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ZIMCOMP

Independently monitoring the constitution making process

Report

Shadowing the Outreach process

11 – 22 August 2010

The Preamble

Constitutions are supreme sets of laws and principles directing how countries should be governed for the good of their citizens and should reflect national vision, values and act as symbols of national unity for current and future generations.

Realization of such ideal Constitutions is only possible if citizens, in their *diverse circumstances* are accorded enough space to express their *personal* views during information gathering phases of the constitution making process. Experiences across the world amply demonstrate that democratic, transparent and inclusive constitution-making processes result in sustainable and people-driven constitutions. Equally true is that defective constitution formulation processes give birth to deformed constitutions.

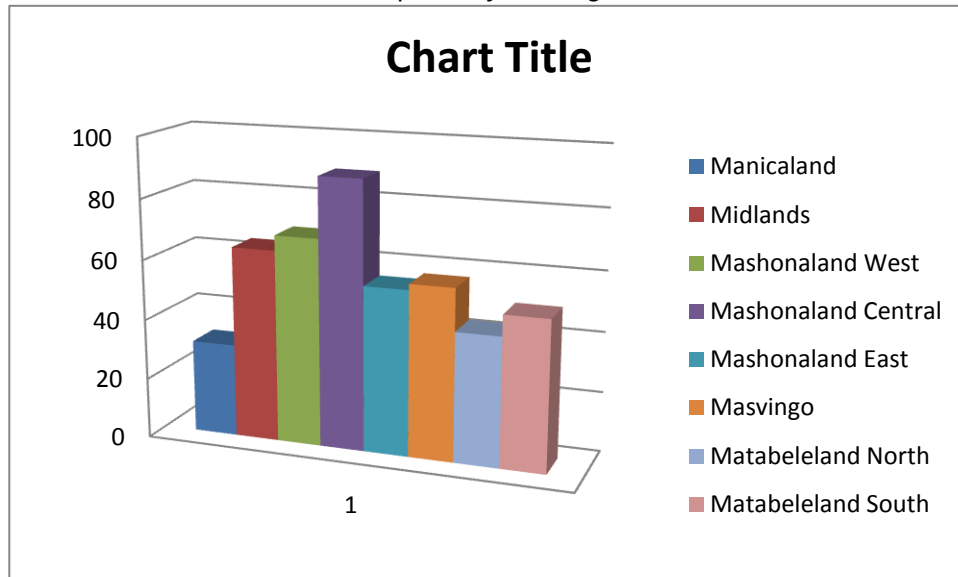
This weekly Report is part of the ongoing efforts by ZZZICOMP to monitor the ongoing outreach constitutional consultations in Zimbabwe. The fact that Zimbabwe has for the past 30 years been governed on the basis of a colonially inherited Constitution that has gone through 19 Amendments provides a compelling case for close monitoring of these constitutional consultations.

Outreach Progress

The period under review saw outreach consultations being carried out in twenty three [23] constituencies that include Lupane East in Matabeleland North province; Chipinge West, Chipinge Central, Chipinge South and Musikavanhu in Manicaland province; Mbire, Guruve South and Guruve North in Mashonaland Central province; Hurungwe Central, Hurungwe North, Chegutu West and Hurungwe East in Mashonaland West province; Bikita South, Bikita West and Bikita East in Masvingo province; Matobo North and Matobo South in Matabeleland South province; Mberengwa South and Mberengwa East in Midlands province; Goromonzi North, Murehwa West, Murewa North in Mashonaland East province.

In total during this period 458 meetings were conducted. Of these meetings, 19 % [89] were in Mashonaland Central province, 15 % [69] in Mashonaland West province, 14 % [64] in Midlands province, 12 % [57] in Masvingo province, 12 % [55] in Mashonaland East province, 11 % [50] in Matabeleland South province, 9 % [43] in Matabeleland North province and 7 % [31] in Manicaland province. The figure below shows the spread of meeting within the 8 provinces :

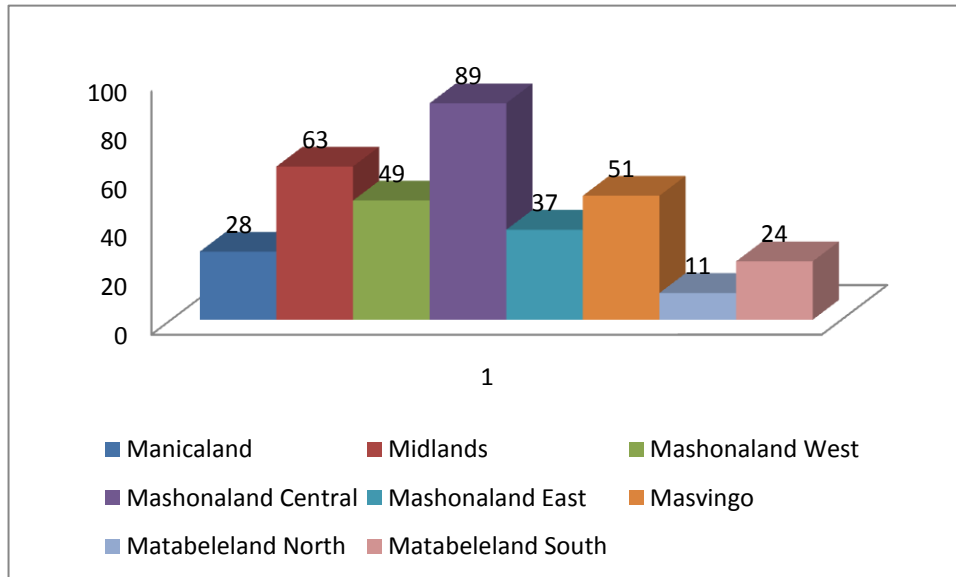
Figure 1
Provincial spread of meetings



Highly attended

An analysis of the profile of these meetings show that 69 % [314] of these were *highly attended* while 23 % [106] were *lowly attended*. The highly attended ones had a pronounced spread of 25 % [89] in Mashonaland Central, 18 % [63] in Midlands province, 14 % [51] in Masvingo province, 14 % [49] in Mashonaland West, 11 % [37] in Mashonaland East, 8 % [28] in Manicaland, 7 % [24] in Matabeleland South and 3 % [11] in Matabeleland North. However, high attendance not evenly distributed within provinces as highest records were only recorded in the provinces of Mashonaland Central and Midlands. Also of concern is that the bulk of what were recorded as high attendance cases were fringe zone cases, ranging between 100 and 150.

