

ZIMBABWE BRIEFING

a crisis in zimbabwe coalition regional office weekly report

WEDNESDAY 18 MAY 2011

ISSUE 26



Stop-Go Constitution Making Process Taking Us Nowhere

Last week we had one of those 'high sounding nothing' debates between ZANU-PF and the two MDCs regarding the methodology and the tools of data analysis to be used in the constitutional review process. The pointless debate is just an affirmation that the process will result in another Kariba- draft negotiated among the three main political parties.

The debate was interesting in that it revealed a truth that many proponents of the parliamentary constitutional committee (COPAC) process are unwilling to accept: that this is a directionless process meant to make the inclusive government appear busy. We are told that ZANU-PF was reneging on the method of analysis agreed upon on the 12th of April 2011. This means that the for the constitutional reform project that began over two years ago, there was no agreement on the methodology and tools of data analysis until a month ago!

Anyone who has done some research will surely know that when you design a project you should be clear of the methodology until the end. The question to pose is: how were the outreaches' questionnaires designed when it was not known whether it was a qualitative or quantitative analysis that was going to be used?

It is critical to note in this process that the so called civic society deputy

HOPE DEFERRED:

Many Zimbabweans' hopes of seeing a new constitution in place are increasingly getting frustrated by a process that seems unsure of itself. - zimbabwein-pictures.com



chairs have fallen by the wayside. When this process began after massive criticisms of how partisan the constitution making process was; the three political parties developed a strategy to accommodate and cow civic society; which was to create a deputy chair ship for civics. Now as the thematic groups start their work the structures have changed. So when planned disputes arise civil society representatives that are in this process are mere bystanders and servants of political parties who wait for direction from their principals; rather than having a full, autonomous voice of their own.

It is in this context of COPAC's two year life span that even those that still 'want us to believe' COPAC will produce a constitution need to start to urgently plan for a highly likely 'NO vote' eventuality. As the SADC extra ordinary summit to discuss the election Road Map and the GPA convenes in Namibia on the 20 May the leadership needs to weigh the

options and consider that a NO vote to the draft constitution is a real possibility that cannot be ignored.

The National Constitutional Assembly (NCA) and its allies firmly believe that the COPAC process is not a people driven process and should be rejected through a NO Vote at referendum. Our desperation to move forward as a country must not lead us into a pit of uncertainty. The concept of constitutionalism is one that has developed over time until it became clear that indeed ordinary man and women can author their own laws on how they want to be governed. We do not need a hurried constitutional reform process, but one that is proper and truly captures the aspirations of the people of Zimbabwe.

By Munjodzi Mutandiri, Regional Coordinator (South Africa), National Constitutional Assembly

South Africa votes in municipal elections countrywide

While electioneering and exercising the right to vote is a matter of life and death in Zimbabwe, it's a totally different matter south of the Limpopo river. Today, 18 May, South Africans vote in municipal elections across the country following several months of pre-dominantly peaceful campaigns by political par-

ties of all shades and colours.

Crisis in Zimbabwe Coalition Regional Office board member Siphopho Theys who has been closely following elections in his country credits the Independent Electoral Commission (IEC) of South Africa with superb, impartial management of elections.

"The IEC is a truly

independent body; no political part of arm of government has jurisdiction over it – it is free to discharge its constitutional mandate fairly and impartially as the manner in which it is conducting municipal elections shows."

"Where there have been incidences of violence during municipal elections campaigns, unlike in Zim-

babwe, here there is no impunity, government and the police have taken appropriate measures to ensure order," Mr. Theys noted.

In line with regulations, state media houses have granted equal coverage and access to advertising for various political parties. Indeed, a visit to the IEC

Continued on Page 6

ZANU-PF attempts to divide SADC, reverse Livingstone Troika resolutions

Coordinator's Note



dewaMAVHINGA

There are attempts by ZANU-PF to reverse the stern Livingstone SADC Troika resolutions on Zimbabwe regarding preparations for free and fair elections that fully comply with SADC standards.

