

ZIMBABWE BRIEFING

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Crisis Comment on Just Ended Referendum: Zimbabweans...voting 'yes' for Progress

Several facts about the just ended referendum are impossible to refute, without evidence to the contrary. One of those facts, as stated by the Zimbabwe Electoral Commission, is that over 3 079 966 Zimbabweans voted 'yes' in favor of a new constitution. This turn out is worthy of our pride, and would have been easier to be prouder of had we not had just ZEC to rely on. There was thin spread of observers at polling stations at the time of counting, and unlike during other elections, there were no Polling Agents either from the parties supporting a "Yes" vote or a "No" vote. So those who think the figures were inflated or deflated may have a case that, unfortunately, is hard to prove because of the absence of the above stated corroborators. That being said, all we have is ZEC and what it put out. In the absence of information to the contrary ZEC's version becomes gospel truth. The other fact, which is even less disputable, is that many of these Zimbabweans who endorsed the draft constitution have little, if any, idea what its contents are or what its import is – but they voted 'yes' regardless.

Another fact is that the three main political parties aggressively campaigned for a 'yes vote' traveling across the length and breadth of the country preaching the gospel of 'incremental gain' also known as 'something is better than nothing'. Having overwhelmingly triumphed at last Saturday's referendum polls, those who campaigned for the 'yes vote' can now fight over who takes the credit and proceed to interpret the referendum results in whichever way suits their egos or serves their electoral and political agenda.

However, amid all these facts there is one fact that stands alone, un-propped by the rhetoric of political actors or the analysis of experts and without the weight of SADC, regional or international rubber-stamped approval to lend it credence.



Zimbabweans in a queue waiting to vote during referendum at Hopley farm in Harare South

That fact is that to a lot of Zimbabweans, the referendum was not necessarily on the constitution but on the state and future of the country. Zimbabweans voted 'yes' more for the sake of and for progress. They voted 'yes' in the hope that a new constitution will bring about some positive change and mark the beginning of a new era for their country.

Those who criticized the new constitution and stood resolutely opposed to the COPAC draft by casting a 'no' vote should take heart in that they were not defeated. Rather, what they were campaigning around, was not what the people were voting on. They should take heart from the reality that, what has happened may have been a classic case of having the right answer to the wrong question.

For the majority of those who voted on Saturday, the flaws in the draft, in whatever form or shape; were insufficient a reason to keep the nation in the current state of political limbo, that we have collectively christened the 'Inclusive Government'.

Whilst it cannot be disputed that the Inclusive Government has brought about some positive changes here and there – these are mostly superficial as the three political parties who are at the helm of the country

have also displayed a penchant for bickering, shifting blame and undermining each other, and Zimbabweans have had enough of that.

So for progress' sake, Zimbabweans voted 'yes' to put an end to this political impasse. Zimbabweans voted 'yes' because they are fed up with being the proverbial grass that gets trampled on as the political parties in the GNU relentlessly jostle for power with the vigor of elephants making love. Whilst they may have varying expectations and priorities as to the nature of progress they wish to see, Zimbabweans voted 'yes' not only to embrace a new era but also to register disaffection with the current political status quo. For many, who had no idea what was contained in the COPAC draft that they voted 'yes' for – the gesture goes beyond providing a detailed or nuanced explanation as to which provisions in the new constitution they were in support of. For many Zimbabweans who cast the so-called 'blind' yes vote – the gesture takes on the glossy shimmer of the symbolic rather than the tangible – voting 'yes' becomes an aspirational endeavor. Voting 'yes' becomes a statement about the hope Zimbabweans carry of moving on, going forward and finally walking away from the rut of a stagnated system of govern-

ance that has hamstrung the nation's potential to achieve meaningful progress in every sphere.

The criticism that most Zimbabweans who voted 'yes' did not even have the slightest clue what they were voting for is as stubborn as the view that these same Zimbabweans were voting against something - they voted against the possibility of things remaining the way they are.

