



**ZIMBABWE  
PEACE  
PROJECT**



# **TELLICOMP**

*Independently monitoring the constitution making process*

## **Final Report**

***Shadowing the Outreach Process***

**November 2010**

*“It is the fundamental right and duty of the Zimbabwean people to make a constitution by themselves and for themselves---and that the process must be owned and driven by the people and must be inclusive and democratic.”* Article V1 of the Global Political Agreement

## **SECTION ONE**

### **EXECUTIVE SUMMARY**

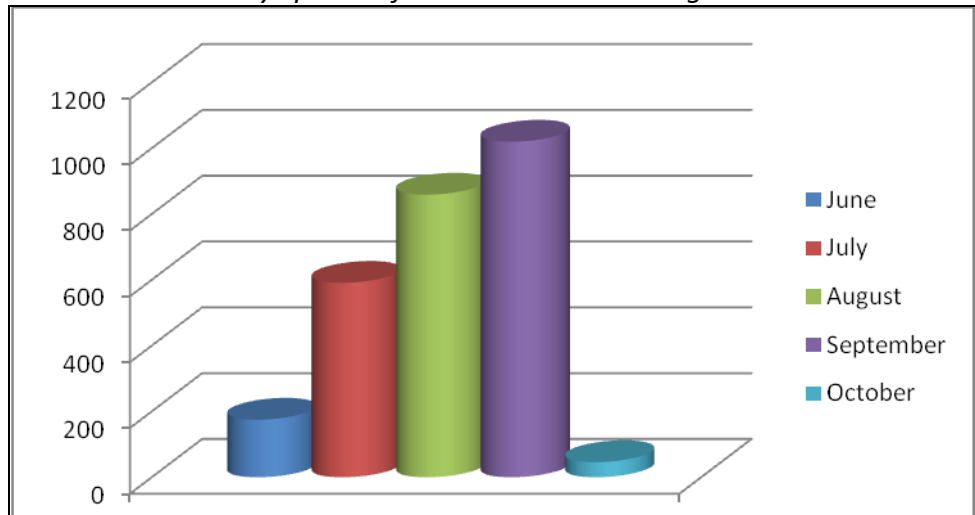
#### ***Observed progress***

The constitutional outreach program commenced on 23 June 2010 with a mandate to hold 4 820 meetings in 1 958 wards of the ten provinces and gather public views on the 26 Thematic Talking Points of the Constitution. The two metropolitan provinces of Harare and Bulawayo were initially omitted out of fear that the World Cup games (which were running in South Africa from 11 June to 11 July) may have negatively affected outreach attendances. Although outreach meetings were initially time framed to run for 65 days and later extended to 90 days, the program rolled on till 31 October due to unanticipated administrative, logistical and political glitches.

By end of the program, ZZZICOMP had observed and recorded as “successfully held” a total of 4 533 meetings in the 210 constituencies of the country, 6% of which were held in June, 21% in July, 38% in August, 34% in September and 1% in the two-day October outreach re-run. However, it should be appreciated from the outset that while the graphs used in this report suggest low monthly records for June and October, they do not reflect that in June the program only ran for nine days, while in October the program only ran for two days, covering only one province – Harare. Equally worth noting is that while some of the meetings may have been recorded as “successfully held” – in the narrow sense of not having been disrupted – they were held under conditions which were rife with voice-muzzling practices, compromising free participation by citizens.

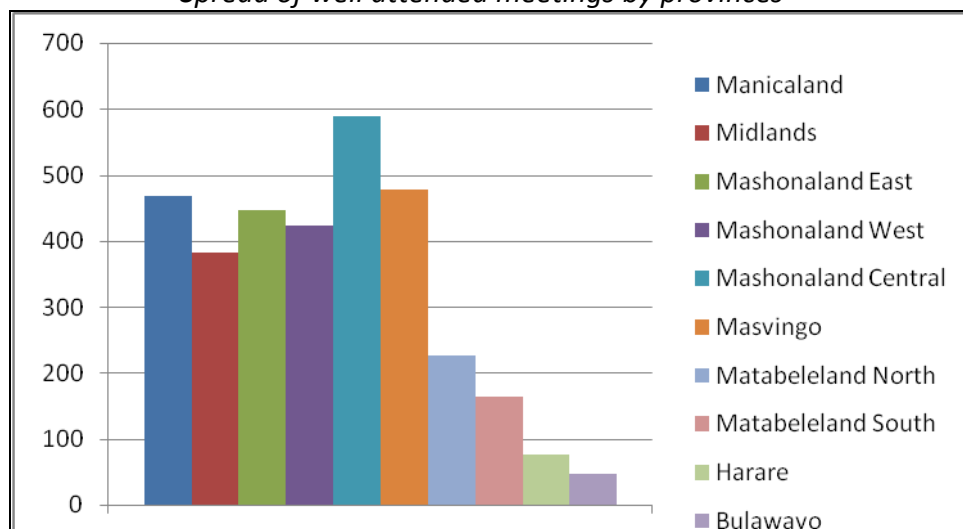
Attendance profiles showed mostly “high attendances”, a “high attendance” being a meeting where 100 or more participants were in attendance. Of the total 4 533 meetings recorded by the end of the program, 73% were well attended meetings by this definition, with monthly spread as shown below. The low attendance in October could be attributed to the violence that took place which led to a rerun of the meetings in Harare.

*Monthly spread of well attended meetings*



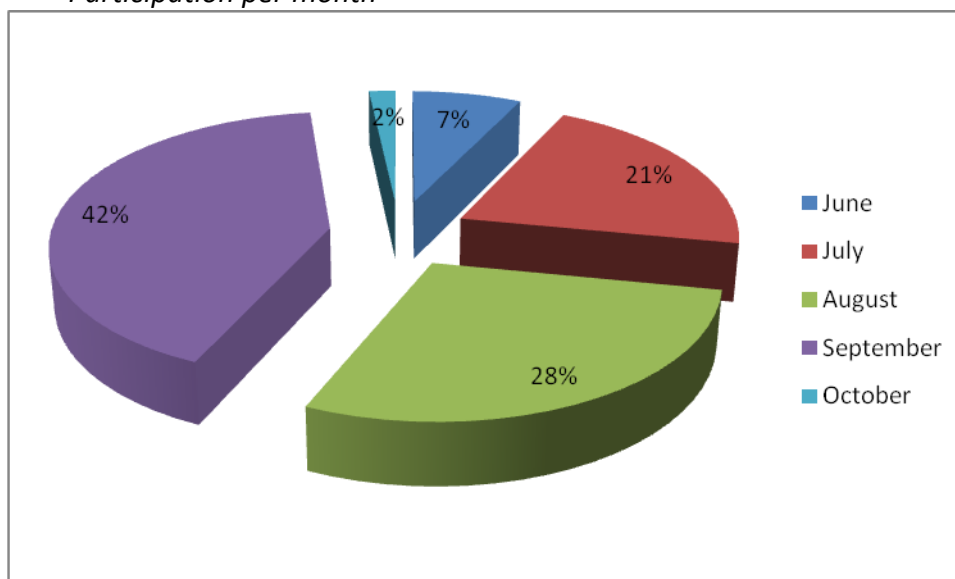
However, as shown in the graph below, these monthly cumulative increases in high attendance were not evenly spread across the ten provinces. The three provinces of Matabeleland remained subject to participant apathy throughout the duration of this program.

*Spread of well attended meetings by provinces*



By end of the program, a cumulative total of 716 340 participants had been recorded, with monthly attendances (as shown below) of 7% in June, 21% in July, 28% in August, 42% in September and 2% in the two-day October outreach re-run.

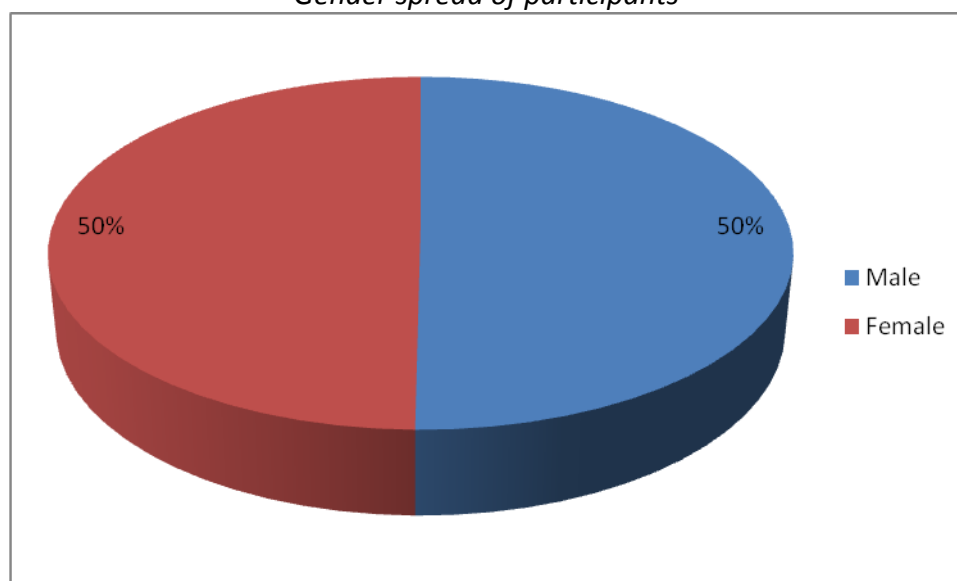
*Participation per month*



Participant spread by age indicates high adult mobilization, across gender, with adults accounting for 79% of the total number of participants, with a monthly distribution that shows cumulative periodic increases from 7% in June, 20% in July, 28% in August, to 43% in September with a drop to 2% in October.

Equally notable throughout the duration of the outreach program was the visible gender parity among participants. Monthly figures showed insignificant differences of 1% while the overall cumulative figures (as illustrated below) show both genders accounting for 50% of the total participants. ZZZICOMP fervently hopes that this gender parity in attendance level translated into gender parity in participation.

*Gender spread of participants*



ZZZICOMP also notes with relief that while the constitutional outreach consultation process was in the main conducted under extremely challenging conditions, dotted across the ten provinces there were outreach meetings undertaken in conditions that allowed some

modicum of lively and open debate on various thematic areas, with participants reportedly shrugging off fear and speaking out their personal views, thus arriving either at a consensus, or lack of consensus decisions, after serious debate. While contributions were obviously influenced by party political affiliations, the fact that there was debate should be noted positively, after all, people do not speak from a vacuum! At some of these meetings (especially in Matabeleland North), debates were at times reportedly so lively that COPAC teams resorted to voting after encountering deadlocks. Such meetings reported in Masvingo province included those that were held in the constituency of Chivi South on 7 July at Maringire Business Centre in Ward 22, on 8 July at Masasa Business Centre in Ward 23, and on 8 July at Kushinga Secondary School in Ward 24. In the Matabeleland North province, reported cases including meetings that were held on 9 July at the Roman Catholic Church in Ward 5 of the Hwange West constituency, at Abundant Life Church in Ward 10 of the Hwange East constituency, and at Mosiatunya Secondary School in Ward 9 in the Hwange West constituency. In the two-day October outreach re-run in Harare province, reported cases included meetings that were held at Hatfield Hall in Ward 22 of Waterfalls, at Greendale Courtney Selous Primary in Ward 9 of Greendale, at Southerton Primary School in Ward 13 of Southerton, and also at Rugare Primary School in Ward 2 of Rugare suburb.

While there were instances in which some COPAC team members were reportedly partisan, acting in the interest of their political parties rather working as a united team under COPAC, the overall impression gleaned from ZZZICOMP reports was that COPAC teams made visible efforts to shrug off political interference and to ensure some modicum of credibility, inclusiveness, transparency, accessibility and feedback during the constitutional view gathering process. For example, in response to reports of low youth participation in the outreach program, COPAC held two-days of outreach consultations for children at the Parliament of Zimbabwe in Harare on 22-23 September which a total of 335 children attended. COPAC also conducted frequent evaluations, with such constructive exercises reducing logistical glitches and mending relations with civic society organizations.

### ***Noted Challenges***

Notwithstanding these positives, the outreach program had a difficult start with the first month of June dogged by a series of administrative and logistical problems relating to delays in the release of money that was urgently needed to pay service providers offering transport, accommodation and equipment, such as computers, videos and audio machines. There were also reports of COPAC teams that were not at their designated meeting points at the onset of the program, some reportedly having been evicted from their hotels, while those who were at designated points on time were greeted with the disappointing news of non-availability of recording equipment.

There was also a disturbing dearth of information about the outreach program in most rural communities. On several occasions outreach teams arrived at designated outreach venues (even in urban settings) only to find that communities were not aware of the specific dates on which outreach teams were expected to visit their respective wards. In some cases the scheduled times and venues of outreach meetings were different from what was advertised by COPAC, but in other cases venues were changed to unofficial sites by the local political leadership. In most areas there were no COPAC posters advertising the outreach program. This lack of information was worsened by COPAC's tendency to rely on urban-based media

to communicate to the public, in a country where most rural dwellers have no reliable access to radio, print or TV news. Councillors and MPs, representing both rural and urban areas, do not appear to have played their part in ensuring that the outreach program enjoyed valuable political acceptance in their constituencies.

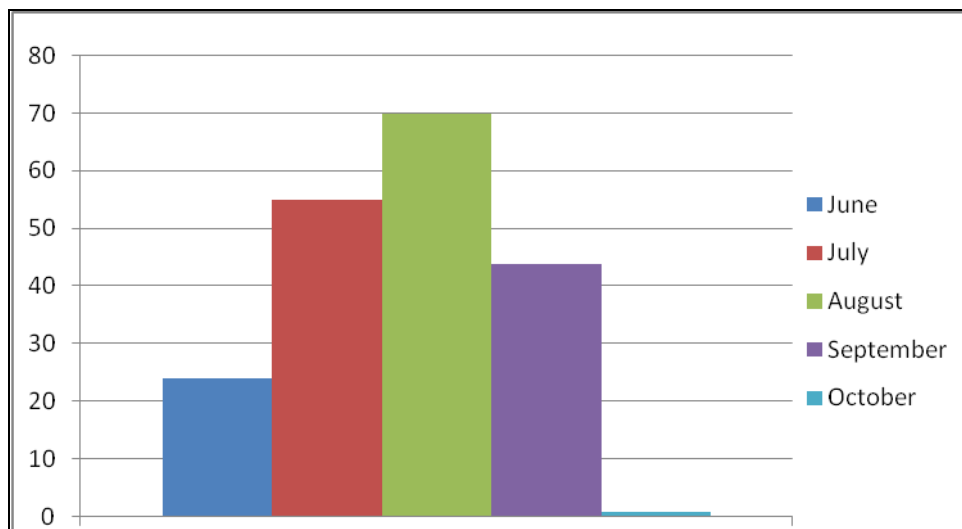
Equally worrying were the strained relations between COPAC and civil society at the onset of the constitutional outreach program, with incidents in which ZZZICOMP observers who had been deployed across the country to shadow proceedings at outreach meetings were either harassed, denied access to venues, or, in extreme cases, arrested and detained: such instances being prevalent in the provinces of Manicaland and Mashonaland West. On 24 June, two ZZZICOMP observers and their driver were reportedly arrested in Mukuni, Mutare North of Manicaland province and detained at Mutare Central Police Station, charged with contravening Section 81(3) of the Access to Information and Protection of Privacy Act (AIPPA) for practicing journalism without accreditation. They were remanded out of custody to 9 July 2010 on \$20 bail each. At a meeting that was held on 27 June at East Range farm in Ward 6 of Makonde in Mashonaland West, a ZZZICOMP observer was abducted by six youths to a farmhouse where they allegedly beat him and left him for dead.

Low attendance remained a visible challenge throughout the duration of the outreach program, with some meetings (especially in the provinces of Matabeleland North, Matabeleland South, Bulawayo and Midlands) reportedly going ahead with fewer than 20 people in attendance. By close of the program, a cumulative total of 1 020 poorly attended meetings had been recorded spread as follows: 8% in June, 25% in July, 29% in August, 37% in September and 1% in October.

Equally worrisome was the observed low level of youth participation throughout the duration of the outreach program, with scattered instances of zero youth attendance at several meetings in the provinces of Masvingo, Matabeleland North, Matabeleland South and Midlands. Of the 716 340 total participants recorded by the close of outreach program, 21% were youth participants.

Instances where meetings were cancelled or abandoned were significant throughout the programme. Some of the causes included COPAC failing to turn up at scheduled venues, low participant turn out, lack of recording equipment, politically motivated disruptions, and misinformation about the meeting; scenarios that in some cases saw people who gathered in large numbers at several outreach program meetings being dispersed without even being told about the rescheduled dates. By end of the program, a total of 194 cancelled meetings had been recorded, with monthly cancellation figures (as illustrated below)] of 12% in June, 28% in July, 36% in August, 23% in September and 1% in October.

*Monthly spread of cancelled meetings*



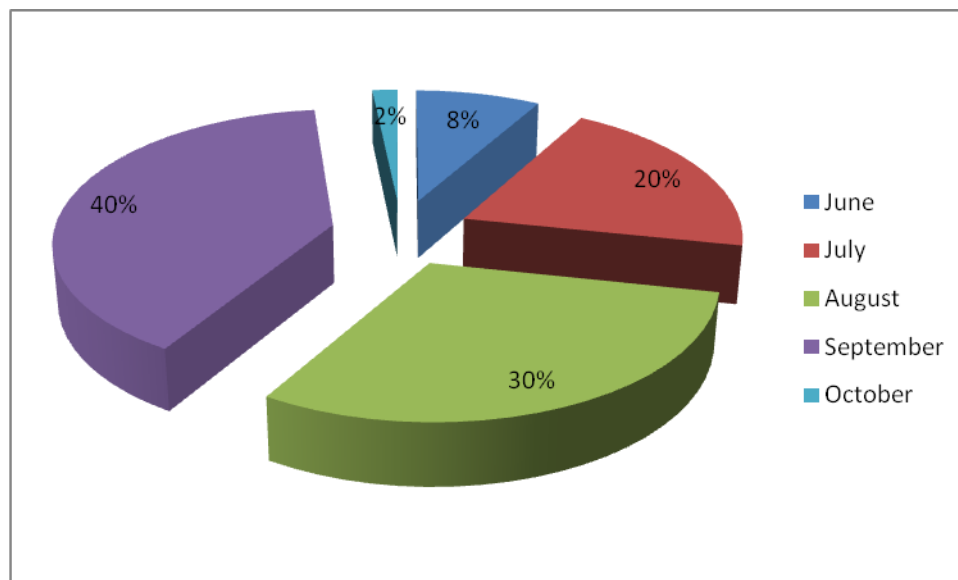
The effectiveness of the constitutional public view gathering process largely hinges on how the operational environment is constituted. The operational environment must provide for a climate in which individual citizens can freely express their views on how they would want to be governed. Constitution making is a once in lifetime opportunity, where citizens can exercise their fundamental right to define their present and future destiny. Notwithstanding, the constitutional outreach program was politically compromised and heavily polarized along political party lines with the two main political parties (the MDC T and ZANU PF) viewing the outreach process as an election contest which degraded most outreach meetings to political party rallies rather than constitutional view gathering sessions.

