

ZIMBABWE BRIEFING

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Forum urges reflective thinking on Zim



The multifaceted Zimbabwe crisis took centre-stage yet again at the just-ended Southern Africa Social Forum, held in Lusaka, Zambia from 13 to 15 October. Participants in the Governance and Human Rights cluster, which discussed how transition could be managed in Zimbabwe emphasized that the country was not yet ready for another election but that it needed to go through some deep soul-searching which could allow it to move forward given past experiences.

In particular, there was a call for the review and analysis of the discourse on political and electoral violence in post-independent Zimbabwe. This, it was argued, could help the country confront in an honest and sincere way, human rights abuses such as the Gukuruhundi massacres in Matebeleland in the early 1980s and more recently post-2000.

However, if this pursuit is going to take place within the framework of the

Global Political Agreement (GPA), now three years old, it was suggested that an objective critique of the agreement be made, citing all the pros and cons. The GPA is seen as providing the logical conclusion to the current inclusive government setup through a free and fair election that will result in the democratic transfer of power to the eventual winner. Talk is rife that Zimbabwe will go to the polls in 2012.

However, the Crisis in Zimbabwe Coalition together with several other pro-democracy forces has unequivocally stated that 2012 must be a year of credible electoral reforms and not an election. A statement recently released by the Coalition reads: "Indeed the year 2012 must not be for elections but a year for fundamental electoral reforms."

It continues: "[a]ccording to the Advocacy Charter, Zimbabwe has not ratified all the outstanding human rights treaties and their Optional Protocols such

the United Nations Convention against torture, cruel or inhuman or Degrading Treatment or Punishment (CAT), the international convention for the protection of all persons against Enforced Disappearances. The charter also stipulates that the unity government has also not ratified the optional protocols to Convention on the Elimination of all forms of Discrimination against Women, International Covenant on civil political rights, international covenant on Economic Social and Cultural Rights and the convention rights of the child."

Zimbabwe has also recently rejected several key recommendations made at a United Nations Human Rights Council meeting in Geneva, Switzerland this month.

The burden of such results by the government of Zimbabwe, the Lusaka meeting observed, falls on the shoulders of Civil Society Organisations (CSOs) which, as recommended by participants, continuously need to engage various governance and rights bodies such as the UN, Africa Union (AU) and the Southern African Development Community (SADC) who are key stakeholders in pursuits to find a lasting solution to the crises besetting Zimbabwe, especially those of a political nature.

Other key recommendations from the meeting included; the need to strengthen solidarity ties between the CSOs in the SADC region (experience sharing and exchange, capacity building in advocacy and lobbying); the need to continuously engage and draw other key demands when previous ones have been attained; the need to consider alternative but effective approaches to mechanisms of dealing with a post-GNU state (answering the question of immunity to perpetrators of human rights abuses, pros-

ecution and the setting up truth and reconciliation commissions) and the urgent need for Zimbabwean CSOs to properly package key messages to the region and the rest of the world.

The Zambian participants attending this discussion shared recent experiences which have seen the copper-rich country hold not just a successful election but one that guaranteed a democratic transfer of power. Several key factors were attributed to this result – the professionalism of the electoral commission, the working of Zambian CSOs with the grassroots and high turnout by new, younger voters.

"The Southern Africa Social Forum is a prelude to the African Social Forum (ASF) and World Social Forum (WSF) that take place annually. The first Southern African Social Forum was successfully held in 2003 Zambia, the 2nd edition was hosted by Zimbabwe, with the 3rd and 4th edition held in Malawi and Swaziland in 2006 and 2008 respectively. The most recent one was 5th edition hosted by Lesotho successfully.

"The Social Forum is not an organization, not a united front platform, but "...an open meeting place for reflective thinking, democratic debate of ideas, formulation of proposals, free exchange of experiences and inter-linking for effective action, by groups and movements of civil society that are opposed to neo-liberalism and to domination of the world by capital and any form of imperialism, and are committed to building a society centred on the human person."

Participants at this year's social forum came from Angola, Botswana, Democratic Republic of Congo (DRC), Swaziland, Malawi, Mozambique, Namibia, Tanzania, South Africa, Zambia and Zimbabwe.

By Rumbidzai Chingwende and Levi Kabwato, Regional Information & Advocacy Office.

pic: Activist, Sipho Theys leads the discussion on Zimbabwe.

Chinamasa's rejection of reforms absurd

Patrick Chinamasa, the Justice and Legal Affairs minister of Zimbabwe's declaration that his government will not make any changes to the Public Order and Security Act (POSA) and that there are no plans to amend the draconian Access to Information and Protection of Privacy Act (AIPPA) has been met with firece criticism by pro-democracy forces. Chinamasa rejected the reforms at the just-ended United Nations Human Rights Council's Universal Periodic Review (UPR) mechanism in Geneva, Switzerland.

