



*What happened in
Parliament?
An analysis of the
participation of MPs
2012 to 2013*

Rumbidzai Dube, Senior Researcher

November 2013

1. Executive Summary

This report is the last of a three part series of thematic reports analysing the performance of the Seventh Parliament in the last year of its tenure. While the previous two reports assessed the aspects of the Seventh Parliament to do with attendance and gender; this last offering looks specifically at the achievements of Parliament, with particular regard to issues such as Bills passed, debates undertaken and legislative performance in general. The report notes, among other things, that:

- The levels of participation and debate among Parliamentarians were generally low, with some members spending the entire year without contributing anything to pertinent discussions;
- Although most ministers impressively managed to participate in either House of Assembly or Senate sessions, at least two-thirds of the ZANU PF ministers never participated in either the House of Assembly or Senate sessions, a worrying trend considering that they have held ministerial positions for longer;
- Question and Answer sessions – an important process in Parliament- were characterised by poor attendance by Ministers. Some Ministers tactfully side-stepped important questions. Some members addressed questions to the wrong Ministries. In some instances, procedural considerations in the conduct of the business of Parliament resulted in some questions remaining unanswered up to the end of the Seventh Parliament;
- The Seventh Parliament passed a total number of 42 Bills, 13 of which were passed in the last year between June 2012 and June 2013. The ability of Parliament to pass any Bills remained at the mercy of the Presidential powers to assent to and sign Bills passed by Parliament;
- Parliamentary Portfolio Committees were arguably the most effective mechanism of Parliament, however they remained the least visible aspect of the work of Parliament;
- The majority of the legislation passed was related to the work of the Ministry of Finance;
- In the last year of its tenure, the Seventh Parliament had a total of 38 vacant seats (23 in the House of Assembly and 10 in Senate) due to deaths, suspension, dismissal, or expulsion. These seats remained vacant, meaning that 10.9% of the constituencies went without representation in Parliament for years.
- Access to the Parliament buildings remained severely limited by hostile security operatives manning the entrances;
- Attendance to public consultation meetings was not as productive as it should have been, with numerous disruptions by suspected party representatives. None of those responsible were ever arrested or convicted despite being known.
- There is need for greater transparency and accountability particularly in the use of Constituency Development Fund.
- There is a glaring need for capacity building after observations of a serious skills gap in terms of analysing legislation, budget analysis and performing other key roles of legislators.

2. Background

In its two previous analyses of the last year of the Seventh Parliament, RAU examined issues of attendance and gender. This report examines the qualitative elements focused on showing what the Seventh Parliament actually achieved during the last year of its existence. Participation should mean considerably more than merely attending and obeying the command of the party whip. Rather, it is about expressing the views of one's constituents, providing for them oversight on the government, delivering public goods and services, and ensuring the transparency and accountability of the legislative and executive processes.

3. Participation in Parliament

The level of participation among the Members of Parliament who attended the various plenary sessions was extremely low. On average, members spoke 7 times, and 25% did not speak at all in both Houses together. Women members spoke (8.3 times) more often than men (7.2 times), and had fewer members that did not speak at all: 14.7% of women did not speak as opposed to 25.8% of the men.

Table 1: Participation in Senate and House of Assembly by affiliation and appointment

	Average attendance	Percentage attendance	No of times spoke	Did not speak at all
MDC	10.8125	21%	9	10 (53%)
MDC-T	31.16505	65%	7	12 (12%)
ZANU PF	28.69643	60%	5	36 (32%)
Others ¹	10.57692	21%	7.3	10 (37%)

There were marked differences in the participation of the various political parties and others represented in the two Houses. The figures speak for themselves, with MDC-T outperforming all the other parties.

When this data is disaggregated, more interesting trends emerge. During the period under review, members spoke on average, 6.7 times in the 48 sittings that the House of Assembly held, while the average number of times that members spoke in the Senate was 8.2 for all 50 sittings (see Table 2 below). There were some members who never spoke, not even once for the whole year between June 2012 and June 2013. Others spoke but with little substantive value addition to the discussions at hand or merely seconding motions. Nearly a quarter of both bodies had members that did not speak at all, according to the Hansard.

Table 2: Attendance and participation in the House of Assembly & Senate

	Average attendance	Average speaking	% did not speak at all
House of Assembly	31.1%	6.7	25.1%
Senate	35.7%	8.2	24.7%

¹ This includes the Chiefs, Governors, and non-constituency MPs and Senators.

² But speaking twice must be measured against a very poor attendance rate.

2.1 Male v Female?

Although the female MPs generally performed better than their male counterparts, the levels of participation in Parliament were poor across both genders. There was some variance in the performance of the different genders in both the Senate and the House of Assembly, as can be seen from Table 3 below.

There was little gender difference in the House of Assembly, where women spoke an average 6.5 times while men spoke an average 6.4 times. However, in the Senate women spoke an average 9.7 times while men spoke on average 8 times. Considering that these are averages spread across the 48 sittings held for the House of Assembly and the 50 sittings held for Senate, it means many of the members were paid sitting allowances for merely sitting and not because they engaged with the substantive business of Parliament.

The Table below illustrates the average levels of participation according to the gender of the speakers

Table 3: Gender comparison in House of Assembly & Senate

<i>Gender</i>	<i>Average participation in Senate</i>			<i>Average participation in House of Assembly</i>		
	<i>Average Attendance</i>	<i>Average number who spoke</i>	<i>Did not speak at all</i>	<i>Average Attendance</i>	<i>Average number who spoke</i>	<i>Did not speak at all</i>
Male	20	8.03	10 (15%)	30.59 (64.5%)	6.4	45 (26%)
Female	16	9.70	2 (10%)	31.20 (64.9%)	6.5	5 (20%)

2.2 Different political parties?

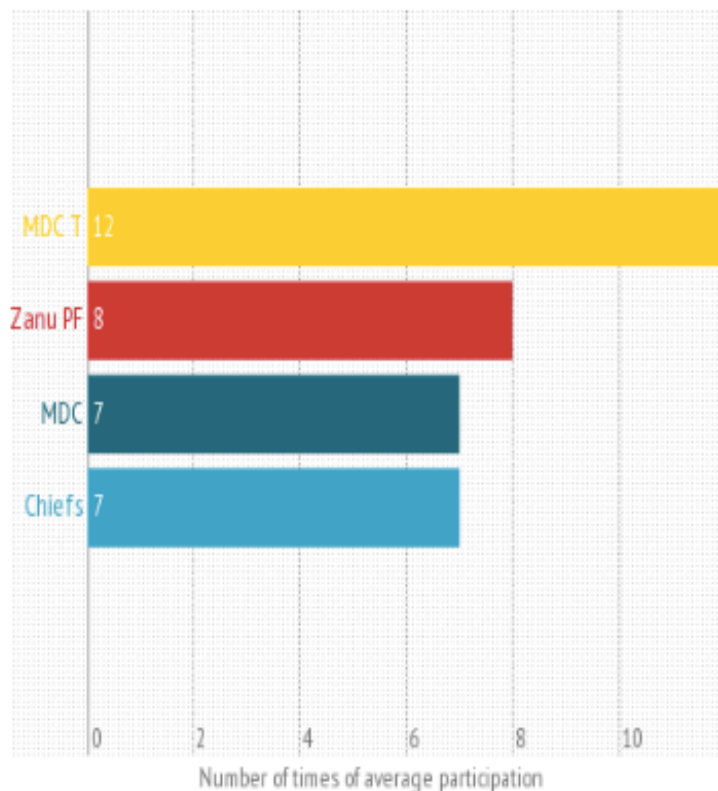
It was noted earlier that there were marked variations in the participation of political parties represented in the Seventh Parliament. On average, ZANU PF MPs participated in parliamentary proceedings 5 times, MDC-T 7 times, MDC 9 times and the Independent member twice.² The picture is different however if the members' performance is considered by House.

As can be seen from Graphic 1 (over), in the Senate, the MDC-T performed slightly better than both ZANU PF and MDC, with its members participating an average of 12 times compared to ZANU PF (8) and MDC (7). The Chiefs' performance was particularly bad, with 7 out of 16, (44%) of the total number of chiefs not speaking at all. It is noteworthy that the number of ZANU PF Senators that said nothing-10-was much higher than the other two political parties combined with 4 from the MDC-T and 1 from MDC not speaking at all.

