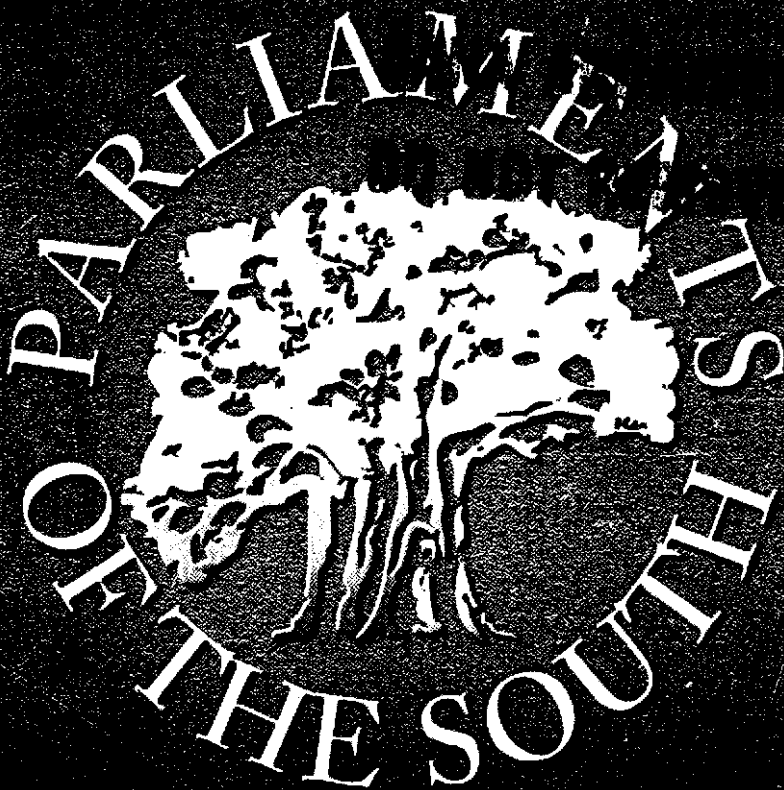


The South African Institute of International Affairs



Strengthening parliamentary  
democracy in SADC countries

# Zimbabwe country report

John Makumbe

Series editor: Tim Hughes

THE SOUTH AFRICAN INSTITUTE OF INTERNATIONAL AFFAIRS

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## About the author

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John has carried out consultancy assignments in the areas of management training, institution evaluation, programme evaluation, democracy and good governance, and in the management of the information sector for democratic development and public participation. He is a human rights activist of international reputation and has addressed meetings in, among others, Zimbabwe, South Africa, Malawi, Namibia, Botswana, Swaziland, the United Kingdom, United States and Ireland.

## Preface

The roots of parliamentary democracy in Southern Africa are spreading and deepening despite operating in sometimes infertile soil. All countries in the Southern African Development Community (SADC) region now operate some form of parliamentary democracy. While a majority of countries exhibit text book constitutional, electoral and parliamentary architecture, the operation of these institutions is highly disparate. Some labour under the threat of civil war, constitutional flux, and monarchical fiat; others have operated consistently and constitutionally for decades. While there is little fundamental region-wide disagreement on the mechanisms for achieving a democratic polity, there is far less agreement on the appropriate powers, role and composition of legislatures; and still less discussion, let alone agreement, on the appropriate relationship between parliaments and 'the people'. Indeed the longevity of some parliaments in Southern Africa is no indicator of their constitutional strength, nor the strength of public engagement with them. Established parliaments can operate in an exclusive and exclusory manner. Established parliaments can also become susceptible to (un)democratic reversals, particularly with respect to a strong executive and single party dominance. Conversely, newly elected parliaments can forge innovative and healthy public participation programmes, thereby strengthening and deepening democracy.

This series of reports forms part of the South African Institute of International Affairs' (SAIIA) three-year research, conference and publications programme examining parliamentary democracy in SADC countries. Its normative objective is to contribute to strengthening parliamentary democracy throughout the region. Specialists in all 13 SADC countries were contracted to conduct primary and secondary research into the state of parliamentary democracy and to make recommendations on how parliamentary democracy might be improved, strengthened and sustained.

Specialists were tasked with researching a number of key themes. The first was to provide a country-specific overview of recent and current constitutional, electoral and parliamentary practice. This included 'nuts and bolts' issues such as the electoral system, constitutional provisions for the executive, legislative and judiciary and party political configurations. The organisational structure of parliament, including assembly rules, the roles and powers of committees, the status of the speaker, whips, members, as well as the functioning of parliament as

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## Executive summary

Zimbabwe possesses one of the most impressive and well-organised legislatures in the Southern African region. On the surface, it would appear that the Zimbabwe's parliament is a competent institution that effectively carries out its multifaceted functions in the interest of the citizens of that country. Serious investigation of the workings of this august institution, however, reveals that it is little more than a rubber stamp of whatever the executive and ruling political party wish to do. Indeed, to the executive, parliament is more of a necessary nuisance than an essential partner in the governance of Zimbabwe.

Structured along the Westminster system of parliamentary democracy, Zimbabwe's parliament exhibits an organisational and operational system that would rival any democratic state both in the region and further afield. Most of the structures that constitute parliament are moribund and irrelevant to the realities on the ground. Elaborate organisation of parliament into various committees with a variety of responsibilities does not seem to have resulted in parliament performing its functions more effectively. Although most of the recommendations of the Parliamentary Reform Committee (PRC) have been implemented, parliament still struggles to make the executive accountable to it or to the people of Zimbabwe.

One of the benefits of the implementation of the PRC's recommendations has been the opening up of parliament to public participation in the legislative process. Civil society organisations (CSOs) took advantage of this development and, with the assistance of a variety of international donors, embarked on serious engagement with parliament through the work of portfolio committees. The result has been an abundance of current information on the state of affairs in many constituencies, as well as an expression of the people's views on various matters of national development, transparency, human rights and good governance.

All this good work makes little impact on the final outcomes of the legislative process. Zimbabwe's parliament still passes some of the most draconian pieces of legislation ever seen in a democratic country. This is largely because of an overpowering and over-sized executive that ignores the reports and recommendations of both portfolio and select committees with disdain. Measures such as the notorious 'fast tracking' of bills ensure that the executive has little tolerance for any amendments to its policy proposals. The hostility that the executive displays towards CSOs – which they suspect of being too close to the opposition – further

militates against any serious consideration of the submissions made by civil society to parliament.

A number of measures need to be undertaken in order to strengthen parliament and to facilitate meaningful engagement with the legislature by both insider and outsider civic groups. Repressive legislation such as the Public Order and Security Act and the Access to Information and Protection of Privacy Act need to be repealed. The Broadcasting Services Act needs urgent amendment in order to allow private players to participate in the provision of alternative electronic media to that provided solely by the state. Parliament needs adequate resources in order for members of parliament (MPs) to be able to fulfil their representative obligations. The recently created parliamentary constituency information centres need to be adequately staffed and equipped in order to make them viable liaison offices linking the MP to his or her constituency. Virtually all the departments of parliament need to be revitalised to enable them to provide the requisite services to MPs in a timely fashion. Obsolete and undemocratic legislation that prohibits MPs from crossing the floor or from voting their conscience should have no place in a democratic legislature.

The legislature needs to formulate ways and means of ensuring that the executive takes the recommendations of all its committees seriously. At the same time, consideration should be given to the positive and constructive handling of submissions made to parliament by CSOs and other interested parties that lobby parliament. Finally, a culture of tolerance and accommodation should replace the current political culture of fear if Zimbabwe is to develop along democratic lines. As William Pitt noted, "Where law ends tyranny begins".

# 1. Background and introduction

When Zimbabwe attained national independence in 1980, it also inherited the Westminster system of parliamentary democracy. Indeed, the Lancaster House Constitution under which Zimbabwe became a sovereign state made provision for the creation of a bicameral legislature, but this was changed through Constitutional Amendment No. 9 of 1990 to create the existing unicameral legislature generally referred to as the House of Parliament.<sup>1</sup> It is necessary to bear in mind that the Zimbabwe African National Union–Patriotic Front (Zanu–PF) had, as far back as 1984, committed itself to the creation of a socialist one-party state.<sup>2</sup> Indeed, between 1980 and 1999, the ruling Zanu–PF party had always been the dominant political party in parliament, and this tended to weaken the performance of the legislature in providing checks and balances to the other arms of the state.<sup>3</sup>

However, in February 1997, after much debate both in parliament and among the public, parliament appointed a Parliamentary Reform Committee (PRC) “... to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions”.<sup>4</sup> In an earlier study, this author noted:

*In October 1996, the Parliament of Zimbabwe adopted a motion moved by the Minister of Justice, Legal and Parliamentary Affairs, that a Parliamentary Reform Committee (PRC) be established. The terms of reference of this Committee were, in the words of the Speaker of Parliament, “to adapt and shape the institution of Parliament to the needs of the next millennium”. The PRC invited and received written and oral evidence from members of the public, civic groups, institutions, and parliamentarians, professional and academic experts. It also undertook selected studies of parliamentary systems of other countries. Although the PRC’s terms of reference referred to the reform of parliament, the evidence it received indicated that there was an urgent need to reform the Zimbabwe Constitution.<sup>5</sup>*

Many of the PRC’s recommendations have since been implemented, but the extent to which they have impacted on the performance of parliament is part of the objective of the present study. Prior to this development, however, the

Zimbabwe legislature had been accused of being a mere 'rubber stamp' for the executive, with limited capacity to provide the requisite checks and balances essential in a democracy. The following are some of the weaknesses that parliament was commonly accused of:

- MPs rarely hold consultative meetings with their constituents;
- MPs rarely visit their constituencies and so are uninformed about the needs of their constituents;
- Low calibre of MPs results in low-level debates in the chamber;
- Limited research capacity of the legislature results in MPs failing to make meaningful contributions to policy and debates in the chamber;
- Most MPs place party interests well above those of the nation and their constituencies;
- Political culture of fear inhibits MPs from effectively scrutinising policy proposals placed before the House by the executive;
- Powerlessness of the legislature to reject unfavourable or suspect policy proposals from the executive;
- Low calibre of MPs also contributes to inability of backbenchers to initiate policy proposals: there has been no Private Members' Bill since 1980;
- Technically or numerically, a 'vote of no confidence' can never pass through parliament since, of the 150 MPs, 51 are in the executive, 30 are directly or indirectly appointed by the president, thereby making the attainment of a two-thirds majority for such a vote impossible.<sup>6</sup>

Source: Compiled from the PRC Report, Volume 1.

