

ZIMBABWE BRIEFING

a crisis in zimbabwe coalition regional office weekly report

9-15 NOVEMBER 2011

ISSUE 51



‘Only significant reforms will guarantee free and fair elections in Zim’

WILL OF THE PEOPLE: The next election in Zimbabwe must truly reflect the will of the people.-zimbabweinpictures.com



Below is the statement of Dewa Mavhinga, Crisis in Zimbabwe Regional Coordinator made before the United States of America House Committee on Foreign Affairs; Sub-committee on Africa, Global Health and Human Rights in Washington DC on Wednesday 2 November, 2011.

Mr. Chairman and members of the committee, I request that the entirety of my statement, along with additional material, be submitted for the record. Mr. Chairman and Members of the Committee, representatives of various stakeholders, it is a singular honor for me to appear before this distinguished sub-committee to give a testimony on “US Policy Toward Zimbabwe.”

I wish to thank you profoundly for taking time to reflect on initiatives to support the people of Zimbabwe. My work as Regional Information and Advocacy Coordinator for Crisis in Zimbabwe Coalition – a grouping of civil society organizations that are working to help create a genuinely

free and democratic Zimbabwe – keeps me in touch with ongoing efforts to resolve the governance crisis in our country.

My testimony before this esteemed sub-committee is driven by a deep desire – shared by many of my compatriots – to build a society that is free of violence, fear and intimidation and founded on justice, fairness and equality. Since the signing of the Global Political Agreement (GPA) in September 2008 – which created the legal basis for the establishment five months later of the Inclusive Government between the former ruling party ZANU-PF and the two factions of the opposition MDC – some progress has been made to reverse the country’s catastrophic economic decline and restore normalcy to people’s lives. But several critical steps remain to be taken both within Zimbabwe and by members of the international community, including the US government, to guarantee sustainable peace and development.

Current Position

Mr. Chairman, largely due to president Robert Mugabe and his ZANU-PF party’s unwillingness to institute fundamental reforms, Zimbabwe’s Inclusive Government has failed so far to restore the rule of law, to ensure that the next elections will be free and fair, to provide justice for victims of abuses or to bring the perpetrators of those abuses, particularly the horrific electoral violence of 2008, to account and to create a viable roadmap that will pave the way towards a genuine transition to a free, democratic and open society.

ZANU-PF retains control of all senior ministries – including the ministries of foreign affairs, defense, state security, justice, and it co-chairs the home affairs ministry – and retains the absolute and vocal support of the heads of the security services.

However, the fact that the shaky inclusive government has not collapsed altogether is a source of hope. There has also been a marked improvement in the economy, which is expected to grow robustly again this year – for the third year in a row after almost a

decade of precipitous decline. And while the reform process is painfully slow and piecemeal, pro-democracy forces continue to painstakingly chip away at the remnants of the old regime.

Fortunately, ZANU-PF was unable to force elections in 2011 thanks to a concerted campaign both inside and outside Zimbabwe, which called for key reforms to be instituted before the country could possibly go to the polls. President Mugabe and ZANU-PF are now ratcheting up the rhetoric again and talking about holding elections in 2012. But for the following reasons, among others, Zimbabwe is still not ready to hold democratic elections:

1. Key state institutions, particularly those responsible for the administration of elections, remain unreformed and partisan towards ZANU-PF. Although the Inclusive Government has appointed a new Zimbabwe Electoral Commission, its secretariat has not been reviewed to ensure independence and non-partisanship in the discharge

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Police must stop selective application of the law

The Movement for Democratic Change (MDC) cancelled a rally at the Chibuku Stadium in Chitungwiza after being attacked by ZANU-PF militia led by the infamous Chipangano. The reign of terror orchestrated by pro ZANU-PF activists still continue to inflict harm on ZANU-PF. This incident comes barely a week after police blocked MDC rallies in Lupane and Victoria Falls and other constituencies in defiance of a High Court order allowing rallies to proceed uninterrupted. The ZANU-PF youths attacked the MDC staff who organized the rally and members of the public with iron bars, machetes, stones and other crude weapons.

Thirty MDC supporters who were going to the rally were attacked and suffered tissue and various other injuries.

