

ZIMBABWE ELECTION SUPPORT NETWORK



Electoral
Amendment
Bill 2011

Public Hearings Report
2011

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Introductions

The Parliamentary Committee on Justice Affairs, Legal, Constitutional and Parliamentary Affairs held public hearings on the Electoral Amendment Bill 2011 after numerous postponements of the meetings to consult citizens on the draft Bill. ZESN fielded a member of the Secretariat, an Observer and a Taskforce Member at each of the Centre. The purpose of the deployments, were two fold, to; input into the amendment at every centre using oral and written submissions and to observe the process to provide an objective analysis of the process and the output.

Scheduled Hearing Places

There were ten public hearing centres across the country with at least each province hosting one of the centres except for Mashonaland Central. Although the conduct of hearings is discretionary, it would have been important for the committee to have included at least one centre in the province to ensure full coverage of the country and inclusivity. Surprisingly, the centres were midstream increased with no explanations or reasons given to the public. Centres that were not initially were Chivi Central Mhiti Business Centre.

DATE	TIME	Venue	DISTRICT
17 October 2011	10.00 hrs	Mbuya Nehanda Hall	Marondera
17 October 2011	14.00 hrs	Headlands Hall	Headlands
18 October 2011	10.00 hrs	Mutasa Rural District Council, DC Centre	Mutasa
18 October 2011	16.00 hrs	Beit Hall, Sakubva	Mutare
19 October 2011	12.00 hrs	Bikita Rural District Council Hall	Bikita
19 October 2011	16.00 hrs	Mucheke Hall	Masvingo
20 October 2011	12.30 hrs	Plumtree Town Council Hall	Plumtree
21 October 2011	12.00 hrs	Lupane Community Hall	Lupane
21 October 2011	17.00 hrs	Small City Hall	Bulawayo
22 October 2011	14.00 hrs	Cheziya Community Hall	Gokwe Growth Point

23 October 2011	10.00 hrs	Rimuka Hall	Kadoma
24 October 2011	10.00 hrs	Senate Chamber, Parliament of Zimbabwe	Harare

Attendance

The general outlook of attendance was good with centres ranging between 70-300 people. Lupane recorded the least number of people who attended twenty-two (22) while eight of (8) got the opportunity to speak during the hearing. However contributions were as observers noted restricted mainly to those who had an opportunity to be briefed by the parties or who were familiar with the issues from the outreach work done by civic organizations. At each meeting contributors were given an opportunity to make suggestions as well as interrogate the proposals where the Committee failed to regulate the time and the language of the contributors, there were disruptions in most of the cases.

Disrupted Hearings

Intolerance and politicking contributed to the disruptions and abandonment of meetings by the Committee. Observers noted that there was also “bussing” of people from Bemba farm in Marondera and people from Nyanga to Mutasa hearing centre. In Masvingo province, Chivi was not initially scheduled thus the attendance on such a short notice without due publication of the hearing and content to be discussed also points to the fact that most of people were “bussed” from other areas. In addition lack of understanding of how the Parliamentary Committee operates was also another cause of the disruptions in relation to Gokwe and Masvingo. In Gokwe hearing was initially conducted in a politically charged environment with some activists wearing party regalia’s. In Plumtree, the Parliamentary Committee was scheduled to start at 12:30hrs and only arrived at 15:00hrs leading participants to suggest that they reschedule the hearing and provide the agenda of the hearing well in advance so that the people attend from an informed basis.

Other reasons why hearings were either disrupted or abandoned included booing, disagreements on some clauses, failure to regulate debate, intolerance of other speakers, and dissatisfaction with the Parliamentary process.

The following table is a summary of hearings that were prematurely disrupted due to various reasons.

Starting Time	Approx Ending Time	Date	Venue	Constituency	Province
11:30hrs	12:05hrs	17/10/11	Mbuya Nehanda Hall	Marondera Central	Mashonaland East
10:30hrs	11:35hrs	18/10/11	Mutasa RDC	Mutasa Central	Manicaland
16:00hrs	17:00hrs	18/10/11	Sakubva Beit Hall	Mutare Central	Manicaland
16:00hrs	16:15hrs	19/10/11	Mucheke Hall	Masvingo Central	Masvingo
15:30hrs	16:30hrs	20/10/11	Plumtree Town Council Hall	Plumtree	Matebeleland South
17:00hrs	17:45hrs	21/10/11	Small City Hall	Bulawayo	Bulawayo Metropolitan
14:00hrs	14:15hrs	22/10/11	Cheziya Community Hall	Gokwe Growth Point	Midlands
10:30hrs	11:05hrs	23/10/11	Rimuka Hall	Kadoma Central	Mashonaland West

Topical Issues

Polling Station Based Violence vs Ward Based Voters Roll

Speakers were divided over using a Polling Station Based Voters Roll or a Ward Based Voters Roll. "For inspecting and registering let us use ward based and for voting use polling station based roll", said one speaker from Lupane. Varying reasons were provided including that people will be prevented from even registering or inspecting the roll hence the need for ward based on registration while polling station may be used for voting.