The emergence of the Movement for Democratic Change (MDC), which won 57 of the 120 contested seats in the parliamentary elections of 2000, effectively transformed the Zimbabwe legislature into a reasonably democratic institution. Further, the ruling Zanu-PF party abandoned its original objective of creating a *de jure* one-party state in line with the global collapse of socialism during the late 1980s, although it can safely be argued that efforts are still under way to ensure that Zimbabwe effectively remains a *de facto* one-party state. It is against this backdrop that an assessment of the legislature's performance is undertaken in this study.

In a democratic society, parliament normally represents the wishes and interests of the people. It is essentially the voice of the people, depending on the electoral system employed in electing MPs. In the case of Zimbabwe, the first-past-the-post (FPTP) or majoritarian system ensures that elected MPs represent specific constituencies whose interests they are expected to put forward and

promote. To become aware of these interests and concerns, the people's representatives need to be accessible to those they represent. They also need to inform their constituents regularly about national or government development and other policies and programmes. This study seeks to determine the accessibility of parliament to the various groups and individuals in Zimbabwe. It also seeks to determine the effectiveness of the legislature in translating the wishes, interests and concerns of the people into meaningful governmental or national policies, programmes and projects.

To this end, the study attempts to establish the role of the political parties represented in parliament in relation to issues of governance, democracy and development. The extent to which the legislature can subject the executive arm of the state to account for its action (or inaction) is examined in order to determine the utility and effectiveness of parliament to the welfare of the people of Zimbabwe. Civil society's participation in national policy making and the allocation of development resources constitute a major component of this study.

To what extent are civic groups able to influence policy makers to formulate and pass legislation that protects and promotes the interests of the people? What obstacles do special interest groups, both *insider* and *outsider* groups, experience in seeking to undertake meaningful advocacy work among legislators in Zimbabwe? Finally, what solutions can be recommended for improving the role played by parliament in the performance of its functions and the promotion of good governance in Zimbabwe?

## 2. Composition of parliament

Zimbabwe's parliament comprises 150 MPs and the speaker. The 150 MPs are chosen through four ways, namely:

- 120 members are elected by voters registered on the common roll and they represent the 120 electoral constituencies;
- the president appoints eight provincial governors (resident ministers);
- the National Council of Chiefs elects two chiefs while the provincial committees of chiefs elect eight of their number to parliament; and
- the president appoints a further 12 non-constituency MPs.<sup>7</sup>

As is evident from the above, the president appoints, directly or indirectly, 30 (or 20%) of the total number of MPs. This is a major bone of contention, at least from the point of view of opposition political parties, since the appointed MPs tend to always vote with the ruling Zanu–PF party. A study of the 1995 parliamentary elections was critical of presidential powers of appointment of MPs: "Thus, while it can be argued that 'life peers' in Great Britain supplement the democratic process to a certain extent, appointed MPs in Zimbabwe tend to subvert it."<sup>8</sup> Makumbe and Compagnon put it more succinctly:

*The fact that thirty seats in Parliament are occupied by MPs who are not popularly elected, who take part in all debates, and who vote distorts the real meaning of the people's wishes. This obviously makes a mockery of the Government's claim that Zimbabwe is a truly democratic state. As a matter of fact, a party winning a majority of the 120 elected seats (i.e. at least 61) could still find itself lacking an overall parliamentary majority. The incumbent President's party will need to win only 46 seats to retain an absolute majority in Parliament.*<sup>9</sup>

Proponents of the presidential powers of appointments to parliament have argued that these powers do not diminish the people's wishes, nor do they militate against democracy:

*In an attempt to justify the non-constituency MPs, a Government mouthpiece argued: "The President has used his right of nomination to*

*bring into Parliament people he considers he needs in his government, and to rectify any imbalances he feels there might be among elected members, and this is the main justification advanced for the right of presidential appointment of a small group of MPs.” In other words, the power of appointment is justified, so the argument goes, because it allows the President to infuse Parliament with specialists and experts in specialised fields and representatives of disenfranchised interest groups. Besides the fact that such an argument was typical of the corporatist system in Europe (i.e. the fascist regimes of Salazar in Portugal and Franco in Spain), it is rooted in a profound disdain for the democratic process.<sup>10</sup>*

In the 2000 parliamentary elections, the opposition MDC won 57 seats,<sup>11</sup> another opposition party, Zanu (Ndonga), won only one seat, while Zanu–PF obtained 62 seats. But with the president appointing 30 MPs, Zanu–PF ended up with 92 MPs. Following several by-elections, Zanu–PF has increased its number to about 98, which is just two shy of a two-thirds majority. This is important since it has serious implications for democracy and the passing of legislation through parliament. Constitutional amendments, for example, require a two-thirds majority in order to pass through parliament. Indeed, in spite of the ‘democratisation’ of parliament in 2000, the ruling Zanu–PF can still pass any legislation it desires without hindrance.

## **Electoral system**

The electoral system used in Zimbabwe has always been controversial. Thus although the Electoral Act (1990) was designed in accordance with the Constitution of Zimbabwe, it has since undergone drastic amendments effected virtually each time there is a parliamentary or presidential election. Virtually all the amendments made to the Electoral Act have invariably resulted in the erosion of civil liberties and disenfranchisement of some voters. Writing on this issue, but with reference to the 2002 presidential elections, this author notes:

*The amendments share a single thrust: to whittle away at the electorate’s civil liberties. One set of changes, for instance, restricts the use of mail-in ballots to absentee civil servants, diplomats, and uniformed members of the military and security forces. The obvious intent is to disenfranchise Zimbabweans living abroad – there are thought to be about a million in South Africa and other southern African countries – who tend to be hostile to Mugabe and Zanu–PF.<sup>12</sup>*

In addition there have been numerous allegations of manipulation of the electoral process by the ruling Zanu–PF party in a desperate bid to maintain its stranglehold on power and political office in the face of mounting public rejection of that party since February 2000. Indeed, the 2000 parliamentary elections were held in the shadow of Zanu–PF’s first ever snub by the electorate when voters rejected the crafty Draft Constitution that the Mugabe regime had placed before it:

*In the June 2000 parliamentary elections, Mugabe faced a real possibility of losing power to the MDC, which had been founded just nine months earlier. Only careful manipulation of the electoral law and the election process itself allowed Zanu–PF to eke out a narrow win. The MDC’s strength at the polls ... so frightened Mugabe and his party that they resolved upon extreme measures as the only means of stopping an opposition win in 2002. These included amendments to the Electoral Act of 1990, promulgation of draconian laws such as the Public Order and Security Act of 2000, sharp cuts in the number of urban polling places, and physical assaults against or intimidation of voters suspected of MDC sympathies.<sup>13</sup>*

Politics of incumbency has ensured that the ruling party has access to campaign resources that the opposition is denied. The state-owned media, for example, tends to shun the opposition parties while providing more than adequate free coverage to Zanu–PF. Several studies have demonstrated that such other public resources as government vehicles, Air Force of Zimbabwe aircraft, printing facilities and finances have been commandeered by Zanu–PF during election campaigns – opposition political parties would never be allowed access to any of these resources for campaign purposes. The ultimate result has been the creation of a grossly uneven political playing field in favour of Zanu–PF and to the detriment of opposition political parties. The implications for democracy are acute.



### 3. Functions of parliament

According to parliament's public relations (PR) office, the Zimbabwe parliament performs the following major functions:

- *To legislate (make laws):* Parliament passes bills into laws that are used in governing the country. Most bills are introduced into parliament by government ministers, and they are prepared as part of the government's legislative programme. In addition to government bills, private members may introduce bills into parliament. The parliamentary counsel's office assists members with the drafting of bills.
- *To control government finances:* The executive arm of the state draws up the financial plan (or budget) for every fiscal year. However, the authority to implement that plan has to be sought from parliament. Parliament has to approve the national budget, and monitors the use of money by government. This is normally done through the various parliamentary portfolio committees. The office of the comptroller and auditor-general also assists in this regard.
- *To represent the electorate:* Except for the traditional chiefs and the non-constituency MPs, a key function of the elected MPs is to represent the electorate in their various constituencies. "Members of Parliament are elected by the people to be their representatives, their spokespersons, and their link with the executive", states a brochure issued by parliament's PR office.
- *To monitor the administration of ministries and parastatals:* Parliament is tasked with investigating the operations of government ministries on behalf of the people. Specific portfolio committees shadow each ministry and parastatal to establish whether they are operating within the scope assigned to them by parliament through the approval of the budget.<sup>14</sup>
- *To debate national issues brought before it by either the president or MPs.*<sup>15</sup> Parliament can debate and pass resolutions on issues affecting the state. The debate on the president's speech, which usually outlines government policy and programmes, is one of the important debates that MPs participate in. In

addition, MPs pose questions to government ministers on a regular basis during question time.

No private members' bill has ever been debated in and passed into law by parliament since the advent of Zimbabwe's national independence in 1980. The current composition of parliament means that such a bill is unlikely to be passed by parliament given the dominance in the House of the ruling Zanu–PF party. The provision for private members' bills is therefore largely theoretical.

The representative function is also so poorly performed by most MPs that the House invariably passes government bills whether or not the opposition supports them:

*The combination of the extensive powers of the President and the overwhelming domination of Parliament by the ruling party which selects the Speaker and Deputy Speaker within its caucus, has transformed Parliament into a powerless institution where Government's Bills most of the time arouse little reaction except a rare and temporary manifestation of bad temper from certain backbenchers.<sup>16</sup>*

Several measures are, however, being undertaken by parliament to facilitate MPs' performance of this function. One of these measures is the creation of parliamentary constituency information centres (PCIC), as shall be indicated later.