Figure 2
Spread of highly attended meetings



Sampled cases

Among the 89 highly attended cases reported in Mashonaland Central province was a meeting that was held on 13 August at Makombe Farm in Ward 21 of Guruve North where 759 people were in attendance. Again in the same province, 516 people turned up for a meeting that was held on 14 August at Chikokonya Business Centre in Ward 22 of Guruve North. a meeting that was held on 14 August at Mushongahembe Business Centre in Ward 24 of the same constituency 501 people were in attendance.

From Manicaland province, notable highly attended cases included a meeting that was held on 16 August at Tanganda Primary School in Ward 4 of Chipinge West where 490 people were in attendance, a meeting that was held on 16 August at Garahwa Primary School in Ward 29 of Chipinge South where 618 people turned up, a meeting that was held on 17 August at Mooiplatts Primary School in Ward 6 of Chipinge Central where 1400 turned up and another one that was held on 18 August at Christina Primary School in Ward 6 of Chipinge Central where 550 people turned up.

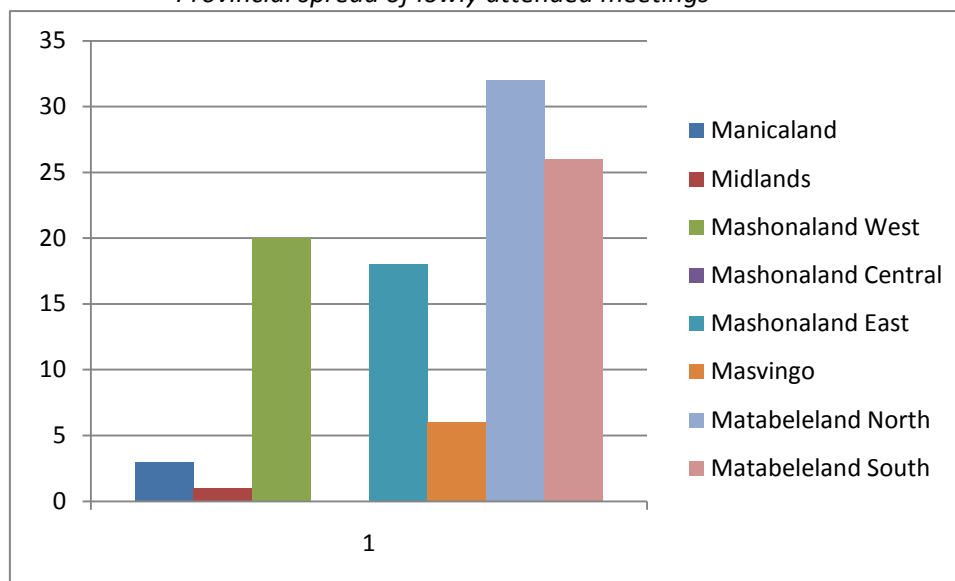
The 49 highly attended cases reported in Masvingo province included meetings that were held on 11 August at Mazungunye Primary School in Ward 4 of Bikita South where 350 people were attended, a meeting that was held on 12 August at Chibaira Business Centre in Ward 22 where 310 people attended and also at another meeting that was held on 13 August at Old Onyo Primary School in Ward 19 of Chegutu East where 400 people attended.

ZZZICOMP notes with concern that while the huge attendance numbers were experienced, a debate cannot be held with 759 people in attendance. There are numbers that provide for engagement, thus these huge numbers mean only a few people were able to contribute and air their views and the rest are prejudiced by virtue of the huge numbers in attendance. This is an indication that fewer meetings than were necessary were conducted.

Low turn outs

Incidents of lowly attended meetings, though comparatively lower than highly attended ones, still cast worrying visibilities in the provinces of Matabeleland North, Matabeleland South, Mashonaland West and Mashonaland East. Factors that include intimidation, misinformation of communities, general apathy and limited mobilisation by COPAC could have contributed to this. See table below for the actual spread of low turn outs in the eight provinces:

Figure 3
Provincial spread of lowly attended meetings



Sampled Cases

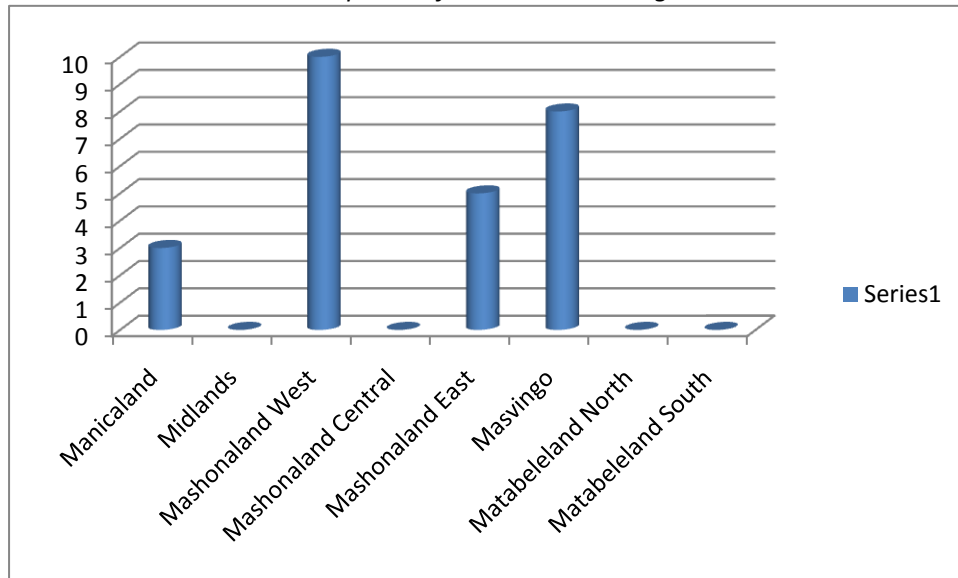
In Matabeleland North Province which emerged with the highest low attendance toll of 30 % [32], the problem is so pronounced that some meetings even went ahead when there were around 20 people in attendance. For instance, a meeting that was held on 14 August at Gandangula in Ward 19 of Lupane East reportedly went ahead when only 21 people turned up. In another low attendance-hit province of Matabeleland South, outreach consultations held on 16 August at Makasa Dam in Ward 10 of Matobo South went ahead when only 28 people were in attendance while in Mashonaland West province, a meeting went ahead on 18 August at Maketa Business Centre in Ward 2 of Chegutu West when only 42 people were in attendance. These low turn outs could have been caused by incidents of intimidation in which people were threatened with dire consequences if they participated without authorization from political parties, in some cases people were told that the names of those who do not say the rehearsed issues were recorded for future retribution. Factors such as apathy, misinformation and limited mobilisation by COPAC teams could also have contributed to the low turnout to COPAC meetings in these areas.

Disrupted or called off meetings

Isolated incidents in which meetings were either disrupted or called off with no follow-up explanations on when the rescheduled meetings still maintain a disturbing in most provinces. The week under review

witnessed a total of 26 cancellations with toll spreads of 10 in Mashonaland West, 8 in Masvingo, 5 in Mashonaland East and 3 in Manicaland provinces. However, reports of no cases of cancellations in the provinces of Matabeleland North and Matabeleland South present positive developments. Below are the details of these cases by provinces:

Figure 4
Spread of cancelled meetings



Sampled Cases

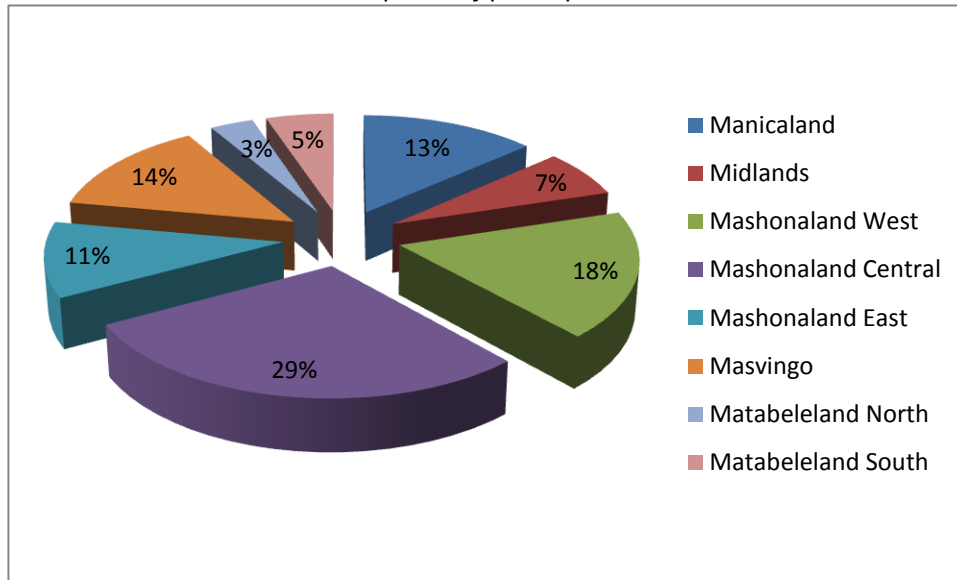
Among the most notable reported cases of disruption was an incident in Manicaland in which a meeting that was scheduled to be held on 18 August at Rattesheck Primary in Ward 8 of Chipinge Central was abandoned when the first contributor who was suspected to be a supporter of the MDC party suggested that atrocities perpetrated during Gukurahundi and Murambatswina should be recognized in the constitution in the same manner given to the liberation struggle that brought independence. The contribution was reportedly received with boos and verbal threats from the majority who were suspected to be mainly ZANU PF supporters who had been ferried from estates outside the Ward 8. Chaos ensued for more than an hour during which the participant who had earlier contributed was assaulted, calling for police intervention. According to the ZZZICOMP observer who witnessed the incident, prior to the arrival of COPAC teams, suspected ZANU PF supporters had been heard singing revolutionary songs, those suspected to be MDC supporters reportedly being chased away. At the commencement of this meeting, ZANU PF supporters were reportedly issuing threats to any members of the “opposition” who dared challenge the outlined ZANU PF position. Also reported in this province, was the cancellation of a meeting that had been scheduled for 18 August at Foroma Primary School in Ward 8 of Chipinge Central after COPAC team arrived at the venue very late at around 1430 hrs.

In Mashonaland Central province, a meeting that was scheduled to be held on 14 August at Chapoto Secondary School in Ward 1 of Mbire was reportedly postponed without clarification. ZZICOMP observers report that before the arrival of COPAC, suspected CIOs and the local chief had reportedly addressed the public drilling them on the positions to take on the talking points. Another meeting scheduled for the 14th August at Angwa Secondary School in Ward 2 of Mbire was postponed to 16 August without clarification to the people in the area.

