



Ballot Update

Bulletin

April 2012

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FREE

Referendum

Citizen participation implies interaction between members of the public, individually or in groups, and representatives of the government, with the aim of giving citizens a direct voice in decisions that affect them. Participation is viewed as a means of 'stretching' the individual, enhancing their self-worth, sense of competence, and commitment for their own and society's betterment. Citizen participation in the referendum is a form of direct democracy, a direct vote in which an entire electorate is asked to either accept or reject a particular proposal and this may result in the adoption of a new constitution.

In the democratic view, a law is only legitimate when those who are expected to comply with the law are also able to contribute to shaping that law. Citizen participation therefore recognizes that the direct participation of citizens in the process of governing is the basic citizen right in a democratic society. It is vital to recognizing that the direct citizen participation cannot and is not a replacement for the representative democracy, but complementary to it. It is a natural supplement which can enable the strengthening of democratic legitimacy of political decisions, increasing transparency of the decision-making process, as well as to enhance participation of voters in the political process.

Referendums are conducted for different reasons but the commonality that exists between all referendums is that of participation by citizens. There is need to stress the relevance of citizen participation in matters that concern them.

Thus democracy becomes more successful with enhanced citizen participation; thus the ability to be heard would therefore lead to a better relationship between those who govern and the people. Citizen rights are supremely important, such as the right to vote and the opportunity to provide input. This makes the design of participatory practices central to good governance. Viewing it from the human rights perspective, the 2000 Millennium Declaration stipulates inclusive political processes and allowing genuine participation by all citizens as key attributes of good governance.

“Citizen rights are supremely important, such as the right to vote and the opportunity to provide input. This makes the design of participatory practices central to good governance.”

Citizens or electors initiatives will promote government responsiveness and accountability. If officials ignore the voice of the people, the people will have an available means to make needed law. The referendum will produce open, educational debate on critical issues that otherwise might not be adequately discussed. It allows for controversial social issues, which legislators may loathe to enter into, to be resolved.

Citizen initiatives enable voters to separate issues from personalities. Citizen initiatives overcome voter apathy and alienation by allowing for greater participation in governmental processes. It instills a greater sense of responsibility in the electorate for public affairs. It would lead to more acceptance of constitutional change and a wider range of alterations being proposed. Citizen participation increases the legitimacy of law, and promotes a greater respect for the law because laws instituted as a result of citizen participation are more clearly and directly derived from the popular expression of the people's will.

The referendum is true citizen participation, forcing state authorities to bring the people, legal reforms in important decisions affecting the life of the nation. People's dignity requires that they be free and able to participate in the formation and stewardship of the rules and institutions that govern them. In referendum, a mass electorate votes on some public issue. This is a basic definition of what happens when a referendum is conducted.

The United Nations Development Programme, in its quest to foster the culture of participation, particularly for citizens of countries in the developing world, feels that it is only through active participation that governments would acquire legitimacy. The referendum therefore is the submission of a draft of a provision or willing, to the approval or disapproval of the people, by a direct popular vote.

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Election news quotes

"...Our experience has shown that only a legitimately elected government, and not a coalition, can develop and implement a common vision and programmes that will deal with the massive unemployment and poverty that Zimbabwe currently faces," said Tsvangirai. President Robert Mugabe has been pushing for elections this year to end the coalition government, but Tsvangirai says free and fair elections can only be possible after a raft of political reforms to create the necessary environment."

The Zimbabwe Independent, Thursday 26 April 2012

"They must not talk of elections before they let free the television and radio waves," he said. "They must not talk of elections before stopping the police from oppressing Zimbabweans. If they say let's have elections after all these have been solved, they can even call for them next week we do not mind. But no free and fair election will be won by Zanu PF." MDC President Prof Welshman Ncube

The Newsday, Tuesday 1 May 2012

sms election related comments to: 0773 782 870

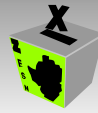
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Sarudzo dzekugamuchira kana kuramba bumbiro remutemo.

