

# ZIMBABWE ELECTION SUPPORT NETWORK



## BALLOT UPDATE

July-August 2011

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## **INTRODUCTION**

The period July- August 2011 witnessed a number of key political developments. The death of Retired General Solomon Mujuru rocked the country and sent shock waves across the Zimbabwean community. The SADC Luanda summit also took place against the backdrop of allegations that the facilitation team is peddling regime change agendas and the question on the continuation of President Zuma as the negotiator to Zimbabwe. Heroes' day commemorations were an important event during this period.

The Zimbabwe Election Support Network remains dedicated to the promotion of democratic elections in Zimbabwe. In line with this objective, we continue to analyse the political environment in the 210 constituencies where long term observers are deployed. This update is informed by observations from these constituencies and broadly captures national political developments in Zimbabwe.

ISSUE		COMMENT
<p data-bbox="174 321 380 345"><b>Electoral reforms</b></p> <p data-bbox="174 574 457 639"><b>The Human Rights Commission Bill</b></p> <p data-bbox="174 928 281 953"><b>The GNU</b></p>		<p data-bbox="806 321 1902 540">The Electoral Amendment Bill which was gazetted on the 27<sup>th</sup> of June is still under scrutiny and public hearings on the bill are scheduled to begin on the 12<sup>th</sup> of September 2011. ZESN encourages citizens to engage with the bill and to make recommendations for the improvement of the law in Zimbabwe. While this piece of legislation is important for electoral processes in Zimbabwe, it is important that structural problems inherent in the political makeup of Zimbabwe such as intolerance and violence be addressed as a matter of urgency.</p> <p data-bbox="806 574 1902 875">The Human Rights Commission Bill was gazetted on the 10<sup>th</sup> of June 2011 awaits the report from the Parliamentary Legal Committee. The public hearings on this bill were disrupted by ZANU PF activists. The major weakness that ZESN has gleaned in this bill is its inability to prevent further recurrence of violence in Zimbabwe. Indirectly, the bill protects perpetrators of violence by virtue of the temporal jurisdiction limitations. It only allows the commission to investigate human rights violations that took place after February 2009. This is one of the main controversial aspects about the bill. Disruptions were captured on CCTV but to date, those responsible have not been arrested, a clear demonstration of impunity in the country.</p> <p data-bbox="806 909 1902 1356">ZESN continues to note with concern the fragility and problems that bedevil the GNU. The government of national unity was a model used to address the crisis that had gripped the country, however while there is a semblance of sanity in the country, tension remains. While the GNU was envisaged as the bedrock from which institutional reforms would begin, the politics of continuity prevail with resistance to reforms in the critical sectors of the country. The continued tensions were evidenced by the manner in which the parties to the GNU handled the Libya saga. The expulsion of the Libyan Ambassador from Zimbabwe exposed the ideological differences between MDC and ZANU PF. These ideological differences contribute to the widening of the cracks in the government. The National Defence Forces Day also revealed the security sector's reluctance to reform through their refusal to salute the Prime Minister Morgan Tsvangirai. The politics of continuity have led to continued hate language and intolerance in the national broadcaster, continued victimisation of MDC activists and officials as well continued disrespect for human</p>

