

ZanuPF and MDC Negotiations for a future authority in Zimbabwe:

Benchmarks for the Assessment of Outcomes and Recommendations from Zimbabwean Civil Society

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1 Background and Introduction

This is a compendium of positions taken by civil society organisations in Zimbabwe on the talks between ZANU PF and the two formations of the MDC, under the auspices of SADC, supported and endorsed by the African Union and facilitated by South African president Thabo Mbeki.

A Memorandum of understanding (MOU) was signed on 21 July 2008, to begin substantive talks between the main political parties which have representation in parliament. The talks are a response to a deepening political, economic and humanitarian crisis worsened by a disputed election run off between Robert Mugabe of ZANU PF and Morgan Tsvangirai of the MDC, who withdrew citing election irregularities. The election was dismissed by SADC and AU observer missions as not representing the will of the people of Zimbabwe and not providing ZANU PF the legitimacy they were looking for.

The MOU acknowledges “the recent challenges and the multiple threats to the well-being of our people” and the signing was a commitment by the political parties to work together to find a lasting solution to the country’s crisis through dialogue. The MOU also had interim measures which include the issuing of statements condemning violence, taking “all measures necessary to ensure that the structures and institutions it controls are not engaged in the perpetration of violence” and “eliminate all forms of political violence, including by non-state actors” as well as ensuring the safe return of internally displaced persons and enabling humanitarian and social welfare organisations to render assistance.

Despite this MOU and ongoing talks between the MDC’s and ZANU PF, violence against the opposition has continued and humanitarian access has still not been given to organisations working in the field, particularly the governmental ban on NGO’s has not been lifted begging the question of real commitment to these talks. Various organisations such as the Solidarity Peace Trust (see reference to the report on p. 33) have produced very specific and well researched reports on the violence clearly showing the extreme level of violence which amount to the worst state-led violence that Zimbabweans have experienced since the Gukurahundi massacres of the mid 1980’s.

While the negotiation process has not given any formal space for Civil Society positions to be taken up, these are of crucial importance both because they are views of specialists in various areas of expertise and because, for any outcome of the negotiations to be sustainable, it needs to have ownership by the people of Zimbabwe. Experts from Civil Society will be involved in reconstruction scenarios as experts and implementers. It is also important to note that some of the organisations are broad based, grass roots organisation with wide membership, presenting consulted views from their membership. Issues raised by Civil Society are therefore important because they highlight processes and ownership issues as well as areas of attention for any reconstruction strategy.

Any government emerging from these talks will need technical and financial support from the international community. The views presented here therefore form an outline of some of the most urgent areas of attention to be considered by the international community if and when re-engaging Zimbabwe. Particularly any reengagement between the broader international community and Zimbabwe needs to consider and address the benchmarks for reengagement set up by Civil Society organisations and presented here. Monitoring and evaluation mechanism have to be put in place to guarantee the security and well being of the Zimbabwean people, ensure human rights are respected, and democratic principles are observed. Civil society will play a vital monitoring role in this process.

In the event of Mugabe and his party once again block the mediation process in the current round of negotiations, concerted and strong actions to increase pressure and isolate the ZANU PF regime must be taken by SADC, the UN and Civic groups in the region and internationally.

The compendium begins with a summary of the main issues and the benchmarks for possible engagement put forward by 14 Civil Society Organisations. The last section has recommendations to the political parties, the facilitator and the international community. Annexed are the civic society positions and a copy of the memorandum of understanding (MOU).

The main recommendations being:

To the political parties and the facilitator

- Provide a framework and process by which violence is immediately stopped and a demonstrable and effective dismantling of the infrastructure of violence
- Immediately allow unhampered humanitarian assistance to those in need
- Create a government that is transitional in nature and totally respect the will of the electorate as expressed on 29 March 2008.
- All outcomes of the negotiations and ensuing policy and constitutional decisions will need to receive ownership of the people by putting them to vote
- Establish a process of ending impunity by investigating all cases of civil and political as well as economic and social rights abuses and bring all perpetrators of crime to book.

To the International Community

- Continue increasing pressure on ZANU PF to halt human rights abuses, allow humanitarian access and respect the rule of law.
- Benchmarks used by the international community in assessing if, when and where technical and financial support to Zimbabwe can be resumed must reflect the civil society's benchmarks and positions on the outcomes of the talks.
- Not to reengage or financially support ZANU PF and any future government of Zimbabwe if the benchmarks set out above (including humanitarian access, end to human rights abuses and impunity, justice and the establishment of a legitimate government) are not met.
- Members of the international community and institutions (particularly those involved in possible reconstruction support) must consult and involve civil society organisations with strong expertise and knowledge of Zimbabwe in policy development and situational assessments, particularly in reviewing progress of the negotiations and developing possible reconstruction scenarios, policies and packages.

In the event of Mugabe and his party once again blocking the mediation process in the current round of negotiations,

- SADC should consider diplomatic sanctions against the Mugabe regime and encourage by all means at their disposal their membership to adhere to democratic values.
- A renewed process must be initiated to bring UN sanctions against Zimbabwe's ruling party.
- Civic groups in the region and internationally, in particular trade unions, must mobilise for further isolation of the Mugabe regime.

2 Main Issues

Issues raised by Civil Society organisations evolve around the process, and the possible content and outcome of the talks. Conspicuous in all the statements, in terms of the process, was the consensus that the process lacked openness and wider consultation hence the exclusion of civil society from the talks. Civil society argues that Zimbabwe is not for supporters of ZANU PF and MDC only and that the crisis is beyond just a political settlement and entails a concerted approach from political and non political actors.

The state of the economy and the suffering of the ordinary people in Zimbabwe are highlighted in all the statements and the civil society calls for measures to alleviate the suffering. They note with dismay the current ban on humanitarian assistance and politicisation of food aid for the people who need it most. The organisations highlight the need to begin sustainable dialogue with all stake holders, including business, to revive the economy and depoliticise the land and agriculture sectors which are the backbone of the economy

The deeply polarised and militarised environment since 2000 is cited as a cause of the violence that characterised the first quarter of the year 2008 and is yet to stop. The statements highlight that the election period particularly after March 29 2008 has been awash with state sponsored human rights abuses and violence such as threats, torture, abductions, murder and mass displacements both internally and into the region. Most statements refer to an “undeclared war between the government and its people”. Of particular worry is the use of women and girls as weapons of ‘war’, evidenced by the beatings, rape and sexual abuse.

There is consensus that the 27th June election was illegitimate and should not form the basis of the current talks. Civil society organisations refer to the reports of the Africa Union observer Mission, Pan-African Parliament Observer Mission and the SADC Election Observer mission which concluded that the environment prevailing in Zimbabwe prior to the June 27 2008 election was not conducive for the holding of free and fair elections and the outcome did not express the will of the people of Zimbabwe.

The organisations welcome, with some scepticism, the signing of the memorandum of understanding between the major political parties. They however remain suspicious of ZANU PF and their commitment to genuine negotiations and some organisations were expressing a lack of confidence in Thabo Mbeki as a facilitator. The 1987 Unity accord events are a cause for scepticism within civil society. Several organisations recognise the need for national healing and some question the involvement of the Mutambara faction of the MDC which they argue do not deserve a seat since they neither participated in the March 29 nor the disputed June 27 2008 presidential poll.

In light of the talks, the organisation encouraged the talks to establish an independent and impartial transitional authority to run for a period not exceeding two years during which the authority’s mandate would be to address the following issues:

- Constitutional Reform
- An immediate cessation of violence and harassment
- Immediate resumption of humanitarian assistance by NGOs and Humanitarian organisations with particular attention to most vulnerable population including youth, women, girls and the disabled.
- Beginning dialogue with stake holders to revive the economy
- Reform of state institutions

- Prepare and administer a free and fair election to hand over power to a democratically elected government.

Regional civic society also provided solidarity and encouraged countries in the region not to recognise Robert Mugabe as president and also called on the restructuring and democratisation of SADC. They encouraged SADC to come up with measures of ensuring that member states are democratic.

Justice: Of concern to civil society organisations was the issue of transitional justice and how to deal with possible granting of impunity for violations of civil and political as well as economic and social rights. The organisation call for an investigation into all cases of rights violations and the overhaul of the judiciary to enable to courts to bring perpetrators to book. All the statements underscore the importance of NOT granting any blanket amnesty which would set bad precedents, not only in the country but on the continent.

Media: The repressive environment in Zimbabwe is not conducive for journalists to carry out their work fairly and effectively. The state media is severely compromised and biased towards the ruling party ZANU PF and independent journalists are tortured and prosecuted. The negotiations are encouraged to open up the media space and reform the public broadcaster.

In conclusion, despite the exclusivity of the talks, the civic society welcome the talks and hope their views will be taken into consideration. They support a transitional government and consider a government of national unity as a subversion of the will of the people. They are encouraging the talking parties to take transitional justice issues seriously and bring perpetrators of violence to book. They are also calling on the international donor organisations and countries to consider reengagement in the event that the talking parties coming up with an arrangement acceptable to the people of Zimbabwe. Benchmarks on what would be considered as “acceptable to the people of Zimbabwe” are listed below.

3 Benchmarks

In their interventions collected below, civil society organisations in Zimbabwe have indicated a number of benchmarks for any negotiation outcome to be considered as addressing the needs and wants of the people of Zimbabwe. These effectively constitute benchmarks that the International Community must consider before actively reengaging with the Government of Zimbabwe, particularly providing macro-economic rescue packages for Zimbabwe:

Violence

- An immediate cessation of the violence, arrests, harassment and torture in general and in particular of opposition activists as well as human rights defenders such as journalists, lawyers and women rights activists
- The Government disbands youth militia bases and unofficial road blocks manned by the youths militia throughout the country

Humanitarian Assistance

- Immediate and unrestricted access to all internally displaced persons and other victims of political violence by humanitarian organizations and lifting of ban on the work of NGO's throughout the country

State Institutions

- Depoliticisation of key state institutions including the Zimbabwe Republic Police, the Zimbabwe National Army, the Zimbabwe Prison Service, the Judiciary, the Attorney-General's office, the Zimbabwe Electoral Commission, the Registrar-General's office, the Reserve Bank of Zimbabwe, the Zimbabwe Media and Information Commission and the Zimbabwe Human Rights Commission

Media

- Immediate end of harassment and torture of journalists
- Opening up the airwaves for private radio and television stations
- Transformation of the Zimbabwe Broadcasting Corporation into a true state broadcaster
- Suspension and repealing of repressive legislation that is an impediment to dissemination of information.

Economy

- Dialogue with the business and professional community to develop policy designed to bring about economic recovery
- Depoliticise land reform

Rule of Law and Justice

- An enabling environment for the legal profession to carry out its professional duties and an independent, competent and professional law officers and Attorney general's office
- An end to impunity by investigating all cases of rights abuses and bringing all perpetrators of crime to book
- The suspension and subsequent repealing of all repressive legislation

4 Recommendations

The following recommendations to the political parties, the facilitator and the international community were extracted from Zimbabwe's Civil Society positions on the negotiations and adapted for conciseness and relevance.