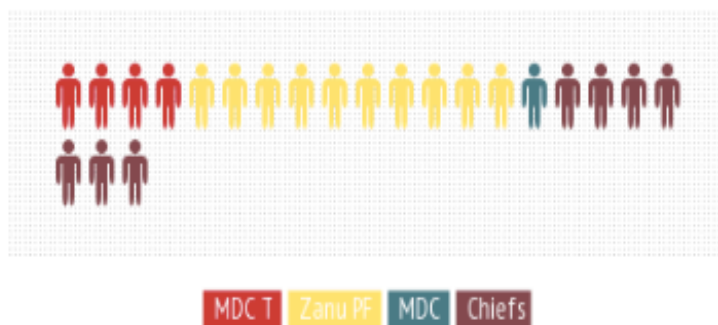
² But speaking twice must be measured against a very poor attendance rate.

Graphic 1: Participation in Senate

Members performance in terms of participation in Senate



Members that did not speak all year 2012 - 2013



In the House of Assembly, the MDC had the highest performance, speaking an average of 9 times, ahead of the MDC-T with an average of 7 and ZANU PF with an average of 5. The single, Independent, Dr Jonathan Moyo, spoke twice. In respect of those that contributed nothing, the MDC had 4 members constituting 40% of its representation not saying anything at all, ZANU PF 33 (36%), and the MDC-T 11 (12%).

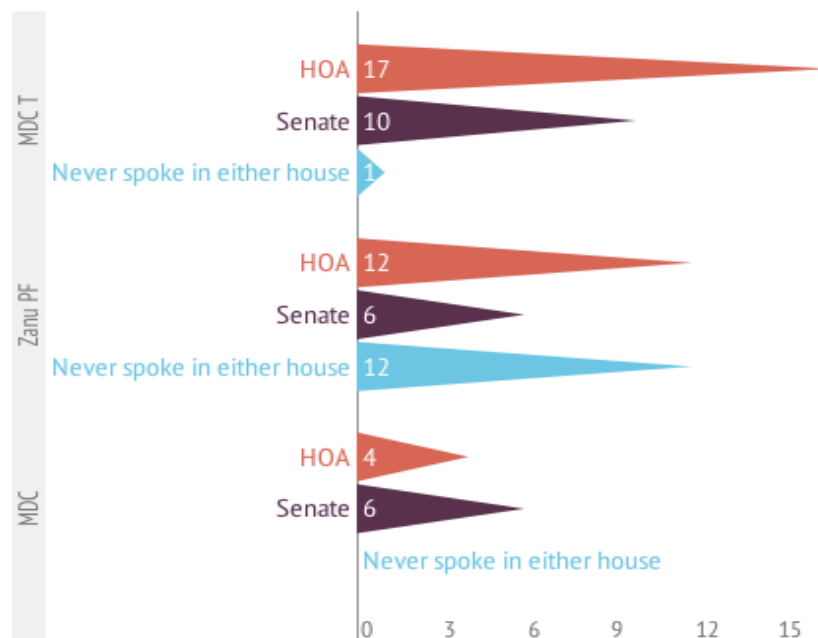
Table 4: Participation in Parliament according to political party

Political Party	Senate			House of Assembly		
	Average Attendance	Average Spoke	Did not speak at all	Average Attendance	Average number who spoke	Did not speak at all
ZANU PF	13	8	10 (26%)	30	5	33 (36%)
MDC-T	23	12	4 (1.8%)	34	7	11 (12%)
MDC	8	7	1 (11%)	18	9	4 (40%)
Independent	22	3	7 (44%)	3	2	1 (33%)

Graphic 2 below shows the level of participation by ministers according to the party they represented. The ministers gave their views on a variety of issues in ordinary plenary sessions as well as Question and Answer sessions.³

Graphic 2: Ministers' participation

Ministers' participation



Graphic indicates how many Ministers from each party spoke or never spoke on a variety of issues in both houses.

Graphic: NatashaMsonza

³ Specific details of the participation of Ministers are given in Appendices 1, 2, 3, 4 and 5.

It must be noted at the outset that the failure by some Ministers to participate was compounded by their failure to attend ordinary plenary sessions as well as Question and Answer sessions. All the MDC Ministers managed to participate in either House of Assembly or Senate sessions, so did most of the MDC-T with the exception of one Minister. More than a third of the ZANU PF ministers never participated in either the House of Assembly or Senate sessions. This trend is worrying, given that they have held ministerial positions for longer. It is hoped that this will improve in the Eighth Parliament.

2.3 Question and Answer Sessions

Question and Answer Sessions are an important part of the work of Parliament. These sessions are illuminating processes through which Parliament seeks to hold the executive accountable for its actions. The entire range of governmental actions and policies are brought under scrutiny through these sessions by exposing administrative lapses, and sometimes forcing the hand of the executive into giving assurances. Members of Parliament are given a chance to pose questions to any Minister representing a specific portfolio, and they have a legitimate right to expect answers delivered orally or in written form, depending on the amount of information required, or the complexity of the question posed. These sessions expose Ministries that are not performing satisfactorily, and only members in attendance are able to pose questions. Members' attendance is therefore crucial because it is through the parliamentarian, as the representative of a whole constituency, that the public can scrutinise policy decisions. Ministers' attendance is also very important; in their absence questions may be asked but responses will never be proffered.

2.4 Question and Answer Sessions in the Seventh Parliament

2.4.1 House of Assembly

A total of 11 Question and Answer Sessions were held in the House of Assembly in the last year of the Seventh Parliament. Out of these sessions, a total of 266 questions were asked. On average, every Question and Answer session raised 24 questions. The Table below shows the total number of sessions held in the House of Assembly and those in which Question and Answer Sessions were held, as well as the total number of questions asked in each Question & Answer Session in the last year of the Seventh Parliament.

Table 5: Summary of Q & A Sessions, June 2012 to June 2013: House of Assembly

Session/ Volume	Total Questions Received	Session/ Volume	Total Questions Received	Session/ Volume	Total Questions Received
39/30	0	39/29 (Q & A)	23	39/28	0
39/27	0	39/26 (Q & A)	16	39/25	0
39/24	0	39/23 (Q & A)	21	39/22	0
39/21 (Q & A)	25	39/20	0	39/19 (Q & A)	14
39/18	0	39/17	0	39/16	0
39/15	0	39/14	0	39/13	0
39/12	0	39/11 (Q & A)	28	39/10	0
39/9 (Q & A)	15	39/8	0	39/7	0
39/6	0	39/5	0	39/4	0
39/3	0	39/2	0	39/1	0
38/51	0	38/50	0	38/49	0
38/48	0	38/47	0	38/46 (Q & A)	26
38/45	0	38/44	0	38/43 (Q & A)	25
38/42	0	38/41	0	38/40 (Q & A)	50
38/39	0	38/38	0	38/37 (Q & A)	23
38/36	0				

In the House of Assembly, the highest number of questions were directed to the Office of the Deputy Prime Minister-Arthur Mutambara [39], the Office of the Prime Minister- Morgan Tsvangirayi [26], the Ministry of Finance [23] and the Ministry of Home Affairs [22]. Some Ministries did not receive any questions in the House of Assembly: namely, the Ministry of Foreign Affairs, the Ministry of State Enterprise and Parastatals, the Ministry of Justice and Legal Affairs, The Ministry of Regional Integration and International Cooperation, as well as the Ministry of Higher and Tertiary.

2.4.2 Senate

A total of 8 Question and Answer Sessions were held in the Senate in the last year of the Seventh Parliament. Out of these sessions, a total of 85 questions were asked. On average, every Question and Answer session raised 11 questions. The Table below shows the total number of sessions held and those in which Question and Answer Sessions were held, as well as the total number of questions asked in each Question & Answer Session in the last year of the Seventh Parliament.

Table 6: Summary of Q & A Sessions, June 2012 to June 2013: Senate

Session/ Volume	Total Questions Received	Session/ Volume	Total Questions Received	Session/ Volume	Total Questions Received
21/31	0	21/47	0	22/14	0
21/32	0	21/48	0	22/15	0
21/33	0	21/49	0	22/16(Q & A)	14
21/34	0	22/01	0	22/17	0
21/35	0	22/02	0	22/18	0
21/36	0	22/03	0	22/19	0
21/37	0	22/04	0	22/20	0
21/38	0	22/05(Q & A)	5	22/21	0
21/39(Q & A)	14	22/06	0	22/22 (Q & A)	10
21/40	0	22/07	0	22/23	0
21/41	0	22/08(Q & A)	9	22/24	0
21/42(Q & A)	15	22/09	0	22/25(Q & A)	12
21/43	0	22/10	0	22/26	0
21/44	0	22/11	0	22/27	0
21/45	0	22/12	0	22/28(Q & A)	6
21/46	0	22/13	0	22/29	0

The highest number of questions, in the Senate, were directed to the Ministries of Home Affairs [20], Local Government and Urban Development [14], and Labour, Health and Child Welfare [14] and Social Welfare [13]. Some Ministers were not available to respond to questions raised by members. On some occasions, key questions were asked but the responsible ministries were not available to answer the questions posed.⁴

⁴ For instance the co-ministers of Home Affairs as well as the Minister of Finance were not available on some occasions to answer questions pertaining to their respective Ministries See The Hansard Senate Volume 22/25 and the Hansard Senate Volume 22/28.