With reference to the monitoring of operations of government ministries and parastatals, it shall be shown later in this study that some of portfolio committee reports are largely ignored by the executive and most parastatals. Research indicates that the function of monitoring of ministries and parastatals by parliament currently leaves much to be desired.<sup>17</sup>

Debate on the presidential speech is usually central to the deliberations of parliament during each session. Some of the deliberations, however, quickly deteriorate into partisan squabbles and insults. Recently there has even been physical confrontation among MPs after extreme provocation of an opposition MP by the Leader of the House.<sup>18</sup>

## **Principal officers of parliament**

The principal officers of parliament include the speaker, who is elected by all the MPs after each general election. Normally, the political party that has the majority of MPs ensures that its nominee wins that election. The speaker does not participate in the deliberations of parliament, and he/she also does not vote.

His/her responsibility is to conduct the business and to regulate the proceedings of parliament in accordance with standing orders and the Zimbabwe constitution:

*The Speaker is the final interpreter of the provisions of the Standing Orders and his decision in all Parliamentary matters is final. His rulings may eventually constitute precedents by which subsequent Presiding Officers, Members and officers of Parliament will be guided. Such rulings cannot be questioned except on a substantive motion. No Member may speak unless he is called upon or permitted to do so by the Speaker.*<sup>19</sup>

The speaker can order a member to leave the chamber or to withdraw certain words or expressions which he/she may feel are unparliamentary or undignified. There have been several recent occasions when the Speaker has had to firmly discipline some members for such activities. There have also been incidents when some MPs have walked out of the House in protest.<sup>20</sup> Once elected to the position of speaker of parliament, the incumbent is expected to manage the affairs of the House in an impartial and non-partisan manner. This, however, has not always been the case given the current Speaker's position in Zanu–PF. Some MDC legislators interviewed for this study expressed dismay at the partisan manner in which the incumbent Speaker handles parliamentary business.<sup>21</sup>

The deputy speaker is elected from among the MPs soon after the conclusion of parliamentary general elections. The current Deputy Speaker is a non-constituency MP and a member of Zanu–PF. She presides over the deliberations of the House whenever the Speaker is not available, and she is also the chairperson of Committees. Because she is effectively an MP, the deputy speaker, unlike the speaker of parliament, can take part in the deliberations of the House when the speaker is presiding.<sup>22</sup>

The leader of the House is a government minister who is appointed by the president. In the current parliament, the Leader of the House is also the Minister of Justice, Legal and Parliamentary Affairs and a non-constituency MP. He is responsible for the arrangement and management of government business in parliament. In consultation with the government chief whip, the speaker and other ministers, the leader of the House,

*... determines the order in which items of government business will be dealt with in the House, and ensures that, as far as possible, the passage of government business is not unduly delayed or disrupted. The Leader of the House is also responsible for moving procedural motions on behalf of the government.*<sup>23</sup>

It is therefore necessary for the leader of the House to forge close relationships with both the government chief whip and the chief whip of the opposition party. He influences the entire legislative process.<sup>24</sup>

It was indeed the Leader of the House who, as mentioned above, provoked one opposition MP with extremely racist insults resulting in a scuffle in the House. The current Leader of the House generally displays high levels of intolerance of divergent views, particularly those emanating from members of opposition political parties, and this negates the effective development of parliamentary democracy.

The leader of the Opposition leads the opposition in executing its duty “to limit the extremity of the Government’s action, to arouse public criticism of any dangerous policy, and to make the Government behave reasonably”.<sup>25</sup> A parliament pamphlet states:

*He controls the opposition Whips, accepts responsibility for the course of negotiation about business with the Government, he arranges subjects for debate, watches for encroachments on the rights of minorities and he demands debates when the Government is trying to slide away without parliamentary criticism ... He leads the attack on the Government as he normally leads the questioning in the question and answer session.*<sup>26</sup>

The current Leader of the Opposition is the MDC Deputy President since the President of that party is not an MP. To date, the Leader of the Opposition has succeeded in ensuring adequate representation of his party on all portfolio committees and participation in other activities of the legislature. The combative nature and political arrogance of the majority party, however, requires that the Leader of the Opposition be on constant alert to protect the role that his party should play in parliament.

The administrative side of the legislature is headed by the clerk of parliament, who is also the chief advisor to the speaker and the MPs on the law, practice and procedures of parliament. He supervises the work of all personnel that constitute the staff of parliament:

*He presides over the election of Presiding Officers, authenticates Bills before they are sent to the Head of State for assent, has custody of the journal of the House, records all other documents belonging to the House, and keeps votes and proceedings of the House.*<sup>27</sup>

It is the responsibility of the clerk of parliament to ensure that bills, Hansard,

motions and questions are published and distributed. If both the presiding officer and his deputy are not able to recall the House, the clerk of parliament is empowered to do so by law.

### **The committee system**

The Fifth Parliament of Zimbabwe saw the establishment of a new committee system as recommended by the PRC. The PRC proposed the establishment of a rationalised and coordinated portfolio committee system and a business committee. In parliament, committees are small groups of MPs who are assigned either temporarily or on a permanent basis to examine matters more closely than would be done by the full House. Prior to the reforms, parliament had four departmental select committees. The new system allows for more thorough and regular shadowing of government ministries. The rationale for the committee system was that while parliament performs its functions in plenary, the plenary does not have adequate time to scrutinise and debate issues thoroughly and committees allow for this in-depth investigation; they then report to the House, which makes the final decision.

#### *Committees and their roles and functions*

There are three distinct types of committees in parliament:

- standing committees;
- ad hoc committees; and,
- sessional committees: namely: Portfolio; Liaison and Coordination; Public Accounts; and Housekeeping.

#### ***Standing committees***

These are established by the constitution and the standing orders on a permanent basis to perform specific functions. For example, the Parliamentary Legal Committee's main roles are to:

- examine the constitutionality of bills and statutory instruments;
- ensure that no bill derogates the exercise of legislative power; and
- report to parliament.

The constitution provides that the Parliamentary Legal Committee shall comprise

not less than three members, the majority of whom are legally qualified. The Parliamentary Legal Committee conducts its business in private and is obliged to report on its findings on a bill or statutory instrument, other than a constitutional bill, within 26 days from the day the bill or statutory instrument is published in the *Government Gazette*. The chair can, however, seek for an extension of the period by applying to the speaker of parliament.

### ***Standing Rules and Orders Committee***

The Standing Rules and Orders Committee (SROC) is established in terms of Standing Order 13(1). It is mandated to consider and decide all matters concerning parliament as it shall deem fit. Its membership comprises the speaker, the deputy speaker, members nominated by the speaker and others elected by the House. The elected members shall always be more than those appointed by the speaker. Its functions, among others, are to:

- appoint members to serve on select committees, including the chairpersons;
- consider and adopt the budget of parliament; and
- approve the appointment, promotion and dismissal of senior members of parliamentary staff.

### ***Ad hoc committees***

These are the committees set up to investigate and report on a specific issue. This happens after a motion to constitute the committee is debated and adopted in the House.

Such committees exist only during the investigation and debate of the issue for which they were established and cease to exist after presenting their reports to the House. Examples include the Privileges Committee and the PRC.

### ***Portfolio committees***

These are established in terms of Standing Order 153(1) and each committee is named after the government department(s) or ministry(ies) it shadows. Membership is determined by the SROC, taking into consideration the expressed interests, experience and expertise of members, and the political and gender composition of the House. On average, each portfolio committee has 12 members.

The functions of each committee are to:

- consider and deal with all bills and statutory instruments or other matters referred to it by or under a resolution of the House, or by the speaker;
- consider or deal with an appropriation or money bill referred to it by or under a resolution of the House; and
- monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative programme, budget rationalisation, policy formulation or any other matter it may consider relevant, of the government departments falling within the category of affairs assigned to it, and may for that purpose consult and liaise with such department.

### ***Public Accounts Committee***

This is a post-audit committee and is established in terms of Standing Order 155. Some of its functions are to:

- examine the financial affairs and accounts of government departments and state-owned enterprises;
- examine all reports of the auditor, comptroller and auditor-general; and
- inquire into and report to the House on any issue which:
  - it deems fit;
  - is referred to it by a resolution of the House; and
  - is referred to it by the auditor, comptroller and auditor-general.

The committee is constituted in the same manner as other portfolio committees.

### ***Liaison and Coordination Committee***

This committee is appointed in terms of Standing Order 156(1). It comprises all chairpersons of portfolio committees, the two chief whips, and the chairpersons of the Parliamentary Legal Committee and the Women's Caucus. Its functions, among other, are to:

- coordinate and liaise on the scheduling of all committee business;
- liaise with the speaker and the SROC;
- liaise and coordinate with the speaker on attendance at conferences, seminars, workshops and any other function or occasion to which they are invited; and
- produce annual reports on all committee business and activities or events in which members participated and to submit the report to the House.

### ***Powers of select committees***

For the purpose of exercising and performing their function, select committees are granted certain powers by the standing order. These include to:

- summon any person to appear before them to give evidence on oath or affirmation;
- summon any person to appear before them and to produce documents required;
- receive representation from interested parties;
- decide whether to permit oral evidence or written submissions to be given or presented before them by or on behalf of an interested party;
- determine the extent, nature and form of their proceedings, as well as the evidence and representations to be given or presented before them; and
- exercise such other powers as may be prescribed, or assigned to them by any law, or by the rules or resolutions of the House.

### **The legislative process**

As noted earlier, in the history of Zimbabwe's parliament, most if not all bills have been introduced in the House by government ministers. Proposals for impending legislation are presented before cabinet by the minister under whose portfolio the issue of concern falls. After cabinet approval, the bill is sent to the Ministry of Justice, Legal and Parliamentary Affairs for legal drafting. After all the preliminary processes at cabinet level and the attorney-general's office have been done, a copy of the draft bill is sent to parliament (Papers Office). At this stage the role of parliament (Papers Office) is to format the bill and assign it an administrative number, normally known as the House Bill Number (e.g. HB 1, 2004). The office maintains a schedule called 'Status of Bills' which is updated each morning, indicating, for example:

- when the bill is with the printers;
- whether proofs are ready;
- date of enrolment with the registrar of the High Court;
- whether it has been gazetted; and
- when a bill was sent for presidential assent.

### **Public hearings**

In May 1999 parliament adopted the proposals arising from the PRC's



recommendations which emphasised, among other things, the need for a more effective, open, responsive and responsible parliament. It was further recommended that the operations of committees be open to the public, and that committees should conduct public hearings on all major pieces of legislation and policy issues. The following guidelines are meant to assist committees in the conduct and management of public hearings.

