

Briefing Paper to the Facilitation Team on the Political Conflict in Zimbabwe

Union Buildings, Pretoria – 20 October 2010.



Our Thanks and Acknowledgements

The Crisis in Zimbabwe Coalition (The Coalition) greatly appreciates the opportunity to engage with President Jacob Zuma's Facilitation Team. The Coalition acknowledges and appreciates, the sterling work and commitment that President Zuma and his Facilitation Team have put into executing their mandate to find a lasting solution to the challenges in Zimbabwe. It is hoped that this engagement is the first of many such meetings through which civil society in Zimbabwe can formally and meaningfully contribute to ongoing efforts to sustainably resolve Zimbabwe's multi-faceted challenge.

Two years have passed since the official signing, on 15 September 2008, of the SADC-guaranteed and mediated Global Political Agreement (GPA), which led the formation of the Inclusive Government of Zimbabwe. The Inclusive Government is aimed at 'resolving once and for all the current political and economic situations and charting a new political direction for the country.'

Report to the SADC Organ on Politics, Defence and Security Cooperation by His Excellency, President Jacob Zuma

The Crisis in Zimbabwe Coalition noted the report by President Zuma to the Troika Summit of the SADC Organ on Politics, Defence, and Security Cooperation on the Zimbabwe negotiation process, which he delivered on 15 August 2010 in Namibia. While we concur that the Inclusive government has brought about a modicum of peace, stability and positive progress with regards to economic stability, the Coalition remains extremely concerned that the same cannot be said for meaningful legislative and institutional reforms which are critical to a successful transition to a more democratic dispensation, and also that the highlighted positives may not be sustainable because of the former. Zimbabwe has not yet fully emerged from political conflict, and, as the following update to the Facilitation Team highlights, there are no guarantees that Zimbabwe will not, without notice, be plunged once more into violent political conflict, especially with the imminent elections planned for 2011.

Implementation of The Global Political Agreement

It is The Coalition's view that implementation of the GPA has largely been a 'box-ticking exercise' lacking in full compliance with the agreement's letter and spirit. While political actors continue to haggle over positions, decry targeted measures and sanctions, and outflank each other, the real outstanding issue is holistic and actual implementation of the GPA itself, especially as it relates to security sector reform and governance, full restoration of the rule of law, respect for basic rights and freedoms as well as other institutional reforms that will enable Zimbabwe to hold a credible election, free of violence and whose outcome can be respected as the will of the people.

We wish to draw the attention of the Facilitation Team to the following issues:

- I. **Institutional and Security Sector Reform.** There is ample evidence that Zimbabwe's security sector remains highly partisan, unprofessional and politicised. The National Security Council, which was intended to provide civilian oversight to the security sector and take a lead in reforming the sector, is barely functional. The office of the Attorney General (AG) remains extremely politicized and, together with the Police, it has failed or is 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.' Scores of cases relating to the 2008 electoral violence, in which victims have named perpetrators in their reports to the police, have inexplicably not been prosecuted. This perpetuation of the culture of impunity and the retention through lack of action of security sector actors in the electoral and other political processes will not bode well for credible elections in the near future, as the state and its cohesive apparatus remains a major instigator of politically motivated violence.
- II. **Electoral Framework & Political Environment.** Reforms implemented by the Inclusive Government so far are not sufficient to create a conducive environment for Zimbabwe to conduct an election that meets SADC standards on the conduct of democratic elections. For instance, the Voters' Roll is outdated and requires a thorough cleanup, while ZEC itself is yet to get its enabling law that accord with the GPA, and the requisite financial wherewithal to conduct its duties.

Zimbabwe's political environment remains poisoned with violence, intimidation and fear, despite the constitution of the National Security Council, which has failed to ensure meaningful civilian oversight over the security forces and check the existence, as an alternative-governing centre of the Joint Operations Command (JOC). Without external assistance from SADC and its member states in the management of elections and in setting up mechanisms to prevent violence, the next election may be no different from the chaotic and violent June 2008 polls, if not worse.

The Inclusive Government has not defined, in clear terms, the roadmap to democratic, free and fair elections; neither has it stated key benchmarks in that roadmap. SADC on the other hand, through the facilitator continues to put the noble emphasis on the need for Zimbabwe to hold free and fair elections, but without transparently stating how that election is going to be administered in order to meet the SADC standards on the conduct of democratic elections.

- III. **Constitutional Reform.** Violence and intimidation characterised the parliament-led constitutional outreach meetings, leaving at least 1 person dead, Chrispen Mandizvidza (32) at Mai Musodzi Hall, and hundreds injured and thousands intimidated. Surprisingly no arrests of the perpetrators took place, and in instances where arrests took place they were of the victims in most cases.

This rapid deterioration of the situation is a worrying signal that instruments of violence remain active and could be unleashed during the next referendum and elections. It is unclear whether a national referendum and a new constitution are benchmarks and preconditions to fresh elections or not. President Mugabe of ZANU-PF has indicated on numerous occasions that there will be elections with or without a new constitution, with the latest modification being that this process may be fast tracked to allow for elections by the middle of 2011.

