

**TESTIMONY
GIVEN BEFORE
THE US HOUSE OF REP'S SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS**

12/09/2013

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Mr. Chairman, allow me to start by passing my profound thanks to you and the committee for presenting me and the Crisis in Zimbabwe Coalition an opportunity to testify in front of this committee. I would also like to request that my statement in its entirety be submitted for the record.

My name is McDonald Lewanika, the Executive Director of the Crisis in Zimbabwe Coalition, one of Zimbabwe's leading networks on Governance and Democracy issues, with a membership of over 80 organizations. I am resident in Zimbabwe, and my job entails that I stay in constant contact with key political actors in the country, members of civil society and ordinary citizens of our republic. In addition, I am obligated to engage on a very regular basis with the press, both for purposes of making comment on and forwarding our understanding of political developments as well as exchanging notes as part of the same civil society.

Mr. Chairman, my testimony will touch on various issues that stem from the disputed July 31 Harmonized Elections, moving on to key actors and developments since then that we believe have an impact on Zimbabwe's transition. It will end with a set of recommendations to the United States that we believe are of importance to highlight in post election Zimbabwe.

The results of the Elections of July 31 2013 were met with a lot of consternation by the generality of citizens, who up to this point do not believe that they were reflective of their will. Moreover ample evidence both anecdotal and empirical exists that shows that the election result was contrived in favor of ZANU PF. This contrived result, which the SADC region and national institutions have gone on to give force to has the unfortunate effect of perpetuating the crisis in Zimbabwe, where legitimate government is concerned, and dims the hopes of Economic recovery, the respect of human and people's rights as well as blighting prospects for democratic reform.

SADC, THE AFRICAN UNION AND THEIR VERDICT ON ZIMBABWE'S ELECTIONS

Mr. Chairman, The African Union (AU) and SADC, as guarantors of the GPA were an integral part of the election observation in Zimbabwe. Both institutions endorsed the elections, but were non-committal with regards to the fairness of the process. The AU was very emphatic in highlighting the irregularities in the election processes limiting the elections from complying with the electoral guidelines and principles of the two institutions. This further exposed the institutional weaknesses in applying set standards in member states.

At its meeting held in Malawi on 17 and 18 August 2013, SADC endorsed the Zimbabwe elections and also conferred the vice chairpersonship of the regional bloc on President Mugabe. This was a strong political statement by SADC on Zimbabwe's election and also reflected a possible weakening in the strengthening of electoral democracy in the region. As President Mugabe begins another five-year term, SADC and AU have exhibited weaknesses likely to affect their influence on democratization processes in post-election Zimbabwe and other regional and continental countries.

Mr. Chairman, On 2 September 2013, the chair of the SADC Election Observer Mission (SEOM) Tanzania's Foreign Minister, Mr Bernard Membe, presented a summary of the final report on behalf of the mission which reproduced SADC's earlier endorsement of the general election. In our view, the final report was a

mere formality given that the SADC leaders had already endorsed the election at the summit held in Malawi on 17 and 18 August 2013. In our respectful view the final report was a technicality meant to legitimize the already taken political decision. The above has led us to challenge the report by weighing its findings against our assessment of how the harmonized elections were conducted in Zimbabwe using the same SADC Principles and Guidelines. From our assessment it is difficult to accept the SADC Election Observer Mission (SEOM) report as acceptable and as credible.

Mr. Chairman, In respect of the 15 guidelines and standards assessed, there was virtually no compliance with regards to 8 (53.3%) and only partial compliance in line with 6 (40%). Only 1 (6.7%) principle was fully complied with which relates to the holding of elections at regular intervals. One of the most important guidelines regarding the existence of an updated and accessible voters' roll was not complied with at all.

