

What the people want

Clever but not wiser;
From being excluded ignorance arises
What people need leaders please note
A skewed deal we need not.

For the people, the leaders are here
People's grievances they must hear
Needless to say they must be near
And try by all means to be sincere.

Never move in fits and starts
Nor operate on short-cuts
Prioritising people's crucial interests
Forms the basis of good leadership.

Good governance brings homage*
Let peace and no discrimination be our heritage
For our forefathers wanted to prevent damage
Supporting sources of livelihood to prevent patronage*.

Hopes for economic recovery
True democracy and the rule of law
Fill our fertile dreams for Zimbabwe a sweet home
Working to achieve this is what people want.

The Giant

* Homage - Public respect.

* Patronage - Giving out favours by a person in a high position.

Note:

1. The Agreement refers to Agreement between the Zimbabwe African National Union - Patriotic Front (ZANU-PF) and the two Movement for Democratic Change (MDC) Formations on resolving the challenges facing Zimbabwe. This is also sometimes called the Global Political Agreement.
2. The Agencies mentioned in this booklet are not responsible for the views expressed in the comments about the Agreement. The views expressed are those of many Zimbabweans through the Community Publishing process.

A People's Guide to the Agreement

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Chapter 1

Introduction



Seeking solutions to our differences and problems through dialogue

1a Purpose of the booklet

The purpose of this booklet is to inform Zimbabwean communities about the contents of the Agreement and generate discussion on the Agreement in relation to improving their situation.

1b Who the booklet is for

The booklet is designed for communities, their local leaders and the agencies that support democratic development and community empowerment. It is being produced in seven Zimbabwean languages.

1c How the booklet was produced

The need for such a booklet to inform the Zimbabwean people was expressed at a national workshop on the Agreement organised by the Catholic Commission for Justice and Peace Archdiocese of Harare. In addition, ZIMRIGHTS and community facilitators asked ACPD to produce a guide to the Agreement.

The Agreement, signed on 15 September 2008 has been difficult to implement. However it is still important, nationally and internationally, as a basis for dialogue on how to resolve the Zimbabwe crisis.

The booklet was produced through the community publishing process, which combines technical information with the creativity of communities.

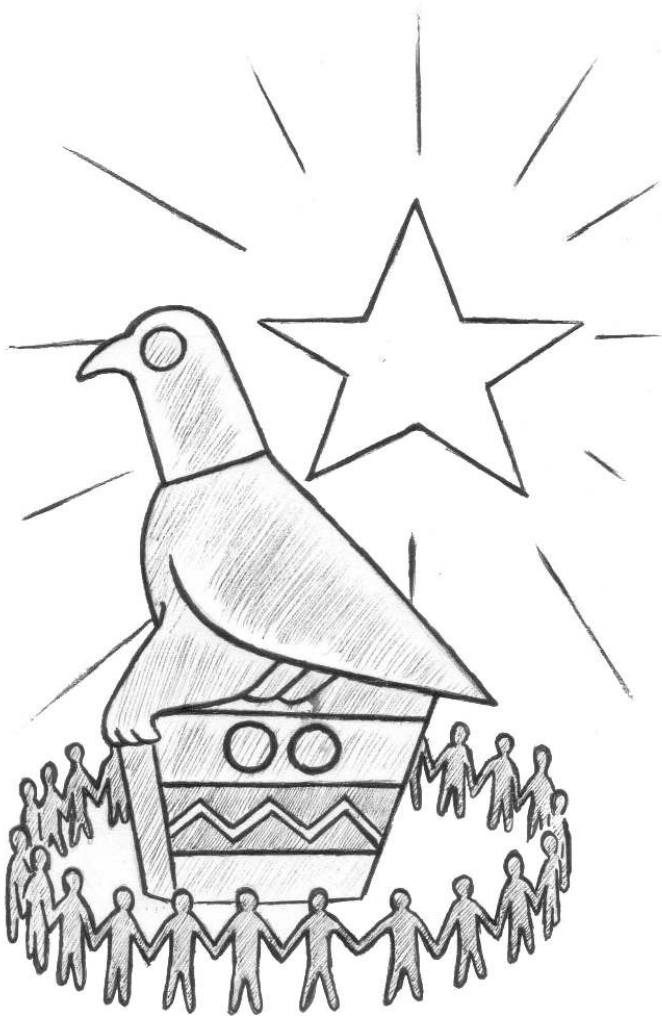
1d How to use the booklet

The booklet is designed to be read and discussed by groups, rather than individuals. Each short chapter provides a simplified summary of sections of the Agreement on a theme, with drawings and questions to assist readers in discussing the theme. A group of readers, a study circle, chooses its own facilitator, unless they already have an experienced facilitator, and secretary, and decide when and where to meet. The facilitator should ensure that group members understand what they read and can apply it to their own situation. S/he should treat all group members fairly, and help the group focus on the topic, without any person talking too much or remaining silent. The secretary

should keep notes. The ideas of the group and the readership response, should be given to the agencies distributing the booklet. Community views will help the national agencies that *are seeking solutions to our differences and problems through dialogue.*

Chapter 2

Introduction to the Agreement



Demonstrating respect for democratic values

2a What the Agreement says

Preamble*

We, the Parties to this Agreement CONCERNED about the recent challenges we have faced as a country and the multiple threats to the well-being of our people and, therefore, determined to resolve these permanently.

CONSIDERING our shared determination to uphold Zimbabwe's independence and national unity, as a respected member of the international community, a nation where all citizens respect and, therefore, enjoy equal protection of the law and have equal opportunity.

ACKNOWLEDGING the sacrifices made by thousands of Zimbabweans in the fight against colonialism and racial discrimination through the Liberation Struggle as the foundation of our freedom.

DEDICATING ourselves to putting an end to the divisions, conflicts and intolerance that have characterised Zimbabwean society in recent times.

COMMITTING ourselves to putting our people and our country first by stopping the fall in living standards and reversing the decline of our economy.

RESPECTING our constitution, rule of law, national institutions symbols and events, and the rights of all Zimbabweans to benefit from and participate freely in, national programmes and events.

RECOGNISING that the values of justice, fairness, openness, tolerance, equality, non-discrimination, respect of the dignity of all* persons without regard to race, class, gender, ethnicity, language, religion, political opinion, place of birth, are the bedrock* of our democracy and good governance.

* Preamble - Introduction to an important document expressing values and purpose, guides its interpretation.

* Bedrock - Foundation, basic principle.

* All - In later chapters all will be used without listing the kinds of discrimination which are no longer allowed.

DETERMINED to build a society free of violence, fear, intimidation*, patronage, and corruption, founded on the democratic values listed above.

ACCEPTING that land, rule of law, respect for rights, democracy and governance, have been central issues in conflicts in Zimbabwe.

COMMITTED to act in a manner that demonstrates loyalty to Zimbabwe, its national aspirations* and democratic values.

SUBMITTING ourselves to the mandate* of the South African Development Community (SADC) summit* held in Dar-es-Salaam, Tanzania on 29th March 2007, approved in Lusaka 12 April 2008, and the African Union (AU) summit held in Egypt 30 June to 1 July 2008.

RECOGNISING the importance of African institutions in dealing with African problems, we agreed to seek solutions to our differences, challenges and problems through dialogue.

ACKNOWLEDGING that following the Dar-es-Salaam SADC resolution, the parties negotiated a draft constitution signed on 30 September 2007, and further agreed to the Constitution of Zimbabwe Amendment 18. This covered amendments* to the Electoral Act, the Zimbabwe Electoral Commission Act, Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act.

APPRECIATING the historical duty and need to reach a solution that will allow us to put Zimbabwe first and give the people a genuine* chance of rebuilding their livelihoods.

FOLLOWING the common desire of working together, the Parties agreed to a Memorandum of Understanding of 21 July 2008, and now therefore agree as follows.

* Intimidation - Frightening people into doing what they don't want to do.

* Aspirations - Strong desire to achieve something.

* Mandate - Authority given.

* Summit - High level meeting.

* Amendments - Small changes.

* Genuine - Real.

Article* 1 - Definitions

The “Agreement” means this Agreement signed by representatives of ZANU PF and the two MDC formations in fulfilment of the SADC and AU mandate. The “Parties” mean ZANU PF and the two formations of MDC led by Morgan Tsvangirai and Arthur Mutambara. The “Government” or “new Government” means the new Government to be set up in terms of this Agreement.

Article 2 - Declaration of Commitment

The Parties agree to work together to create a genuine, viable*, lasting and nationally acceptable solution to the Zimbabwe situation and in particular to carrying out the following Agreement with the aim of resolving the current political and economic situation and charting a new direction for the country.

2b Comment

The introduction to the Agreement is the best part of it, as it expresses the commitment of the main political parties to co-operating in resolving the Zimbabwean crisis and their determination to act in a way that demonstrates democratic values. The Zimbabwean people have waited a long time for justice, peace and *the genuine chance of rebuilding their livelihoods*.

However, four months later, there are two concerns which are expressed in the form of drawings.