Munyori weZESN

Zvizvarwa zvemunyika zvinofanira kupinda muhurongwa hwekugadzirwa kwebumbiro remutemo. Izvi zvinoreva kuti mapoka evanhu, nemunhu umwe neumwe anofanira kuwana mukana wekutaufura pfungwa dzake kuvamiriri vehurumende pakugadzirwa kwemitemo. Kupa zvizvarwa zvenyika mukana wekutaufura pfungwa dzavo inzira yekukoshesa vanhu pamwe nekukoshesa hunyanzvi hweruzhinji uye zvinotaridza kuzvipira pakubudirira kwemunhu umwe neumwe ari munyika.

Sarudzo dzekubvuma kana kuramba bumbiro remutemo, inzira yekutaridza zvinodiwa nezvizvarwa zvemunyika. Kuramba bumbiro remutemo zvinogona kureva kuti pave kugadzirwa bumbiro remutemo idzva. Pahurumende dzinoita zvivo zvevanhu, mutemo unokwanisa kushandiswa chete kana zvizvarwa zvemunyika zvaita rupande rwazvo pakugadzirwa kwemitemo iyi. Naizvozvo zvakaakosha kuziva kuti ikodzero yeumwe neumwe kutaura pfungwa dzake pakugadzirwa kwemitemo zvisinei nekuti inhengo yemapoka ane vamiriri mukugadzirwa kwemitemo kana kuti kwete. Pfungwa dzemapoka nepfungwa dzevanhu dzinofanira kusanganiswa pakuumba mitemo. Izvi zvinokurudzira kuti vanhu vaite rupande rwavo panyaya dzezvematongerwo enyika.

Sarudzo dzekubvuma kana kuramba bumbiro remutemo dzinotirwa zvikonzero zvakasiyana-siyana, asi chakakosha pasarudzo idzi ndechekuti vanhu vanopihwa mikana yekusarudza zvavanoda. Naizvozvo hutongi hunoita zvivo zveruzhinji hunobudirira kana veruzhinji vachitaura pfungwa dzavo uye izvi zvinobatsira kuti pave nehukama hwakanaka pakati pevutungamiri neruzhinji. Kodzero dzezvizvarwa zvemunyika dzakakosha. Kodzero idzi dzinosanganiswa kodzero yekuvhota neyekupihwa mukana wekutaufura pfungwa dzako. Naizvozvo zvakaakosha kuti vahu vaite rupande rwavo panyaya dzezvematongerwo enyika nekuti zvinobatsira kuti pave nehutongi hwakanaka.

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Citizens actively participate in policy making by voting on whatever is on the ballot for their input. On the whole, citizen participation is a tenet of good governance, which emphasizes the importance of a people focused, responsive government by drawing on the consent of the governed and the ability of citizens to hold their governments to account.

Participation gives citizens a more direct say, it gives a voice to individual citizens and to minorities, it encourages civic skills and civic virtues, it leads to rational decisions based on public reasoning, and it increases the support for the outcome and the process ■

Chinyorwa chinotaura nezvekodzero dzevanhu chemugore ra2000 chinozni Millenium Declaration chinotaura kuti, hutongi hwakanaka hunofanira kukoshesa pfungwa dzezvizvarwa zvemunyika.

Izvi zvinobatsira kuti hurumende dziite zvivo zvevanhu. Kana vatungamiri vakasakoshesa pfungwa dzevanhu, vanhu vanotaridza kusafara kwavo kubudikidza nekuvhota vachiramba bumbiro remutemo. Sarudzo yekuramba kana kugamuchira bumbiro remutemo inobatsira kuti vanhu vawane mukana wekutaufura nekugadzirisa nyaya dzemagariro evanhu dzinonetsa asi dzakakosha.