The Graphic below shows the Ministries to which questions were directed in both the House of Assembly and Senate.

Graphic 3: Ministries to which questions were directed

Number of questions directed to Ministries in both Houses



Graphic by Natasha Msonza

2.4.3 Issues arising from Question and Answer Sessions

Given that Question and Answer sessions afford members a chance to engage with pertinent issues affecting the different ministries of government, it is through such sessions that recurrent problems such as the rape of women, police brutality, and the inaccessibility of identity documents (such as passports), corruption and the miscarriage of justice should have had an audience. Some Ministers responded to questions asked, but side-stepped the issues raised in those questions. For instance, in the House of Assembly, the Minister of Constitutional and Parliamentary Affairs side-stepped the question posed by Honourable Bhasikiti Chuma requesting the Honourable Minister, Eric Matinenga to explain the factors that contributed to the challenges in steering the constitution making process.⁵ In some instances, procedural considerations in the conduct of the business of Parliament resulted in some questions remaining unanswered up to the end of the Seventh Parliament. For instance, the Speaker of Parliament insisted that a question posed to the Minister of Labour and Social Welfare, Honourable Paurina Mpariwa, regarding asset management by Honourable Zhanda be put in writing so that further research could be carried out.⁶

In other instances in the House of Assembly, questions were posed to the wrong people. For example, the Prime Minister-Mr Morgan Tsvangirai did not answer the question addressed to him concerning government's policy with regard to restitution of finances to depositors whose savings and investments were eroded when InterFin and Genesis Banks were placed under curatorship. The Prime Minister referred the question to the relevant portfolio, being the Ministry of Finance.⁷ The Prime Minister also directed Honourable Bhasikiti Chuma to address his question on the progress relating to the construction of different roads to the Ministry of Transport and Infrastructural development.⁸ Deputy Prime Minister Arthur Mutambara also requested Honourables Matibe, Madzimure and Tabitha Khumalo to put their questions regarding the legality of spot fines to the relevant Ministry namely the Ministry of Home Affairs.⁹

Appendix 4 provides a cameo of Question and Answer Sessions in the House of Assembly, showing the types of questions asked of the Ministers and the answers given in summary while Appendix 5 provides a cameo of Question and Answer Sessions in the Senate, showing the types of questions asked of the Ministers and the answers given in summary. More details can be obtained by consulting the Hansard Volumes referred to in Tables 5 and 6 for the House of Assembly and Senate, respectively.

Notably, NONE of the Ministers present to answer questions during Question and Answer sessions made a blunt refusal to answer any of the questions posed to them.

3. Legislative Roles

Laws are made in Parliament, and law making is the core business of Parliament. Debates on legislation inform the quality and contents of legislation. In Zimbabwe, however, the challenge remains that the legislature egregiously consists of Parliament AND the President.¹⁰ The President retains the power to assent to and sign Bills passed by Parliament.¹¹

⁵ The Hansard House of Assembly Volume 38/37.

⁶ The Hansard House of Assembly Volume 38/46

⁷ The Hansard House of Assembly Volume 38/43

⁸ The Hansard House of Assembly Volume 38/37

⁹ The Hansard House of Assembly Volume 38/40

¹⁰ Section 116 of the new Constitution.

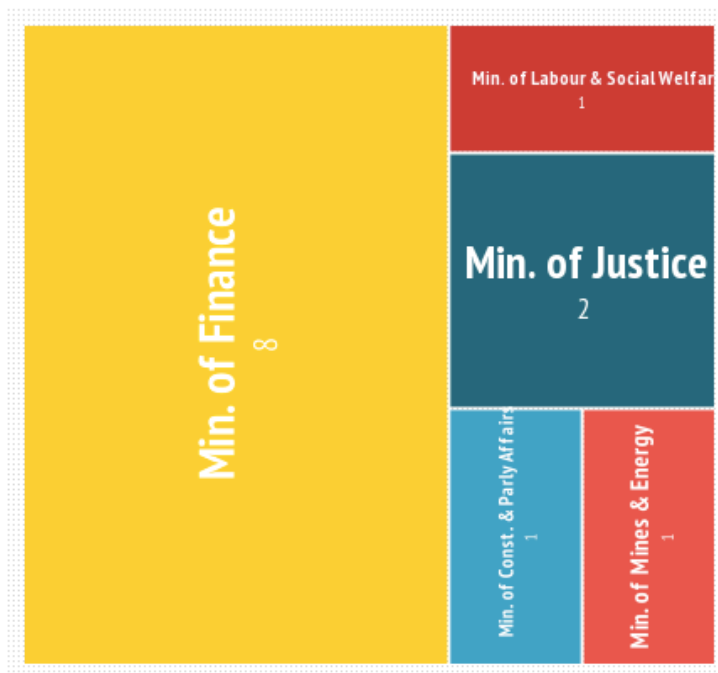
¹¹ Section 110 (2) (a) of the new Constitution.

These powers of the President have been criticised since the introduction of an Executive Presidency in 1987.¹² Matyszak posits that, given the Constitution’s proclamation of the observance of the principle of separation of powers as one of its founding values and principles, it is quite bizarre that the head of the Executive also has bold legislative authority.¹³ It appears that such authority serves no other purpose than the mischief of the abuse of power as evidenced by the use of the Presidential Powers Temporary Measures Act to usurp the role of Parliament. This arbitrary power was used by the President to amend electoral legislation prior to the 31st July elections without ANY input from Parliament.

During its full tenure from June 2008 until June 2013, the Seventh Parliament passed a total number of 42 Bills, 13 of these in the last year between June 2012 and June 2013. The Graphic below reflects the 13 pieces of legislation that Parliament undertook in its last year.

Graphic 4: Summary of Legislation passed June 2012-June 2013

Legislation passed in 7th Parly



Graphic depicts a summary of the 13 pieces of legislation passed in the last year of the 7th Parliament. The majority of the Bills passed were related to the work of the Ministry of Finance.

Graphic: Natasha Msonza

¹² Matyszak D, (2013) *Presidential Power and the Draft Constitution* (Research and Advocacy Unit (RAU)., Harare, Zimbabwe.

¹³ Matyszak D, (2013) *Presidential Power and the Draft Constitution* (2013) as above.

3.1 Analysis of legislation passed

It appears from the table above that in its last year, Parliament was preoccupied with the performance of the economy. The majority of the legislation passed was related to the work of the Ministry of Finance, which was mandated with steering the recovery of the Zimbabwean economy through reduction of income loss through money laundering,¹⁴ diversifying the job sector by moving from the formal to the informal sector through promotion of entrepreneurship in the manner of the financing of small businesses,¹⁵ and increasing government's revenue bases through the adjustment of tax regimes and sources.¹⁶ These pieces of legislation were instrumental to the increased tax revenues which resulted in Zimbabwe ranking first among the countries whose tax revenue constitutes the highest percentage of its Gross Domestic Product (GDP) in 2012 in terms of the Index of Economic Freedom,¹⁷ ranking at 49.3 % ahead of Denmark 49%, Belgium 46.8%, Sweden 45.8%, Cuba 44.8%, France 44.6%, and the United States at 26.9%.¹⁸

There was considerable effort put into meeting some of the demands of the Global Political Agreement (GPA) which ushered in the Inclusive Government under which the Seventh Parliament operated. These demands included changing the constitutional landscape, resulting in the adoption of a new Constitution for Zimbabwe.¹⁹ Unfortunately, due to political bickering, the constitution-making process took up most of the time of the Seventh Parliament.

There was also concern with human rights. A major issue was the effective functioning of the Zimbabwe Human Rights Commission. It was paramount that the powers of the Commission could only be exercised once the enabling legislation was passed. This was done through the adoption of the Human Rights Bill.²⁰ The functionality of the Commission, however, remains unresolved to date. The Act establishing the Commission is weak, the Commission itself has not received adequate funds to support its work, and to date, the Commission has not yet hired a Secretariat to run its day to day affairs although advertisements were put in the press in November 2013 to fill a few positions.