Preparations are underway for a SADC Extra-Ordinary Summit on Madagascar and Zimbabwe scheduled for Friday in Windhoek, Namibia, where, however, the Zimbabwe issue is still not confirmed to be on the agenda owing to the uncertain availability of Zimbabwe dialogue facilitator, president Zuma who has country-wide municipal elections at home.

On record ZANU-PF in recent weeks dispatched teams to Angola and Malawi to seek support for its position, which is an insistence that Zimbabwe should go to elections this year and that conditions are right. Writing in a state-controlled daily, the patently partisan presidential spokesperson and permanent secretary in the media, information and publicity ministry, George Charamba implied that the basis of the SADC Troika position in Zambia was misinformation

and interference by the United States and UK.

He further stated that government's position regarding the Windhoek summit on Friday is to defend the solidarity and unity of SADC which 'is now under attack.'

Charamba who purported to speak for the government of Zimbabwe in the article, claimed that views that president Mugabe is now incapacitated to rule the country, and that the is a silent coup in the country marked by widespread violence were a fallacy.

The MDC immediately issued a statement rejecting Charamba's claim that he was speaking for government regarding the upcoming SADC summit or that they were any threats to SADC unity. The MDC said they expect to see new security sector reforms before elections, a clear roadmap to the holding of free and fair elections and a resolution of all outstanding GPA issues. Zimbabwe civic leaders drawn from Crisis in Zimbabwe Coalition, Zimbabwe Lawyers for Human Rights, Zimbabwe Election Support Network, the National Constitutional Assembly and the Zimbabwe Congress of Trade Unions will convene in Windhoek

this week to lobby SADC leaders to demand a clear, unambiguous position from SADC regarding Zimbabwe elections.

Crisis in Zimbabwe Coalition will on Thursday, 19 May, hold a press conference in Windhoek at Hotel Thuringerhof at 3pm to strongly urge the Southern African Development Community (SADC) to urgently lay out in clear terms, firm pre-conditions to ensure democratic elections in Zimbabwe that are without violence and intimidation and that fully comply with SADC principles and guidelines governing democratic elections.

Zimbabwe civic leaders will reiterate that, despite talk to the contrary, Zimbabwe is not ready for elections in 2011 and that on her own, without direct assistance from SADC and the AU, Zimbabwe lacks the capacity and political will to deliver a free and fair election. Zimbabwe civic leaders put it on record unequivocally that the conditions obtaining in Zimbabwe such as widespread state-sponsored violence, partisan application of the law, increased deployment of soldiers across the country openly intimidating citizens and campaigning for ZANU-PF and increased ar-

rests and harassment of rights activists and MDC leaders all confirm that key state institutions remain unreformed and extremely partisan and politicized.

Therefore, any roadmap worth its salt must necessarily present a specific and time-bound process to a new democratic constitution before elections explaining steps to be taken in the event of a constitutional referendum NO Vote. The roadmap must state precise steps to be taken to de-militarize and de-politicize key state institutions including the Zimbabwe Electoral Commission. All soldiers currently deployed across the country and implicated in widespread violence and intimidation must be recalled and confined to their barracks. All security chiefs must issue public statements separately themselves completely from the political and electoral affairs of the country and committing to confining themselves to their constitutional mandate only.

feedback:

coordinator@crisiszimbabwe.org

VERITAS UPDATE: CONSTITUTIONAL REFORM PROCESS

Thematic Committee Stage

During this stage of the constitution-making process opinions collected during the public outreach are to be compiled into reports following the seventeen themes decided on by the Parliamentary Select Committee on the Constitution [now known as COPAC] as part of the methodology of the constitution-making process.

It was on these seventeen themes that the talking points taken to the public outreach meetings were based.

The outreach teams should have been selected and trained in July 2009 and were scheduled to start and finish work six weeks later. Unfortunately, inter-party disputes and the lack of acceptable budgeting systems, which led to donor funding delays, resulted in the outreach only starting towards the end of June 2010 – eleven months late.