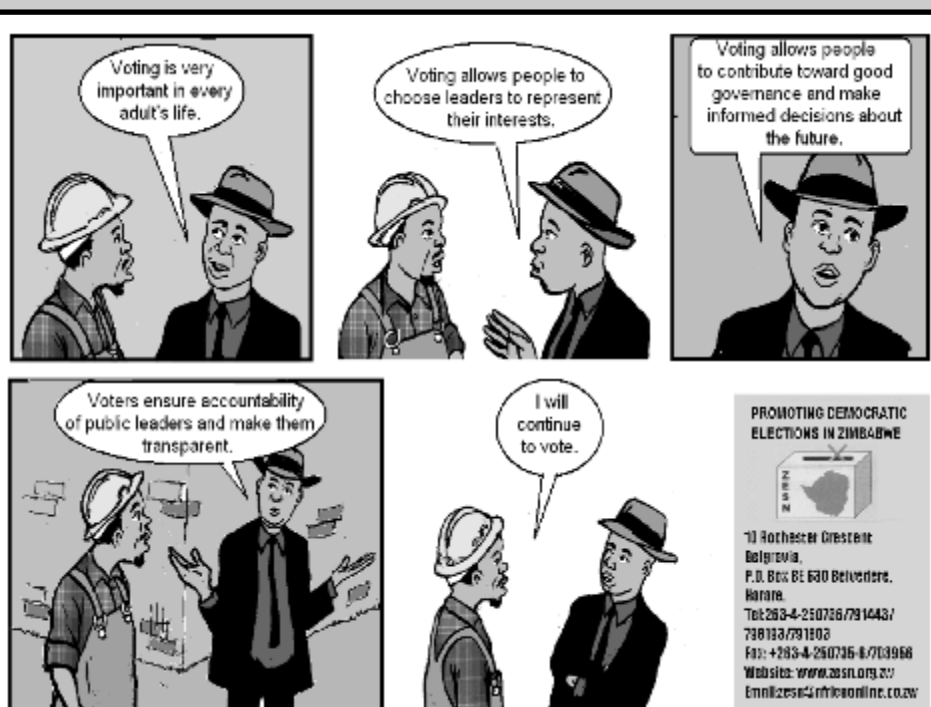
Zvizvarwa zvenyika zvinokurudzirwa kuve nechekuita nezvematongerwo enyika nekuti zvinobatsira kuti vanhu vese vade kuvhota nemazvo uye nekubatsira kuti vagamuchire shanduko dzinoitwa pabumbiro remutemo. Kana zvizvarwa zvemunyika zvikaakosheswa kubudikidza nekupihwa mukana wekutaufura mafungiro nemaonero pakugadzirwa kwemitemo, zvinaita nyore kugamuchira nekuremekedza mutemo United Nations Development Programme inoti hurumende dzinokwanisa kugamuchirwa nevanhu kana dzichikoshesa kuti zvizvarwa zvenyika zviite rupande rwazvo mune zvematongerwo enyika.

“Izvi zvinobatsira kuti hurumende dziite zvivo zvevanhu. Kana vatungamiri vakasakoshesa pfungwa dzevanhu, vanhu vanotaridza kusafara kwavo kubudikidza nekuvhota vachiramba bumbiro remutemo.”

Naizvozvo sarudzo dzekuramba kana kugamuchira bumbiro remutemo inzira yekutaridza zvivo zvevanhu. Sarudzo idzi dzinopa zvizvarwa zvemunyika mukana wekutaufura zvavanoda kubudikidza nekuvhota. Izvi zvinomanikidza vatungamiri vehurumende kuti vakoshese zvizvarwa zvemunyika pakugadzirwa kwemitemo yenyika.

Kukoshesa zvizvarwa zvemunyika zvinoreva kupa zvizvarwa mukana wekutaufura mafungiro azvo zvakasununguka pakugadzirwa nekuchengetedzwa kwemitemo inoshandiswa pakutonga nyika. Pfungwa huru iri apa inoti, hurumende ine hutongi hwakanaka inokoshesa kuti ruzhinji rwezvizvarwa zvemunyika zvipinde muhurongwa hwekugadzirwa kwebumbiro remutemo.