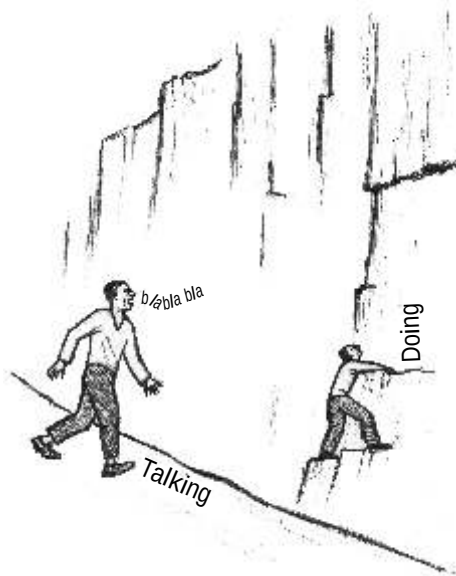
* Article - A section of a legal or policy document.

* Viable - Capable of being done.

An Exclusive process



Lack of progress



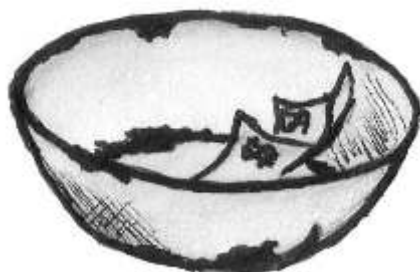
Talking is as easy as going downwards but doing is as hard as going upwards.
African proverb

Discussion questions

- i) What do you think about the Introduction to the Agreement?
- ii) Which sentences have the most meaning for you?
- iii) Are there any sentences you disagree with?
- iv) Have you had experiences of being left out of important decisions?
What did you feel about being excluded?
- v) What problems can arise if political leaders fail to consult citizen organisations?
- vi) What can we do to ensure that local and national leaders carry out the parts of the Agreement that we like, and *demonstrate respect for democratic values*?

Chapter 3

The Economy



Reversing the decline of the economy

3a What the Agreement says

Article 3 - Restoration of economic stability and growth

The Parties agree:

- a) To give priority to the restoration of economic stability and growth in Zimbabwe. The Government will lead the process of developing and carrying out an economic recovery plan, which will urgently address the issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates and the exchange rate.
- b) To create conditions that would ensure that the 2008/9 agricultural season is productive.
- c) To establish a National Economic Council made up of representatives of the Parties and of the following sectors: manufacturing, agriculture, mining, tourism, commerce, finance, labour, academic and other relevant sectors.
- d) That the National Economic Council will give advice to the Government, coming up with economic plans and programmes for approval.
- e) To approve the SADC resolution on the economy.

Article 4 - Sanctions and measures

It is recognised that some sections of the international community particularly European Union and United States of America, have since 2000 introduced various sanctions and measures against Zimbabwe; over issues of disputed elections, governance and land reform.

This international isolation resulted in a negative view of Zimbabwe reducing availability of credit and contributing to the further decline of the economy. The Parties agree that sanctions and measures should be lifted in order to find a sustainable solution to the challenges facing Zimbabwe, and to re-engage with the international community.

Article 5 - The Land question

The need for land reform to correct the historical injustices is recognised by the Parties, while differing on the methods used in land reform.

The Parties agree to:

- Carry out a non-partisan land audit for accountability and stopping multiple farm ownerships.
- Ensure that all Zimbabweans who are eligible be allocated land without discrimination, and that women get land in their own right.
- Ensure security of tenure to all land holders.
- Work together to restore full productivity of agricultural land.
- Get international support and finance for land reform.

3b Comment

Comment on Article 1 - Restoration of economic stability and growth

It is encouraging to note the commitment to restore economic stability, and urgently deal with issues such as food security the farming season, poverty, unemployment, inflation and the exchange rate.

However, it is of concern that five months after the Agreement was signed, a new Government was set up and a National Economic Council, is not yet in place. It is important that the National Economic Council includes organised civic society as well as labour, business and government. All the problems that needed urgent attention have actually got worse:

Hunger

The number of people needing food aid, according to the Food and Agriculture Organisation, has increased from 4 million in July 2007 to an estimated 5.1 million, or 45% of the population, in early 2009.

The Farming Season

Farming specialists, including former GMB director Gasela, called the 2008/9 farming season a *disaster*, because of the serious shortage of seed, fertiliser and diesel for tillage, as well as continued farm disruptions. The Famine Early Warning Network, FEWSNET, said that Zimbabwe only had 19% of seeds required.

¹ The Standard 16-22 November, 2008

Poverty

Poverty is estimated at 85%. The Catholic Commission for Justice and Peace¹ carried out a national basic needs survey at the end of October 2008, which showed that a basic needs basket cost between 149 US\$ and 560 US\$ a month, but the majority of workers were earning 1 to 3.5.% of the cost of basic needs. Professionals are joining the ranks of the impoverished as in December 2008, some doctors and journalists were earning less than .50 US cents a month.

Inflation

Inflation was officially estimated at 231 million percent in July 2008. Since then, according to the Cato Institute it has increased to 79.6 billion % each month, an annual inflation rate of 89.7 sextillion* % in 2008². Consequently, there were severe cash shortages in the last quarter of 2008 and very long bank queues. In December a person was able to only withdraw 10 billion, enough for a loaf of bread.

Exchange rate

The value of the Zimbabwe dollar on the parallel market, continues to fall, from 1 US\$ = 140 Zim\$ in September 2008, to 1 US\$ = 4 trillion Zim\$ in January 2009.

Comment on Article 4 - Sanctions and measures

Zimbabwe's international isolation is a symptom of deep problems related to injustice and mismanagement of public resources. Targeted sanctions are individually applied measures, applied against a few persons identified as being responsible for repression and corruption, not the majority of the population. The European Union and USA provide the largest amount of humanitarian aid to the Zimbabwean people. The international community has prepared a large financial package to assist Zimbabwe with recovery, which will be released when it is satisfied that the conditions for viable and democratic governance are in place.

² Cato figures quoted in Physicians for Human Rights Health in ruins printed in The Standard 19 January 2009

* A sextillion has 36 zeroes.

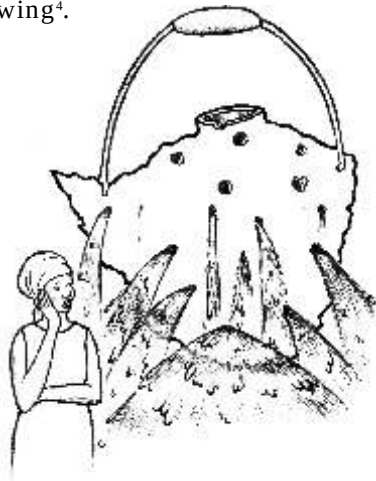
Comment on Article 3 - The land question

Everyone agrees that land reform is necessary, and most of the debate is on the methods used. While the first phase of Land Reform was slow, on the whole it was successful as resettled farmers, who were given the necessary support, increased productivity. The second, fast track phase of Land reform resulted in a great loss of productivity, contributing, to hunger and Zimbabwe's economic decline (as agriculture is the basis of Zimbabwe's economy). FAO* has observed that new commercial farmers are only using 30 to 55 % of their arable land (compared to communal farmers who use 77% of their land). Many are not actually committed and skilled farmers, rather they are business people and politicians, living in town, who send instructions on their cell phones³. A rural contributor commented: *Article 3 is of great interest to rural readers who depend on land for their livelihoods. We are very concerned about non-productive resettled farmers and believe that security of tenure should only be given to productive farmers.* Another contributor commented: *Land and productive agriculture are the most generative factors in food security and economic recovery. So progress on these issues needs both priority and creativity.*

The loss of value

The loss of value and the economic problems we have discussed are summed up in the following drawing⁴.

Zimbabwe is like a leaking bucket, with all that is most valuable (skilled people, wealth, investment, jobs, affordable food and education, confidence, co-operation) pouring out. What will be left for my children and grandchildren?



* FAO - Food and Agriculture Organisation

³ For more on the necessary conditions for successful land reform please refer to ACPD Rising Again Ch4, 2008