### *Guidelines for public hearings*

**Definition:** Public hearings are open committee meetings aimed at obtaining input from businesses, CSOs, public officials and the general public about proposed or existing policies, bills, regulations and other issues or changes that would significantly affect the public if introduced.

**Purpose of public hearings:** Parliamentary committees conduct public hearings in order to:

- inform the public and interested parties about proposed changes and implications of public policy;
- obtain public views and recommendations on public and policy programmes;
- facilitate an appreciation of government policies and legislation and therefore reduce/eliminate chances of difficulty in policy implementation. This should help foster future partnerships that bring about change; and
- sensitise MPs and policy makers to popular sentiments and get first-hand feedback from the public about local concerns, perspectives and suggestions for improvement through open interaction.

**Assessment of the problem:** Before the hearing a portfolio committee needs to determine and clearly define its intentions, objectives and purpose of the public hearing. This is necessary to ensure that meetings maintain focus and direction. At this stage it should be remembered that public hearings:

- provide an opportunity for members of the public to influence the legislative process; and
- give MPs an opportunity to collect more information about the details and potential consequences of a bill. Public hearings should attempt to seek information from the public.

**Advertising the public hearing:** As soon as the committee agrees on holding a

public hearing, the committee clerk should write a memorandum to the PR and Hansard departments, stating the:

- subject of the public hearing/ content of agenda;
- proposed date and time of the public hearing; and
- location for the hearing.

At least two weeks before the hearing the committee clerk shall write a memo to the clerk of parliament seeking approval to hold the public hearing and advertising spend. The committee clerk shall draft an advertisement containing all the relevant details in clear language, inviting the public to make written or oral submissions to the committee. The draft advert shall state the subject, date, time and venue of the public hearing. The advert shall request participants to be at the venue 30 minutes before the start of the hearing. At least two weeks before the hearing the committee clerk shall send the draft advert to the PR department for editing and forwarding to the local media. The PR department shall flight adverts in the media giving details of the dates, starting times, venue and subject of the public hearing. Besides the advertisement, the committee clerk shall send invitations to specific stakeholders and persons agreed to by the committee at least two weeks before the hearing. PCICs, provincial administrators, the print and electronic media shall be used to inform the public about the hearings.

**Venues for public hearings:** The PR department shall book venues for hearings both within and outside parliament. The bookings at parliament shall be made at least two weeks prior to the hearing. In consultation with the committee clerk, the PR department shall ensure there is adequate seating at the hearing venue. The PR department shall hire the requisite equipment for use during the public hearing.

**Security at the hearings:** The PR department shall notify the director of security of the time, date and location of the hearing, at least seven days prior to the hearing. The PR department shall prepare a banner that informs those who will be attending what the meeting is about. The banner shall have the following inscriptions: 'Parliament of Zimbabwe, Portfolio Committee on ... (name of Committee), Public Hearing'. This is important especially at locations outside of the parliament building so that the meeting is formalised.

**Registration:** The PR department shall set up a registration desk with an adequate number of forms for attendees to sign-in and indicate whether they would like to

speaking at the hearing. The PR department shall also provide at the registration desk, news releases, brochures, exhibits and other informational material that could be useful to the public. Registration shall start 45 minutes before the hearing.

**Media coverage:** The PR department shall arrange media coverage of the hearing at least seven days prior to the hearing, and shall on the day of the hearing facilitate the attendance of journalists to cover the hearing.

**During hearings:** The meeting shall start at the stipulated time and this assumes that both the secretariat and the committee members shall have done all the preparatory work and be ready to start the meeting on time.

**Time allocated to each presenter:** On average, five minutes should be allocated to each presenter. The committee clerk who shall keep track of time shall guide the chairman of the committee on this. Flexibility, however, is needed depending on the issue at hand and the number of stakeholders attending.

**Ground rules for the committee:**

- For committees to undertake public hearings, the majority of members shall agree on the objectives, venue and duration of the hearing.
- The chairperson of the committee shall in his/her opening remarks define the objectives of the committee in holding the hearing. He/she shall also inform the participants that while making their presentations they enjoy parliamentary privileges and immunities that are applicable to MPs. The chairperson shall also indicate the ground rules for the hearing, including how much time each presenter has.
- The committee members must be clear on the background of the issue to be discussed. The researcher shall prepare a background paper and explain it. This presentation shall be made a week prior to the public hearing.
- Committees must start the hearing on time, as indicated in the hearing notice.
- Participants shall not be sworn.
- Those participants wishing to add to their submissions after the hearings must do so in writing within five days after the hearing. The chairperson should make this clear.
- The committee should endeavour to give all participants an opportunity to be heard. Those who are unable to present should submit written submissions to the committee, through the committee clerk.
- Provisions that relate to disruptive behaviour (e.g. ringing of cell phones) during a hearing will be evoked when necessary.

- Representative organisations must present first if they are present, otherwise the first-come-first-served principle will be used.
- During hearings, the committee members must listen and speak only to seek clarification.
- The range of participants to be heard should be balanced to avoid biased information. The committee shall make a deliberate effort to hear from those who are both for and against a given topic.
- Committee members shall not applaud or indicate pleasure/displeasure with anyone's remarks.
- Participants must be treated with courtesy and thanked for their contributions.

***How the committee should raise issues:*** Committee members shall be familiar with the background on the issues to be discussed, having read the background paper. Committee members shall keep focus on the subject matter of the hearing, and where necessary the chairperson shall remind both the members and participants to stick to the subject.

***Post-hearing period:***

- After the meeting the chairperson, should send thank-you letters to invited guests informing them that their contributions would be considered.
- The committee shall meet soon after to deliberate on evidence gathered/submitted during the hearing.
- After every hearing, the committee shall review the hearing process, analysing the problems, successes and lessons learnt.
- The committee, after determining key findings from the hearings and having drafted its report, should then strategise on how the gathered recommendations can garner support from the whole House. This should include informing or setting up a meeting with the relevant ministry/minister and briefing the various party whips.

**Role and functions of the PCICs<sup>28</sup>**

The parliamentary reform programme embarked upon in 1998 has as one of its main objectives the need to improve member–constituency relations. One of the envisaged avenues of improving relations and making parliament more visible among the public was the establishment of parliamentary constituency information centres (PCICs). The centres are supposed to play a pivotal role in terms of:

- enhancing the participation of the public in the legislative process;
- strengthening the capacity of MPs to contribute more effectively to parliamentary proceedings;
- giving parliament a stronger and more systematic oversight role, with special emphasis on promoting greater efficiency in the management and utilisation of public resources;
- providing a base for parliament-generated information where documents such as Hansard, order papers, and forthcoming bills can be accessed by the public within the constituency;
- providing specific socio-economic data of the area (i.e. constituency);
- acting as committee public hearings and workshop coordination centres for constituencies;
- providing a meeting place for the sitting MP and his/her constituents; and
- acting as development coordination centres within the constituencies.

In addition, the PCICs are envisaged to promote the principle of separation of powers. The feasibility study undertaken prior to the establishment of the offices recommended that for the PCICs to fulfil their mandate, they should be accessible to the public irrespective of political party affiliation.

The public has generally accepted the concept and parliament has so far established 90 such centres. Parliament is also employing an office assistant who is chosen by the MP and whose contract is tied to the tenure of that MP. Parliament owns the offices and is responsible for the rentals, water, electricity and telephone bills at rates determined by the institution.

## **Research and analysis**

Parliament has a small research and analysis department that provides services to MPs, presiding officers and senior officers of parliament. The department also produces fact sheets on current affairs and bill's digests on most of the bills that pass through parliament. These are distributed among MPs and are also available for members of the public.<sup>29</sup>

The department plays a crucial role in relation to public hearings conducted by special committees and portfolio committees. The following are some of them:

- Researchers are tasked with undertaking research on the subject matter of the public hearing. This information should then be provided to the committee during a special meeting, at least a week before the public hearing.

- The researcher shall prepare sample questions that guide committee members during the hearing discussions.
- If the topic under consideration is too complex or technical for the researcher to handle, the researcher is to seek the necessary expertise from outside parliament with the help of development partners or consultants.
- The researcher shall work closely with the consultant to ensure the fulfilment of the given terms of reference.
- In the case of legislative or legal matters, e.g. bills, it shall be the responsibility of the researcher to liaise with the Parliamentary Legal Counsel's Office of parliament and to facilitate the reception of any helpful background material before calling for a public hearing.

Efforts are currently under way to expand this crucial department in order to improve on the research and analysis services provided to both MPs and the public. Some respondents to this study complained that they receive little assistance from this department because of its limited resources.<sup>30</sup>

### **Effectiveness of parliamentary structures and procedures**

The majority of respondents to this study, all of them MPs, indicated that most structures of parliament are not adequately effective in carrying out the democratic functions that parliament is supposed to undertake. They stated that it is very difficult to change or reject bills that would have been formulated and presented to parliament by the executive. By and large, they argued, parliament is a mere rubber stamp for what the executive would have already decided.<sup>31</sup> Asked whether the existing parliamentary structures and procedures facilitate holding the executive accountable for its actions, most respondents indicated that existing procedures are ineffective because they tend to be "lengthy, tiresome and lacking in transparency".<sup>32</sup> Some parliamentary procedures are viewed by the respondents as mere formalities to legitimise what the executive would have decided to implement. They therefore do not adequately constitute effective checks and balances on the executive's actions.

On the role of opposition political parties, the respondents indicated that polarisation of governance and development issues is so extreme that the opposition party in parliament is treated as if it was an enemy of the state. One respondent stated:

*The executive is too powerful; [it] ignores parliament. Even portfolio committees serve no purpose. The opposition is seen as an enemy of the*

*state, and not as a necessary instrument to ensure accountability of the executive to parliament. There is a serious need for the ruling party to recognise the role of the opposition.*<sup>33</sup>

Some respondents stated that the structures and procedures of parliament are fairly effective in ensuring some accountability of the executive to the people's representatives. The fact that policy proposals or bills are brought to the legislature for discussion ensures that issues involved are brought into the public domain, and concerned citizens can make an effort to input into the legislative process.<sup>34</sup> The majority, however, agreed that little is achieved through public involvement in the legislative process since the executive normally insists on its initial position as outlined in the bills. In most cases, some argued, public sentiments are only considered if they do not negatively affect the substance of proposed legislation. Others went further to allege that even the recommendations of portfolio committees are sometimes ignored by the executive.