They voted in the name of progress. And no one can fault them for that. It would behoove us well to remember that with a new constitution in place, the next destination this country is headed for are the harmonized elections and it is the people of Zimbabwe who will have the final say. Politicians would do well to bear this in mind, and as they celebrate, know that rather than being an endorsement of their popularity, the referendum was an indictment on the way they have been conducting Political business. Their celebrations, contrary to the loud competition for credit that we have heard emanating from them, should be muted in cognizance of the fact the people are fed up. The people are not pawns in some political chessboard because they have agency to do, with their voting clout, whatever they believe, will ultimately propel the country forward. After all, it has been said that the voice of the people is the voice of God.

By Crisis in Zimbabwe Coalition

Youths in Zimbabwe Need to Exercise the Right to Vote

Zimbabwe is an election country. One can imagine that after independence in 1980 we had parliamentary elections after every 5 years and presidential elections first after five years then after six year. In between these there were anecdotes of bi-elections and the local government elections which were not tied to the parliamentary or presidential elections. The years in between elections got even shorter as we got into the decade 2000-2010, 2005 parliamentary elections, 2002- presidential elections, 2005 parliamentary elections, 29 March 2008 harmonised election and June 28 2008 Presidential run-off. Not to mention the by-elections that were happening in between. In the face of all these, political participation in Zimbabwe is very low.

Statistics published by Electoral Institute for the Sustainability of Democracy in Africa shows that in 1980 House of assembly election there were 2 649 529 votes cast when the population was 7.359,000 (36%), in 2005 - House of assembly elections there were 2 696 670 votes cast and in 2008 - Presidential elections 2 537 240 people voted in the first round (42% of registered voters) and the population was 12 597 000(20%). Quite interestingly there was a decrease in the runoff elections in June to 2 514 750 .The above statistical analysis shows that there is a marked decrease in the participation in elections in Zimbabwe. The big question is WHY?

First I believe that there are too many elections in Zimbabwe as noted above and because of the exposure that people get of hate language, violence and intimidation people are systematically shifting away from political participation through voting. Come election time and even now when the dates of elections are not yet announced the public is bombarded by election sensitive advertising and media charade. Songs by ZANU Pf activists are

played every hour on national radios stations and TV. A quick look at all the newspaper headlines will show you that there are purposeful elections in all the news papers, private and public. The walls still have 2008 elections campaign posters just to show you that it's still fresh in our minds. With the violent nature of the elections over time people are now tired. WHY BOTHER to vote?

Secondly there is too much violence associated with and if what happened in 2008 is anything to go by then the

have any effect on people's daily lives. Political participation by young people is important because without the young's voice, the government doesn't know where to go or what to do to please them. A government with no input from its citizens is not going to be very popular or last very long. It's sort of a circular problem; a lot of young people feel there's no point to voting because they think the government doesn't help them, but the government can't help them if they don't vote.

I believe that young people want to

portant for the people to reclaim their right to decide, their right to vote on issues that concern them, for are we not the best judges of what is right and wrong for ourselves? I truly believe that young people want to make a difference, and that they have important contributions to make. Our strength is found in our people, and in their ability to rule themselves. If we lose that strength, we lose the very principles that caused so much bloodshed in the liberation struggle, and so much pride in our ancestors. Lack of participation by the average citizen leaves the seat of power open to occupation by an undemocratically elected gerontocracy. Action to restore public engagement in politics is essential to preserving a system of government in which the people's concerns are addressed.

I am only below 30, but I feel that I am a very intelligent and informed young man, so don't judge me according to age, because I know more than some 88 year olds out there. I'm not idealistic or naive, I just refuse to let go of my dreams. This voting problem is not just about voting, it's about society and the mess in it. Generational gaps do and always will exist. No 88 year old can know what life is like for 30 year old or young. How can some old man know what my ideals are, or how I want the world to be? Why should I vote for someone who is completely out of touch with me and my realities? Young people don't vote because all they see after casting votes is violence and slow genocide. They don't vote because they feel afraid and helpless. Make them feel safe and empowered, and then they will vote.