Despite clear provisions in the 2008 Global Political Agreement (GPA) stating that amendments were needed to level the political playing field, Chinamasa was adamant in his rejection of the recommendations put forward to Zimbabwe. Fifty-five member countries which attended the Geneva meeting put forward 179 rights recommendations for Zimbabwe, of which Chinamasa accepted 81, saying Zimbabwe was only accepting proposals from devel-

oping countries and not the West. President Robert Mugabe frequently accuses western countries such as Britain and the United States of America (USA) of attempting to re-colonise the southern African country.

Chinamasa's reasons for the decision were that the two laws were "justified" yet they have been the very reason many citizens of Zimbabwe, including human rights activists have been arrested on trumped-up charges and hauled before the courts of law. Zimbabwean civic groups and rights activists are of the mind that POSA and AIPPA need to be reviewed, if not abolished altogether, along with other legislation, in particular the Criminal Law Codification and Reform Act. It widely acknowledged that Zimbabwe's next election, currently being touted for 2012 against the will of many Zimbabweans, will not be free and fair as security forces in the country will continue to use these laws to restrict non-ZANU PF political activity. ZANU PF is the former ruling party. After

Chinamasa's rejection, Zimbabwe Lawyers for Human Rights (ZLHR) Executive Director, Irene Petras, said that civic groups were outraged as free and fair elections cannot be held unless laws are reformed.

Crisis in Zimbabwe Coalition Director, McDonald Lewanika, said that the broad church of civil society organisations was disappointed with this development. He also said Chinamasa's position shows that ZANU PF, the party to which the minister belongs, opposes real reforms. "That Chinamasa rejected proposals from Zambia yet he's saying they're accepting proposals from the non-aligned movement and other developing countries shows the hypocrisy within ZANU PF. He also rejected a call by countries including Zambia for Harare to subscribe to International Criminal Court in the Hague," Lewanika is quoted as saying in the media.

This reform amendment rejection comes after accusations were laid on Chinamasa of trying to weaken the Zimbabwe Human Rights Commission (ZHRC) by introducing a bill in 2010 that seeks to put into action the ZHRC, which has been dormant since its appointment. Specula-

tion is rife that this is intended to derail the process of truth recovery which may bring to fore abuses instigated by ZANU PF. The bill has attracted criticism from human rights organisation and civil society locally and internationally who say that the bill has many gaps that need to be addressed in order to give birth to an effective human rights commission.

Crisis in Zimbabwe Coalition Regional Coordinator, Dewa Mavhinga told the media that civil society organisations were deeply concerned that Chinamasa was trying to curtail the commission's work by "smuggling through the backdoor" provisions that would make it toothless, adding that "what the minister is trying to do is to create a paper tiger".

The main concern from Zimbabwean CSOs and human rights activists who have voiced outrage is that going for elections without changes will lead to another disputed outcome as was the case in 2008.

By Regina Pazvakavambwa, Regional Information & Advocacy Office.

2012: The year for credible Electoral Reforms

Coordinator's Note



dewaMAVHINGA



NEED TO REFORM: The Zimbabwe Electoral Commission showed its worst in 2008 when it failed to run a smooth election, taking an unprecedented five weeks to announce election results.-zimbabwein-pictures.com

The message of the season to Zimbabwe's political leaders, particularly to ZANU-PF ahead of their December annual conference scheduled for 6 to 10 December in Bulawayo is that 2012 is not a year for elections, but for fundamental electoral reforms to prepare the ground for our country to hold genuinely free and fair elections in the total absence of violence and intimidation. Recent elections in Zambia have shown us that it is indeed possible to hold free and fair elections leading to a peaceful and smooth transfer of power. We have what it takes to do it as Zambia did, if only we do not rush into elections before getting the conditions and environment right.

At present the indicators are not good. There are widespread reports of escalating politically-motivated violence across the country including in Harare where the notorious Mbare-based ZANU-PF militia group – Chipangano – is wreaking havoc. The police are yet to show impartiality and professionalism by holding accountable all perpetrators of violence. The escalation in violence appears to be closely

related to preparations for possible elections early next year. But we all know that Zimbabwe is not prepared to hold peaceful and democratic elections at the moment. The widespread and senseless violence is a sure indicator that 2012 must not be an elections year because we have neither the necessary reforms nor a conducive environment to holding genuinely free and fair elections enabling Zimbabweans to freely choose their leaders.

