

On Solid Ground

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Referendum Voting Patterns and Possible Effects on the 2013 Elections:

Zimbabwe undertook a Constitution making process which culminated in the Constitutional Referendum on March 16 2013.

The Prevailing Political Environment Often Determines the Role Played by the Citizens in the Voting Process

Given that the referendum precedes a pivotal watershed election in 2013, there is a natural inclination to read as much into the referendum process and results as possible in order to ascertain the degree of its reflection of the voting patterns in the upcoming elections. This is done cognisant of the fact that the prevailing political environment in the two cases might be different. The situation that prevailed was relatively peaceful, with limited reported cases of overt violence and open human rights violations, though the structural violence remains intact. The environment was less restrictive as compared to the 2008 June 27 Presidential runoff which sought to suppress the opposition by all means necessary. The peaceful voting process, during the referendum, was due to the fact that the two major political parties, ZANU- PF and MDC-T,

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➤ Those that stand for what is right and seek justice are often persecuted.

➤ A peaceful and flexible process allows citizens to freely exercise their democratic right to vote

which are usually in contention, were operating in consensus. The same “cordial” relations cannot be expected during the much anticipated elections because the stakes would be higher for both political

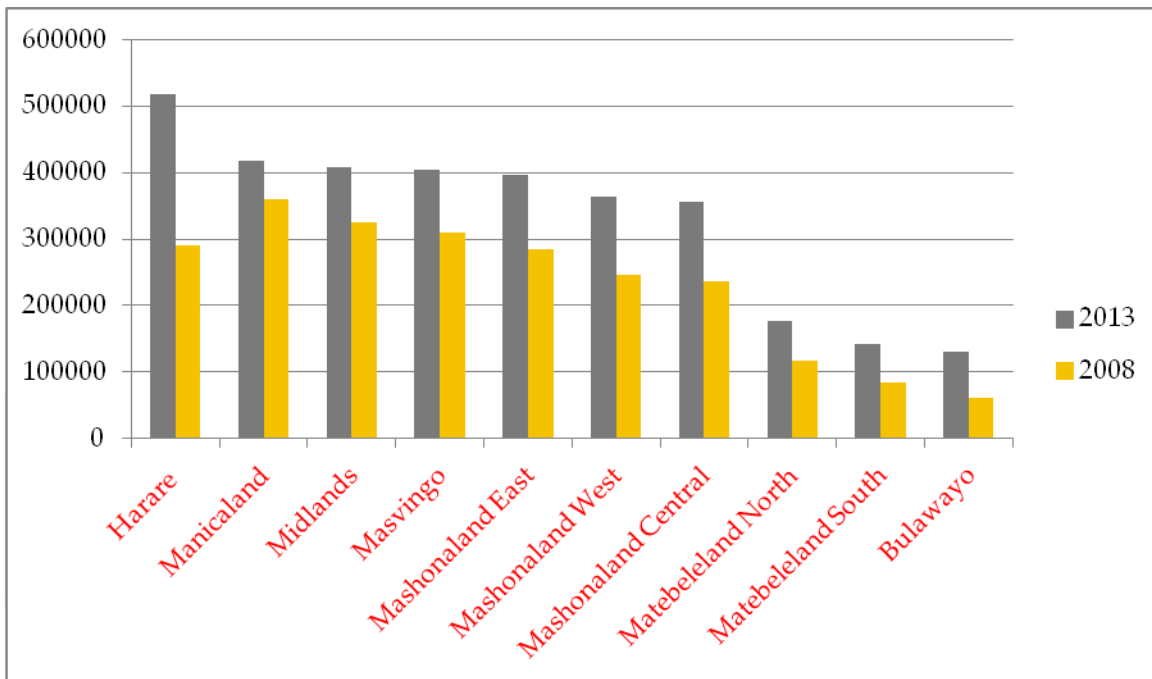
parties. The harmonized nature of the elections (Local Government, Legislative, Senatorial and Presidential elections) increases the platforms for political contestation and a stronger possibility for confrontation than the rather cordial negotiated “dead rubber” contest the referendum was. The GNU psychologically provides a sense of equally balanced chances for both parties prevailing in the elections. For that reason, therefore; the cooperation and peaceful environment that existed during the referendum though ideal and preferable might be seriously compromised at the upcoming election due to its highly competitive nature.

