

CRISIS IN ZIMBABWE COALITION

POSITION

ON THE POWER SHARING AGREEMENT

Noting, that the main political parties, represented in Zimbabwe's parliament penned and signed a power sharing agreement paving the way for the institution of an inclusive government on the 15th of September 2008.

Reasserting long held Crisis in Zimbabwe Coalition (The Coalition) beliefs that the multifaceted crisis in Zimbabwe has its roots in the governance and illegitimacy crisis which has been characteristic of Zimbabwe's government since the stolen presidential elections of 2002.

Concerned, that the agreement was flawed as it was;

- secretive,
- not inclusive of all Zimbabweans and civil society thus, reducing the crisis in Zimbabwe to a crisis between ZANU PF and the MDC,
- mediated by a mediator who was considered to be partial to ZANU P.F

The flawed process therefore compromise the content.

Keeping in mind, that Zimbabwe has had several experiences with coalition governments whose objectives, like now, was national unity. Memories of the Muzorewa/Smith Zimbabwe Rhodesia coalition of 1978, the compromise government of 1980 and the ZANU PF/PF ZAPU Unity Accord Government of 1987, present the most powerful examples.

Weary, of continued experiments with Governments of National Unity which Zimbabweans recognise have failed to build durable peace. It is therefore disappointing to note that the African Union continues to promote the interests of political elites through GNU models. Coalition governments have not delivered enduring peace, truth telling and justice on the ground.

Mindful, of the fact that in excess of 150 people lost their lives in the run up to the 27 June 2008 run off election, leaving at least 30,000 people displaced, and thousands of homes destroyed.

The Crisis in Zimbabwe Coalition thus states the following on the Power sharing Agreement, premised on the Crisis in Zimbabwe Coalition **Yellow Paper**, and the **Peoples Charter** adopted on the 9th of February 2008:

1. That, the deal outlines a complex power-sharing arrangement that sees President Robert Mugabe extend his hold on the presidency after 28 years in power, in spite of the popular will of the people as seen from the results of the March 29 2008

election. The Prime Minister envisaged in the deal, is neither head of state or government, making the MDC junior partners in a ZANU PF government.

2. That an Inclusive government is an inadequate mechanism through which to resolve the national crisis, and is a false premise for democratisation, which, because of the way that it comes into existence only serves to put conflict on pause, with the very real possibility of being played or replayed when the deal becomes sour. It serves as an institutionalisation of conflict, possibly presenting challenges for a government that is supposed to operate and make decisions on the basis of consensus.
3. That there is a need to re-envision the political prospects of Zimbabwe and restore the ethos of a democratically elected authority in Zimbabwe in the shortest possible time. In the context of the agreement this is envisaged to be within two years or at the end of the constitutional reform process.
4. That there is a need for the political parties to exit their secret mode and be accountable to the people of Zimbabwe. To that end, documents cited in the agreement that are not in the public domain, like the SADC resolution on the economy, and the Kariba document, need to be exposed to public scrutiny, discussion and debate.
5. That, outside passing references to national healing, the agreement falls short in addressing issues of transitional justice, by suggesting clear mechanisms that can be the subject of public debate and input.

With regards to concrete content issues in the agreement The Coalition states the following:

1. The economy:

Zimbabwe's failed economy is a direct result of neo-liberal policies, indebtedness and a succession of inconsistent, short lived development blueprints which have impoverished the Zimbabwean populace. An economic recovery agenda should be implemented with utmost urgency and should be guided by people-centred economic planning. The culture of corruption, rent seeking and speculation, which has contributed to the bleeding of the Zimbabwean economy must cease. To that end, the coalition calls for a stabilisation program, which will include immediate confidence building measures dealing with economic crimes.

2. Sanctions and International Isolation:

Sanctions whether perceived or real, are not the cause of Zimbabwe's crisis. Instead of placing the blame on sanctions, what is required in Zimbabwe is the restoration of the rule of law, respect for Human rights and democratic institutions and norms whose decay lies at the heart of the crisis.

3. The Land Question:

The land resettlement exercise in Zimbabwe was, by and large, chaotic and unlawful. An urgent land audit is required to ensure equitable distribution and increased access to land by all marginalised groups including the disabled, women and youths.