ZZZICOMP provincial incident reports continually referred to incidents in which people were tightly organized along political parties and speaking as if programmed to speak within defined parameters,, with some cases where those viewed as likely to stray from party drilled positions were reportedly told in plain terms to either keep quiet or stay away from outreach meetings. Even where meetings appeared peaceful and conducive, symptoms of the after-effects of sustained intimidation, pre-coaching and political manipulation remained disturbingly manifest in contributions by participants.

In Harare, outreach consultations that were scheduled for three days running from 18-21 September were reportedly suspended on 21 September “until a full review has been conducted” in the wake of unbridled inter-party political violence between the two main rival parties, ZANU PF and MDC T, who are major partners of the inclusive government. Violations in the form of manhandling, intimidation, verbal threats, whistling and booing of participants presenting different views, sloganeering, singing of revolutionary songs, bussing in of participants, for instance, marred outreach meetings, being most prevalent in areas such as Mbare, Budiriro, Greystone Park and Dzivarasekwa.

By the end of the outreach program, a total of 7 768 outreach violations had been recorded, as shown below. This incidence is almost identical to the participation levels each month, indicating that violations were a consistent feature throughout the program.

*Monthly spread of violations*



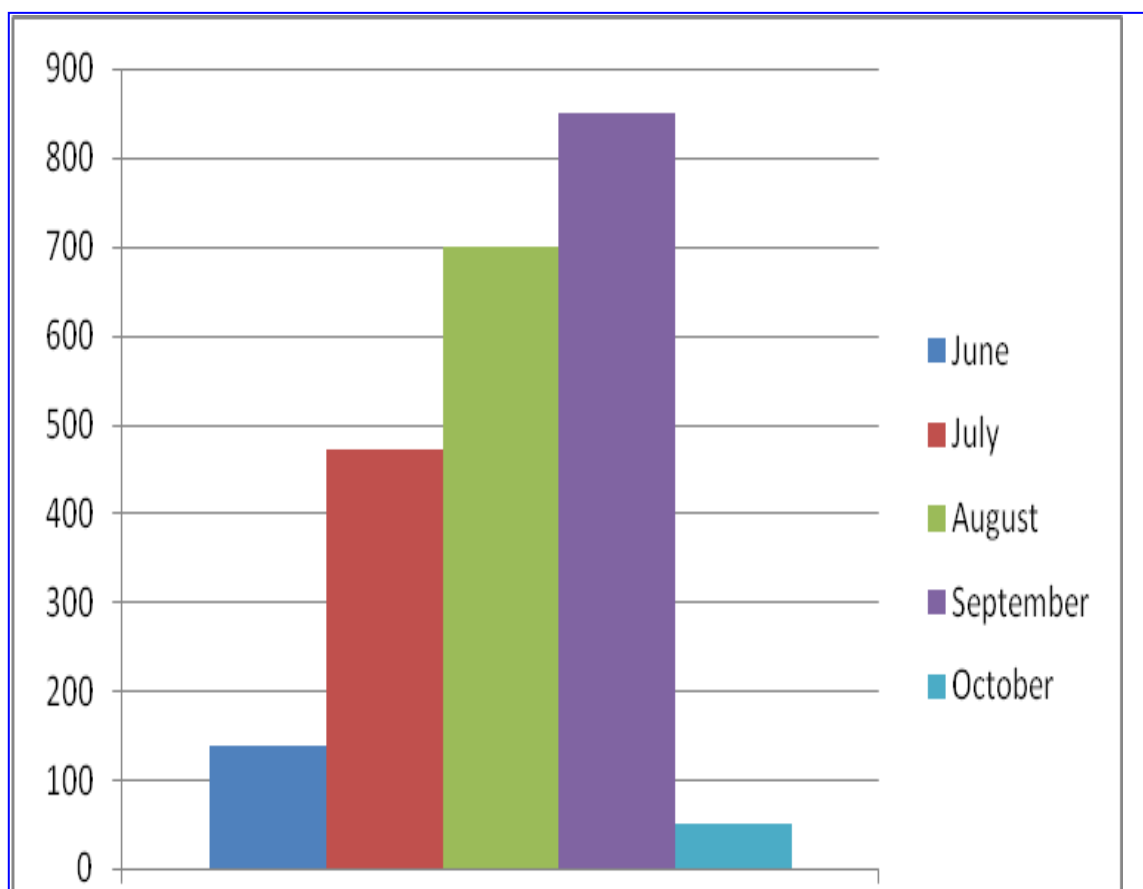
Of the recorded 7 768 outreach violations, 28% were suspected cases of politically engineered coaching. Coaching which was carried out under the guise of political party campaigns, created the illusion of unanimity at some meetings, where people spoke from pre-coached party positions. Throughout the duration of the program, ZZZICOMP reports made reference to incidents in which people were either seen reading from prepared scripts at outreach meetings or presenting rehearsed responses, irrespective of questions being asked by COPAC teams. While both the two main rival political parties (MDC T and ZANU PF) were reportedly involved, ZANU PF was reportedly the main perpetrator.

Coaching should be viewed with utmost concern because its effects are multifaceted and far reaching. Coaching silences it's the victims' voices. It is also a covert form of harassment because departures from the coached position carry a high risk of punishment. The reported incidence of coaching is even more worrying given its increase over the duration of the programme.

*Monthly trend of coaching incidents*

Political Interference remained omnipresent, accounting for 28% (2 144) of the total number of violations (7 768) Observers noted the most common techniques being: chanting of political slogans, singing of political songs, bussing in of participants, organizing participants along party lines, using opening prayers to express party positions on the constitution. Such interference relegated outreach meetings in some cases into de facto partisan processes, in which tolerance was only accorded to contributions that fell within party-defined parameters. As with coaching, political interference increased as follows 8% in June, 21% in July, 30% in August, 39% in September and 2% in October

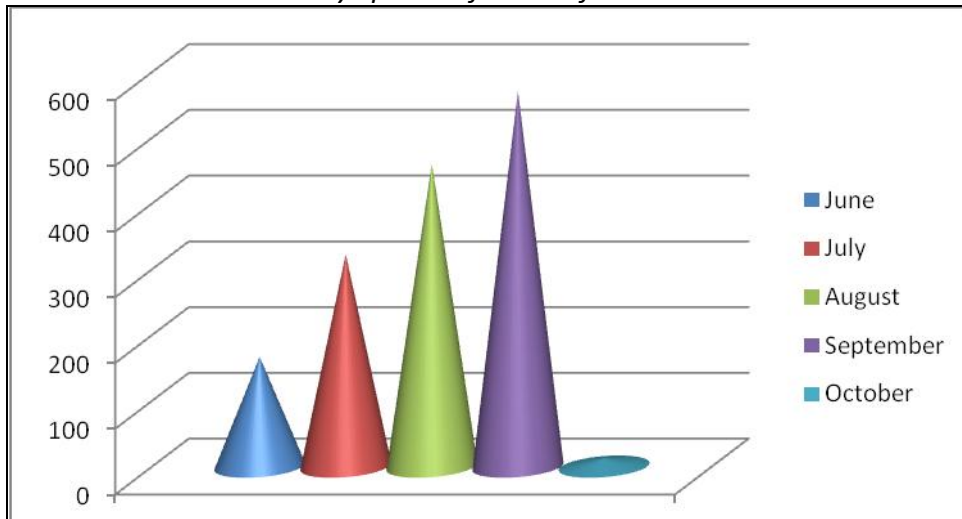




#### *Spread of political interference on a monthly basis*

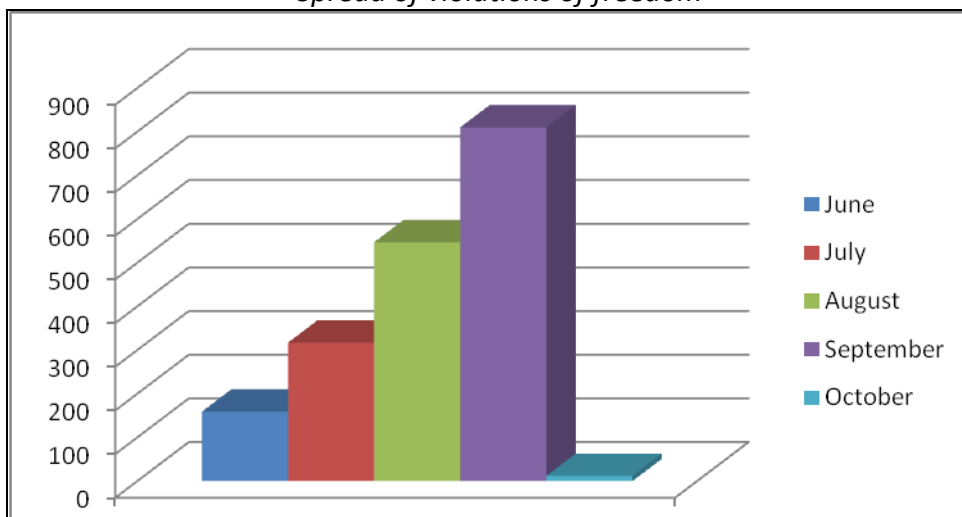
Equally visible and threatening to the constitutional view gathering process were incidents of harassment or intimidation. ZZZICOMP monthly reports referred to incidents in which people were threatened with a repeat of the violence of the June 2008 elections, people being verbally threatened for expressing dissenting views, supporters of other political parties being denied access to outreach meetings, those expressing contrary views booed being heckled and labeled as sell-outs, and people being told that recording equipment will be used to identify individuals expressing views that stray from declared party constitutional positions, to name a few. When the program ended, a total number of 1 535 incidents of harassment had been recorded, with monthly spreads (as shown below) of 11% in June, 21% in July, 30% in August, 37% in September and 0,8% in October.

*Monthly spread of cases of harassment*



An operational environment rife with incidents of harassment, coaching and other political party interference is hardly conducive to the expression of an individual citizen's voice since they cumulatively induce fear. Fear, whether real or perceived, stifles freedom of expression. ZZZICOMP reports incessantly referred to cases in which the voice of the citizenry was covertly and overtly muzzled through use of an array of instruments that included, among others: verbal, physical, psychological and even spiritual threats to those expressing dissenting views, deployment of state security agents at outreach meetings, telling the public that recording equipment will be used to identify individuals who stray from declared political party positions. Thus, by the end of the program, 1 845 freedom of speech violations had been reported, broken down (as shown below) to 8% in June, 21% in July, 30% in August, 39% in September and 2% in October.

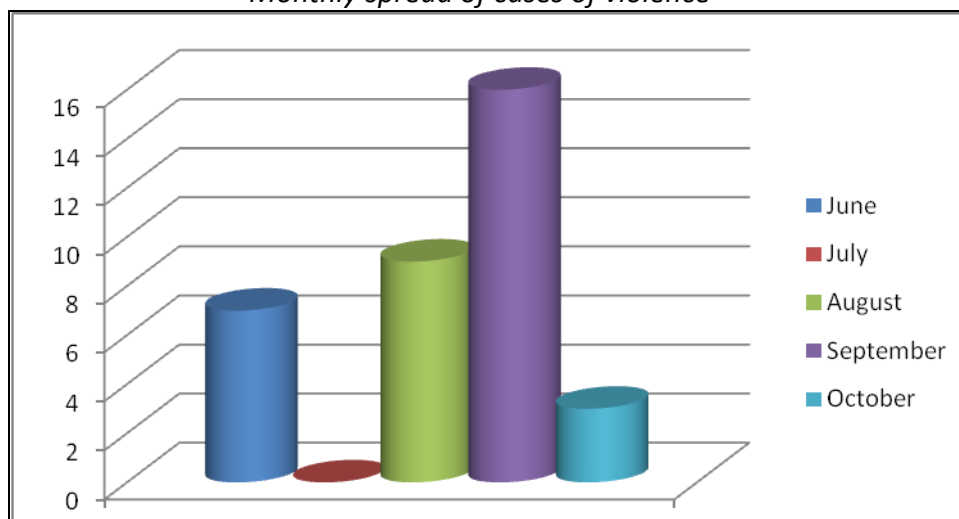
*Spread of violations of freedom*



Although extreme forms of violence were not numerous throughout the duration of this program, by September the nature of violations had swung from subtle to extreme forms of violence, the majority of which were inter-party politically motivated cases of manhandling, fistfights and assaults reported in the metropolitan province of Harare and Manicaland. A

total of 35 cases of violence were reported at the close of the program, however 40% of these being occurred during the September Harare outreach meetings. Overall, monthly spreads show to 7 cases in June, 1 in July, 9 in August, 16 in September and 3 in October.

*Monthly spread of cases of violence*



Violations even took on satanic dimensions with some incidents where opening prayer sessions were used in both rural and urban areas to suggest that God will punish those who expressed dissenting views. At an outreach meeting that was held on 29 July at Blackforby Farm in Ward 23 of Mazowe West in Mashonaland Central, the opening prayer reportedly given by one of the local ZANU PF leaders took more than ten minutes during which all the expected responses on the Talking Points were outlined. It was further alleged that the prayer concluded with a hidden warning to participants who may depart from the path outlined in the prayer.

State media coverage on outreach consultations remained heavily partisan and skewed towards one political party, ZANU PF, with even worse bias by October. It was disheartening to note that while the State media had a mandate to inform the public about the COPAC outreach process, it remained generally less forthcoming in this regard. Also noticeable, especially in the first two weeks of the outreach program, was that while ZBC was quick to report on COPAC administrative and logistical hitches in both its print and electronic press, it remained visibly silent on matters relating to alleged incidents of intimidation, violence, coaching and political interference. As argued by the Media Monitoring Project Report (MMPZ) No. 18-2010, ZBC news stories on constitutional reforms remain heavily skewed towards ZANU PF and in the few cases where the MDC T was quoted, reports tended to be on the disparaging side.

## **SECTION 2**

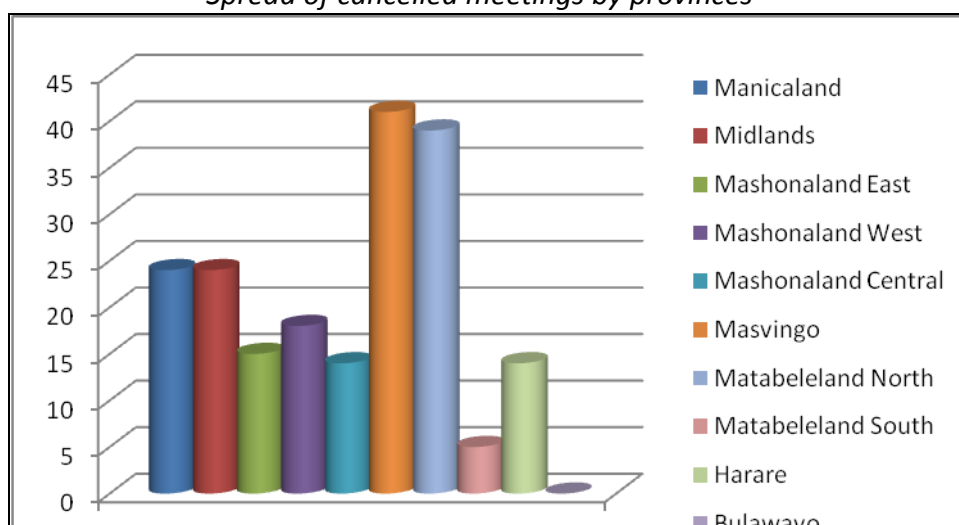
### **PROVINCIAL CASE EXPERIENCES**

In this section the report presents a provincial context of the issues highlighted in the Executive Summary, tracing issues down to their wards and constituencies. Graphs by province are used on occasion in order to capture the spread of these issues.

### ***Cancelled /disrupted meetings***

The 194 cancelled meetings reported by the close of this program were attributed to a number of factors that included COPAC failing to turn up at designated venues, politically motivated disruptions, communities failing to turn up (probably due to lack of awareness or misinformation), and lack of recording equipment, among others. While those arising from politically motivated disruptions were reported throughout the program, most surfaced as the program drew to its close with most incidents occurring in the province of Harare. Matebeleland North and Matebeleland South also experienced a number of cancelled meetings as shown in the diagram below.

*Spread of cancelled meetings by provinces*



### ***Specific cases***

Reported cases of cancellations arising from COPAC failing to turn up at venues included meetings that were scheduled in Midlands province for 23 June at Sogwala Homestead in Ward 2 of Vungu Constituency, on 3 July at Kana Business Centre in Ward 2 of Gokwe-Kana Constituency and on 30 July at Sasula Primary School in Ward 10 of Ngezi Constituency. In Mashonaland Central province, they included those scheduled for 30 June at Chinamhora Business Centre in Ward 18 of Bindura South, on 3 September at Chibaba Primary School in Ward 15 of Mt Darwin East Constituency, on 3 September at Chironga in Ward 14 of Mt Darwin East Constituency and on 4 September at Kanyama Primary School in Ward 2 of Mt Darwin West Constituency.