To the political parties and the facilitator

- Provide a framework and process by which violence is immediately stopped and a demonstrable and effective dismantling of the infrastructure of violence takes place. Including the reintegration of youths who have been both victims and perpetrators of violence.
- Immediately allow for unhampered humanitarian assistance to those in need.
- Create a government that is transitional in nature and totally respects the will of the electorate as expressed on 29 March 2008.
- Establish a process of ending impunity by investigating all cases of civil and political as well as economic and social rights abuses and bringing all perpetrators of crime to book.
- All outcomes of the negotiations and ensuing policy and constitutional decisions will need to receive ownership of the people by putting them to vote.
- Disband the Joint Operations Command comprised of Minister of housing and amenities Emmerson Mnangagwa,, Commander of the Zimbabwe Defence Forces General Constantine Chiwengwa, Commander of the Air Force of Zimbabwe Air Marshall Perence Shiri, Commander Zimbabwe National Army Lieutenant General Philip Sibanda, Police Commissioner General Augustine Chihuri, Head of prisons Major General Paradzai Zimhondi and Director General of the Central Intelligence Organisation, Happyton Bonyongwe.
- Devise and provide a clear strategy of demilitarising, depoliticising and professionalising state institutions.
- Ensure that policy formulation takes place in professional institutions such as parliament and cabinet.
- Open up the media to other players and transform the state broadcaster.
- Prepare a clear strategy for the safe return and resettlement of internally displaced people.
- Involve civil society and include their views in conceiving and implementing policy decision.
- Put in place mechanisms of ensuring that the agreed settlement is adhered to.

To the International Community, particularly SADC and AU

- Continue increasing pressure on ZANU PF to halt human rights abuses (including sexual violence and abuse), allow humanitarian access and respect the rule of law.

- Benchmarks used by the international community in assessing if, when and where technical and financial support to Zimbabwe can be resumed must reflect the civil society's benchmarks and positions on the outcomes of the talks.
- Not to reengage or financially support Zanu PF and any future government of Zimbabwe if the benchmarks set out above (including humanitarian access, end to human rights abuses and impunity, justice and the establishment of a legitimate government) are not met.
- Members of the international community and institutions (particularly those involved in possible reconstruction support) must consult and involve civil society organisations with strong expertise and knowledge of Zimbabwe in policy development and situational assessments, particularly in reviewing progress of the negotiations and developing possible reconstruction scenarios, policies and packages.
- Establish programme of engagement with Zimbabwe for protection of human rights especially for women, girls and children. Security and safety of women and children should be guaranteed.
- Mandate and support a Special Rapporteur on Violence Against Women to do a fact-finding mission to Zimbabwe and support the efforts of community, grassroots and other organisations living in a culture of fear, survivors of violence and abuse.

In the event of Mugabe and his party once again blocking the mediation process in the current round of negotiations,

- SADC should consider diplomatic sanctions against the Mugabe regime and encourage by all means at their disposal their membership to adhere to democratic values.
- A renewed process must be initiated to bring UN sanctions against Zimbabwe's ruling party.
- Civic groups in the region and internationally, in particular trade unions, must mobilise for further isolation of the Mugabe regime.

5 Memorandum of Understanding: Full text

PREAMBLE

We the Parties to this Memorandum of Understanding;

Concerned about the recent challenges that we have faced as a country and the multiple threats to the well-being of our people;

Dedicating ourselves to putting an end to the polarisation, divisions, conflict and intolerance that have characterised our country's politics;

Determined to build a society free of violence, fear, intimidation, hate, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality;

Recognising the centrality and importance of African institutions in dealing with African problems, and agreeing to seek solutions to our differences, challenges and problems through dialogue under the auspices of the SADC mediation, supported and endorsed by the African Union;

Acknowledging that we have an obligation of establishing a framework of working together in an inclusive government;

Desirous therefore of entering into a dialogue with a view to returning Zimbabwe to prosperity;

Recognising that such a dialogue requires agreement on procedures and processes that will guide the dialogue.

NOW THEREFORE AGREE AS FOLLOWS:

1. Definitions

The 'Memorandum of Understanding' ('MOU') shall mean this written agreement signed by the Principals.

'The Parties' shall mean Zanu PF, the two MDC formations led by Morgan Tsvangirai and by Arthur Mutambara respectively.

'The Principals' shall mean the President and First Secretary of Zanu PF, Robert Gabriel Mugabe, the President of the one MDC formation, Morgan Richard Tsvangirai and the President of the other MDC formation, Arthur Guseni Oliver Mutambara.

2. Declaration of Commitment

The Parties hereby declare and agree to commit themselves to a dialogue with each other with a view to creating a genuine, viable, permanent and sustainable solution to the Zimbabwean situation and, in particular, to implement this Memorandum of Understanding.

3. Representation

The Parties will be represented by two representatives each in the dialogue.

4. Agenda

The Parties have agreed to the following Agenda:

4.1. Objectives and Priorities of a new Government

(a) ECONOMIC

- (i) Restoration of economic stability and growth
- (ii) Sanctions
- (iii) Land question

(b) POLITICAL

- (i) New Constitution
- (ii) Promotion of equality, national healing and cohesion, and unity
- (iii) External interference
- (iv) Free political activity
- (v) Rule of law
- (vi) State organs and institutions
- (viii) Legislative agenda priorities

(c) SECURITY

- (i) Security of persons and prevention of violence

(d) COMMUNICATION

- (i) Media
- (ii) External radio stations

4.2 Framework for a new Government

4.3 Implementation mechanisms

4.4 Global political agreement.

5. Facilitation

The Dialogue shall be facilitated in accordance with the SADC and AU resolutions.

6. Time frames

The Dialogue commenced on 10 July 2008 and will continue until the Parties have finalised all necessary matters, save for short breaks that may be agreed upon for purposes of consultation. It is envisaged that the Dialogue will be completed within a period of two weeks from the date of signing of this MOU.

7. Venue

The Dialogue shall be conducted at such venues as shall be determined by the Facilitator in consultation with the representatives of the Parties.

8. Communication with the media

None of the Parties shall, during the Dialogue period, directly or indirectly communicate the substance of the discussion with the media. The parties shall refrain from negotiating through the media, whether through their representatives to the Dialogue or any of their Party officials.

9. Decisions by the Parties

The Parties shall not, during the subsistence of the Dialogue, take any decisions or measures that have a bearing on the agenda of the Dialogue, save by consensus. Such decisions or measures include, but are not limited to the convening of Parliament or the formation of a new government.

10. Interim measures

10.1 Security of persons

(a) Each Party will issue a statement condemning the promotion and use of violence and call for peace in the country and shall take all measures necessary to ensure that the structures and institutions it controls are not engaged in the perpetration of violence.

(b) The Parties are committed to ensuring that the law is applied fairly and justly to all persons irrespective of political affiliation.

(c) The Parties will take all necessary measures to eliminate all forms of political violence, including by non-state actors, and to ensure the security of persons and property.

(d) The Parties agree that, in the interim, they will work together to ensure the safety of any displaced persons and their safe return home and that humanitarian and social welfare organisations are enabled to render such assistance as might be required.

10.2 Hate speech

The Parties shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or undermine each other.

11. The role of SADC and the AU

The implementation of the Global Political Agreement that the Parties will conclude shall be underwritten and guaranteed by the Facilitator, SADC and the AU.

12. Execution of the agreement

This agreement shall be signed by the Principals in the presence of each other and shall be witnessed by the Facilitator.

Signed at Harare this 21st day of July 2008.

Robert G. Mugabe
President, Zanu PF

Morgan R. Tsvangirai
President, MDC

Arthur G. O. Mutambara
President, MDC

Thabo Mbeki
SADC Facilitator

6 Zimbabwean Civil Society Positions on MDC and ZANU PF Negotiations

6.1 Zimbabwe Congress of Trade Unions position on current political talks

ZCTU's position on the current political negotiations and the signing of the Memorandum of Understanding between Zanu PF and MDC - 21. July 2008

The Zimbabwe Congress of Trade Unions (ZCTU) welcomes the current moves towards a negotiated settlement to the ongoing political and economic crisis which has gripped Zimbabwe for the past ten years.

While we are still of the view that President Thabo Mbeki is not the best person to lead the mediation, we take note of the inclusion of the AU and the UN on the expanded mediation team.

We are reliably informed through rumours that an expanded mediation team, led by South African president Thabo Mbeki, is currently in Zimbabwe to facilitate the signing of the MoU.

Our concern however is that, there has not been openness and wider consultation on the drafting of the MoU. On behalf of labour, the MoU has not been availed to us for scrutiny or comment. The only time we have had a feel of the MoU, has been through the media, where we are told that MDC leader Morgan Tsvangirai had at one time refused to sign it. Nothing more has been said about the document.

The process seems to have been left to the three antagonizing parties, that is, the MDC – T, the MDC – M and Zanu PF.

The current problems in Zimbabwe now require, not only a political solution, but concerted approach which involves all arms of the civic and political world.

Zimbabwe is not made up of supporters of Zanu PF and MDC alone, but a plethora of groupings which have to be consulted if the process is to gain wider acceptance by the majority.

On behalf of labour, we call upon the facilitators of the dialogue process to include civic groupings, churches, labour and political parties in the negotiation process.

It is our hope and wish that the above will be taken seriously for the outcome of the negotiating process to reflect the will of the people of Zimbabwe and not self seeking power sharing agendas.

W.T Chibebe

Secretary-General

Zimbabwe Congress of Trade Unions (ZCTU)

July 12, 2008

We, the General Council members of the Zimbabwe Congress of Trade Unions (ZCTU), meeting at the Quality International Hotel in Harare today 12 July 2008 for an update on the current political situation in the country, in the aftermath of the 27 June 2008 Presidential Election Run-off;

Pursuant of our Communiqué issued on 21 June 2008, which focused on:

- the violent environment prior to the holding of the Presidential Election Run Off of 27 June 2008;
- the conduct of political parties during the campaigning period; and
- the State's preparedness for holding a free and fair election

Noting that the 21 June 2008 Communiqué highlighted that,

- Political violence in the country had reached alarming if not catastrophic proportions;
- The 27 June Presidential election was not an election, but a declaration of war against the people of Zimbabwe by the ruling party;
- Dozens of people were murdered due to politically motivated violence;
- Thousands of people were threatened with death, beaten, tortured and harassed for expressing or supporting the opposition political party;
- People were forced to attend political rallies failure of which they were severely beaten up;
- There was deployment and sprouting of several bases led by the ruling party militia that harassed and perpetrated political violence;
- The usual polling officers, that is teachers and other civil servants, were sidelined in the running of elections in favour of ruling party supporters;
- Thousands of people were displaced through political violence and thereby unable to vote;
- The State President made it clear that he would not accept defeat even if he lost the elections.
- Very few local observers were accredited to oversee the conduct of the elections;
- There was continuous harassment of workers on their way to and from work by youth militias who had been deployed in suburbs;
- Opposition party agents were harassed, some killed and therefore were unable to monitor what happened in some wards on the day of the election;
- The opposition was not granted permission to campaign;
- There was a complete black out of the opposition in the public media and in case where it was mentioned, it was always in negative light;

- Potential voters were threatened if they voted for the opposition;

Further noting that the 21 June 2008 Communiqué conveyed the resolutions that:

- The Government disbands bases in all suburbs and unofficial road blocks manned by the youths militia;
- The government stops violence and allow local observers that were accredited for the March 29, 2008 Harmonised Elections to observe the Presidential Run Off.
- The ZCTU would not accept an outcome of a flawed election and reserved the right to reject result of a flawed election;

Having reconvened today, 12 July 2008 to discuss in particular:

- The process and the outcome of the Presidential Run Off Elections
- The current efforts towards resolving the election dispute
- The Way forward

And having observed that:

- None of the demands stated in the communiqué of 21 June 2008 were attended to;
- The Southern Africa Development Community (SADC) Election Observer Mission said The elections did not represent the will of the people of Zimbabwe ;
- The Pan-African Parliament (PAP) Observer Mission concluded that the current atmosphere prevailing in the country did not give rise to the conduct of free, fair and credible elections... ;
- The African Union (AU) Observer Mission also noted that in the context of the AU Declaration of the Principles Governing Democratic Elections in Africa, it is the considered view of the African Union Observers Mission that the Election process fell short of accepted AU standards ;
- The nature of the current dispute is about the 27 June 2007 Presidential Election Run Off, not the 29 March 2008 Harmonised Local Government, Parliamentary, senatorial and Presidential elections;
- There are inter-party talks going on aimed at resolving the current political impasse;
- The current composition and structure of negotiations should stick to the parties of the 27th June Presidential elections, that is, Zanu PF's Robert Mugabe and MDC's Morgan Tsvangirai.

