



ZIMBABWE'S GLOBAL POLITICAL AGREEMENT IMPLEMENTATION:

**4 YEARS ON
AT BEST FALTERING....
AT WORST FAILING ...**

Today 15 September 2012 marks the 4th Anniversary of the signing of the Global Political Agreement.

The Zimbabwe Europe Network (ZEN) and its National Reference Group; Crisis in Zimbabwe Coalition, National Association of Non Governmental Organisations (NANGO), Zimbabwe Human Rights NGO Forum and Zimbabwe Congress of Trade Unions (ZCTU) have made the following observations on the implementation of the agreement this far.

1. Introduction

Four years have lapsed since the official signing of the SADC mediated Global Political Agreement (GPA) on 15 September 2008. The GPA, which led to the formation of the Inclusive Government in Zimbabwe in February 2009, was pitched as a high level solution to the political malaise that had become the order of the day in Zimbabwe. By its own admission as cited in the GPA Article II (2), parties to the Inclusive Government made a commitment to:

"...create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation.....".

Sponsored and guaranteed by the Southern African Development Community (SADC) and the African Union (AU) as an ***"African Solution to an African Problem"***, the Inclusive Government was meant to be an experiment in national stability and democratisation, with the GPA providing the theory of change that propelled and dictated how the government would operate and what it should have achieved. In short the GPA theory was predicated on the hypothesis that, an inclusive approach to governing and problem solving by the 3 major political parties represented in parliament, with the GPA as a guide, would result in the reduction of political instability, arrest of the economic free-fall, halt the humanitarian crisis, and institution of democratic reforms - generally providing an inclusive approach to the resolution of the Zimbabwean crisis.

At its formation, the Inclusive government and GPA epoch was largely characterised as an interregnum, or transition. And like any other transition, it has proved to be not just a contested terrain, but also one bereft of progress and filled with great uncertainty. The uncertainty and contests within this epoch have been attributed to several things. Chief among them have been clear philosophical and political differences around what the period is supposed to be about. Democratic actors assumed that the shared view was that the transition was one from a militarised electoral authoritarian regime to a more democratic dispensation, while the nationalists and guards of the ancient regime believed that it was not a transition at all but just a brief pit stop, allowing them to recover their legitimacy, spruce up a soiled image and move back to governing the country as dictated not by the will of the people but by virtue of their liberation war credentials. This understanding is clearly summed up by an assertion made by President Mugabe in 2008 and echoed by many of his followers that:

"We can never accept that our country, which we won through the barrel of the gun, can be taken merely by an 'x' made by a ballpoint pen. Zvino ballpoint pen icharwisana ne AK (will the pen fight the AK rifle). Is there going to be a struggle between the two? Liyekele ikhupikisana lombhobho (do not argue with the gun)."

Any assessment of the GPA therefore has to be predicated on proving or disproving the above theory. A quick assessment of where the GPA is with regards to implementation, as well as any assessment of the Inclusive Government's operations, would quite clearly point to, at best – a faltering experiment, and at worst failing transition. What follows is a potted analysis of the Inclusive Government's performance, and a process audit on implementation of selected processes from the GPA, both informed by the founding intent of both the agreement and the government it created.

2. Implementation of the GPA and Inclusive Government Performance to date:

a.) Reducing political instability;

Political violence, political environment and free political activity, Human Rights and the Rule of Law

The operating environment remains restrictive as witnessed by the infringement of free political activity as seen through disruption of rallies, peaceful marches and meetings organised by political players and civil society. Since March 2011 to date Crisis in Zimbabwe Coalition recorded 23 events by civil society organisations and both formations of the MDC disrupted or barred by police and ZANU PF supporters. Ironically, the biggest victims in respect of this have been the political parties in the inclusive government who had 18 rallies disrupted by police and ZANU PF supporters without any arrests confirmed. On Saturday, 26 May 2012 Cephas Magura (67), MDC ward 1 chairperson in Mudzi North, Mashonaland Province was murdered while seven party members were injured after an attack by ZANU PF supporters at Chimukoko Business Centre at a police sanctioned rally.