There seem to be several well-developed channels of public engagement between parliament and the general public, as well as with civil society. However, some of these channels are not as widely known and as readily utilised by the public as parliamentary officials claim. Public hearings, for example, tend to be popular only with civic organisations but with few members of the general public attending them. Some members of the public indicated that they had never been to any of these hearings because they are held at parliament. The feeling was that ordinary citizens are generally afraid of going into the parliament building. One respondent observed: "The current national leadership has created an impression that MPs are chiefs and therefore inaccessible to the ordinary man or woman in the street."<sup>35</sup>

Some members of the public stated further that they had not been aware of public hearings conducted by portfolio committees. Although these meetings are usually open to the public, they seem to suffer from lack of publicity both before and after such hearings. Controversial policy issues, however, seem to attract considerable public interest, especially when the hearings are conducted outside Harare. One of the likely causes of lack of public interest may be the futility of the results of such hearings after the parliamentary committees have reported back to the full House. Several respondents indicated that most reports prepared after these hearings are not considered when the relevant bills are discussed in parliament.<sup>36</sup>

Green papers seem to be popular with special interest groups that conduct advocacy among parliamentarians. The research indicates that responses, queries, etc. aimed at both portfolio ministries and MPs largely ignore these papers when

they debate policy proposals. Few MPs ever read green papers: some argued that they simply do not have the time to do so since they are only at parliament part-time.<sup>37</sup> Others stated that even if they read the papers they could not make any difference to proposed legislation since the executive would resist any substantive amendments to their bills.

Committee hearings and submissions are popular with CSOs and the general public. Some issues that have been tackled recently pertain to mismanagement of public funds as exposed by the Public Accounts Committee, the proposed creation of the Anti-Corruption Commission, and proposals for review of Zimbabwe's education system. Various CSOs made spirited presentations at various parliamentary committee sittings, with mixed results. In a few of these committee hearings arguments sometimes developed along partisan lines with some MPs belonging to one party vehemently opposing or questioning a number of the submissions made by CSO advocacy officers. The researchers were impressed by some of the written submissions made by CSOs and special interest groups to these committee hearings. The majority of them indicated adequate research, thought and wide consultation on specific issues; some were also well structured and succinct.

Very few MPs hold constituency clinics with the people they represent. The few that do hold such clinics indicated that by and large the members of their constituencies demonstrate much interest in the business of parliament. Others noted that most of the time is spent discussing issues pertaining to local development rather than to issues of governance. Some MPs said they team up with their local government counterparts in order to discuss adequately some of the issues that constituents bring up at these clinics. There was little evidence, however, of any issues raised at constituency clinics ever making it into the parliamentary chamber. All the respondents that try to hold constituency meetings find themselves hamstrung by the requirement that they need police clearance under the Public Order and Security Act (POSA).<sup>38</sup>

Both radio and television are strictly partisan and only focus on parliamentary issues that project the ruling Zanu-PF party in a good light. There seems to be a deliberate policy by the Zimbabwe Broadcasting Corporation (ZBC) not to cover parliamentary activities that may give credence to the opposition MDC. Issues of Hansard are, however, not as widely distributed as they should be, and very few people and organisations bother to subscribe on a regular basis. There are also complaints about the numerous mistakes that seem to inflict that verbatim report of parliamentary proceedings, emanating largely from MPs themselves. The researchers believe that much information can be gathered through reference to Hansard.



Public education normally comprises visits to parliament by groups of school children and college students mainly during parliamentary recesses. Parliamentary staff said that this was the only time they had to take 'visitors' around parliament and explain its workings. Other than that there are no specific outreach radio and television programmes aimed at educating the public about the work of parliament. This is unfortunate since such educational programmes would contribute positively to democratisation and the raising of public awareness.

## 4. Improving civil society's engagement with parliament

The PRC made several recommendations aimed at making parliament more accessible to the general public and civil society. As noted above, several of these recommendations have already been implemented; others are still in the pipeline. In addition to parliament's own programmes in this regard, there are several other programmes and activities sponsored by various donor agencies. We briefly reviewed some of these programmes and interviewed both parliamentary staff and the staff of donor agencies that sponsor these programmes.

### USAID and SUNY

The United States Agency for International Development (USAID) supports a five-year programme via the State University of New York (SUNY) on Institutional Strengthening of the Legislature. SUNY works on:

- the committee system;
- the legislative process; and
- civic participation.

The role of portfolio committees is to shadow various portfolio ministries. Each portfolio committee scrutinises a certain ministry or group of ministries and parastatals. It seeks views from the public throughout the country. The Parliamentary Legal Committee, for example, ensures that proposed bills are consistent with the constitution. USAID offers capacity support in this regard and contributes funding, which SUNY uses to provide technical support to parliament.<sup>39</sup>

USAID also funds ZADF/Pact, which provides technical and financial support to CSOs on issues of advocacy, gender, democracy, good governance, human rights and financial management.<sup>40</sup>

USAID conducted a survey between 1997 and 1998 to assess the state of democracy in Zimbabwe. The survey found that there was no political or economic competition in the country and that since the executive was dominating at the expense of parliament, the latter needed strengthening. After the survey USAID drew up a five-year strategic plan, which is currently guiding the supported activities. The strategic objective is "to enhance citizen

participation in economic and political decision making". The targeted beneficiaries are civil society, parliament and local government.<sup>41</sup>

USAID also provides technical assistance to parliament in its implementation of the 1996 reform programme. SUNY (Zimbabwe) assists parliament in the implementation of the programme, focusing on three core areas:

- A streamlined and reflective legislation programme. This is meant to enhance the role of parliament in the law-making process.
- The development of a strong and effective committee system in order to make the executive accountable.
- Enhancing parliament's role in budget formulation and implementation. Parliament, through its committees, participates in the formulation of the budget and in how the resources are utilised. Committees monitor programmes that pertain to real aspects of development on the ground.

The monitoring process is that first, the ministry concerned submits a report to the Parliamentary Portfolio Committee on how the allocated money is to be utilised. The ministry then lays out targets which the committee monitors. The quarterly reports are examined and in this process CSOs are invited to make some input. A disturbing practice of parliament is that the leader of the House is empowered to 'fast track' legislation: this is a serious violation of public input into the law-making process and undermines democratic principles. The solution to this is that parliament and its various committees should not wait for laws to be gazetted but should participate in the drafting (before legislative scrutiny) of laws. As part of the support offered to parliament by this programme, there are now parliamentary liaison officers in all ministries to assist with the participation of drafting legislation. SUNY provides technical advice and facilitates the generation of reports and recommendations.

A number of constraints still beset the legislative system in Zimbabwe: first is the polarised nature of the political environment. There is need for attitude change; for people to understand the role of parliament and to appreciate that criticism can be constructive. Second, parliament is viewed as a part-time business. MPs meet, for example, from 2 pm and do not prepare or research. They put in little effort and this limits debate. Third, budget constraints limit the number of seating days: research shows that since 2000 parliament is now seating less often than prior to that date.

There is also the problem of poor planning. For example, there is currently no focus on the committees to determine the seating calendar for MPs. The government prepares the calendar without any consultation and without

considering which committees' business will be undermined. Finally, there is need for a vibrant media that will report objectively. Reports in the media tend to focus mainly on developments in the House with very little reporting on the activities of committees. This means that the public remains unaware of some of the ways in which they can participate in governance.<sup>42</sup>

Respondents were asked to suggest other ways in which the role of parliament could be strengthened. Some of their suggestions were the following:

- NGOs should take advantage of the committee reform process and should participate actively in the business of these committees.
- There is need for a 'watchdog' to keep an eye on parliament. South Africa, for example, has a parliamentary monitoring group that monitors parliament.
- The opposition should take advantage of the opportunity provided by a democratic parliament. Currently, opposition MPs chairs five of the 13 portfolio committees.
- Instead of seating for a limited time only, MPs in Zimbabwe should work full-time. MPs in South Africa, for example, deal with issues even if they are not seating.

### **ZADF/Pact**

This programme to strengthen parliament is strongly linked to the USAID programme. There is a catalogue of success stories *vis-à-vis* engagement with parliament by those CSOs working closely with ZADF/Pact. Some of these include the following:

- Silveira House, which works on issues of indigenous languages, utilisation of wetlands and informal settlements, had by 2002 made decisions on all three issues and its activities for 2003 focused on implementation follow up. Silveira House engaged the portfolio committees on Education, Sport and Culture; Mines, Energy Environment and Tourism; and Local Government, Public Works and National Housing on the respective issues and was pleased with the response and commitment of the committees. Implementation is already under way although several constraints hamper progress.
- Housing People of Zimbabwe (HPZ) engaged the Portfolio Committee on Local Government, which has resulted in its issue of housing for low-income earners being placed on the *Parliamentary Order Paper*, although debate on this is still pending.

- The Zimbabwe National Association For Mental Health (ZIMNAMH) had its motion on the enactment of Mental Health Policy raised in parliament and the issue is currently being discussed.
- The National Association of Societies for the Care of the Handicapped's (NASCOH) issue on the amendment of the Disabled Person's Act was put on the Labour and Social Welfare Portfolio Committee's plan.
- The Zimbabwe Women's Resource Centre and Network (ZWRCN) trained parliamentarians on gender budgeting to ensure that national budgets are gender sensitive. It is hoped that MPs will debate the 2004 national budget with gender as a deciding factor in the budget allocations.
- Transparency International–Zimbabwe made several submissions to parliamentary committees through public hearings and had an anti-corruption motion moved in parliament.
- The Child Protection Society continued to excel in its engagement with legislators and other decision makers. The organisation managed in 2003 to have the issue of birth registration adopted as the theme at two important events: 'Day of the African Child' and 'Child Parliament'.
- The Media Institute of Southern Africa (MISA) made input into amendments to the repressive Access to Information and Protection of Privacy Act (AIPPA), although the resultant act is still oppressive. MISA was able to take its issue on access to information to SADC level when it lobbied for support after the closure of the *Daily News*, which had provided an alternative voice and space, especially to civil society.
- The Evangelical Fellowship of Zimbabwe (EFZ), which is currently advocating for the repeal of POSA, took bold action. EFZ, through its president, is part of the Churches' Mediation Team between the warring political parties – Zanu–PF and the MDC. The state security forces arrested some EFZ pastors while demonstrating against abuse of powers.
- The secretariat of the Combined Harare Residents' Association and some board members were arrested and tortured when they consulted their constituency on resident rights in Harare.