NONE-COMPLIANCE	PARTIAL COMPLIANCE	COMPLIANCE
<ul style="list-style-type: none"> Freedom of speech; Full participation of the citizens in political processes; Equal opportunity of all political parties to access the state media; Equal opportunity to exercise the right to vote and be voted for. Independence of the Judiciary Impartiality of the electoral institutions; Non-discrimination in the voters' registration; Existence of updated and accessible voters roll; and Timeous announcement of the election date 	<ul style="list-style-type: none"> Political tolerance, Voter education; Constitutional and legal guarantees of freedom and rights of the citizens; Conducive environment for free, fair and peaceful elections; Counting of the votes at polling stations. 	<ul style="list-style-type: none"> Regular intervals for elections as provided for by the respective National Constitutions.

THE ROLE OF SADC GOING FORWARD

Mr. Chairman the foregoing shows that SADC as a regional bloc has failed the citizens of Zimbabwe in promoting democracy. The conclusion of the SADC mediation process in Zimbabwe through its endorsement of the 31 July election has left a lot to be desired as far as the African Solutions to African problems approach is concerned. This approach certainly needs back up from other "friends of Zimbabwe" such as the USG, which has stood by the people of Zimbabwe in their struggle for a democratic society.

As concerned civil society players, we note with concern that the trend we have observed in SADC over the past years, starting with the abolishment of the SADC Tribunal into a lowering of standards for democratic elections to accommodate elections that do not meet minimally agreed standards, withdraws regional recourse for victims of political crises who now must remain at the mercy of ruthless governments.

If the developing trend and precedent goes unchecked, it spells disaster for the SADC region, particularly for countries that have elections coming within the next 12 to 18 months.

Mr. Chairman, I wish to bring to the attention of the committee, the reality that democratization is a process. Whereas elections are a necessary ingredient to democratization, they are not in themselves sufficient to deliver democracy. It is the sum of all accompanying processes like political and institutional reforms that will constitute a lasting and sustainable democracy for my beloved country. No doubt, SADC still needs to be continuously engaged to shepherd the continuation of the political and institutional reform process codified and started by the GPA. We contend that we are now in a prolonged transition. The accompaniment of the transition process on the part of SADC, the AU, the EU and the USG cannot and must not be aborted.

SADC must be engaged and pressured to ensure that protocols, principles and guidelines signed by member states are followed to their letter and spirit: security and defense as well as elections. It must be a watchdog on compliance. To this end, SADC must be pressured to deploy instruments like its protocol on Politics, Defense and Security Cooperation, which instrument sets standards for what could be used to ensure our Security Sector is in compliance with regional standards.

SADC must be engaged to ensure that the Tribunal or the SADC Court of Justice being proposed by civil society organizations in SADC is established to ensure that citizens have recourse to justice where national processes fail them.

COMPOSITION OF CABINET

Mr. Chairman, On the 10th of September 2013, forty days after the disputed July 31 Election, President Robert Mugabe finally announced his team to drive government policy and program implementation for the next 5 years. The Cabinet list depicts continuity on the front line (The Ministers) and just a little bit of change on the backline (Deputy Ministers). Outside the new additions, mostly at Deputy Ministerial level, only one person was dropped from the ZANU PF contingent from the last government, while a number of people have been restored to their pre-2009 ministries. The initial signals, from the optics of this cabinet, are bad for the country and its economy because these were the people who presided over the demise of the same prior to 2009.

Our reading of the Cabinet composition is that this is a Cabinet for Mugabe and ZANU PF not for Zimbabwe. Where people expected a Cabinet to service the country, what they have got is cabinet to service ZANU PF. Where people expected a Cabinet to enhance the Country's Economic fortunes, what they got was a cabinet adept at improving their own and ZANU PF's balance sheet.

On the 9th of September, incoming Government presumptive Spokesperson, Professor Jonathan Moyo, told the media:

"I am coming in to do any assignment given to me by my boss. I am coming in as Team ZANU PF, and Team ZANU PF has a Captain"

Mr. Chairman, ordinarily there would be nothing wrong, and no factual errors with this statement had Professor Jonathan Moyo been reacting to an appointment to the ZANU PF Central Committee. But his sentiments put clearly at whose service Jonathan Moyo, and those he now speaks for in Government, will be. He is in the service of ZANU PF not Zimbabwe; he is coming in to serve the person not the people.