According to a dossier prepared by the Zimbabwean Human Rights NGO Forum for the 17th AU Summit in Addis Ababa in July covering the month of January to June 2012, the country is increasingly sliding into the violent past abetted by impunity. The report notes that as elections calls increasingly become louder ZANU PF has activated the 2008 terror groups such as *Chipangano* in Mbare, *Top Six* in Chinhoyi and *Jochomondo* in Hurungwe. In Harare a new group has since emerged nicknamed *Mandimbandimba*. The group is made up of muscular ZANU PF supporters who have taken charge of commuter omnibus termini. They control rank marshals who have to collect protection fee from kombi drivers and then hand it over to the mandimbandimbas. They collect the protection fee claiming that the funds are for the ZANU PF election campaign. September 2012 clashes involving omni bus operators, police, soldiers and mandimbandimbas is a reflection on how these terror groups have become a law unto themselves. The Zimbabwe Human Rights NGO Forum has also documented 3 cases of abductions and assaults of suspected MDC supporters by ZANU PF supporters in Budiriro in September 2012 in what appears to be a well orchestrated wave of violence. Zimbabwe Peace Project (ZPP) recorded 2186 incidents of human right violations between January 2012 and May 2012 directly linked to electioneering and rising political tensions.

Selective application of the law, arbitrary arrests, long incarcerations, and impunity to violators of human rights remains a concern. For example the Glen View 29 residents and MDC supporters who are being falsely accused of killing a police officer at a public bar have spent more than 14 months in detention and have been denied bail more than four times by the state. The 29 are currently detained at Chikurubi maximum prison where high risk criminals are detained.

In August 2012 Gays and Lesbians of Zimbabwe (GALZ) director, Chesterfiled Samba was arrested after being accused of distributing materials that promote homosexuality. Police arrested 44 GALZ members, beating them up leading to at least one hospitalisation before released them without any charges. They raided their offices and seized property – confiscating computers, Digital Versatile Discs, pamphlets, compact discs and various documents.

The office of the Attorney General (AG) and the police have failed or are unwilling to implement the GPA provision to ‘apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book.’ To date perpetrators of human rights violations walk scot free even though they can be positively identified by victims. This perpetuation of the culture of impunity has seen people losing confidence in the criminal justice system and political processes. Without setting up mechanisms to prevent violence and create a conducive environment for free political activity ahead of the next election may be a reincarnation of the bloody and sham 27 June 2008 presidential run off.

b.) Arrest of the economic free-fall;

Economic stabilisation, transparency and accountability in the extractive industries.

The signing of the GPA and formation of the inclusive government stabilised the economy which is mainly attributed to the introduction of a multi-currency system which has led to availability of goods and services and removed the hyper inflation, which was running in millions of percent. According to Zimbabwe Coalition on Debt and Development (ZIMCODD) the government managed to contain inflation as highlighted by the marginal decline with an average of 0.5 from 4.5 in March 2012 to 4.0% by the end of May 2012. The inclusive government managed to contain the inflation within the target rate of 3.5-4.5 % that is within the Seasonal affective disorder (SAD) average rate of 5%.

However Zimbabwe continues to struggle towards economic recovery with overhanging debt estimated to have increased to US\$10.7 billion by June 2012, which translates to 111% of Gross Domestic Product (GDP). Political uncertainty and policy inconsistencies such as the Indigenisation and Empowerment policy by the Inclusive Government being a major obstacles, with regard to investments. Heightened recent calls for the application of the indigenisation and empowerment policy in the mining and banking sectors also had a negative impact on investor confidence, which the country greatly needs to boost the economy. In February 2012 the Ministry of Youth Development, Indigenisation and Economic Empowerment attempted to also include Private schools in the list of those specified areas “to be grabbed”.