3.2 Debates on Presidential Speeches

Zimbabwean politics, since independence on 18th April 1980, have been dominated by one party, ZANU PF. As in most systems where there is single-party dominance, if long periods of time lapse, within which that single party exercises majority rule, there tends to be a gravitation of power towards the executive and away from parliament.²¹ Such dominance has been witnessed in Zimbabwe wherein for many years, ZANU PF represented virtually the whole of Parliament. Thus, the executive, through the President and the ministers of government, had dominance over the legislature. However such hegemony received its first challenge with the formation of the MDC and its contestation of the 2000 parliamentary elections. Consequently, in the Fifth, Sixth and Seventh Parliaments, MDC-T and MDC

¹⁴ Hence the passing of the Money Laundering and Proceeds of Crime Bill, HB 4, 2013.

¹⁵ As seen through the passing of the Microfinance Bill, HB 2, 2012.

¹⁶ Through the passing of the Income Tax Bill, HB 5, 2012.

¹⁷ Index of Economic Freedom, Heritage Foundation, available at <http://www.heritage.org/index/ranking>.

¹⁸ It remains a concern that the GDP from other sectors such as mining, agriculture and industry remain inordinately low. Further the sustenance of an economy through high taxation can adversely affect the performance of the economy as high taxation chases away investors.

¹⁹ Achieved through the adoption of the Constitution of Zimbabwe Amendment (No. 20) Bill, HB 2B, 2013.

²⁰ Zimbabwe Human Rights Commission Bill, HB 2, 2011.

²¹ Canadian Library of Parliament, *Strategies for Effective Members in an Effective Parliament* (June 2005) Report on Four Seminars for New Members of the 38th Parliament, June 2005 p1.

members challenged processes and refused to merely rubberstamp the wishes of the executive. This resulted in more heated debates which however at times ceased to be constructive but were rather polarised. This was evident in the debates relating to the Presidential Speeches.²²

3.3 *Portfolio Committees*

The Parliament of Zimbabwe also functions through a system of Parliamentary Portfolio Committees.²³ Although they are the least visible aspect of the work of Parliament in the press, Portfolio Committees are very central to the work of the legislature. They provide the link between the legislature, the executive, and the general public, who are the constituencies represented. Parliamentarians exercise an oversight role over the actions of the executive through analysis and scrutiny of executive functions and through deep, lengthy consideration of all state policies. Reports from the Portfolio Committees suggest recommendations, based on unbiased field studies informed by key actors in the different portfolios. When these recommendations are accepted and fully implemented by the executive, the work of the Portfolio Committees is considered complete. Even when their recommendations are rejected, the role of Portfolio Committees remains central to the overall performance of government.

Portfolio Committees are effective for a number of reasons:²⁴

- They are smaller than the full house and therefore easier to manage.
- They use up fewer resources.
- Procedures in Portfolio committees are less abrasive and adversarial than in the full house, hence matters are discussed more rationally and consensus is easier to reach.
- Committee members have room to invite experts to give advice on matters in which members do not have expertise, in order for them to formulate a well-reasoned and informed position on any matter.

During the subsistence of the Seventh Parliament, there were 20 Portfolio Committees. These Portfolio Committees managed to contribute to the policy making process, collaborating along party lines to achieve common goals. These Portfolio Committees concerned:

1. Agriculture, Water, Lands and Resettlement
2. Budget, Finance and Investment Promotion
3. Education, Sports and Culture
4. Foreign Affairs, Regional Integration and International Trade
5. Health and Child Welfare
6. Higher Education, Science and Technology
7. Home Affairs and Defence
8. Industry and Commerce
9. Justice, Legal Affairs, Constitutional and Parliamentary Affairs
10. Local Government, Rural and Urban Development
11. Media, Information and Communication Technology

²² The Hansard House of Assembly Volumes 39/1- to 39/8.

²³ Given the obvious lack of real executive power by the two MDC's during the subsistence of the Inclusive Government, these committees were immediately identified as the real locus of the two parties' power.

²⁴ Commonwealth Education 'Parliamentary Committees and Scrutiny of the Executive,' available at <http://www.parliamentarystrengthening.org/commonwealthmodule/pdf/Commonwealth%20Unit%206.pdf>.

12. Mines and Energy
13. Natural Resources, Environment and Tourism
14. Public Accounts
15. Public Service, Labour and Social Welfare
16. Public Works and National Housing
17. Small and Medium Enterprise Cooperative Development
18. State Enterprises and Parastatals Management
19. Transport and Infrastructure Development
20. Women, Youth, Gender and Community Development

Appendix 6 provides an example of the workings of one of the Portfolio Committees. The example summarises the report of the Portfolio Committee on Mines and Energy. The report illustrates the effectiveness of the Portfolio Committee in bringing out issues affecting diamond mining in Zimbabwe. The report is candid in its expose, naming individuals who are part of the problem, as well as specifying gaps in legislative and policy frameworks governing diamond mining specifically and mining in general. The report thus responded directly to the questions that many citizens had about diamond mining, indigenisation and corruption in the diamond mining sector but which questions were never fully answered by reports in the media.

4. Absence of citizen representation in Parliament

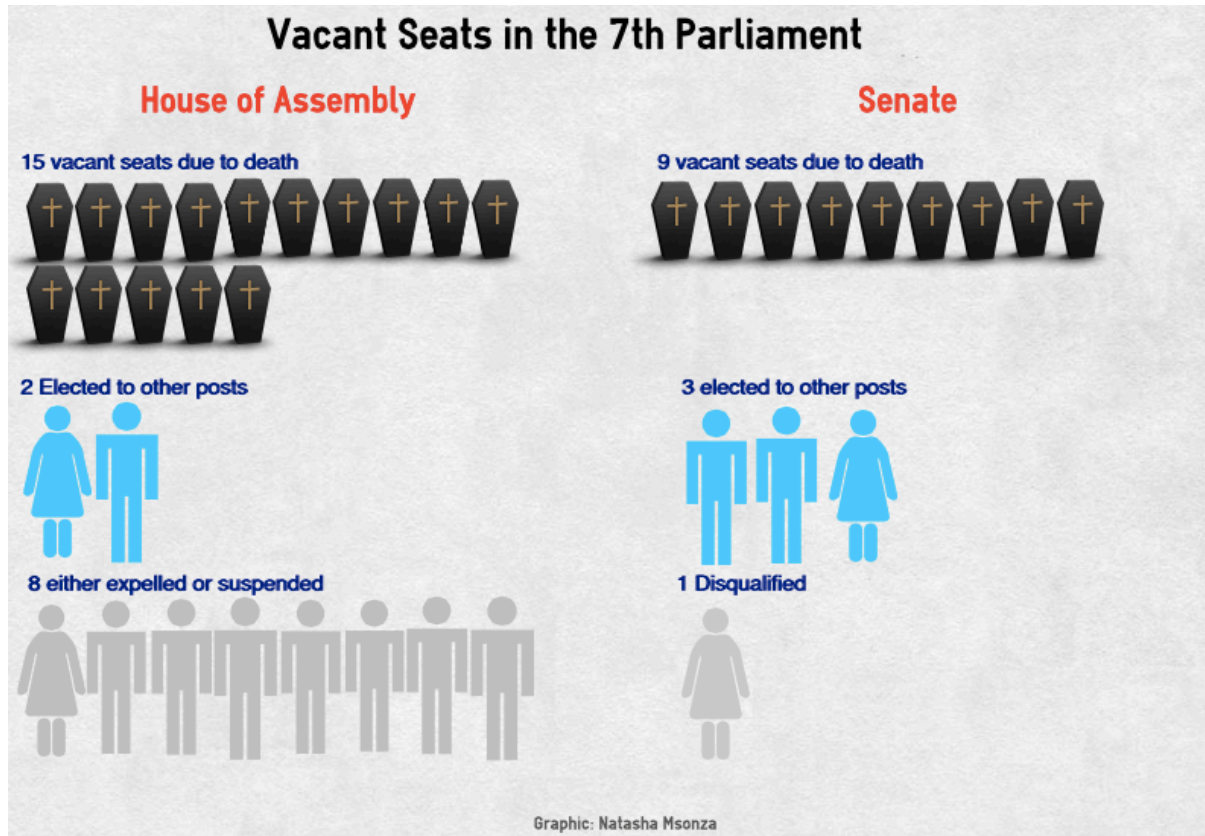
One of the factors that contributed to the underperformance of the Seventh Parliament was the non-representation of certain constituencies. In the last year of its tenure, the Seventh Parliament had some vacant seats due to deaths, suspension, dismissal, or expulsion. This meant that for protracted periods, in many cases years, certain constituencies were not represented in Parliament. This meant that for these constituencies, there was no representative that they could hold accountable to defend their interests and to champion their cause.