⁴ First used in ACPD's Peace-building, 2002

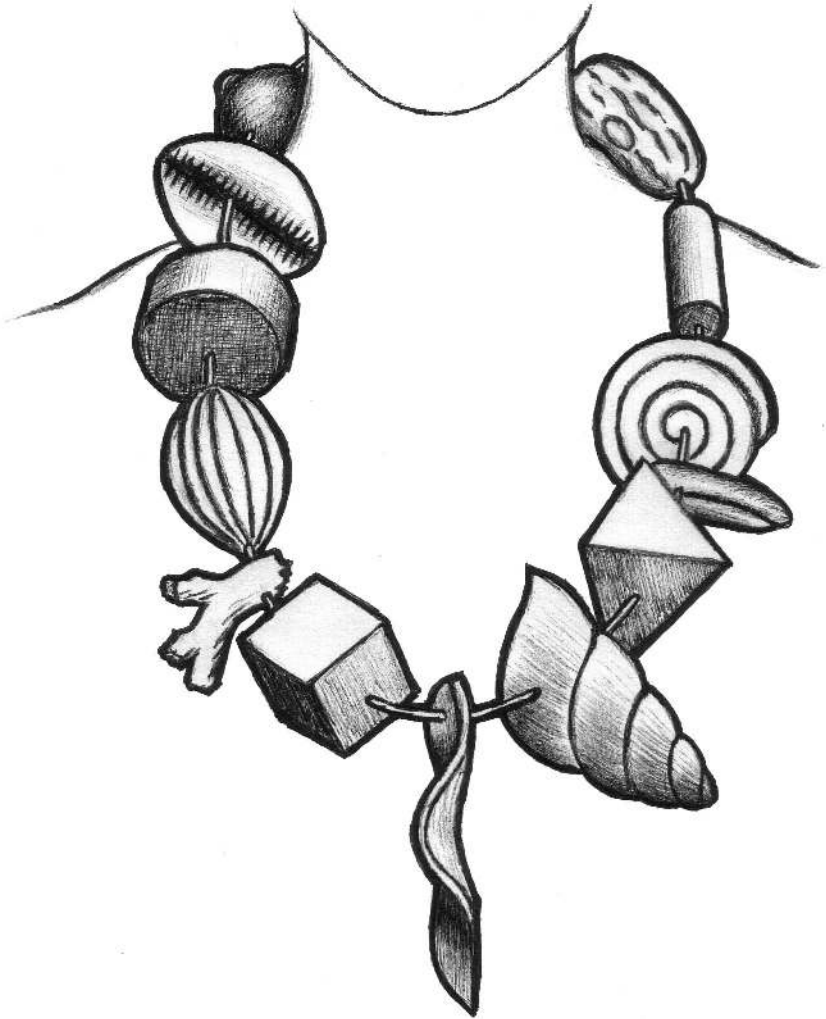
3c Discussion questions

- i) What has been your experience of the economic situation since September 15, 2008? Draw a picture, or make a short play to illustrate your experiences.
- ii) What do you think about the Agreement's proposal to restore the economy?
- iii) Which sentences have the most meaning for you?
- iv) Are there any sentences you disagree with?
- v) What is the best way to overcome Zimbabwe's isolation and attract international finance for recovery?
- vi) What have you observed about the Fast Track Land Reform? What do you think about the Parties' proposals on land reform?
- vii) In your opinion, what are the 5 most important tasks to be done for economic recovery?
- viii) How can you contribute to these tasks?
- ix) How can you convince your local leaders* to do more to reduce poverty and contribute to *reversing the decline of the economy*?

* By local leaders we mean members of Parliament, Senators, Councillors, traditional leaders, church leaders, business and union leaders, and other civic leaders.

Chapter 4

Peace and unity



Building a society free of violence and hatred

The necklace symbolises peace and unity in diversity.

4a What the Agreement says

Article 7 - Promotion of equality, national healing, cohesion* and unity

The Parties agree that the new Government:

- a) Will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and political affiliation and will work towards equal access to development for all.
- b) Will ensure equal and fair development of all regions of the country and in particular correct historical imbalances.
- c) Shall consider setting up of a mechanism* to advise on what measures might be necessary and practicable* to achieve national healing, cohesion* and unity for victims of pre and post independence violence.
- d) Will strive to create an environment of tolerance and respect among Zimbabweans in which all citizens are treated with dignity and respect.
- e) Will make policies and put measures in place to attract the return of all Zimbabweans in the Diaspora* particularly skilled personnel.

Article 8 - Respect for national institutions and events

In order to have a common vision for our country, the Parties agree:

- a) That all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion respect and observe Zimbabwe's national institutions, symbols, programmes and events.
- b) That all Zimbabweans have the right to benefit from, and participate in, national programmes and events.

Article 18 - Security of persons and prevention of violence

Noting the use of violence by political parties, state and non-state actors for political purposes. Seriously concerned about the displacement of many people after the March 29, 2008 election as a result of political violence. Recognising that violence dehumanises* and causes feelings of hatred and division within the country. Further recognising that

* Cohesion - holding together.

* Mechanism - A system, structure or process that performs a function.

* Practicable - capable of being done.

* Diaspora - The spreading of people outside their country.

* Dehumanises - Takes away the dignity of people.

violence weakens our independence as a people and our capacity to make free political choices.

The Parties agree:

- a) To promote the values and practice of tolerance, respect, non-violence and dialogue as ways of resolving political differences.
- b) To give up the promotion and use of violence for political purposes.
- c) That the Government shall apply the laws of the country fully and fairly to discipline people responsible for political violence.
- d,e,f) That all political parties, other organisations and their leaders shall commit themselves to do everything to stop all forms of political violence.
- g, h) To work together to ensure the security of all persons and property, including the safety of displaced people, their return home and full protection of the law.
- i) To stop using destructive language.
- j) That prosecuting authorities, guided by the Constitution and laws, will decide quickly if there is sufficient evidence for prosecution or keeping on remand* all persons accused of offences related to the March and June 2008 elections.

4b Comment

Most Zimbabweans long for peace and would greatly appreciate these sections of the Agreement. Article 7c is not strong enough. It says the Government will consider (think about) setting up a structure to advise on healing for victims of pre and post independent violence. Rather, as so many Zimbabweans have suffered from violence, they need the Government to make a commitment to setting up an effective structure for healing. This should include a process to establish the truth of what happened, and adequate compensation should be provided for victims of organised violence.. In addition, the Agreement has not been effective in stopping violence, as the following facts show.

The Zimbabwe Peace Project reports that in September and October 2008, there were 2442 reported human rights violations⁵.

* Remand - Keeping an accused person in prison or granting bail before trial.

⁵ ZPP September Report on politically motivated human rights and food related violations 2008.

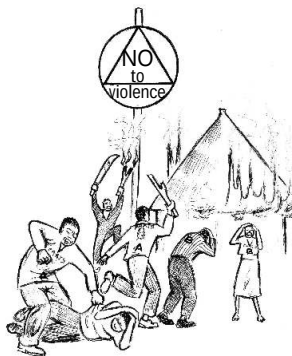
ZPP early warning report on politically motivated human rights and food related violations in Zimbabwe, October 2008.

In November and early December, 32 people were abducted (kidnapped) and tortured, including Jestina Mukoko, the highly respected Director of the Zimbabwe Peace Project, and 8 people have still not been found. At the time of editing, 13 February 2009, those abducted, imprisoned and tortured have not been released, nor have the politically motivated charges been dropped. Many displaced people returning to their homes were harassed and fined, or threatened with eviction. A rural contributor, a survivor of violence, commented: *more clarity is needed on what should be done with perpetrators of violence, and bringing them to justice. This is not about revenge or punishment, it is about protection.*

The Agreement does not explain what should be done to ensure that political violence does not re-occur.

4c Discussion questions

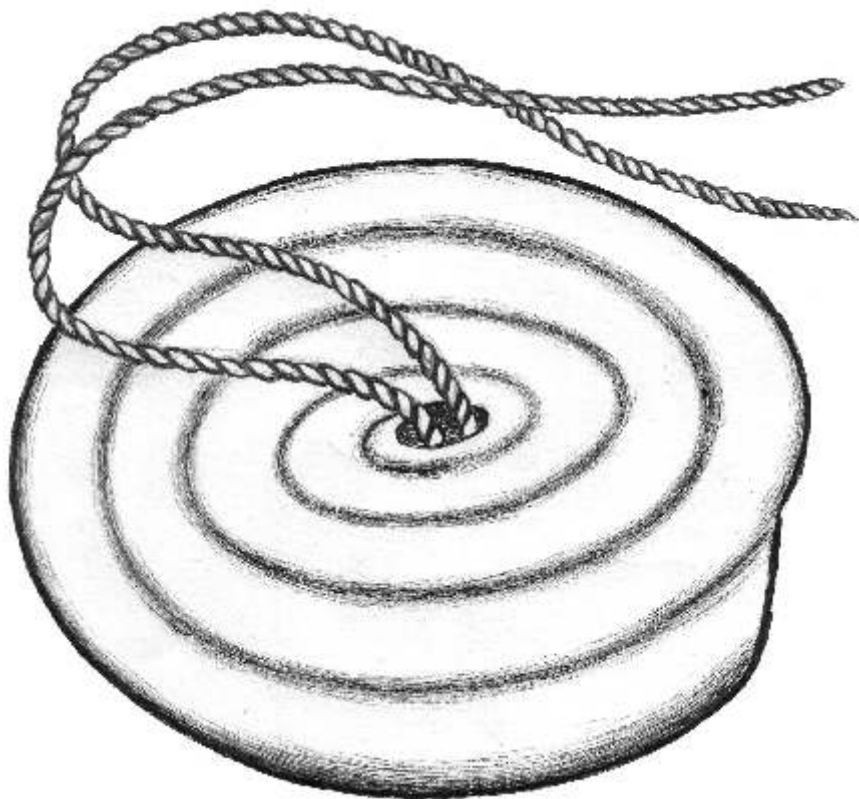
The Agreement's statements on peace and unity are summed up in the following drawings:



- i) Express creatively your own understanding of healing.
- ii) What has been your experience of peace or violence since 15 September 2008?
- iii) What do you think about these sections of the Agreement?
- iv) Which sentences have most meaning for you?
- v) Are there any sentences you disagree with?
- vi) How can you contribute to peace and unity at local level?
- vii) Who in our area has been most affected by violence, and how can we assist them?
- viii) How can you convince your leaders (traditional leaders, MP's Councillors and other leaders) to work for peace and unity locally and nationally, and participate in *building a society free of violence and hatred*?

Chapter 5

Rights and services for all Zimbabweans



Respecting the rights of all Zimbabweans

A ndoro symbolises wisdom, the positive use of power for the well-being of the community.