Assisted Voters

It was also contentious as to who should assist voters who are not capable of casting the vote with others suggesting that "a confidante should assist" while others were saying, "the police should assist".

Postal Voting, Special Voting and Diaspora Vote

On the issue of the Diaspora vote, though it was not on the proposed bill, debate was heated at most of the centre's, there is need for the system to be observed and open to all those who might want to use it some argued that, "no one was expelled from this country and it is that person's responsibility to come back and vote, the Commission should not conduct polls for the Diasporas".

In Lupane, there was an apprehension that the Special Voting could be manipulated in the process hence the need for it to be well explained to the people and that it should also try to be inclusive. A counter argument was from those that, those who are outside the country “they are outside the country due to economic and political crisis that was experienced hence the need to include them in the democratization now as a new culture of encouraging participation”.

Role of the Police

In Bikita West and Chivi Central, some speakers said, “there is nothing that can be stolen from locked ballot boxes” hence the police officers should not be inside the polling station. In Lupane, the hearing went on well speakers noted that “the role of the police officers on the polling day and at centre’s should be restricted to providing a peaceful environment outside polling stations rather than inside the stations”.

Announcement of Presidential Results and Run-Off Elections

The discussion was personalized hence the discontent that followed after. Proposals were that, 24 hrs should be the maximum given to the Commission to provide the nation with the presidential election results while others felt that the process is long hence the need to take the proposed 5 days. Moderates also suggested that the results be provided in 48hrs after the poll. Some views were that it was difficult for them to accept Run-Off elections, suggesting that the First-Past-The-Post be used as the electoral system for the Presidential elections.

Accreditation of Observers and invitation of Foreign Observers

Many of the centers, observers cited that the speakers said, “all countries that imposed sanctions on Zimbabwe should not be part of observers”, only friends of Zimbabwe should observe the elections. There was a misunderstanding as to the funding of observers with speakers thinking that the government of Zimbabwe funds observers during their visit to the country.

In Bulawayo, suggestions were that, foreign observers be allowed early at least three months before the poll and counter arguments were that Zimbabwe is able to conduct its own elections without outside observers. ZESN noted the general enthusiasm with which people participate in the process. Testament to this was one speaker in Bulawayo who requested to speak and leave his written submission before leaving for the hospital.

Recommendations

- *The acceptance of written submissions could be extended to allow centers that were not visited to be able to send in submissions. Constituency office could be used as collection points*
- *Places like Plumtree where the committee was late and did not manage to get input from the people should be revisited in the earliest possible time.*
- *The proposed bills be given to the constituencies well ahead of time and that the information be distributed through different stakeholders in the communities.*
- *That the Parliamentary Committees should publicize their meeting places in both the electronic and print media.*
- *That the Parliamentary Committee should not divert from advertised and scheduled centers as it leads to delays and divided attention as time limitations are evidenced in Bikita West, Chivi, Masvingo and Plumtree.*
- *Mashonaland Central Province be considered*
- *The Police, Organ on National Healing and JOMIC should make follow up on people who caused mayhem during the hearings.*

Conclusion

The process of gathering the citizen's views was conducted in a polarized environment along political party lines like the Constitutional Reform program. All contributions were based on party positions with coaching appearing to have been the major form. A few speakers would contribute objectively while the majority of the contributors were speaking from the political party scripts. ZESN feels that political parties should give the citizen a chance to input from an informed point of view rather than party interest. Centers that experienced disruptions and violence like Masvingo, Kadoma, Mutasa and Mutare were all as a result of intolerance hence there is need for the Organ on National Healing and Reconciliation to take a cue from these meetings. The Committees of parliament should also explain to the people how they are composed and their operations as a measure to prevent future disruptions of meetings on the basis of perceptions that the committees are dominated by certain political parties.