The Mid-Term Fiscal Review presented by the Finance Minister on 18 July 2012 resulted in a cut in economic growth forecasts to \$3.64 billion from \$4 billion citing the under-performance of key economic sectors including mining, manufacturing and agriculture with diamond revenue initially anticipated as one of the key drivers of revenues strongly under-performing. The Finance Minister explained that the under-performing economy was caused by low business and investor confidence, little growth in employment and declining social indicators. This was as a result of a number of factors that include a poor rainy season, policy inconsistencies and uncertainties undermining investor confidence, revenue under-performance against a high and unsustainable public wage bill crowding out social and infrastructure spending and increasing corruption amongst other factors.

Key Parastatals such as Air Zimbabwe and the Zimbabwe Electricity Supply Authority (ZESA) are faced with serious financial problems. They have been forced to either shut down or severely cut down on staff and productivity.

The finance ministry reported that Air Zimbabwe debt is around US\$149 million of which foreign creditors are owed about \$US30million. The rest is owed to government parastatals

such as the Zimbabwe Revenue Authority (ZIMRA) and National Social Security Authority (NSSA). In December 2011 Air Zimbabwe's Boeing 737-2N0 was grounded at Johannesburg's OR Tambo Airport by Bid Air over US\$500,000 debt for ground handling services. Air Zimbabwe's Boeing 767-2N0/ERs was also seized on the 12th of December 2011 at London's Gatwick Airport, by American General Supplies over a debt of US\$1,200,000 for aircraft spares.

Zimbabwe's sole electricity supplier ZESA currently owes US\$ 5 million to Hydro Cahora Basa of Mozambique which supplies Zimbabwe with about 500 Megawatts of electricity to cover shortfalls. ZESA generates only around 1200 megawatts of the between 1900 and 2200 megawatts needed by the country. ZESA has been implementing extensive load shedding across the country compromising businesses and hospital surgeries, patients on life support and the population at large. For example on the 19th of March 2012, Justice Chinembiri Bhunu postponed the bail hearing of the Glen View 29 due to a power black-out which led operations at the High Court to a halt.

Additionally, there is a serious lack of transparency and accountability in the management of public finances and national resources. The major concern being the financial proceeds from diamond fields that are alleged not to reach the national treasury. So far very little revenue has been remitted to treasury, from what is the largest discovery of diamonds in recent times. The Ministry of Finance in its recently presented update of the 2012 national budget specified additional spending that would occur only if the Treasury received US\$600 million from diamond revenues promised by the Ministry of Mines. The Finance Minister noted

“we are beginning to sound like a broken record in emphasising the need for transparency in the handling of our diamond revenues and, indeed general revenue from the rest of the mining sector.”

The finance minister noted that accurate figures about revenues from the Marange diamonds are notoriously difficult to find. The officials of the diamond mines refused to disclose figures of extracted diamonds to civil society leaders who visited the fields after an invitation by the Ministry of Mines in March 2012.

The land audit - provided for in the GPA - has not been undertaken. Proper land distribution and apportionment is of fundamental importance if the Zimbabwean economy is to recover. The fast track land programme has been attributed as one of the issues affecting agricultural performance in Zimbabwe.

**c.) Halting the humanitarian crisis;
Food aid, education, health and water.**

Humanitarian aid and food assistance

The availability of basic food stuffs in stores remains stable throughout the country, however the prices of food makes it out of reach for most families. The cost of living remains unattainably high. According to the Consumer Council of Zimbabwe the current poverty datum line is USD577, while the minimum wage is pegged at US\$155 a month.

Food Assistance

The Zimbabwe Vulnerability Assessment Committee (ZimVAC) rural livelihoods assessment, released in July 2012, projected that about 1,668,000 people, 60 per cent more than this year, will be food insecure in the peak hunger season from January to March 2013. This figure represents 19 per cent of rural households. According to ZimVAC, food insecurity in the country is comparably worse than the last three years. Worst affected areas are Masvingo, Matabeleland North and South as well as parts of Mashonaland, Midlands and Manicaland Provinces. Government launched a Food Deficit Mitigation Strategy which is intended at helping vulnerable households.