Worried that:

- The current mediator in the talks, South African President Thabo Mbeki is part-time and has been leading the negotiations on Zimbabwe for a long time without much success is perceived as sympathetic to the ruling Zanu PF.
- Other players not connected to the Presidential election dispute have been included
- The talks are concentrated on the issue of power sharing and Government of National Unity (GNU) at the exclusion of other options

We therefore resolve that:

- The 27 July 2008 elections were not free and fair and did not represent the will of the people of Zimbabwe;
- That the mediation efforts should not be left to President Thabo Mbeki alone, it has to be expanded to include other AU members, preferably a retired President who would work full-time;
- The MDC fronted by Arthur Mutambara should not be part of the talks since the election in dispute is that of 27 June 2008, of which only two Presidential candidates, Robert Mugabe and Morgan Tsvangirai took part;
- Inter-party talks should take less than two months because the economy is in bad shape, violence is continuing and people are suffering;
- A Government of National Unity is a subversion of our national Constitution and only a Neutral Transitional Authority should be put in place with a mandate to take Zimbabwe to fresh, free and fair elections that will hopefully not be disputed by the parties.

6.2 Zimbabwe National Students Union (ZINASU)

30 July 2008

The Zimbabwe National Students Union welcomes the commitment by the two main political players in the Zimbabwean politics to negotiations aimed at resolving the political crisis. We however remain suspicious of ZANU Pf and their commitment to genuine negotiations.

We wish to reiterate our earlier position that any negotiated outcome must take into account the will of the people as expressed on the 29th of March 2008. Any other outcome that fails to realise the fact that Zimbabweans went to polls in a fairly free election, at least by Zimbabwean standards, and elected the President of their choice, will not change anything and such an arrangement will be defied.

We further wish to express our displeasure with the inclusion of irrelevant players in these negotiations, that is Arthur Mutambara and his confused group. The simple reason being that they don't have the mandate, "from anyone to represent anyone", in this process since they did not participate in the Presidential poll held on March 29, 2008.

Any authority, respecting the will of the people, coming out of this process should address the following fundamental issues:

- The delivery of basic services to the nation, education, health, accommodation, food to all Zimbabweans.
- Respect of human rights and the rule of law
- Address issues of truth and justice especially politically motivated atrocities witnessed post March 29.
- Prepare for fresh elections in the shortest possible time to allow the people to bring into office a genuinely democratically elected Government.

A transitional settlement that is a product of a genuine negotiations and respecting the will of the people as expressed on March 29, 2008 is the best way forward for our country. Failure to take cognisance of the March 29 result will not resolve anything as any outcome from such a process will be defied and we wish to make it categorically clear that the students of Zimbabwe will not allow ZANU PF to usurp power from a democratically elected party, mandated to form the next Government of Zimbabwe. ZINASU will be the first to defy.

The people shall govern,

On behalf the students movement,

Clever Bere
President

6.3 Women of Zimbabwe Arise (WOZA)

Freedom in a fortnight? A view from the trenches

July 23, 2008

This view represents a consulted way forward recommended by Women and Men of Zimbabwe Arise (WOZA/MOZA). We are an organization owned by its 60,000 members who hold qualifications in daily survival and degrees in non-violence despite the deeply polarized political environment in Zimbabwe since 2000. WOZA was born in the community and seeks to draw the attention of preoccupied politicians to people's needs, namely bread and butter issues; or as WOZA likes to put it, bread and roses issues - bread representing food and roses representing the need for lasting dignity.

At the moment, the highway that is Zimbabwe has two 'vehicles' going in opposite directions, Zanu PF, the so-called 'liberation war' party and the Movement for Democratic Change (MDC). These parties speed along preoccupied with their own importance, hardly ever taking the off-ramp to consult with the suffering masses.

What do we want policy makers to focus on?

The reality on the ground for Zimbabweans right now is tantamount to torture. For representatives of political parties to sit at the negotiating table cutting an elite power-sharing deal whilst ignoring the crashing economy and the undeclared civil war by Mugabe against ordinary people is a crime against our humanity. We suspect that they do not understand the day-to-day struggle of ordinary Zimbabweans. As a result WOZA is determined to hold our placards up high to get their attention and demand that they address our needs.

Our placards will be drawing attention to the following points:

Daily life is form of torture

- We cannot get food without being forced to take sides with the ruling Zanu PF who currently controls access to all food in the country. As we have seen before during election periods, they have also banned distribution of food by international NGOs so that they can further control our fundamental need to eat. Many of our members try to get humanitarian assistance but because they speak out, are punished by Zanu PF and denied food or blackmailed into support in exchange for food. Hunger is the price for their courage.
- As Zimbabweans go about their daily activities, youth militia, police, army and war veterans subject them to harassment and intimidation. Even a neighbour can no longer be trusted, as with the widespread hunger, one can be sold out in exchange for food. Lists of names of all those that oppose the regime exist at ward, district, province and national level. This highly sophisticated 'reign of terror' was re-established between March 29 and June 27. It is an open secret that Zanu PF did not campaign in their normal violent manner in the run up to March 29 and therefore lost the presidential race. They reverted to type and put in place their structures of evil after March 29, resulting in the farcical run-off and Mugabe inaugurating himself.

Undeclared civil war during Thabo Mbeki's watch

It was during the SADC mediation process, led by Thabo Mbeki, that Mugabe has continued and intensified his campaign of murder, mutilation, abduction and rape. As a result our placards will also state that we no longer have confidence in Thabo Mbeki. During his watch, babies have been mutilated for their parents' democratic beliefs – their blood is on his hands.

The South African mediation team stressed that the aim of the mediation was to have ‘an election whose result cannot be contested’. Yet two elections have been held and the results of both are contested. A second SADC team was mandated to deal with the economic chaos but they seem to have disappeared or have become too baffled by too many zeros to do anything. We therefore demand that:

- The Africa Union and SADC have provided a reference group to the mediation team and it is our view that the political parties also need an on-the-ground reference group made up of civic society representatives who can provide input and receive feedback.
- The status of the second SADC team dealing with the economy is clarified and their recommendations be made public so Zimbabweans can know what is to be done about the crashing economy.
- The United Nations is allowed to come in to assess humanitarian needs and set up structures to address these urgently.

Zimbabweans have lost faith in politicians’ ability to return life to the living. We do not think power sharing or a government of national unity (GNU) can work in Zimbabwe. We need an independent and impartial transitional authority under African leadership.

African leaders should not dictate that a GNU be the only solution to our crisis. Zimbabwe is not Kenya and their solutions cannot be imposed on us, especially with our historical experiences of 1987. We need a solution to address the specific of the Zimbabwe crisis. In Zimbabwe, the military elite runs the show not only on military might but also on political partisanship. For the ordinary soldier, police officer or prison officer to keep their job they have to follow political orders. This is the situation at any police station in the country. A transitional authority would be better placed to address this problem. A neutral person from Africa must be found who, supported by Zimbabwean technocrats, can form an interim authority that will neutralise the pillars of state, including the police. The violence can only be stopped when the victims can once again report abuses to an impartial body and trust that the perpetrators will be arrested and put on trial no matter who they are. For this to happen, magistrates and judges will also need to know that they will also be watched to ensure that there is justice through the courts for all equally.

We would want an engendered transitional authority to have the following mandate during their eighteen-month term of office:

1. Stop the political violence. Depoliticise the police, army and other defence forces. Any political violence must be reported, investigated and prosecuted through the courts without any form of favour or political influence.
2. Dialogue with the business and professional community to develop policy designed to bring about economic recovery.
3. Supervise the addressing of the humanitarian crisis together with the United Nations.
4. Even constitution making has become the sole preserve of politicians. It was the constitutional referendum in 2000 that intensified political violence with catastrophic results and therefore we need an independent person to oversee the consultative process. A transitional authority must neutralise this position and return constitution making back to the people of Zimbabwe.
5. Depoliticise the issue of land reform, conduct a land audit and consult on a fair and equitable land reform programme. If the economy is to be stabilised, we need our land to be made productive fast.

6. Form a body to consult and develop a transitional justice plan of action designed to bring healing and reconciliation and then deal with justice and restitution for victims in the new Zimbabwe.
7. Bring about a truly independent electoral commission to oversee first a referendum on the new constitution and then a truly free and fair election process and a peaceful transition to the winner.

Thousands of WOZA members have been arrested for exercising their freedoms of expression and assembly. Some were even denied bail and imprisoned for marching to the Zambian Embassy to deliver a petition to the SADC chair, Zambian president Levy Mwanawasa. They remain undaunted by this repression and fully intend to continue to peacefully march for bread and roses, placards held high until their messages are taken seriously at the negotiation table and in the corridors of power. Of course if they had civic representatives at the table, their voice would be better heard than from the streets.

Woza Moya!

6.4 Crisis in Zimbabwe Coalition

Statement on the Memorandum of Understanding (MoU) between ZANU PF and MDC 22 July 2008

The signing of a Memorandum of Understanding (MoU) between ZANU PF and the Movement for Democratic Change (MDC) in Harare yesterday must mark a new chapter in our country's search for democracy.

The Crisis in Zimbabwe Coalition, representing more than 350 civic organizations wishes to reiterate that any meaningful transition in Zimbabwe must be held under a transitional authority. The Coalition is utterly opposed to a pact agreed between the political elite which does adequately address the socio-economic and political crisis which is by and large held as a crisis of governance and legitimacy. Whilst the spirit of accommodation is one way of resolving national crises, we urge that the framework of the ongoing national dialogue in Zimbabwe must be aimed at renewal, national healing and economic prosperity.