The outreach meetings were completed in November last year. Article 6 of the GPA states the draft constitution should be ready within three months of the completion of the public consultation process – this, together with all the other delays, would have seen a draft constitution completed before the end of February.

The further delays since the conclusion of the outreach have been attributed to problems with the data uploading which was supposed to be completed in January. COPAC said that some data did not find its way onto the central computer because of a technical problem.

There were also reports of tampering with or destruction of data – all denied by COPAC. In addition it was discovered that data submitted via the COPAC website questionnaire for the Diaspora and written

submissions, had not been included and this was only completed in mid-March.

The longer the process took, the more funding had to be sourced. Another delaying factor was the incarceration of MDC-T COPAC co-chair Douglas Mwonozora on criminal charges from 15th February to 12th March.

Training of Thematic Committees

The seventeen thematic committees and their supporting staff of technical advisers and resource persons were called to Harare and put up at various hotels in order to attend a workshop on Tuesday and Wednesday 3rd and 4th May at the Rainbow Towers Hotel on how their work would proceed.

The objective was to train them in how to analyse the data from the outreach process and prepare their reports, and how to resolve disputes arising in the course of their work. Attempts to find out from COPAC exactly what methodology was to be used to convert the computer data to reports failed – for reasons that subsequently became apparent.

Deputy Chairpersons from Civil Society Fall by the Wayside

It had been stated right at the beginning of the constitution-making process that civil society would be represented in the chairing of the thematic committees. This representation was then diluted by deciding that the chairpersons would be MPs but that civil society would put forward names for deputy chairpersons.

A selection was made, but those selected were then kept waiting almost eighteen months. It now seems that civil society choices, no matter how many



people they represent, have been dropped in favour of “teamleaders” chosen as representing the three parties.

For example, Emilia Muchawa, chairperson of the Women’s Coalition and Executive Director of Zimbabwe Women Lawyers’ Association, found that she had been dropped as deputy chairperson of the Women and Gender thematic committee. And Raymond Majongwe, Secretary-General of the Progressive Teachers’ Union, listed in 2009 as deputy chairperson of the War Veterans thematic committee, this week pulled out of the committee when he discovered that he was now regarded as representing the interests of a political party rather than civil society.

It has taken Veritas ten days since the training workshop started on 3rd May to get the new lists of “teamleaders” who have replaced the committee chairpersons and deputy chairpersons, and the members of the thematic committees, as the COPAC secretariat during this time refused to release them.

[For a process that is supposed to be “owned and driven by the people” [GPA, Article 6] there has throughout been extraordinary difficulty in accessing information from the Secretariat.]

Work of Thematic Committees Interrupted by Disputes

On Thursday 5th May, the day after the training workshop, the thematic committees began work, again at the

Rainbow Towers Hotel, starting with the data from the meetings conducted in Mashonaland West and Matabeleland North. The aim was to complete work on 19th May.

This week, however, when the committees began to tackle the data from Manicaland, differences between ZANU-PF and the MDC formations erupted, with ZANU-PF insisting on a quantitative approach [i.e. to count up how many times an opinion had been expressed and the most frequently expressed views to go forward as what the people want].

The MDC formations objected to using a quantitative only approach and said there must also be a qualitative approach [i.e., the essence of all suggestions should be put forward for consideration]. [Note that at a meeting on 11th April the COPAC management committee decided that analysis of the results of the outreach meetings would be conducted on a qualitative basis.] In view of the many problems associated with the outreach recercise the MDC felt very strongly that account must be taken of the quality of the data coming in – e.g., whether it was informed opinion or mere parroted repetition of a party political election slogan having little to do with constitutionalism; and whether it resulted from bussing-in or intimidation, or other opinions being shouted down [an example being the repeated shouting of “government critics should be “killed”]. In other words, they wanted

Continued on Page 6

Each Child Allocated US\$2 per Month – Coltart

On Tuesday, 17 May, while addressing an Open Society Initiative for Southern Africa (OSISA) convened roundtable discussion, Zimbabwe's education minister David Coltart revealed the shocking statistics that each child in school has been allocated just US\$2 per month.