Those reportedly cancelled due to the unavailability of recording equipment include meetings slated for Chivi North in Masvingo province on 23 June at Gwamakunguwo High School in Ward 1, Museva township in Ward 1, Masunda Secondary in Ward 2, Madamombe Business Centre in Ward 2 and Chitambira in Ward 3. Cases of cancellations due to failure by communities to turn up included meetings that were scheduled to be held on 10 September at Matibi Mission Hospital in Ward 3 in Mwenezi East of Masvingo province (which was cancelled when fewer than 10 people attended); meetings that were planned for Matabeleland North on 5 September at Mathe Primary School in Ward 16 of Tsholotsho Constituency and at Thetshaneni in Ward 18 of Tsholotsho South Constituency.

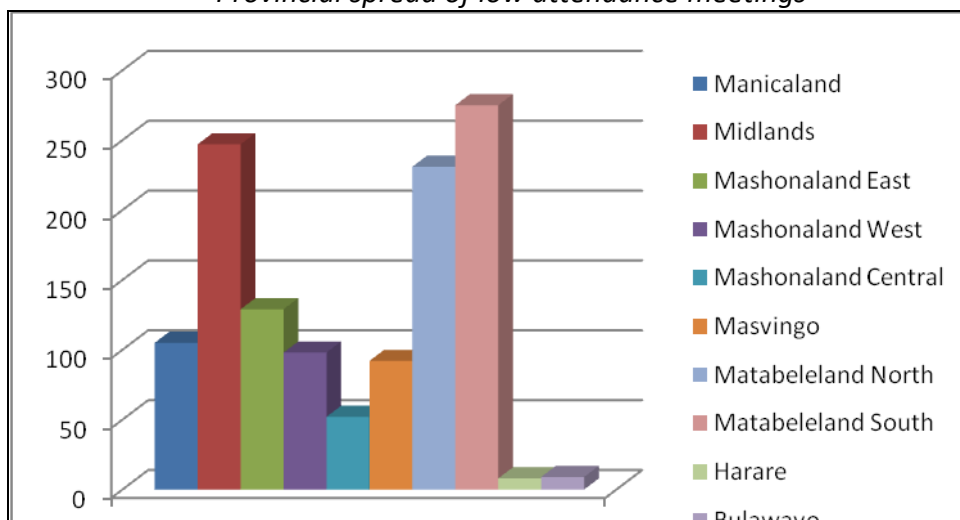
Those abandoned under untenable political circumstances mostly occurred in the provinces of Manicaland, Mashonaland West, Masvingo and Harare. In Manicaland province a meeting that was scheduled for 27 July at Chimanimani Central Primary School in Ward 1 of Chimanimani East was called off after suspected ZANU PF youths ran amok, chasing away students from Mutambara Mission whom they suspected to be members of the opposition. In the same province a meeting that was scheduled to be held on 18 August at Rattesheck Primary in Ward 8 of Chipinge Central was abandoned when a contributor suggested that atrocities perpetrated during *Gukurahundi* and *Murambatswina* be accorded the same recognition given to the liberation struggle that brought about independence. In the metropolitan province of Harare, around 14 outreach meetings were reportedly abandoned when deep-seated inter-party violence resurfaced. In Budiriro constituency a meeting which was scheduled for 19 September at OK Shopping Centre in Ward 45 was reportedly abandoned when people exchanged blows after a suspected ZANU PF activist castigated pirate radio stations saying they should be banned as they were distorting the political situation in the country. Skirmishes erupted with people exchanging blows for 30 minutes while police struggled to contain the situation, to no avail, leading to the abandonment of the meeting. At Tafara Community Centre in Ward 46 of Tafara District the meeting was disrupted by violence as youth from the MDC T and ZANU PF engaged in fist fights.

Other cancellations were due to deliberate misinformation. In Masvingo province a meeting that was planned for 27 August at Magudu Secondary School in Ward 21 of Masvingo South Constituency failed to happen because allegedly people had been given two conflicting venues, resulting in no participants turning up at the official venue. Some were cancelled in circumstances where resistance and mockery were suspected. In the Midlands province a meeting that was scheduled to be held on 6 August at Chamawanga in Ward 9 of Mberengwa North constituency was reportedly called off when residents chose a venue on the top of the mountain which was inaccessible to COPAC teams, while in Mashonaland East province a meeting that was scheduled for 3 August at Mandedza in Ward 2 of Seke constituency was reportedly called off because people had gone for food collection at Dema Growth Point. This was also the case in Matabeleland North where a meeting that was planned for 30 August at Lungunje Village in Ward 21 of Nkayi South constituency failed to occur because there was a date clash with a food distribution meeting organized by World Vision.

### ***Low attendances***

Instances of meetings held with less than 20 people in attendance remained visible throughout the duration of the program, with the provinces of the Midlands, Matabeleland North, Masvingo and Matabeleland South most affected. The incidence of low attendance meetings was as shown below:

*Provincial spread of low attendance meetings*



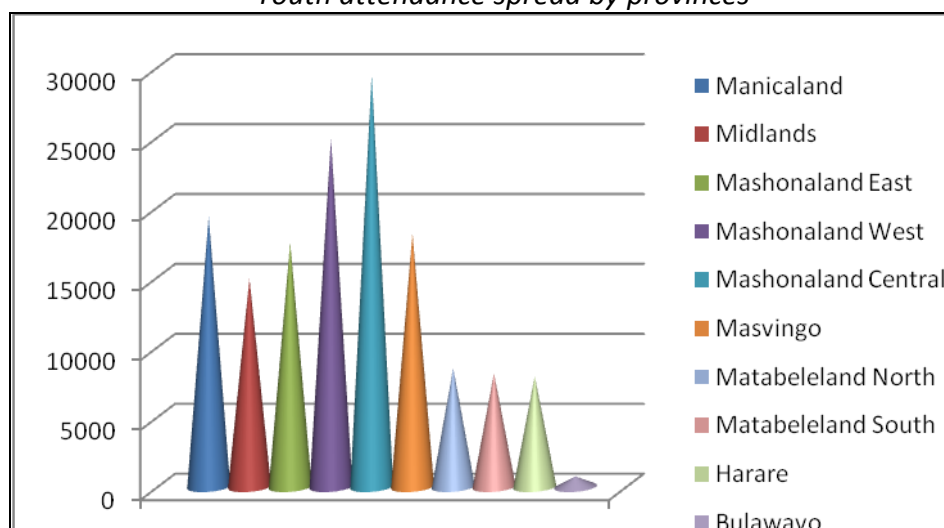
### *Sampled cases*

In Mashonaland Central province there were meetings held on 6 July at Nyamaropa in Ward 8 of Shamva North Constituency with only six people in attendance and on 7 July at Mapfuridze Secondary School in Ward 10 which went ahead when only eleven people were in attendance. In Mashonaland West province a meeting that was held at Chinhoyi Hall in Ward 3 of Chinhoyi constituency reportedly went ahead when only 17 people were in attendance. In Midlands province, reported cases included meetings that were held on 13 September at Stateland A in Ward 28 of Gokwe-Mapfungautsi where there were only 19 participants and on 13 September at Stateland B in Ward 28 of Gokwe-Mapfungautsi where only 12 people were in attendance. Cases reported in Matabeleland North province included meetings that were held on 21 September at Chitekani Primary School in Insiza 11 of Umguza where 18 people attended and also on 24 September at Lozi Keyi Clinic in Ward 17 of Umguza where 25 people attended. Low attendance at consultative meetings is of particular concern because a sampling of data from such meetings (as opposed to numbers of participants) is likely to give a false outcome.

### *Youth attendance*

For youth who in this case are aged between 18 and 30 attendance was poor throughout the duration of the program, with youths accounting for 21% of the total of 716 340 participants, with the provinces of Bulawayo, Midlands, Matabeleland South and Matabeleland North most affected. The spread of youth participants by province at the end of the program showed turn outs of 0% in Bulawayo, 5% each in Harare and Matabeleland South, 6% in Matabeleland North, 10% in Midlands, 12% in Mashonaland East and Masvingo, 13% in Manicaland, 17% in Mashonaland West and 20% in Mashonaland Central.

*Youth attendance spread by provinces*



### *Sampled cases*

Sampled cases included meetings that were held in the Mutare North Constituency of Manicaland province on 23 June at Mt Zuma Primary School in Ward 2 where 6% of the 106 participants were youths, on 24 June at Mukuni Clinic in Ward 9 where 5% of the 65 people in attendance were youths. In Masvingo province cases included meetings that were held on 25 June at Denga Primary School in Ward 8 of Chivi North where 4% of the 101 people in attendance were youths, on 26 June at Chinembiri Vidco B in Ward 12 of Chivi Central where 4% of 165 people in attendance were youths, while in Matabeleland North reported cases included meetings that were held on 30 June at Sengwa Clinic in Ward 15 of Hwange East where 6% of the 83 people in attendance were youth and on 30 June at Switsha Business Centre in Ward 13 of Gwanda Central where 3% of the 79 people in attendance were youths.

Those reported in Matabeleland North province included meetings that were held on 14 August at Zvangendaba High School in Ward 19 where 3% of the 72 people in attendance were youths, on 24 August at Mtshabi Primary School in Ward 1 of Nkayi North where 9% of the 57 people in attendance were youths, on 25 August at Mthorise Primary School in Ward 13 of Nkayi South where 4% of the 76 people in attendance were youths and also on 26 August at Skopo Business Centre in Ward 15 of Nkayi South where a handful of youths attended.

Cases of zero youth attendance, though isolated, were even reported when the program was drawing to the close, affected meetings being those held in Masvingo province on 4 September at Mapanje Primary School in Ward 17 of Zaka West Constituency, on 6 September at Muchokwa Primary School in Ward 22 of Zaka West Constituency, on 7 September at Vanyoro Community Hall in Ward 23 of Zaka West Constituency and on 8 September at Mudavanhu Primary School in Ward 33 of Zaka Central Constituency. In Matabeleland North zero youth attendances were recorded at meetings held in Umguza Constituency on 22 September at Taaldale in Ward 13, on 23 September at Luzzini Store in Ward 16, and on 24 September at Lozi Key Clinic in Ward 17.

In Mashonaland East province reported cases included meetings that were held on 1 September at Shamu Secondary School in Ward 11 of Murewa West Constituency where 7% of the 97 participants were youths, on 6 September at Chimango Business Centre in Mukota Ward of Mudzi West Constituency where 7% of the 450 people in attendance were youths, and on 8 September at Chitseka in Karaba Ward of Maramba Pfungwe Constituency where 6% of the 1 380 people in attendance were youths, on 9 September at Musetu Primary in Chigunze 1 of Maramba Pfungwe Constituency where 9% of the 1 650 people in attendance were youths and also on 14 September at Guya Primary School in Muramba 11 Ward of Maramba-Pfungwe Constituency where 7% of the 1 400 people in attendance were youths. In Mashonaland Central province cases included meetings that were held on 13 September at Karayeti village in Ward 4 of Rushinga where 2% out of 275 people in attendance were youths and also on 17 September at Mavume Village in Ward 13 of Rushinga where 1 out of the 203 people in attendance was a youth.

Notwithstanding this, cases of high youth attendance were also recorded in the provinces of Masvingo, Manicaland and Mashonaland West. Various factors may have accounted for this, some positive, others negative. On the positive side, such high attendance could point to increased awareness among the youth. Alternatively, some high attendance cases can be attributed to forced attendance, more so in politically sensitive provinces. High youth attendance may also have been inflated by the attendance of school children.

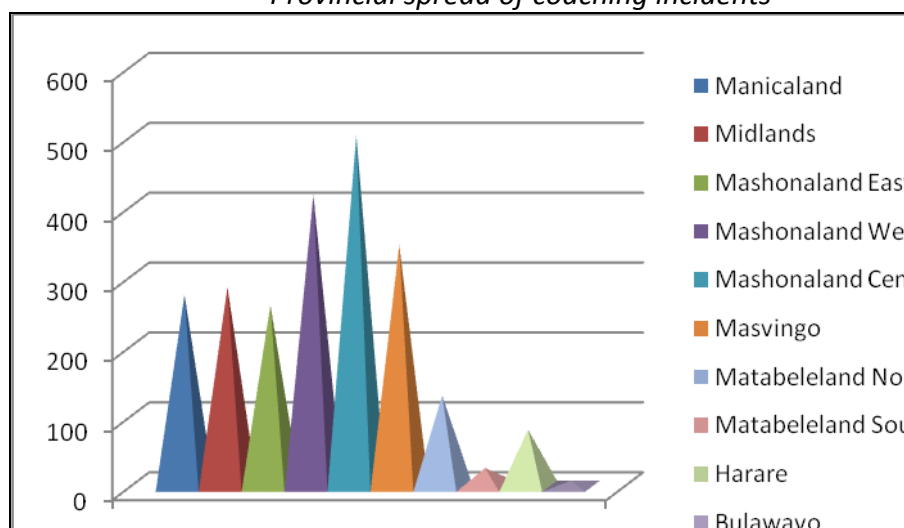
In Masvingo province cases included meetings which were held on 3 August at Alight Mission in Ward 39 of Gutu East where 59% of 850 people in attendance were youths, at Nyamandi High School in Ward 11 of Masvingo Central where 71% of the 892 people in attendance were youths, at Mutero Secondary School in Ward 11 of Gutu Central where 73% of the 680 people in attendance were youths, at Cheninga Primary School in Ward 25 of Gutu South where 59% of the 390 people in attendance were youths and also at Majuda Business Centre where 54% of the 481 people in attendance were youths. In Manicaland province sampled cases included meetings that were held at Farrfield Hall in Ward 14 of Chimanimani East where youths comprised 72% of the 193 people in attendance, and at Biriri Hospital in Ward 18 of Chimanimani East where 65% of 169 people in attendance were youths.

### ***Coaching***

The regular occurrence of coaching in most provinces remained a major threat to the constitutional outreach program, with high frequency in the provinces of Mashonaland Central, Manicaland, Mavingo, Midlands, Mashonaland West and Mashonaland East. Incidents of coaching were infrequent in the provinces of Bulawayo, Matabeleland South and Matabeleland North.



*Provincial spread of coaching incidents*



### *Specific cases*

In Manicaland province reported incidents of coaching included a meeting that was held on 23 June at Mt Zuma Primary School in Ward 2 of Mutare North, where one participant out of the 126 people gathered at the meeting reportedly made all the contributions while the rest kept quiet, only participating when supporting the speaker by either ululating or clapping hands. In Mashonaland Central province cases included incidents of rehearsed contributions, with people going through refresher coaching sessions just before the arrival of COPAC teams. Incidents of this nature were generally evident at meetings held on 1 July at Thrums Primary School in Ward 21 of Bindura North Constituency, on 31 July at Graham Farm in Mazowe North, on 26 July at Henyshott Primary School (Farm)] in Ward 14 of Mazowe South, on 23 July at Rusenza Business Centre in Ward 6 of Mazowe North, and on 20 July at Gapara Business Centre in Ward 28 of Shamva South.

In Masvingo province proceedings at outreach meetings were generally under the tight grip of the local ZANU PF leadership, with those selected to contribute made to sit in front and generally reading from prepared scripts. In fact at most outreach meetings in the province debate was generally muted and monopolized by political parties, with most proposals generally passed as unanimously agreed decisions. Though there were isolated exceptions to this, scenarios of this nature generally characterized outreach meetings that were held in Mwenezi West Constituency on 19 July at Maringa Business Centre in Ward 8 and Firidzi Business Centre in Ward 11, on 20 July at Shayamavhudzi Primary in Ward 11 and 22 July at Sandiza village in Ward 2, as well as those in Mwenezi East which were held on 21 July at Tsakani Primary School in Ward 13 and on 22 July at Sarahuro Business Centre in Ward 5.

In Mashonaland West province reported cases included a meeting that was held on 24 July at Kutama Farm Primary School in Ward 21 of Zvimba East where people were reportedly given pamphlets containing ZANU PF constitutional positions before the arrival of the COPAC Team. At another meeting in the same province, held on 23 July at Grey Court Primary School Ward 34 of Zvimba North, the local ZANU PF leaders reportedly addressed people before the COPAC meeting and selected a few people who were to speak on behalf of the others. Scenes of this nature were also common with meetings that were held in Hurungwe East on 13 August at Tengwe Business Centre in Ward 2, on 12 August at Bakura

Business Centre, on 26 August at Gadzana Primary School in Ward 21 of Chegutu West, on 29 August at Musinami clinic in Ward 3 of Chegutu East.

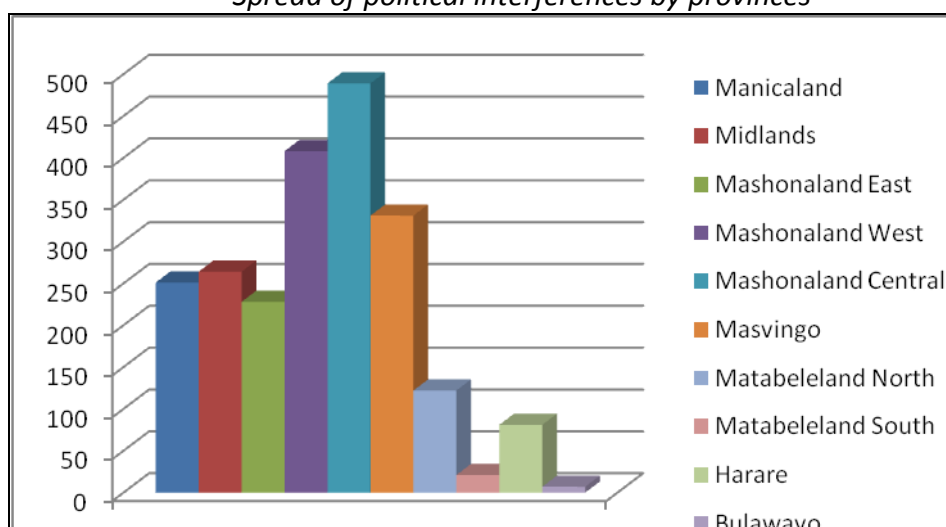
In the Midlands province people being openly instructed on what to say by the local ZANU PF political leadership, bussing in of supporters from other wards, people openly reading from scripts, and silencing of dissenting views by shouting “*Zvataura kare ndizvozvo*”(What has been said is correct) were among the common experiences at meetings that were held on 13 September at Stateland in Ward 28 of Gokwe-Mapfungautsi, on 14 September at Cheziya High School in Ward 6 of Gokwe South, on 17 September at Gura Business Centre in Ward 8 of Gokwe-Cheziya and on 18 September at Nyamponda Primary in Ward 9 of Gokwe-Nembudziya.