However in July 2012 *the Herald* newspaper reported that ZANU PF party activists were alleged to be politicking food aid ahead of elections to influence voters during the party's restructuring exercise through the District Coordinating Committee elections. The cabinet after the reports and allegations mandated a task force on food security to ensure that there is no politicisation to access the state of the food crisis in the country. The task force is yet to report its findings.

Health

Infrastructural degradation has impacted negatively on essential services. The health sector has suffered numerous difficulties including staff shortages attributable to a human resource exodus to more lucrative countries, shortage of medicines and equipment to name but a few.

Due to erratic water supply, the country has been and is currently experiencing numerous outbreaks of water-borne diseases such as cholera and typhoid. In July 2012, Chitungwiza town was hit by a typhoid outbreak which recorded 119 cases. Similarly, cases were recorded in other high density areas including Kuwadzana, Dzivarasekwa and Chegutu. The key concern is the recurrence of cholera and typhoid.

The Famine Early Warning Systems Network (FEWS NET) reported more the 7000 cases of measles outbreak and 380 deaths in the country. In response to this outbreak a nationwide vaccination campaign immunised approximately 5 million children against the disease. The World Health Organisation supported the Ministry of Public Health and Child Welfare to conduct the campaign along with community and government leaders, UNICEF and other humanitarian health partners.

Water

Harare City Council Morton Jeffery Water Works which is currently supplying water to Harare, Norton and Chitungwiza is struggling to meet the growing demand. According to Combined Harare Residents Association (CHRA) Harare needs at least 1.300 mega litres of water daily but the current supply per day ranges from 600-700 mega litres. Of the water supplied, up to 40% is being lost through uncontrolled leakages due to old and dilapidated pipes. This has resulted in erratic water supply, with high density suburbs going for more than a week without water. This causes worry of cholera and typhoid outbreaks.

In Bulawayo, the water situation has been worse with most residents surviving on wells.

The government has shown lack of political will towards the development of the Matabeleland-Zambezi Water Project which has been planned for more than a decade.

d.) Institution of democratic reforms – Law reform, establishing of democratic institutions and Constitutional Reform.

Media reform and freedom of expression

The introduction of new radio stations, news publications and upgrading of the mobile service providers have been positively noted as changes towards realising media plurality and diversity.

Two new radio stations; Zimpaper's Talk Radio (Star FM) and AB Communications ZiFM were given the green light to operate representing a landmark development in the country's broadcasting sector. However the Media Institute of Southern Africa (MISA) Zimbabwe and other media groups doubt the independence these due to its ties to its proprietors Zimpapers and AB Communications links to ZANU PF. If an election was to take place, it is likely that Star FM and ZiFM would, like other ZBH subsidiaries, be used to channel the views of ZANU PF, further their interest and churn hate speech against other contestants as has been the case in previous elections.

Other stations have seen their license requests rejected such as Kiss FM, Radio Dialogue and Community Radio Harare (CORAH) even though there applications were launched more than ten years ago and are they fully equipped and ready to broadcast with the requisite structures in place. More diverse players need to be licensed in order to promote media diversity and plurality.

Attacks against journalists and news vendors remain a cause for concern and are in violation of media freedoms and freedom of expression. The Zimbabwe Broadcasting Holdings (ZBH), which currently operates two television stations, continues to have a television broadcasting monopoly and operates in a partisan manner by affording ZANU PF politicians' unrestrained airtime without the same being offered to other players. The continued existence of restrictive laws such as the Access to Information and Protection of Privacy Act (AIPPA) which impact on freedom of the media and freedom of expression remain a key obstacle.

For example the Voters' Roll is a closely guided state secret as witnessed by the arrest of a freelance journalist Thomas Madhuku working for Platform for Youth Development in July 2012 when requesting to interview the register general following the finding by the Zimbabwe Election Support Network (ZESN) claiming that the voters roll is out-dated and requires a thorough clean-up.