The Coalition specifically demands that the ongoing talks must be held in a framework of respect for the people who overwhelmingly voted for change on the 29th March 2008 in the harmonized elections. A framework of dialogue should have guarantees that human life will cease to be tormented through state organized violence and killings.

Quick fixes to the national crisis do not address the constitutional and democratic deficit that our country has had to grapple with for the past ten (10) years. We reserve our right to disobey any political establishment that does not serve to address the institutional failures, reform militarization of the state and the sweeping powers of the executive. Our expectation and that of many Zimbabweans is that the ongoing talks will lead to the establishment of a new polity that is founded on constitutionalism, the rule of law and respect for human rights.

The following conditions must be met in order to create a truly dialogical and deliberative culture for the success of the talks. We demand:

1. ***Cessation of political violence.*** The threats, physical assaults, torture, and acts of arson that have characterized the period following the March 29 harmonized elections must be halted immediately. Vilification of the opposition and pro-democracy groups, hate speech and lies peddled by the State-owned media houses must cease forthwith since they have no place in a democratic Zimbabwe.
2. ***Establishment of law and order.*** All political prisoners must be released, oppressive laws such as the Public Order and Security Act and the Access to Information and Protection of Privacy Act must be repealed to open space for democratic participation, and perpetrators of political violence must be brought to justice. The flimsy treason charges against Tendai Biti, MDC secretary-general and trumped-up charges against other opposition MPs must be dropped forthwith.
3. ***Transitional authority.*** We reiterate our calls for an establishment of a transitional authority with specific mandate of taking Zimbabwe to a lasting democracy as opposed to a power sharing Government of National Unity (GNU). The Coalition holds that a GNU is a stop gap measure, which gives the ruling Zanu PF party breathing space before reverting back to its war path on the opposition

supporters and the broader pro-democracy movement. The transitional authority must run the state for a period not exceeding 18 months before going into fresh elections to be held under a new constitution and supervised by the regional and international observers

4. ***Legitimacy and governance.*** The crisis of governance and legitimacy will remain unresolved if the people's will and choices are not adhered to. Hence the outcome of dialogue should reflect the people's choices as witnessed on the 29th of March 2008. A transitional authority should therefore form the bases of creating a governance model found on principles of accountability, transparency, non-corrupt practices which will form a lasting solution to the crisis.

It is our view that the solutions which will deliver Zimbabwe from the impasse should be an outcome of a consultative process, canvassing the ideas of the people of Zimbabwe across the national divide.

Issued by:
McDonald Lewanika

6.5 Media Institute for Southern Africa Position On Talks

23 July 2008

MISA Zimbabwe cautiously welcomes the signing of a Memorandum of Understanding (MOU) between Zanu PF and the two formations of the Movement for Democratic Change (MDC) as the three main political parties in Zimbabwe on 21 July 2008.

Our cautious optimism is premised on the understating that while there is an urgent need for dialogue in Zimbabwe - the dialogue in question should not be the exclusive preserve and prerogative of political parties alone but an inclusive process that embraces the inclusion of civil society organisations as opposed to the exclusionary nature of the MOU.

We reaffirm civil society's position on the need for a new people driven constitution that expressly guarantees media freedom as outlined in the Zimbabwe's People's Charter.

MISA Zimbabwe further notes that two of the agenda items outlined in the MOU relate to the 'media' and 'external' radio stations. While we are not privy to the actual contents of the agenda items, we are of the view that the two- week negotiation period should be preceded by an unequivocal and explicit guarantee to the right of freedom of expression, access to information and freedom of the media through the following actions:

- An immediate cessation of the arrests, harassment and torture of journalists and media houses reporting on Zimbabwe.
- The granting of permission to all media houses (both foreign and local) to cover the political situation as it unfolds.
- The suspension and subsequent repealing of all repressive legislation that targets the media and in particular, the Access to Information and Protections of Privacy Act (AIPPA), Public Order and Security Act (POSA), Broadcasting Services Act (BSA) and the Interception of Communications Act.
- An immediate conversion of the Zimbabwe Broadcasting Corporation from a state broadcaster into a truly independent public broadcaster as mandated under the guidelines of the African Charter on Broadcasting. This should also be accompanied by a freeing of the airwaves to allow for commercial and community broadcasting.

It is MISA-Zimbabwe's strong submission that in the intervening interim period and in view of these developments all policies relating to the media should be guided and informed by the principles outlined under Article 9 of the African Charter on Human and Peoples Rights which states that every individual shall have the right to receive information and the right to express and disseminate his opinions within the law.

The Windhoek Declaration's Article 9 also states that: African states should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association and expression".

MISA Zimbabwe therefore implores the negotiating parties as well as the mediators to remain true to the need for a transitional process that carries the people's confidence. This can only be achieved in an environment that immediately allows citizens to enjoy their fundamental right to freedom of expression, association, assembly, access to information and media freedom.

6.6 Center for Peace Initiatives in Africa

The Center for Peace Initiatives in Africa (CPIA) joins other Zimbabweans in applauding the signing of the Memorandum of Understanding by the three political parties on 21 July 2008. This was indeed a momentous occasion.

We hope that the substantive talks now underway will be conducted in a mature and rational manner in the spirit of compromise, with the interests of Zimbabweans at the centre of the discussions. We sincerely hope that the hard bargaining and ‘horse trading’ inherent in negotiations will be tempered with selfless pragmatism so as to bring about a long lasting solution to the political impasse, economic meltdown and social dislocation besetting the country. In their quest for and pursuit of a mechanism that guarantees peace, stability and good governance, there is need for the negotiators to be single-minded and focus on the big national picture at the expense of self interest and narrow partisan considerations.

We also believe that the negotiations should go beyond the short and long term solutions in purely constitutional terms. We are convinced that the talks present a glorious opportunity for the negotiators to bring on board other issues, such as reconciliation. The short history of Zimbabwe is littered with political and social upheavals which cry out for redress. Physical, mental and emotional wounds caused by Gukurahundi, Murambatsvina and the violence and trauma in recent weeks are examples of areas that require attention. We, therefore, appeal to the negotiators to think in terms of creating a reconciliation mechanism in the very near future. We do not have to reinvent the wheel either! We have the Rwanda model, the Ghana model, the South African model and templates of Balkan countries in Europe and a number of South American countries. We are of the opinion that for the country to move forward with a shared vision and a sense of renewal it is absolutely necessary to revisit the whole question of reconciliation – genuine national reconciliation without which there will always be cracks that can be exploited by opportunists.

Secondly we would like to appeal to the negotiators to ensure that Zimbabweans buy into the new dispensation to emerge from the talks. We cannot think of a better way or any other way of involving the citizens except through a referendum. To this end the document being crafted by the negotiators should have the seal of approval and legitimacy of all Zimbabweans, through a referendum, before it becomes the Supreme Law of the Land.

Finally, we hope and pray that the negotiators will be able to deliver at the earliest opportunity. In the meantime we call upon the Government of Zimbabwe to protect all its citizens and refrain from any acts that unnecessarily threaten them. At the same time we call upon all political parties, trade unions, civil society, individuals and the media to refrain from provocative actions and making careless statements.

Dr. L.T. Kapungu
EXECUTIVE DIRECTOR
Friday 25 July 2008

6.7 Zimbabwe Lawyers for Human Rights position on current political situation in Zimbabwe

Zimbabwe Lawyers for Human Rights (ZLHR)
July 15, 2008

The membership of the Zimbabwe Lawyers for Human Rights (ZLHR) met on 9 July 2008 following the events of 29 March 2008 and 27 June 2008 to consider and resolve the organization's position on recent events and a roadmap for the way forward for Zimbabwe.

The general membership takes the position that:

1. The prevailing situation throughout Zimbabwe in the period from 29 March 2008 to date has been characterized by grave human rights violations and a concerted suppression of the fundamental rights and freedoms of the people of Zimbabwe. In particular, ZLHR notes that the right to public participation in the government of the country has been severely damaged.
2. ZLHR, which has as its main objective the fostering of a culture of human rights in Zimbabwe and the wider region, unreservedly condemns such suppression of individual freedoms by the state and its functionaries.
3. ZLHR takes note that the preliminary reports of the African Union Observer Mission, the Pan African Parliament Observer Mission and the SADC Election Observer Mission all failed to lend credence and legitimacy to the events of 27 June 2008 as a free, fair and credible election which expressed the will of the people.
4. This is in accordance with the general findings and position of the ZLHR membership.
5. In light of the prevailing political, social and economic climate which continues to deteriorate by the day, ZLHR supports the call for a negotiated settlement establishing a transitional authority, which:
 - a. Will be time-bound, and which will exist for a period not exceeding 18 months;
 - b. Will address during its existence, through inclusive, people-oriented and people-driven (rather than elite) processes, the key issues of constitutional reform, reform of state institutions (including the Zimbabwe Republic Police, the Zimbabwe National Army, the Zimbabwe Prison Service, the Judiciary, the Attorney-General's office, the Zimbabwe Electoral Commission, the Registrar-General's office, the Reserve Bank of Zimbabwe, the Zimbabwe Media Commission and the Zimbabwe Human Rights Commission) and alleviation of the economic and humanitarian crises;
 - c. These reform processes will be done in order to ultimately, and within the stipulated time frame, hand over power to a democratically elected government through free and fair elections under the new constitutional dispensation and which elections must comply with regional and international electoral and human rights standards.
6. ZLHR believes that such negotiations and ultimate settlement can only take place in a climate where there is:
 - a. An immediate end to all forms of political violence and particularly the involvement of the security forces and law enforcement agents therein;

- b. Disbanding of youth militia forces and the bases from which they and others, including war veterans and intelligence operatives, are operating;
- c. An immediate end to extra-judicial executions and enforced disappearances which constitute a grave violation of international law;
- d. Immediate and unrestricted access to all internally displaced persons and other victims of political violence by humanitarian organizations and other service providers so that victims may realize their fundamental rights to medical treatment, food and water, other social services, and legal representation;
- e. An enabling environment for the legal profession to carry out its professional duties on behalf of all clients throughout the country in order that all people can be provided with their fundamental right to legal representation and have their liberty, security and other fundamental rights and freedoms properly protected. This includes the immediate cessation of harassment and targeting of lawyers carrying out their professional duties, respect for and compliance with court orders, unimpeded access by lawyers to their clients, and an immediate return to independence and professionalism by all law officers and officials in the office of the Attorney-General;
- f. An immediate end to use of the public print and electronic media for party political purposes and to foment hate and incite unlawful action against legitimate political activists, political parties and human rights defenders.

7. Whatever political settlement is ultimately reached, ZLHR considers the following issues essential and non-negotiable in achieving a lasting peace and secure environment in which a culture of human rights can flourish and all people of Zimbabwe will be protected, and as further articulated in the Zimbabwe People's Charter.