Seven activists have been hospitalised in Harare, while about 15 others were referred to a Chitungwiza hospital for treatment. Instead of stopping the violence, the riot police pounced on the MDC-T supporters as they castigated them for causing violence.

“There are literally hundreds of people that have been beaten up, that have been stoned by ZANU-PF supporters. They have suffered bruises, tissue injuries, various degrees of injuries,” said Tendai Biti, MDC Secretary-General. On the other hand ZANU PF spokesperson, Rugare Gumbo has blamed the MDC-T for perpetrating violence by forcing people to attend its meetings. The reign of terror perpetrated by ZANU-PF and its allies has caused untold suffering to the people of Zimbabwe despite the commitment by the three parties in the Government of Political

Agreement (GPA). According to the Zimbabwe Peace Project, in its 2011 September human rights monitoring report, there is a huge rise of 791 violations up from 720 recorded in August 2011 in the human rights violations mainly orchestrated by the law enforcement agents and ZANU-PF militia in the guise of protecting the nation’s sovereignty and independence. The Movement for Democratic Change (MDC) is concerned that these attacks are done to prevent the Prime Minister of the so-called coalition government, Morgan Tsvangirai from addressing the people of Zimbabwe on key issues affecting the country. These attacks further solidify ZANU-PF’s failure to honor its commitment to attend its meetings.

“It is self-evident that ZANU-PF is already building up to the next election. It

is quite clear that we are in a chaos scenario where they are unleashing violence,” said Biti. According to MDC, the violence being committed by ZANU PF youth are the acts of a regime on its last leg. The political violence brings to the forefront the need to address the outstanding issues on the roadmap to a free and fair elections, that is the total eradication of all state-sponsored violence: the, the rule of law, security sector reforms and also the democratization and media freedom. “We remain committed to non violence despite provocation,” Biti said.

The Crisis in Zimbabwe Coalition reiterates the need to see a non partisan police that is there to protect and not to maim innocent civilians.

From the Information Desk.

SADC Must Urgently Deploy Peacekeepers to Zim

Coordinator's Note



dewaMAVHINGA

Violence by ZANU-PF militia groups against the MDC and its perceived supporters is on the rise across the country in the clearest indication yet that the Inclusive government has failed to restore the rule of law, including the dismantling of the infrastructure of violence. The Southern African Development Community (SADC) must now swiftly deploy a team of peacekeepers to Zimbabwe to prevent violence and intimidation.

A deployment of SADC peacekeepers for Zimbabwe is urgent and necessary because the political leadership of the police remains extremely politicized and partisan towards ZANU-PF and unwilling to hold accountable the perpetrators of violence and other abuses. If Zimbabwe had an independent and professional police force the problem of political violence would

not exist because the police has the necessary means to enforce law and order. It is the political will that is lacking. SADC can no longer continue to preach peace in Zimbabwe without taking active, positive steps to affirmatively enforce that peace.

Largely due to president Robert Mugabe and his ZANU-PF party's unwillingness to institute fundamental reforms, Zimbabwe has failed to ensure that the next elections will be free and fair, to provide justice for victims of abuses or to create a viable roadmap that will pave the way towards a genuine transition to a free, democratic and open society. The shaky inclusive government is faced with imminent collapse. Within the framework of mediation over the Zimbabwe Peace Process, SADC must, beyond the deployment of Organ Troika on Defence, Politics and Security Cooperation monitors, insist on an urgent de-

ployment of peacekeepers to keep the spotlight on the country and prevent state-sponsored violence.

Last Sunday violence from the ZANU-PF militia group – Chipangano – forced the MDC-T to abandon its rally scheduled for Chibuku stadium in Chitungwiza. The violence left scores of MDC supporters nursing injuries. The police who had cleared the rally did not provide security, nor did they take any steps to arrest those responsible for the violence. This senseless violence must stop. SADC cannot continue to engage in endless talks that yield no practical results that translate into human security for ordinary Zimbabweans who have suffered for so long under the yoke of oppression.