Nemamwe mazwi, hurumende yakanaka inoteerera zvivo zvevanhu. Kupinda kwezvizvarwa zvenyika muhurongwa hwekugadzira mitemo yenyika kunobatsira kuti vatungamiri venyika vaite basa nemazvo uyezve ruzhinji rwevanhu rwunowana mukana wekutaufura zvavanoda pamwe nekukurudzira kuti vanhu vadzidze nezvekodzero dzavo nekufungisisa pamusoro pezvesarudzo dzavanenge vachida kuita.





Ballot Update Bulletin

AN ANALYSIS OF APRIL 2012:

The GPA

The GNU continues on its fragile course, characterised by mistrust and constant tensions. The GNU has to a large extent failed to address the structural causes of the conflict to work towards democratic reform for Zimbabwe. As a vehicle of reconciliation it has been rather moribund given the ineffectiveness of the Organ on national healing in dealing with political conflict and past human rights violations. The divisions remain more pronounced as parties fail to agree on the contentious issues in the constitution making process. ZESN remains concerned by the continued non implementation of issues agreed on in the GPA. While electioneering continues with both parties in the GNU, inability to show commitment and political will for genuine reforms is an issue of concern. While, elections will contribute to bringing finality to the issues bedevilling Zimbabwe, the need for genuine elections that provide real choice for citizens cannot be overemphasised. There has been an apparent overinvestment in the thought that holding elections will solve all problems, whereas ZESN is of the view that the foundation for solutions in Zimbabwe is holistic reforms and not elections without significant reforms.

It is important that parties to the GNU take an honest assessment of the root causes of the conflict and begin to address them. The statements by President Mugabe at Independence Day celebration about political violence though falling short of acknowledging the wrongs done in the past could be the beginning of an introspective process that could begin genuine engagement with contentious issues has not been taken up in the national debate by the Organ on National Healing. In addition, uncertainty and lack of firm election dates for the referendum and the general elections does not provide adequate planning for all stakeholders in the electoral process.

The GNU has not been able to foster reforms that impact substantially to the enjoyment of freedoms by citizens as observers continue to observe various types of human rights abuses. The GNU has not been able to transform the political, social and economic landscape of Zimbabwe in ways that provide for durable peace and sustainable democratic values and ethos. The constituency development fund is an issue that the GNU grappled with in this period which has increased the strain and tensions in the GNU.

Electoral amendment Bill, 2011

After the Parliamentary Legal Committee (PLC) issued an adverse report, this Bill is currently awaiting the consideration of the report of the PLC by the House of Assembly. This process will entail consideration of the report culminating in a vote on a resolution to adopt the report. Should the report be adopted any inconsistencies with the Constitution that are in the Bill would have to be amended or removed. Only after this can the Bill proceed to the second reading stage.

Constitution making process

The constitution making process continues with delays characterising the process. ZESN notes that the delays in concluding the process is a clear sign of the lack of political will by the parties to agree on contentious issues. ZESN argues that somewhere along the road of negotiations, the views of the people have been lost and the parties have taken on more importance in agreeing with these issues. The short term need to capture power and to have provisions that increase parties chances of capturing power seem to be the overarching and overriding motivation in the constitution making process for parties. ZESN remains hopeful that COPAC will make public a draft for debate shortly to ensure that the constitution making process comes to a logical end.