Institutional and Legislative Reform

Calls by ZANU PF for elections without adequate democratic reforms were repudiated by SADC at its August Summit, which insisted in the full implementation of the GPA and implementation of an electoral roadmap to free and fair elections in Zimbabwe.

The introduction of the Electoral Amendment Bill and Human Rights Commission Bill has been highly commendable; both bills passed both the lower and upper house of Parliament and now await Presidential ascension. The Human Rights Commission Bill will give force to the operationalisation of the Human Rights Commission, which was constituted in 2010.

It is also commendable that the government through the Minister of Justice, Legal and Parliamentary Affairs Patrick Chinamasa has announced its intention to ratify the UN Convention Against Torture, Inhuman and other Degrading Treatment. This announcement made as Zimbabwe was going through the UN Human Rights Council Universal Periodic Review (UPR) represents the first time the government has acknowledged the existence of torture in Zimbabwe. It is yet to be seen if steps will be taken towards the ratification and domestication of CAT or if it was a political statement made in light of the UPR.

However, these reforms implemented by the Inclusive Government are, even if positive, not sufficient to create a conducive environment for Zimbabwe to conduct an election that meets SADC principles and guidelines governing the holding of democratic elections.

The continued existence of repressive laws such as Public Order and Security Act (POSA), Criminal Law Codification Act and AIPPA, hinder the exercise of civil and political liberties such as freedom of association and expression, both key components in the holding of democratic elections. These laws remain in despite commitments by ZANU PF and the two MDC formations to repeal them. POSA makes it mandatory for political parties to seek police clearances before holding rallies and was used in 2008 to frustrate efforts by the MDCs to hold public gatherings with their supporters, while no reports of ZANU PF disrupted or barred meetings have been recorded.

On 4 September 2012 Zimbabwe Human Rights Association (ZimRights) became one of the first casualties of new requirements introduced under POSA, which require that organizers must be in possession of a letter from providers of a venue for meeting ascertaining that the organization had indeed hired the venue to submit to the police together with notification to hold the event. Ironically some venue authorities require a police clearance to grant permission to use the venue.

Of particular concern is also the Presidential Powers Temporary Measures Act. In 2008, the act was used to reverse an electoral provision which allowed the differently-abled to vote with the assistance of their trusted friends and family members, replacing it with a provision which conferred the responsibility to the police and ZEC officials, who have proven very partisan during election time.

A new revision of the voters roll is another necessity ahead of elections. In its Voter's roll observation report ZESN alleged that 27% of the persons on the voters roll were deceased and 41% of registered voters are no longer residing at the address registered. On 9 September 2012 *The Standard* newspaper reported ZEC spokesperson Mr Utile Silaigwana confirmed that Zimbabwe's former Prime Minister Ian Smith, who passed away in 2007, is still on the voters roll.

Reform of the Zimbabwe Electoral Commission (ZEC) which is responsible for conducting elections in Zimbabwe is yet to take place. ZEC is still constituted by the secretariat which presided over the 2008 sham plebiscite. Calls by ZESN and other civic groups to ensure independence of ZEC by drawing its financial resources and putting in place a public process of appointment of commissioners instead of presidential appointment have not been heeded.

Constitutional reform

The 4th anniversary of the GPA comes when the much awaited draft constitution had formally been completed. Outside the guidelines of Article (vi) of the GPA the draft have been handed over to the GPA Principals. Article (vi) of the GPA does not harbour provisions for the handing over of a complete COPAC draft constitution to neither the political parties nor the three principals. Having reached those milestones, the draft was according to sub-section iv, part c of Article (iv), supposed to be tabled to a second all Stakeholders Conference. These provisions should have been fulfilled within the first 12 months of the inception of an Inclusive Government.