Granted, it was partly due to SADC efforts, and due to resistance from within, that ZANU-PF was unable to force elections in 2011. Zimbabwe remains unprepared to hold genu-

inely free and fair elections where violence and intimidation play no part. And yet president Mugabe and ZANU-PF are now ratcheting up the rhetoric again and talking about holding elections in early 2012. Zimbabweans have lost all faith in the ability of the police to enforce peace and arrest perpetrators of serious human rights abuses. SADC must now step up to the plate and be counted.

A deployment of SADC peacekeepers across the country would immediately send a bold message to ZANU-PF's infrastructure of violence that the region is not going to fold its hands and watch this senseless and endless violence. The physical presence of SADC peacekeepers would be a key confidence building measure and would enable the people of Zimbabwe to vote freely with the knowledge that a measure of protection will come, not from a partisan police force, but from SADC

peacekeepers. This may be the only way to secure peace and the security of the voter and the vote.

SADC, like any other African institution, may be struggling for funds, but I am sure the international community will be more than willing to put resources together to fund a mechanism to guarantee peace. The African Union and the United Nations may then be approached as well to contribute human and financial resources to the SADC peacekeeping force for Zimbabwe. Otherwise of what use is SADC to the people of Zimbabwe if not to provide such practical means to enforce peace?

It is no longer possible that change will come to Zimbabwe through sterile summits and endless talk-shops. Now is the time for positive action in support of all peace-loving Zimbabweans.

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Zim must reform for free & fair election to be held

From Front Page of its mandate.

2. Zimbabwe's voters' roll cannot be used for elections as it remains outdated and largely inaccurate. A survey released earlier this year estimated that 1/3rd of the voters on the roll were dead.

3. Senior leaders within the security sector continue to publicly – and unconstitutionally – proclaim partisanship towards ZANU-PF. For instance, on 27 May 2011, Brigadier-General Douglas Nyikayaramba of the Zimbabwe National Army told a weekly paper that the military wants elections held in 2011 which will be won by ZANU-PF adding, "Truly speaking, I am in ZANU-PF and ZANU-PF is in me and you can't change that."

Uniformed members of the security forces have also been implicated in perpetrating violence against perceived ZANU-PF opponents and in directly campaigning for ZANU-PF. The security sector played a key role in preventing the MDC – which clearly won the 2008 elections – from taking power and there is little likelihood of a genuine and peaceful transition without transformation of the security sector.

4. While government has lifted restrictions on print media, it has maintained tight control over ZANUPF aligned and state-owned radio and television stations. There are no private radio or television

stations operating in Zimbabwe.

5. The constitutional reform exercise is yet to be finalized. Mr. Chairman, some progress has been made in the area of crafting a new constitution as agreed under the GPA. The constitutional review process, over a year behind schedule, is taking place under difficult conditions characterized by extreme polarization, conflict, intolerance and inadequate funding.

The Constitution Parliamentary Select Committee (COPAC) tasked with leading the review process indicates that, following the gathering of views across the country, a team of legal drafters has now been set up to develop a constitutional draft for debate in parliament before being subjected to a national referendum possibly by March 2012. A new constitution must be in place before Zimbabwe can be ready to hold fresh elections that are credible, free and fair and where violence and intimidation play no part.

Mr. Chairman, my assessment is that ours will be a constitution by compromise – political parties will agree on the framework and content before submitting the draft to referendum as a fait accompli. While this might undermine the credibility of the constitution in the eyes of many citizens, a genuine debate in parliament followed by a free and fair referendum will at least provide a more level play-



FACE OF VIOLENCE: Known ZANU-PF assailants are captured here wielding sticks. They were involved in the Chitungwiza disturbances.-nehandaradio.com

ing field for the elections to come – and for our future development. Mr. Chairman, our regional bloc – the Southern African Development Community (SADC) – has made a significant policy shift towards Zimbabwe.

Driven largely by its mediator for Zimbabwe, President Jacob Zuma of South Africa, SADC openly condemned violence and intimidation in the resolution of its Troika of the Organ of Politics, Defense and Security Cooperation of 31 March 2011 made in Livingstone, Zambia.

SADC further rejected ZANU-PF's push for elections to be held in 2011, insisting on full implementation of the GPA. SADC further urged its Troika to appoint a team of representatives to participate in the monitoring of the implementation of the GPA and the election roadmap. It is important that the interna-

tional community actively supports the emerging consensus on Zimbabwe within SADC and works to build a similar international consensus around the positive steps needed to restore Zimbabwe to full democracy.

