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PUBLIC PERCEPTIONS ON CONSTITUTIONAL REFORM IN ZIMBABWE

Introduction

Ideally, a country's constitution is that society's contract with its citizens and should be an expression of the aspirations and values of the people. Zimbabwe's constitution has a chequered history. It was crafted in London in 1979 as an elite ceasefire pact among warring parties and has been amended no less than 19 times in 30 years. Few have regarded this document as a national supreme law and many have agitated for its replacement. The only concerted effort to craft a new social contract was in 1999-2000 but it ended in a constitutional draft's rejection in a February 2000 referendum. Civil society, through the National Constitutional Assembly, produced its own "people-driven" draft which however was not presented to the people for their verdict. Then in September 2007, the three main political parties clandestinely negotiated their own draft supreme law, the so-called 'Kariba Draft' which was quickly overtaken by the dynamics surrounding the 2008 elections.

Efforts to write a new constitution were revived during political dialogue between Zimbabwe African National Union - Patriotic Front (ZANU-PF) and two wings of the Movement for Democratic Change (MDC). The September 2008 pact among the three parties in a self-styled Global Political Agreement (GPA) acknowledges that it "is the fundamental right and duty of Zimbabwean people to make a constitution by themselves and for themselves" (Article 6). The implementation of the GPA gave birth to the so-called Inclusive Government established in February 2009. A Constitution Parliamentary Select Committee (COPAC) was set up subsequently to spearhead and shepherd a consultative process resulting in a draft to be subjected to a referendum. In fact, the constitution-making process is the flagship agenda item in the GPA, the only Article in that elite pact that is time-framed and to have been completed within an 18-month period of the life of the coalition government. The Afrobarometer public opinion survey of October 2010 included questions on the constitution as well and the public consultation process and provides some insight into the Zimbabwean public's views on constitutional reform.

The Afrobarometer

The Afro-barometer is a comparative series of public attitude surveys on democracy, governance, markets and living conditions. It works through a collaborative effort of researchers in select African countries. The October 2010 survey was based on a randomly selected national probability sample of 1192 respondents representing a cross-section of adult Zimbabweans aged 18 years or older. A sample of this size yields a margin of error of ± 3 percent at a 95 percent confidence level. All interviews were conducted face-to-face by trained

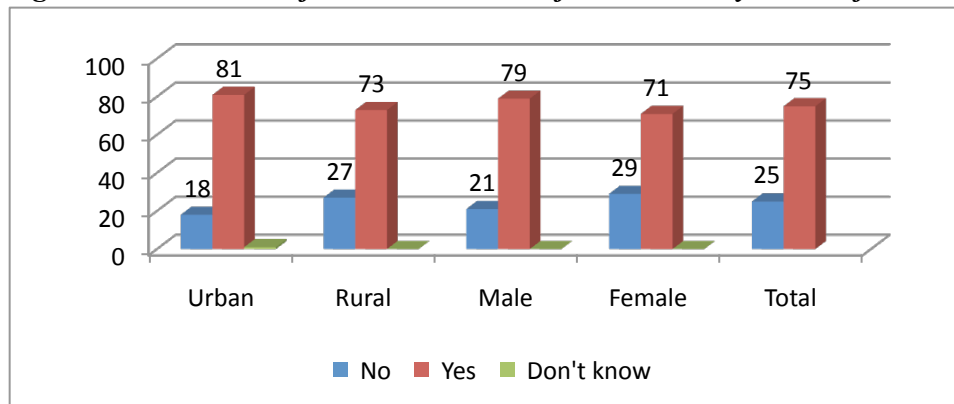
fieldworkers in the language of the respondent's choice. Fieldwork for the Afrobarometer Round 4.5 in Zimbabwe, on which this paper is mainly based, was undertaken in Zimbabwe on 16-29 October 2010. Where appropriate, reference to and comparisons with the findings in earlier Afrobarometer surveys will be made in order to demonstrate trends.

At the time of the survey, the COPAC-led process of gathering people's views was in the final stages of completion except in the capital Harare where outreach meetings had been suspended due to politically-motivated skirmishes. This Afrobarometer bulletin focuses on perceptions of Zimbabweans on constitutional reform in terms of both the process and the content.