Instead of rushing headlong into choiceless and violent elections, now is the time to look to the new constitution being drafted to ensure that it guarantees the independence and professionalism of key state institutions and such commissions as those responsible for elections, the media and human rights. Being the normative realignment of Zimbabwe's institutions to the dictates of multi-party democracy, there is need to ensure that the political leadership of those institutions behaves in accordance with democratic principles. The making of the new constitution must never be a rushed job, it need careful attention and exhaustive consultations.

A lot of work remains to be done to make

the Zimbabwe Electoral Commission (ZEC) truly independent and to ensure that its staff are not political appointees with partisan leanings. The independence and professionalism of ZEC and the Human Rights Commission must be constitutionally guaranteed and their funding must not be controlled by a minister with vested interests, but by Parliament, drawn from the constitutional Consolidated Revenue Fund.

While the rank and file within the security sector, in the police, the army and the intelligence fully embraces democracy and acts professionally, there is work to be done among certain political leaders in the security sector who cannot tell the difference between ZANU-PF and the nation of Zimbabwe. Next year gives Zimbabweans the necessary time to deal with these matters properly. Misguided political and partisan statements by serving military or police chiefs must become a thing of the past. New practice should be that if a serving security sector chief becomes politically involved then he or she must be subjected to disciplinary measures in a way that deters others from stepping out of line. There must be career consequences for

those who undermine the sacrosanctity of the independence of the institutions they serve.

Presently there are no compelling reasons to insist on elections that we know will most likely be violent and will not deliver a legitimate government. Elections in 2012 will not be in the interests of the people of Zimbabwe and risks plunging the country into violence and chaos. The Global Political Agreement (GPA) should be comprehensively implemented to create an environment conducive to the holding of free and fair elections under conditions of free political activity. Wrongly timed elections will not solve Zimbabwe's political challenges. They will only serve to deepen the problem and cause unnecessary suffering.

The full implementation of the GPA will undoubtedly assist Zimbabweans to recover and heal and begin to create a culture of peace, tolerance and non-violence. State institutions should also be activated to raise the cost of human rights abuses for perpetrators and to achieve justice for victims of abuse. The Zimbabwe Human Rights Commission must be aligned to the international standards of independence (Paris

Principles) and be operationalized to work to create a culture of human rights respect in the country. A separate institution must be set up to deal with serious human rights abuses before February 2009 where the Human Rights Commission begins, to address such abuses as operation Murambatsvina in 2005 and Gukurahundi in the early 1980s. All these measures are essential confidence building measures that must be put in place before Zimbabweans are subjected to a fresh election.

We must never endorse an ill-prepared election that has no chance of being free and fair and that cannot conceivably deliver an acceptable outcome. To do so would be to further entrench polarization and prolong the suffering of the masses. It is far much better, and advisable for finance minister Biti to channel the little resources available towards preparing the ground for credible elections. There is no need to rush into half-backed processes which in the end will only perpetuate existing challenges. Where elections are concerned, we should tread with caution.

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UPCOMING ACTIVITIES:

Crisis in Zimbabwe Coalition Policy Conference & Annual General Meeting, 21-22 October. Bulawayo, Zimbabwe

How dictators under-develop Nations

A dictator’s dream is never to have opposition to their rule and to muzzle any dissent as brutally as possible. This allows them to plunder, loot, pillage and ransack unchallenged. Through a close-knit patronage system, dictators set-up a web of institutions to support their stay in power usually through all means necessary including extrajudicial methods. As the web of institutions fears crumble, they in many cases mislead the dictator to the extent of holding him at ransom for their continued stay.

When dictators unfortunately meet their fate, it is clear that their utterances point to an elite whose divorce from reality cannot be overemphasized. In most cases, their regrets are mainly to have been surrounded by yes-men who end up plunging the nation into unending trouble. These dictators continue to show disregard for the people’s socio-economic aspiration, closing all avenues for the ordinary people’s survival but lining the pockets of elites who benefit from these corrupt schemes.

From the historical dictators in Europe, Asia and the Americas to the modern-day African strongmen, dictatorships continue to provide a source of unending pain for suffering citizens. They continue to see nationals from the afflicted nations failing to express themselves, living paupers’ lives and struggling to even interact with the outside world. Several nations have been plunged into debt with top elites in those countries having accounts four or five times more than those of the nations they purport to serve.

Former Zimbabwean Finance Minister Chris Kuruneru was able to lend Zimbabwe money to hold an election in 2005 after purported approaches from

FROM GRACE TO GRASS: Dictatorships usually have devastating effect on students as learning institutions are often neglected, leading to confrontations between student bodies and the state. The text here should read: **STUDENTS’ UNION** and symbolises the destruction a certain southern African university has suffered.



Gideon Gono who is the Reserve Bank Governor.