Outreach participants

A total of 84 734 people turned up for outreach consultations in the eight provinces with 60 % of the participants being accounted for by the three provinces of Mashonaland Central, Mashonaland West and Manicaland while the two provinces of Matabeleland accounted for 8% of the recorded participants. See the chart below for a detailed spread of participants:

Figure 6
Provincial spread of participants



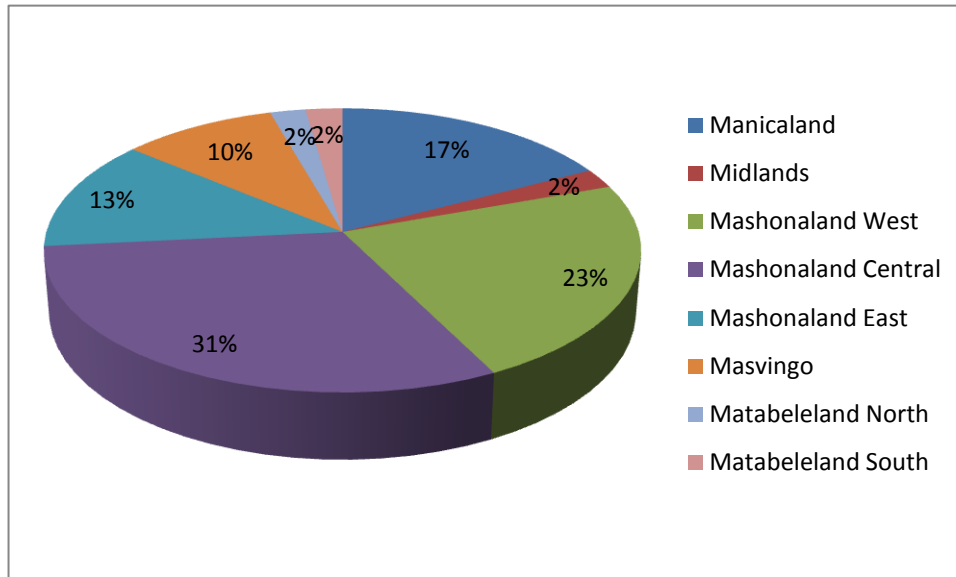
Distribution of participants by age

Adults

Age spread of outreach participants still show a huge bulge on the adult participant's category. Of the aggregate 84 732 participants recorded in the week under review, 65 713 were adults that had a provincial spread of 18 615 in Mashonaland Central, 10 904 in Mashonaland West, 9716 in Masvingo, 8152 in Manicaland, 6658 in Mashonaland East, 5289 in Midlands, 3967 in Matabeleland South and 2412 in Matabeleland North. However, it seems that the Matabeleland provinces have consistently experienced difficulties attracting people to outreach meetings. *Youths*

Youth participants accounted for 19 021 of the recorded total of participants, however with 54 % being accounted for Mashonaland Central and Mashonaland West while the Matabeleland North, Matabeleland South and Midlands accounted for only 6 %. The impression is that while aggregate youth's participant records suggest an improvement in youth mobilization, provincial spread is disturbingly uneven with six provinces struggling to entice youths to their outreach meetings. An interplay of factors that include apathy, intimidation, little outreach awareness programmes targeted at the youths as constituency may have accounted for low youth's participation. Also calling for close analysis are the techniques that have been adopted in the provinces of Mashonaland Central and Mashonaland West to entice youths attendance at outreach meetings.

Figure 6
Spread of youths participants by provinces



Sampled Cases

Among the sampled cases of extreme low youth turnouts at outreach meetings in Matabeleland North province was a meeting that was held on 14 August at Zvangendaba High School in Ward 19 of Lupane East where out of the 72 people who were in attendance only two [2] were youths while at another meeting that was held at Sibangani Primary School in Ward 19 of Lupane East constituency in the same province and on the same date, 20 out of the 157 people who turned up were youths.

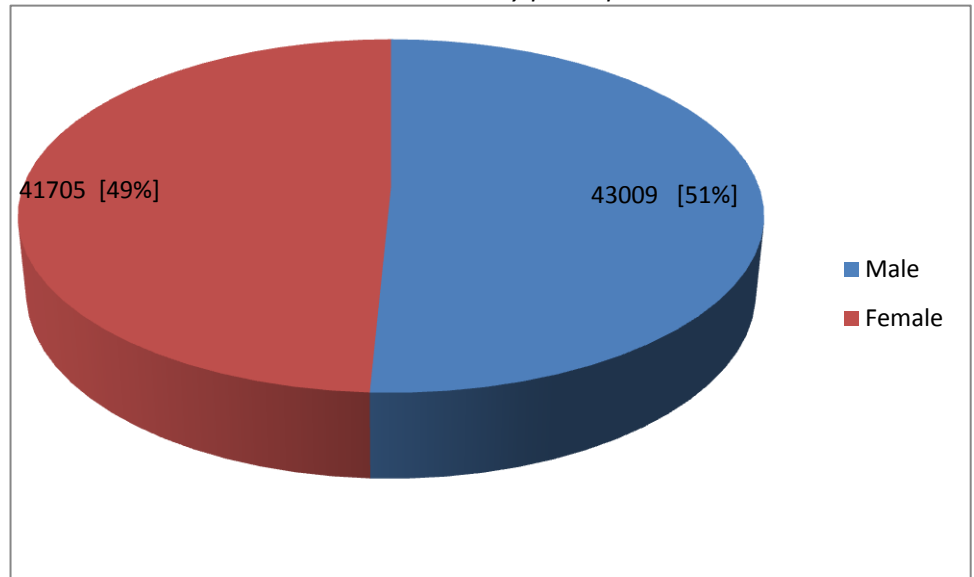
In Mashonaland Central province reported low youths attendance cases included a meeting that was held on 11 August at Nyamangwe Business Centre in Ward 15 of Guruve South where 9 out of the 260 participants were youths; a meeting that was held on 12 August at Chedutu in Ward 26 of Bikita South where 30 out of the 400 people in attendance were youths; a meeting that was held on 12 August at Mutore Primary School in Ward 8 of Bikita East where 29 out of the 329 people who turned up for the meetings were youths; at a meeting that was held on 12 August at Village 31 in Ward 26 of Bikita South where 8 out of the 240 people in attendance were youths and also on 13 August at Chikokonya Business Centre in Ward 22 of Guruve South where 34 out of the 516 people in attendance were youths .