- a. A new constitution which is people-driven and oriented, and which is accepted through a referendum before any further elections are held;
- b. A return to the rule of law and adherence to the principles of constitutionalism and separation of powers;
- c. Reformed state institutions which are independent, impartial and accountable and which protect and promote the fundamental rights and freedoms of all people of Zimbabwe without fear or favour;
- d. Elections which comply with best regional and international practices, administered by one independent, impartial and accountable national election management body;
- e. An independent, responsible and accountable public media and a vibrant, independent and accountable private media which place emphasis on freedom of expression and information;
- f. A rights-oriented legislature which will have as its priority the swift amendment and/or repeal of repressive legislation and the promulgation of further legislation which will empower the people of Zimbabwe and ensure social, political and economic justice for all;
- g. An end to politically-motivated violence and the culture of impunity which has become so pervasive within our society, and which can only be achieved through victim-oriented processes of justice for human rights violations, reconciliation, reparations, rehabilitation and reintegration;
- h. An end to economic impunity and in particular the use of state resources to benefit the few at the expense of the majority, to contribute to and ensure social and economic justice for all;
- i. An open, tolerant and democratic system of governance which recognizes the

important role of civil society in human rights, governance, humanitarian and democratisation issues;

j. A national value system that recognizes the humanity of every single individual and the diversity of cultures within our society;

k. Gender equality, recognized equally by men and women, in all processes undertaken;

Recognition of the importance of including and empowering the youth in our society in all activities, and protecting and promoting their rights in order for each generation to bequeath to the next a country that remains the epitome of hope, democracy and sustainable livelihoods.

6.8 National Constitutional Assembly position on June 27 elections run-off

National Constitutional Assembly (NCA)

July 07 , 2008

The National Constitutional Assembly has never viewed any election held under the current environment as an expression of the people's will due to the following points.

As far as the NCA is concerned there was no election on June 27 as African and world leaders remarked that the environment was not conducive to hold a free and fair election.

The NCA does not recognize the June 27 mock election as there was a single candidate, Robert Mugabe following the pulling out from the election by Morgan Tsvangirai a week before the scheduled in protest of his supporters who were being harassed by Robert Mugabe's followers and the partisan forces.

Describing the June 27 event as an election is not only a sham but also a joke.

It is under this background that the NCA joints the Pan African Parliament, African Union, group of elders (among them former SA president Nelson Mandela), COSATU, SACP and MDC in condemning the June 27 polls as 'sham'

In Zimbabwe today:

1. There is no democratic and people driven constitution in the country that is conducive to guide legitimate elections
2. The current electoral field is skewed in favour of the incumbency and in our case that is ZANU PF and Robert Mugabe
3. The environment leading up to the sham election was marred by organized state sponsored violence
4. The electoral playing field was prohibitive to both local and foreign observers and media was stopped from covering polls
5. Public media in Zimbabwe was biased toward the Mugabe presidency whilst undermining Morgan Tsvangirai's legitimacy after making the above assessment that the NCA feels AU, SADC and other international bodies should dismiss Mugabe's legitimacy and uphold the outcome of the March 29 polls that was generally freer than the current one.

The 29 March elections did not produce an outright winner but MDC leader Morgan Tsvangirai garnered more votes among those who contested. It is after this election that saw ZANU PF and security forces bankrolling an orgy of violence meant to reverse the people's will that gave mandate to govern the state to the MDC.

The victory of the MDC in the 29 March polls was an expression of how desperate Zimbabwe is for a democratic change. The victory of the MDC shows how weak ZANU PF rigging machinery is and the lack of confidence Zimbabweans now have on Robert Mugabe.

The NCA wants to reiterate that as long as there is no new constitution that among others will limit executive powers of a president, redefine the role of the security forces and the judiciary and guarantee basic freedoms such as association and assembly, Zimbabwe cannot hold a free and fair election. The NCA hereby makes a call for an urgent writing of a democratic people driven constitution by the people and for the people of Zimbabwe that will see fundamental rights among them right to life being restored.

6.9 National Association of Non Governmental Organisations

The National Association of Non Governmental Organisations (NANGO) representing Non Governmental Organisations operating in Zimbabwe notes the signing of a Memorandum of Understanding by Robert Mugabe, Morgan Tsvangirai and Arthur Mutambara representing ZANU-PF and the two MDC factions under the auspices of the Mbeki led mediation process.

This deal follows on from the political impasse that resulted from the flawed 2008 Harmonised Elections. The MOU ostensibly puts in place a framework for negotiations between the political parties to supposedly create a "genuine, viable, permanent and sustainable solution to the Zimbabwean situation". It sets the agenda for the talks as being to dialogue on the objectives, priorities and framework for a new government as well as its implementation mechanisms. According to the MOU a global political agreement shall be reached within two weeks after the signing of the MOU.

A reference group consisting of representatives from SADC, AU and the UN has been established to support South African President Thabo Mbeki in his mission to mediate between the parties during the negotiations.

On the occasion of the signing of the "deal" NANGO reiterates the earlier concerns raised by Civil Society e.g in the Make our Vote Count Declaration of 17 April 2008 about the disappointing failure of the SADC led mediation process to include the voices of other critical stakeholders in Zimbabwe such as Civil Society. Neither the MOU, nor the parties to the negotiations or the SADC Facilitator have mentioned consultations with Zimbabwean Civil Society during the negotiations.

To ensure that a solution that reflects the true will of the people is found, NANGO believes that consultations with Civil Society are essential. NANGO therefore calls upon President Thabo Mbeki and the negotiating parties to expand the mediation Reference Group to include representatives from Zimbabwean Civil Society.

NANGO reiterates the earlier pronounced position by Civil Society in the "Declaration Regarding a Transition to Democracy in Zimbabwe" of 15 July 2008 "which refused all movements towards elitist power sharing arrangements.

NANGO further endorses the position adopted by Civil Society on 15 July 2008 calling for the establishment of a transitional government lead by an impartial person - neither being member of MDC or ZANU-PF - with the mandate to oversee the drafting of a new people-driven constitution and the subsequent facilitation of free and fair elections.

NANGO urges for the following critical steps to create a conducive environment for open negotiations by all stakeholders in Zimbabwe towards a just and democratic society:

1. Cessation of political violence,
2. Re-establishment of law and order,

3. Lift of ban on field operations of Non Governmental Organisations to lessen the disastrous impact the ban has on the life of millions of Zimbabweans e.g. children, women, the disabled, the elderly, People living with HIV/AIDS,
4. Immediate stop of violation, intimidation and harassment of Non Governmental Organisations, Civil Society Activists and Human Rights Defenders,
5. Restoration of good governance particularly through the depoliticisation, demilitarisation and reform of Institutions of state such as the judiciary and welfare agencies,
6. And the establishment of a transitional government with a time bound mandate to oversee the drafting of a people driven constitution and the subsequent facilitation of free and fair elections and the implementation of victim-cantered transitional justice initiatives bringing to justice the perpetrators of gross human rights violations and promoting national healing.

6.10 Zimbabwe Election Support Network

I PREAMBLE

Mindful of joint civil society resolutions on various issues including elections;

Having deliberated on the conduct of the 2008 Harmonized Election and Presidential Runoff Election from various perspectives;

Having drawn from the experience of other countries in the SADC region, particularly Kenya;

Taking cognisance of the current political developments and the need for further electoral reforms in Zimbabwe, participants of the Zimbabwe Election Support Network's National Workshop on Electoral Conflict Management and Electoral Reform resolved as follows:

II RECOMMENDATIONS

Regarding aspects of the political and electoral environment which have a bearing on election outcomes, it was recommended as follows:

Media

It was agreed that the role of the media is to objectively provide equal and impartial coverage of events and issues for all election contestants. Equal access to state media for all political parties in the form of both news coverage as well as campaign advertisements was noted as critical.

The meeting recommended the reconstitution of the Media and Information Commission. It was further recommended that there should be no selective accreditation of media houses or journalists to cover elections, particularly foreign media.

To ensure the people have access to information, it was agreed that there was real need for opening up of the airwaves to other players. It was recommended that lawmakers revisit the Broadcasting Services Act to ensure that the law translates to practice in the broadcasting arena.

The meeting also recommended the reduction of import duty on regional media as this had a negative impact on citizen's access to information.

It was emphasized that the media should not be used as a platform to propagate hate or abusive language or psychological warfare or propaganda on citizens.

Restrictive Legislation

It was recommended that restrictive provisions of pieces of legislation such as Public Order and Security Act (POSA) be repealed entirely and that lawmakers ensure that legislation creates a conducive environment for the holding of free and fair electoral contests.

Political Parties

On political party finance, it was agreed that the distribution of public political party finance under the current legislative framework should be equitable. Funding of political parties should be transparent and could be administered by an independent party such as the Electoral

Commission. Issues relating to foreign funding should also be resolved to ensure all political parties are at an even footing.

It was also agreed that citizens had a right not to be coerced into funding political party activities through forced “donations”.

Campaigning

Citizens’ freedom of association, expression and assembly should be guaranteed, protected and enforced. In addition all political parties should be entitled to equal access to electorate in all areas of the country.

The need for the consistent, impartial application of the law by courts and all law enforcement and security agents was also stressed as selective application particularly along partisan lines breeds suspicion, mistrust and can cause political and electoral conflict.

The meeting also agreed that citizens should be protected from the politicisation of food aid, and its use as a political tool.

Use of State resources

The meeting recommended that provision should be made to regulate the advantage of incumbency and to minimise the use of government and parastatal assets for political purposes, particularly campaigning.

Role of traditional leaders

It was recommended that the role of traditional leaders should be well defined and should not be abused for political ends. Participation in party politics should be at an individual level, but should remain neutral and non-partisan.

Role of Security forces

It was agreed that it was important for civil servants to be impartial and non-partisan in the discharge of their duties. Further they should not be subjected to political manipulation or intimidation.

Political/Election related conflict

It was recommended that efforts be made by all stakeholders to inculcate a culture of tolerance and respect, a fair political contest as well as electoral conflict management and resolution

It was recognised that there was a real need for systematic rehabilitation of victims including counselling and other support systems provided by both civil society and government.

Regarding electoral processes it was resolved that Zimbabwe needs electoral processes which are free from political control, accurate , fair, transparent and undertaken with full public participation, particularly that:

Delimitation

It was agreed that, to enhance its independence, the Electoral Commission should be made accountable to Parliament not to the President or to the Minister for Justice Legal and Parliamentary Affairs. Consequently it was recommended that the Electoral Commission should report to Parliament.

It was also agreed that this process needs to be conducted in a broadly consultative and participatory manner.

Accreditation of observers

It was recommended that both international and domestic observers should be involved more and given early accreditation so that they can observe the entire electoral process beginning with voter registration.

It was further recommended that observation should be open to a broad spectrum of groups, internationally and regionally, and not subjectively selected.

Voter registration

It was recommended that this process should be administered entirely by the Electoral Commission and that the office of the Registrar General should be relieved of this role.

The meeting further recommended the review of requirements for voter registration with a view to removing restrictive demands such as proof of residence.

Any electronic or printed copies of the voter's roll provided in terms of the legislation should be user friendly and in a usable format.

Inspection of voters' roll

The meeting agreed that in order to minimize confusion there need to be a clear and set timeframe for the inspection of the voters' roll for any election.

It is also suggested that this process could be synchronised with other processes such as the issuing of identification documents.

