deal with structural flaws inherent in the political environment such as the role of security sector except for the police in electoral processes. A number of other issues remain grey in the Bill such as the independence of ZEC which is not provided for, the registration of voters which remains a shared responsibility between the registrar of voters and ZEC. ZEC remains tied regards accreditation to the approval of the committee without other recourse measures for those denied accreditation. ZESN advocates for ZEC to be in charge of the invitation and accreditation of observers without any form of executive involvement or interference. Further, there is contradiction on the issue of polling station based voters roll and ward based voters roll. There is need for clarity on which voter registration system will be used. http://www.zesn.org.zw/pub_view.cfm?pid=296</p> <p>The constitution making process continues, well behind schedule, plagued by perennial funding woes. In the month of July, COPAC began drafting the statement of principles that would guide the drafters as they draw up the constitution. ZESN welcomes the COPAC approach to draw experiences from other countries such as South Africa and Kenya among others who have had a constitution making process as a means of resolving conflict and governance crises in these countries. The process of collating provincial and national data is scheduled to resume so that the drafting process can begin. COPAC officials quoted in the media point to a draft by October and a referendum in January 2012. These timelines seem more realistic than scheduled ones but ZESN hopes that adequate time will be given to citizens to interrogate the constitution so as to make informed decisions when the constitution is taken to referendum. The Referendum Act needs to be reviewed to reflect the changes that have taken place in the political environment. The new constitution must establish two categories of referendum, that is</p>
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Elections roadmap		<p>mandatory and non mandatory referenda which is triggered by certain events and not leaving matters in the hands of the president. ZESN notes the need to realign the Referendum Act to the Constitutional provisions to prevent contradictions.</p> <p>The elections roadmap remains a controversial document that exposes the tensions in the fragile inclusive government. ZESN is of the view that the timelines provided in the roadmap are unrealistic and fail to address a number of pertinent concerns that are essential before the country can hold a new election. ZESN believes that the 30 days given for voter education and mobilization for voter registration are insufficient as the successful completion of the processes is likely to exceed the set timeline given the many dimensions the processes demand.</p> <p>The 60 day timeline given for voter registration and preparation for a new voters' roll is unrealistic and there is need for review taking into account the number of existing registered voters in excess of 5 million and first time voters that would need to be captured. This is compounded by the proposed Electoral Amendments Bill which seeks set up a polling station based voters' roll. The proposed system would necessitate the 're-registration' of all existing voters and allocation to specific polling stations. The time allocated for this process should be cognizant of this, to ensure no eligible voters are excluded. The time and resources required for voters to register also needs to be considered so that the process is not too onerous as to discourage citizens from participating.</p> <p>It is discouraging to note that the parties failed to agree on essential reforms that we believe are fundamental to creating an environment suitable for credible, free and fair elections in Zimbabwe in particular the need for enhancing the independence and</p>
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<p>Human Rights Commission Bill</p>		<p>resourcing of the Zimbabwe Electoral Commission (ZEC).</p> <p>The Human Rights Commission Bill was gazetted on the 10th of June 2011. Like many others, ZESN has expressed its concern over the absence of an Act of Parliament two years after the constitutional provisions setting up the Human Rights Commission were enacted. The absence of legislation meant that the Commission was defunct even before it got off the ground. While the gazetting of the Bill was welcome, ZESN however notes with concern that public hearings for the Bill were disrupted in Masvingo and Harare on the 22nd of July 2011, where there was violence and intimidation to participants. The Human Rights Commission is a critical as a tool to remedy and curb the human rights violations that have taken place in the country, the majority being electoral related or politically motivated violence. A functional Human Right Commission would act as an antidote for the inadequacies of the Organ on National Healing and Reconciliation by providing the balance between justice and healing. The disruptions of the meetings point to continued conflict and the desire not to have institutions that provide checks and balances to violence.</p>
<p>Human rights and fundamental freedoms</p>		<p>ZESN notes with satisfaction the dismantling of some “bases” that had been set up. ZESN observers in Chakari reported that a “base” that had been mounted in Chakari Hall and the one at the old Chinhoyi Hospital had been dismantled. While this is a positive development, ZESN observers in some constituencies have reported the existence of “bases” in some areas Mashonaland West and Central which ZESN is still verifying. Observers have also noted the existence of various types of violations taking place in some areas of the country. These violations include limited freedom of expression, freedom of association and right to information, intimidation, harassment and victimisation of perceived MDC supporters. Observers in Gwanda reported violence and</p>