- Ten CSOs made written and oral submissions on the 2003/04 national budget to the respective portfolio committees that shadow ministries. The presentations were a result of invitations by these portfolio committees following submissions made in the 2002/03 national budget processes.
- ZIMNAMH, ZWRCN, the Zimbabwe National Chamber of Commerce (ZNCC), the Confederation of Zimbabwe Industries (CZI) and HPZ continued to be subject experts or resource persons who formally advise committees on their respective issues. This has created further opportunities for CSOs and parliamentarians to make meaningful contributions to the budget process.
- Twelve organisations have held workshops with parliamentarians to deliberate on issues.

While CSOs have had valid engagements with parliament, there is still great concern regarding the political and legislative environment which is characterised by personal risk to the advocacy practitioners and institutions involved.

The USAID respondent noted that much work still needs to be done in order to make parliament more democratic, effective and responsive to the demands of the people:

*I am encouraged but not content. What we are experiencing now is necessary but not sufficient. We are seeing a trained community of leaders who are able to mobilise their members and interest groups into the law making process. We are observing a more open parliament. A parliament interested even though there are few resources. But still, a lot more needs to be done.<sup>43</sup>*

### **Konrad-Adenauer-Stiftung**

German-based organisation the Konrad-Adenauer-Stiftung (KAS) funds a youth-based education campaign to raise public awareness of the parliamentary process, for example, the role of parliament, the speaker, whips and committees, the entire law-making process and the accountability of MPs.<sup>44</sup> It is an outreach programme whereby KAS establishes youth parliamentary forums and has input into the school curriculum, giving lectures and distributing educational material.

The programme was initiated in order to raise public awareness of the law-making process and parliament since the public in Zimbabwe is not adequately informed on the roles, functions and general workings of parliament in a

democracy. Although KAS is satisfied with the effectiveness of its parliamentary programme, the researchers were unable to establish any concrete evidence that this programme has strengthened either parliament itself or the *insider* and *outsider* groups that may desire to engage the legislature. This is probably a futuristic programme, the fruits of which are likely to be realised only when the youth that are currently being trained eventually enter the political arena.

### **Friedrich-Ebert-Stiftung**

Friedrich-Ebert-Stiftung (FES) is another German-based organisation involved in development cooperation through capacity building. Its primary cooperation partners are independent trade unions, CSOs and political organisations working towards strengthening a democratic culture.<sup>45</sup> FES has had some collaboration with parliament, as a result of the initiative of a previous Speaker of parliament.<sup>46</sup> This programme was meant to build the capacity of certain committees for strengthening the budgeting process.

FES is currently engaged in discussions with the Chair of the Public Accounts Committee to run parliamentary study circles on economic policy matters and legislative reforms. These discussions have, however, not been concluded because FES would like to run the programme on a non-partisan basis.<sup>47</sup> FES has experienced considerable problems with the current executive in Zimbabwe. For example, as far back as 2000 FES was accused of sponsoring the opposition MDC and its close allies in civil society. FES' engagement with parliament has since then tended to be low profile.

Asked whether the legislative process in Zimbabwe was democratic, a FES officer responded:

*No. It is not democratic. In recent significant laws passed – for example, the Bank Use Act, which basically establishes the legal framework for the banking sector – there was no consultation with CSOs, trade unions or the general public. It was an authoritarian decision that produced a draconian law. The move is questionable in terms of constitutionality. Even for the Access to Information and Protection of Privacy Act, no consultation or debate was done. It has been presented to be the results of the wisdom of the selected people presumed to [have a] grasp [of] what the people want. The polity is not democratic; it is an authoritarian regime with dictatorial tendencies.<sup>48</sup>*

The officer also felt strongly that there is need to change the constitution in order

to reduce the excessive powers of the executive *vis-à-vis* the other arms of the state. In addition, parliament needs to be assisted to become more competent in handling the budgetary process, as well as to make parliamentarians understand better their areas of responsibility. CSOs, the officer believed, need more training to develop their lobbying skills.<sup>49</sup> This is the general view of most donor agencies currently assisting to strengthen the legislature in Zimbabwe.

### **Strengths and weaknesses of current engagement**

Most respondents to this study indicated that they have very limited opportunities to input into the policy formulation process. The majority of them stated that they are usually not consulted by the national executive prior to the drafting of new legislation.<sup>50</sup> Consequently, they are forced to make belated attempts to influence the legislative process after a proposed bill has been gazetted. For most of them this means that their views and positions on new legislation are likely to be ignored, if not rejected outright. A few respondents reported marginal success in influencing legislators in relation to some pieces of legislation.

One civic organisation in the health sector indicated that it had participated in the formulation of relevant legislation as well as in the drafting of such legislation. Some of the methods used by this CSO are rather unusual in advocacy work. Asked how it is involved in the formulation and drafting of legislation, one of its officers responded:

*We use the following strategies:*

- We engage with parliamentary staff to make sure that we sell our ideas to the staff. So at the end of the day we do not engage MPs as individuals. ... We engage staff because they are the gatekeepers. If we want to have meetings we go through the clerk of parliament;*
- we draft questions for selected parliamentarians so that they can raise these as motions in the House. This can be done individually or formally [sic];*
- we also go through the Law Development Commission; and,*
- we get in touch with the relevant ministries directly.<sup>51</sup>*

This CSO effectively covers the whole chain of policy making. Its targeting of parliamentary staff is novel since these officers do not necessarily participate in deliberations in the House, but its reason for this approach is that parliamentary staff are useful in pointing out the 'powerful' or 'effective' MPs who can swing debates in its favour. The staffers are also useful in making appointments for the



CSO's representatives to meet with MPs. There is the belief that some parliamentary staff, because they service the portfolio committees, may have an opportunity to influence recommendations that are eventually submitted to the full House.

Although most groups indicated that they are largely left out of the formulation and drafting of policy, the few that claimed they participate said they did this by:

- inviting the relevant constituency MP to listen to the demands as articulated by members of the community;
- approaching portfolio committees and making submissions to them regarding issues of concern to the CSO and its membership;
- holding workshops and conferences focused on specific issues of concern for MPs, traditional chiefs and local people;
- using the media such as radio (especially National FM) to make their issues heard;
- submitting a 'policy paper' to the relevant government ministry, which will then champion their cause; and
- nationalising the issue – that is, de-politicising it – to avoid being accused of bias.<sup>52</sup>

The CSOs that do not seek to influence parliament directly claim, nonetheless, to do so through their networks and coalition partners. This, they claim, ensures that they remain politically 'safe' from attacks by some legislators who perceive them to be too closely associated with opposition political parties.<sup>53</sup>

Another CSO that has also struggled to impact on the policy-making process stated that "the political and economic environment does not allow for civil discourse. There are attempts to label CSOs as partisan. The law-making process is not accessible".<sup>54</sup> This is an unfortunate state of affairs since it means that access to the activities of parliament is denied civic groups that are considered by the state to be politically 'hostile'. It is no exaggeration to state that the majority of civic groups which fall into the democracy and governance area tend to be so regarded in Zimbabwe.

In terms of the constraints faced by CSOs in their interaction with parliament, most organisations indicated that they lack the requisite resources for hiring adequately skilled advocacy officers to lobby parliament. They also lack resources for advocacy-related activities such as workshops, seminars and field trips. Others noted a kind of powerlessness when it comes to influencing MPs. The fact that some sensitive or controversial bills are fast-tracked through parliament denies CSOs the opportunity to input into the legislative process.<sup>55</sup> A representative of

one CSO, after highlighting the difficulties they face in attempting to influence parliament, stated: "We do have an impact, but through the back door."

The result of this state of affairs is that most CSOs that constitute the 'insider group' are not content with their level of engagement with parliament. Perhaps the most inhibiting factor is the unhealthy and polarised political environment currently prevalent in Zimbabwe. A representative of a vibrant CSO stated:

*We are not content with this level of engagement. Public consultation is not wide enough. They use newspapers of which rural people do not have access [sic]. Grassroots are not consulted. Parliament is still a mysterious body to people in rural areas.*<sup>56</sup>

Other officials representing insider CSOs complained that the parliamentary system does not offer the public adequate opportunities to participate in the legislative process. They pointed out that the executive raises most policy issues and so the rate of public participation is poor: the masses are not involved in the legislative process. Further, compared to other arms of the state, parliament is very weak. The executive can therefore afford to ignore it without much political cost to it or to the ruling party.<sup>57</sup> One representative observed:

*Public contributions are not taken into account. For example, at the 2000 referendum people said they did not accept the draft constitution, but then the government went ahead and enacted more repressive laws. Even the 2002 presidential election shows that people are not taken seriously. People's needs are not considered. Besides, the public is not aware of the parliamentary process. The media needs to be used to make the public aware. Some people in rural areas do not even know their MPs.*<sup>58</sup>

An official of one of the largest CSOs put it even more succinctly thus:

*There is a lot of work that needs to be done to create an environment of public participation. People are not informed about what role they can play in law making. If there is any representation it is deliberately partisan. We have been banned from holding any meetings legally or illegally. It is very difficult to engage in any form of civic education – be it human rights or HIV – even if it is very politically neutral. The government dictates what the citizens need. There is no free press. The state chooses which statements to release. By very clever means they have managed to control the kind of input made to the parliamentary committees.*<sup>59</sup>

The sum total of all these findings seems to be that in spite of the commendable work undertaken through parliamentary reforms and donor-funded programmes to strengthen parliament, the state of engagement between civil society and parliament is still poor. The fact that opposition MPs and some Zanu–PF backbenchers generally confirm these findings effectively validates the allegation that, for the executive in Zimbabwe, parliament is but a necessary nuisance – the implications for democracy and good governance are unavoidably negative.