In terms of Section 39 of the Electoral Act, the President ought to call by-elections for a seat that has fallen vacant, within 14 days of being notified of the vacancy by the Speaker of Parliament. Upon such notification, the President should gazette a notice ordering a new election to fill the constituency vacancy. In all constituencies where vacancies were created by death or other circumstances, no by elections were called by the President or held during the whole term of the Seventh Parliament. Beyond September 2009, there is no plausible explanation as to why none of the by-elections were held. Only those vacancies created between September 2008 and September 2009 can be explained by the stipulation in the GPA which sanctioned the delay in the holding of by elections between ZANU PF and the MDCs for at least one year after the signing of the GPA.²⁵

²⁵ Article 21.1 of the GPA.

The graphic below shows the vacancies that were created in both the House of Assembly and Senate during the Seventh Parliament. Some of these vacancies existed as far back as July 2008, only a month after the Seventh Parliament was sworn in.

Graphic 5: Vacant Seats-June 2012 to June 2013



Although the vacant seats remained so until the Harmonised elections of 31st July 2013 that ushered in the Eighth Parliament, there were several attempts by some legislators and civic groups to rectify this anomaly. Legal challenges were brought before the courts regarding this issue. As these cases unfolded, their adjudication highlighted several challenges that Parliament faces in executing its roles and duties. For instance, the cases showed that Parliament is the weakest link in the exercise of the principle of the separation of powers between the executive, the judiciary, and the legislature. This is because many seats remained vacant and the legislature could not do much to ensure these seats were filled. The courts also showed an undue willingness to accommodate the President’s reluctance to call by-elections as required. The series of delays and postponements orchestrated by the President and accommodated by the courts effectively undermined the intention of the legislature in this regard.

The Example below gives an explanation of the development of the case of three MDC legislators who were suspended from their party, lost their seats as a result and pushed for by-elections to be held.

EXAMPLE
The Case of
Abednico Bhebhe, Njabuliso Mguni and Norman Mpofu
Versus
The Chairman of the Zimbabwe Electoral Commission, the Zimbabwe Electoral
Commission and the President of the Republic of Zimbabwe

Background

The Applicants approached the High Court for an order directing the President of Zimbabwe to gazette a date for elections within 14 days of the passing of the order in the House of Assembly Constituencies of Nkayi South, Lupane East and Bulilima East. The seats had fallen vacant after the three were expelled from their party-the MDC party- in 2009. Following their expulsion, the Clerk of Parliament notified them of the loss of their seats in line with Section 41(1) (E) of the old Constitution. The termination of their mandate as MPs was effective from 22 July 2009. The Speaker of the House of Assembly notified the President of the vacancies on 17 August 2009 in terms of section 39(11) of the Electoral Act [Chapter 2:13].

Outcome

- i. In the High Court (Bulawayo), in Judgment No. HB 139/11, Case No. HC 1485/10, High Court judge- Justice Ndou- directed the President to gazette a date for the by-elections within fourteen days of service of the order on him.²⁶
- ii. The President appealed the decision of the High Court, in Case No. SC 267 of 2011 and in that case the Supreme Court dismissed the appeal but changed the judgment of the High Court. The President was then ordered to gazette the by-elections not within the 14 days given by the High Court but “as soon as possible but before 30 August 2012.”²⁷
- iii. The President failed to meet the 30 August 2012 deadline, negotiated with the three MPs and they secured an order by consent, -before Justice Chiweshe-in Case No HC 9781/12 from the High Court for the President to set by-elections by 31 October 2012.²⁸
- iv. The President still failed to have the elections and made an urgent application to the High Court to postpone the holding of by-elections to 31 March 2013 arguing that the state needed more time to get resources to have the by-elections. The Court-Justice Chiweshe-granted this request saying it was “sincere” and that the President had made a “reasonable explanation” as to why he could not gazette elections for an earlier date than the one he requested.
- v. In the end, **NO** by-elections were held in Nkayi South, Lupane East and Bulilima East or in any other constituency where there was a vacancy.

²⁶ The Case was heard on 28 January & the Order was granted on 13 October 2011.

²⁷ The Order was granted on 12 July 2012.

²⁸ The Order was granted on 30 August 2012.

5. Notable Performances

There were a number of Parliamentarians who distinguished themselves during the period under review, either in their performance in Parliament or the manner in which they interacted with their constituencies. As was seen above, and in the earlier reports, some members of Parliament distinguished themselves in exemplary fashion, both in attendance and participation in Parliament. It is surprising that the top performers were not only Parliamentarians but Ministers, who carry the extra burden of delicately balancing their legislative and executive roles. Here Honourables Mutambara, Biti and Matinenga deserve special mention, as is shown by the table below.²⁹

Table 13: Outstanding performers

Name	Party	Portfolio	Attendance	Percentage	No of Times spoke
Mutambara Arthur	MDC	Deputy Prime Minister	20/48	42%	90
Biti Laxton Tendai	MDC-T	Minister of Finance	22/48	46%	52
Matinenga Eric	MDC-T	Minister of Constitutional and Parliamentary Affairs	30/48	63%	40

Accountability to Constituents: Honourable Jessie Majome

Honourable Jessie Majome was the Member of Parliament for the Harare West Constituency in Harare Metropolitan Province. She also served as the Deputy Minister of Women Affairs, Gender and Community Development. Honourable Majome was an exemplary member of the House of Assembly, with not only high attendance and participation in the house, but also in maintaining contact with the public and her constituents. She also showed the positive role that Information Communication and Technology systems (ICTs) play in ensuring good governance, accountability and transparency. Through her Facebook and Twitter accounts, she constantly kept her constituency informed as to her whereabouts, accounts of how she spent the Constituency Development Fund, meetings she attended regionally and internationally, details of meetings she convened with the constituency, developments happening in the constituency, as well as challenges she faced in her work as their representative.³⁰

Other Ministers such as David Coltart, Saviour Kasukuwere and Welshman Ncube also extensively employed social media to publicise their ministerial work and engage with the general public.

Holding the Executive Accountable: Edward Chindori Chininga

The late Edward Chindori Chininga was the Member of Parliament for Guruve South. He served as chairperson of the Parliamentary Portfolio Committee on Mines and Energy. His most notable contribution during the Seventh Parliament was to whistle-blow on the problems plaguing the mining of diamonds in Zimbabwe, including the abuse of funds raised in the sale of diamonds, corruption at the mining fields involving key government figures, and non-cooperation of the mining companies in enquiry processes of parliamentary

²⁹ These individuals recorded fair attendance rates and were the most active in Debates as well as Question and Answer sessions.

³⁰ The Official Facebook Page of Jessie Majome <https://www.facebook.com/jessiefungai.majome?ref=ts&fref=ts>

oversight procedures with support or indifference from the Ministry of Mines. It is widely believed his death is closely linked to the whistleblowing he did on this issue.³¹

Private Members' Bills:

Honourable Innocent Gonese

Honourable Innocent Gonese served as the Member of Parliament for Mutare Central in Manicaland Province. He was instrumental in proposing amendments to the Public Order and Security Act (POSA) through a Private Members Bill. The Bill however was never passed as it was blocked in the Senate. He had a 75% attendance rate in the House, and his participation rate was average.

Honourable Settlement Chikwinya

Honourable Settlement Chikwinya was the Member of the House of Assembly for Mbizo constituency in Kwekwe, Midlands Province. He brought to the attention of the House the need for media reforms by proposing a Media Freedom and Transparency Bill. He had an attendance rate of 70%, but his participation was way about the average: he spoke 30 times as compared to the average of 6.7.

Honourable Tangwara Matimba

Honourable Tangwara Matimba representing Buhera Central in the House of Assembly also came up with the Urban Councils Amendment Bill in a failed bid to curtail powers granted to the Minister of Local Government. He had an excellent attendance rate of 88%, however outside of his attempt to pass the above Bill, his participation rate was low.