Nomination of candidates

It was agreed that there is a need for adequate education on requirements to enable potential candidates to submit nomination.

Voter education

It was agreed that adequate voter education should be provided as an ongoing process. The involvement of all stakeholders was encouraged and it was recommended that civil society should also be allowed to complement the Electoral Commission.

Postal Votes

It was agreed that there was need to increase transparency of this process including access of political parties and observers for scrutiny.

Counting process

It was noted that this was a credible and transparent process, particularly the posting of results outside polling stations. It however recommended the amendment of V11 and V23 forms to include the names and identification numbers of those party agents or observers countersigning. Recommendations were made to political parties to have sample signatures of party agents in order to compare with signatures on the V11 and V23 forms.

Announcement

It was recommended that clear guidelines should be set for the announcement of results in a reasonable timeframe and these guidelines should be adhered to.

Dispute management

The need for timeous resolution of disputes through the Electoral Court was noted. The Court should be capacitated to carry out its functions with a view to improving efficiency and independence. Further, multi-party Liaison Committees should be made more effective and given a more significant role.

It was also agreed that the need for negotiated settlement or alternative dispute resolution mechanisms should be explored.

Regarding election management it was resolved that one independent, impartial, accountable and well-resourced election management body was critical and the following recommendations were made:

Selection and Appointment

There must clear criteria for selection, in an open process with adequate checks and balances. The composition should be representative, and involve diverse interest groups

Independence

The need for a competent, independent election management body was cited as crucial. It was recommended that the independence of the Electoral Commission should be enhanced by the allocation of adequate resources directly from the fiscal.

Role

It was noted that the roles of the Commission should be clearer and unambiguous to ensure responsibility and accountability. All election management functions should be vested solely in the Commission. The Commission should also be consulted and allowed to take an advisory lead in the formulation of electoral law. The meeting also recommended the removal of presidential powers empowering the President to amend electoral law without recourse to Parliament.

Conduct and staffing

It was recommended that the Electoral Commission should adopt a more consultative approach to managing the electoral process by involving stakeholders at all stages. This will build trust and confidence of stakeholders, encourage transparency and provide checks and balances, which will enhance the integrity and legitimacy of the election outcome.

It was emphasized that the Electoral Commission should recruit capable permanent staff on a non-partisan basis.

Other recommendations made include the following:

Constitutional Reform

It was recommended that the Constitutional and legal framework be reviewed, including pieces of legislation such as the Public Order and Security Act (POSA) as well as the Access to Information and Protection of Privacy Act (AIPPA) which impact on the enjoyment of fundamental rights and freedoms in Zimbabwe.

Political Dialogue

It was recommended that inter-party dialogue on areas of conflict needs to be encouraged and positively reinforced. It was also agreed that there is need for continuous engagement between political parties and civil society.

Key lessons drawn from the Kenyan experience were that there is need to find a solution that works for Zimbabwe. Further, any political agreement reached needs to have a clear implementation framework.

It was also recommended that efforts be made by all stakeholders to inculcate a culture of tolerance and respect, a fair political contest as well as electoral conflict management and resolution.

III CONCLUSION

In conclusion, without the requisite implementation of constitutional and electoral framework, and the creation of an atmosphere in which persons can campaign and vote freely, the aspirations of Zimbabweans for free and fair, credible election will not be realised. ZESN remains committed to advocating for participatory and people-driven democratic processes in the governance of the country and the security of citizens, their enjoyment of freedoms of movement, assembly and association. The Network will continue working for the establishment of a political and social environment that is conducive to holding free and fair elections in Zimbabwe.

6.11 Solidarity Peace Trust

Excerpts from the Solidarity Peace Trust Report “Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?” 29 July 2008 p.12-13:

www.solidaritypeacetrust.org

This report clearly shows the level of violence experienced during the two election rounds. They are the worst state-led violence that Zimbabweans have experienced since the Gukurahundi massacres of the mid 1980's. The report draws upon 3320 formal interviews with victims of human rights abuses from March – July 2008. It indicates that ZANU PF paramilitary forces of militia, war vets and supports accounted for 82% of the violence, while the MDC/other category accounted for 1% of the violence. The report confirms 106 murders, with clear indications that the number will grow as more information comes to light. Most of the violence (77%) was reported in the three Mashonaland provinces and Harare. In Mashonaland East and Central in particular, wards and villages that had shown a high MDC vote were mercilessly targeted, in what can be described as both a policy of punishment for ‘betraying’ Zanu PF, and a pre-emptive strike ahead of the run-off, to turn the tide against Morgan Tsvangirai. 18% of victims held leadership positions in their communities, while 43% claimed MDC affiliation. 1% claimed Zanu PF affiliation. Moreover Zanu PF had a recognizable policy of attacking not just key people in the MDC leadership, but also targeting their families.

There are no doubt serious obstacles ahead, the most obvious of which is the continued capacity for destructive politics on the part of the ruling party. Nevertheless a broader process of accountability has been put in place for the current discussions and this provides for more levers of pressure on the process. This does not guarantee success but may provide a means to develop a broad consensus on those forces in the process who seek to block progress.

4. Recommendations

1. Full support should be given to the negotiations that have been initiated under the MOU signed on the 21st July 2008.
2. While the MOU has imposed tight restriction on media access to the proceedings of the negotiation, the facilitator should make considerable efforts to provide regular reports to the public on the progress of the talks. Zimbabweans have already been kept in the dark for too long since the SADC mediation began in 2007.
3. Although there are no transitional justice questions specifically mentioned for discussion under the MOU, Zimbabwean civil society groups must continue their advocacy on the dangers of granting further immunity to those who have committed human rights abuses in the post independence period. These charges relate largely to the abuses committed by the Zimbabwean state. Thus a recent report by the Human Science Research Council in South Africa recommending that the international community “consider pushing for multilateral sanctions targeting both Zanu PF and the MDC to desist from violence” is an absurd reading of the facts of violence in Zimbabwe in the recent past. Such questions must, in the near future, be brought on to the political agenda in Zimbabwe.
4. In the event of Mugabe and his party once again blocking the mediation process in the current round of negotiations,
 - SADC should consider diplomatic sanctions against the Mugabe regime.
 - A renewed process must be initiated to bring UN sanctions against Zimbabwe’s ruling party.
 - Civic groups in the region and internationally, in particular trade unions, must mobilise for further isolation of the Mugabe regime.

6.12 Women's Coalition of Zimbabwe

Demands in the transitional process of Zimbabwe

July 28, 2008

Background

Zimbabweans went to the polls on the 27th of March 2008 for the harmonized elections. The pre-elections period was relatively peaceful and women around the country felt a sense of freedom and personal security. Women's Coalition of Zimbabwe (WCoZ) and its members encouraged women to participate in the elections as candidates, mobilizers, leaders, observers and monitors. However massive, calculated and targeted violence broke out soon after the elections and according to reports over 200 000 people have been displaced, among them an estimated 1/3 are women, 10 000 people have been treated for injuries and torture, over 120 have been killed and millions have been intimidated by militias.

Currently Zimbabwe is in a grave humanitarian and political crisis. The results of the runoff elections were rejected by the major observer missions and to date five African countries have refused to recognize the results of the runoff. The EU and USA have followed suit. The economy has basically spiraled out of control and salaries are no longer adequate for bus fare to work or purchase of the basics for daily survival.

It is in this vain that WCoZ welcomes the initiative to find a solution to the Zimbabwe Crisis through a negotiated settlement, ushering in a democratic dispensation in the near future. These are demands of women in the transitional phase;

Participation of women and girls in peace processes

Informal peace processes

Women of Zimbabwe have long campaigned for peace and disarmament for militias in Zimbabwe and have campaigned for various aspects of peace building efforts at the personal, communal and regional levels. Such efforts need to be recognized and supported for the benefit of the Zimbabwean community.

Formal Peace Processes

Women demand a place at the negotiating table, as politicians and as civic society to make the negotiations and resolutions gender sensitive. There is an urgent need to have women input since they bore the brunt of the violence and suffering and will lead effectively peace building and socio-economic and political reconstruction processes. Experiences, reports and insights from women should form part of the considerations in the negotiation processes. Issues of central concern to women, including our post conflict political, social, civil, economic and judicial structure should be brought into the negotiations.

Politically motivated violence

We demand cessation of organized and targeted violence against the citizens, particularly the use of women and girls as weapons of 'war', evidenced by the brutal battering of women's buttocks, rape and sexual abuse/slavery. In this regard the government must disarm militias. This move will in the short term improve and in the medium term guarantee the safety and security of women and girls.

Bases and militias

Demand the immediate disbanding of the militias, comprised of youths, security agents and one terror group code named Chipangano, which have caused terror and havoc in the rural and urban areas exacerbating the humanitarian situation by creating internal refugees. We demand the disbanding of

torture bases where gross abuses of women are taking place including forced labor (cooking and cleaning) and sexual slavery and demobilization and reintegration of militias.

Humanitarian crisis and intervention

Zimbabwe had an extremely bad harvest in the last season and food security for women and children has been poor. There is need to allow humanitarian NGOs unhindered access to urban and rural areas and we also request funding partners to channel massive resources towards humanitarian assistance until the next harvest. Humanitarian assistance should be gender sensitive and focus towards further protecting women and girls from violence and abuse.

Political, civil and judicial reconstruction

There is an urgent need to rebuild the 20 000 houses destroyed in the violence as restitution for the families. Such families will also require assistance with food, draft power, seeds fertilizers and an assurance of their security. Need for measures and programmes to build peace, confidence and restore the dignity of women and children. Access to accurate information for Women Coalition
Opening up of democratic space for women

Economic Reconstruction

Women should be involved fully in programmes to rebuild the economy at all levels of the society.

Social reconstruction

WCoZ demands the reconstruction of the health delivery system to provide adequate and affordable health services to women and the general community. The education and social services institutions need major rehabilitation to service populations of Zimbabweans.

- Allow access to ART and care for women and children
- Social Healing and intergration
- Justice delivery system

Request especially the SADC, AU and UN to:

I. Establish programme of engagement with Zimbabwe for protection of human rights especially for women, girls and children. Security and safety of women and children should be guaranteed.
II. Mandate and support a Special Rapportuer on Violence Against Women to do a fact-finding mission to Zimbabwe and support the efforts of community, grassroots and other organisations living in a culture of fear, survivors of violence and abuse.
III. Engage with Zimbabwe government and authorities to stop the violence, and demand the state to protect ordinary people's lives.
IV. Encourage and support for humanitarian assistance to Zimbabwe, especially in support of food, health and education for rural communities and mostly the displaced.
Request the Leadership of SADC, the African Union and the United Nations to demand ZANU PF government to stop using violence against its people and TAKE TANGIBLE actions if the violence continues.

6.13 Youth Agenda Trust

Position on the ongoing political dialogue and the prevailing political situation.

Youth Agenda Trust views the dialogue between the rival political parties as an important step towards constructive engagement and addressing the polarisation which has had adverse effects on the development of our society. We are however worried by the reluctance by the state to respect the rule of law as witnessed by the continued arrest and victimisation of human rights defenders and the politicisation of food aid and government assistance as well as the continued closure of the democratic space. We are also concerned about the exclusivity of the talks as they are failing to capture the day to day challenges and realities being faced by the ordinary citizens. We however view the talks as a political reality and thus demand that any outcome should be centred on addressing the key challenges being faced by the country i.e. economic meltdown, health crisis, education crisis and the socio-political crisis. We therefore list below our immediate expectations from the governing body which will be formed from the political settlement.