<p><b>The Luanda SADC Summit</b></p> <p><b>The Constitution Making Process</b></p>		<p>rights in Zimbabwe. There seems to be impatience on the part of ZANU PF to end the GNU which would be premature given that Zimbabwe is not ready for elections and the constitution making process needs to be concluded before any general election is conducted. The inclusive government has failed to civilise the conflicts that led to its formation.</p> <p>On a different note, ZESN is concerned about the use of the constituency development fund and the lack of accountability therein. Media reports revealed that The Minister of Constitutional and Parliamentary Affairs noted that a significant number of MPs have not been able to account for the use of funds that were allocated to them for constituency development.</p> <p>SADC summits have a new meaning for Zimbabweans as they hope for the resolution of the political crisis in Zimbabwe. The SADC summit held in Luanda was particularly key for Zimbabweans as questions that have been raised about the eligibility of the facilitation team by ZANU PF and their desire to lobby for the removal of President Zuma as the facilitator. Such discussions were given impetus by his assumption of chairmanship of the SADC Troika. After the facilitation efforts of former President Mbeki who many citizens did not view as objective, the potential removal of President Zuma had many citizens concerned on who would take up after him and questions on the objectivity in their discharge of duties. On a positive note, a SADC GPA monitoring team is to be constituted by the Facilitator which will contribute towards ensuring that the GPA is fully implemented and outstanding issues resolved before elections. However, the summit failed once again to provide solid resolutions to address the problems in Zimbabwe.</p> <p>The constitution making process continues with the following stages completed by COPAC; the compilation of ward, district and provincial reports. At the moment, national reports are yet to be compiled after which the drafting will commence. ZESN notes the exclusion of civic society in the drafting process and the manner in which the process is dominated by political parties yet civic society is an important component of the constitution making process. At a COPAC press conference held on 18 August 2011, they envisage that by the end of the year there will be a draft. The process began a year too late and has been characterised by incoherence, lack of funding and delays. ZESN advocates for transparency in the constitution making process and a</p>
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<p><b>Death of Rtd General Solomon Mujuru</b></p>		<p>commitment to see the process to the end.</p> <p>The untimely death of Rtd General Mujuru sent shockwaves in Zimbabwe’s political circles. His death in a fire shrouded in not so clear circumstances has implications for the political landscape in Zimbabwe. To a large extent his death affects the balance of power in Zimbabwe’s politics particularly within ZANU PF. He was regarded in political circles as a moderate man of substantial political influence. Various media houses have posited various theories about the circumstances leading to his death and these speculations have sown seeds of suspicion and mistrust in an already fragile political situation. Of note is that people from all walks of life and from as far as Chimanimani attended the burial of the General. He was given a resounding send off and may his soul rest in peace. ZESN noted the presence of MDC T notables at the burial after shunning some Heroes burials in the past. ZESN welcomed the President ‘s intervention after ZANU PF supporters jeered the Prime Minister and cautioned against such acts, emphasising that he and the Prime Minister were in government together and there was need to respect him.</p>
<p><b>Media Reform</b></p>		<p>ZESN has noted no progress in the opening up of air waves. This continues to impinge on the right of citizens to access other voices. A research conducted by Mass Public Opinion Institute (MPOI) on perceptions about the media in Zimbabwe in the GNU reported that respondents reported lack of trust in state owned media. They reported that biases in the stories favouring ZANU PF and denouncing MDC make state media a less trusted source of authentic information. While efforts have been made to licence new players in print media, the same sense of urgency has not been demonstrated in opening the airwaves.</p>

<p><b>Human rights and fundamental freedoms</b></p>		<p>ZESN observers deployed in the 210 constituencies have reported a number of human rights violations in the country. Observers in rural constituencies continue to report limited freedom of citizens in these areas to read newspapers from independent media houses such as the Daily News, Newsday and other weekly papers more so in areas such as Tsholotsho, Matobo South, some parts of Gutu East, and Gwanda.</p> <p>Citizens' right to association is also under siege in some areas as citizens are coerced to support ZANU PF. On the 12<sup>th</sup> of July at a school in Gwanda South, two police constables (names withheld) had a meeting with teachers and warned them that their schools would be closed if they did not vote for ZANU PF. In the same constituency, observers have reported a heavy presence of soldiers who are purported to be controlling stock theft yet they are engaged political activities, threatening residents with violence if they do not vote for a party that brought them independence. This speaks volumes about the need to reform the security sector so that they stick to their mandate of ensuring peace and order not engagement in party politics.</p> <p>Observers also reported the use of events such as agricultural field days into political party events. Observers in Matobo south reported on the use of the field day to a party event which increases exclusion and intolerance.</p> <p>Observers reported that Jabulani Sibanda the war veterans' leader who has been on a campaign trail for ZANU PF in Masvingo is now in Tsholotsho. Sibanda warned village heads in Sipepa and Mlevu areas that their days are numbered for not supporting ZANU PF. The MDC led by Professor Welshman Ncube has plans to open a youth school of politics which has been criticised as a replica of Border Gezi training camps and which might led to violence and intolerance in the area.</p> <p>In Mwenezi East, observers reported that civil servants were forced to donate \$5 each for the Heroes Day celebrations. Observers in Zaka North reported that residents were forced to pay money and rapoko for the Heroes' celebrations.</p> <p>Intolerance to opposing views does not seem to be abating as kraal heads in Nyanga South were</p>
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<b>CONCLUSION</b>		<p>rights violations have implications for free and fair elections as the culture of fear remains in the hearts of citizens and free choice is not possible under these conditions.</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"><li>• <i>The creation of a violent-free environment where freedom of assembly, association and speech among others are upheld.</i></li><li>• <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></li><li>• <i>Furthermore, ZESN remains concerned about the state of the voters’ roll and calls for the production of a fresh voters’ roll.</i></li><li>• <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></li></ul> <p><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></p>
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