This figure has doubled from the 2010 figure of US\$1 per child per month. Minister Coltart appealed to the international community to support Zimbabwe's struggling education sector noting that such support would be one way of aiding Zimbabwe's transition in ways that would not prop up those responsible for gross human rights abuses.

He noted the strong passion for education that he had observed in the children, parents and teachers in Zimbabwe that gives hope for Zimbabwe's education sector which has received a battering over the last ten years.

The minister from the smaller MDC faction led by professor Welshman Ncube praised leaders labour unions in the education sector for showing great restraint and for acting responsibly and patriotically in the face a serious financial difficulties that confront government.

He said his ministry is working well with the all teachers' unions who are all represented on the eleven-member Education Ministry Advisory Board.

Education Minister, David Coltart is pictured here with Crisis in Zimbabwe Coalition Regional Coordinator, Dewa Mavhinga. Minister Coltart was speaking in Johannesburg, South Africa.



As an aside, on calls for elections in 2011 by ZANU-PF, it was minister Coltart's view that not everyone in ZANU-PF supported the call for elections. It is the 'hardliners' desperately calling for elections driven by an anxiety that stems from developments internal to ZANU-PF, especially relating to succession, he said.

If the hardliner section insists on early, premature elections, then it may find itself in opposition to both MDC formations, civil society, SADC and even other elements within ZANU-PF itself.

Recent statements by Reserve Bank of Zimbabwe governor and close

Mugabe ally, Gideon Gono, stating that the current state of the economy cannot sustain an elections lend credence to the view that there is no unanimity in ZANU-PF on the question of when to hold national elections.

Minister Coltart estimated that, if the constitutional review process is to be done properly, then the referendum should be around September 2011 and fresh national elections around May 2012.

By Dewa Mavhinga, Regional Coordinator, Crisis in Zimbabwe Coalition

Mediators: concern over Mugabe's health

HARARE — The failing health of Zimbabwe's President Robert Mugabe could jeopardize efforts to resolve his nation's political crisis, South Africa's ruling party said Tuesday.

Mugabe, 87, has traveled to Singapore five times since December to undergo medical treatment there.

The African National Congress, which serves as the chief mediator on Zimbabwe, said in an official newsletter that its mediators reported concerns that "should Mugabe die or retire" before constitutional reforms are complete, rivalry over his succession could delay elections

meant to end the nation's troubled two-year coalition.

The ANC said progress was made in recent negotiations over outstanding disputes between Mugabe's party and the former opposition party, Prime Minister Morgan Tsvangirai's Movement for Democratic Change. A power sharing deal between the two parties was brokered by the Southern African Development Community after disputed, violent elections in 2008.

But the timing for the adoption of a new constitution ahead of elections has remained an obstacle, the ANC said.

A referendum on constitutional reform is slated for

September. Tsvangirai insists fresh polls cannot be held before May 2012 at the earliest.

It was not clear Tuesday if a regional summit on Zimbabwe will go ahead as planned Friday in Namibia's capital, Windhoek. The South African foreign ministry said Tuesday its officials were waiting for the date to be confirmed.

The Windhoek meeting was not on the routine weekly schedule for South African President Jacob Zuma who heads regional mediation efforts. But Mugabe's office said it received an invitation to go to Windhoek on Friday.

The state media loyal to Mugabe on Tuesday

quoted George Charamba, Mugabe's spokesman, saying Tsvangirai misled the regional bloc by alleging Mugabe was incapacitated and unable to hold office and that a "silent coup" had taken place, leaving generals and security chiefs in charge of the country.

Tsvangirai and Western nations intended to turn the regional grouping against Zimbabwe and divide its leaders, Charamba said.

"Our objective ... is to ensure that the correct and accurate situation in Zimbabwe is communicated" to regional leaders, he said.

- Associated Press

Call Robert Mugabe's bluff

ONE of the most disheartening things about Zimbabwe is that its repellent leader, Robert Mugabe, though loathed by many—probably most—people in his own country, is widely admired across Africa, including its most powerful country, South Africa.