Conflicting arguments can be put forward in determining whether individuals who were members of Parliament in the Seventh Parliament and secured seats in the 31 July 2013 poll deserved to be voted into office again. On the one hand there is the “*continuity argument*” that allows them to continue the work they had begun in the previous Parliament to ensure the work’s full completion. On the other hand, there is the “*deadwood argument*”, that some members achieved nothing in their previous tenure and a total overhaul in the membership of Parliament would perhaps change the complexion and quality of Parliament with new people bringing in fresh ideas and perspectives to the table.

6. Recommendations

In concluding this study – which includes the two previous reports – there is perhaps need to interrogate the remedies that would respond to an enquiry into why citizens vote, who they vote for, how they vote, and what influences their vote. Such an enquiry would be critical to create an understanding of what Parliament should do to become the true voice of the people on the ground.

³¹ See SW Radio Hot Seat, ‘The Convenient death of Edward Chindori Chininga’ 23 June 2013, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=385432&sn=Detail>
See also Matenga M ‘Chindori Chininga was killed’ 27 June 2013, Newsday <https://www.newsday.co.zw/2013/06/27/chindori-chininga-was-killed/>
See also Bell A ‘Chindori-Chininga family insist fatal “accident” was murder, 27 June 2013, SW Radio <http://www.swradioafrica.com/2013/06/27/chindori-chininga-family-insist-fatal-accident-was-murder/>
See also Mugofora W ‘Chindori Chininga shouts from his grave’ 27 June 2013, ZimEye <http://www.zimeye.org/?p=83571>

The following concerns are a starting point:

Accessibility

Citizens vote for parliamentarians because they want to be represented. Parliament needs to be accessible to the public. At the moment, accessing Parliament is a challenge. The security operatives at the entrances of Parliament building are hostile and the harassment that people face often leads them to abandon their quests to visit. Although the public is allowed to sit in the public gallery of Parliament, they are mute spectators. The Standing Rules and Orders of Parliament prescribe that Parliament should solicit the views of the public only through public hearings, and these hearings must be held regularly after wide communication to the public. These hearings are currently being held but are not as widely publicised. The public hearings of Portfolio Committees have not been very effective as there appears to be deliberate attempts by some elements of society to devalue these processes by creating disruptions. For instance, public hearings scheduled for Kadoma, Marondera, Masvingo, and Mutare on the Electoral Amendment Bill in 2012 were reportedly marred by violence.³² Similarly, hearings on the Human Rights Commission Bill in July 2012 were also disrupted by suspected party supporters.³³

Accountability

Citizens entrust the nation's development agenda to the government, including Parliament. Parliament should be accountable to the citizens. Citizens have a right to know where public funds are going and how they are being used, including revenues from toll gates, mining, and that which is collected through the Community Shares scheme which is part of the indigenisation processes. Further, parliamentarians should be in constant touch with their constituencies. At the moment, although majority of the constituencies are in rural areas, their members of Parliament reside in the urban areas. MPs only frequently visit their constituencies when elections are due and they need votes. In Parliament, it is important that Parliamentarian sign and not just tick the attendance register, both at the beginning and end of procedures of the day. If the register is merely ticked and not signed, it becomes easy for some members to record ticks through their friends without themselves actually attending, therefore signing at the beginning and end would ensure that Members are present during all proceedings.

Transparency

Parliament should be open about its work as well as the outputs therefrom. For instance, Constituency Development Funds must ideally be used to develop communities. Abuse of these funds should result in dismissal of the Members of Parliament, including from their political parties. Furthermore, there must be full restitution where funds have been used in an unauthorised or fraudulent manner.

Impartiality

Once a Member of Parliament has been elected, he/she represents a whole Constituency in its political, religious, ethnic or other diversities. Parliament should foster politics of ideology and not identity. Parliamentarians should remember that they represent whole constituencies and not just the individuals who voted them into power.

³² Ncube MJ, *Accountability and Democracy*, (2013) in Chitsike K and Eaglestone A (Eds) *Compromise or Compromised: An Assessment of Democracy in Transitional Zimbabwe*, the Democracy Index for Zimbabwe.

³³ Ncube MJ, *Accountability and Democracy*, (2013) as above.

Maturity

Citizens elect representatives to advocate their causes rather than to engage in inane politicking. The conduct of Members in Parliament needs to transform. This includes for instance, transforming attitudes towards Private Members' Bills. Such Bills are introduced by Members of Parliament in their capacity as such and not as members of the different political parties they represent. Scrutiny of such Bills must therefore be premised on their content rather than the identity of the individuals that introduce them.

Capacity Building

The work of Parliament must be supported through building members' capacity. This includes appointing individual members with the necessary skills, expertise or genuine interest in the thematic issues to certain portfolio committees. For instance, in May 2013, the Chairperson of the Parliamentary Portfolio Committee on Public Accounts in the Seventh Parliament of Zimbabwe, Honourable Chinyadza, reported that his Committee lacked the competency, logistical support, and manpower to verify reports made by the Comptroller and Auditor-General.³⁴ He attributed this weakness to the inability of Members of Parliament to choose the Committees to which they wanted to sit and explained that positions are simply allocated, not always on the basis of professionalism or experience. This compromises the quality of the work that the Committees produce. Further illustrating this problem are the findings of a UNDP baseline survey on sector specific capacity for committees of Parliament, which revealed that most committees had up to a 70% skills gap in analysing legislation.³⁵ According to Honourable Chinyadza, members of the committee that he chaired had no knowledge of key instruments governing the sector they were supposed to evaluate such as the Constitution, Public Finance Management Act, and Audit Office Act.³⁶

Cooperation

It is clear that despite their challenges, Parliamentary Portfolio Committees are arguably the most effective mechanism of Parliament. Parliament must ensure that the spirit of cohesiveness and cooperation existing within most Parliamentary Portfolio Committees exists in all committees as well as other aspects of parliamentary work to ensure its effectiveness.

Conclusion

It is hoped that this report and its two previous partner reports will not only contribute to a more hard-working, effective, and accountable Parliament in its Eighth iteration, but also contribute to the citizens' understanding of Parliament, its successes and failures.

³⁴ Chibaya M 'Accounts Committee lacks depth' 12 May 2013, The Standard, Available at <http://www.thestandard.co.zw/2013/05/12/accounts-committee-lacks-depth-mp/>.

³⁵ 'Baseline Survey on Sector Specific Capacity Building Requirements for Committees of Parliament' The Report was commissioned by the Parliament of Zimbabwe with support from the European Commission and United Nations Development Programme (UNDP) 31 October 2012.

³⁶ Chibaya M 'Accounts Committee lacks depth' as in note 128 above.

Appendix 1

Ministers who participated in the House of Assembly

Minister	Ministry	Party	House
Welshman Ncube	Industry and Commerce	MDC	Senate
Tendai Biti	Finance	MDC-T	HoA
Emerson Mnangagwa	Defence	ZANU PF	HoA
Tapiwa Mashakada	Economic Planning and Investment Promotion	MDC-T	HoA
Priscilla Misihairambwi	Regional Integration and International Cooperation	MDC	Senate
Henry Madzorera	Health and Child Welfare	MDC-T	Senate
Joel Gabbuza	Public Works	MDC-T	HoA
Olivia Muchena	Women Affairs, Gender and Community Development	ZANU PF	HoA
David Coltart	Education, Sports, Arts and Culture	MDC	Senate
Eric Matinenga	Constitutional and Parliamentary Affairs	MDC-T	HoA
Webster Shamu	Media, Information and Publicity	ZANU PF	HoA
Nelson Chamisa	Information and Communication Technology	MDC-T	HoA
Elton Mangoma	Energy and Power Development	MDC-T	HoA
Giles Mutsekwa	National Housing and Social Amenities	MDC-T	HoA
Kembo Mohadi	Home Affairs	ZANU PF	HoA
Teressa Makone	Home Affairs	MDC-T	HoA
Sithembiso Nyoni	Small and Medium Enterprises and Cooperative Development	ZANU PF	HoA
Heneri Dzinotywei	Science and Technology	MDC-T	HoA
Saviour Kasukuwere	Youth Development, Indigenisation and Empowerment	ZANU PF	HoA
Paurina Mpariwa	Labour and Social Welfare	MDC-T	HoA
Gorden Moyo	State Enterprises and Parastatals	MDC	HoA
Joseph Made	Agriculture, Mechanisation and Irrigation Development	ZANU PF	Senate
Walter Mzembi	Tourism and Hospitality Industry	ZANU PF	HoA
Samuel Sipepa Nkomo	Water Resources Development and Management	MDC-T	HoA
Murisi Zwizai	Dep: Media, Information and Publicity	MDC-T	HoA
Tongai Matutu	Dep: Youth Development, Indigenisation and Empowerment	MDC-T	HoA
Jessie Majome	Dep: Women Affairs, Gender and Community Development	MDC-T	HoA
Samuel Undenge	Economic Planning and Development	ZANU PF	HoA
Walter Chidakwa	Dep: State Enterprises and Parastatals	ZANU PF	HoA
Morgan Komichi	Dep: Transport and Infrastructural Development	MDC-T	HoA
Lazarus Dokora	Dep: Education, Sports, Arts and Culture	ZANU PF	HoA
Sesel Zvidzai	Dep. Local government, urban and rural development	ZANU PF	HoA
Gift Chimankire	Mines and Mining Development	MDC-T	HoA
Moses Mzila Ndlovu	Minister of State in the DPM's Office	MDC	HoA