In Mashonaland West province, reported cases of low youth attendance included meetings that were held on 12 August at Nyangona Clinic in Ward 6 where nine[9] out of the 163 people in attendance were youths and on 13 August at Timbawadya Primary School in Ward 1 of Hurungwe Central where 14 of the 112 people in attendance were youths.

Gender spread by provinces

Gender participation levels remain almost balanced, however, still reflecting a slight tilt towards males. Of the total number of participants recorded, 51 % [43 009] were males while 49 % [41 725] were females, the bulk of which across gender were from the provinces of Mashonaland Central and Mashonaland West while lowest scores across gender were reported in the two provinces of Matabeleland.

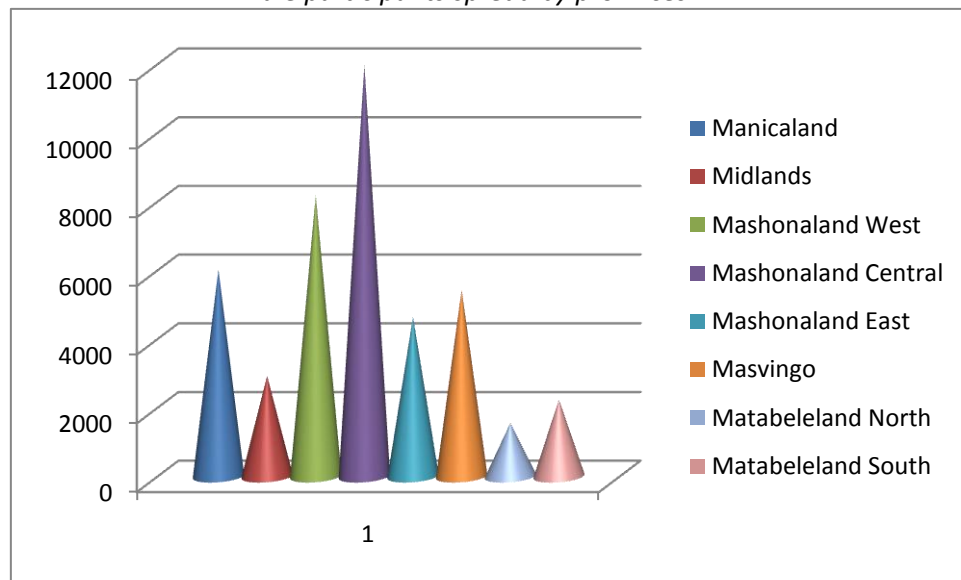
Figure 8
Gender distribution by participants



Males

The recorded 43 009 males had a provincial spread that was heavily skewed towards the three provinces of Mashonaland Central, Mashonaland West and Manicaland while lowest figures were recorded in Matabeleland South and Matabeleland North provinces. Male participation levels in the Midlands province point to low male mobilisation and should be viewed with concern. Below are the details of male participants spread by provinces as graphically shown below:

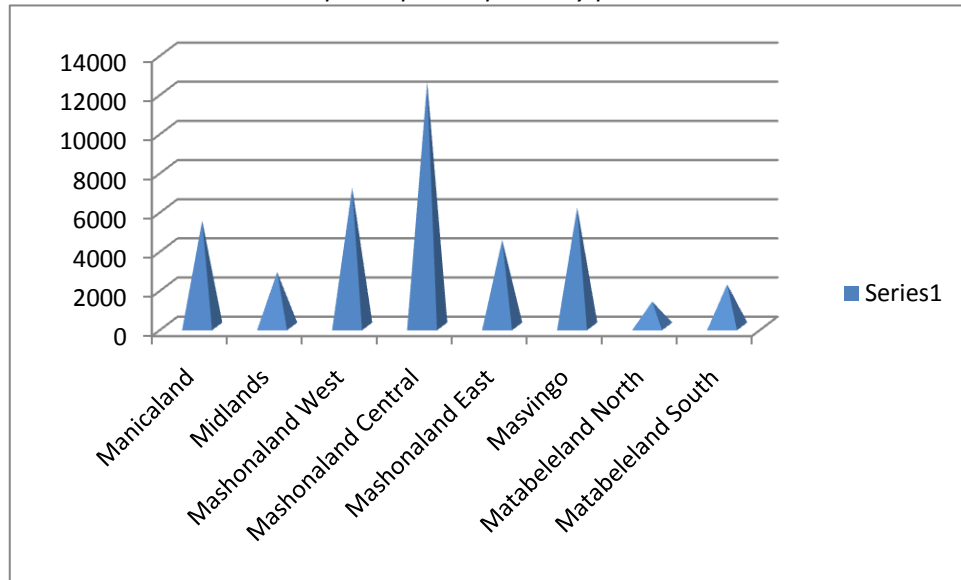
Figure 9
Male participants spread by provinces



Females

Provincial spread of the 41 725 female participants also reflect most of the features observed in the male category with highest records in the provinces of Mashonaland Central, Mashonaland West and Masvingo while extreme low figures were recorded in the two provinces of Matabeleland. Female participation levels in the provinces of Midlands, Mashonaland East and Manicaland should also be viewed with concern as they were generally on the low side.

