

2 Years Late, Zimbabwe Votes on New Constitution

By Lydia Polgreen

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HARARE, Zimbabwe — Batsi Munyaka, 27, an unemployed mechanic, had not read the document that could govern his nation for decades to come. But he said he was tired of trying to cobble together a living with little ventures that did not add up to much, and he hoped that a new Constitution, whatever its provisions, could help get Zimbabwe's economy on track.

"I have the right to vote, and maybe it can make a change in our country," he said with a shrug.

More than two years late — and in far smaller and less enthusiastic numbers than their leaders had hoped for — Zimbabweans went to the polls on Saturday to vote in a referendum on a new Constitution, a crucial step toward holding presidential elections this year.

The document was the product of endless months of tortured negotiations between ZANU-PF, the party of the longtime president, Robert Mugabe, and the two factions of the rival Movement for Democratic Change.

The results of the vote are expected within five days, one of the last steps in the long process intended to set Zimbabwe back on the path of normalcy. That route was laid out after the disastrous 2008 presidential election, in which the opposition leader, Morgan Tsvangirai, won the most votes but then refused to participate in a runoff after his supporters endured a violent onslaught by Mugabe loyalists.

Eventually, regional leaders brokered an agreement in which Mr. Mugabe would share power with Mr. Tsvangirai as part of a transitional government that would overhaul the country's brutal and deeply politicized security services, stabilize its bottomed-out economy and write a new Constitution as a prelude to fresh elections. It was supposed to take 18 months, but the process has dragged on for four years. Switching to the United States dollar has arrested the hyperinflation that crippled the economy, but the country's security forces remain unchanged and firmly in the grips of Mr. Mugabe and his allies.

The new Constitution was meant to help resolve some of the festering problems that have kept Zimbabwe, once one of Africa's most stable and prosperous nations, mired in crisis.

Opposition parties had initially wanted a less powerful presidency, more power for provincial and local officials, and a strengthening of the rule of law. Mr. Mugabe's all-encompassing power, they argued, had allowed him to lead Zimbabwe into chaos by seizing land, stacking the courts with his allies and making disastrous economic policy with the stroke of a pen.

In the new Constitution, the president's power to rule by decree is curtailed, and the document bolsters the bill of rights by banning cruel punishments and torture. But critics say the draft retains many of the president's powers and does not do enough to increase oversight.

"This will create one monster who will determine the future of this country," said Job Sikhala, leader of a breakaway faction of the Movement for Democratic Change known as M.D.C.-99, who urged people to vote against the new Constitution. "Is that what we fought for?"

Top officials of Mr. Mugabe's party, ZANU-PF, campaigned hard for a "yes" vote, seeing the approval of the Constitution as the fastest way to get to presidential elections, which are supposed to be held later this year.

Simon K. Moyo, a senior party leader, said in an interview that the draft had emerged from a public process and reflected the will of Zimbabweans.

“This is the people’s Constitution,” Mr. Moyo said. “The people have given this Constitution. So why would they vote against themselves?”

The main faction of the Movement for Democratic Change is also supporting the new Constitution, arguing that it reflects the best bargain that could be won at this stage.

“It is the M.D.C. that single-handedly forced Mr. Mugabe to come to the negotiating table, kicking and screaming, to agree to the new draft Constitution,” Mr. Tsvangirai, who has been serving as prime minister, said at a rally in Bulawayo on Thursday. “That is why you must all vote yes.”

Lovemore Madhuku, a leader of the National Constitutional Assembly, a civic group that urged people to vote against the Constitution, said the document represented a compromise between political enemies, not an expression of how Zimbabwe’s people wish to be governed.

“A democratic constitution must come from a democratic process that must be dominated by the wishes of the people,” Mr. Madhuku said. “Almost every Zimbabwean accepts that the process was not a good process.”

The initial draft of the Constitution was shaped by public meetings and outreach to Zimbabweans, as required by the agreement that created the power-sharing government. But ZANU-PF objected to many of its provisions, and several messy rounds of bargaining produced a very different final draft.

“Two political parties agreed to rubber-stamp a conglomeration of their own ideas into national law so that they go for elections,” said an editorial in News Day, an independent newspaper. “There is absolutely no doubt that most Zimbabweans that are voting today are doing so blindly.”

The new Constitution limits the president to two terms, a crucial provision given that Mr. Mugabe, 89, has ruled Zimbabwe since its independence in 1980. But Mr. Mugabe’s previous terms will not count, so he is free to run twice more. The new charter also increases the size of Parliament, which critics say is wasteful because lawmakers get many perks but have few actual powers.

Some women’s rights groups have praised the Constitution for cementing gender equality in Zimbabwe. The document also calls for the creation of a constitutional court, which would replace the Supreme Court as the highest court in the country and enforce fundamental rights.

Many voters have either not seen the new Constitution or do not really understand how it differs from the old one.

“I don’t know much about it, to be honest,” said Tanatswa Zimunya as a friend braided her hair in a busy market in the township of Warren Park, at the edge of Harare, the capital. “I will vote yes anyway.”

Given the disputed election in 2008, in which hundreds of people died in bloody crackdowns on opposition supporters, Ms. Zimunya said she was simply happy that the main political parties had finally agreed on a Constitution.

“Whatever they decide is O.K.,” she said. “We need peace. We cannot have violence.”