In Mashonaland East province reports commonly cited incidents in which political parties were reportedly instructing their supporters to speak with one voice in support of the party’s constitutional position on the Kariba Draft, reading from scripts, and selection and sanctioning those to speak. Scenes of this nature characterized outreach meetings which were held on 4 July at Denda Business Centre in Ward 3 of Goromonzi West constituency and on 3 August at Dzandura Primary School in Ward 4 of Seke constituency.

### ***Political Interference***

Incidents of political facilitation remained visible across the ten provinces throughout the duration of the outreach program, being commonly expressed through party supporters chanting political slogans or singing political songs, party supporters being bused in to outreach venues. Opening prayers used as vehicles for partisan constitutional positions. In fact, scenes at most meetings indicated that the outreach process had been entirely subverted by political parties. Of the 2 202 cases of political facilitation reported by close of the program, the most occurrences were recorded in Mashonaland Central, Mashonaland West and Masvingo.

*Spread of political interferences by provinces*



### ***Case experiences***

In Manicaland province reported cases included incidents in which party youths were used to monitor proceedings and vet participants at outreach venues, where participants were forced to speak their party positions, and where people were threatened with evictions

from farms if they dissented from declared party positions. Scenes of this nature were observed at meetings held on 14 September at Nehumba Primary in Ward 34 of Headlands, on 16 September at Nerwande Primary School in Ward 24 of Makoni West, on 21 September at Nyadzonya Primary School in Ward 31 of Makoni South and on 21 September at Chikobve Primary School in Ward 30 of Makoni South.

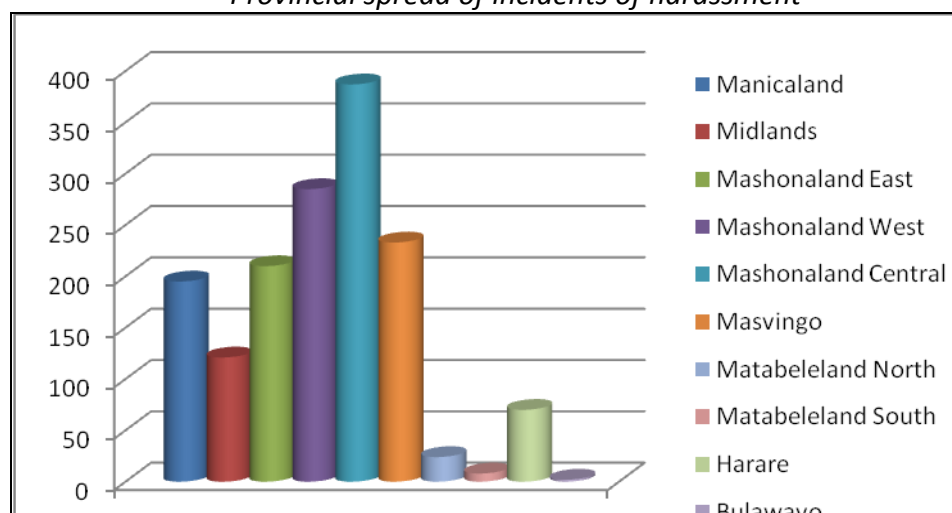
In the metropolitan province of Harare, and despite heavy police presence, incidents of disruptive behaviour, political skirmishes, hostility to journalists, assault, open silencing of those with dissenting views, singing of political songs, chanting of political slogans, use of open prayers to express party constitutional positions were among the most commonly observed forms of political interference. Among the most affected were meetings that were held in Waterfalls District at St John Retreat Primary School in Ward 1 of Harare South, Waterfalls Community Hall in Ward 23 of Waterfalls, Hatfield Hall in Ward 22 of Waterfalls, Masasa Park Creche in Ward 22 of Waterfalls, in Chitungwiza District at Tadzikamidzi Primary School in Ward 6 of Chitungwiza District, Shingai Primary School in Ward 2 of St Mary's Constituency, Tangenhamo Primary School in Ward 7 of Zengeza constituency, Seke High in Ward 20 of Chitungwiza constituency, at Dzivarasekwa 2 Community Hall in Ward 40, Yemai School in Ward 40 of Dzivarasekwa Extension of Harare North, in Harare Central District at Harare High School in Ward 3, St Peters Kubatana Primary School in Ward 4, at Chiroodza Primary School in Ward 12, in Highfields District at Gwinyiro Primary School in Ward 35 of Highfield Constituency, Zororai Centre in Ward 26 of Highfield West constituency, at Maguta Secondary School in Ward 1 of Epworth constituency in Epworth District, and at Kambuzuma High One in Ward 14 of Kambuzuma constituency.

In Mashonaland Central province cases where slogans were chanted at meetings, bussing in of party supporters, war veterans gathering communities before the arrival of COPAC Teams, were among other reported incidents at meetings that were held on 5 August at Kugotsi Secondary School in Ward 7 of Guruve South, on 11 August at Nyamangove Business Centre in Ward 15 of Guruve South, on 12 August at Mucheni Farm in Ward 17 of Guruve North, on 14 August at Mushongahende Business Centre in Ward 24 of Guruve North, on 26 August at Oban Farm in Ward 14 of Muzarabani South, and on 27 August at Shiri Village in Ward 18 of Muzarabani South.

### ***Harassment***

Harassment was one of the most visible violations throughout the duration of this program, accounting for 20% of the total recorded outreach violations with disturbing high levels (as shown below) in the provinces of Mashonaland Central, Masvingo, Manicaland and Mashonaland West.

*Provincial spread of incidents of harassment*



### *Sampled cases*

In Mashonaland Central party-engineered harassment was generally evident in some meetings, with several incidents in which only well-known supporters of ZANU PF reportedly enjoyed the freedom to speak at most outreach meetings. Other instances included accredited observers being chased away and suspected security agents and youth militia milling around and monitoring proceedings at outreach venues. These features generally characterized meetings that were held on 22 July at Jingamvura Business Centre in Ward 1 of Mazowe North, on 19 July at Kaziro School in Ward 23 of Shamva North, on 23 July at Kawanzarura Business Centre in Ward 8 of Mazowe Central, on 2 August at Horseshoe Primary School in Ward 1 of Guruve North, on 24 August at Muzarabani Growth Point in Ward 8 of Muzarabani constituency and also on 26 August at Oban Farm in Ward 14 of Muzarabani South.

In Masvingo province harassment reportedly linked in the main to ZANU PF was prevalent throughout the duration of the outreach program, with incidents including some participants being verbally threatened for expressing views that diverged from ZANU PF party positions, people being ordered to stand behind their headman (who conducted roll calls), booing at dissenting contributions. Cases of this nature were reported at meetings that were held on 3 August at Bhasera Business Centre in Ward 39 of Gutu East, on 2 August at Makombo Ground in Ward 34 of Gutu Central, on 25 August at Gunikuni Primary School in Ward 22 of Masvingo South, on 26 August at Madamukuru Secondary School in Ward 24 of Masvingo South and on 28 August at Building Brigades in Ward 5 of Masvingo Urban.

In Mashonaland West province meetings were generally dominated by ZANU PF, with reported incidents of harassment generally taking the form of verbal threats, silencing those expressing dissenting views, opening and closing prayers used to express hate language, among others. Cases of this nature were reported at meetings that included those held on 24 July at Kutama Farm Primary School in Ward 21 of Zvimba East, on 22 July at Mutorashanga in Ward 15 of Zvimba North, on 4 August at Dzimbwe Business Centre in Ward 13 of Magunje Constituency, on 7 August at Nyangwizhu Primary School in Ward 16 of Hurungwe West, and on 20 August at Vhurukazi Primary School in Ward 20 of Mhondoro Mubaiwa Constituency.

In Manicaland province dominance of one political party was evident throughout the duration of the program with most outreach meetings resembling political rallies. Tolerance to views of other stakeholders was generally low especially among party supporters constituting the majority group at the rally. Frequently reported cases of harassment included party youths making visits to the homes of those suspected of dissenting views and ordering them not to participate at outreach meetings, use of intimidating language such as “country was won through bloodshed” or “Zvataurwa ndizvozvo” (what has been said is the way forward), threatening fingers being pointed at those expressing individual views, manhandling and beating up of members of other political parties, threats of displacement from farms, and war veterans and youth militia monitoring proceedings at venues, among others. Cases of this nature were reported on 22 July at Nyamhingura Primary School in Ward 3 of Mutasa North, on 23 July at Samanga Primary School in Ward 7 of Mutare North, on 21 July at Zongoro Primary School in Ward 24 of Mutasa South, on 21 July at Mapara Secondary School in Ward 24 of Mutasa Central, on 22 July at Magadzire in Ward 13 of Mutasa Central, on 22 July at Staple Ford Primary in Ward 22 of Mutasa South, on 21 July at St Augustine in Ward 26 at Mutasa South, on 23 July at St Columbus Mission in Ward 1 of Mutasa North, on 13 August at Gaza “O” Open Space in Ward 2 of Chipinge Central, on 18 August at Taona village in Ward 3 of Chipinge West, on 18 August at Mooiplatts Primary School in Ward 6 of Chipinge Central, on 14 September at Nehumba Primary in Ward 34 of Headlands, on 16 September at Nerwande Primary School in Ward 24 of Makoni West, on 21 September at Nyadzonya Primary School in Ward 31 of Makoni South, and on 21 September at Chikobvore Primary School in Ward 30 of Makoni South.

In the Midlands province intimidation was covertly done by ensuring that army officers and state security agents were present at venues. Other techniques included threats of displacement from farms and labelling those with dissenting views as “sell-outs”. Reported cases occurred at meetings that were held on 21 July at Musasa in Ward 18 of Tongogara, on 18 September at Kuyedza Primary School in Ward 11 of Nembudziya, on 18 September at Kuyedza Primary School in Ward 11 of Nembudziya.

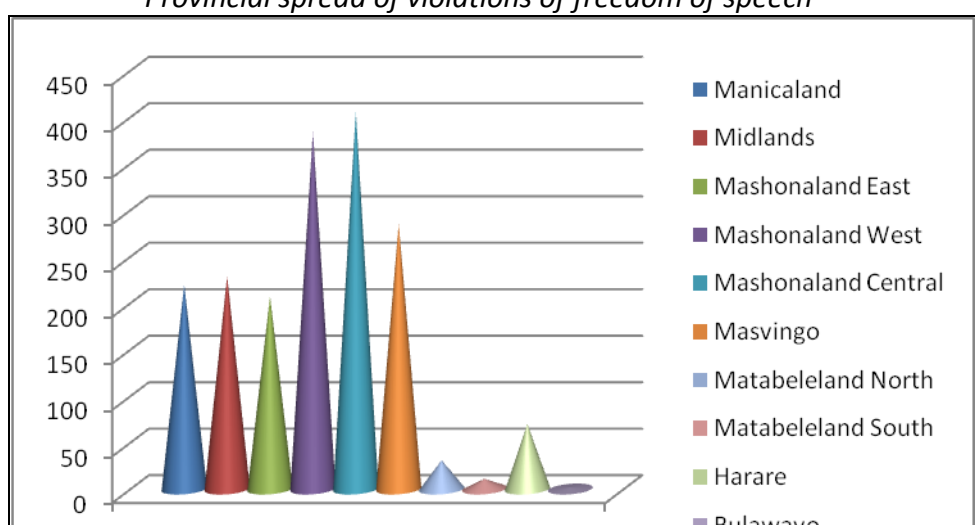
In Harare province, both the aborted 18-21 September and 30-31 October re-run outreach meetings were generally conducted under a very intimidating climate. The mood was electric with participants visibly polarized along party lines. Reports refer to several incidents in which those expressing dissenting views were booed, verbally threatened, heckled, silenced or even force-marched out of outreach venues by youths and other supporters of dominant groups while the police and COPAC teams watched helplessly. Contributions at most meetings reflected personalization of national issues, and shocking levels of political, racial and tribal intolerance, with some even carrying bizarre proposals to kill those who support sanctions or act as fronts for white people. The overall picture is that had it not been for the large presence of heavily armed and stern-looking police details at some of these meetings, the risk of a replay of the ugly scenes of September hovered menacingly in the air. These experiences generally characterized meetings that were held in September at Seke 2 High School in Chitungwiza District, Mt Pleasant, Lewisam Primary School, Greystone Park, Hatcliffe Extension open space 2 in Harare North, St John Retreat Primary School in Ward 1 of Mbare, St Peters Kubatana Primary School in Ward 14 of Mbare in Harare South, Maguta Secondary School in Ward 1 of Epworth, Seke 2 High in Ward 20 of Chitungwiza Constituency, Tanganhama Primary School in Ward 7 of Zengeza constituency,

Shingai Primary School in Ward 2 of St Mary's constituency, Kambuzuma High One in Ward 14 of Kambuzuma constituency and Greystone Park Primary School in Ward 8 of Harare North.

### ***Freedom of speech***

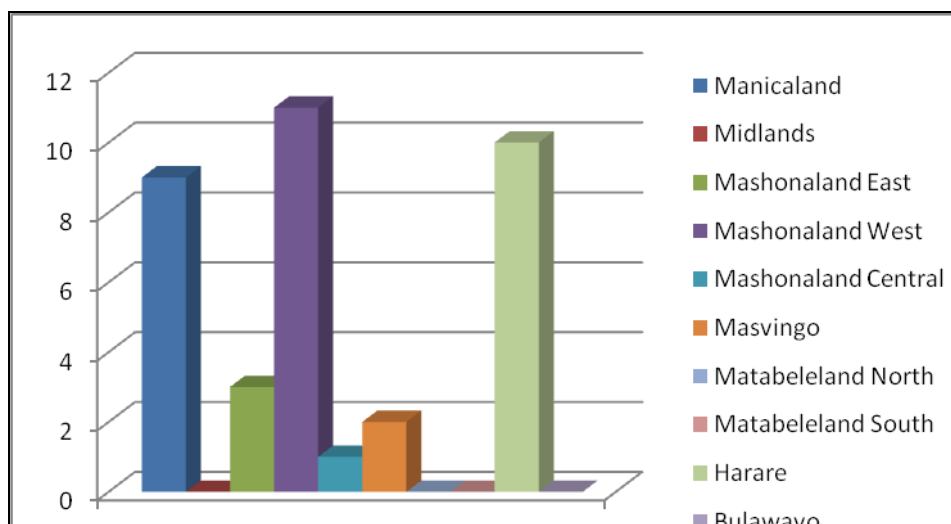
Reports from all ten provinces generally point to dotted incidents in which the public voice was muzzled in various ways, including threatening those who expressed dissenting views, intimidating people by telling them that recording equipment would be used to identify individuals who expressed views that strayed from declared party positions. The 1 845 breaches of freedom violations point to incidence levels in Mashonaland West and Mashonaland Central and low levels in the provinces of Matabeleland North, Matabeleland South and Bulawayo. See the graph below:

*Provincial spread of violations of freedom of speech*



### ***Violence***

While incidents of violence were relatively infrequent throughout the first three month of the outreach program (June to August), September saw a disturbing increase in extreme forms violence, much of which was committed in the metropolitan province of Harare, Mashonaland West and Manicaland. The picture below provides a provincial spread of violence.



*Provincial spread of violence*

The province of Harare emerged as the worst violence prone zone, with the reported death of an MDC T activist (name withheld) from injuries sustained during one of the disturbances that rocked outreach meetings at Mai Musodzi Hall in Ward 3 of Mbare. In the province's Harare Central District, inter-party violence blighted meetings that were held on 18 September at Mai Musodzi Hall in Ward 3 of Mbare, where COPAC teams besieged at the venue for some time. Another meeting on that date at Tafara Community Centre in Ward 46 in Mabvuku Tafara was reportedly abandoned midway when politically motivated violence arose, with youths from the two main political parties, MDC T and ZANU PF, engaging in fist fights. At Dzivarasekwa 3, a senator of the constituency (name withheld) was reportedly slapped by ZANU PF militia who were suspected to be from the presidential guard camp in the area. Scenes similar to this were also encountered at Greystone Park Primary School, Lewisam Primary School and Hatcliffe Extension Open Space

### **SECTION 3**

#### **CONDUCT OF COPAC DURING CONSTITUTIONAL PUBLIC HEARINGS**

The success of any program largely hinges on the leadership capacity and deportment of its executive, management and operatives. To this end, in this section this report seeks to assess briefly how COPAC discharged their mandate, as observed by ZZZICOMP observers. At the core of this assessment is an evaluation the effectiveness of COPAC in conducting meetings in a conducive, inclusive, credible, transparent, accessible manner.

#### ***Credibility of the Executive***

The COPAC executive, by virtue of comprising members of Parliament belonging to specific political parties, was severely compromised right from the onset. It suffered from both an identity crisis and split allegiance. When faced with an issue that put their respective political parties in a bad light, members of the executive took the familiar route of least resistance, namely, professing a lack of awareness. The conflicting responses of the COPAC chairpersons to reports of violence, intimidation, coaching, political interference and breaches of freedom of expression should largely be understood within the context of this dilemma. On the positive side, they made visible efforts to improve relations between civil



society organizations and COPAC by initiating feedback forums through the release of weekly updates on the outreach program and holding meetings every Tuesday with civil society organizations; organized road shows to raise public awareness; organized public hearings for children in response to reports of low youth attendance; beefed up security at the 30-31 October Harare outreach re-runs, after making it clear that there would be no outreach re-runs in Harare unless and until the security issue was addressed.