Ivoti yesisekelo sombuso

UkuPhatheka kwezizalwane kutsho ukudlelana kukazulu, bezimele bodwa kumbe besemaqenjini, labameli bakaHulumende, ngenjongo yokunika izizalwane ilizwi elibalulekileyo ekuthathweni kwezinqumo eziphathelelane lazo. UkuPhatheka kuthathwa njengendlela yoku 'nabulula' umuntu, imthuthukise isizotha sakhe, ukuzithemba kanye lokuzimisela ekuphumeleleni kwakhe yena lesifunda sakhe. UkuPhatheka kwezizalwane kuvoti yesisekelo sombuso, ireferendamu, kungumhlobo wedemocracy ebalulekileyo, njalo kuyivoti epheleleyo lapho uzulu wonke ovtayo aphiwa khona ithuba lokwamkela loba ukufinyisa okuthile okuqonyiweyo, kanti njalo kungaphetha ngokwetshathwa kwesisekelo esitsha. Embusweni oqotho umthetho uvumelekile kuphela nxa labo abakhangelelwe ukuwulandela besenelisa ukuphatheka ekubunjweni kwawo. Ngakho-ke ukuPhatheka kwezizalwane okubalulekileyo kulilungelo elimqoka embusweni oqotho.

Kuqakathekile ukuzwisisa ukuba ukuPhatheka okubalulekileyo kwezizalwane akusivo mbuso wentando kazulu, irepresentative democracy, njalo akungeze kwathatha isikhundla sawo, kodwa kumane kuwuncedise impela yawo. Mvelo yakho kungumseki wamampela oqinisa ubuqotho bezinqumo kanye lokubaluleka kokuqutshwa kwalezozinqumo kwezombusazwe, kubuye njalo kuthuthukise ukuphatheka kwabavotayo ekuqutshweni kwezombusazwe. Amareferendamu angabe egutshelwa izzitho ezehlukeneyo kodwa okufanayo ngawo yikuphatheka kwezizalwane kiwo. Kuyadingeka ukubana ubumqoka bokuPhatheka kwezizalwane ezintweni eziphathelelane lazo bugcizelelwe.

Ngalokho-ke umbuso oqotho ulakho ukuphumelela ngcono nxa uthuthukisa ukuPhatheka kwezizalwane; njalo ukwaneliseka kokuzwakala kwelizwi lezizalwane kudala ubudlelwano obuhle phakathi kwababusi lozulu. Amalungelo ezizalwane anjengelumelo lokuvota lethuba lokuba lelizwi aqakathekile kakhulu. Yiwo enza ukuPhatheka kwezizalwane kube mqoka embusweni ofaneleyo. Nxa sikhangele ngelihlo lamalungelo abantu, isiBopho somnyaka ka2000, i2000 Millennium Declaration, siqubeza ukuPhatheka okugwelele kwabantu bonke kwezombusazwe njengendingeko emqoka yombuso oqotho. Imizamo yezizalwane ilakho ukugcwalisa ukubaluleka kwemisebenzi kaHulumende.

Nxa iziphathamandla zingatshaya ilizwi likazulu indiva, ulakho ukuthatha amanyathelo avumelekileyo angangokubumba umthetho odingekayo. Ireferendamu yanelisa ukuqutshwa obala kwezinkulomo zemfundiso lokubonisana mayelana lezihloko ezimqoka ebezingaba lakho ukungathintwa ngokupheleleyo. Ibuya ivumele njalo ukhulafunwa lokulungisiswa kwezindaba ezingabalulekanga ezihlupha umphakathi, ezokuthi abameli kudale lePalamende bangethande ukuphatheka kizo. Imizamo kazulu yanelisa abavotayo ukuba behlukanise izindaba ezithize lezimilo zabantu.

Ibuya njalo yesule ukungagqize qakala kwabantu mayelana lokuvota ngoba inika izizalwane ithuba eligakemeyo kanye lokuzizwa zilomlandu omkhulu mayelana lokuphatheka emisebenzini kaHulumende. Lokhu kuletha umoya wokwamkela loba ukuqomisa inguquko ephathelelane lesisekelo sombuso. Ukuphatheka kwezizalwane kuqhelisa ubuqotho bomthetho kanye lokuhlunipheka kwawo njengoba lowomthetho uyabe ugoqela imibono kanye lezifiso zikazulu.