Mashoko M Matonhodze

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number will even reduce. One can see that there were fewer people who voted in June 2008 than those who voted in March because there was more violence in the later. However, a primary factor motivating young people's disgust with the political process is the entrenchment of state sponsored violence. The future of the country depends upon a caring and able electorate.

Thirdly since 1980 ZANU PF has not delivered on the promises to the electorate and there have been a recycling of the same faces. Some of the reasons for this problem are ignorance of the importance of voting, a broad sense of apathy about voting and democracy, and the feeling that voting doesn't matter because whoever is elected doesn't

vote on issues, not in a popularity contest in search of a candidate. By using referendums and allowing voters to truly decide on an issue, I strongly believe that the masses will rise to the challenge. By using referendums, we would take some of the power away from our representatives and put it back in the hands of the people. In a system of checks and balances, referendums would be just one check to make sure that important decisions are decided by the will of the people.

Democracy means allowing the citizens of the nation to decide for them what is right, and what is important. In today's society, people of my age no longer feel that freedom that impassioned past generations to fight and even die for this country. It is im-

SADC Makes Recommendations for Zim Elections

THE Southern African Development Community (SADC)'s Electoral Observer Mission (SEOM) on Sunday evening March 17, 2013, a day after voting had closed in the Zimbabwe constitutional referendum made recommendations for the forthcoming elections in the capital Harare. SADC Observer Mission Head Hon. Bernard K. Membe, the Tanzanian Foreign Affairs and International Cooperation Minister, addressed the post-referendum preliminary assessment briefing. He addressed on behalf of Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, Tanzanian President Jakya M. Kikwete.

The event was attended by SADC Executive Secretary Dr. Tomaz Salomao, Foreign Affairs Minister Dr. Samuel Mumbengegwi, ZEC Chairperson Justice Rita Mukarau, COPAC Co-Vice Chairperson Hon. Jessie Majome, Ministers in the Inclusive Government, members of the Civil Society and international dignitaries among others.

The regional bloc's electoral observer noted some positives in the referendum voting. However the Observer Mission made significant recommendations, which they shared with Zimbabweans

ahead of the forthcoming elections. "Encourage the establishment of a mechanism through which funds for elections could be timely availed; encourage the update of the voters' roll in time for elections; Encourage continuous voter education," the Observer Mission said.

The Mission revealed in its preliminary assessment of the referendum the concerns raised by various stakeholders, who include political parties and civil society, including the failure by the authorities to timeously provide resources to Zimbabwe Electoral Commission (ZEC).

On the cases of violence witnessed during the Referendum, the Mission said: "The SEOM noted reports of isolated cases of intimidation and harassment in some areas and in particular in Mbare, Harare. The SEOM condemn these acts of violence and pledge to law enforcement agents to objectively deal with these matters as they arise." Further concerns raised were to do with insufficient copies of the draft as well as time to read them, and inaccessibility of some polling stations. The Mission noted that, although there had been some concerns, they did not soil the credibility of the referendum. "The Mission is pleased to share its

findings and observations with the people of Zimbabwe and all relevant stakeholders. In general, the Mission observed that the polling process was conducted in a peaceful, transparent and smooth manner.

"The Mission has come to the conclusion that although some of the concerns raised are pertinent, they are, nevertheless, not of such magnitude as to affect the credibility of the overall Referendum.

Membe concluded by saying the referendum holding "is a major step in the implementation of the GPA and I therefore would like to take this opportunity to encourage the political leadership and all the people of Zimbabwe to uphold peace and stability as we are waiting for the white smoke."