### ***Credibility of COPAC Outreach Teams***

They, like the executive, being mostly members of Parliament, also suffered from the same crisis of identity and split allegiance. Reports in which they were viewed as acting in a partisan manner abound. Some were situations in which politically motivated tension or conflicts erupted among COPAC team members, with some reportedly bullying or manhandling other members. Equally visible were reports in which some COPAC team leaders were accused of acting in cohort with the local political leadership to ensure that only members of their political parties contributed at meetings. COPAC team members also displayed some elements of selfish motivation, reportedly demanding allowances that ZZZICOMP viewed as unsustainable and beyond the fiscal capacity of COPAC. At St Peters Primary School in Ward 4 of Mbare, the outreach process was overwhelmingly controlled by ZANU PF party supporters, in league with some COPAC team members, such that those who dared express views outside the framework of ZANU PF opinion were reportedly cautioned for “provoking others” or their views dismissed as of “no point” by the partisan MP (name withheld) on the COPAC Team. It is thus suggested that by having teams that were made up of politicians, it was inevitable that the problems encountered at the macro level would also be visited upon the micro – the constitutional outreach hearings.

There were incidents where COPAC teams reportedly faced language problems and failed to translate Talking Themes into local languages, notably in some parts of Binga in Matabeleland North. COPAC teams who were on 20 July at Mueller Fishing camp in ward 22 in Binga District of Matabeleland North and also on 22 July covering Dongamusiyi in ward 1 of Binga North in Matabeleland North reportedly did not understand Tonga and had to speak through an interpreter who, it was reported, tended to omit issues he did not like. Examples of this nature raise the risk of distortion of views on essential issues.

There were also situations in which some outreach Talking Points were not covered. At meetings that were held on 23 June at Zuma Primary School in Ward 2 of Mutare North in Manicaland and on 26 June at Nethergreen Primary School in Ward 7 of Bindura South in Mashonaland West and on, six Talking Points (numbers 11, 6, 11, 12, 13, 14, 15, 16 and 17) were reportedly not covered due to what the observer noted as lack of time. Closely related to this were incidents in which Talking Points were rushed over and participants understood little and became confused. Cases of this nature were experienced at meetings on 24 June at Mukuni Clinic in Ward 9 of Mutare North in Manicaland and on 25 June at Trojan Hall in Ward 6 of Bindura South.

### ***Outreach Debate***

Though most meetings were generally well attended genuine debate, especially on politically sensitive Talking Points 2, 3, 4 and 6, was generally ring-fenced, with contributions generally rehearsed and laced with political connotations. At most well-attended meetings,



contributions were generally restricted (covertly and overtly) to a few while the rest of the gathering chorused in support of the few making contributions. It also emerged that behind purported unanimity on issues there was a highly politicized process which was far from inclusive and tolerant to participants with dissenting views. The process was only inclusive insofar as participants expressed views that resonated with the dominant political group at the venue. Thus, factors such as fear, lack of information, coaching, intimidation and political interference had a negative effect on the quality of debate at meetings, which was generally not based on the personal views of citizens. In short, it was a hijacked and imposed debate, despite visible efforts by some COPAC teams to let people feel free to express own minds.

Notwithstanding these negative factors, there were several incidents in which some COPAC team members shrugged off their political allegiance and conducted themselves in a professional manner – explaining issues, using local languages (where feasible), encouraging open and free debate, and even reprimanding members of the public involved in negative behaviour such as reading from scripts, heckling and booing others. The impression was given that COPAC also made visible efforts to ensure feedback to participants. For instance, in a survey of 2 056 outreach meetings randomly sampled from the 4 833 that were observed and recorded by ZZZICOMP in all the ten provinces, 28% were of the view that COPAC both executive and team members) made visible efforts to ensure feedback on the outreach progress, despite being encumbered with occupational and environmental challenges. In another survey (from a sample of 2 093 meetings randomly drawn from the total 4833 meetings that were conducted in the ten provinces) which was conducted to assess COPAC accessibility to the public, this revealed that 70% were of the view that COPAC members were accessible and ready to explain issues, despite noting cases in which, due to time constraints, some Talking Points were rushed over.

Overall, the impression from ZZZICOMP observer assessments was that while the operational environment was generally restrictive, COPAC teams in the main, made visible and concerted efforts to ensure that debate was conducted in a manner that could be conducive to inclusiveness, credibility, transparency, and accessibility in an outreach program that was conducted in a highly polarized and emotionally charged political atmosphere, where the constitutional outreach process was seen as another window of opportunity to settle the unfinished business of the 2008 June Elections.

## **SECTION 4**

### **PARTICIPANT VIEWS ON SAMPLED THEMATIC ISSUES BY PROVINCE**

In this section this report seeks to assess the range of participant views on the sampled thematic issues, namely Systems of Government and Electoral Reforms. Sampling was based on what were perceived as highly contested issues which might also be prone to lack of consensus. The sampled thematic issues were explained conceptually and in terms of the Talking Points. A brief synopsis of the political climate of each of the ten provinces is also provided in order to contextualize the emerging public views and proposals on the sampled constitutional issues. Although a more holistic and convincing appreciation of public views demands survey of public perceptions on each the 17 thematic areas, ZZZICOMP is confident that the sampled issues observed in this section will provide an indication of the

participants' views on constitutional issues. To compensate for the lack of rigorous statistical analysis, considerable effort was made to capture issues emerging from each of the ten provinces.

### ***Mashonaland Central***

The province is mostly rural, with a number of commercial farms. Mashonaland Central is a ZANU PF stronghold and also a traditional hot spot. Its proximity to Mozambique rendered most parts of this province a battleground during the liberation struggle. Overall, the operational environment during the outreach process was politically tense and very restrictive to open debate. ZANU PF was generally the majority group at most outreach meetings. Very few people participated at meetings and responses of the few who did generally smacked of pre-programming. Security of COPAC teams was reportedly inadequate with some meetings reportedly going ahead without adequate police security. People appeared to have been indoctrinated to accept some facts and coached to give certain responses – as evidenced by the lack of opposing ideas (no debates) on all forwarded views. In some instances Talking Points were not well understood, resulting in people simply opting for the maintenance of the status quo, while in others the Talking Points were not covered. This, coupled with the dominance of ZANU PF at most outreach meetings, seems to have accounted for the high prevalence of “unanimously agreed” verdicts on most Talking Points, as well as their close resemblance to those in the ZANU PF “Positions for the Inclusion in the new constitution” fliers. Below are some of the recurring proposals that featured most at meetings in this province:

### ***Sampled issues emerging from outreach meetings in the province***

#### **Founding Principles**

No going back on the land issue,

Respect for the history of the nation, irreversibility of land reform, national anthem, no to homosexuality,

#### **Arms of the State**

Elected President, who is above 40 years of age. One president only voted by people, ministers to be MPs, ministers appointed by president

#### **War Veterans**

War veterans and freedom fighters are key people, should have monthly allowances, free education for their children including free medical treatment, should have ownership of land and also a day reserved for them

#### **Land**

99 yrs leases on farms

#### **Systems of Government,**

Unitary State and retention of 10 provinces

#### **Basic Rights**

Freedom of association, upholding of death sentence, equal opportunities between men and women, legalization of abortion if mother's life is stake

#### **Youth**

National youth service training; Youths should be between 18 to 35 years

#### **The Disabled**

Disabled should be given equal opportunities with the rest of society

Disabled people must be given a parliamentary seat

**Media**

Media should be controlled by the State: No private stations (especially Studio 7)

**Electoral Systems**

First-Past-The-Post and vote counting within 48 hrs

**Independent Commissions**

Independent Commissions that are loyal to the state

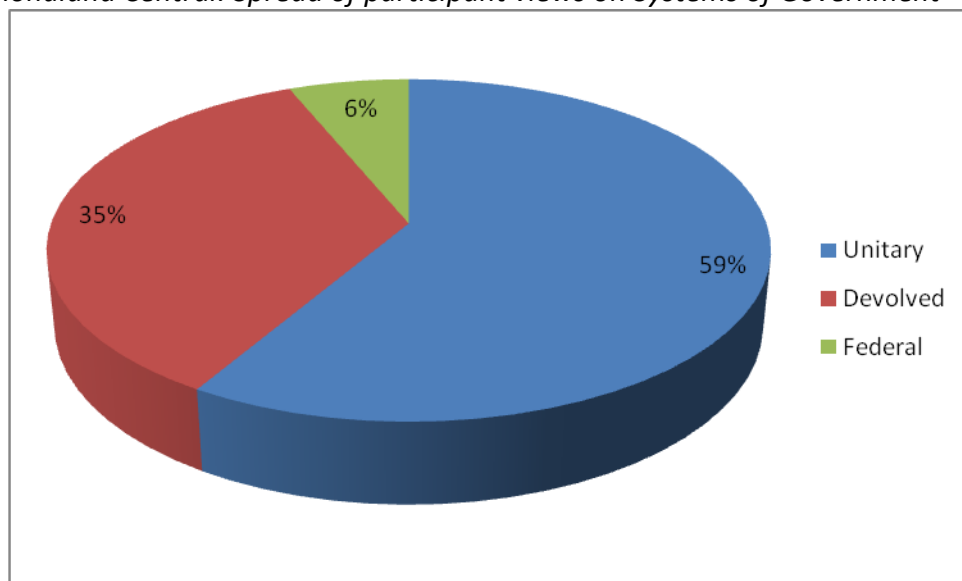
**Religion**

Freedom of worship and respect for all religions, cultures and languages.

*Spread of participant views on the Systems of Government*

Review of ZZZICOMP provincial incident sheets on this critical issue of the constitution shows public opinion generally ranged between support for the unitary and devolved systems. In a sample of 248 meetings that were randomly selected from the 18 constituencies of the province showed that in 59% of these meetings, the most preferred system was unitary, 35% opted for devolution while a paltry 6% were in favour of federalism. It is important to note that the proposal for the unitary system is in essence a proposal for the maintenance of the current government system in Zimbabwe. The impression is that in this province there is general satisfaction with the present system of government. The spread of participant views on this theme was as shown below:

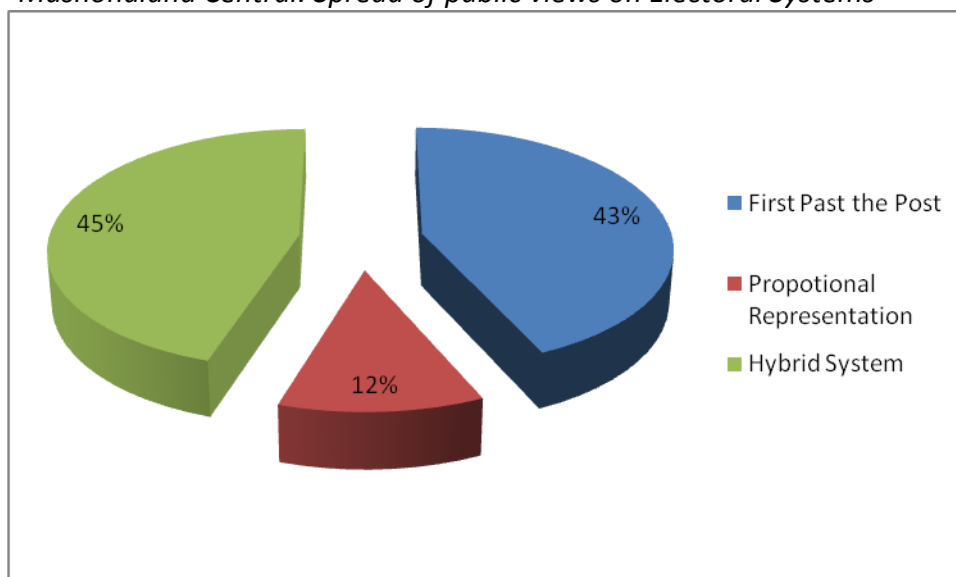
*Mashonaland Central: Spread of participant views on Systems of Government*



*Participant views on Electoral Systems*

A survey of participant views on this critical thematic issue of the constitution showed views generally oscillating between the FPTP and hybrid systems. A sample of 161 meetings sampled from 18 constituencies of the province indicated that in 45% of these meetings, preference was for the hybrid system, 43% for FPTP Past The Post while the remaining 12% preferred proportional representation.

### *Mashonaland Central: Spread of public views on Electoral Systems*



### **Manicaland**

Manicaland, which shares a border with Mozambique, is predominantly rural and has recently attracted global attention with the discovery of diamonds in the Marange area. There is visible political presence of both ZANU PF and the MDC T parties, a factor that might account for the lively debates that were experienced at most meetings. Overall, however, the operational framework appeared restrictive to free debate and independent views. Debate reflected party positions, with contributions reflecting either the ZANU PF or MDC T thinking. While debate on non-politically sensitive areas, such as labor, gender, religion and disability, was generally open with members from different parties quick to reach consensus, debate on thematic areas 2, 3, 4, and 6 was generally prone to political influence. While cases of “unanimously agreed” proposals were visible, the majority of these were arrived at after sustained debate.

### ***Sampled recurring issues***

#### **Founding Principles**

Respect for national sovereignty. Though the proposal to have public days for the First and Second Chimurengas, *Murambatswina*, *Gukurahundi* and the 2008 Genocide recurred at most meetings, it was met with fierce resistance from suspected ZANU PF party members.

#### **Arms of State**

Opinion was divided, some proposing both President and Prime Minister, others proposing an executive President with wide ranging executive powers, ministers appointed by President, no post for the Prime Minister. There was, however, general unanimity on the bicameral parliamentary system.

#### **Systems of Government**

Visibly split between unitary state/ devolved state

#### **Youth**

Debates highly animated, especially on youth age threshold and national youth service. National youth service fiercely resisted.

#### **Media:**

A highly politicized issue, some calling for state registered media and ban on private

stations while others called for freeing of air waves and independent commissions with commissioners appointed by President.

Gender equality

**War Veterans**

War vets should be empowered

Reserved seats for traditional leaders in Parliament,

**The Disabled**

State assistance to the disabled

**Citizenship:**

Highly contested. Some proposing single citizenship while others proposed dual citizenship

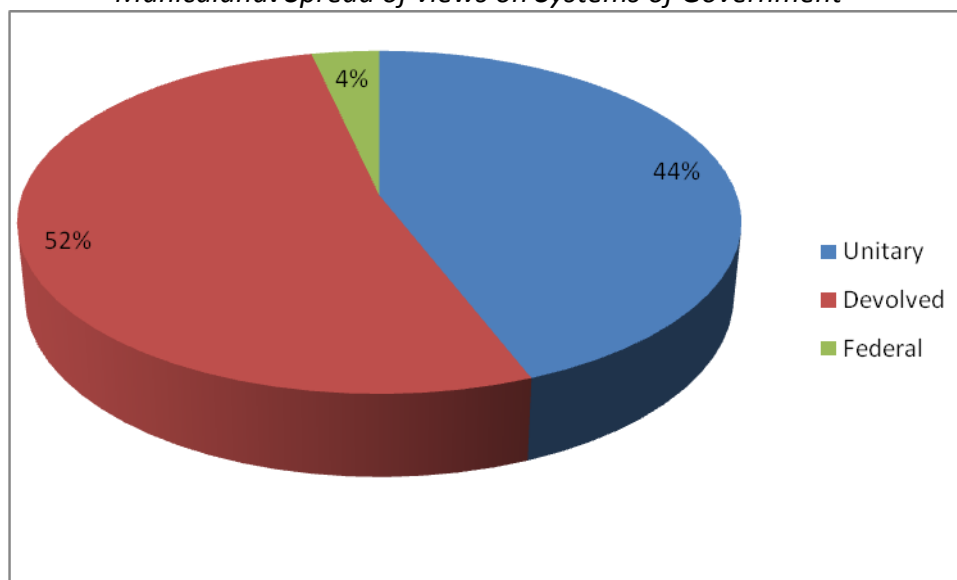
**Religion**

Respect for all religions, languages and cultures.

*Spread of participant views on Systems of Government*

Although the spread of proposals point to support for both unitary and devolved systems of government, public opinion in this province was slightly skewed towards devolution, with 52% of the sampled 313 meetings randomly selected from the 26 constituencies in the province proposing devolution, 44% showing preference for a unitary state, while the remaining 4 % were in support of federalism. This opinion spread is consistent with the politics of the province. The province of Manicaland, inhabited by the Manyika and Ndau people, has traditionally felt left out of most national projects. With the discovery of diamonds at Chiadzwa it is not surprising that provincial thinking is mostly inclined towards a devolved state. For spread of participant views, see the pie chart below:

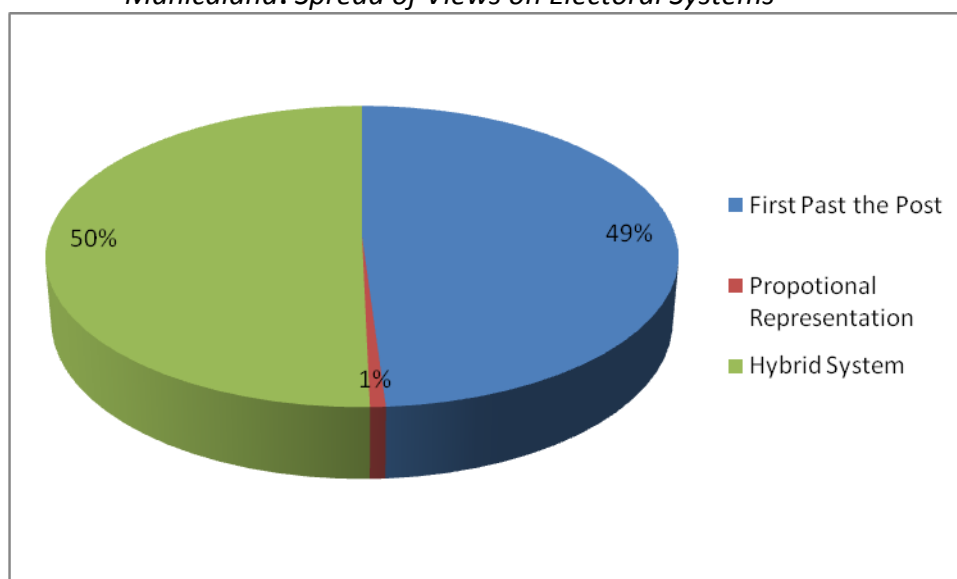
*Manicaland: Spread of views on Systems of Government*



*Spread of public opinion on Electoral Systems*

Participant views on this issue were heavily divided between the FPTP and the hybrid systems, with a slight preference towards the latter. Analysis of proposals from a sample of 144 meetings randomly selected from the 26 constituencies in the province show 50% of the sampled meetings opting for the hybrid system, 49% for FPTP and a negligible 1% proposing proportional representation.