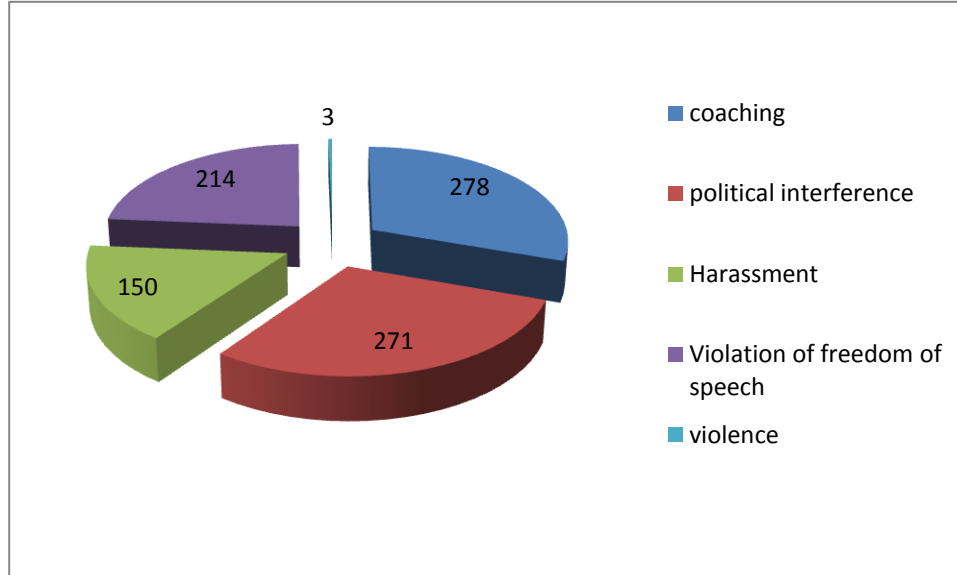
*Figure 10
Female participants spread by provinces*



Outreach-Related Violations

Outreach violations in the form of harassment, coaching, political interference and breach of freedom of speech in varying degrees were noted across the eight provinces and posing latent cumulative threats to citizen freedom of expression at the ongoing outreach constitutional consultations. A total of 919 cases were reported in the period under review, 31 % [281] being violations through coaching, 29 % [271] violations of political interference, 23 % [214] of violations of freedom of speech, 16 % [150] of harassment and [3] being cases of violence. Violation spread was as shown below:

Figure 11
Distribution of outreach-related violations



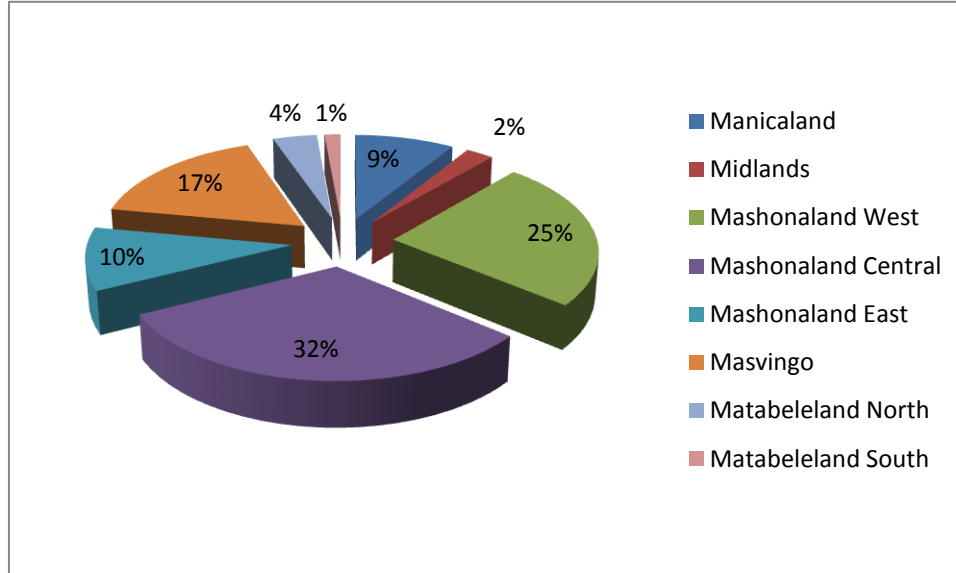
Provincial Spread of Violations

Provincial analysis of recorded outreach violations show that 88 % [814] of the violations were accounted for by the three provinces of Mashonaland Central, Mashonaland West and Masvingo while the two provinces of Matabeleland emerged with lowest violation figures. Provincial toll spreads in ascending order were 6 in Matabeleland South, 2 % [18] in Matabeleland North, 2 % [20] in Midlands, 11 % [98] in Manicaland, 11 % [102] in Mashonaland East, 24 % [221] in Mashonaland West, 25 % [232] in Masvingo and 31 % [361] in Mashonaland Central.

Coaching

Coaching remains the most frequently committed violation, accounting for 31% [281] of the gross outreach violations recorded in the period under review. As was observed in our 8-11 weekly report, 70 % [196] of the recorded coaching violations were accounted for by the three provinces of Mashonaland Central, Mashonaland West and Masvingo with extremely low coaching tolls in the provinces of Matabeleland North, Matabeleland South and Midlands. Below is the provincial spread of coaching incidents.

Figure 12
Provincial spread of coaching incidents



Sampled Cases

The 89 cases of coaching that were reported in Mashonaland Central province were experienced at meetings include one that was held on 11 August at Chihwe Primary School in Ward 14 of Guruve South where the ZANU PF leadership in the area reportedly gathered villagers in the morning, drilled them on what to say in response to Talking Point questions while issuing threats to all they suspected would deviate from the party declared positions. At a meeting that was held on 14 August at Vira Business Centre in Ward 24 of Guruve North, people were reportedly being forced to attend coaching sessions in advance of COPAC teams. On the day in question, people were reportedly gathered around in the morning by two men who identified themselves as a war veteran and a war collaborator who after instructing them on what to say at outreach meetings, went on to issue threats of retribution to those who depart from drilled constitutional positions.