The billowing of the white smoke is traditionally used to announce that a new Roman Catholic Pope has been successfully chosen in the Vatican, as happened recently when the new Pope Francis I replaced Benedict VI. The Tanzanian Foreign Minister could have used it to mean the emergence of a winner after the forthcoming harmonized elections later in the year. Though important in its own right, many people had taken the referendum as a test run for the coming elections. The Crisis Coalition Spokesperson and

Bulawayo Agenda Director Thabani Nyoni evaluated that sentiment.

"It was a test run to the elections to some extent. It brought out important issues like ZEC's preparedness.

"Do not read too much into the political parties agreeing because they agreed to the draft constitution for different reasons. That is why you find political parties which were all campaigning for a Yes vote fighting in such areas as Mbare and over where to popularize the draft.

"It's however difficult to conclude whether it is a true indicator because the voter's roll was not being used and the process was therefore more accessible and faster in terms of voting. The elections are likely to be more hotly contested, the space closed and violence will be prominent judging by the referendum."

The Observer Mission had deployed 12 teams comprising of 78 observers, drawn from regional Members of Parliament and civil society across the country during the referendum, who had arrived in Zimbabwe, six days before voting, on March 10.

Zimbabwe is not ready for the harmonised elections

The resounding victory of the referendum has given hope to many people around the world that Zimbabwe can have a peaceful election. Having spent most of my time in the past two months tracking the referendum and lately the election, I noticed that with willingness from the political players that a free, fair and peaceful election can be a reality in Zimbabwe. However the circumstances surrounding the referendum election are different from those of presidential election. On a balance of scale the presidential election decides which political party gets in power and who goes into the political wilderness. The fear of losing election from political parties is in my view going to change the peacefulness we noticed during referendum. With a politicised police force, lack of rule of law, hate speech and unlawful arrests, Zimbabwe needs a miracle to emulate the peaceful referendum election at the presidential election.

The arrest and detention of Beatrice Mtetwa a human rights lawyer for allegedly shouting at police officer a day after the referendum clearly shows that the Zimbabwe Republic Police have not reformed. Furthermore the refusal to release Beatrice even with a High Court order clearly shows rule of law is non-existent in Zimbabwe. If police disobeys court orders, who will enforce the law? Clearly it is anarchy. The silence of the presidium on the issue confirms that the overzealous police officers are backed. Beatrice's case is not an isolated one, another human rights activist Jestina Mukoko



A police officer walks past the remains of the house where Retired Major General Solomon Mujuru died in a case alleged to be an assassination by some ZANU PF people who are fighting to takeover power from Mugabe

was unlawfully detained. Despite the fact that the allegations levelled against Mukoko should be directed to her organisation [Zimbabwe Peace Project] were she is simply an employee, the police preferred to target her. These arrests and detentions are means by ZANU PF to silence any voice deemed to be opposition through the police.

At the celebrations of Mugabe's 89th birthday, most cheers were given to speakers who denounced Tsvangirai and his MDC-T in the most degrading way. Again the president chose to be quite which is silence endorsement of the hate speech. The silence by President Mugabe contradicts his call for peace. A call for peace that is not

shown by actions is meaningless. As I mentioned earlier only the willingness for peace from politicians can save the country from a blood bath election. Zimbabweans are clearly divided on political formations. The resounding victory of COPAC draft into constitution was mainly achieved not simply out of the liking of the draft but a demonstration by the Zimbabwe electorate that their allegiance is with their political masters. This means that the people have little influence on the peacefulness of the election.

The unity shown by political parties during referendum whilst it's commendable a critical look into the unity one can deduce that it was stage managed. Political temperatures are likely

to start boiling before the national election. Both MDC-T and ZANU PF have not done party primary election. ZANU PF had to abandon its DCC election last year as they were marred by intra-party violence. Factionalism in ZANU PF can still manifest itself in intra-party violence during the national election if ZANU PF fails to put its house in order. The bombing of a ZANU PF official William Chapepa's house, who is running for election as a local government councillor in the eastern Manicaland shows the fights in party are a reality. MDC-T is also deliberately ignoring the issue of primary election. Whilst failing to do them may cost the party some votes it is also possible that this can lead into possible violence within the party. It is what to gain and lose through the presidential election that makes it different from the Referendum. The elections are likely to be more hotly contested, the space closed and violence will be prominent judging by the referendum.