The 2013 referendum process recorded the highest turnout in the history of elections in Zimbabwe. A total number of 3, 316,082 people participated in the process whereas in the previous 2008 elections, 2,421,973 voted. There has not been serious contestation of the authenticity of the figures. The statistics show a significant increase of voter participation even in

provinces where high incidents of political violence had been previously recorded. The table shows the different voting trends in the 10 Provinces in Zimbabwe. A comparison is made between voter participation in the 29 March 2008 election and the 16 March referendum. For the purposes of effective comparison, the March 29 results were used instead of the 27 June election results because the June results were gravely contested due to the high incidents of human rights abuses and violence associated with it. The March 29 results mirror a true representation of the results.

A comparison of the two plebiscites reflect an overall increase in the number of voters across all the 10 provinces with Harare province recording the highest turnout in 2013 and Bulawayo with the least increase. Voter turnout in Manicaland is steadily increasing from 2008 while Bulawayo, Matebeleland North and Matebeleland South have the least populations and participation by citizens.

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The different voting trends for the March 2008 elections and 2013 referendum

According to the 2012 Preliminary Census Report by ZIMSTAT, the population in the three aforementioned areas are below 1million. The population in Bulawayo is 655 675 and 131 151 voted in 2013, Matebeleland North is 743 871 and 177 277 voted and Matebeleland South is 685 046 while 142 576 people voted. In Mashonaland Central, Muzarabani North, Shamva and Mount Darwin districts recorded the highest incidents of political violence in the previous election, but nonetheless the areas show an increase in voter participation. This can be attributed to Civil Society organizations' community interventions aimed at promoting conflict transformation. The new voter is likely to be the deciding vote in the coming election therefore there is need for voter education.

Voting qualifications for the two processes are different though the procedures are almost similar except for the fact that the referendum does not require a person to be on the voter's role to qualify to vote. The increase in political participation in all provinces shows the willingness by citizens to participate in political processes provided that the requirements are less restrictive. The current voter's role registration process is still being handled by the office of the Registrar General Tobaiwa Mudede, which has been accused of being partisan in executing its duties. The voter registration requirements which qualify one to vote are disenfranchising to the urban dwellers. The requirements that one needs to obtain proof of residence has resulted in a situation where the youth and tenants find it cumbersome to access the voters role because of

the restrictive conditions required by the process while the rural voter only requires a letter from the Kraal or Village Head. The strict voter registration process for the urban dweller is a bid to control the number of those who participate in political processes with the intentions of increasing the rural voters where it is perceived that these are the ZANU-PF strongholds. The clampdown on MDC-T activists soon after the referendum shows that the culture of violence is still rooted in Zimbabwean politics.

Though some political analysts like Prof Lovemore Madhuku believe that the referendum results show the pending election will not bring a Government led by one political party but another GNU. This they are attributing to ZANU-PF's tactics of mobilizing people using coercion and unleashing both physical and psychological forms of terror. There is need to promote a peaceful environment where citizens can freely exercise their democratic right to vote.

Effectiveness of ZEC as an electoral body: This is the institution responsible for managing activities involved in the whole election process and it remains uncertain whether the electoral body will effectively carry out its functions due to the fact that it is not the one spearheading the voter registration process which determines the number of voters. ZEC is only responsible for supervising the voter registration process. The current composition of ZEC is also not very different from the one that took 6 weeks to

release the 2008 presidential results. The denial of some organisations to observe the referendum process and allocating embassies and missions just 5 slots, shows ZEC's lack of transparency. This may also be an indication that ZEC is not as autonomous as it is expected to be.

The problems of inadequate voter education need to be addressed well before the election and need not wait for the date to be set for voter education to start. ZEC should train polling station officers well in advance instead of waiting for the last minute. The training that the polling officers receive is insufficient to facilitate an accountable and effective voting process pre and post-election.