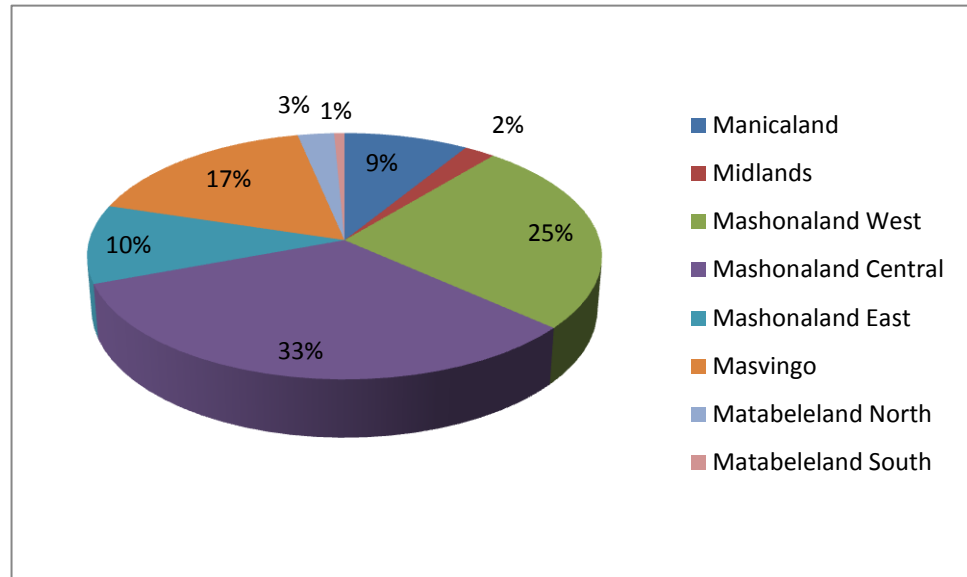
In Mashonaland West province, cases of coaching were reportedly prevalent at meetings that were held in Hurungwe East on 13 August at Tengwe Business Centre in Ward 2, on 12 August at Nyangona Clinic in Ward 6 as well as on 12 August at Bakura Business Centre in Ward 22 where war veterans reportedly mobilized people to gather and coached them on party constitutional positions.

In Matabeleland North province, both political parties and civil society organizations were reportedly heavily involved in coaching. The Southern Consortium represented by Lupane Agenda was reportedly in the fore front deploying people who are canvassing on issues of devolution, systems of governance, electoral systems, arms of the state and rights of minorities and a president without executive powers-even threatening to campaign for no vote in the referendum if the issue of devolution is not captured.

Incidents of political interference

Political interference was the second most commonly committed violation, accounting for 29 % [271] of the 919 outreach violations reported in the period under review with highly disturbing tolls of 81 in Mashonaland Central, 69 in Mashonaland West province and 46 in Masvingo and lowest violation tolls in the provinces of Matabeleland North, Matabeleland South and the Midlands. Details of the provincial spread of violations of political interference were as shown below.

Figure 13
Spread of political interference by provinces



Sampled cases

The 69 cases of political interference that were reported in Mashonaland West province were experienced at meetings that include one that was held on 13 August at Tambawadya Primary School in Ward 1 of Hurungwe Central where people were reportedly transported from farms by suspected war veterans to participate in areas which they suspected were MDC strongholds, in a move calculated at neutralizing contributions from MDC supporters. At another meeting that was held on 14 August in the same province at Pakare in Ward 5 of Hurungwe Central, people were reportedly being ferried from other wards, again in a bid interpreted by observers as meant to boost party contributions.

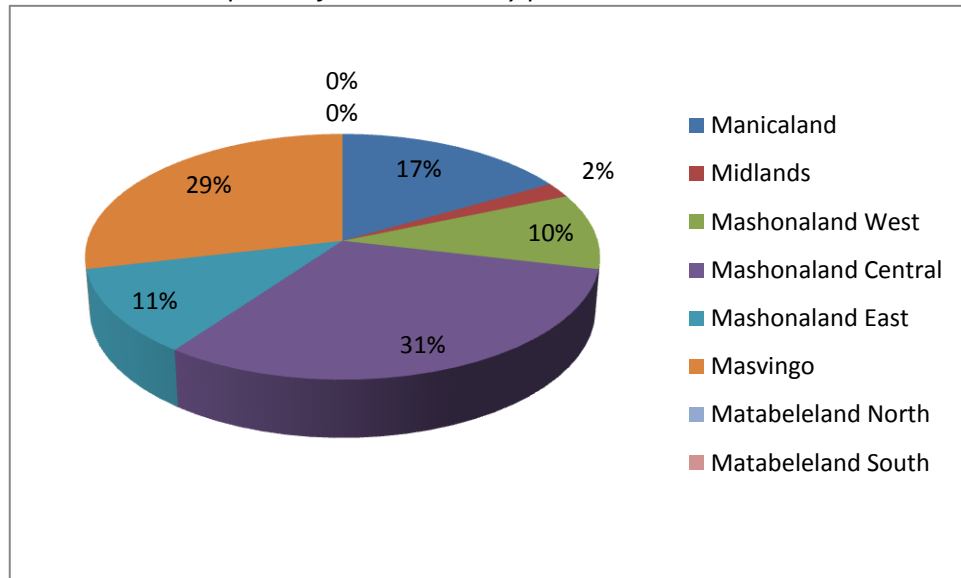
In Mashonaland Central province, reported cases include experiences at meetings that were held on 11 August at Nyamangove Business Centre in Ward 15 of Guruve South where CIOs were reportedly observed sitting in front of participants, allegedly, closely monitoring proceedings at the meeting. At another meeting that was held on 12 August at Mucheni Farm in Ward 17 of Guruve North in the same province, the ZANU PF leadership in the area reportedly deployed suspected intelligence officers from various districts to beef up its contributions on topics relating to land, executive powers and war veterans. A case of political interference was also experienced at a meeting that was held on 14 August at Mushongahende Business Centre in Ward 24 of Guruve North where a white Isuzu KB [registration numbers withheld] reportedly bussed people from Guruve who were later seen dominating at all questions asked at the outreach meeting.