Popular Awareness and Sources of Information on the Constitution of Zimbabwe

The survey first sought to find out if the respondents were aware of the current constitution under which they are governed by asking if they had "ever heard of the Constitution of Zimbabwe". Apparently, popular awareness is impressively high with exactly three quarters (75%) saying they were aware of the existing constitution but the remaining quarter had not. Though awareness was nationally spread, urban residents (81%) were more aware than their rural counterparts (73%). A significant gender gap in awareness also existed as more men (79%) than women (71%) claimed awareness.

Figure 1: Awareness of the Constitution of Zimbabwe by Place of Residence and Gender



Question: Have you ever heard of the Constitution of Zimbabwe?

Awareness of the constitution is also high across Zimbabwe's ten administrative provinces with large majorities of respondents saying they were aware of this national charter. The highest awareness was recorded in Harare metropolitan province (84%) and the lowest in largely rural Matebeleland North province where 63% of the respondents said they had heard about the extant constitution.

The survey also reveals an awareness gap along the main partisan lines: 81% of those sympathetic to the MDC-T said they had heard about the Constitution compared to 73% of those aligned to ZANU-PF. This gap may be accounted for by the fact that ZANU-PF's support base is anchored in the rural areas where there is higher illiteracy rather than in urban centres. Three quarters (74%) of the respondents who refused to disclose their political affiliation claimed that they had heard about the Constitution of Zimbabwe. Finally, popular awareness of the constitution rises with education: 66% among those with no formal education; to 70% among primary school graduates; and 84% among those who completed secondary school.

Sources of Information about the Constitution

What are the major sources of information about the constitution on which Zimbabweans depend? Survey results showed that radio trumps all other sources with more than one third (36%) relying on radio “a lot” for their source of information. Television and community meetings share second place with each having been the main source for 26% of the adult population. Family and friends, as well as newspapers, were also important (24% each) followed by political officials (22%), posters and pamphlets (16%), civic educators (10%), and religious leaders (4%). This survey evidence suggests that civic organisations purporting to be involved in civic education may be sleeping on the job and are making little impact on public awareness of the constitution. Religious institutions appear to be seriously underutilised in publicising the process of constitutional reform.

Table 1: Sources of Information about the Constitution

	Nothing	A little	A lot	N/A
Family and friends	17	34	24	25
Political officials	33	20	22	25
Religious leaders	58	13	4	25
Civic educators	49	16	10	25
Community meetings	31	18	26	25
Posters/pamphlets	41	19	16	25
Radio	17	22	35	25
Television	32	17	26	25

Question: How much have you heard about the Constitution from each of the following sources?

While channels like families and friends, and political officials were equally vital as key sources of information on the constitution in both urban and rural areas, there is yawning urban/rural divide when it comes to other sources like community meetings (urban, 17%; rural, 30%), posters and pamphlets (urban, 30%; rural, 10%), radio (urban, 53%; rural, 28%), television (urban, 50%; rural, 16%), and newspapers (urban, 43%; rural, 15%). People in rural areas seem reliant on community meetings, including those organized by political parties, for access to information about constitutional reform.

Respondents were also asked to assess how the inclusive government had performed in three areas: publicising discussions with the government about constitutional reform; educating citizens about what is at stake; and asking ordinary people what they think about constitutional reform. It must be remembered that these questions were posed more than twelve months after the instalment of the coalition government and at the tail end of the COPAC outreach meetings. Survey evidence of the government’s performance was less than flattering. The public thinks the government’s performance was lacklustre in all three areas. Only about four in ten passed a vote of approval: 38% for publicising discussions; 42% for educating citizens; and 42% for consulting ordinary people. Overall therefore, and when all COPAC consultative meetings had been completed throughout the country except Harare and Bulawayo, the people felt that the process had not been adequately consultative and informative.

As noted earlier, the organisational vehicle for driving the constitutional reform process was COPAC and it organised country-wide public consultative meetings. The survey asked respondents if they had attended such meetings. Almost a third (30%) said they had turned up for the public outreach meetings and this was particularly so in Manicaland where nearly six in ten (58%) respondents claimed to have attended such meetings; Mashonaland Central follows behind at 45%.