Similar responses were given with regard to the accessibility of the law-making process to the citizenry and CSOs. Most respondents believed that only government ministers have any meaningful voice in the legislature. The other MPs, whether they belong to the ruling party or to the opposition, have no meaningful role to play in determining policies that are ultimately passed in the House.<sup>60</sup> Here again it would appear that civil society is suspected of having an agenda over and above that of development, democracy and good governance. As one respondent said:

*The law-making process is accessible, but because of the political environment, MPs have become suspicious of NGOs that their objective is to topple the government. We just have to use the back door: that is, using other people. We are calling ourselves 'developmental' instead of 'advocacy' for fear of threats. The issue of police clearance [before holding meetings] is controversial. We are actually operating in a very suspicious and unstable political environment.<sup>61</sup>*

Asked to suggest possible solutions to this unhealthy state of affairs, CSO officers recommended the following, which shall, however, not be discussed or elaborated on in this study:

- Portfolio committees should visit rural people and convene public meetings.
- Advertisements regarding parliamentary activities such as public hearings should be placed in media that are popular (for example, Radio Zimbabwe or community newspapers) and which are accessed by disadvantaged communities.
- There should be no fast-tracking of bills.
- Parliament should be less elitist and accommodate the interests of rural folk.
- There should be an independent monitoring body that monitors the input of the public, the activities of portfolio committees and various operations of parliament.

- People need to be made aware of the existence, location and role of PCICs.
- MPs should be active in their constituencies so that people can get to know how to influence change through their MPs.
- The government should play a role in public-awareness raising.
- The top-down approach to policy making should be done away with.
- An opposition political party should be allowed to operate effectively as an opposition.
- There should be respect for CSO space.
- Government should respect the rule of law.
- There is an urgent need to uphold freedom of association and speech.
- Deliberate efforts should be made to encourage grassroots participation in parliamentary activities.
- State institutions should be de-politicised.<sup>62</sup>

## 5. The opposition in parliament: An overview

Unlike in most parliamentary democracies, the opposition political party in Zimbabwe faces an uphill battle in playing its role in the country's legislature. The anomaly caused by the mix of parliamentary and presidential democracy systems further confuses the role of the opposition in the largely authoritarian regime currently prevalent in Zimbabwe. Writing on the formation of the official opposition party in Zimbabwe, this author notes:

*The MDC was formed in late 1999 with personnel, ideas, and inspiration from the National Constitutional Assembly and a strong base of support in the labour movement, especially the Zimbabwe Congress of Trade Unions (ZCTU) under its then secretary general, Morgan Tsvangirai. The MDC posed an especially serious threat to the regime because MDC ranks included not only workers but also large numbers of students, professionals, whites, and businesspeople. It was as if everyone opposed to Mugabe's continued tenure had joined the MDC. Most impressive was the support that the MDC was able to mobilise in all the major cities.<sup>63</sup>*

It is against this backdrop that the study examines, albeit briefly, the role and other aspects of the MDC as the official opposition political party in Zimbabwe's parliament.

Prior to the formation of the MDC, Zimbabwe's parliament was essentially an institution that was irrelevant to national governance. Indeed, one of the reasons given for the parliamentary reforms embarked on in 1996/7 was that before then, parliament had "... not effectively performed its functions".<sup>64</sup>

The opposition MDC has played a crucial role in forcing some policy proposals put forward by the ruling Zanu-PF in to the public domain. In other words, policy proposals that in the past would sail through parliament with little or no discussion are now subject to close scrutiny by the opposition and backbenchers in the House. This is important since it enables the general public to become aware of what the executive plans to do *vis-à-vis* new legislation or amendments to existing legislation. Further, the question and answer session in parliament provides an opportunity for the executive to be grilled by backbenchers, and especially by the opposition, on some of the policies and practices of the executive.

The question of whether this can be considered to be adequate accountability of the executive to the people's representatives is certainly debatable. Nevertheless, the fact that the executive can no longer expect merely to rail-road policies without adequate discussion and clarification of issues goes some way to make the executive more cautious in the presentation of any new legislation or new amendments to existing laws.

Perhaps the major role played by the opposition in the legislature is that of exposing some of the poor work the executive may be involved in with regard to service delivery. Several government ministers have been taken to task by the opposition and backbenchers for the manner in which their ministries and departments have performed their duties.

It is now general practice for the executive simply to ignore most of the criticism that opposition MPs may express against their line ministries and departments. This effectively reduces parliament to nothing more than a 'hot air chamber' where MPs can vent their hostilities at each other but with no meaningful benefits accruing to the governed people of Zimbabwe. Several respondents confirmed this state of affairs. For example, asked whether there are any measures meant to ensure that the executive is accountable to parliament, one respondent to this study said:

*In theory the measures are there but practically they do not exist at all. The executive formulates bills. It has been very difficult to change what the executive has done and as such parliament is just an institution meant to rubber stamp the executive's decisions.<sup>65</sup>*

Virtually all respondents held this view of parliament (none of the respondents was a member of the executive). Respondents were asked about the role of the opposition in parliament: they were largely agreed that the opposition plays a very minor role in ensuring good governance and the passing of laws that are of benefit to the nation as a whole. Asked about the institutionalisation or formalisation of the opposition in parliament, one respondent remarked:

*In Zimbabwe the opposition parties are taken as enemies of the state. Ideas of the opposition are not taken seriously. There should be no opposition in Zimbabwe. Just one party should remain in power.<sup>66</sup>*

This respondent argued further that there are no formal structures for government to consult with the opposition on any matter that may come before the legislature. The respondent indicated that it can be very dangerous for any

member of the executive "... to be seen talking to anyone from an opposition political party".<sup>67</sup> Another respondent stated:

*With the current scenario prevailing, we cannot talk of any kind of structured consultation. It is impossible to work with people who do not want to listen to what you are saying. There is serious victimisation accompanied by lack of political space for everyone.*<sup>68</sup>

In addition to these difficulties faced by the opposition in parliament, several other challenges exist that essentially inhibit meaningful participation of the opposition in the legislative process. Some respondents indicated that the research department is too small to assist all 150 MPs who require its services.<sup>69</sup> Parliamentary staff confirmed this, with one staff member stating:

*There is a research department that is specifically meant to cater for all research aspects. The constraint is one of resources – that is, financial, human resources and many others. In some cases, some research areas end up not being taken care of due to the absence of resources to undertake them.*<sup>70</sup>

This inhibits MPs' effective and informed participation in deliberations of the House. Some respondents also noted that members of the opposition struggle more than those of the ruling party in getting support from the research department. Parliamentary staff contested this, however, saying they treat all MPs equally and do not discriminate on the basis of political affiliation.<sup>71</sup>

A further problem is lack of resources for backbenchers in general and for opposition MPs in particular. One respondent stated:

*I am not content with the resources that are allocated to parliament. There are no offices for parliamentarians. No chairs. No primary research done in the constituency. No funds are given to support MPs, especially opposition parties.*<sup>72</sup>

Another respondent, a member of Zanu–PF, argued that lack of resources is more acutely felt by rural-based MPs, or those who represent rural constituencies:

*As an MP in rural areas I am faced with quite a lot of challenges; challenges not only for myself but for all the rural-based MPs. Service delivery is actually hindered by the very fact that rural areas are isolated*

*and marginalised. Meaningful reforms are only meant for people in the urban areas. Rural areas are pathetically lagging behind. Technological developments are actually a preserve of the urbanites. There is a serious dichotomy between the urban and rural populace.*<sup>73</sup>

This dichotomous situation was confirmed by several *outsider* civil society groups whose members pointed out that they rarely meet their representative MPs. They indicated further that on several occasions they have invited their MPs to special functions, such as the opening of a new classroom block, but that legislators often failed to turn up. As one man remarked: "We only see those fellows when elections are approaching."<sup>74</sup> Legislators of the opposition party claimed that funds provided to their party under the Political Parties (Finance) Act are too limited to cater for all their needs. Most of that money, they pointed out, is used to run the business of the party rather than to facilitate MPs in their representative roles.<sup>75</sup>

With regard to MP–constituency meetings, practically all respondents were irked by the requirement that they should apply for police clearance before such meetings are held. Several opposition MPs alleged that some of their constituency meetings were denied clearance by the Zimbabwe Republic Police (ZRP) for no valid reason.<sup>76</sup> The draconian POSA requires that the police be notified of all political meetings in advance of their being held. The ZRP has interpreted this requirement to mean that once notified of a pending meeting, the police have the right or responsibility to give or deny clearance to the organisers of such meetings. Some respondents indicated that while no Zanu–PF constituency meeting had ever been denied police clearance, scores of MDC meetings had been denied such clearance.<sup>77</sup>

Other constraints identified by opposition MPs and several Zanu–PF backbenchers include the following:

- There is a lack of electronic data-processing equipment for the mass production and distribution of information at constituency offices.
- PCICs are inadequately staffed: the single staff member per office is unable to cope with the demands imposed on him/her by the constituents.
- MPs are never given coverage by state radio and television: these media cover only members of the executive and a few ruling party backbenchers.
- The political culture of fear so pervasive throughout the country intimidates people not to express their views openly for fear of victimisation.
- There is interference by Zanu–PF militia and war veterans aimed at preventing the setting up of PCICs in constituencies represented by MDC MPs.<sup>78</sup>



## **6. Summary and tentative recommendations**

### **Positive findings**

The work undertaken by the PRC is highly commendable. The reforms embarked upon by Zimbabwe's parliament have the potential to create a strong, viable and competent legislature whose primary objective should be to facilitate democratic, transparent and accountable governance in Zimbabwe. The creation of 13 portfolio committees to monitor the work of line ministries and parastatals goes a long way towards making the executive accountable and subject to public scrutiny in its operations. The arrangement that both the ruling party and opposition are proportionately represented in all these committees enhances good governance and efficiency in service delivery.

The creation of PCICs for the primary goal of bringing parliament to the people should result in improved communication between MPs and their constituencies, as well as to make information about the workings of the legislature readily available to the citizenry. This, in turn, should enable the electorate to demand adequate, timely and effective representation by MPs. The on-going restructuring of parliament is a positive step that can only result in the House becoming more effective and relevant to the interests of the people of Zimbabwe. It is hoped that, resources permitting, the restructuring exercise will be completed in a timely fashion.