*Manicaland: Spread of Views on Electoral Systems*



### **Midlands**

This province is predominantly rural. Politically, it is a hot spot with most of its rural constituencies a stronghold of ZANU PF, although the MDC T maintains a strong political presence in both rural and urban areas. The province is thus a hotly contested area and this explains the general climate of fear and uncertainty that characterized most outreach meetings in the province. Debate was generally muted, both in the rural and urban meetings of the province. As observed in most provinces, debate on Talking Points 3, 6, 8, 9, 12 and 13 was however generally animated and along party lines, with discussions on Talking Point 6 and 9 pointing to the growing unpopularity of war veterans, some even suggesting that the term “war veteran” be broadened to accord respect to all people who participated in the fight for freedom. There was also a disturbingly noticeable restraint in discussions on Talking Points 2 and 3.

### **Emerging issues on Thematic Areas**

#### **Founding Principles of the Constitution**

The need for peace and stability; respect for human rights, that is, rights of movement, speech, association, rights of acquiring births/death certificates.

Nine months maternity leave for women with full pay

#### **Arms of State**

One President, one Prime Minister; some advocating a structure where President and Prime Minister share power. Though isolated and seemingly party-driven, was the proposal to have a President with a history of the liberation struggle

#### **Systems of Government**

Unitary state and devolved government were the most recurring

#### **Youth**

There was in general no consensus on youth age limit, some suggesting 25 years for youth age limit, but with 15-30 years as the most frequent range. The need for equal treatment of youth also recurred at most meetings. There was fierce debate on the issue of national service.

#### **The Disabled**

State assistance for the disabled, parliamentary seat for the disabled.

**Land**

Proposed issues included the need to reserve land for future generations, land should be owned by the state.

**Citizenship**

Issues suggested included that citizenship be granted to children of aliens born in the country. Division on whether to have dual or single citizenship, however, with indications of general dissatisfaction with the current set up.

**Traditional Rights**

There was general consensus that chiefs and headmen keep to their traditional duties, without dabbling in politics. Chiefs should be responsible for preserving traditional customs.

**Media**

Proposals generally reflected party positions, some calling for strict media control while others called for an apolitical media, media reforms, independent commissions, among others.

**War veterans**

Debate on this issue was mostly monopolized by war veterans, as key stakeholders. Proposals included the need give war veterans pensions and not involve them in political issues

**Natural Resources**

Resources should benefit locals

**Labor**

Early retirement for workers and salaries to match qualifications

**Independent Commissions**

Independent commissions should be apolitical

**Public Finance.**

People proposed that their funds be kept in RBZ and that Minister of Finance, appointed by Parliament in line with qualifications, be Governor of RBZ.

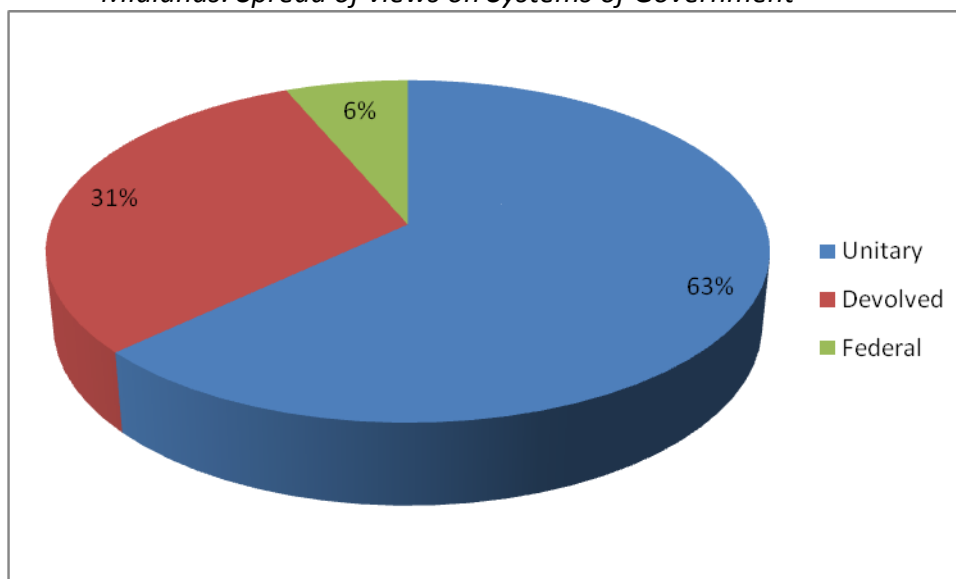
**Transitional Mechanisms**

Independent Electoral Commission. Election dates must be defined in the constitution.

*Spread of participant views on Systems of Government*

Participant views suggest overwhelming support for a unitary system of government, though support for a devolved state was also visible. In a sample of 392 meetings randomly selected from the 28 constituencies of the Midlands, 63% were in support of the unitary system, 31% for a devolved state while 6% favoured federalism, an opinion spread that seems consistent with the political climate of the province.

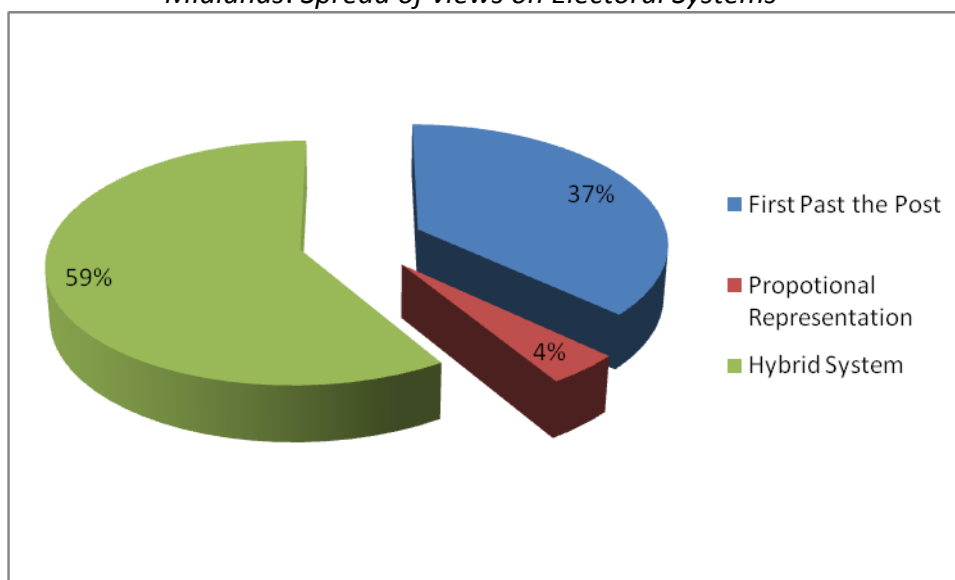
*Midlands: Spread of views on Systems of Government*



#### *Spread of participant views on Electoral Systems*

The main contested issues under this theme were the hybrid system and First Past the Post (FPTP), with a skew towards the hybrid system. A survey of randomly sampled 282 meetings in the 28 constituencies of the province revealed that at 59% of these meetings, people were in favour of the hybrid system, 37% in favour of the FPTP while 4% were for proportional representation.

*Midlands: Spread of views on Electoral Systems*



#### ***Mashonaland East***

The province, which comprises 23 constituencies that include Maramba Pfungwe, Mudzi North, Mudzi West, Uzumba, Murehwa North, Marondera East, Goromonzi North, is predominantly rural and a ZANU PF stronghold. Most parts of this province are generally inaccessible to other political parties, although going by the 2008 June Election results, MDC T presence is there but possibly lying underground. Outreach meetings in this province were generally conducted under highly compromised circumstances, with ZANU PF running



the show at virtually all meetings. Reports were given that participants at some meetings were told to stand by their village's headmen and rehearse before COPAC Teams arrived at the venue. Equally frequent were reported incidents in which only those who were told what to say were to speak. Political influence was also evidenced by ZANU PF youths doing the talking on almost all Talking Points. Debate was muted, with most proposals hurriedly endorsed as "unanimously agreed".

### ***Sampled recurring issues***

#### **Founding Principles of the Constitution**

Uphold human rights, peace, stability, rights of property, education, health and life, respect for the liberation struggle

#### **Arms of the State**

An elected President with executive powers to appoint ministers.

Bicameral legislature, elected provincial Governors

#### **Gender Rights**

Women empowerment, equal treatment

#### **Youth**

Youth must be aged between 15 and 35 and should be apolitical

#### **The Disabled**

Disabled must be represented in parliament

#### **Media**

Non partisan media, state controlled Media

#### **War Veterans**

War veterans should be given land, their children free education, free healthcare

#### **Land**

Lease Agreements, state owned land, land distribution should prioritize those who need it

#### **Independent Commissions**

Politically neutral police, improve conditions in prisons

#### **Public Finance**

Transparency in the running of public finance issues

#### **Religion**

Respect for all religions, apolitical churches

#### **Minority Rights**

Respect for minority rights, languages

People in the Diaspora should be allowed to vote

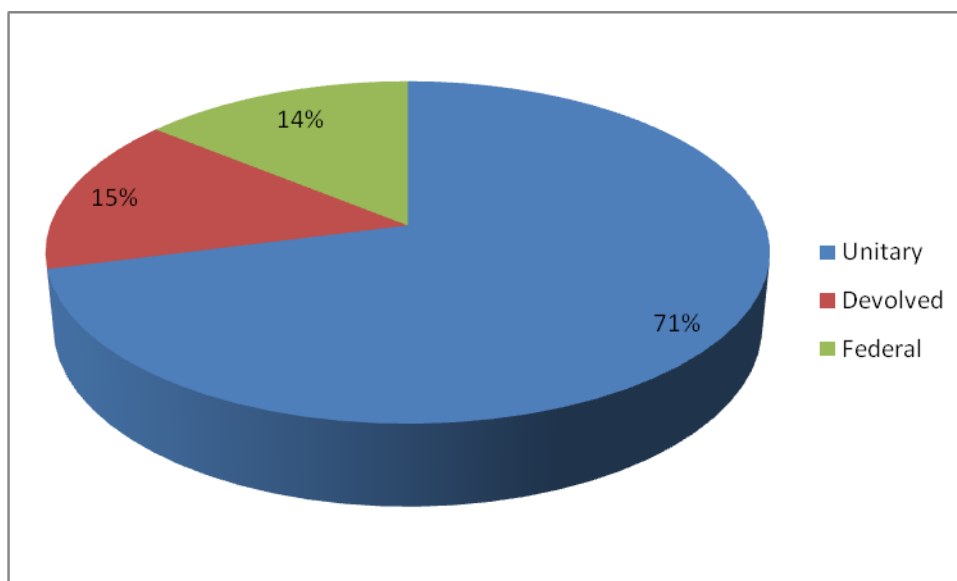
#### **Traditional Leaders**

Traditional leaders must be apolitical

### ***Spread of participant views on Systems of Government***

Review of proposals at most meetings in this province generally point to a preference for the unitary state. A sample of 248 meetings randomly selected from the 23 constituencies of this province revealed that at 71% of these meetings, participants were in support of a unitary system government while support for devolution and federalism were 15% for a devolved state and 14% for federal state.

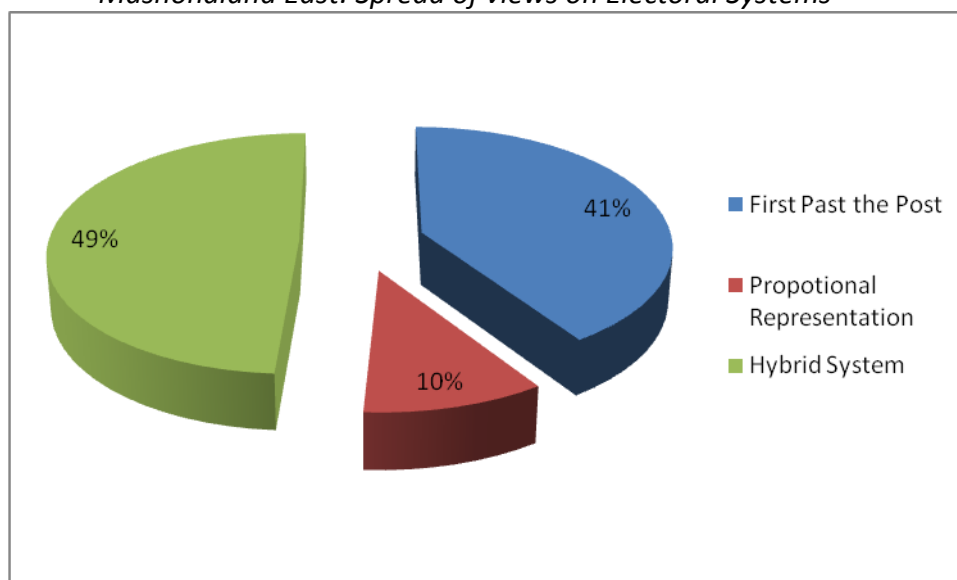
### ***Mashonaland East: Spread of public views on Systems of Government***



#### *Spread of participant views on Electoral Systems*

A review of provincial incident indicates participants' preferences split mostly between the hybrid system and the FPTP, with a slight preference for the former. Also noteworthy is the support for proportional representation in this province. A sample of 155 outreach meetings (randomly selected from the 23 constituencies in the province) indicated that at 49% of these meetings people opted for the hybrid system, at 41% for the FPTP system and at 10% for proportional representation.

#### *Mashonaland East: Spread of views on Electoral Systems*



#### ***Mashonaland West***

The province is predominantly rural and agricultural and traditionally the hub of commercial farming in Zimbabwe. Most constituencies in this province are populated by black owned farms. This province is also home to the President of Zimbabwe who is also president of ZANU PF. However, as gleaned from the 2008 Election results, the province is now a politically contested area as MDC T appears to be the preferred party in most parts of the province. Appreciation of this background is very important for one to understand why the

operational environment here was generally inhospitable to free and open information gathering constitutional issues. Individual citizen participation was visibly muted, although most of the meetings were well attended. Dominance of meetings by perceived ZANU PF supporters who were making contribution in line with their party positions was evident across the province. Equally notable were instances of “unanimously agreed” verdicts on all Talking Points. ZZZICOMP observers reported regularly that people were grouped according to their branches and cells before the COPAC team arrived and told openly not to speak unless sanctioned by their village heads. Proposals in this province generally amounted to maintaining the status quo, with the exception of no post for the Prime Minister.

### ***Sampled recurring Issues***

#### **Founding Principles**

##### **Arms of the State**

Executive President and Cabinet, a president elected by popular vote for a maximum of two terms, each five years, a President who is Head of State and Government with no post for the Prime Minister; elected provincial governors

Bicameral legislature

##### **Systems of Government**

A unitary state with government at three levels – national, provincial councils and local authorities

##### **Citizenship**

No to dual citizenship, suggesting that a person can only be a citizen by birth, descent or registration

Retention of death sentence, no to homosexuality

##### **Gender,**

Gender parity

State should guarantee media freedom

##### **Land**

Land reform is irreversible

##### **Independent Commissions**

Independent Commissions should have responsibility over the conduct of issues relating to elections, human rights and corruption

Central bank governor should be appointed by president while the Minister of Finance and Parliament should oversee public expenditure

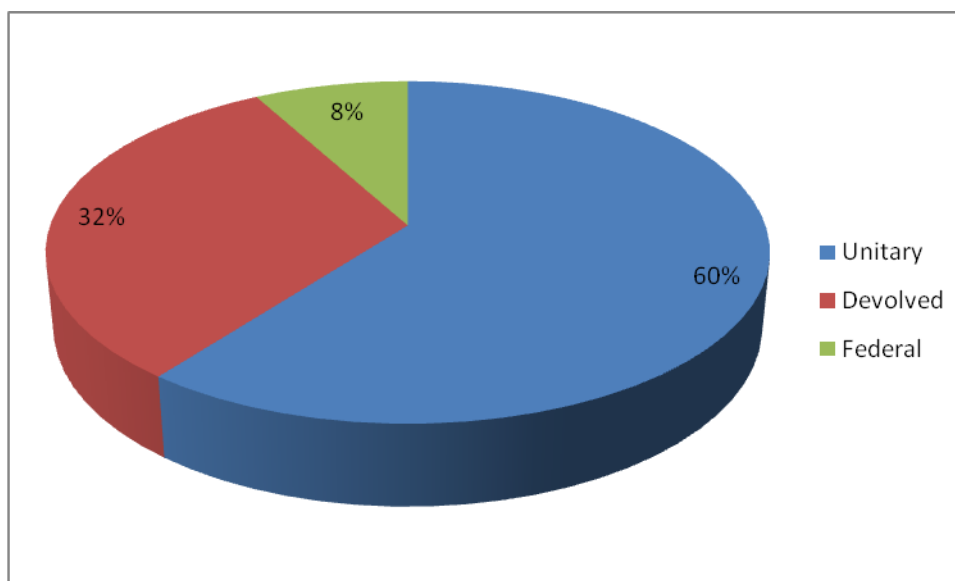
##### **Religion**

Respect for all religions, churches should not be involved in politics

### ***Participant views on Systems of Government***

Review of participants’ views suggests majority support for a unitary system of government, with devolution however commanding a significant following. A sample of 225 randomly sampled meetings from 22 constituencies of the province indicated that in 60% of these meetings, the preferred system of government was unitarism, in 32% of these meetings a devolved unitary state was preferred, while in 8% federalism was preferred. It is instructive to note that, as in Mashonaland East, support for federalism was statistically evident. See the table below:

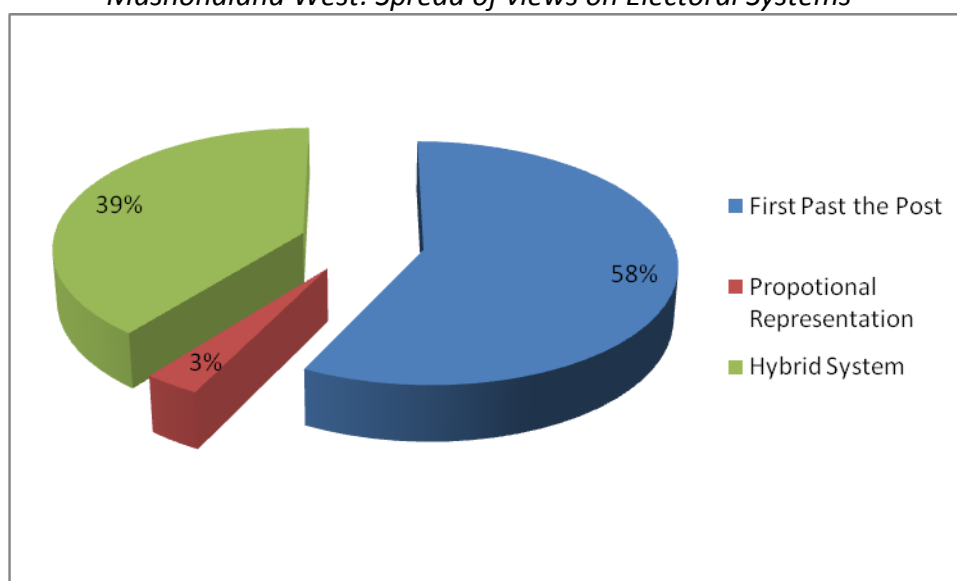
#### ***Mashonaland West: Spread of views on Systems of Government***



#### *Spread of public opinion on Electoral Systems*

Overall opinion was significantly skewed towards the FPTP electoral system, but with a significant number opting for the hybrid system. At 155 sampled meetings from the province 58% expressed preference for FPTP, while 39% proposed the hybrid system, and the remaining 3% for proportional representation.