However the time that is between the election and now if utilised to preach peace mainly by political parties can make a greater difference. Kenya is a good example that a commitment by politicians to peace can guarantee fair election. It is now a crucial time where the region and international community need their voices of encouragement of peace to be heard by Zimbabwe politicians.

By Tafadzwa Maguchu

Crisis in Zimbabwe Coalition Statement on the arrest of Beatrice Mtetwa

The Crisis in Zimbabwe Coalition would like to register its disquiet with the unlawful arrest and detention by the police on Sunday 17 March 2013, of Eminent Human Rights Lawyer Beatrice Mtetwa. We view the arrest of Mtetwa, as yet another unfortunate example of how the Police are consistently overstepping their authority and contrary to their oath to uphold the law are breaking and abusing it to meet unspecified and opaque aims.

Although the Police have tried to sale a case of "Obstruction", we believe that Beatrice is being targeted because she has become a fly in the ointment of the state, the Police and known Political parties, and their sinister agenda to trample on the rights of Zimbabwean Citizens. We note the above precisely because it is Former Zimbabwe Law Society President Mtetwa, who has shielded ZIMRIGHTS, ZPP, The Glen View 29, recently against the politically motivated machinations of the state and its functionaries in the police. We are fully convinced that Mrs Mtetwa's arrest is punishment, not for breaking any laws but for daring to do what lawyers do – represent a client and ensure that the police, in the conduct of their work are not shredding the Bill of Rights and the law in the process.

This unprofessional approach to Policing has become widespread and commonplace over the last 10 weeks as we have seen police cracking down on Human Rights Defenders, their organizations and now their Lawyers. We are fully aware that the Criminalization of Mrs. Mtetwa, as in previous instances, is not meant to meet any legal and just ends, but to intimidate Human Rights



Beatrice Mtetwa , human rights lawyer

Lawyers, their clients and organizations. Coming as it does a day after a referendum on a draft Constitution, and even before the ink had dried on our ballot papers, we condemn this nicodemous conduct of the Police, which was carried out while the nation's attention was on the Referendum, and declare that these acts are ultra vires the country's constitution, and the spirit with which the people of Zimbabwe collectively participated in the referendum. The Coalition contends that the referendum was not just on the constitution but more on the old way of doing business. Results of which already indicate that the people voted for a break with the past including arbitrary arrests, harassment of HRDs, their Lawyers and organizations. The Coalition urges the police to get on board with this new agenda,

break with the past and start building a new progressive and better Zimbabwe where the police are not a law unto themselves.

The Coalition demands:

- The immediate release of Beatrice Mtetwa without further delay, as ordered by the High Court in the early hours of Monday the 18th of March 2013.
- That the Police STOP ignoring Court orders, and subject themselves to the law that they are sworn to serve. That the inclusive Government of Zimbabwe, immediately ceases the harassment and criminalisation Human Rights Lawyers, their clients and

- organisations and urgently take measures to ensure the
- protection of Lawyers.
- The police and prosecuting authorities should exercise professionalism and carry out their duties in a non-partisan manner and desist from the intimidation of human rights lawyers and their clients.

We remain convinced that this unprofessional conduct by the Police, and their attempts to criminalize and discredit Mrs Mtetwa are wholly associated with the impending elections. We thus call upon the Government of Zimbabwe, the Southern African Development Community, and the International Community to urge the Police to desist from such unwarranted actions, which themselves boarder on criminality and are anathema and a bad sign for the holding of free and fair.