The last process question the survey posed was whether the respondents had been prevented from attending the COPAC meetings or from expressing their own views at such meetings. This question was motivated by widespread media and anecdotal reports of one of ZANU-PF having launched 'Operation Chimumumu' (operation don't speak) whose aim was to silence ordinary people from speaking frankly at COPAC meetings. Instead, speakers would be appointed to tell the party line. Alternatively, other speakers would simply parrot that party's positions on the proposed constitution.

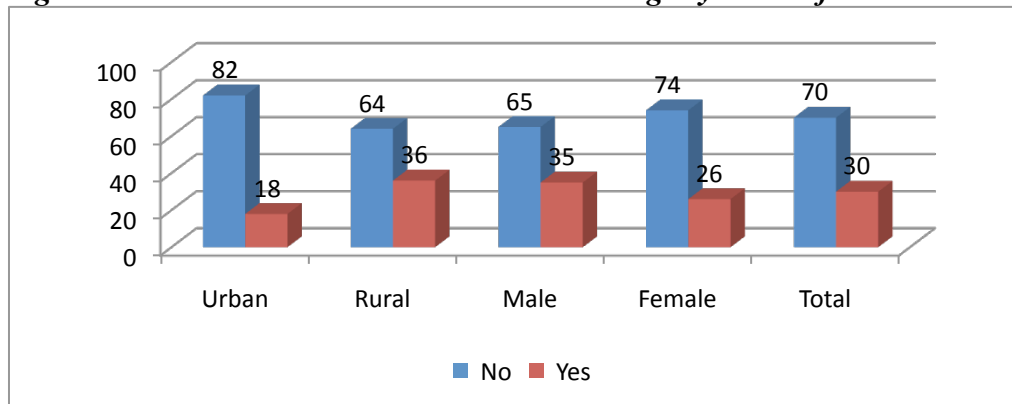
The Process of Constitutional Reform in Zimbabwe

Attendance at Public Outreach Meetings

By the time the survey ended on 29 October 2010, the constitutional outreach meetings had virtually been completed in all the provinces except for the capital, Harare where meetings had been postponed due to politically inspired violence. It was therefore notable that only (30%) of the survey respondents indicated that they had attended constitutional outreach meetings. Attendance figures in the urban areas were especially low: less than a fifth of the respondents (18%) indicated that they had attended the outreach meetings as compared to over one third (36%) in the rural areas. Gender analysis shows that more males (35%) than females (26%) attended the meetings. These low attendance figures beg the following question: How reflective of the people's opinions is any new constitution going to be?

A regional inspection of the results shows that majorities stayed away from the public outreach meetings. In all the provinces except Manicaland, and for whatever reason, most people did not attend the public outreach meetings. Sitting at the zenith of the attendance ladder was Manicaland province, where a majority of the respondents (52%) indicated that they had done so. In Mashonaland central province, a significant number of the interviewees had also attended the outreach meetings. Harare and Bulawayo metropolitan provinces had significantly higher numbers of people who decided not to attend the outreach meetings. This could understandably be so because of the politically motivated skirmishes that disturbed the two cities during the initial scheduled dates for this activity.

Figure 2: Attendance at Public Outreach Meetings by Place of Residence and Gender



Question: Have you attended a public outreach meeting about the constitution organized by the Constitutional Parliamentary Committee?

While it is the democratic right of Zimbabweans to take part in national programmes, survey results portray that not all citizens were able to exercise their right to have an input into the drafting of a new Constitution of Zimbabwe. In part, this was because of impediments in the form of attempts by others to prevent them from attending meeting. Some 4% of the survey respondents encountered this problem. This hindrance was slightly more evident in the urban areas where 6% of the respondents expressed this complaint. Further breakdown of the survey results by region reveals that the problem was very detectable in Manicaland province where 13% of the respondents admitted that they had encountered such a predicament. In Harare (7%), Bulawayo (5%), Mashonaland East (5%) and Mashonaland Central (9%) survey respondents had their democratic rights curbed as they were prevented from attending the outreach meetings.