The Minister of Information, in his first pronouncements in that capacity betrayed the fact that we are poised for a return to the past, where the party and the state were conflated and where government operated on the assumption that the people and ZANU PF were one thing.

Professor Jonathan Moyo's Principal, President Mugabe, on the 11th of September 2013, affirmed the above when he enunciated his criteria for cabinet choices, he said;

"The decision (to appoint) was based on how much of ZANU PF you are, how long you have been with us, and how educated you are."

It is apparent from the foregoing that the Cabinet has also been used as part of a reward system that entrenches ZANU PF's patronage system, and challenges those who have remained outside to be more daring in their service of ZANU PF, than those who have been rewarded.

Mr. Chairman, One of the reasons why this cabinet was anticipated was also based on the belief that, whoever Mugabe would surround himself with would give clear indicators of which direction he would take the country. Our organizational view was that, depending on who would be chosen, this would indicate whether the President and his government, would, in terms of the transition, regress, stagnate or move towards further reform and consolidation of some of the positive gains from the GNU period.

However, Mr. chairman, the Cabinet that the country has been saddled with leaves very little hope that this government can take us forward in terms of consolidating our democracy. If anything the Cabinet is a loud warning shot that the only consolidation that it is intent on is ZANU PF's power through authoritarian consolidation. This is not a matter of conjecture but can be read from the strategic deployments that seem to have been made to stifle reform. As things stand in Zimbabwe, given the new constitutional dispensation that this Government is supposed to preside over, having a "Hardliner" and historic Human rights violator of note like Former Defense Minister, Emmerson Mnangagwa standing guard at the Justice Ministry, is a sure sign that not only will justice not be done, but also that any legislative reform that may have been hoped for is likely to die a quick death. However, Mr. Mnangagwa himself, is on record as saying that contrary to popular opinion, he is "as soft as wool". This Ministry of Justice portfolio is not new to Mnangagwa because he has presided over it in the past but the new circumstances under which he leads it, present an opportunity for him to show whether he really is 'as soft as wool' or he is as ruthless as the crocodile that is his totem.

Mr. Chairman, a further sign that that the democratic reform agenda is likely to be stalled during the life of this government can be found in the short but loaded statement, again by the presumptive spokesperson of Government, Professor Jonathan Moyo, who on being asked whether there would be media reforms he simply quipped;

"You do not reform anything that is not deformed."

We believe, Mr. Chairman that this statement, while telling, and while uttered by the new Minister of Information is reflective of a standing ZANU PF belief that, contrary to all indications everything is all right in Zimbabwe and its body Politic. This attitude is likely to prevail in all sectors in need of critical reform, like the Security Sector.

THE NEW GOVERNMENT AND FOREIGN RELATIONS

Mr. Chairman, One of the things that seem to be clear from the changes and continuities at the Ministry of Foreign Affairs and the introduction of Professor Jonathan Moyo at the Information Ministry is that this government is not keen on new foreign relations. The developments signal that ZANU PF is preparing to amplify its propaganda and ideological war. Professor Moyo appears as representative of a set of ideologues brought in to stem the tide of the propaganda war that ZANU PF was beginning to lose, especially in the region. Similarly, it appears that Ambassador Christopher Mutsvangwa, another ideologue, is brought in for the same reasons in the Ministry of Foreign Affairs to aid Minister Samuel Mumbengegwi, who seemed to be more of a diplomatic practitioner than a political operator and purveyor of ideology, which his deputy clearly is. The Deputy Minister will lead the propaganda charge on

the foreign front, while Professor Moyo will ensure that local state media digs in in the ideological war, but on an intellectual basis.

Rather than any real victories on the ideological battlefield, this approach by President Mugabe seems entirely selfish, and is meant to buttress his status as the great African who fought imperialism and neo-liberalism at home and abroad, and won. This move by the President is made with an eye on his legacy and the fact that he will be taking over the reigns of SADC in August 2014, which everyone in SADC generally agrees will be a good way to go out for him.