Key Challenges

Mr. Chairman, the key challenges confronting Zimbabwe today include the fractured state of ZANUPF, a party that, under Mugabe, controls the security sector. President Mugabe turns 88 next February and there are growing concerns about his health – concerns compounded by the fact that Mugabe has no clear succession plan within his party. Should anything happen to Mugabe, the risk of chaos and civil unrest that could spread to the region is very high as there is no other leader within his party who could keep the various

factions together. Instituting democratic reforms becomes urgent in order to completely separate ZANU-PF from the security sector and to remove the security sector from interfering in the country's political and electoral affairs.

The Inclusive Government is barely functional, leading to the existence of parallel structures of governance operating outside the GPA framework – particularly the infrastructure of violence aligned to ZANU-PF, which includes self-styled war veterans, ZANU-PF militia like the Mbare-based Chipangano, and elements within the security establishment. Parallel structures also exist in the management of diamond revenue from the massive Marange fields.

Most of the revenue from the diamonds, which could play a pivotal role in boosting state spending on key social sectors and on supporting overall economic development, has largely by-passed formal government structures controlled by finance minister Tendai Biti of the MDC.

Lack of transparency and accountability for the vast diamond revenue raises the serious risk that the money could be used to finance a violent election if one is called prematurely in the absence of mechanisms to prevent state-sponsored violence and intimidation.

Mr. Chairman, there is a genuine fear among many Zimbabweans that come

the next elections, forms of violence and intimidation may be subliminal and covert rather than overt as was the case in 2008. It will be a case of 'rattling the match-box' by an arsonist as a reminder to arson victims that one stands ready to start another fire. This kind of psychological violence based on threats of a repeat of the past is more difficult to observe and would require close monitoring over an extended period of time by both local and international election observers.

Mr. Chairman, the inclusive government has managed to restore a measure of stability to our economy riding on the back of the relative stability afforded by the GPA and the scrapping of our local currency in favor of a multi-currency system dominated by the US dollar.

Our agriculture and local industries are performing way below capacity, and we largely rely on imported goods and food-stuffs, mainly from South Africa. For the ordinary Zimbabwean, life continues to be a huge struggle with unemployment in the region of 90% and at least 70% of the population living below the poverty datum line.

So while we can point to economic growth in the past few years, these economic gains are unsustainable without a solid political foundation. In addition, the debate over the Indigenization bill –where foreign

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companies must sell at least 51% of their shares to 'indigenous' Zimbabweans – is also causing serious concern and undermining hopes for an increase in foreign direct investment.

Mr. Chairman, Zimbabwe continues to be plagued by very weak state institutions manned by strong party cadres loyal to the old regime. Reforms must therefore necessarily go beyond normative framework reforms to look at the personnel responsible for taking the country into the future. In most cases the challenge is not the absence of clear rules or laws, but a total disregard of those laws that is done with impunity.

Our laws are clear that perpetrators of criminal acts must be held accountable, but the political leadership of the police and the prosecuting authority neglect to discharge their constitutional mandate. The Defense Forces Act and the Constitution strictly prohibit military officials from being partisan but the practice is that senior military officials routinely make reckless political statements that undermine democracy.

Those loyal to the old regime often

point to the existence of the normative and hollow institutional framework as evidence of good practice. For instance, on 10 October 2011, justice minister Patrick Chinamasa (ZANU-PF) told the UN Human Rights Council in Geneva that Zimbabwe is 'desirous of promoting and upholding human rights for all,' and proceeded to point to a litany of laws as evidence. Practice on the ground is very different though.

Recommendations to the US Government

Mr. Chairman, I wish to thank the US Government for its humanitarian support to the people of Zimbabwe and support to civil society groups working in the area of democracy, good governance and human rights. The US Government has a critical role to play in the coming months since Zimbabwe will only make progress towards a democratic transition if the international community – and particularly the US – remains genuinely engaged.