At first glance, political partisanship did not appear to be a factor in reported attendance at COPAC outreach meetings. While 62% of ZANU-PF supporters did not attend, neither did 63% of MDC-T supporters. But non-attendance was higher among MDC-M and ZAPU sympathizers at 67% and 100% respectively. (Note: Caution is warranted with these latter results due to the small subsamples of persons who support these marginal parties).

Did attempts to strangle participation of citizens in the constitution making reveal underlying political forces? The survey data hint at a partisan effect. On one hand, only 3% ZANU-PF sympathizers, reported that anyone prevented them from attending an outreach meeting. But 7% of MDC-T sympathizers indicated that they had been blocked from attending or expressing their views. And one quarter of ZAPU affiliates indicated that they had met these sorts of problems when they tried to take part in the constitutional reform outreach meetings. (Again, however, the small size of the ZAPU subsample means that the estimate contains a wide margin of error).

Assessment of Inclusive Government's Performance

The process and the adoption of the constitution should be all inclusive, bringing together stakeholders from diverse backgrounds. This puts a cap on self-interested behaviour and the resultant empowerment culminates in citizens making informed decisions on constitutional issues. Hence, publicity of the constitution making process is a major determinant of its failure or success.

Table 2: Views on Publicity of the Constitution Making Process

	Urban	Rural	Male	Female	Total
Very badly	19	15	18	15	16
Fairly badly	20	10	13	13	13
Neither well nor badly	9	11	11	10	10
Fairly well	26	31	32	27	29
Very well	5	10	10	8	9
Don't know	20	23	17	27	22

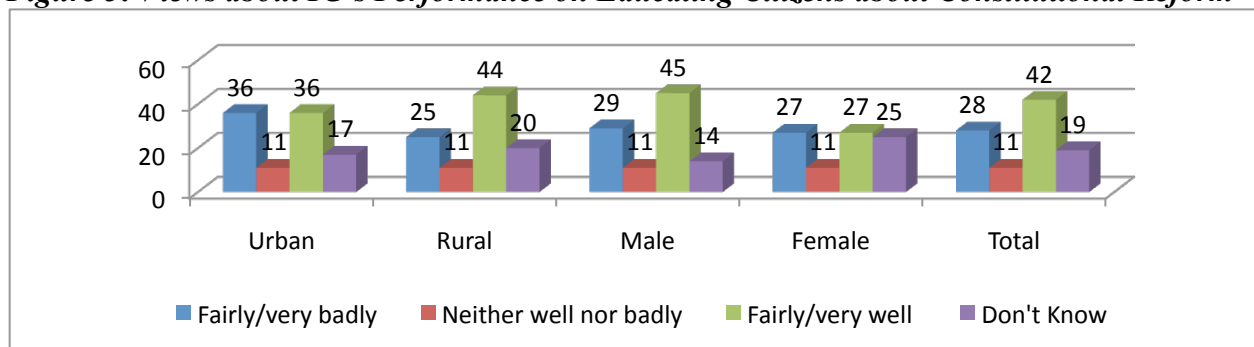
Question: How well or badly is the Inclusive Government doing in publicizing discussions within the government about constitutional reforms?

Data from the survey show a mixed picture of failure by the Inclusive Government to publicize the discussions on constitutional reforms. A total of 39% of the survey respondents were satisfied with the government’s publicity campaign, 32% were undecided or didn’t know, and 39% were unsatisfied. These proportions were reversed in the urban areas: just 31% of applauded the Government for doing a good job on publicity but 39% gave a negative rating. In short, rural dwellers were more likely to approve the government’s performance in this respect, as were women as opposed to men.

Opinion was also divided by political affiliation. A plurality of the MDC-T affiliates (40%) disapproved the IG’s job performance in publicizing the constitutional outreach exercise compared to just 15 percent of ZANU-PF supporters.

Public education is vital to ensure that the public has accurate information about the constitution-making exercise and their role in the process. Any constitution making process devoid of participation is doomed to failure as this has a bearing on the legitimacy of the whole process. How has the Inclusive Government fared on the aspect of ensuring that the citizens of Zimbabwe claim a stake in constitutional reform?