We expect the following;

Immediate setting up of independent and democratic governance structures and systems which can safeguard the interests and rights of the broader society

Guarantee to a return to democracy and good governance and popular participation

Development of complementary means of participation, representation and expression of the ideas and potential of young people

Development of cross cutting youth participation structures which ensure cross sectoral representation and coordination

Development of systems which ensure that youth become active contributors in the structures of a representative and pluralist democracy

Broader societal reconstruction and the reintegration of youths who have been both victims and perpetrators of violence

People driven constitution

Above all the governing body should be reflective of the democratic will of the people as reflected by the results of the March 29 harmonised elections and hence any governing body that does not include MDC-T falls short of the will and aspirations of the people.

6.14 Zimbabwe Christian Alliance

ZIMBABWE CHRISTIAN ALLIANCE POSITION PAPER TRANSITIONAL ARRANGEMENTS

We, the National Leadership of the Zimbabwe Christian Alliance consisting of the Provincial Hub Leaders and Steering Committee members held a consultation in Bulawayo on 11 July, 2008 on the worsening crisis in Zimbabwe and the way forward. We heard harrowing reports of state sponsored violence, intimidation, beatings, abductions and killings of suspected opposition party supporters. After prayer and discussions the Christian Alliance came to the following conclusion:

1. That the 27th June 2008 Presidential Run Off was not free and fair as stated by the SADC, Pan African Parliament and African Union observer teams. We, therefore, do not recognize that election and its outcome as legitimate. We believe that a legitimate President of Zimbabwe can only come out of a free and fair election and reflecting the true wishes of the people of Zimbabwe.
2. In order for the process of negotiation to produce acceptable outcome it must be inclusive, consultative and transparent. Such dialogue must involve the different sectors of Zimbabwe.
3. We, express our cautious optimism about the Memorandum of Understanding signed by the negotiating political parties. It is our prayer that urgent steps will be taken to ensure that this is translated to tangible change on the environment; we pray that all parties will negotiate in good faith for the sake of the people of Zimbabwe who have suffered enough.
4. Zimbabwe has over 5 million suffering people who need relief aid. We are dismayed by the government ban on NGOs from distributing food and medicines to the needy. We call upon the government to lift this ban if it has any feelings left for the suffering people of Zimbabwe.
5. We believe that a government of National Unity formed by sharing political posts among political parties will not solve the problem. We believe that there should, coming out of the dialogue process, a Transitional Authority made up of political parties and other stakeholders.
6. The Transitional Authority's mandate should be to facilitate a new people driven constitution leading to a free and fair elections in the shortest possible time.
7. To facilitate a national healing process that will bring reconciliation and create a platform for restorative justice

7 Southern African Civil Society Positions on MDC and ZANU PF Negotiations

7.1 Botswana Civil Society Solidarity Coalition for Zimbabwe(BOCISCOZ)

We seek to acknowledge the current mediation process facilitated by the SADC appointed Mediator, His Excellency President Thabo Mbeki of the Republic of South Africa. We also note the signing of the memorandum of Understanding (MOU) of 21 July 2008.

However we recognize that Zimbabwe continues to experience massive economic decline marked by hyperinflation, food security, unemployment, collapsed education and health services and an existing humanitarian catastrophe.

We, a coalition of social groups, BOCISCOZ believe that the people of Zimbabwe remain committed to peaceful resolution to the Zimbabwean Crisis in Zimbabwe. We therefore call upon the mediation team, MDC and ZANU PF, to ensure that the concerns and will of the people of Zimbabwe form the basis of the current talks.

Priorities should be humanitarian relief, such as affordable access to food, resuscitation of the economy, an end to violence and human rights abuses, provision of fuel and revival of the health and education sectors. We believe that the mediation process should place as its central concern, the lives of the ordinary Zimbabwean people. During the process violence, intimidation of citizens, and violations of human rights have continued.

We therefore call the President Thabo Mbeki and the mediation teams to:

1. Note that the Zimbabwean Civil Society has been excluded from the ongoing talks. Without the voices of the people, articulated through civil society, there is real risk that issues faced by the ordinary Zimbabweans in their daily struggles, will not form the basis for talks .These include the real effects of the ongoing humanitarian crisis and the economic meltdown. We therefore call for the inclusion of the civil society, which has crucial role to play in the rebuilding and healing of Zimbabwe.

2. Recognize the proven weakness of the concept of 'Government of National Unity' as historically experienced in Africa. It tends to be adopted as a 'quick fix' but unsustainable solution to the cessation of hostilities. It has set a dangerous precedent for development of democracy to our continent. We join with other civil society organizations in Zimbabwe and in the region, to advocate for the need of a transitional authority with a fixed time frame and a clear mandate. The transitional authority should include input from civil society in Zimbabwe and should create an enabling environment;

- The completion of the electoral processes for the holding of free and fair elections in accordance with the laws of Zimbabwe and the SADC electoral standards.
- National healing to post-election violence
- A new people –driven Constitution and democratic institutions
- The lifting of the ban on the non-governmental organizations(NGOs) engaged in humanitarian work and
- De-politicisation of the armed forces and the judiciary

1 August
Gaborone

7.2 SADC Civil Society Statement on Zimbabwe.

We, the Civil Society Organisations representing the three apex organisations in Southern Africa, namely SADC Council of NGOs (SADC-CNGO), Southern African Trade Union Coordinating Council (SATUCC) and Fellowship Of Christian Councils in Southern Africa (FOCISSA), met on 27 to 28th of July 2008 in Braamfontein, South Africa, to discuss the situation in Zimbabwe, informed by the deepening crisis and the processes under way to address the current situation in that country, made the following observations;

- The threatening pre and post election dispensation in Zimbabwe, which climaxed with the 27th June 2008 illegitimate Presidential run-of elections;
- The deepening social, economic and political crisis characterised by increasing rates of human rights abuse, food insecurity, increasing levels of poverty, lack of rule of law;
- The growing humanitarian crisis in Zimbabwe;
- The growing international focus on Zimbabwe which threatens to set back efforts to build a strong democratic Africa free of dependence on external forces to solve its problems, to build institutional capacity within ourselves to resolve such conflicts;

Having observed the outlined factors above, we also take cognisance of the processes and initiatives under way to respond to the situation, and in particular the signing of the MOU creating the necessary momentum for the creation of dialogue and the movement towards resolution.

Regarding the MOU, we note that it does represent a positive step forward and lays the basis for a meaningful engagement. We however note the following:

- The process lacks inclusivity, insensitive to gender equity and balance, undermined by continued militarization of the country, lacks transparency and accountability processes;
- The mediation process and structures should be improved to better enhance delivery of a stable and a prosperous Zimbabwe.

Therefore, we the representatives of Workers, Churches and NGOs in the Region hereby resolve to:

- Call for space for civil society participation so as to effectively engage with the process;
- Call for a Transitional Executive Authority led on a no-partisan basis, to be in-charge of running of the country for a period of 2 years and has two key mandates: constitutional review process and to prepare for the elections under the new constitution.;
- Call for all parties to observe all the provisions of the MOU and commit ourselves as Civil Society to play our role in ensuring its full implementation;
- To ensure that the negotiation process does not substitute mass mobilisation, popular participation and sustained vigilance;
- Call for the restructuring and democratisation of SADC in order to respond appropriately and adequately to the challenges in the Region: e.g. developing clear

criteria & guidelines for membership and positions of responsibility in SADC. To this end, we oppose the assuming of the Chairmanship of the Organ on Politics, Defence and Security Cooperation to Swaziland and Angola's continued membership of the Organ Troika, for their failure to adhere to the SADC Principles and Guidelines on Democratic Elections;

- Call on political leadership in Zimbabwe to place the interest of the masses above narrow political interests;

We further note that the continued erosion of Peace & Security in Zimbabwe violate the values and principles of the SADC Founding Treaty in that: “Article 4 of the Treaty stipulates that “human rights, democracy and the rule of law” are principles guiding the acts of its members. Article 5 of the Treaty outlines the objectives of SADC, which commits Member States to “promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective. It also commits Member States to consolidate, defend and maintain democracy, peace, security and stability” in the region”; It is in this light that we call for a peace-keeping force in Zimbabwe.

We further note that given these developments in Zimbabwe, there is no legitimate Executive Authority and we urge that Zimbabwe be suspended from SADC pending the establishment of a legitimate authority.

We, the Civil Society in the Region commits ourselves to continuous election monitoring, observation and ensuring adherence to democratic processes in the SADC member states.

As Civil Society Organisations in the Region, we pledge our solidarity with Civil Society in Zimbabwe on their efforts to overcome their difficulties and rebuild their country.

Participants committed themselves to a number of actions, solidarity and accountability in a common search for a speedy resolve of the crisis in Zimbabwe.

7.3 The Angolan human rights organization Association for Justice, Peace and Democracy (AJPD),

The Angolan human rights organization Association for Justice, Peace and Democracy (AJPD), wishes to express its strong opposition to the current situation of human rights violations in Zimbabwe, and is concerned there is a danger that the regime of President Robert Mugabe or the opposition MDC may ignore such violence in order to maintain or take control of power.

All governments and private entities have an obligation to defend human rights. The brutal violation of the human rights which are enshrined in Zimbabwe's Constitution, in the African Charter on Human and Peoples' rights, and in the Universal Declaration of Human Rights, to which Zimbabwe is a party, is a matter of concern for all interested parties. In terms of the rule of law of democracy, President Mugabe and his executive, generals and armed militia have seriously violated their citizens' right to cast their vote freely, and continue to use physical violence to hinder the path of democratic development which Zimbabwe's voters have opted for.

AJPD also believes that President Mbeki of South Africa has played an unacceptable role which has departs from that of impartial mediation, given that all his efforts appear to be focused on a solution which will reprehensibly benefit President Mugabe, cancelling out the results of the legislative elections and legitimising the second round of the presidential election, which cannot be considered valid given that Zimbabwean citizens were unable to exercise their vote freely.

The African Union has equally failed to take into account the results of the legislative elections and the invalidation of the presidential elections and is effectively acting as a guarantor of a illegitimate and undemocratic President who is alleged to have incited and participated actively in the torture and murder of thousands of Zimbabweans. By accepting the presidential elections as a *fait accompli* and the fact that the repressive power of the state is under Mugabe's control, respect for democratic principles and for human rights are sidelined in favour of power-sharing as the solution to the refusal of a dictatorial regime to submit to the will of the majority of voters, when freely expressed.

In homage to those thousands of Zimbabwean who have been tortured and assassinated by the Mugabe regime, AJPD believes that the MDC and its leader should resist the temptation to negotiate a political accommodation with the party in power as this is not supported by the will of the people. The results of the legislative elections must form the basis for the next government.