I wish to submit the following five

recommendations for your consideration: 1. The US government should actively support the emerging SADC consensus on Zimbabwe relating to the need to establish a legitimate government through genuinely free and fair elections that are preceded by a new constitution and other necessary reforms to create an environment conducive to free political activity.

2. The US government should lead in building international consensus on Zimbabwe that supports the SADC consensus and insists that Zimbabwe's next elections must comply with minimum SADC and international standards governing the conduct of democratic elections and transfer of power.

3. The US Congress should avoid any legislative initiatives on Zimbabwe – including repealing ZDERA or targeted sanctions – until after genuinely democratic elections have ushered in a legitimate government reflective of our people's wishes.

4. The people of Zimbabwe have benefited greatly from the support rendered by the American people to civil society groups working in the fields of democracy and gov-

ernance. Zimbabwe is at the crossroads and needs that support more than at any other point in the life of our nation – but that critical support is being cut back.

I urge the US government to not only reverse the cuts that are threatening to undermine the work of many critical organizations – for example the Mass Public Opinion Institute is now struggling to survive – but also consider increasing support for democracy and governance work through USAID at this vital stage in our transition.

Key areas of work include (1) finalizing the constitutional review process, (2) instituting and promoting electoral reforms, and (3) long term monitoring and observation of elections.

5. The US government should support the United Nations' deployment of a Human Rights Advisor based in Zimbabwe and the long term deployment of election observers to help prevent state-sponsored violence and intimidation.

Thank You.

More needs to be done on public service delivery

Imagine you have a relative who is critically ill and on life support and then there is a blackout and they die. In another situation, you have a newly born baby who is in an incubator and dies from a blackout. Take a moment and reflect on a woman who is a primary care giver and has nappies of an infant or bed ridden patient and there is no water for her to take care of such needs.

This past week drew my attention Zimbabwe's social services delivery and I was shocked at our government's reluctance to ensuring that the lives of the Zimbabwean people are made comfortable by an improved social services delivery! It is angering how much energy is spent by the leaders at government level doing activities that benefit themselves instead of channeling that energy or even half of it to bringing about real and tangible transformation in the general populace lives.

The current legislature are letting us down by failing to deliberate on critical issues on service delivery issues such as water and electricity. I am a strong believer that women can transform Zimbabwe. Borrowing from the women of Liberia and Kenya, it is very clear that women are able take this nation to the next level. These women were able to come together and put pressure on the powers that be so that there was some sort of sanity restored to their countries.

Zimbabwe can learn a lot from the aforementioned countries and what its women did to bring about transformation to their country. It is women who carry the greater burden of care and when they keep quiet whilst the government is treating them like they are not worth the light of day then there is a challenge. It is time that women come together, put their personal differences aside, so as to be effective in bringing about the necessary social services delivery in their respective areas.

Water is vital and central to human existence and women being the ones who take up the greater burden of domestic and non – domestic work, need to ensure that the leaders of this nation take their needs serious and begin to ensure some reform in this area. In traditional and cultural spaces like funerals, lobola ceremonies other similar spaces, women take up the greater burden of work. Moreover, women



Parirenyatwa hospital in Harare.-zimeye.org

by virtue of their biology need to use more water and electricity compared to any other person in Zimbabwe. After all they are the ones that menstruate monthly, have to deal with post delivery essentials amongst other needs. In this light it is vital that women come together and begin to dialogue and take action about the service delivery issues that affect them and their families at large. Let the women get political and start asking key survival questions such as how do we keep our bodies clean during our menstrual periods?

How do we care for the family and their needs with no water? Just how do we properly care for the sick, our infants and meet community needs when there is no water and electricity?

Now is the time that as women we begin to be political about such issues that define the very heart of our daily lives and demand that the government begins to effectively take up their duty bearers' role and take care of Zimbabweans and meet their most basic human rights.

Look at your life today and begin to realize that now is the time to demand redress for the state of social services delivery. What responsible, equitable and sensible government would stand by and watch its citizens, especially women, suffer the way they are doing because the former has chosen to ignore their plight to access to water and electricity?

The powers that be should be held accountable and responsible. The time is now that this has to be done and transformation be realized – what are we waiting for then women, now is the time to unite and bring transformation to Zimbabwe. We can do this and do it now indeed!