Figure 3: Views about IG’s Performance on Educating Citizens about Constitutional Reform



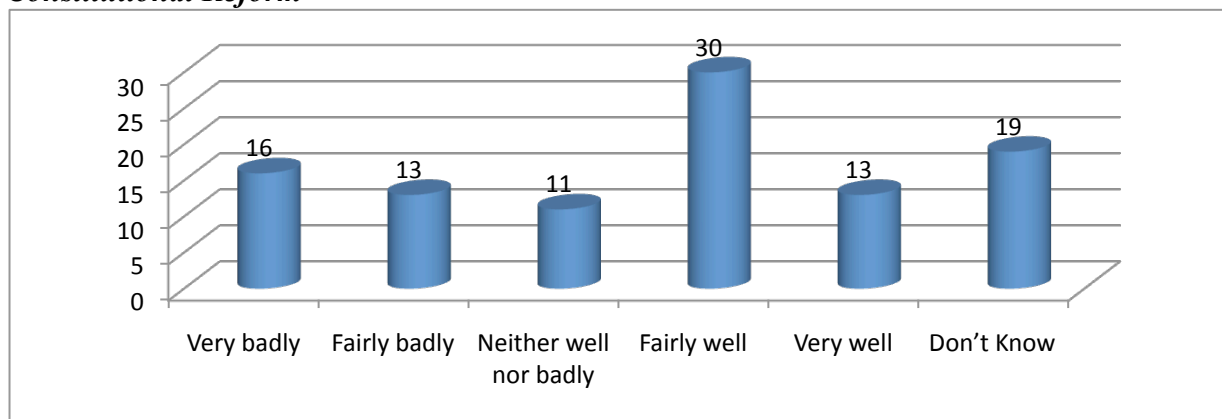
Question: How well or badly is the Inclusive Government doing in educating the citizens of Zimbabwe about the issues at stake in constitutional reform?

Based on the survey findings, a plurality (42%) believes that the inclusive government has performed well on education pertaining to constitutional reform but one in four (28%) were disenchanted with these efforts. By residential location, more people in the rural areas (44%) were appreciative of the efforts that were being put in place by the coalition government to ensure that people understand the dynamics around constitutional reform in comparison to 36%

in urban areas. Partisan analysis shows that a majority of ZANU-PF affiliates (54%) were happy about the Inclusive Government's performance in the area of publicizing discussions on reforms, a view shared by all the respondents aligned to the MDC-M.

For purposes of conflict resolution, it is essential to broaden the number of groups participating in the constitution-making process. Exclusion of key actors from the drafting process may undermine the legitimacy of the final outcome. When dominant groups are excluded, the constitution adopted has dim prospects of enduring. The participation of the public in the drafting of the constitution adds the indispensable legitimacy to the final document adopted. It also assists the definition of a national identity and the articulation of common popular aspirations for the future. What is the perception of ordinary Zimbabweans about the Government on how it has handled the issue of asking ordinary Zimbabweans what they think about constitutional reform?

Figure 4. Inclusive Government's Performance: Asking Ordinary People about Constitutional Reform



Question: How well or badly is the Inclusive Government doing in asking ordinary people what they think about constitutional reform?

Just over one in four (29%) had a dim view on how the Inclusive Government had performed in terms of asking ordinary Zimbabweans what they think about constitutional reform. Eleven percent were neutral while 42% rated the work of the Inclusive Government positively on that aspect. Nearly one in five (19%) of the respondents failed to make a judgment on the coalition government's performance, only saying that they did not know how it was faring.

Similar patterns prevailed with regard to consulting citizens about the constitution as with publicizing the reform effort and educating citizens about it. Thus, rural dwellers were more satisfied than urbanites, as were women as compared to men. The government's performance at asking ordinary people about constitutional reform is dimly perceived in Bulawayo where a majority (51%) disapproved. By contrast 56% of people in Masvingo and 52% in Mashonaland West said the government had done well.

Perceptions on the Contents of the Constitution

Abandon or Amend Current Constitution?

The current constitution has been amended so many times it is now barely recognisable from the charter adopted at independence. Nonetheless, observers cannot automatically assume that every Zimbabwean wants to abandon the present defective constitution. In order to explore this issue, the Afrobarometer formulated three options for survey respondents, who were asked to choose the option closest to their own view:

- 1: The current Constitution meets the needs of Zimbabwe and should be retained;
- 2: The current Constitution should be amended to take account of changing political needs;
- 3: The current Constitution is unsuitable for Zimbabwe's needs and should be completely replaced.