5a What the Agreement says

Article 10 - Free political activity

Recognising that the right to freely mobilise for political support is the cornerstone of any multi-party democratic system, the Parties have agreed that there should be free political activity throughout Zimbabwe within the law.

Article 13 - State organs and institutions

State organs and institutions do not belong to any political party and should be impartial* in carrying out their duties. To ensure that all state organs and institutions perform their duties, ethically and professionally according to the principles of a multi-party democratic system in which all parties are treated equally, the Parties have agreed that the following steps be taken:

- a) That the training curriculum of the armed forces include the subjects of human rights, international humanitarian law and other important laws in order to understand their role in a multi-party democracy.
- b, c) Ensuring that all state organs and institutions observe the Rule of Law and remain impartial*, and that those violating laws and principles be disciplined.
- d) Recruitment policies and practices should be fair without favouritism.

Article 14 - Traditional leaders

Recognising that traditional leaders are community leaders with equal responsibilities to all members of their communities regardless of age, gender, ethnicity, race, religion and political affiliation, the Parties agree to:

- a) Commit themselves to ensuring the political neutrality (impartiality) of traditional leaders and
- b) Call upon traditional leaders to be non-partisan at national and community level.

* Impartial - Fair, without taking sides, non-partisan.

Article 15 - National Youth Training Programme

Recognising the desirability of a national youth training programme which develops the values of patriotism*, discipline, tolerance, non-violence, openness, democracy, equality, justice and respect. Determined to ensure that the National Youth Training Programme raises awareness of HIV and AIDS, develops skills and creates a spirit of community service and commitment to the development of Zimbabwe, the Parties agree:

- a) All youths can participate in National Youth Training Programmes.
- b, c) The National Youth Training Programme must be run in a non-partisan manner, and during the training youths may not be used for partisan political work.

Article 16 - Humanitarian and food assistance

In times of need, every Zimbabwean regardless of race, ethnicity, gender, political affiliation and religion is entitled to receive humanitarian and food assistance from the state. It is the responsibility of the State to ensure that every Zimbabwean who needs humanitarian and food assistance receives it. Non-Governmental Organisations (NGO's) involved in giving humanitarian and food assistance should do so without discrimination and without promoting any political party or cause. The Parties agree:

- a, b) That the Government, all State and state, related institutions and NGO's shall provide humanitarian and food assistance without discrimination.
- c) That all displaced persons shall be entitled to humanitarian and food assistance to enable them to return to their homes.
- d) That all NGO's providing humanitarian and food assistance must operate within the laws of Zimbabwe.

5b Comment

Like the previous section on peace, most Zimbabweans would greatly appreciate these sections of the Agreement, especially at a time of hunger and cholera. However, in spite of the Agreement being signed on 15 September, humanitarian and food assistance is not yet reaching

* Patriotism - Love of one's country.

all who need it. A lot of aid, especially food aid, is being provided in a discriminatory manner, favouring those who belong to a particular party. Some officials, traditional leaders and youth from the National Youth Training Programme (along with war veterans and politicians) are responsible for distributing aid in a discriminatory way, harassing displaced people and failing to recognise MDC councillors. In many rural areas there is not yet free political activity e.g. MDC supporters were beaten up for wearing party T-Shirts or celebrating this Agreement. On a large scale, there is failure to follow these sections of the Agreement. This discrimination is described in detail in a report produced by the Zimbabwe Peace Project in October 2008, called 2008 Early Warning report on politically motivated human rights and food related violations in Zimbabwe. ZPP reports that: *376 cases of food-related violations were recorded in October 2008, whose prevalence was as follows: 1% (10 cases) violence, 32% (91 cases) harassment, 67% (275 cases) discrimination.* ZPP comments:

Party affiliation and possession of an active ZANU PF card is reportedly ... the requirement for accessing food sourced from both Government Subsidised Food and NGO's, although NGO's are making desperate efforts to shrug off this abuse. Political control of food aid operations is ensured through a highly centralised and networked ... system. With these goings on ... some starving villagers and vulnerable groups (children, the elderly, TB patients, HIV/AIDS) have reportedly gone for months without food...

The Agreement is almost silent on accountability for past discriminatory actions and injustices. A rural writer comments:

The Agreement should be clearer on how to separate party business from government.

In addition to the State's responsibility for providing food and humanitarian assistance to all who need it, the state is responsible for the provision of basic services to citizens. This is one of its main functions, and ways of realising the *rights of all Zimbabweans*. This was done well in the early years of independence, when Zimbabwe had the best educational and health services in Southern Africa. Sadly, in recent years, Zimbabweans have failed to get basic services:

- Since ZINWA* took over the management of water from municipalities in 1997, services got more expensive but collapsed.

* ZINWA - Zimbabwe National Water Authority.

This resulted in the cholera outbreak in 2008 and 2009, which by January 2009 resulted in 62,909 cases and 3229 deaths, according to the World Health Organisation. Fortunately in February 2009 the decision was taken to close down ZINWA.

- In addition to cholera, Zimbabwe has a high rate of HIV and AIDS, affecting 1.4 million Zimbabweans and causing an estimated 400 deaths daily. Only a quarter of the 800,000 people needing anti-retrovirals are receiving treatment. In 2008 there were also 200 cases of Anthrax. Yet at a time of widespread illness, most public clinics and hospitals are not functioning. Physicians for Human Rights comment in a report Health in ruins (January 2009): *The cholera epidemic ... is an outcome of the health systems collapse and of the failure of the state to maintain safe water and sanitation. This disaster is man-made, was likely preventable and has become a regional issue.*
- Electricity services have declined and transport is unaffordable.
- The combination of hunger, HIV and AIDS, poverty and breakdown of services has resulted in Zimbabweans having the lowest life expectancy in the world: 34 for women and 36 for men
- Education services have also broken down. At the time of writing, end of January 2009, schools have not yet opened. UNICEF commented that primary school enrolment has fallen from 86% to 20%, and that in 2008: *Between the teachers strike, limited learning materials, political violence and displacement, Zimbabwe's children lost a whole year of schooling*.*

As many Zimbabweans have failed to have their basic needs and rights realised, one third of the population has left the country, and people are continuing to leave the country after the Agreement was signed. In an international survey by the Happy Planet Index, looking at life expectancy, life satisfaction and the environment, Zimbabwe was ranked as the unhappiest of 178 countries.

* UNICEF quoted in The Zimbabwean 22-28 January 2008.

5c Discussion questions

Study the following drawings:

Yes to rights and services for all



No to discrimination



At the chiefs court yard there is no relative

- i) Express creatively your understanding rights and services for all Zimbabweans.
- ii) What has been your experience of food aid and humanitarian assistance since September 15, 2008?
- iii) What has been your experience of other services: water and sanitation, health, education, electricity and transport?
- iv) What do you think about these sections of the Agreement?
- v) Which sentences have the most meaning for you?
- vi) Are there any sentences you disagree with?
- vii) What can you do to contribute to improved services and respect for basic rights?
- viii) What can you do to convince your local leaders and party youth to carry out these sections of the Agreement, *respecting the rights of all Zimbabweans*?

Chapter 6

Freedom of assembly,
association and expression



A society founded on openness, dignity and equality.

6a What the Agreement says

Article 12 - Freedom of assembly and association

Recognising the importance of freedoms of assembly and association in a multiparty democracy and noting that public meetings should be carried out freely, peacefully and democratically in accordance with the law, the Parties have agreed:

- a) To work together in a manner which ensures the full realisation of the right to freedom of association and assembly, and
- b) That the Government shall carry out training programmes for the uniformed forces so they can understand and apply these rights and security legislation.

Article 19 - Freedom of expression and communication

Recognising the importance of the right to freedom of expression and the role of media in a multi-party democracy. Noting that although the Broadcasting Services Act permits licenses, no licenses other than to the public* broadcaster have been issued. Concerned that the failure to issue licenses under the Broadcasting Services Act has resulted in alternative, foreign based and funded radio stations broadcasting into Zimbabwe, which are not in Zimbabwe's national interest. Desiring to ensure the opening up of the airwaves and the operation of as many media houses as possible. The Parties agree:

- a) That the government shall ensure the immediate processing by the appropriate authorities of all applications for licenses in terms of the Broadcasting Services Act and AIPPA*.
- b) That all Zimbabweans including those currently working for, or running external radio stations be encouraged to make applications for broadcasting licenses in Zimbabwe.
- c) That in recognition of the open media environment expected by this Agreement, the Parties:
 - i) Call upon the governments that are hosting and / or funding external radio stations to stop such hosting and funding.
 - ii) Encourage that Zimbabweans working for, or running external radio stations broadcasting into Zimbabwe, to return to Zimbabwe.

* ZBC many media specialists would call ZBC a government broadcaster rather than a public, non-partisan broadcaster.

* AIPPA - Access to information and Protection of Privacy Act.

- d) That steps be taken to ensure that the public media provides balanced and fair coverage to all political parties for their activities.
- e) That the public and private media shall not use destructive language that causes intolerance and hatred.

The inclusive government shall ensure that appropriate measures are taken to achieve this objective.