The new Cabinet will likely be unrelenting in its attacks on the West, and will not want rapprochement on any issues of difference that may exist now, because that will mess with the legacy that the President wants to leave.

Both sides have, already set up this epic match up, Mugabe through his actions, utterances and appointments including the recent censure of the European Union Delegation Head and his “*tit for tat*” speech with regards to sanctions.

The West, perhaps unwittingly, through their reaction and judgment on the elections that just passed, and their role in colonial history also stoked these fires.

Mr. Chairman, indications are that while this ideological and propaganda war is waged on the US and Europe, China’s resource hunger will continue to be fed through concessions and access to resources. The foregoing, will not take into consideration the challenges and questions that people already have with China’s business and development models, which do not promote the creation of sustainable wealth and development for its target countries. The likelihood is that, China’s engagement with Zimbabwe under this foreign relations regime, will not yield sustainable jobs, develop a manufacturing sector or lead to technology transfer, but will at the political level continue with visible legacy projects and buildings like the Military Academy and the new parliament. However, ZANU PF because of their objectives will be happy to still engage with and use them as a counter veiling force to the West.

PROSPECTS FOR SECURITY SECTOR REFORM

Mr. Chairman, as stated earlier, the prospects for Security Sector Reform as is the case with other democratic reforms, are slim under this new government. There are however limited opportunities and possibilities that can be explored stemming from the New Constitution, which exhorts the military to be non-partisan in their conduct and to owe allegiances to constitution and country. These are however mitigated and further limited by personnel in the security sector, who are adamant that their allegiance is to the person of the president not even the institution and the constitution. There was ample evidence of this on August 22, when President Mugabe was inaugurated, and leaders of the sector, one after the other also took their oath of allegiance to the President.

Mr. Chairman, the only other avenue that exists is SADC if it is persuaded to deploy instruments like its protocol on Politics, Defense and Security Cooperation, which instruments set standards for what could be used to ensure our Security Sector is in compliance with regional standards.

THE STATE OF OPPOSITION POLITICS IN THE WAKE OF ZANU PF DOMINANCE

Mr. Chairman, The dominant performance by ZANU PF in the foregoing elections and their total recapture of the state, initially dampened people’s spirits. But the fact that this recapture was conducted based on chicanery rather than free and fair processes, has left room for the opposition to be in a state where though they were defeated, they were not disgraced. The desire for change is still there in Zimbabwe, and this assists in throwing a lifeline to the opposition, primarily the MDC T that still commands a huge amount of support. It appears that part of the ZANU PF strategy in ratcheting up the ideological war is

also aimed at finishing off the MDCs (as the lap dogs of the West), who will have to come up with effective counter measures to what ZANU PF will be throwing their way. The only silver lining from the situation of the opposition at the moment is that they will not be having the distractions of government responsibilities, which should allow them to be more effective.

With a dominant Authoritarian regime, the need to support alternatives and to continue supporting democratic actors cannot be overstated.

DIAMONDS AND TRANSPARENCY

Mr. Chairman, the issue of diamonds continues to be a key element of Zimbabwe's political economy, yet very little is known about the proceeds that are being hewn from the diamond bearing rocks. This has been the case since the discovery of the same in 2006, and the Finance Minister from the Inclusive Government on numerous occasions professed ignorance around the issues of revenues from Diamonds. Outside the issue of the revenue flows themselves, there is also a dearth of knowledge on the concession granting process, which adds to challenges around tracking diamond revenue outflows, with a lot of the information in the public domain being conjecture. Added to that is the opaqueness in the exploration of the Marange diamond fields.

Mr. Chairman, What can be stated, as fact, in light of the above, is that while there is increasing extraction, the same is not matched by revenue flows to the national fiscus. For instance in 2012, an estimated Eight Hundred Million Dollars worth of diamonds were declared as exported, and only about Forty Three Million Dollars was remitted to the national fiscus. As a result of lack of transparency and unwillingness to enhance national diamond beneficiation, there is suspicion that part of the diamond revenue could be sponsoring illegal arms procurement and other illicit deals under the Zanu pf stewardship.