- By Grace Chirenje-Nachipo

On every Thursday, read

ZIMBABWE BRIEFING

IN

Morgan Tsvangirai as the Prime Minister of Zimbabwe and President of the Movement for Democratic Change, is a leader in a nation that is diverse, made up of people who have differing, religious, cultural and political beliefs.

It is therefore demonstrably foolhardy for anyone to run to any quick conclusion which insinuates that our country's socio-political problems will be resolved by our collective persecution of a tiny minority of gay people, while letting those who constitute the real danger to our national security off the hook. It only exposes a worrisome trend of intolerance which, if not nipped in the bud while we debate a new democratic, people-centered constitution which will usher us into a new Zimbabwe -- treacherously will lead us into retaining the status quo.

The proper interpretation of his proclamations in relation to morality is that the law must only enforce morality to prevent harm to others, but gays' behaviour certainly harms no one except the Participants, hence the law plays a minimal role. A failure to understand this has led to situations of real human rights violations of gays livelihood in Africa, with some raped, beaten up, or even burnt alive just because of their sexual orientation that harms no one, unlike murder of political opponents etc.

The excruciating challenge for us as Christians in our walk of righteousness, and how we to respond to our call in building a nation based on justice and equality. For indeed it is written the horn of the righteous shall be exalted above the horn of the wicked. Wherein do we derive our righteousness? For in his presence our righteousness are like filthy rags.

Consequently, while the intricate

The three leaders who represent the

debate on gays and lesbians raged on some real injustice and atrocities were being committed against the people of Zimbabwe, in particular the leadership of the MDC led by Tsvangirai. Recent days have witnessed escalated persecution of MDC leaders, Solomon Madzore the national youth chairman remains behind bars on trumped up charges, his organising secretary, Simangalisu Chikadaya, was last Wednesday night seriously injured after being attacked by Zanu PF thugs in Budiriro, Harare. Chikadaya is recovering from a broken leg and other injuries.

political entities in the power-sharing Global Political Agreement (GPA), which was supposed to be a road-map to a democratic Zimbabwe, are being rendered obsolete. Tsvangirai cannot order the police to allow his rallies, or, better still, stop them from stealing food-stuffs bought for his supporters, ailing Mugabe is in and out of the country to Singapore as his health deteriorates, as for Mutambara, he has simply arrived -- the sun has set over his political career.

The only logical conclusions being that behind the scenes are shadowy elements that are illegally running our country. In this vein if one wants to go further in unpacking the power dynamics within Zanu PF, in the vicious tussle for power, the nature of the latest developments, point us to the faction controlled by a click strongly linked to the country's notorious security forces.

victim to a system that once fed them—murder, blackmail, harassment and arrests—can simply not be discounted. It is an open secret, once safe and vociferous Zanu PF leaders are afraid for their lives.

Consequently, there has been drama and intrigue in the former ruling party. What is clear is that the face of Zanu PF as of November 2011 is so different, say, from the vibrant Zanu PF of 2008, at the height of political competition spurred by the presence of the dynamic MDC on the ground. The fissures in Zanu PF are clearer, and, by now back then, we would have it with the nauseating campaigns in preparation for their congress, most of the provinces would have come out to unequivocally declare and endorse the ailing Mugabe as their candidate.

Goliath is on his knees

The unresolved murder of former retired army General, Solomon Mujuru, the firing from COPAC of Hon Chindori-Chininga, the weekend arrest of the businessmen, again linked to the Mujuru faction, Simba Mangwende and Farai Rwodzi, never ending wrangling in all their structures – all point to that.

The insanity within Zanu PF sadly holds the rest of the nation to ransom, that is the real quandary we are in , an entrenched nationalist political party whose collapse is literally taking our country down with it.

Exposing an inherent evil nature of Zanu PF, if they can't have it, then no-one else will, look at the wanton looting of resources, the glee they have greeted the not so wise decision by the Kimberly Process Certification Scheme to unconditionally sell our diamonds from Marange.

So, for as long as Zanu PF is insecure about its future, the whole country is held hostage, terrorised by a small ruling elite, that wants to continue with the luxury of 'eating' or looting our resources like there is no tomorrow.

Grace Kwinjeh is a human rights defender