#### *Mashonaland West: Spread of views on Electoral Systems*



#### **Masvingo**

The drought-prone province of Masvingo, made up of 26 constituencies, is predominantly rural. Though traditionally a ZANU PF stronghold, the province is now politically contested terrain. The 2008 June Elections saw the MDC factions making visible inroads into former ZANU PF strongholds such as Gutu North, Central, South and East, Mwenezi West and East, Chivi North and South, Bikita West and East, among others. The heated debates that were encountered in several parts of this province reflect this underlying political contest.

### ***Sampled recurrent issues***

#### **Fundamental Rights**

Respect for human rights; right to life, health, education, association, freedom of speech, right to land, right of movement, right to food and shelter

#### **Arms of State**

Either an elected President or Prime Minister, all between 40 and 65 years of age.

Elected Provincial Governors

#### **Systems of Government**

Unitary state with 10 provinces

#### **Electoral Systems**

#### **Gender**

Gender equality

#### **The disabled**

State assistance to the disabled, Parliamentary seat for disabled people

#### **War Veterans,**

No person should get benefits alone as everyone has contributed to the armed struggle

#### **Land**

Need for fair distribution of land and national resources

#### **Labour**

No to child labour

#### **Religion**

Respect for all religions, languages and cultures

#### **Public Finance**

Minister of Finance and Parliament should oversee public expenditure

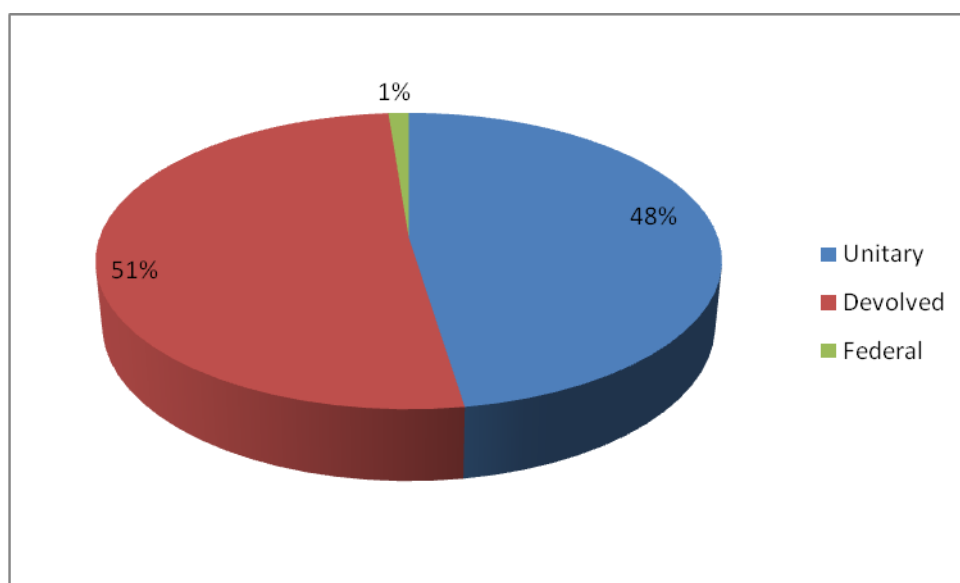
#### **Youth**

Youths between 15-30 years

### ***Spread of participant views on Systems of Government***

As was generally the case in most provinces, choice on this thematic area emerged to be between devolution and a unitary state, with preference for devolution. In 246 meetings sampled randomly from 26 constituencies across the province, 51% were in favour of devolution, 48% in support of a unitary state and 1% for federalism. This preference for a devolved state should be understood within the broad context of the politics in the province, being a contest between the “status quo” and “change” in the systems of government.

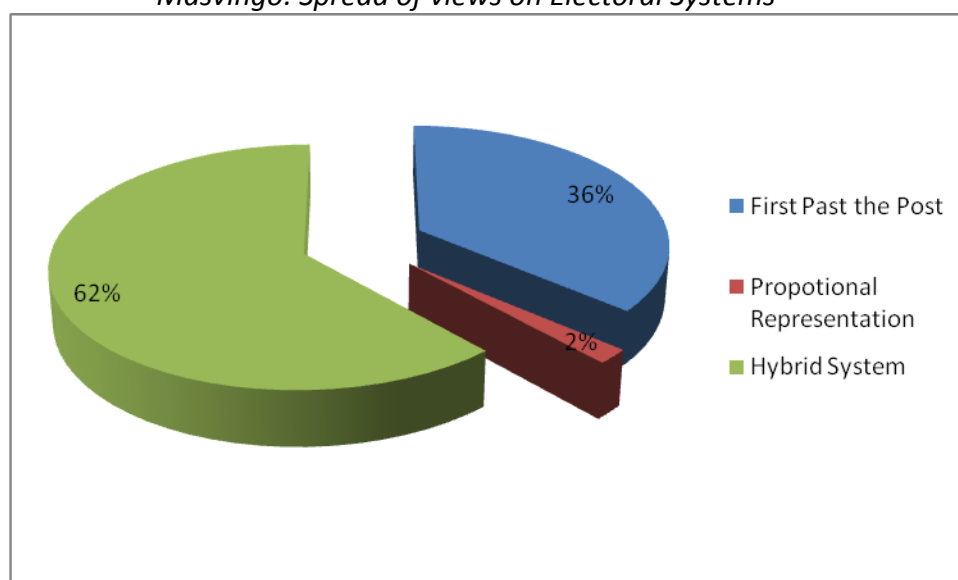
### *Masvingo: Spread of public views on Systems of Government*



### *Spread of participant views on Electoral Systems*

On the issue of Electoral Systems, preference was evident for the hybrid system. Analysis of proposals from a sample of 152 meetings randomly selected from across the 26 constituencies making up the province revealed that at 62% of these meetings participants preferred the hybrid system, 36% were in favour of FPTP, while a mere 2% preferred proportional representation.

### *Masvingo: Spread of views on Electoral Systems*



### ***Matabeleland North***

Matabeleland North province has traditionally voted for the opposition since 1980. In this province, which encompasses Binga, Lupane, Nkayi, Bubi, Umguza, Tsholotsho and Hwange, there is a deep-seated perception that the province has been neglected over the years; a background that may account for voting behaviour and views on how they want to be governed. Politically the province is contested terrain, with ZANU PF trying to roll back what it views as intrusions into its territory by the MDC factions. While the operational environment was relatively calm with people generally free to contribute at meetings, low attendance, lack of information on some Talking Point issues, and language barriers compromised the quality of debate at most outreach meetings in this province.

### ***Sampled emerging views***

#### **Founding Principles**

Respect the national anthem, human rights

#### **Arms of the State**

One president and one vice president. President with limited powers. Elected provincial governors

#### **War Veterans**

War veterans should be apolitical

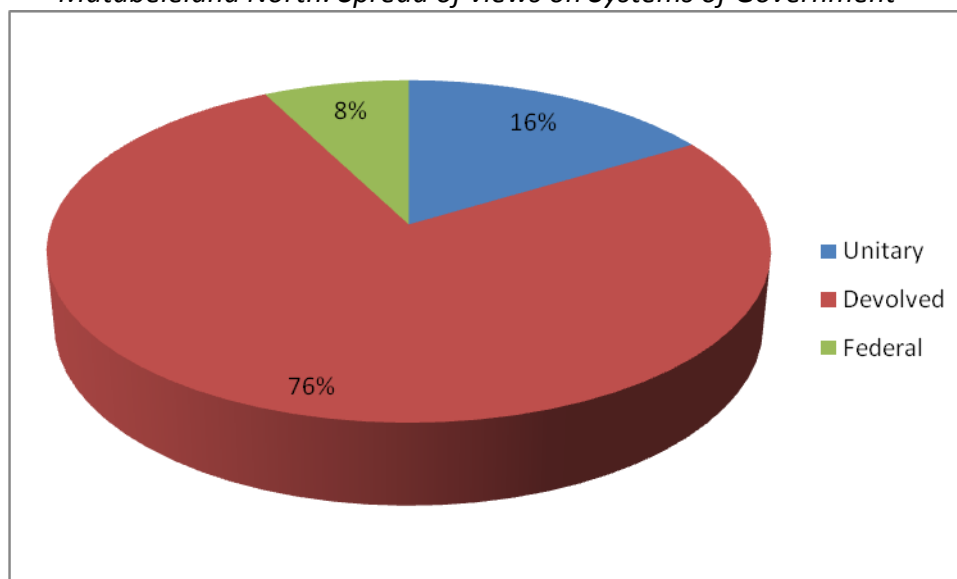
#### **System of Government**

Devolved state with ten provinces

### ***Spread of participant views on Systems of Government***

Public preference was overwhelmingly in favour of devolution, a position which may be interpreted as re-consideration of traditional calls for federalism in most parts of Matabeleland; with the possible growing realization that the politics of federalism may not be sustainable in the modern day state of Zimbabwe. A sample of 320 meetings randomly selected from the 13 constituencies that make up the province indicated that in 76% of these meetings, preference was for devolution, 16% were in support of a unitary system while only 8% favoured federalism. The spread of public views in the province was as shown below:

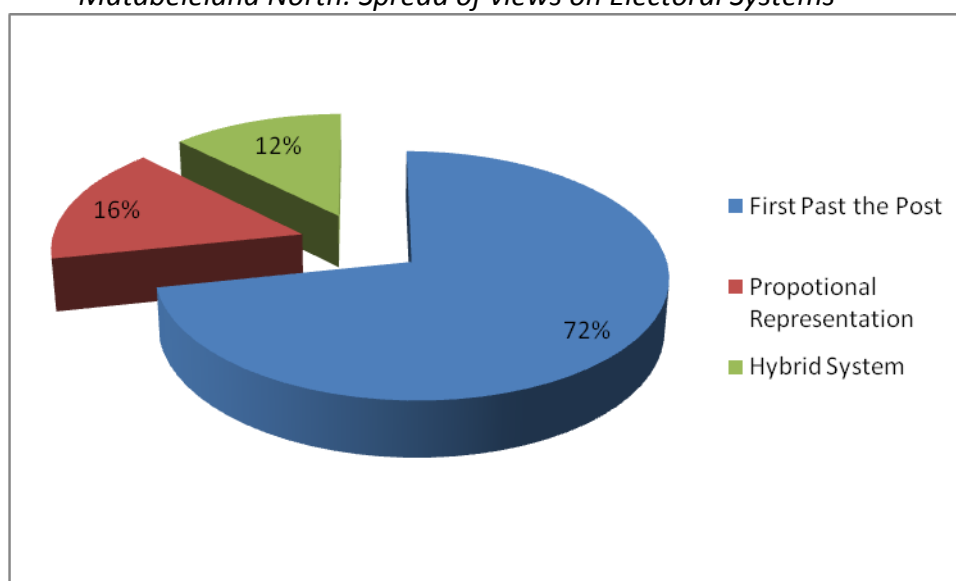
*Matabeleland North: Spread of views on Systems of Government*



#### *Spread of participant views on Electoral Systems*

On the issue of electoral systems, public opinion was evidently in favour of the FPTP system. A sample of 184 meetings across the 13 constituencies of this province revealed that in 72% of these meetings, participants were in favour of FPTP, 16% for proportional representation, while 12% proposed the hybrid system.

*Matabeleland North: Spread of views on Electoral Systems*



#### ***Matabeleland South***

This province, which includes areas such as Bulilima, Mangwe, Matobo, Umzingwane, Gwanda, Insiza and Beitbridge, is predominantly rural and inhabited by Ndebele, Venda and Kalanga speaking people. As in other regions of Matabeleland, there is a general perception of deliberate neglect. Politically, the province has always voted for the opposition in what some analysts attribute as a reaction to the harrowing experiences of the *Gukurahundi* anti-terrorist campaign of the 1980s. The province is currently contested terrain, with ZANU PF



trying to regain a following at all costs. The views raised at outreach meetings in this province should be largely interpreted within this context.

### ***Emerging views on thematic issues***

#### ***Founding Principle***

Respect for human rights, respect should be accorded to the national anthem

#### ***Arms of the State***

Either an executive President or Prime Minister with either one President or one vice President, each with limited powers. Provincial governors must be elected by the people

#### ***System of Government***

Devolved state with ten provinces

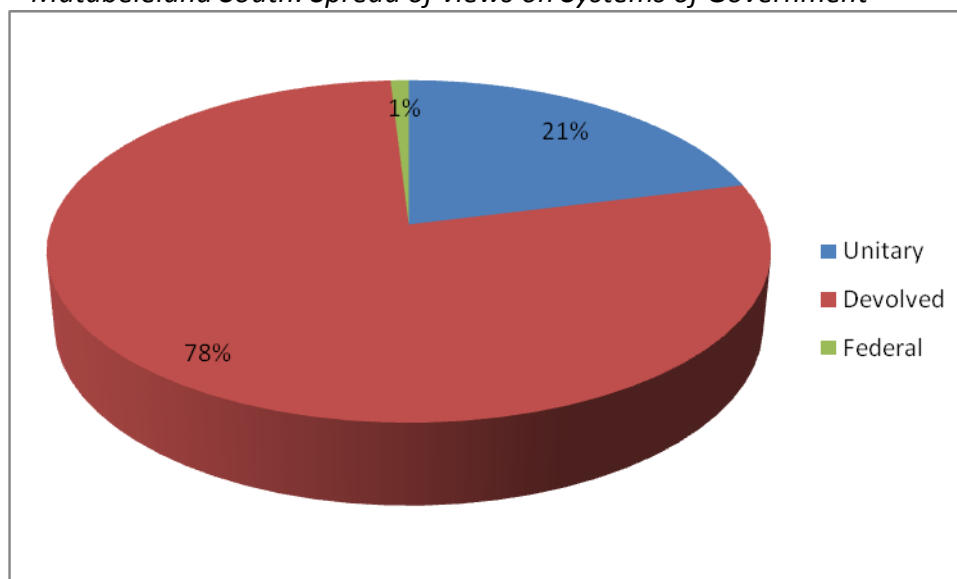
#### ***War Veterans***

War veterans should be apolitical

### ***Spread of participant views on Systems of Government***

Consistent with the political mood in the province and the entire region, there was overwhelming support for devolution. In a sample of 318 meetings randomly selected from the 13 constituencies of the province, 78% showed preference for a devolved state, 21% for a unitary system, while 1% was in favour of federalism.

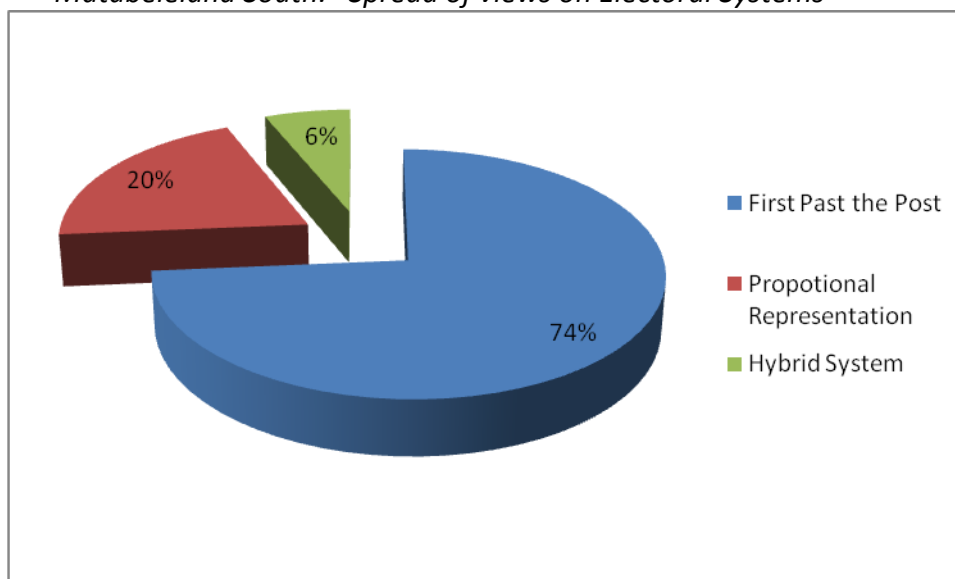
***Matabeleland South: Spread of views on Systems of Government***



### ***Spread of views on Electoral Systems***

On the issue of Electoral Systems, the public appeared overwhelmingly in support of the “First Past The Post” electoral system (FPTP). In a sample of 224 meetings randomly selected from the 13 provinces of Matabeleland South, 74% were in favour of FPTP, 20% proposed proportional representation, while 6% opted for the hybrid system.