- IV. **The Media, Freedom of Expression and choice.** The current situation where the Zimbabwe Broadcasting Holdings (ZBH) continues to exist as a broadcasting monopoly and operate in a partisan manner by incessantly playing ZANU PF songs and affording ZANU PF politicians unfettered airtime without the same being offered to

other political actors and a broader church of citizens is against the elementary freedom of choice and expression. The deliberate procrastination in bringing in new players in the broadcasting industry means that Zimbabweans have to rely on the international media whose access locally is limited. If an election was to take place, it is clear that ZBH will be used to channel the views and propaganda of one political actor, with limited or no positive coverage of other contestants to sell their manifestos.

- V. **SADC deadlines on the GPA.** Since the signing of the GPA several deadlines agreed upon have been deliberately ignored or missed. These deadlines mainly touched on the full implementation of the GPA. Already the constitution making process is nine months behind schedule while the implementation of other outstanding issues was supposed to be done within a month, initially after the Maputo SADC Troika summit of 4 November 2009, and now a month after the Windhoek SADC Summit. The failure to adhere to these deadlines derails any roadmap to elections that may be there, and further pollutes the political environment.
- VI. **Secrecy of the GPA negotiations.** Civil society in Zimbabwe notes with concern the secrecy that is accorded to the negotiation process in Zimbabwe and the reluctance by the facilitation team to continuously engage with CSOs. The Coalition asserts that CSOs play a critical role in aiding and checking the state, as well as articulating and serving the interests of a broad church of citizens, making them critical stakeholders on the Zimbabwean question. It is because of this reality that it is requested that there should be constant engagement between the facilitation team and CSOs in order to create a transparent and two-way feedback and consultation mechanism. The lack of information regarding visits by the facilitation team and failure to continuously meet CSOs creates unwarranted suspicion and lack of confidence in the whole facilitation process. The processes under discussion are issues of national interest and concern, and for them to be dealt with satisfactorily, a broader national approach, which seeks, counsel and input from a broader church of Zimbabweans, beyond political actors, is necessary.

Civil Society Position on Resolving the Political Conflict.

The Crisis in Zimbabwe Coalition therefore calls upon the Facilitation Team to:

1. Ensure that a credible election pitched on key benchmarks takes place in Zimbabwe. Such Key benchmarks for fresh elections in Zimbabwe should include;
 - o Immediately ensure that a non-partisan public media exists which ensures that different political actors have got access to public media.
 - o A transparent electoral process that ensures greater transparency in all facets of the process.
 - o Immediately put in place mechanisms to ensure the existence a clean voters' roll.
 - o A SADC-led elections supervisory mechanism for Zimbabwe's next vote to prevent state-sponsored violence, which is in place at least 6 months before the elections and 3 months after. In addition, SADC should urge the political principals in Zimbabwe to have broad domestic, regional and international observation of the elections in the interest of openness.

- o Facilitate technical support to the Zimbabwe Electoral Commission by credible institutions that provide technical assistance to other SADC Countries.

SADC, as guarantor of Zimbabwe's GPA, must insist that Zimbabwe elections comply with its Principles and Guidelines Governing Democratic Elections – including impartiality of electoral institutions and non-interference in electoral processes by the state security agents. Where resources to conduct the election become scarce or unavailable, we request SADC and the AU to facilitate the pooling and availability of these resources in order to make sure that Zimbabweans are given a chance to elect a leadership of their own choice.

2. Immediately urge the Inclusive Government to put in place necessary administrative mechanisms that ensure the Diaspora, differently-abled, prisoners and other marginalised groups are not disenfranchised in all electoral processes.
3. Ensure that SADC puts in place necessary mechanisms to guarantee the democratic transfer of power to the winner of elections. In line with this, SADC must use political and diplomatic means to ensure that the military and other state security agents have no direct role to play in the electoral processes, confining their roles to the provision of security and maintenance of law and order.
4. Urge the Inclusive Government to ensure that all national healing initiatives focus on truth telling, accountability, justice for the victim and mechanisms to end impunity and prevent a repeat of the violence witnessed in previous elections and political epochs.
5. To immediately urge SADC and the AU to set up an election fund to help Zimbabwe run a credible and well-resourced plebiscite.
6. Impress on the Inclusive Government to allow CSOs to continuously carry out voter education without victimisation and unnecessary bottlenecks since evidence points to a ZEC without the necessary capacity to carry out this task.
7. Constantly engage with CSOs in order to get our concerns but also provide adequate and necessary information that allows us to inform the people of Zimbabwe on progress being made within the GPA.
8. Ensure the return of military personnel to barracks and to allow for the smooth running of an election that is free from militarisation, manipulation and violence.

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The Crisis in Zimbabwe Coalition is a broad based network of over 72 active members comprising Churches, Women's Groups, Social Movements, Residents Associations, Labour Unions, NGO's, and professional Lawyers, teachers and Doctors groups. It was formed in august of 2001, and it focuses on Governance and Democracy issues in Zimbabwe – working at a local, Regional and International Level.

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