6b Comment

Many Zimbabweans understand the role of free assembly, association and expression as central in a multiparty democracy, so they would welcome the Parties statements about working together to enhance these rights. In relation to Broadcasting, Zimbabwe is the only country in Southern Africa which does not have any alternatives to state radio. There is also no independent daily newspaper. So the promise to open up the airwaves and accept many media houses is also appreciated. However, C1 and C2 of Article 19 is about stopping external radio stations broadcast into Zimbabwe. These stations are only based outside Zimbabwe as there were not conditions for free media inside Zimbabwe. Not enough attention is given to ensuring the conditions for a free media environment are in place including repealing and replacing AIPPA and the Broadcasting Act. The Agreement does not concentrate on the media issues that are most relevant to citizens. Those include: being able to express themselves freely without harassment, having access to a diverse range of information as well as the means of communication, the right to information held by officials, public rather than state or government controlled broadcasting protection of media workers, and an independent authority regulating the media and enabling rather than restrictive media laws. These conditions are expressed in The Declaration of Principles on Freedom of Expression in Africa, adopted in October 2002 by the African Commission on Human and Peoples' Rights, part of the African Union to which Zimbabwe belongs. It is also of great concern that in spite of the statements in Articles 12 and 19 on the importance of freedom of assembly, association and expression in a multiparty democracy, these rights have not yet been realised in most parts of the country, since the Agreement was signed.

The Zimbabwe Peace Project reported in October that *in most rural communities, the traditional leadership has imposed ... a ban on MDC report back rallies and meetings*. In ZPP's September and October reports⁶ many examples are given of the denial of the rights to free expression. People have been harassed for wearing their party T-shirts, commenting on the economy or the inter-party talks, listening to independent radio stations, reading the Zimbabwean or listening to Thomas Mapfumo's latest album. The Media Monitoring Project Zimbabwe in its weekly Media Update exposes unfair coverage hate speech, and violations of media freedom. The Media Institute of South Africa, MISA, on January 12th 2009, wrote to the SADC chairperson Kgalema Montlanthe and other SADC and Zimbabwean leaders, about The restrictive media environment in Zimbabwe in relation to Article 19, and the amendments to AIPPA and the Broadcasting Services Act (made by the 7th Parliament of Zimbabwe in January 2008) MISA made the following points:

- i) The Media and Information Commission no longer exists in law, yet it continues to regulate media in Zimbabwe. The Minister of Information and Publicity no longer has authority over registration and accreditation fees. This authority is now with the Zimbabwe Media Commission.
- ii) The political parties and Parliament of Zimbabwe have not been able to set up the Zimbabwe Media Commission in a process which included stakeholder consultation.
- iii) The new registration and accreditation fees introduced by the Minister of Information and Publicity are unaffordable foreign media organisations wishing to have a representative office in Zimbabwe will pay a total of 32,000 US dollars. Local journalists working for foreign media organisations will pay US\$1000 and US\$3000 as an individual application and accreditation fee. However with SADC, journalist accreditation fees range from US\$150 to US\$200 dollars.
- iv) The arrests, abductions and unlawful detentions of journalists have continued, and journalists have been threatened, especially after the outbreak of cholera.

⁶ ZPP September Report on politically motivated human rights and food related violations 2008.

ZPP early warning report on politically motivated human rights and food related violations in Zimbabwe, October 2008.

MISA ended the letter by expressing gratitude to SADC for the work it is doing to help resolve the Zimbabwe crisis, and requested SADC to continue helping the Zimbabwean people to speak, access information and use the media freely. This is important for democracy and for public debate on important issues such as the Agreement.

6c Discussion

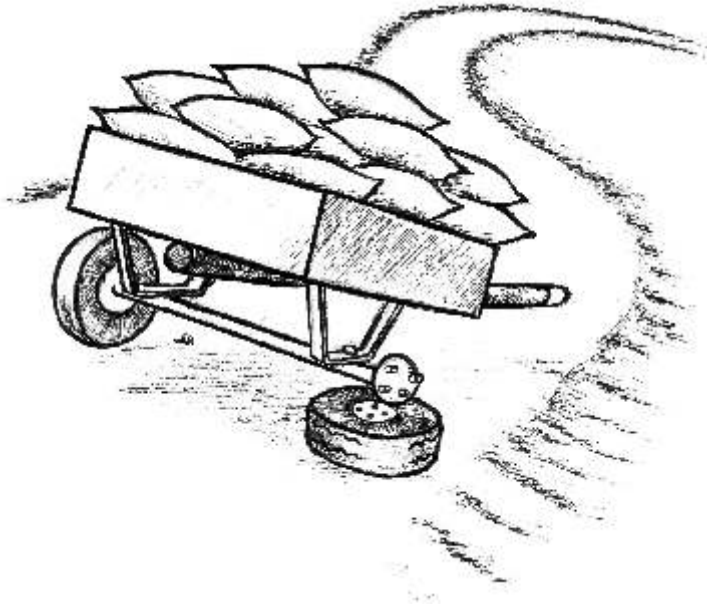
Study the following pictures before discussing the questions.

Yes to free assembly, association and expression



No to denial of free assembly, association and expression



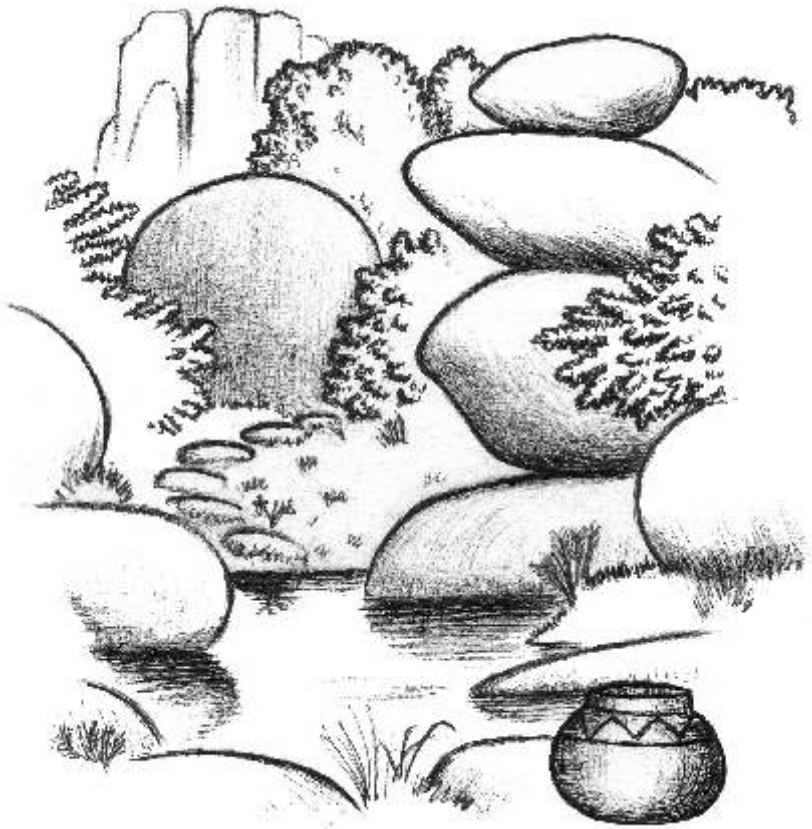


Will people ever get what they are waiting for if there are no freedom of association, assembly and expression 'oxen' to pull the cart of multiparty democracy?

- i) What did you think about these sections of the Agreement?
- ii) What sentences had most/least meaning for you?
- iii) Why are these rights essential for democratic development?
- iv) What has been your experience of the rights to freedom of assembly, association and expression since September 15th 2008?
- v) How can you contribute to realising the rights to free assembly, association and expression locally?
- vi) How can you convince your local leaders to support these rights locally and nationally?

Chapter 7

Law and the Constitution



Recognising the values of justice and fairness.

Just laws and a people-driven Constitution are like a sacred spring, which continues to give life for many years.

7a What the Agreement says

Article 6 - Constitution

Acknowledging that it is the right and duty of the Zimbabwean people to make a Constitution by themselves and for themselves. Aware that the process of making this constitution must be driven by the people, inclusive and democratic. Recognising that the current Constitution of Zimbabwe was made at the Lancaster House Conference, London (1979) to transfer power from the colonial authority to the people of Zimbabwe.

Acknowledging the draft Constitution signed and agreed to in Kariba on 30 September 2007. Determined to create conditions for our people to write a Constitution for themselves. Mindful of the need to ensure that the new Constitution deepens our democratic values, and principles including the protection of the equality of all citizens, and enhancing full citizenship and equality of women. The Parties agree:

- a) That they shall set up a Select Committee of Parliament (2 months from the start of the new Government) with the following tasks.
 - To set up subcommittees chaired by an MP* and made up of MP's and representatives of civil society.
 - To organise an All Stakeholders Conference to consult stakeholders on their representation in sub-committees and assist the Select Committee with its work. (Within 3 months of the appointment of the Select Committee).
 - To hold public consultation (which should be completed 4 months after the 1st Stakeholders Conference).
 - To present its draft Constitution to a 2nd All Stakeholders Conference (within 3 months after completing the public consultation).
 - To present the draft Constitution and accompanying report to Parliament (within one month of the 2nd Stakeholders Conference).
 - The draft Constitution will be debated in Parliament for a month.
- b) A referendum on a new draft constitution will be held (within 3 months of concluding the parliamentary debate).

* MP - Member of Parliament.

- c) If approved in the referendum, the draft Constitution will be gazetted* (within one month).
- d) The draft Constitution will be introduced in Parliament one month after its gazetting.