While only one in ten (9%) opted to retain the present constitution, opinion was divided equally between those who preferred to amend (30%) or replace it (30%). The rest did not know or had not heard of the constitution. Even when analysis is confined to those who earlier claimed awareness of the constitution, 39% opt for amendment and 40% for replacement. In short, opinion is divided between Zimbabweans who prefer piecemeal tinkering (as has been the norm since independence) and those who demand comprehensive reform.

These findings mask a predictably sharp partisan divide. Almost half (47%) of MDC-T supporters called for comprehensive reform (the constitution is unsuitable and should be completely replaced) compared to only 13% from ZANU-PF. The story of partisan polarisation in Zimbabwe has become a defining characteristic of the constitution-making process

On Terms of Office for the President

One of the most contentious issues of constitutional reform in Zimbabwe concerns presidential term limits. This matter was one of the contestable issues that torpedoed the 2000 constitutional reform process. It was also a key "talking point" in the COPAC public consultations and as such the survey was keen to find out what the people thought.

Table 3: People's Constitutional Preferences on Presidential Term Limits

	Urban	Rural	Male	Female	Total
Agree very strongly with term limits	62	45	53	46	50
Agree with term limits	14	23	20	20	20
Agree with no limits	7	9	8	9	9
Agree very strongly with no limits	12	12	11	13	12
Agree with neither	2	5	4	4	4
Don't Know	3	7	4	7	6

Question: Which of the following statements is closest to your view? Choose Statement 1 or Statement 2.

Statement 1: The constitution should limit the president to serving a maximum of two terms in office.

Statement 2: There should be no constitutional limit on how long the President can serve

Respondents were presented with two statements – see question wording in Figure 2. There is considerable consensus to limit the presidential tenure. Fully seven in ten (70%) of adult Zimbabweans want the new Constitution to limit the president to only two terms at State House. However, this overall consensus hides considerable divergence of opinion across the social spectrum. Education is one salient factor. For instance, while just over (54%) of those with no formal education want term limits, this increases to 65% among those with primary education and shoots up to 79% for those with post-secondary education.

Preferences also vary with residential location: more urbanites (76%) than rural dwellers (68%) prefer a cap on presidential terms. Gender also enters the scene: more men (73%) than women (66%) opt for limited terms of office. There are also differences along provincial lines though in all ten provinces (except Midlands), strong majorities are calling for a ceiling on term limits. In Manicaland fully 90 percent are keen on the two-term limit, followed by Bulawayo and Masvingo (76% each) and Harare (73%). Midlands has the lowest proportion of ‘two-termists’ at just 54%, below Mashonaland West (61%) and Mashonaland Central together with Matabeleland North (63% each). With this strong public support for limiting presidential terms, it now remains to be seen if the new constitution will reflect this country-wide preference.

As expected, partisan affiliation played probably the largest role. Exactly half (50%) of ZANU-PF partisans opposed limits on the number of terms a president could serve. Only 38 percent were in favour. Yet 90% of MDC-T sympathisers favoured a maximum of two terms in office. This partisan gap was wider than on any other question covered in this report. Even a majority of those who refused to disclose their political inclinations (65%) want the occupant of the highest political office in the land not to exceed two terms at State House.

Conclusion

A constitution – preferably written and enforced – is essential for any country. Above all, it defines how the rules on how power is gained, distributed, and exercised. Little wonder then that constitutional reform is the flagship agenda item for the coalition government. The performance of Zimbabwe’s Inclusive Government may be judged according to how well or badly it does in bequeathing to the nation a new supreme law. At the time of the survey, the Government’s performance in crafting a new national charter had been lacklustre, notable more for its political drama than shining achievements. At the time of the writing (February 2011), data collation from the constitutional outreach exercise is underway – though some of it has reportedly ‘disappeared’ or has been tampered with. But all is not lost. The process can still be salvaged in such a way that the final product is a constitution that people want.

This Briefing Paper was prepared by Stephen Ndoma of the Mass Public Opinion Institute, Harare

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