Uhlelo lwenhlanganiso yamazwe omhlaba olubona ngezempumelelo, iUnited Nations Development Programme, lufumana ukuba yikuphatheka okupheleleyo emisebenzini kaHulumende kuphela okungagcwalisa ubuqotho baboHulumende bamazwe asathuthukayo. Ngalokho-ke ireferendamu iba lugwalo olukhombisa intando yabantu ngevoti ebalulekileyo, njalo ibophela uHulumende ukuba alethe uzulu kanye lenguquko yezomthetho ezinqunyweni ezimqoka eziphathelelane lempilo yesizwe.

Isithunzi sabantu sigcwaliswa yikwaneliselwa kwabo inkululeko kanye lokuphatheka ekubunjweni lekulondolozweni kwemithetho. Yikho lokhu-ke okuyingcazelo yokwenzakalayo ekuqutshweni kwereferendamu, lapho izizalwane ziphatheka okupheleleyo ekubunjweni kwemigomo ngokuvota mayelana laloba yini eqonyiweyo edinga imibono yabo. Ngamafitshe, ukuphatheka kwezizalwane kuyingxenywe eyisitshengiselo esimqoka sombuso oqotho, esiqakathekisa intando kazulu obuswayo kanye lokumvumela ukuhola uHulumende. Kubuya njalo kunike lezizalwane ilizwi, kukhuthaze imigondo lezaneliso zikazulu njalo kuthuthukise usekelo emisebenzini lemiphumela eqotho.



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ZESN Taskforce member takes participants through their paces during a workshop held in Kariba

Referendum in May?

ZESN has noted with concern the calls by the President for the conduct of a referendum by the month of May, failing which election dates will be set. Given that May is already here and the draft has not been agreed and finalised, let alone publicised to citizens, this is very unrealistic. A referendum is a serious election which requires serious logistical preparations which by all indications have not started, thus it is important for there to be coherent election dates that provide clarity in planning for ZEC and other stakeholders in the elections, especially voters. The GPA/COPAC processes with sequential timelines such as the second all stakeholder conference among other things that need to be adhered to. Such pronouncements to bypass or fast track processes show impatience with the constitution making process which has been long drawn out with many obstacles than successes, and would amount to playing lip-service to people's meaningful participation in the process.

The Referendum Act: The need for reforms

As the country prepares for the referendum, the need to look at the referendum Act which governs the conduct of referenda in Zimbabwe is important. The act needs revisiting in the manner in which it gives the president alone power to call for referendum when he deems it fit. In addition, the Referendum Act does not make any distinction between mandatory and non-mandatory referendums and neither does the Constitution of Zimbabwe make that distinction. The referendum law again does not give the parliament any role to play in setting the agenda for a referendum yet it is assumed to be a body representative of the will of the people. There is need to harmonise the referendum act and the electoral act as well as the constitution as ZEC is constitutionally mandated to prepare for, conduct and supervise elections and referendums. This provision is in conflict with the powers of the President as stipulated in the Referendum Act. These are among some of the critical issues that need to be analysed and addressed as Zimbabwe prepares for the referendum.

Militarisation of ZANU PF?

The media in the period under observation, reported increased desires by the senior military officers, retired or otherwise, to enter into the political fray as members of parliament for the various constituencies including Nyanga South and Epworth to mention a few. While ZESN notes that in the third decade of independence the state was significantly militarised with retired brigadiers running ministries and parastatals. This has had serious consequences on access to these public institutions and transparency in the way they are managed. The further militarisation of political parties such as ZANU PF has serious ramifications for the enjoyment of freedoms by citizens. If the campaign of terror that was unleashed on citizens by the army as they campaigned during the 2008 Run Off election is anything to go by then progressive Zimbabweans need to brace themselves for yet another violent episode as ex-military and CIO personnel vie for political office.