Intimidation/harassment

- I. Constitutional consultations remain highly exposed to covert forms of intimidation which are reportedly restricting discerning views at outreach meetings. Close analysis of provincial comments by ZZZICOMP suggest there is high risk that most of the decisions that are passed as “unanimously agreed” may be accounted by fear of retribution after the meetings. A total of 150 cases of harassment were reported in the period under review, thus placing harassment as the third mostly committed violation. Analysis of the spread of harassment by provinces points

to disturbing visibilities in the provinces of Mashonaland Central, Masvingo, Manicaland, Mashonaland East, and Mashonaland West. However, records in the Midlands, Matabeleland North and Matabeleland South point to positive developments as there were no reported cases of harassment. Below is a detailed spread of cases of harassment:

Figure 14
Spread of harassments by provinces



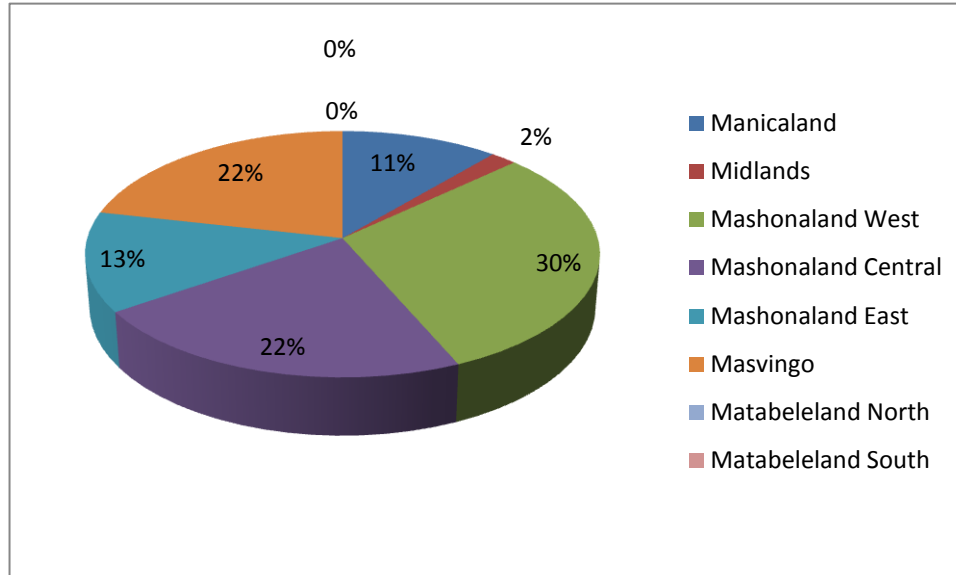
Sampled incidents

In Manicaland province, reported cases of intimidation included those reported on 13 August at Gaza “O” Open Space in Ward 2 of Chipinge Central where ZANU PF leaders in the areas reportedly sent party youths to the home of MDC supporters whom they allegedly threatened with unspecified action if they breach the given instruction not to participate. At a meeting that was held on 18 August at Taona village in Ward 3 of Chipinge West suspected party supporters were reportedly threatening and pointing fingers at participants whose views were contrary to those of their party. In some cases party dominance was so pronounced that outreach proceedings resembled those at a political rally. At a meeting that was held on 18 August at Mooiplatts Primary School in Ward 6 of Chipinge Central, scenarios were like at a political rally with all contributions going unchallenged with even claims that at a pre-COPAC meeting earlier at this venue, six [6] MDC supporters had been manhandled and beaten up by suspected ZANU PF members.

Violations of freedom of speech

Violations of freedom of speech continue to be experienced through various means that include intimidation, coaching, assaults, threats, presence of state security agents at outreach meetings, misinforming the public that recording equipment will be used to identify individuals who were making contributions that were contrary to those declared positions by the perpetrators. Under such a climate of uncertainty, silence becomes a survival tool. The fact that most of the known perpetrators in the 2008 Elections are still moving around free and in some cases reportedly participating as members of the COPAC teams is in itself a clandestine way of silencing discerning views. A total of 214 cases of violations of freedom of speech were reported in the period under review with high tolls of 65 in Mashonaland West, 47 in Mashonaland Central province and 46 in Masvingo province. Below is the provincial spread of these violations

Figure 15
Spread of freedom of speech violations



Sampled cases

Cases reported in Mashonaland West include one on 21 August at Imojeni in Ward 12 in Chegutu West where the MDC T driver was assaulted together with his two members by suspected war veterans, reportedly accompanied by suspected soldiers from Chegutu base. On the same date, violence was reported at Selous Business Centre in Ward 11 where suspected MDC supporters were reportedly chased from the venue by suspected ZANU PF youths, who as alleged, had been ferried in by a truck without registration numbers.

Recurring constitutional issues

Recurring constitutional issues emerging from outreach meetings generally resemble those reported province by province in the first week of August.

Conclusions and Recommendations

The operational environment remained heavily polarized along party lines with the two main political parties, MDC T and ZANU PF reportedly visibly involved in coaching and even involved in covert operations like ferrying people to influence outreach debates in their favour.

In the main, outreach consultations appear to have been reduced to a contest between ZANU PF and MDC T, scenarios that are likely to skew constitutional outcomes towards declared party positions and in the process sidelining views of other stakeholders. This should be viewed with utmost concern as party interests usually have a short-term perspective rather than the inter-generational focus expected in constitution making process. If these scenarios go on unchecked there is high risk of producing a constitution that panders to the short term interests of political parties. Let the people freely express their personal views.

Cases in which ZANU PF local leaderships in various provinces resort to using opening prayer sessions to covertly discourage participants from expressing personal views during outreach consultations continue to be reported, with indications that this malpractice is spreading to other provinces.

Reports of incidents in which venues were changed by the local political leadership without notice and ferrying of people from other wards in a bid to neutralize views of other parties is highly deplorable as it leads to a recycling of already said views and at the same time robbing locals of this critical opportunity to express their views on how they and the future generation should be governed.

Youth attendance at outreach meetings especially in Midlands and the two provinces of Matabeleland wee disturbingly on the low side. COPAC should urgently look into this matter.