ZEC Officials Counting Votes

Conclusively, one can note that the prevailing political environment more often than not, determines the role played by the citizens in the voting process. An environment that is restrictive will result in voter apathy due to incessant fears of intimidation and victimisation. However, a less restrictive environment leads to greater citizen

participation as was the case during the referendum voting process. Heal Zimbabwe Trust thus calls for a peaceful and non-violent election process such that the conditions obtained during the referendum must will also be the same prevailing during the upcoming election. The voter registration conditions for the urban dweller must be revised such that they become less restrictive and elaborate for the new voter. More time should be allocated for voter registration

well before the election date since past experience shows that the process is often rushed with inadequate preparation. Mobile voter registration centers must be set up to ensure accessibility by all. It is our hope that the leaders possess the political will to commit to a peaceful and fair election process that will ultimately lead to the rebuilding of national cohesion through peaceful coexistence in local communities.

The Political Environment, Participation, Incidents of Violence and Latent Intimidation.

The principals to the GPA adopted the COPAC draft constitution which resulted in all parties campaigning for the 'YES' vote in the referendum. The consensus did not stop some irregularities from happening thereby, demonstrating the levels of polarisation in Zimbabwean communities. A day before the referendum, people were attacked in Mbare while they were putting up the vote YES posters. On the day of the referendum, 130 cases of irregularities were recorded by Heal Zimbabwe Trust.

From all the violations recorded nationwide, the taking down of people's names before or after they had voted by suspected ZANU PF activists recorded the highest number. In some instances, people were arrested for trying to cast their votes clad in political party regalia, which is a violation of the electoral regulations. There were also cases of intimidation recorded where some traditional leaders forced villagers to vote 'NO'. In most of the cases recorded, it can be noted that there are high incidents of intimidation

still embedded in the country. There are some members of certain political parties who continue to intimidate people by instilling fear in them and this compromises the individual's right to freely choose a leader of his/her choice. The table below shows a summary of the 130 cases of violations recorded by Heal Zimbabwe on the day of the referendum.

Incident	Details	Action Taken
Unwarranted Arrests	Samson Magumura a suspected MDC supporter was taken to Rusape police station by a CID truck on the morning of the 16 March on allegations that he petrol bombed a ZANU PF councillor's house. Also suspected MDC youths at Bransville polling station were arrested on the 16th of March for milling round the polling station after voting. One of them was taken to Kadoma police station.	Samson Magumura was remanded in custody, whilst the other youths arrested at Bransville were released on that same day.
Intimidation and Harassment.	Cases recorded involved a peculiar case from Guruve Muzanwi where on the 16 th of March, two youths, Stuart Mwale and Enias Muvhavha were allegedly beaten up by suspected ZANU PF youth after they had just finished voting .The case was reported to Guruve police station and the suspected ZANU PF youths were arrested.	The suspects were arrested by police.
Voters names being taken down outside the polling booth.	This included known and unknown people in the areas collecting and writing down names of people as they were going to vote or as they had finished voting. In Chegutu, an unidentified green car was stationed at Bharoni polling station where the occupants of the car were writing down names of the people that had cast their ballots. In Beitbridge, known members of ZANU PF were moving around Shabwe village writing down people's names and their identity numbers, whereas in Chipinge, at Gaza Primary School, ZANU PF officials, Livingstone Makangara,	No arrests were made in Chipinge, while a report was done in Beitbridge, but the suspects were never arrested.

	Fortunate Chijaha, Shara Mwandifura, Ronia Murire and Mudhende a Ministry of youth official were taking down details of everyone who had voted at the polling station. They were initially doing it inside the school premises but police moved them outside the school premises and they relocated to about 100m from the school. In Zengeza 4 as well, a ZANU PF official, Rice Chatawu was leading a team that collected and recorded names of all people who had voted at Zengeza 3 High School. They were stationed in Mudzi street about a kilometre from the polling station.	
Wearing political party regalia and campaigning within prohibited space.	In Shamva, a man wearing MDC regalia on the 16th of March was arrested on that particular day for going to vote wearing a MDC t shirt whilst in Mt Darwin, Philemoni Mupezani was taken into police custody at Rushinga Police camp for coming to the polling station clad in a MDC - T regalia. In Masvingo, an MDC official, Crispen Wedza was arrested for putting up YES vote posters close to a polling station. He was detained at Mashava police station.	The arrested were briefly detained and released on the same day.
Being chased away from polling stations whilst waiting for results.	Some of the cases reported included one in Bikita at Chomukonde primary school polling station in Ward 1, where police chased away people from the polling station who were waiting for the results outside.	No police report was made.
Assisted voters being helped out by people they	Some of the cases included an incident in Chitungwiza St Marys where a ZESN observer,	No police report was made.