4. Constitution:

Zimbabwe urgently needs a new democratic and people driven constitution that guarantees civil liberties and social and economic rights. The constitutional reform process should have the input of all Zimbabweans and should not be the sole preserve of political players. To that end, the Coalition holds the view that, the process suggested in the agreement falls short of a truly people driven process as advocated for by civil society, amongst other stakeholders.

5. Equality, National Healing, Cohesion and Unity:

Any efforts in this regard should employ a broad spectrum of transitional justice mechanisms so that justice and truth are achieved. The Coalition asserts that, there is need to have a process that allows for the truth to be told, reconciliation to be done and for justice to be served. The form and shape of such a mechanism should be the subject and product of a national dialogue process and not government prescribed or imported from other countries.

6. Respect for National Institutions and Events:

The Coalition urges the Inclusive government to depoliticize national institutions and events, and to ensure the separation of party programs from national events and processes to allow, them to earn the respect of all Zimbabweans, and for their participation in events freely without let or hindrance. The culture of frog marching people, and forced donations, to events that are national in nature needs to be done away with; it should be the choice of an individual, which events they want to actively participate in.

7. External Interference

Zimbabwe, as a sovereign state and a member of the regional and international community is bound by regional and international statutes such as the African Charter (A.U) and the United Nations (U.N) Charter. Under these agreements the Government has a responsibility to protect its citizens. The A.U. and the U.N have a legal and moral duty to enforce and apply these international laws as and when the government of Zimbabwe fails to honour its obligations.

8. Rule of law and respect for the constitution and other laws

The Coalition notes that the constitution and the laws of Zimbabwe have been selectively used and amended to persecute its own people. There is need therefore, for a comprehensive legislative agenda which produce just laws to apply equally to all citizens. The reforms should entail separation of powers and adherence to the principles of constitutionalism.

9. Free Political activity and freedoms of association and assembly

At the core of any democracy is the right of people to participate in the governance of their country. This can only be realised if the right to freedom of association and assembly are guaranteed without discrimination. The *People's Charter* clearly states that the Zimbabwean society should be characterised by a tolerance of divergent views, cultures, religions, honesty, integrity and common concern for the welfare of all.

10. State Organs and Institutions

These institutions must urgently be reformed, professionalized, demilitarised and depoliticised. The current state is unashamedly a party state and must become a national state which is accountable to the nation as a whole and not to one political party. The Coalition further advocates for the constitutional safeguarding of the organs and institutions of the state, as a way of ensuring their democratic accountability where civil society organisations provide input in the training curriculum and recruitment policies and practices manual. We challenge civic society to come up with monitoring and evaluation methods so that the role of both uniformed and ununiformed forces remains professional.

11. Traditional Leaders

The Coalition acknowledges the importance and role played by traditional leaders in communities. Nevertheless, traditional leaders should be non-partisan in the conduct of their obligations and responsibilities, given the diverse nature of the communities that they lead. Their neutrality should be reflected in their day to day discharge of their duties.

12. National Youth Training Program

The Coalition holds the view that under the current circumstances, such a program is an unnecessary drain on the national fiscus, and that the idea is already tainted because of the perceptions of violence that the public has of the program. The Coalition also holds that values of patriotism must be defined through a broad based approach and not just by government, state institutions or by a particular political party. Discipline, tolerance, non-violence, openness, democracy, equality, justice and respect, are better inculcated if they are mainstreamed into secondary and tertiary education systems. The government must focus on guaranteeing the right to education at all levels, converting existing infrastructure into vocational training institutions and enhancing youths' chances of gainful employment.

13. Humanitarian Assistance , Food Distribution and Aid Flows

The Coalition notes the continued hindrance to humanitarian aid work although the unlawful food aid ban was lifted. Distribution of food and farming inputs should be free, fair and non-partisan as every Zimbabwean has the right to a decent livelihood. In times like now when over 80% of the population is faced with either starvation or severe malnutrition, greater efforts need to be placed on people's unfettered access to assistance. The government should also therefore avoid undue restrictions on operations of Non governmental organisations. Donor countries must give Zimbabwe a new beginning by cancelling its external debt unconditionally. This will unlock resources for social services, sustainable development and decent livelihoods. Any new aid flows must contribute towards economic development, and not create more debt.