In some cases, dictators have taken a dynastic approach to consolidation of power with Togo, Gabon and Swaziland as some of the African countries who continue to suffer under a dynastic hegemony. North Korea and Cuba provide some of the global focal points for such an approach to dictatorships. Togo is still haunted by the Ghost of the Eyadéma dynasty. From 1967 to 2005, Gnassingbé Eyadéma misruled Togo until his sudden death.

During his time, opposition was not tolerated and several reports including an Amnesty International report on the June 1998 elections showed that many people died as a result of Eyadéma’s victimization.

Students continued to bear the brunt of this misrule forcing Togo to

still remain one of the poorest countries in West Africa. Even the fact that Togo has a small population did not stop the sometimes violent nature of Eyadéma senior’s rule. So, after 38 years in power, the death of Gnassingbé only brought his son Faure to the fore. Despite the insatiable appetite of the Togolese for Democracy, Faure Gnassingbé continues to be a stumbling block even victimizing and arresting his own brother for plotting a coup against him.

The last absolute monarchy in Africa, Swaziland also continues to visit untold violence on its people. Through an unrepentant Mswati III, Swaziland is being pulled in the direction of a merciless state which has a disregard for the will of its citizens. The opposition is banned and its leaders brutalized and victimized. Students have not been spared either as student leaders continue to bear the

brunt of Mswati’s ruthlessness. Before a planned demonstration by the Swazi people against Mswati’s Rule on April 11, Maxwell Dlamini, a student leader was pre-emptively arrested. He is still incarcerated on a charge of possessing explosives. Mswati has shown a shameless appetite to confine the Swazi people to years of misery through his actions.

Dictatorships are not synonymous with prosperity. They lead to serious underdevelopment in all sectors of society. Even claims that they provide stability do not hold as people become despondent, restless and angry.

African students do not deserve despotic rule of such proportions and the struggle to dislodge dictatorships will be waged wherever dictators decide to perch.
From the Student Solidarity Trust, Harare Zimbabwe.

Some inspiration to transform Zimbabwe

I was gutting through the newspapers on Wednesday 12 October 2011 and was intrigued by a story carried by one of the papers talking about the issue of women who rape men and how they had then been caught, arrested and would be paraded. I just thought this was a bit interesting considering the number of women who are raped on a daily basis! My husband reminds me often that it is not news when a dog bites a man but when a man bites a dog then the newspapers goes crazy. I totally agree that such news sells however; I think we should also give thought to addressing the real issues and I believe that the media carries such an influence. In this issue I will briefly look at three things, firstly why the “rapist” women made news, their being arrested and dynamics that surround it and finally what society can do to help.

The debate that initially made circles amongst Zimbabweans is that it is not possible for a man to get raped. Then when the supposed victims and survivors began speaking out about their experiences, the aforementioned notion was dissolved as the men confessed to having been forced to drink some liquid - which we all thought resulted in the physiological conditions necessary to enable the sexual activity to take place. Well, the bottom line is that there was some activity going on about forced sex and to this everyone agreed was wrong. The whole idea of women raping men made it such an interesting ideology in a world that is dominated by patriarchy and the women are always at the receiving end of forced sex. No one condones forced sex and rape

has even got many legal instrumenst in place so as to bring perpetrators to book. However, in this case what surprised me is that no such hype had ever been made about the rape of women that happens every day but because women decided to do the “unusual” then it jerked everyone to attention. Interesting indeed!

When the women perpetrators were arrested, once again it made headlines and I suppose men in this instance felt relieved. When the women finally were apprehended somewhere in the Midlands region, the idea was to let justice rule – so I thought.

Until I read the news that they would be paraded. This is not very fair because no sort of justice takes such a course. How many serial rapists have ever been apprehended or even paraded? Do we recall the name and shame syndicate that led to the Zimbabwean police getting into trouble by some so called: heavy weights who were not comfortable having their deeds exposed. Why then should these women be exposed to such humiliating and unfair practice? Let the law take its course and am not sure this parade is part of this justice.

As a member of the Zimbabwean society, it is crucial for you and me to be sober minded and ad-

dress issues. We should not look at gender, social status or whatever other flimsy things before we decide on whether something is wrong and let alone take action. The ills we face today as a nation are as a result of someone who saw something bad and decided to maintain their silence. If rape is wrong, it is wrong even when my father, brother, sister, cousin becomes the perpetrator. It is the role of each one of us to make a difference and ensure that we bring about transformation at the various levels of society. One person making

a difference is enough and so let us join hands to say no to social ills and this does not just include rape...political violence, domestic violence, harmful cultural practices, bad leadership and you name it. Zimbabwe belongs to the people of Zimbabwe and it is only our voice and actions that can bring about the desired change when we are not happy about just about anything. So what we waiting for people - let us do this!

By Grace Chirenje-Nachipo, an activist.

On every Thursday, read

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