Article 11 - Rule of Law, Respect for the Constitution and other laws

The Parties agree that it is their duty, and that of individuals to: Respect and uphold the Constitution, other laws and the principle Rule of Law.

Article 17 - Legislative* agenda priorities

The Parties agree:

- The legislative agenda will be prioritised to reflect the spirit of this Agreement.
- The Government will discuss and agree on further laws necessary to implement the Governments' agreed policies and to establish firmly democratic values and practices.

Article 25 - Interim Constitutional amendments

That the constitutional amendments which are necessary for carrying out this Agreement shall be passed by Parliament and agreed to by the President as Constitution of Zimbabwe Amendment No. 19 (and to include in this amendment some sections of the Kariba draft Constitution).

7b Comment

The Zimbabwean people would welcome the opportunity to contribute to a new constitution, something they have been demanding over the last ten years. Many citizens are aware that it is their right to contribute to a new constitution and that *a people driven, inclusive, democratic process* is needed as explained in The People's Charter, and the NCA process described in the comment. However, the process described in Article 6 is not people driven, as it is controlled by Parliament and politicians. MP's can decide who to invite, and whether or not to include people's views on the main issues. Zimbabweans have had painful experiences

* Gazetted - Put in on official document of important public notices.

* Legislative - Passing of laws.

of being consulted, before the previous Constitutional Referendum, but not having their views officially recognised. They know nothing about the Kariba Draft* Constitution, which was written by four political leaders. They are concerned that the Agreement was produced in an exclusive process, without public consultation, and that once again, in the making of a new Constitution, they will be left out.

The National Constitutional Assembly proposes an alternative way of producing a people driven, democratic Constitution⁷:

- An All Stakeholders Conference selects an All Stakeholders commission, made up of 600 people chosen according to a clear and agreed criteria. The All Stakeholders Conference also decides on the duties of the Commission, and the time frame, and publicises this information.
- The All Stakeholders Conference elects the chairperson and vice-chairperson of the Commission. The chairperson should be a judge, working (inside or outside Zimbabwe) or retired, known for integrity and independence. The 5 vice-chairpersons can be nominated from the following sectors:
The women's movement church, labour, business and traditional leaders.
- There will be widespread public participation on constitutional debate, covering all geographical areas interest groups and political affiliations, with grassroots outreach.
- The Commission puts information from the public consultation into a Draft Constitution.
- The Draft Constitution is presented at the 2nd All Stakeholders Constitutional Conference and widely distributed to the public, with requests for feedback. The feedback is used by the Commission to make a final draft.
- The final Draft Constitution is distributed widely before the referendum, with all interested parties able to carry out civic education on it, and campaign for or against it.
- If the Draft Constitution is accepted in the referendum, then it is enacted in Parliament.

In relation to Article 7, on the Rule of Law, this can only be effectively carried out when a democratic Constitution is in place along side other aspects of legal reform, including removing politics from the legal

* The various versions of the Constitution will be covered in ACPD's The Peoples' Guide to Constitutional Debate (forthcoming).

⁷ NCA Proposal for a people driven constitution making process.

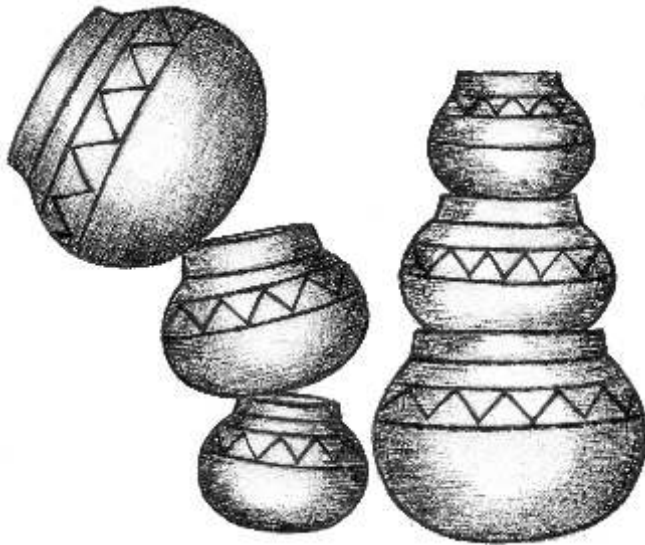
system. Currently, some aspects of the Constitution are not followed, including the section dealing with rights, some high court judgements are not implemented, laws are quickly changed or passed to suit particular interests in a particular situation, and citizens feel it is difficult to obey some laws which they regard as unjust and going against their constitutional rights. A new people driven Constitution could correct these problems.

7c Discussion

Study the following pictures before discussing the questions.

Top down

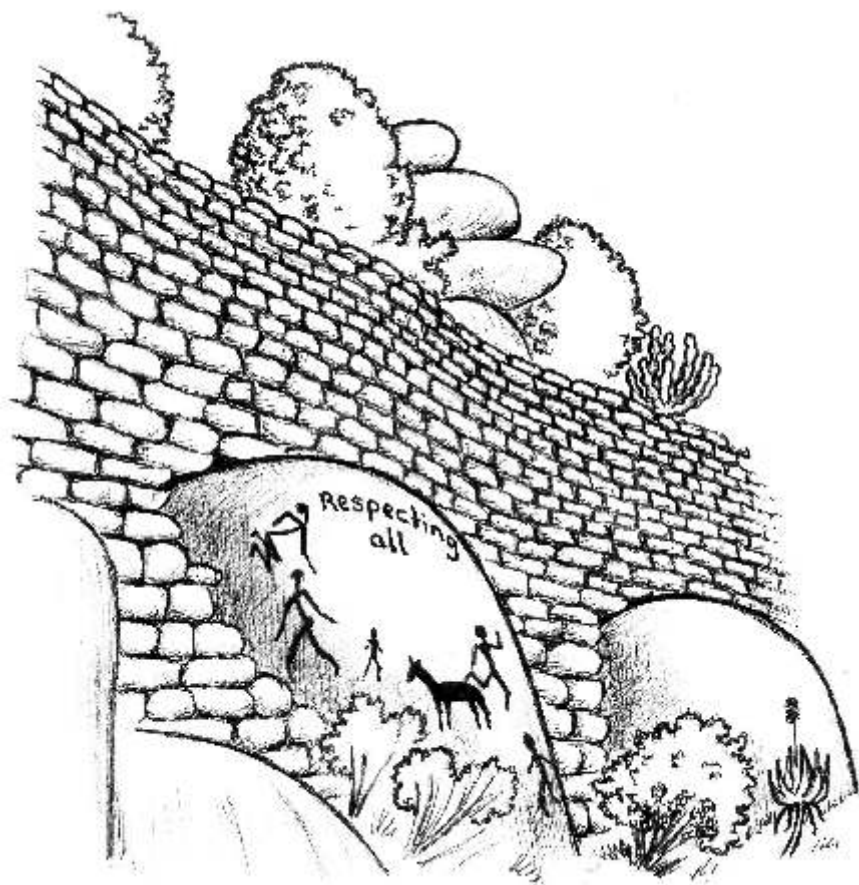
or bottom up?



- i) What did you think about these sections of the Agreement?
Which sentences had most /least meaning for you?
- ii) What has been your experience of constitutional and legal issues
in the past, including since September 15th 2008?
- iii) Which constitutional process discussed in this chapter do you
prefer? Give reasons for your answer.
- iv) How can you contribute to a people driven, democratic
constitution making process?
- v) How can you convince your local leaders to support such a
process?

Chapter 8

Government



Respect of all persons - the bedrock of democracy and good governance.

8a What the Agreement says

Article 20 - Framework for a new Government

Acknowledging that we have to establish a framework of working together in an inclusive government;

Accepting that the formation of such a government will have to be approached with great sensitivity, flexibility and willingness to compromise*;

Recognising that the formation of such a Government would demonstrate the respect of the Parties for the deeply-felt and immediate hopes and aspirations of millions of our people.

Determined to carry out the work to create the conditions for returning our country to stability and prosperity;

Acknowledging the need for gender equity, particularly the need to appoint women to strategic Cabinet posts;

The Parties agree that:

20.1.3 Executive Powers and Authority

The Executive Authority of the Inclusive Government shall be shared among the President, the Prime Minister and the Cabinet*, as provided for in the Constitution and the law.

In the exercise of executive authority, the President, Vice Presidents, the Prime Minister, the Deputy Prime Ministers, Ministers and Deputy Ministers should follow the principles and spirit of the Inclusive Government and act in a manner that promotes cohesion.

20.1.2. The Cabinet

- a) Shall have the responsibility to evaluate and adopt all government policies and programmes.
- b) Shall, with approval by Parliament, allocate the financial resources for the policies and programmes.
- c) Shall have the responsibility to prepare and present to Parliament, all legislation and instruments needed to implement policies and programmes.
- d) Shall, except where the Constitution requires approval by

* Compromise - Give and take on both sides.

* Cabinet - Policy making body of a country made up of ministers.

Parliament, or action by the President, approve all international agreements,

- e) Shall ensure that the state organs, including the Ministries and Departments, have sufficient financial and other resources and capacity to carry out their functions effectively.
- f) Shall take decisions by consensus, and take collective responsibility for all Cabinet decisions.
- g) The President and Prime Minister will agree on the allocation of ministries between them for the purpose of day to day supervision.