14. Legislative Agenda

In the spirit of entrenching democratic values and practices, The Coalition holds that, all repressive pieces of legislation, which are referred to as security legislation in the agreement, need to be repealed. These include, but are not limited to, the Public Order and Security Act (POSA) and the Interception of Communications Act (ICA). Parliamentarians should thus, have a legislative audit.

15. Security of Persons and the Prevention of Violence:

The Coalition welcomes the promotion of non violent means as outlined in Article 18.5c of the agreement, which states that *'the government shall apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book'*. The Coalition urges adherence to this clause from mainly the parties to the power sharing agreement, especially ZANU PF that has been at the centre of fomenting violence as a way of retaining power and cowing opponents into submission. The Coalition calls for mechanisms to be put in place to allow for the safe repatriation of people who were displaced during the March 29 Harmonised elections and those who are still struggling in the aftermath of Murambatsvina. The courts should also start acting on the provisions of 18j which calls for them to revisit the cases of political prisoners and to determine whether or not there are reasonable grounds to keep them in remand.

16. Freedom of Expression and Communication:

Article 19 of the Agreement between the three political parties commits itself to ensuring the licensing of new media houses under the provisions of the Broadcasting Services Act and the Access to Information and Protection of Privacy Act. The same section also calls upon journalists working outside the country to come back and register under the provisions of the aforementioned laws and insists that there be an end to the broadcasts from short wave radio stations that are operating in other countries. It is Crisis Coalition's considered view that the media is a critical component of a democratic transition and that any restrictions to its operation by the government, as is currently the case, will undermine freedom of expression at such a politically sensitive time for Zimbabwe.

Crisis Coalition calls upon the political parties and their principals to

- a) Repeal the Access to Information and Protection of Privacy Act, Interception of Communication Act, the Broadcasting Services Act and the Public Order and Security Act as these laws do not advance media freedom or freedom of expression, even in their amended form.
- b) To utilise the principles outlined in the African Charter on Broadcasting established in 2002 by the African Commission on Human and People's Rights to govern the broadcast media while democratic legislation on public, commercial and community service broadcasting is being crafted through a people driven process.
- c) To utilise the Windhoek Declaration on a free and pluralistic media in tandem with Article 9 of the African Charter on Human and People's Rights, Article 19 of the

Universal Declaration on Human Rights as guides to how the media should be regulated.

- d) To respect the newly established Voluntary Media Council of Zimbabwe as a key indication that the Zimbabwean media values self regulation over and above statutory regulation.
- e) To begin the process of considering reducing the number of media regulators that exist in the country and establish an Independent Communications Authority as well as an Independent Public Service Broadcasting Authority. And in doing so, understand that the media is increasingly converging and therefore, with time, only one independent regulatory authority for media and communications may be needed.
- f) To actively call upon the cessation of the harassment, torture, arrests and displacement of journalists, media workers and media houses.
- g) To ensure fair representation of men and women in the media.

Framework for a New Government

On the Framework for a New Government, Crisis in Zimbabwe Coalition holds the following:

1. That the inclusive government is a stop gap measure that should be dissolved and pave way for a democratically elected government within 2 years, under a new, people driven constitution, as a sure way of returning Zimbabwe to stability, democratic legitimacy and prosperity.
2. That the new inclusive government should honour the commitment in the agreement to gender parity and the appointment of women to strategic government positions.
3. That the agreement favours the incumbent, and shows little compromise with regards to the exercise of executive authority in government. To that end, the agreement sets a very bad precedence where leaders denied legitimacy by their own people and their peers use brute force to retain power, and get away with it by making minimum concessions to opponents.

The Coalition will set up singularly or with other civic society actors, a monitoring mechanism on the implementation of the agreement, and will run a commentary on issues related to its application. Therefore, The Coalition calls for the following demands to this new government:

1. Creation of an environment of economic stability by dealing with bread and butter issues.
2. Institution of a public participation process that leads to a new people driven constitution, which should be subjected to and accepted via a referendum and democratic elections.
3. Repealing of repressive laws such as AIPPA and POSA, thus opening up democratic space,
4. Creation of an environment that allows for the respect and protection of human rights.
5. Depoliticisation and professionalisation of institutions such as the RBZ, ZEC, the police, army and the judiciary,

6. Allowing people time and opportunity to heal via some justice process which looks into politically motivated crimes, hopefully bringing closure to this sad chapter