Appendix 2.
Ministers who participated in the Senate

Minister	Ministry	Party	House
Obert Gutu	Dep. Justice and Legal Affairs	MDC-T	Senate
Sekai Holland	Organ on National Healing, Reconciliation and Integration	MDC-T	Senate
Joseph Made	Agriculture, Mechanisation and Irrigation Development	ZANU PF	Senate
Morgan Komichi	Dep: Transport and Infrastructural Development	MDC-T	Senate
Gorden Moyo	State Enterprise and Parastatals	MDC	HoA
Sesel Zvidzai	Dep. Local government, urban and rural development	ZANU PF	HoA
Paurina Mpariwa	Labour and Social Welfare	MDC-T	HoA
Monica Mutsvangwa	Dep: Labour and Social Welfare	ZANU PF	Senate
Lutho Thapela	Dep: Higher and Tertiary Education	MDC	Senate
Aguy Georgias	Dep: Public Works	ZANU PF	Senate
Rabson Makhula	Dep: Foreign Affairs	MDC	Senate
Patrick Chinamasa	Justice and Legal Affairs	ZANU PF	Senate
Teressa Makone	Home Affairs	MDC-T	HoA
Elton Mangoma	Energy and Power Development	MDC-T	HoA
Eric Matinenga	Constitutional and Parliamentary Affairs	MDC-T	HoA
Herbert Murerwa	Lands and Rural Resettlement	ZANU PF	Senate
David Coltart	Education, Sports, Arts and Culture	MDC	Senate
Joel Gabbuza	Public Works	MDC-T	HoA
Henry Madzorera	Health and Child Welfare	MDC-T	Senate
Priscilla Misihairambwi	Regional Integration and International Cooperation	MDC	Senate
Sydney Sekeramayi	State Security in the President's Office	ZANU PF	Senate
Welshman Ncube	Industry and Commerce	MDC	Senate
Jameson Timba	Minister of State in the Prime Ministers' Office	MDC-T	HoA
Simbarashe Mumbengegwi	Foreign Affairs	ZANU PF	Senate

Appendix 3

Ministers who did not speak in either House of Assembly or Senate

Name	Ministry	Party	House
Reuben Marumahoko	Dep: Regional Integration, and International Cooperation	ZANU PF	Senate
Andrew Langa	Dep: Public Service	ZANU PF	HoA
Douglas Mombeshora	Dep: Health and Child Welfare	ZANU PF	HoA
Hubert Nyanhongo	Energy and Power Development	ZANU PF	HoA
Silvester Nguni	Minister of State in the Vice President's Office	ZANU PF	HoA
Flora Buka	Minister of State in the Vice President's Office	ZANU PF	HoA
Francis Nhema	Environment and Natural Resources Management	ZANU PF	HoA
Lucia Matibenga	Public Service	MDC-T	HoA
Obert Mpofu	Mines and Mining Development	ZANU PF	HoA
Ignatius Chombo	Local government, urban and rural development	ZANU PF	HoA
Nicholas Goche	Transport and Infrastructural Development	ZANU PF	HoA
Didymus Mutasa	Minister of State for Presidential Affairs in the Office of the President	ZANU PF	HoA

Appendix 4

Types of Questions to Ministers & Minister's answers: House of Assembly

Member of Parliament	Constituency	Question	Theme	Directed to	Answer	Hansard
Hon. Thamsanqa Mahlangu	Nkulumane	When will the installation of ZESA prepaid meters be completed?	Power Supply	Elton Mangoma Minister of Energy and Power Development	As of 19 June 2013, 206 000 meters have been installed in high density areas, and 20 000 a week are being done. Progress is being made	Vol 39 No 26
Honourable Gift Dzirutwe	Glen Norah	Is it policy for citizens getting electricity installations for the first time to provide their own poles and cables?	Power Supply	Elton Mangoma Minister of Energy and Power Development	This is not government policy and these cases must be reported	Vol 39 No 26
Honourable Simbaneuta Mudarikwa	Uzumba	What is government policy towards imported generators and if we get these registered with the Zimbabwe Energy Regulatory Authority and make the people pay a fee are we not making them pay taxes twice?	Power Supply	Elton Mangoma Minister of Energy and Power Development	Registration would be appropriate but making them pay a fee is not. We would be forcing them to pay double taxes. Ministry of Finance and Ministry of Environment must look into this issue	Vol 39 No 26
Honourable Willard Chimbetete	Nyanga South	When is work on Binya Road (in Nyanga) going to start given that Ministry of Finance allocated funds for the tarring of the road?	Infrastructure Development	Tendai Biti: Minister of Finance	The MP was called to order, asked to put his question in writing and the question was not substantively responded to	Vol 39 No 26
Honourable Matthias Mlambo	Chipinge East	What is the status of our food security?	Food Security	Joseph Made: Minister of Agriculture, Mechanisation and Irrigation Development	Production is low but this issue has to go to Cabinet first	Vol 39 No 23
Honourable Obert Matshalaga	Zvivashane	What is government policy regarding encouraging farmers to grow drought resistant and small grain crops?	Agriculture	Joseph Made: Minister of Agriculture, Mechanisation and Irrigation Development	We want to intensify irrigation schemes in areas where rainfall is low and encourage farmers to diversify and keep livestock	Vol 39 No 23

				ent		
Honourable David Chimhini	Mutasa North	What measures have been put in place to distribute food equitably and address politicisation of food distribution?	Food Aid	Joseph Made: Minister of Agriculture, Mechanisation and Irrigation Development	Structures for grain distribution headed by Provincial Governors, including chiefs are on the ground to ensure that distribution is done equitably. Any problems should be brought to the attention of the Minister of Agriculture	Vol 39 No 23
Honourable Siyabonga Ncube	Insiza	Is there a policy to protect the beef producing industry against imports?	Trade & Agriculture	Joseph Made: Minister of Agriculture, Mechanisation and Irrigation Development	We try and protect our farmers' interests but we also have to balance these with regional interests as SADC members	Vol 39 No 23
Honourable Stewart Garadhi	Chinhoyi	Can you clarify how the Basic Education Assistance Model (BEAM) works?	Education	David Coltart: Minister of Education, Sport, Arts and Culture	The response was written: Basically the program is directed towards orphans, and children in schools but failing to pay, children in special schools, children from child headed households, children of school going age but who have never been at school because of economic reasons are the targeted beneficiaries. Selection is done through Community Selection Committees (CSC).	Vol 39 No 23

Appendix 5

Types of Questions to Ministers & Minister's answers: Senate

Senator	Constituency	Question	Theme	Directed to	Answer	Hansard
Marava	Zaka	In 2009 there was a convention on Internally displaced people in Kampala, do we have IDP'S in Zimbabwe?	Migration	Paurina Mpariwa Minister of Labour and Social Welfare	This Convention was sent to Cabinet and was well received and it is in a Committee which is chaired by Senator Chinamasa... There are also a few people who are at Tongogara Refugee Camp who are Zimbabweans.	21/42
Chimbudzi	Mount Darwin	Does the Ministry of Health and Child Welfare have the capacity to supply ARV'S to the whole nation considering the fact that donors may withdraw their support in the future?	HIV/AIDS and Health	Dr Henry Madzore ra Minister of Health and Child Welfare	Currently the country has slightly over 400 000 clients on ARV's mostly in the public sector. The need for this year starts at about 560 000. We hope to have put approximately 479 000 people on treatment by the end of 2012. We are facing challenges to this because of funding issues. 73% of our ARV needs are supported by Partner funding. It is an unhealthy situation in that partner support is limited. This therefore calls for government to come up with some home grown solutions. The ministry of Health is looking into the issue of more comprehensive health care financing and we will be bringing our proposals to the House soon.	21/42
Hlalo	Senator	There has been a lot of talk about spot fines which motorists have to endure. Motorists are finding it difficult to pay spot fines because if they do not have the money, their cars are impounded. How is it that citizens can be subjected to such a law?	Traffic Crimes	Patrick Chinamasa Minister of Justice and Legal Affairs	Spot fines are legal and Constitutional. However we must understand that spot fines are an admission of guilt. If you have no money you can insist that you pay at the nearest Police station. Also to further clarify all deposit fines, all spot fines, copies of those vouchers must be submitted to the magistrate for review as a check to ensure that what the police officers are doing is in line with the law.	21/42
Chief Musarurwa	Mashonaland West	We understand that during the immunisation programme some children fell ill after being immunised. Do you scrutinise these drugs before you use them in this country.	Child Immunisation	Minister of Health and Child Welfare	Whenever we would have immunised children in different areas we gather all the data on that immunisation campaign and compile a report to present to the Government and all stakeholders. Vaccination prevents child killer diseases, and the adverse effects following immunisation are negligible compared to the mortality that follows outbreaks e.g. there are over 500 babies who died in the last measles outbreak. There is no amount of adverse effects following vaccination that can equal this kind of devastation.	21/42
Mumvuri	Rushinga	Can the Minister	Public	Aguy	Yes there is a site allocated for the	22/25