*Matabeleland South: Spread of views on Electoral Systems*



### **Harare**

The province of Harare, by virtue of being the capital city of Zimbabwe, is racially, tribally and politically cosmopolitan. It is home to both the affluent and the poor. Although the province is politically an MDC T province, ZANU PF seemed to be in control of most proceedings by virtue of its control of the positions of power. Harare is therefore a politically contested area. Outreach experiences in both September and October were an indicator of this deep-seated contest between ZANU PF and the MDC T. Though most of the meetings had high attendance, the operational environment was, in the main, not hospitable to participants with dissenting views. It was only conducive to those with views that resonated with those of the dominant group, which was ZANU PF at most venues. Thus, in the context of the Harare outreach consultations, ZANU PF “called the shots”, dictating the content of proposals.

### ***Emerging views on Thematic Issues***

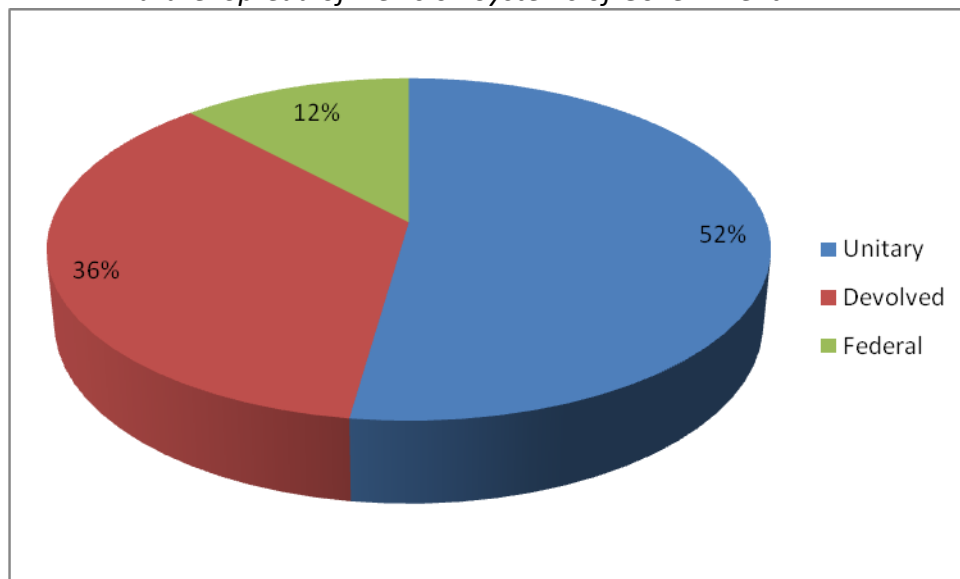
Harare province was home to some controversial constitutional proposals, mainly based on hatred and deep-seated contempt for political and racial diversity. Among the most recurrent proposals were calls for a life presidency, death to people who invite sanctions, and that the post of President of Zimbabwe must be held by someone with liberation struggle credentials. Other contributions, though constitutionally relevant, largely reflected the dominance of ZANU PF. These include the death penalty, no to dual citizenship, respect for the war of liberation and war veterans, irreversibility of the land reform and defence of natural resources, no to homosexuality, compulsory national service, and a unitary state, among others.

### ***Spread of participant views on Systems of Government***

In a sample of 67 meetings randomly selected from the 29 constituencies of the province, 52% were found to be in support of a unitary system, 36% were in favour of devolution and 12% in support of federalism. However with the tense political climate under which most of these meetings were held, the extent to which these proposals truly reflect individual citizen

interest may be questionable. See the pie chart below for the distribution of participant views on this issue in this province.

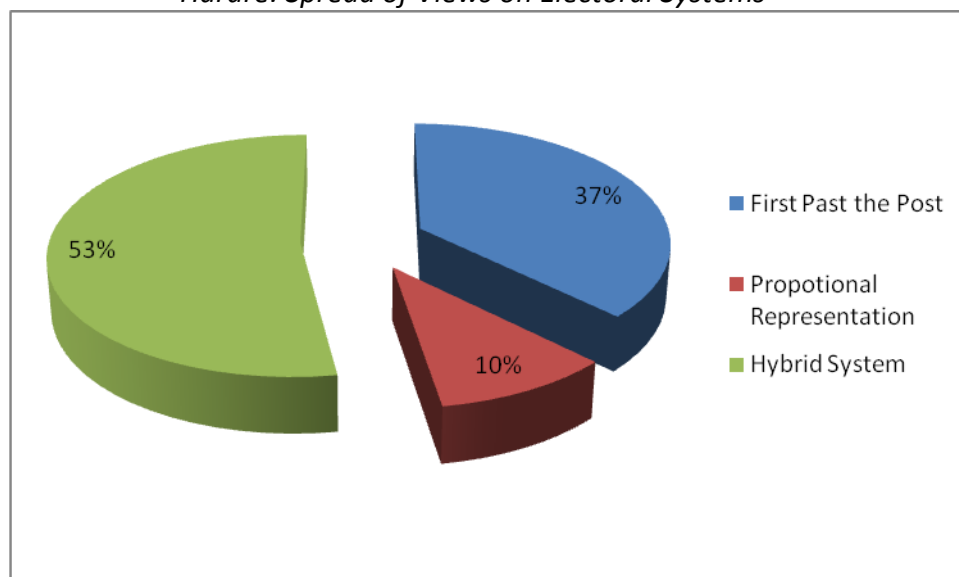
*Harare: Spread of views on Systems of Government*



#### *Spread of participant views on Electoral Systems*

On the thematic area of Electoral Systems, although preference was evident for the hybrid system, support was given to all alternative electoral systems. In a sample of 59 meetings randomly selected from the 29 constituencies of this province, 53% proposed the hybrid system, 37% for FPTP and 10% for proportional representation.

*Harare: Spread of Views on Electoral Systems*



#### **Bulawayo**

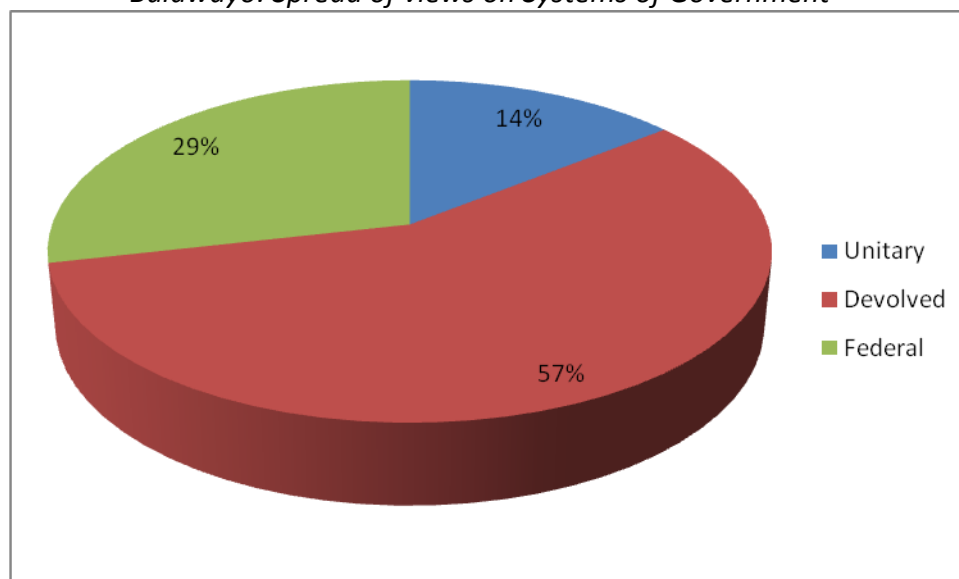
Bulawayo, as the capital of Matabeleland and also the second capital city of Zimbabwe, has Ndebele people as the majority of its residents and, as such, suffers from the feeling of neglect that is generally experienced in other parts of Matabeleland. There is general

antipathy towards the country's central government, a situation that seems to explain why the province has since become the territory of the two MDC factions.

#### *Participant views on Systems of Government*

A cursory analysis of participant views on Systems of Government instantly brings to the fore the perceived general antipathy towards the unitary system. In an analysis of 49 meetings that were randomly sampled from the 12 constituencies of the province, 57% supported devolution, 29% favoured federalism, while the unitary system was the least preferred with 14%. Equally worth noting is the fact that it is only this province that had the highest preference for federalism. This spread of views has to be interpreted within the background context of the province.

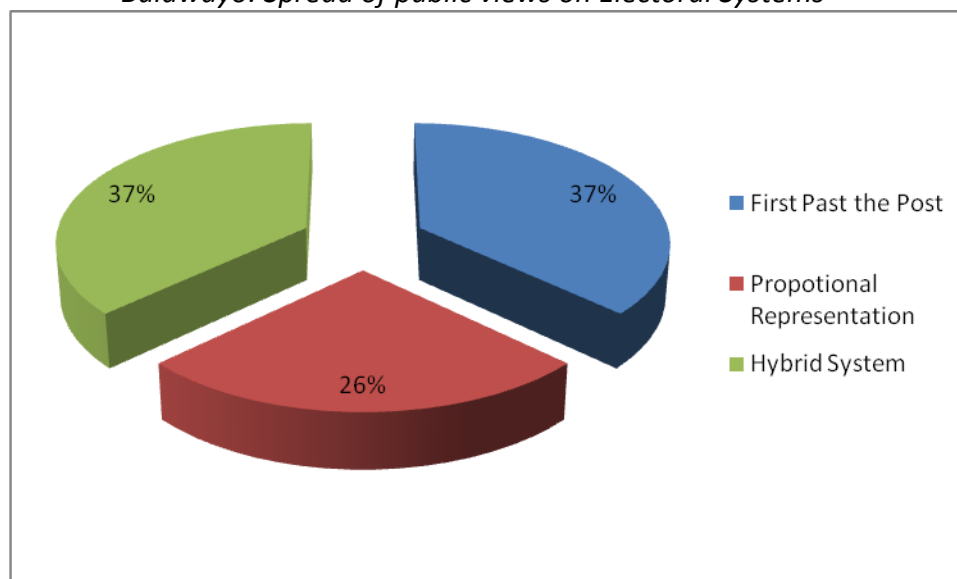
*Bulawayo: Spread of views on Systems of Government*



#### *Participant views on Electoral Systems*

In a sample of 46 meetings that were randomly selected from the 12 constituencies of the province, all three systems enjoyed visible public support, with the FPTP and hybrid systems sharing 37% of the vote, while 26% were in support of proportional representation. This province reflected the highest percentage support for proportional representation. See the table below:

*Bulawayo: Spread of public views on Electoral Systems*



## **SECTION 5**

### **OVERALL COMMENT ON SURVEY FINDINGS**

On the issue of Systems of Government, there was most support for either a unitary or a devolved state, with 47% out of the total sample of 2 492 meetings preferring a devolved state, 46% proposing a unitary state, while 6% were in favour of federalism. There was evident rejection of federalism, even in provinces that were formally associated with this system. Proposals for a devolved state, whilst they might arise from antipathy for central government, appear to be the most realistic system for the contemporary political situation in Zimbabwe.

On the issue of Electoral Systems, there was support for all three options. Out of a total sample of 1 561 meetings drawn from across the ten provinces, 51% were found to be in favour of FPTP, 40% in support of the hybrid system, while 9% proposed proportional representation. How Zimbabweans could opt for the FPTP system – given its “winner takes all” nature – remains an issue of academic conjecture.

The need for respect for national independence, peace, human rights, right to life, education and health was recurrent issues across the ten provinces and across the political divide.

While opinion was divided on whether to have a President or Prime Minister, the issues of limited executive powers and restricting service to two terms of five years each was clearly supported across the ten provinces. Equally recurrent was the need for all ministers and MPs to be elected. The proposal to not allow MPs to cross the floor with their seat was most pronounced in most parts of Matabeleland.

The issue of having two vice presidents generated fierce debate, participants showing that such a set-up may have far outlived its initial purpose.

On Systems of Government, support was mostly for either a unitary state or a devolved state, with proposals for devolution generally evident in Manicaland, Masvingo, Matabeleland North, Matabeleland South and Midlands. Calls for a unitary state appeared most pronounced in the provinces of Mashonaland East, Mashonaland Central, Mashonaland West and Midlands.

That war veterans deserve respect and should be provided with state assistance recurred as an issue in all the ten provinces. Equally evident was the need for war veterans to be apolitical, as well as the need to expand the term “war veteran” to include other freedom fighters such as war detainees and war collaborators.

There was also general consensus on the need for state assistance to the disabled in the form of free access to medical services and transportation. Equally supported was the need to reserve a parliamentary seat for the disabled.

It was the general view that traditional leaders must be given powers to resolve minor disputes, while major cases should be referred to the magistrates courts. Citizens also expressed the need for traditional leaders to be non-partisan and not be affiliated to any political party.

While various youth age thresholds were proposed, there seemed to some consensus that the threshold should be below 35 years.

Views seem to be more inclined towards a bicameral parliamentary system, although sentiments that this system is a burden to the economy were also expressed.

The need for an independent media that provides balanced and free access to information, with the right to publish news and report events, was also clear cut. So was the need for state owned media to be free from propaganda. Proposals to ban foreign broadcasters and private radio stations were fiercely resisted in all the ten provinces.

There also appears to have been general consensus on the need to retain the death penalty, for respect for all religions and languages, for safety at work and respect for international labour practices, for independent electoral commissions, for the cleanup of the voters’ roll and that everyone above 18 should be able to vote.

The issue of citizenship generated heated debate, consensus pointing to the need for citizenship through birth, residency and marriage, implying the need to legalize dual citizenship. These issues were contentious but the outlined views were accepted.

## **SECTION 6**

### **CONCLUSIONS AND RECOMMENDATIONS**

The operational framework for constitutional outreach consultations was inhospitable to open debate. At most meetings in both rural and urban areas, debate was generally subdued, with the outreach process under the control of various political parties. Although

MDC T presence was visible at most venues, overall, ZANU PF appeared to be more dominant and even dictated the content of most proposals. The likelihood of producing a constitutional draft that primarily reflects ZANU PF proposals, as enunciated in its fliers, remain high, if not certain.

Public responses generally reflected the political divide with Talking Points 3, 4, 6, 8, 9, 10, 12, and 13 the most sensitive issues and affecting political party interest. This situation meant that contributions of other stakeholders were sidelined. Party views drowned out personal views at outreach meetings.

Low attendance should be viewed with concern as it led to the rescheduling and/or cancellation of meetings. Poorly attended meetings may have resulted in proposals taken by very few people being recorded as majority proposals representative of the whole community. This factor was not taken into consideration in the analyses contained herein and quite probably not in the final results of the process. COPAC should have developed a specific threshold as a benchmark to decide whether to proceed or call off a meeting. What remains unknown is whether the views expressed by such a few were representative of the community at large. While factors accounting for low attendance at outreach meetings were usually not clear-cut, this may have arisen from the interplay of factors such as apathy, poor publicity, fear of reprisals or coercion. What is unknown, but implied by such factors, was whether non-attendance was of the individual citizen's own volition or whether it was forced on them. For instance, where individuals or groups whose views on the constitution were viewed with suspicion by the dominant political party of that area, they may have been told to keep away from the meetings. The prevailing political climate within a particular province whether peaceful or politically charged influenced attendance levels positively or negatively.

While well-attended meetings were evident throughout the duration of this program, reports implying the partisan nature of the outreach process, coupled with political intolerance to dissenting views, coaching, intimidation and political manipulation, the extent to which such participants were given the opportunity to express their own views remains in question.

In the main, outreach consultations appear to have been reduced to a contest between the ideological positions of ZANU PF and the MDC T, a situation that is likely to skew constitutional outcomes towards declared party positions and to sideline views of other stakeholders in the process. This scenario should be viewed with utmost concern as party interests usually have a short-term perspective, rather than the inter-generational and non-partisan focus expected in a constitution making process. There is thus a high risk of producing a constitution that panders to the short term interests of political parties. It is doubtful that the people were able to freely express their personal views.

Incidents in which venues were changed by the local political leaders without notice, as well as the ferrying in of people from other wards in a bid to neutralize views of the opposing party, are to be deplored as this leads to a recycling of already stated views and at the same time, robbing locals of the once-in-lifetime opportunity to express their own views on how they and the future generation should be governed.

Harassment and barring of ZZZICOMP observers from outreach meetings, as occurred in some instances, was hardly in the interests of a visibly democratic constitution making. Measures should have been put in place to ensure that observers were officially recognized by COPAC Teams.

The prevalence of “unanimously agreed” proposals should be treated with extreme caution, especially where such outcomes were reported in provinces that are highly prone to political violence. Behind the facade of apparent consensus of opinion, these proposals might have arisen in the absence of free debate or as a result of coercion, fear, and coaching.

Constitution making processes are for the present and future generations. Citizens need to be allowed opportunity to express views freely on how they would want to be governed. With the prevailing highly restrictive operational environment under which most COPAC meetings were undertaken, there is a considerable risk that the outreach teams in the main gathered the entrenched party positions on constitutional issues, rather than the genuine views of individual citizens.

## **End Notes**

### **Thematic Talking Points**

1. Founding Principles of the Constitution
2. Arms of the State
3. Systems of Government
4. Bill of Rights and Citizenship
5. Women and Gender Issues
6. Youth
7. The Disabled
8. Media
9. War Veterans
10. Land, Natural Resources and Empowerment
11. Labour
12. Elections, Transitional Mechanisms and Independent Commissions
13. Executive Organs of the State
14. Public Finance
15. Traditional Institutions and Customs
16. Religion
17. Rights of Minorities and Languages