are not comfortable with. /Loss of secrecy on assisted voting	Tsarai Mungoni who is visually impaired was forced to vote in the presence of two returning officers and a policeman despite the fact that he was with his assistant to assist him.	
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The incidents of human rights abuses seem to have escalated when the President left the country. President Robert Mugabe flew to Rome on Sunday 17 March to attend the inaugural mass of Pope Francis 1 at the Vatican. While the President was away, a number of events took place in the country. The events presented a real test for what the country has to brace up for under the new constitution. The police and the Prime Minister's office got into a collision course that culminated into the arrest and detention of some senior officials in the office of the Prime Minister. Below is a brief of the events that took place while the President was away:

- The police, on Sunday 17 March raided the offices of the Prime Minister, Morgan Tsvangirai and arrested four employees in the research department namely Thabani Mpofu, Felix Matsinde, Warship Dumba and Mehluli Tshuma. They were arrested on allegations of impersonating police officers and compiling "dockets" against Government officials they accused of being corrupt.
- On Sunday 17 March, a prominent human rights lawyer, Beatrice Mtetwa who was trying to stop the police from breaching the provisions of the search warrant they were using to search the PM's office was also arrested on claims of obstructing the course of justice.
- Pastor Bere was arrested on Tuesday 19 March for holding a meeting at his local church to discuss issues to do with the constitution.
- Police in Lupane were moving in schools on Monday 19 March asking children whether their parents own Microlink.

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Clampdown on Human Rights Defenders as the Referendum process winds down.....



Human Rights activists protest against the arrest of Human Rights Lawyer, Beatrice Mtetwa

Just after people voted peacefully during the referendum, a dark cloud hung over Harare as renowned Human Rights lawyer, Ms Beatrice Mtetwa was arrested on allegations of obstructing the course of justice. The charges arose after Ms Mtetwa had gone to attend to her client, Thabani Mpfu who was arrested at his workplace during a raid by the police.

The arrest of Beatrice Mtetwa while she was carrying out her duties is not meant to frustrate her alone but also to send fear and shivers to the majority of Zimbabweans who look up to her as a firm and principled human rights defender.

What is worrying is that if renowned and fearless lawyers like Beatrice Mtetwa can be arrested and detained under such circumstances, then what will happen to a number of activists across the country that do not carry such a status as hers? HZT therefore calls for the general respect of human rights defenders in Zimbabwe

Elections in the country have been synonymous with violence, intimidation and unwarranted arrests of human rights defenders. Although cases of political violence were few during the referendum, the operating environment was still stifled like in other past elections especially for those that were supporting the "NO" vote. The

“NO” vote campaigners had some of their campaign meetings disrupted by the police. Even the Prime Minister who was in support of the draft, had to reschedule his meeting in Highfields after his initial meeting was disrupted by the police.

Hate speech also characterized the referendum with both camps of the “NO” and “YES” vote making separate rude statements, outwitting each other during their separate public meetings held in various areas. In light of this, HZT calls upon the people of Zimbabwe to embrace a culture of

political tolerance which enables them to accept that they can co-exist despite their political differences.

As the country gears up for an election, it is imperative that the Government guarantee people’s safety and should make a commitment that arbitrary arrests which have become the norm, come to an end.



Heal Zimbabwe Trust is a Civil Society Organization driving activities that intend on rebuilding national cohesion through the promotion of peaceful coexistence in communities with the vision of achieving a Zimbabwe which celebrates diversity and peaceful coexistence in local communities.

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