The opening up of parliament to CSOs is a positive development for the representation of public concerns and interests in matters of policy making, implementation and service delivery. The various donor-supported programmes aimed at strengthening both CSOs and parliament in order to improve the engagement of the latter by the former are laudable. CSOs, by and large, represent the voice of the people, and the concerns they raise at such parliamentary functions as public hearings will be for the good of the governed people of this country. Much still needs to be done to make Zimbabwe's parliament perform its mandate effectively and adequately.

### **Negative findings**

The high level of political polarisation and lack of political tolerance in parliament is unfortunate. It would appear that everything that comes before the House is

treated along strong partisan lines without due consideration of the implications for the nation as a whole.

Thus for Zanu–PF, every policy proposal that government places before the House has to be supported regardless of such key factors as civil liberties, justice and the various freedoms normally associated with democratic societies and good governance. For the opposition MDC, practically everything that government proposes must be opposed, even if it may be good for Zimbabwe in the long run. The end result is that the nation is the loser as bad laws are passed through parliament simply on the basis of who has what numbers of MPs in the House: there tends to be no political rationality under such circumstances. This is how such evil and draconian legislation such as the POSA and AIPPA has been passed by parliament.

The new and improved structures created in accordance with the PRC recommendations do not seem to serve any meaningful purpose, at least in facilitating the general public's engagement with parliament. Respondents indicated that to all intents and purposes, much of the work of portfolio committees goes to waste as the executive simply ignores many of the reports generated by these structures. This effectively negates all efforts made by CSOs to engage parliament on matters that concern the people. Ultimately, of course, this negates democracy, transparency, accountability and good governance. Here again, the citizen is the loser.

The current composition of parliament is unfair and a mockery of democratic practice the world over, particularly as one person has the right to appoint, directly or indirectly, 20% of all MPs as well as to place these appointees on an equal footing in terms of voting in the House. Indeed, the current composition of parliament is tantamount to creating a legislature suitable for the anachronistic one-party state. Zimbabwe's parliament functions largely in the same manner as the legislatures of the now defunct single-party political systems of yesteryear.

The research found no tangible evidence that parliament performs the function of controlling public finances. Discussions on the national budget are mostly a formality and have not resulted in any meaningful adjustments to the executive's proposals. Further, the monitoring of line ministries by parliamentary portfolio committees has not resulted in any disciplinary measures being taken against recalcitrant government officials: as stated above, the executive largely ignores most portfolio committee reports.

Indeed, parliament recently passed a piece of legislation that had received an adverse report from the Parliamentary Legal Committee. The legislation is essentially *ultra vires* the constitution of Zimbabwe. When the bill was passed, members of the opposition MDC walked out of the House in protest.<sup>79</sup> There is

little respect for parliamentary procedures when the executive's preferred position on new legislation is threatened.

### **Recommendations**

- The POSA should be repealed or amended to remove the requirement for police clearance for political meetings.
- Adequate resources should be made available to MPs to enable them to visit their constituencies and hold meetings with the people they represent.
- PCICs should be adequately staffed by competent personnel who are knowledgeable about the workings of parliament and the needs of their respective constituencies.
- Parliament's research department urgently needs to be strengthened and its staff trained in data collection, report writing, etc.
- Legislation that prohibits MPs from crossing the floor should be abolished in order to give all MPs the capacity to vote for or against issues on the basis of their conscience as well as on the rational merits or de-merits of a given issue.
- New procedural mechanisms need to be forged to enable parliament to enforce some form of discipline on public servants who negligently abuse public resources of any kind.
- New procedural mechanisms need to be forged to enable parliament to ensure that portfolio and other parliamentary committee recommendations are taken seriously by the executive.
- MPs should be assisted (possibly by CSOs) to draft private members' bills and to present them in parliament for consideration.
- There is need for the careful coordination of the various donor-supported programmes aimed at strengthening parliament and civil society in order to ensure that expectations are met.
- MPs need to cultivate a tolerant political culture that encourages respect for each other's differences without undue provocation and insult.

- The political culture of fear needs to be done away with to enable Zimbabweans to express themselves freely without fear of victimisation.
- There is need for a vibrant and independent electronic and print media. Such media should not be harassed by the state through draconian legislation: indeed, the AIPPA should be repealed.

# Notes

- 1 Linington G, *Constitutional Law of Zimbabwe*, Legal Resources Foundation, Harare, 2001, p 95.
- 2 Mlambo A, *The Ambiguities of Independence, Zimbabwe 1980–1990*, Pretoria, 2003, p 82.
- 3 UNDP, *Zimbabwe Human Development Report 2000*, Harare, 2000, p 14.
- 4 Parliament of Zimbabwe (PoZ), *Strengthening Parliamentary Democracy in Zimbabwe: Final Report of the Parliamentary Reform Committee*, Harare, 1999, p 6.
- 5 Makumbe J, *Legal and institutional inhibitions to democratisation in Zimbabwe*, unpublished seminar paper, p 8.
- 6 *Ibid*, p 12.
- 7 PoZ, *A Guide to Parliament*, Harare, 2003, p 2.
- 8 Makumbe J & D Compagnon, *Behind the Smokescreen: The Politics of Zimbabwe's 1995 General Elections*, University of Zimbabwe Publications, Harare, 2000, p 39.
- 9 *Ibid*, p 38.
- 10 *Ibid*, p 39.
- 11 Makumbe J, *Zimbabwe's hijacked election*, *Journal of Democracy*, 2002, p 89.
- 12 *Ibid*, p 94.
- 13 *Ibid*, p 89.
- 14 PoZ, *Functions of Parliament*, Harare, 2003, p 1.
- 15 PoZ, *A Guide to Parliament*, op cit, 2003, p 3.
- 16 Makumbe & Compagnon, *Behind the Smokescreen*, op cit, p 41.
- 17 Field interviews with several MPs and ministry officials.
- 18 *The Independent*, 21 May 2004, p 1.
- 19 PoZ, *A Guide to Parliament*, op cit, p 3.
- 20 Zimbabwe Television, *News Hour*, 9 June 2004. Virtually all MDC MPs walked out of the House in protest against the bill aimed at forcibly acquiring privately owned farm equipment. The Parliamentary Legal Committee had deemed that bill *ultra vires* the constitution.
- 21 Interviews with more than four MDC MPs.
- 22 PoZ, *A Guide to Parliament*, op cit, p 4.
- 23 *Ibid*.
- 24 PoZ, *Leader of the House*, Harare, pp 1–2.
- 25 PoZ, *Leader of the Opposition*, Harare, p 1.
- 26 *Ibid*, pp 1–2.
- 27 PoZ, *Guide to Parliament*, op cit, pp 4–5.
- 28 PoZ, *Concept Paper on the Management of Parliament Constituency Centres*, pp 1–2.
- 29 PoZ, *Our Parliament*, promotional pamphlet, p 3.
- 30 Interview with some MPs.
- 31 Interviews with a selection of MPs.

- 32 Specific words used by one of the respondents.
- 33 Interview with a respondent MP.
- 34 Interviews with a selection of MPs.
- 35 Interview with members of the public.
- 36 Interview with a selection of MPs.
- 37 Interview with a selection of MPs.
- 38 Interviews with a selection of MPs.
- 39 Interview with USAID officer.
- 40 Interview with USAID and ZADF/Pact officers.
- 41 Interview with USAID officer.
- 42 Interview with USAID official.
- 43 Interview with USAID officer.
- 44 Interview with KAS officer.
- 45 Interview with FES official.
- 46 Most of the current parliamentary reforms were initiated under a rather progressive previous speaker of parliament.
- 47 Interview with an FES officer.
- 48 Interview with an FES officer.
- 49 Interview with an FES officer.
- 50 Interview with officers of a CSO.
- 51 Interview with an officer of a health-related CSO.
- 52 Interviews with several officials of CSOs.
- 53 Interview with officers of a CSO that has been politically harassed by the ruling party for some time.
- 54 Interview with officials of a CSO.
- 55 Interview with several officers of CSOs.
- 56 Interview with a representative of a CSO.
- 57 Interview with several CSO officers.
- 58 Interview with a CSO officer.
- 59 Interview with a CSO officer.
- 60 Interviews with several CSO officials.
- 61 Interview with a CSO officer.
- 62 Compiled from interviews with several CSO officials.
- 63 Makumbe, Zimbabwe's highjacked election, op cit, pp 89–90.
- 64 PoZ, Strengthening Parliamentary Democracy in Zimbabwe, op cit, 1999, p 1.
- 65 Interview with an MP.
- 66 Interview with a member of the opposition in parliament.
- 67 Interview with a member of the MDC and an MP.
- 68 Interview with an MP.
- 69 Interview with several MPs.
- 70 Interview with a PoZ staff member.
- 71 Interview with PoZ staff member.
- 72 Interview with an MP.
- 73 Interview with an MP.
- 74 Interview with a member of a rural-based *outsider* civic group.

- 75 Interview with an opposition MP.
- 76 Interviews with several MPs.
- 77 Interviews with several MPs.
- 78 *The Standard*, 20 June 2004. Some of the constituencies affected include Chimanimani, Gwanda, Mutasa and Tsholotsho.
- 79 Zimbabwe Television, News Hour, 9 June 200; see also Hansard, 16 June 2004.

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## List of acronyms

AIPPA	Access to Information and Protection of Privacy Act
CSO	Civil society organisation
EFZ	Evangelical Fellowship of Zimbabwe
FPTP	First-past-the-post
HPZ	Housing People of Zimbabwe
MDC	Movement for Democratic Change
MISA	Media Institute of Southern Africa
MP	Member of parliament
NASCOH	National Association of Societies for the Care of the Handicapped
PCIC	Parliamentary constituency information centre
PLC	Parliamentary Legal Committee
POSA	Public Order and Security Act
PoZ	Parliament of Zimbabwe
PR	Public relations
PRC	Parliamentary Reform Committee
SADC	Southern African Development Community
SROC	Standing Rules and Orders Committee
SUNY	State University of New York
USAID	United States Agency for International Development
Zanu–PF	Zimbabwe African National Union–Patriotic Front
ZBC	Zimbabwe Broadcasting Corporation
ZIMNAMH	Zimbabwe National Association For Mental Health
ZRP	Zimbabwe Republic Police
ZWRCN	Zimbabwe Women’s Resource Centre and Network

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