Accepting all the difficulties and overcoming the hurdles, the process had to date reached a phase that had raised the hopes of many, locally and internationally. On 18 July 2012, COPAC representatives from political parties appended their signatures to the complete draft constitution of Zimbabwe. The draft was handed over to the principals and somehow, the draft was subjected to second hand scrutiny and thus swaying off the normal course it should follow as provided for in Article (vi). The second hand examination has led to ZANU PF making in 266 amendments to the draft to which their representatives had signed off. The signature should have been sufficient to pass the draft to a Second All Stakeholders Conference, as outlined in article (vi). The two MDC formations have responded by declaring a stalemate to the constitution making process and announcing it to the GPA facilitators.

The constitution making process is beset with a ‘hardliner problem’. There are intra-party conflicts being fuelled by hardliner politicians who seek to force the parties in the inclusive government into a deadlock over the constitution. Beneath the hard-line is a very specific motive to force Zimbabwe into a national election under the old order of façade democracy that resulted in the June 2008 violence. The ‘hardliner problem’ threatens to stagnate or even reverse the transition back to an electoral authoritarian regime.

Security sector reform

Calls for reformation of the military, police services, prison services, the state intelligence services and other critical arms of the security sector have gone without anyone giving audience to them. Despite clear provisions in Article (xiii) of the GPA which stipulate that “state organs and institutions do not belong to any political party and should be impartial in the discharge of their duties”, senior top ranked military personnel have been quoted on several occasions openly supporting ZANU PF and vowing to enable it to stay in power forever, while clothed in uniform and on official duty. The case is similar with the police and prison services, which have gone on a rampant derelict of duty to openly declare their political interests and positions while on duty.

Calls by SADC to expedite the process of security sector reform have largely been ignored and instead invited criticism by those that claim the purity of their actions in the name of sovereignty. The calls for security reform were made based on previous and current experiences where the security services are operating at the service of ZANU-PF, one political party, mandated to facilitate state oppression of the people. Soldiers together with ZANU PF supporters in July 2012 violently disrupted a political party rally by the MDC in Darwendale. The Justice Minister was quoted saying that ‘it was the constitutional right of soldiers to participate in politics’, all this in contravention of GPA article (xiii). If the militarisation of both the state and society persist it poses risk towards the stagnation or reversal of democratisation efforts made by SADC.

3. CONCLUSION – TOWARDS ZIMBABWE’S BREAKTHROUGH ELECTIONS - KEY INDICATORS AND IMPERATIVES

The implementation of the GPA has largely been a power tussling exercise characterised by political machinations aimed at outflanking each other by the signatory political parties. There has been little progress on a number of issues including security sector reform, restoration of the rule of law, respect for basic human rights and fundamental freedoms, economic recovery, humanitarian and food assistance, media reforms and legislative, institutional and constitutional reforms that are meant to facilitate the holding of peaceful, democratic and credible elections whose outcome will be respected and upheld. A significant weakness within the GPA is the lack of clear time-frames for implementation as seen in all SADC resolutions, where deadlines agreed upon by ZANU PF and the two MDC formations have been deliberately ignored or missed, without any consequences or reasonable excuses. The failure to implement the provisions of the GPA has caused further delays and derailment of the implementation of a democratic roadmap to elections.

RECOMMENDATIONS TO THE E.U. AND ITS MEMBER STATES

Zimbabwean and European civil society organisations, through its umbrella bodies Crisis, NANGO, The Human Rights Forum, ZCTU and ZEN greatly appreciate the fundamental role that the international community plays towards ensuring the restoration of Zimbabwe as a global competitor in multi-facets and contends that without pressure and support from the international community, the inclusive government will fail to honour its agreement.

We therefore urge the international community to:

- Continue supporting and providing the much needed solidarity to the people of Zimbabwe and keep Zimbabwe on the global political limelight.
- Encourage parties to the GPA to focus on full implementation of the GPA with a special focus on ensuring security of persons, security of the vote and respect for the people’s will.
- Support the efforts of SADC in its facilitation role, urging SADC to continue to lead the parties of the GPA towards its full implementation, including of a road map to democratic and credible elections