The Kimberley process (KP) is still important in blocking conflict diamonds from entering the global market, however if there is no deliberate attempt to reform and give it teeth, the platform risks becoming irrelevant and can eventually be used as a vector to perpetuate the trade in conflict or blood diamonds. With the emergence of Diamond producing countries such as Zimbabwe who might not otherwise be experiencing a civil war, there is need to robustly push for the reform of the KP and cause for redefinition of conflict diamonds with a bias towards human rights.

Mr. Chairman, we reiterate that the International community must continuously put pressure on the government of Zimbabwe to allow civil society and other critical actors to monitor activities in the Marange diamond Fields in order to enhance accountability and transparency. The Inclusive Government had covered ground in ensuring accountability and transparency and accountability in the extractive industry including diamonds through the Zimbabwe Mining Revenue Transparency Initiative which was under the office of the deputy Prime Minister. The US government and other international players need to implore the new government under the Zanu pf stewardship to support and strengthen this initiative since it can play a pivotal and strategic role in enhancing Zimbabwe's beneficiation and value addition in Diamonds and extractive industry as a whole.

The New Cabinet announced by President Mugabe has delivered a new Minister in Walter Chidhakwa, but at this early stage it cannot be told whether this will lead to changes in how the Ministry and the sector will be managed.

USG SUPPORT AND ENGAGEMENT GOING FORWARD:

Mr. Chairman, on a balance, I have no doubt events in Zimbabwe will in the foreseeable future, tilt towards pro-democracy forces. No matter how small they may seem, gains towards democratic reform codified in the constitution of Zimbabwe as adopted in March this year must be interpreted in light of a

long and tiresome road to democratic reform. These gains must be protected, defended and consolidated, as they remain part of our hope for a better Zimbabwe.

Mr. Chairman, let me recall that your country has immensely contributed to the development of my country over the past decade and beyond. I am aware, Mr. Chairman, that in the 10 years between 1998 and 2008, just before the formation of the Inclusive Government in 2009, assistance directed to Zimbabwe via the USAID-Zimbabwe mission had surpassed the US\$1billion mark. This support, directed towards improving the livelihoods of Zimbabweans and strengthening democratic processes and institutions promoting the same, continued to rise throughout the life of the Inclusive government.

Mr. Chairman, I note that as the USG continued to offer the said support, they also maintained targeted restrictive measures regime aimed at encouraging reform on the part of Mr. Mugabe and his inner circle. An attempt at reforms mediated by SADC could arguably be in response to the impact of the restrictive measures, among other internal factors linked to continued misrule by the regime of President Mugabe. The dual approach where the USG maintains a restrictive measures regime to encourage reform, whilst offering continued Humanitarian assistance and support towards livelihoods and democratization through the USAID Mission and other initiatives such as the PEPFAR and contributions through the Global Fund to fight HIV/AIDS, Malaria and Tuberculosis, to which Zimbabwe is a beneficiary has worked well and must be maintained.

Mr. Chairman, it is my belief that any action on Zimbabwe that the USG can take will be more effectual if it is taken in concert with other members of the International community. Fragmented actions and approaches will do very little, yet feed the propaganda machine that ZANU PF has just re-oiled and is ready to deploy.

I believe that though, it may seem demanding and unfair, it is true that to those whom much is given much is also expected. Our expectation of the USG is to continue to stand with the people of Zimbabwe in their search for democracy, and should not sacrifice these democratic ideals for political expediency. We do not make these expectations guided by any sense of entitlement but we genuinely believe that the USG has the capacity and reach to engage with SADC and persuade it to not abrogate its responsibilities around promoting democracy as outlined in its own treaties.

Mr. Chairman, in the face of recent developments in Zimbabwe, the above approach seems to be the best way the USG can accompany Zimbabweans' efforts, particularly pro-democracy groups, towards a democratic society.