Abuse of State Resources

The Mirror of the 6th of April 2012 revealed that the Minister of Defence Emmerson Mnangagwa used an Air Force helicopter from Harare to Chivi to attend a graduation party. This shows blatant abuse of state resources at a time when the country is in economic dire straits and the need to be modest is crucial at such times as these.

The abuse of state resources has serious consequences in electoral processes as they can provide unfair advantage for those with access to them. It is critical to have a distinction between state and personal resources in political processes and such actions clearly show that the line does not exist.

Constituency Development Funds

The constituency development Fund (CDF) saga continues with 10 legislators to be arrested after failing to account for the development funds. ZESN is concerned by the inability of legislators to take development issues in their constituencies more seriously. Voters are taken for a ride as promises made during election campaigns are not fulfilled and yet the same people come back for votes. Such malpractices by members of parliament who have the onus to develop their constituencies raise eyebrows on their sincerity and the extent to which they take their constituencies seriously.

By-elections

ZESN remains concerned worried about the lack of representation of some constituencies in Zimbabwe. To date, there are 30 vacant seats in the upper and lower house of assembly. The need to have by-elections cannot be understated as the rights of citizens to representation in parliament have not been upheld. One wonders who represents the interests of those unrepresented constituencies. Have mechanisms been put in place to take their issues to the house of assembly? It is important that in the absence of representatives, mechanisms be put in place to provide these prejudiced citizens an opportunity to get their issues on the agenda.

Human rights and fundamental freedoms

While violations have been experienced in the Mashonaland provinces as well as Manicaland, the generality of Matebeleland provinces with isolated cases in Insiza have had minimal human rights violations. Observers have reported a common lack of freedom of expression in the provinces mentioned. As a result citizens have become very cautious in the manner they express themselves. Curtailment on freedom of expression has been reported in constituencies such as Insiza, Tsholotsho North, Lupane East and West, Nkayi north, Hwange east, Mangwe, Beitbridge east, Makokoba and Gwanda. Observers in Highfield East and Zvimba North have shown that there is no freedom of speech as people are not free to discuss issues freely due to fear of victimisation.

In Magunje West there are reports that ZANU PF members have physically assaulted perceived MDC supporters. There were instances whereby sub chiefs and residents were harassed for offering support to the MDC and were threatened with the loss of their homes and land. In Mhondoro Mubaira the Basic Education Assistance Module is being politicised with supporters of particular parties benefitting while others are marginalised. This impact on the right to education, inevitably some children drop out of school. Observers in Chegutu West have reported that in political meetings held in this area, citizens are being threatened that their land will be taken away if they do not vote for ZANU PF. ZESN reiterates that all citizens have a right to land regardless of political affiliation. The war was fought so that all Zimbabweans would be able to have sustainable livelihoods including land. Observers reported that in some constituencies, people were forced to attend independence celebrations. This was noted in Muzarabani South, Chakari, Harare North and Zvimba West. Independence celebrations are for all Zimbabweans across the party divide but observers reported that in many places they seemed a ZANU PF affair. The GNU has not been able to ensure that national events are truly national in character and the party divide remains a chasm in these celebrations with some parties feeling more entitled to these celebrations. Observers reported in some cases celebrations resembled political rallies than national event. Market stall owners and vendors were forced to close shop and attend celebrations lest they lose their stands.

Reports from Zaka Central revealed that some village headmen forced people to contribute towards independence celebrations funds that could not be accounted for. On 2 April teachers in some schools (names withheld) as well as residents from Zaka North and Gokwe Sasame residents were forced to pay \$5,00 each for independence celebration to the ward coordinator. Observers in Chegutu East and West, Marondera East, Hurungwe North, Muzarabani North and Mhondoro Ngezi reported that residents were forced to pay money for the Independence Day Celebrations and those unable to afford were harassed and were labelled as supporters of MDC.