One reason for this is that he has persuaded many Africans that the main cause of his country's ruin is the wicked imposition of sanctions by the West, orchestrated by Britain, the evil former colonial power, and the United States.

This is rubbish. There are no general sanctions stopping trade or financial dealings with Zimbabwe, as there were against its forerunner, Rhodesia, when its white-supremacist leader, Ian Smith, refused to accept black-majority rule.

Rather, Mr Mugabe and some 200 people in his ruling set are banned from travel to the United States, the European Union and a handful of other countries, and their assets in those places are frozen.

A congressional act also stops America financing Zimbabwean government bodies and companies deemed close to Mr Mugabe's ruling party through the World Bank and other institutions. But the overwhelming reason why banks are loth to lend to Zimbabwe is that Mr Mugabe's reckless policies, especially the confiscation of white-owned farms, have entirely destroyed Zimbabwe's creditworthiness.

The personal sanctions have little to do with the country's economic plight and yet, as our briefing this week explains, they hand Mr Mugabe a populist excuse for it.

Nevertheless the West (and in particular Britain, which still steers Europe's policy on Zimbabwe) should now change course and offer to lift the sanctions in return for a few critically important pledges by Mr Mugabe. Some 18 months ago a unity government took shape five months after a "global political agreement" had laid out a detailed formula under which Mr Mugabe would remain president but share power with Morgan Tsvangirai as prime minister. As leader of the Movement for Democratic Change (MDC),

Mr Tsvangirai actually won a general election, against all odds, in March 2008. He also won the first round

EMPTY RHETORIC:

ZANU-PF has led a propaganda drive that seeks to portray itself as a victim of the West by claiming sanctions imposed on its members are illegal and amount to crimes against humanity. -zimbabwepictures.com



of a presidential contest and would have displaced Mr Mugabe but for a campaign of terror against the MDC that forced its candidate to withdraw. Western governments say they will lift the sanctions only if Mr Mugabe meets the terms of the global political agreement, which he continues brazenly to flout.

It is a bargain that will not be struck. But Mr Mugabe's recent declaration that an election must be held next year offers a fresh chance to break the deadlock. Britain and the West should offer to lift sanctions if Mr Mugabe accepts unrestricted international election monitoring.

In the past South Africa and the Southern African Development Community (SADC), a 15-country regional club, have laid out fine-sounding electoral guidelines that Mr Mugabe has merrily ignored.

This time, if sanctions are to go, it must be agreed that a wider range of monitors, including teams from the Commonwealth, the EU and the UN, are let in—and allowed to stay a month before and after the poll. South Africa and SADC are still crucial. But they—and Mr Mugabe—must be

persuaded to let international bodies from outside Africa join the fray.

The Cameron is coming

Mr Mugabe has let it be known that he wants to re-engage with the new British government under David Cameron, whose Conservative predecessors he admires for brokering the 1980 Lancaster House accord that first put him in power. It is time to call his bluff.

It is clearly a risk, as Mr Mugabe has broken his word so many times. But if he does it again, the sanctions can always be reimposed. Mr Tsvangirai agrees with this approach. And South Africa's president, Jacob Zuma, is less prone than his misguided predecessor, Thabo Mbeki, to treat Mr Tsvangirai like dirt.

Muttering about the old colonial power throwing its weight around may be heard. But Mr Cameron and Mr Zuma must lance this boil together. Once they lock Mr Mugabe into publicly accepting election conditions, the sanctions should be lifted.

- The Economist

Veritas Update

From Page 3

the atmosphere of each consultative meeting to be factored into the analysis. They also wanted allowance to be made for the uneven rural/urban consultation. There were far more meetings in rural areas – three per ward – than in the more densely populated urban areas, where there was normally only one meeting per ward. As the number of meetings held did not accurately reflect the very different rural/urban population numbers – a quantitative-only approach would mean rural opinions being unfairly weighted against urban opinions. *[Comment: It is surprising that in the ample time available to it COPAC had not spelled out the methodology for the work of the thematic committees sufficiently clearly to exclude the sort of thing that happened this week.]*

Meetings Stop

As a result of the dispute there were no properly-constituted meetings from Tuesday onwards, although ZANU-PF members staged a UDI and ostensibly continued to work. The COPAC management committee was called in and met on Wednesday – this committee consists of the GPA negotiators, the Minister of Constitutional and Parliamentary Affairs and the COPAC co-chairs – but was unable to resolve the dispute in the time available to it. It was left to

the Select Committee members to continue efforts to avert suspension of the process and sending participants home.