		<p>update this Senate on the building of the new Parliament especially since the next coming Parliament is going to have more members than we have today? And what is the policy of the Ministry on the already existing and dilapidated buildings that are owned by the state?</p>	Works	Georgias Deputy Minister of Public Works	<p>new Parliament building. The Ministry was given this project but it was later taken away and given to the Ministry of Local Government. So we just have to wait for that Ministry to come up with a plan on who is going to be the contractor. On the second question- yes there are a lot of dilapidated houses and we are doing our best to keep all government houses in good shape. We are also trying to renovate some which we can afford but as you know there is a scarcity of resources. We have over 550 partially finished projects which we cannot complete.</p>	
Mohadi K	Beitbridge	<p>What are you doing about the houses that were built in Beitbridge and were half finished and it is now taking 4 to 5 years to complete them? Everything is just at a standstill</p>	Housing	Aguy Georgias Deputy Minister of Public Works	<p>The truth of the matter is that there is no money. The government cannot finance all these projects unless donor funding comes in and puts up money in order to finish some of these projects. Otherwise we have a serious problem with finance.</p>	22/25

Appendix 6 PORTFOLIO COMMITTEE ON MINES AND ENERGY

During the tenure of the Seventh Parliament the Portfolio Committee on Mines and Energy investigated the challenges with the mining sector and produced one of the most illuminating reports on the fate of Zimbabwe's mineral resources. The report³⁷ emanated from an enquiry by the Portfolio Committee into the performance of programs, policies and actions by the executive in the diamond mining sector for the period 2010 to 2013 with a view to assessing and holding to account government in improving revenue proceeds out of the diamond sector. The report made some keen observations among which are,³⁸

- i. *That the Executive (the Ministry responsible for Mines and Energy) did not want, and avoided scrutiny so as not to be held accountable for its activities;*³⁹
- ii. *That Mbada Diamonds and Canadile Miners, two key witnesses during the Portfolio Committee's research were un-cooperative, refused to come for questioning and were only forced to do so through the issuance of summons in line with the Standing Rules and Orders of Parliament;*⁴⁰
- iii. *That some of the key witnesses lied before Parliament while giving evidence to the Portfolio Committee in violation of Section 19 of the Privileges and Immunities Act;*⁴¹
- iv. *That the Portfolio Committee was denied entry to the diamond mining site under investigation twice in April and August 2010 while external actors such as representatives of the Kimberley Process were only allowed easy access under government supervision;*⁴²
- v. *That government had not realised meaningful revenue from the diamond mines and that there were discrepancies between the amount of money Treasury received and that which the mines claimed to have remitted to government;*⁴³
- vi. *That the taxation system in the mining sector was poor and in need of improvement as it was responsible for the low and irregular revenue proceeds that government was getting from the sector;*⁴⁴
- vii. *That there was urgent need for a comprehensive legal and policy framework for the mining sector to regulate the industry, promote financial accountability and as the basis for the compliance and punishment of offenders;*⁴⁵
- viii. *That there were several breaches of the law and good corporate governance in the choices of investors, appointment of board members to subsidiary companies and irregular auctioning and sale of diamonds, smuggling and leaking of diamonds, with the knowledge (and possible complicity) of the relevant Minister;*⁴⁶
- ix. *That although 780 families had been successfully relocated, there was no clear plan for the relocation exercise and the Committee was denied permission to hold a hearing with local communities about their relocation experience;*⁴⁷
- x. *That government was not supporting indigenous actors in the cutting and polishing sector of diamond mines leading to steep losses for some in acquiring licenses (up to \$100 000*

³⁷ Fifth Session – Seventh parliament, First report of the Portfolio Committee on Mines and Energy on Diamond Mining (with special reference to Marange diamond fields) 2009 – 2013 presented to Parliament June 2013.

³⁸ The Chairperson of the Portfolio Committee, Honourable Edward Chindori Chininga died in very suspicious circumstances in June 2013 in what appears to have been an orchestrated car accident, punishing him for his principled stance on the state of diamond mining in Zimbabwe.

³⁹ Para 4.1 p.6 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁰ Para 4.1.1 p.6 & 7 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴¹ Par 4.1.1 p.7 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013- None of them were prosecuted and this remains an issue for resolution.

⁴² Para 4.1.2 p.8 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴³ Para 4.2.1 p.8 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁴ Para 4.2.1 (b) p15 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁵ Para 4.2.1 (c) p16 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁶ Para 4.3, 4.3.1-4.3.5 p17 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁷ Para 4.5 p 18 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

*per year/non-refundable) to authenticate their business without the relevant corresponding duty on the part of the government to give them access to the uncut and unpolished diamonds;*⁴⁸ and

- xi. *That local people who could benefit from supplying goods and services to the mines were not benefitting as the mines were impenetrable and inaccessible to local communities.*⁴⁹

The Portfolio Committee also made a number of relevant and apt recommendations that would ensure the viability of the diamond mining sector in its contribution towards the national fiscus. These included;

- *the enforcement of the rule of law-beginning with respect for the law and the enforcement of Parliament's oversight role over the executive,*⁵⁰
- *the creation of a clear legal framework to direct the work of the diamond mining sector,*⁵¹
- *the enactment of a comprehensive taxation regime,*⁵²
- *the establishment of a mining transparency initiative exposing the revenue mining companies' claim to give to government and money government claims to receive from mining companies,*⁵³
- *the introduction of a Diamonds Bill or relevant amendments to the Precious Stones Act to give legal certainty to the sector and lure investment,*⁵⁴
- *to empower Parliament-through relevant legislation to ratify and approve mining contracts,*⁵⁵
- *to ensure that the exploration of mineral fields is done by prospective investors together with qualified individuals from government in order to ascertain the exact value of the minerals and avoid being duped by investors,*⁵⁶
- *and for government to empower local communities through their integration into the sector as well as promoting local cutting and polishing firms.*⁵⁷

⁴⁸ Para 4.6.1 p 19 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁴⁹ Para 4.6.2 p 21 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵⁰ Para 5.1 p 23 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵¹ Para 5.2 p 24 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵² Para 5.4 p24 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵³ Para 5.6 p25 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵⁴ Para 5.7 p25 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵⁵ Para 5.11 p 26 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵⁶ Para 5.18 p 27 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

⁵⁷ Para 5.19-5.21 p 28 as read with Para 5.17 p27 of the First report of the Portfolio Committee on Mines and Energy on Diamond Mining, June 2013.

Acknowledgements

1. Clerk of Parliament of Zimbabwe: Access to the Register and Copies of the Hansard
2. Albert Maipisi (Parliament): Access to the Hansard
3. Chiwoniso (Parliament): Access to the Register
4. Lindani Chirambadare (Intern at RAU): Data Capturing and research assistance
5. Kudakwashe Chitsike, Derek Matyszak & Tony Reeler (Staff at RAU): Editing
6. Natasha Msonza (Staff at RAU): Editing, layout and design including infographics
7. Alix Dunn (The Engine Room): for assistance designing the Infographs and brainstorming indicators of performance
8. Emma Prest and Gabi Sibley (Tactical Technology Collective): Assistance designing the Infographics.
9. Infogr.am: Free pass access to online designing tool
10. Tawanda Zhuwarara (Zimbabwe Lawyers for Human Rights): Provision of cases relating to the by-elections case.