AJPD calls on the governments of the USA and the European Union member states, and on African, European and American human rights organizations to take action and not to accept the current situation as a *fait accompli*. Robert Mugabe's Presidency is illegitimate and the allegations of his participation in murder and torture of citizens must be taken seriously by the African Union and the rest of the international community. AJPD further calls on human rights organizations to prepare a legal complaint against perpetrators of human rights violations in the Mugabe regime to be filed with competent international bodies.

For further information:

Fernando Macedo, President of AJPD

7.4 Declaration of Zimbabwean and Swaziland Civil Society delegates at a COSATU-convened Solidarity Conference, 10-11 August 2008

Introduction

We, civil society organizations from South Africa, Zimbabwe and Swaziland gathered at this COSATU-convened Solidarity Conference, together with fellow comrades from the rest of the Southern African region, and acting on behalf of the people of our countries, today reassert our commitment to the struggle for a transition to democracy in the two sister countries of Zimbabwe and Swaziland.

In doing so, we stand firmly by the principles of democratic governance that are embodied in the SADC and African Union Charters, declarations and protocols on good governance and which represent the birthright of every African.

We have noted and continue to note that electoral fraud, political manipulation by ruling elites, institutionalised oppression and state brutality are the key defining features of the two states, and that unless we act and act together, this situation will never change. Only the organised power of the working class will break the back of this organised thuggery.

Given the present environment of fear and oppression that obtains in both Zimbabwe and Swaziland, we declare the following:

On Zimbabwe

Guiding Principles

In the effort to find a way forward from the political and economic crisis that now grips Zimbabwe, we are guided by a respect for freedom, equality, human dignity, accountability, non-partisanship, non-violence and a culture of peace. The Zimbabwe People's Charter, which was adopted after widespread deliberation and discussion with the public, provides us with a mandate to struggle for these principles.

The People's Charter declares that elections in Zimbabwe will remain illegitimate until they are held under a new, democratic constitution. Moreover, a constitution is invalid unless it is the product of a people-driven, participatory process which makes room for the input of all Zimbabweans. Therefore the existing constitutional order is incapable of producing a democratic government.

We commit ourselves fully to the struggle for the ideals of democracy, which include press freedom, people-centred economic planning, an appropriate balance of power in government, a respect for human rights, and an enabling environment for children, the youth, women, the disabled and People Living with HIV/AIDS.

Present Necessities

We are today faced with a political and social climate that makes a transition to democracy very difficult. Scores of our colleagues have been killed, hundreds imprisoned and thousands driven from their homes. Moreover, the space for democratic participation by the political opposition, civil society organisations, and the public at large has been eliminated by draconian laws and extralegal exercises of power.

The following steps must be taken to create an environment conducive to open negotiations by all stakeholders:

1. *Cessation of political violence.* The threats, physical assaults, torture, and acts of arson that have characterised the period following the 29 March elections must be halted immediately. Additionally, the structures which have been perpetrating and directing these attacks, including all militia bases, must be immediately dismantled. International monitors should be invited to enter Zimbabwe to assist with these tasks.
2. *Establishment of law and order.* All political prisoners must be released, oppressive laws such as the Public Order and Security Act and the Access to Information and Protection of Privacy Act must be repealed to open space for democratic participation, and perpetrators of political violence must be brought to justice.
3. *Facilitation of humanitarian relief.* Bans on aid groups and civil society organizations must be lifted to allow them to attend to victims of the humanitarian disaster. A council should be established to address the plight of internally displaced people and refugees.

Transitional Authority

If the foregoing conditions are met, we believe that a transitional authority would provide an appropriate vehicle for ushering in democratic reform. This institution would have a specific, limited mandate to oversee the drafting of a new, people-driven constitution and the subsequent facilitation of free and fair elections. We wholeheartedly reject the suggestion of an elitist power-sharing agreement that fails to address the inadequacy of the current constitutional regime.

The structure of a transitional authority would need to be spelled out in a negotiated settlement. We demand that civil society organisations and the general public be party to these negotiations. Although the exact details of the transitional authority's mandate would need to be determined through debate and public consultation, the following elements are necessary to ensure that it is successful in establishing a new democratic order:

1. *Leadership by an impartial party.* The transitional authority should be headed by an individual who is not a member of ZANU-PF or MDC.
2. *Broad representation.* Individuals from a broad sector of Zimbabwean society should be incorporated into the transitional authority. This should include representatives from labour organizations, women's and children's rights groups, churches, and various other interest groups.
3. *Specific, limited mandate.* The transitional authority should be tasked with facilitating the drafting and adoption of a new constitution and then holding elections under the new constitutional framework. It should only govern the country until such time as the newly elected government is installed. The negotiating parties should provide a very clear timeframe for this process, with no more than 18 months of rule by the transitional authority.
4. *People-driven constitutional development.* The process of drafting a new constitution must include broad-based consultation with the public and civil society organizations. The draft constitution should not be enacted until it has been ratified by the public in a national referendum.
5. *Restoration of good governance.* State institutions such as the judiciary, police, security services, and state welfare agencies should be depoliticised, demilitarised and reformed. Steps should be taken to fight corruption and promote accountability for public officials. Restrictions on press freedom should be lifted and access to state media outlets should be opened.
6. *Economic recovery programmes.* Initiatives should be undertaken to resolve the current economic crisis and ensure an equitable distribution of national resources for the benefit of all Zimbabweans, including land as a national asset of the people and not an elite, whatever its colour or race.
7. *Transitional justice initiatives.* The transitional authority should design and implement a victim-centred process to bring to justice the perpetrators of gross human rights violations and promote national healing. This framework for transitional justice should be embedded in the new constitution.

We however note the courage of the people of Zimbabwe in their determined efforts to soldier on against all odds, particularly in the face of extreme hostilities and state violence. The world community of democracy-loving people remains fully behind them at this hour of need, always acting to raise their issues and suffering in order to promote awareness and put pressure on regional leaders to act decisively.

We also note the SADC mediation efforts led by South African President Thabo Mbeki, which have raised hopes for the possible resolution of the protracted conflict, but we believe a lot still needs to be done for the right environment to be created.

{...}

Programme of action: *Affirming the certainty of democratic victory in Zimbabwe and Swaziland through intensified struggle*

1. SADC heads of state summit - March for democracy in Zimbabwe and Swaziland

The coming summit of heads of states to be held in Johannesburg on 16-17 August 2008 provides both an opportunity and space for civil society to clearly make an unequivocal statement to the leaders of the region that things cannot go on as usual. A new sense of urgency must begin to define the new SADC in the making. We have, for a long time now, allowed the wound of conveniently ignored illegitimate and undemocratic regimes to fester and begin to affect the entire fibre of the region

In this regard, we hold dear the firm view that Robert Mugabe and Mswati III are not legitimate leaders of their various countries. They cannot claim any amount of legitimacy to rule their countries, for they have not been democratically elected by the peoples of their countries.

Therefore, as representatives of civil society we condemn the behaviour of these two leaders and take it upon ourselves to expose them and their unacceptable behaviour before the eyes of the world. In this regard, we hereby resolve to hold a massive march, indeed a show of strength and conviction on the 16th August, during the SADC heads of states summit at the Sandton Convention Centre in South Africa. In this regard, we shall be working together with broad network of social forces opposed to the evil acts of these rogue regimes and committed to the objectives of democracy.

Together, we commit ourselves to:

- Organise workers, civil society organisations, religious institutions, social movements and all progressive forces to support and actively participate in the campaign, particularly the 16 August march.
- Broaden and widen the network of forces in solidarity with the oppressed and struggling people of Zimbabwe and Swaziland, so as to isolate the Mswati and Mugabe regimes.
- Put in place a sustained massive publicity campaign popularising the plight, issues and demands of the suffering people of Zimbabwe and Swaziland, in order to expose the terrible conditions in these countries.
- Organise all possible resources, transport and all means necessary for the success of the campaign.
- Ensure that the campaign is the beginning of a sustainable solidarity offensive against the Mugabe and Mswati regimes, which should include **targeted sanctions** against these corrupt elites and their families, who feed on the desperate plight of their people. We have created a **SADC Campaign Co-ordinating Committee** comprised of two representatives each from Zimbabwe and Swaziland, and convened by COSATU and members of the South African Co-ordinating Committee for the SADC campaign, to lead the organization of this activity.
- Identify progressive governments in the region and work with them to speak out and isolate all acts of political discord and failure to adhere to the fundamental provisions of democratic instruments.

- Fiercely oppose the election of Swaziland to Chair the SADC Organ troika for politics, defence and security co-operation, for its failure to be exemplary and deserving of such a recognition.

2. Building a regional solidarity movement for democracy in Zimbabwe and Swaziland

We seek to build a regional solidarity movement, based on the proud traditions of militant struggle, popular activism and consistently progressive mobilization of workers and the poor against all forms of attacks on the people.

We commit ourselves to the creation of an effective momentum for sustained boycott of goods destined for Zimbabwe and Swaziland throughout the region, with the trade union movement taking an active lead.

All workers must refuse to serve Mugabe and Mswati, as well as their close associates and collaborators, anywhere in the region, so as to ensure that they indeed feel the heat of isolation.

We seek to co-ordinate all efforts underway to contribute towards a lasting solution to the deepening crisis in the two countries, whilst also remaining very vigilant to potential crisis situations in the region.

We shall work with regional institutions, particularly SATUCC, the SADC Council of NGOs and the Fellowship of Christian Councils in Southern Africa to create an advanced infrastructure for sustained solidarity work.

We call for the transformation of SADC in order to deepen democratic participation, enhance its responsive capacity and deepen its strategic relevance to the dynamics of the region and its capacity to serve the people more effectively, particularly as regards monitoring the adherence of its member states to its protocols and commitments.

We seek to take the leading effort and struggle on matters affecting the people of our region, hence our call to all supporters of our cause to:

- Work with us in enhancing our capacity to carry out that objective with the vigour and capacity required of us, which should assist us overcome dangers of fragmentation, poor co-ordination, strategic disharmony and even competition amongst all forces working for change in the region.
- Support activities of progressive organizations inside Zimbabwe and Swaziland to enhance their capacity to wage the struggle in conditions of extreme hostility.
- Support the call by the Swaziland United Democratic Front, a coalition of all progressive forces inside Swaziland, for concrete solidarity action in their coming activities on the 3-4 September against the extravagant 40/40 royal bash in conditions of grinding poverty and the coming royal elections in conditions of banned political parties, intensified police brutality and state terror.
- To support the call by the people of Zimbabwe, civil society in particular, in their demand for a transparent negotiations process for a new and democratic Zimbabwe, founded on the basis of popular consultation and not an elite pact formation

Conclusion

Today we express a hope that the long journey to emancipate the citizens of both Swaziland and Zimbabwe is near its end. Although we face numerous challenges, we believe that a commitment to the principles which have guided us in our struggle for democracy will lead to a resolution of the current political impasse obtaining in the two countries. We therefore urge all SADC citizens to join us in our efforts to realize a just and democratic society, not only in Zimbabwe and Swaziland, but throughout the entire region. Let us continue fighting for our freedom, democracy and co-prosperity, underpinned by progressive development paradigms founded on the basis of a redistributive system.