20.1.3 The President

- a) Chairs Cabinet;
- b, c) Exercises executive authority subject to provisions in the Constitution;
- d, e) Can subject to the Constitution, declare war and make peace, and proclaim military law;
- f, g) Confers honours and pardons on the advice of the Cabinet;
- h) Chairs the National Security Council;
- i) Appoints the Vice Presidents;
- j) Appoints the Prime Minister in terms of Constitution of Zimbabwe Amendment 19 as agreed by the Parties;
- k) Appoints Deputy Prime Ministers, Ministers and Deputy Ministers in accordance with this Agreement;
- l) After consultation the Vice Presidents, Prime Minister and Deputy Prime Ministers, allocates Ministries in accordance with this Agreement;
- m) Accredits and receives diplomats;
- n) Appoints independent commissions in terms of the Constitution;
- o) Appoints service executive Commissions in terms of the Constitution and in consultation with the Prime Minister;
- p) Makes key appointments in consultation with the Prime Minister;
- q) In consultation with the Prime Minister may dissolve Parliament.
- r) Must be kept fully informed by the Prime Minister on government business and;
- s) Shall be provided with any information relating to government, and may advise the Prime Minister and Cabinet on this.

20.1.4 The Prime Minister

- a) Chairs the Council of Ministers and is the Deputy Chairperson of Cabinet;
- b) Exercises executive authority;
- c) Supervises the making of policies by the Cabinet;
- d) Ensures the Policies are implemented by government;
- e) Ensures the Ministers develop appropriate implementation plans and report on these;
- f) Ensures the necessary legislation is in place and is Leader of Government Business in Parliament;
- g) Shall be a member of the National Security Council;
- h,i,j) May be given additional duties, will be assisted by Deputy Prime Ministers; and shall report regularly to the President and Parliament.

20.1.5 Council of Ministers

To ensure that the Prime Minister supervises the implementation of the work of government, there shall be a Council of Ministers, made up of all Cabinet Ministers, chaired by the Prime Minister, with the following functions:

- a, d) To assess the implementation of Cabinet decisions and make progress reports to Cabinet;
- b) To assist the Prime Minister with co-ordination;
- c) To enable the Prime Minister to receive reports from Cabinet Committees;
- d) To receive and consider reports from the Committee responsible for the Periodic Review Mechanism*;
- e) To make progress reports to the Cabinet on the Periodic Review.

20.1.6 Composition of the Executive

- 1&2) There shall be a President, President Robert Gabriel Mugabe; and 2 Vice Presidents nominated by the President.
- 3&4) There shall be a Prime Minister, Mr Morgan Tsvangirai, and 2 Deputy Prime Ministers, one from MDC-T* and one from MDC-M*.

* For information about this, see Article 23 in Ch. 9.

* MDC-T - MDC led by Tsvangirai

* MDC-M MDC led by Mutambara

- 5) There shall be 31 ministers, with 15 nominated by ZANU PF, 13 by MDC-T, and 3 by MDC-M. Of these, 3 per party may be appointed from outside members of Parliament. They are to sit and are entitled to speak in Parliament but do not vote.
- 6) There shall be 15 Deputy Ministers, with 8 nominated by ZANU PF, 6 by MDC-T and 1 by MDC-M.
- 7) Ministers and Deputy Ministers may be dismissed only after consultation among the leaders of all the parties participating in the Inclusive Government.

20.1.7 Senate

- a) The President can appoint 5 persons to the Senate.
- b) In addition, there will be 9 new appointed senate posts - 3 by ZANU PF, 3 by MDC-T and 3 by MDC-M.

20.1.8 Filling of vacancies

If vacancies arise, a vacancy will be filled by a person nominated by the party that previously held that position.

Article 21 - Electoral vacancies

Aware of the divisive nature of elections and the need to give our people some breathing space and a healing period;
The Parties agree that for 12 months from the date of signing this Agreement, should any vacancy arise in a local authority or parliamentary seat, the party holding the seat prior to the vacancy shall be entitled to nominate a candidate for that seat in accordance with rules of its internal democracy.

Article 9 - External Interference

- 9.1 The Parties affirm the United Nations's principle on non-interference in the internal affairs of member countries.
- 9.2 The Parties agree that the responsibility of changing government in Zimbabwe is that of the people of Zimbabwe through peaceful, democratic and constitutional means.

8b Comment

As in other sections of the Agreement, the introduction expresses what most Zimbabweans are hoping for: an inclusive government that will create conditions for *returning our country to stability and prosperity*, and promote gender equity. However, Article 20 is the weakest (although longest) section of the Agreement because of the following difficulties:

- The division of duties and power between the President and Prime Minister is not clear.
 - The difference between the Cabinet and Council of Ministers is not clear.
 - This Government would be very large and expensive, yet Zimbabwe is deeply impoverished.
 - Gender equity is mentioned occasionally in the document but is not integrated in the Agreement, and only men negotiated the Agreement.
 - It is of concern that parts of Article 20 were changed by one party negotiator, after all 3 parties had signed it on 11th September, and these changes were only noted after the 3 Parties had publically signed the Agreement on 15th September 2008. The other 2 Parties signed the Agreement on trust and did not expect last minute changes without their permission*. These were the changes:
- Clause 20.1.1 on the Senate states that each party can appoint 3 non constituency senators. What the Parties had agreed was that as ZANU PF had 5 non-constituency seats in the Senate, the 2 MDC formations could also have 5 non-constituency seats, 3 for MDC-T and 2 for MDC-M.
 - A clause was left out which stated that people appointed as Deputy Presidents and Deputy Prime Ministers would become non-voting members of Parliament, and that if they were already MP's, the Parties were entitled to appoint non-constituency MP's to replace them.

These 2 clauses were important because they affect the balance of power between parties in Senate and in Parliament.

- Another important clause was omitted, which stated that the

* The same negotiator inserted significant changes into the draft Bill on the National Security Council which passed through Parliament in the 2nd week of February, distorting the agreed text.

President and Prime Minister in certain cases with their deputies would together make senior government appointments. This clause was adding weight to earlier clause (20.1.3p) stating that the

President would make key appointments in consultation with the Prime Minister; however, it was left out.

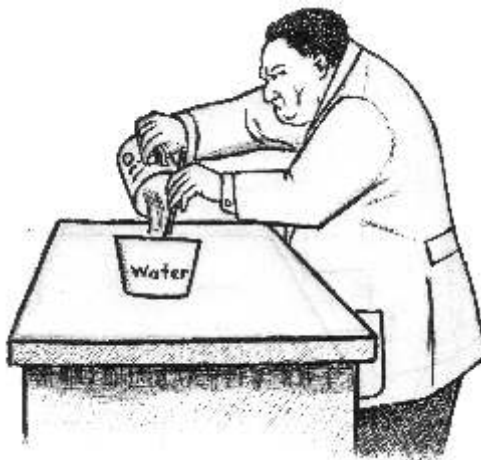
Consequently the President made key appointments without consultation: The Governor of the Reserve Bank, the Attorney General, the Provincial Governors, which goes against what was agreed on this issue. Fortunately later this appointment of Governors was reversed.

- Article 21 on Electoral vacancies, which was agreed to save the Zimbabwean people from the agony of electoral violence, has been ignored. The military chairperson of the Zimbabwe Electoral Commission (ZEC) announced that ZEC was preparing by elections for 3 senators and 6 MP's.
- Article 9 on External interference, which mentions the United Nation's principle of non-interference in internal affairs of its member countries, omits an important, more recent principle, that the International Community has the responsibility to protect innocent citizens, in cases where they are experiencing widespread suffering.

8c Discussion

Study the pictures before answering the questions.

How do we combine such different elements?



How do we achieve harmony?



- i) What are your feelings after reading the sections of the Agreement discussed in this Chapter?
- ii) Which sections were most/least meaning for you and why?
- iii) What has been your experience of Government since September 15, 2008?
- iv) What lessons have you learnt?
- v) What can you do, and how can you convince your local leaders, to contribute to a Government that could lead Zimbabwe out of crisis, based on *respect of all persons, the bedrock of democracy and good governance*?

Chapter 9

Carrying out and reviewing the Agreement



Giving the people a genuine chance of rebuilding their livelihoods.

9a What the Agreement says

Article 22 - Implementation mechanisms

- 22.1 To ensure the full implementation of the letter and spirit of this Agreement, the Parties will set up a Joint Monitoring and Implementation Committee (JOMIC) made up of 4 senior members of each of the 3 Parties, with gender taken into account.
- 22.2 The committee shall be co-chaired by persons from the Parties.
- 22.3 The Committee shall have the following functions:
- To ensure implementation of the letter and spirit of this Agreement;
 - To assess the implementation of the Agreement from time to time and consider steps to ensure its speedy and full implementation.
 - To receive reports and complaints related to implementation and enforcement of the Agreement;
 - To serve as a catalyst* in creating and promoting an atmosphere of mutual trust and understanding between the Parties;
 - To Promote continuing dialogue between the Parties.
- 22.4 JOMIC shall be the main body responsible for monitoring the Agreement, and the Parties agree to channel all concerns related to the implementation of this Agreement through JOMIC, and not to do anything which would weaken the spirit of co-operation necessary for the fulfilment of the Agreement.
- 22.5 The new Government shall ensure that the security forces know the Constitution of Zimbabwe and other laws relating to public order and security.
- 22.6 The implementation of this Agreement shall be guaranteed* by the Facilitator, SADC and AU.
- 22.7 The Parties and the new Government shall seek the assistance of SADC and AU in mobilising the international community to support the new Government's economic recovery plans and programmes including the lifting of sanctions against Zimbabwe and some of its leaders.
- 22.8 The Parties agree that they will get Parliament to amend any legislation necessary to implement the Agreement fully.