Meeting Resumed on Friday and Work to Start All Over Again

After a day of crisis meetings on Thursday 12th May, the Select Committee managed to reach an agreement resolving the dispute. Once again the agreement reached was in the nature of a party political compromise. The agreement permitted the seventeen thematic committees to resume their work on Friday afternoon after three wasted days. To make up the lost time the committees may have to work longer hours, unless funding for extra days can be sourced. The terms of the agreement were captured in a press statement released at 12 noon on 13th May:

COPAC PRESS STATEMENT ISSUED 13 MAY 2011, 12 NOON

[signed by all three COPAC co-chairpersons – Mangwana, Mkhosi and Mwonzora]

The Constitution Select Committee, COPAC, would like to advise that the disagreement over data analysis methods which led to an impasse has now been resolved. Stakeholders to the process agreed to move forward as follows:-

There is agreement to collapse three meeting points in a rural ward into one in order to equalize the disparity between urban and rural wards and because the process is ward based. Where there was more than one meeting in an urban ward, or in any other ward, these shall also be collapsed into one.

1. *The analysis of the rural data will be done separately from the urban.*
2. *Frequencies or preponderance will not be the absolute determinant of popularity or importance of an agreed concept.*
3. *Both quantitative and qualitative approaches will be applied in data analysis.*
 - 3.1 *Where we use both quantitative and qualitative methods of analysis, none shall take precedence over the other.*
 - 3.2 *In the qualitative approach, key attributes will include the following:*

- attendance
- gender
- youth
- disability
- atmosphere of meeting

4. *All the reports already done shall be revised to take into account the new qualitative dimensions. COPAC would like to reassure all Zimbabweans that the constitution-making process is on course and would like to allay fears that have arisen from reports that are circulating.*

By Veritas

SA votes today

From Front Page

website presents practically all the information one would want to ensure that all citizens are able to exercise their hard won democratic right to vote. Voters are able to check their voter registration status, voting regulations, lists of all candidates, and even to find their voting station or to file complaints online.

This is a far cry from the case in Zimbabwe where the Zimbabwe Electoral Commission is under-resourced, staffed by military personnel perceived to be partisan, and generally lacks the autonomy to deliver a credible, free and fair election.

What lessons can Zimbabwe draw from the way in which elections are run in South Africa? “Institutions responsible for running elections, especially the Zimbabwe Electoral Commis-

sion, must be strong, well-resourced and independent – Zimbabwe must reform its electoral laws to ensure that independence and to ensure that citizens are able to exercise their democratic right to vote and that the vote counts,” Mr Theys said.

We wish all South Africans a peaceful day as they exercise a basic right that Zimbabweans can only dream of at present.

By Dewa Mavhinga

UPCOMING ACTIVITIES

- >CiZC Press Conference: Hotel Thuringer Hof, Windhoek, Namibia (19 May; 3pm-4:30pm)
- >SADC CNGO Press Conference on SADC Summit, NANGO Trust Windhoek (19 May; 12hrs)
- >SADC Extra-Ordinary Summit on Zimbabwe, Namibia, 20 May
- >Africa Day Zimbabwe Public Seminar, Durban, 25 May



Published by the Crisis in Zimbabwe Coalition - South Africa Regional Office
Editor: Dewa Mavhinga

711, 7th Floor Khotso House; 62 Marshall Street, Marshalltown
P.O Box 61113, Marshalltown, 2107.
Tel: +27-11-838 3736 / Mobile: +27-73-212 0629 / Email: media@crisiszimbabwe.org
www.crisiszimbabwe.org