		<p>intimidation that followed in the wake of a rally by Prime Minister Tsvagirayi in Gwanda Stadium. While security is necessary, observers reported that the security presence was overwhelming to the extent of being intimidatory. Vendors were attacked and their wares confiscated during the same period to disrupt the rally. This indicates deeper tension and the lack of tolerance still existent in Zimbabwe. ZESN believes that citizens have a right to attend events of their choice and political parties have a right to promote themselves to citizens.</p> <p>ZESN observers in rural constituencies have reported intimidation and censorship of citizens who read other papers other than state owned newspapers. This amounts to violation of citizens' right to information which is critical in a democracy. The desire to ensure that only one voice is heard yet there are more voices the citizens can have access to speak of gross intolerance. These violations were noted in some areas of Tsholotsho, Insiza South, Umguza, Gwanda Central, Bulilima East, Mangwe, Gokwe Chireya, Gokwe Central and parts Mashonaland Central and West to mention a few. On the whole, observers reported various degrees of violations within constituencies, with most being covert acts of intimidation meant to instil fear in citizens. Observers have reported continued unequal access to citizens by political parties. During this period, members of MDC led by Professor Ncube were arrested and detained in Hwange for having held a private meeting in Victoria Falls. They were later released without charges. In the same way, police denied clearance to ZAPU for a meeting scheduled in Lupane West. It seems that ZANU PF is the only party in the country that is able to conduct meetings whenever they want without problems of clearance. ZESN believes that Zimbabwe is a multiparty democracy and the right to association is most critical. Barring some parties from accessing citizens is a violation of their right to association provided for in the Zimbabwe constitution. The issue of police clearance has resulted in arbitrary denial of some groups</p>
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		<p>while others are favoured. In Masvingo, Jabulani Sibanda, the war veteran continues with his reign of terror “to convert” people to the right party. Observers in Bikita West and Zaka Central reported that villagers were being coerced to attend meetings presided over by Jabulani Sibanda. These meetings are meant to bring those citizens perceived “lost” because they voted for MDC to the “right party” ZANU PF. On the 18th of June, in Nyanga South, residents were forced to attend a rally being presided over by an aspiring member of Parliament for ZANU PF. Observers in Headlands have reported a certain war veteran (name withheld) has been forcing people in Mugadza District to buy ZANU PF cards. ZESN believes that people should engage in political activities out of their own volition not coercion which engenders healthy participation. In Makoni West, observers have reported that people are being forced to attend rallies and failure to do so results in their names being forwarded to the youth officers. ZESN observers reported that in Nyanga North, a council bar was being used to sell maize to ZANU PF supporters only. In some settlements such as Caledonia and Bobo in Mabvuku Harare, residents are threatened with eviction if they do not support ZANU PF. This amount to intimidation and has implications for elections held in this environment. ZESN observers reported that on the 30th of June, a rally was held in Cheshumba school were ZANU PF officials (names withheld) warned people that if people do not vote for ZANU PF they would be dealt with severely. ZESN believes elections are meant to provide citizens an opportunity to vote in leaders of their choice, thus predetermined outcomes due to violence and intimidation deny elections their purpose of bring accountable and responsive leadership.</p> <p>ZESN observers in the Midlands and Manicaland as well as Harare have noted the handing out of gifts by ZANU PF officials in these areas. In Mabvuku and Tafara in Harare, some residents have been given blankets, soap and at times cash as well as funeral assistance. ZESN hopes these gifts are not meant to cause undue influence to the electorate. In some</p>
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<p>Moratorium on by-elections</p>		<p>cases, the electorate has been promised more of these gifts if they vote for a particular party. ZESN observers reported that youth officers are being used as mobilizers of support for a political party. ZESN observers throughout the country have reported tension as citizens are not free to discuss political issues in public for fear of victimisation; this shows the unhealthy nature of our political environment.</p> <p>ZESN notes with concern that the moratorium on by-elections for deceased members of Parliament has adverse consequences for representation of the electorate. The moratorium on by-elections has result in some constituencies without representation thereby creating their marginalisation. It is important to begin thinking of mechanisms of ensuring these constituencies are represented in Parliament and that their interests are taken into account.</p>
<p>Conclusion</p>		<p>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, Zimbabwe advocates for these minimum conditions:</p> <ul style="list-style-type: none"> • <i>The creation of a violent-free environment where freedom of assembly, association and speech, media pluralism among others are upheld.</i> • <i>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.</i> • <i>Furthermore, ZESN remains concerned about the state of the voters’ roll and calls for the</i>

		<p><i>production of a fresh voters' roll.</i></p> <ul style="list-style-type: none">• <i>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.</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 postal votes.</i>
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