* Catalyst - A person, group or thing that causes change.

* Guaranteed - making a formal assurance that something will meet acceptable standards.

Article 22 - Periodic review mechanism

In relation to the objectives and priorities of the new Government as set out in this Agreement, the Parties agree that:

- a) They shall set up a committee made up of 2 representatives of each party to review annually progress on the implementation of the priorities this Agreement, namely: Economic, Political, Security and Communication; and
- b) The committee will make recommendations to the Parties and new Government on necessary actions to fully implement this Agreement.
- c) This Agreement and the relationships agreed to will be reviewed at the end of constitution making process.

23.2 The Parties will continually review the effectiveness and any other matters relating to the functioning of the Inclusive Government set up by the Constitution in consultation with the Guarantors.

9b Comment

Most people would appreciate the statements about *ensuring implementation of the letter and spirit of this Agreement*.

However, four months after the Agreement was signed, Zimbabweans have not yet seen the improvements they would have expected. As we pointed out in earlier chapters, inspite of the inspiring preamble and introductions to each section, the following problems are still being experienced:

The Economy

- During the 5 months it took to put a new Government in place, economic decline has worsened. Inflation is so high that it can hardly be measured, and the Zimbabwe dollar is hardly worth the paper it is printed on.
- Bank queues during much of the last quarter of the year were unbearable.

- The farming season has been described as a *disaster* due to lack of inputs; contributing further to hunger.
- An audit of land reform has not yet been carried out.
- Conditions for democracy are not yet in place, so Zimbabwe is not yet able to receive a large aid package.
- More professionals are joining the impoverished classes, earning wages less than 1 US dollar a month.

Peace and unity

- There is not yet a national healing process.
- Intolerance, destructive attitudes and behaviour and violence have continued, especially in rural areas.
- Displaced people returning home have been harassed.
- Towards the end of the year, 38 abductions were carried out.
- The security forces are not yet adequately controlled and educated for their role in a democratic society.

Rights and services for all

- Human rights abuses have continued, with 2442 cases recorded by ZPP in September and October.
- Discrimination continues, and MDC councillors and MP's in many rural areas prevented by traditional leaders, youth militia and war veterans from carrying out their roles.
- Food is still being distributed unfairly to members of one party.
- Basic services such as water and sanitation, education and health care have collapsed. One of the effects is widespread cholera and many children unable to attend school.

Freedom of assembly, association and expression

- This right is not yet being enjoyed in Zimbabwe, with MDC meetings not allowed in most rural areas, and people being punished for expressing their views or using alternative sources of information. The state radio and newspapers continue to use hate speech and provide coverage of only one party. Journalists and media workers have been harassed. The Zimbabwe Media Council is not yet in place, yet the "Minister" of Information introduced excessively expensive accreditation fees.

Constitution and law

People have campaigned for more than 10 years for a democratic constitution-making process. However the process proposed in the Agreement is driven by parliament and politicians, not citizens.

The Rule of law is not yet being enjoyed in Zimbabwe, with court judgements being ignored when inconvenient, and people being kidnapped and illegally detained and tortured in violation of their rights.

Government

- How the Inclusive Government will work effectively is not yet clear, neither are the roles of the President, Prime Minister, Cabinet and Council of Ministers.
- The Government proposed is huge and will be very expensive, yet Zimbabwe is impoverished.
- Gender equity is not integrated throughout the document (which was produced by men).
- The negotiator from one party changed 3 sections of Article 20, after Parties had signed it on 11th September.
- To prevent further violence, the Agreement states that no by-elections should be held for a year, yet the Zimbabwe Electoral Commission is already preparing by-elections.
- SADC had not yet made a decisive stand on violations of the Agreement.

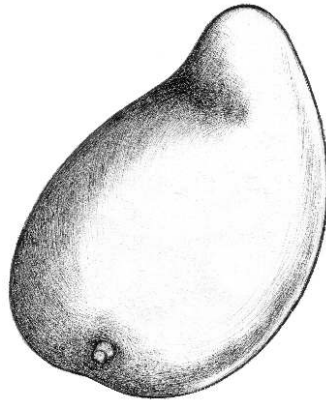
Summary

To sum up, the Preamble and objectives of each section are most welcome, but the means to practically achieve those objectives are not yet clear, and no indicators (signs of progress) are in place. It is also of concern that citizens' organisations continue to be excluded from official discussions of the Agreement, when they could play a constructive role, especially in relation to monitoring. Though consensus and joint monitoring are proposed, it is not clear how problems will be resolved. The role of SADC and the AU as guarantors needs to be strengthened.

9c Discussion

Study the picture before answering the questions.

The Agreement is like a red unripe mango, it looks good from outside, but inside it is still not ready to eat.*



We believe in the blossoms after eating the fruit.
Tinotenda maruva tadya chakata (Shona)

- i) What has been your overall experience of the impact of the Agreement in your area?
- ii) How much longer must we wait for a way out of the crisis?
- iii) What did you think about the sections of the Agreement covered in this chapter?
- iv) What sentences had most /least meaning for you?
- v) What can you do, and how can you convince your local leaders to contribute to an effective process of getting the objectives of the Agreement realised?
- vi) How can you, through family members in Southern Africa, or regional organisations you belong to such as churches and trade unions, encourage the people of Southern Africa to convince their leaders to be more supportive of Zimbabwean efforts to build democracy?
- vii) In relation to the Agreement, what sections should be prioritised in order to give *the people a genuine chance of rebuilding their livelihoods*?

* Zimbabweans over the years have become cautious about sweet words which are not sufficiently connected to their bitter experience of suffering.

Chapter 10

Conclusion



What the people want.

People centred aspects of the Agreement

The introduction to the Agreement and the quotes we have chosen from it as subtitles to the chapters provide a summary of what most Zimbabweans want:

- *Seeking solutions to our differences and problems.*
- *Demonstrating respect for democratic values.*
- *Reversing the decline of the economy.*
- *Building a society free of violence and hatred.*
- *Respecting the rights of all Zimbabweans.*
- *A society founded on openness, dignity and equality.*
- *Recognising the values of justice and fairness.*
- *Respecting all persons - the bedrock of democracy and good governance.*
- *Giving the people a genuine chance of rebuilding their livelihoods.*

The positive aspects of each main theme of the Agreement have been covered in the comment section of each chapter, as well as suggestions on improvements needed to correct the aspects which do not benefit people.

The Zimbabwean People's Charter

In February 2008, 3000 delegates met at a People's Convention and wrote a People's Charter, under the headings:

- Political environment
- Elections
- Constitutional reform
- National economy and social welfare
- National value system
- Gender
- Youth

Like the Agreement, it emphasises democratic values and principles. Some of its statements add value to the themes covered in the Agreement, for example:

The economy should include *people centred economic planning and budgets at local and national levels that guarantee social and economic rights; open and fair re-distribution of land from the few to the many; equitable access to and distribution of national resources for the benefit of all people of Zimbabwe.*

The national value system should *recognise the humanity of every single individual in our society, and should include an inclusive national process of*

truth, justice, reconciliation and healing.

A new Constitution must be produced by a people-driven participatory process and it must guarantee the conditions for democracy, including free and fair elections. The participation of women and youth in decision-making is also emphasised.

The Agreement gives Zimbabweans both opportunities and challenges, so it is up to citizens to discuss the Agreement and organise themselves and their local leaders to support the implementation of the people centred sections and to suggest improvements to the sections which they regard as weak, including the section on carrying our and reviewing the Agreement (Articles 22 and 23).

What the people want is summed up in by some verses from the cover poem by the poet nicknamed the Giant.

Prioritising people's crucial interests
Forms the basis of good leadership.
Good governance brings homage*
Let peace and no-discrimination be our heritage ...
Supporting sources of livelihoods ...
Hopes for economic recovery
True democracy and the rule of law
Fill our fertile dreams for Zimbabwe a sweet home
Working to achieve this
is what the people want.

* Homage - Public respect.

Sources of information

ACPD appreciates information on the Agreement provided by the following agencies: Veritas, Catholic Commission for Justice and Peace in Zimbabwe, Zimbabwe Lawyers for Human Rights.

For practical ideas and information that could contribute to advocacy on realising specific sections of the Agreement, the following ACPD booklets are available on request.

The Economy

Reviving our hopes - Community views on poverty and economic survival

Rising again - Local control over local resources

Peace and unity

Lighting up our unfolding way - Constructive relationships, conflict transformation and peace-building

Rights and services for all Zimbabweans

Freedom of assembly, association and expression

Restoring our dignity - Community views on basic rights and responsibilities

Follow the river and you will reach the sea - Community views on communication

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Kathy Bond-Stewart [Community Publishing Co-ordinator]
and Anxious Katuruza [Artist]

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3. Through whom did you receive the booklet?
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7. What do you regard as the strengths of the booklet?
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