

ZIMBABWE BRIEFING

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ZANU PF Pushes For Democratic Regression as Election Strategy

The subsistence of political transitions are marked by political infighting, partisan positions and attempts to revert back to the old authoritarian rule especially if the undemocratic elements within the elite power arrangements read that a full scale democratic norm compliance could lead to loss of power.

Zimbabwe has been grappling with a transition whose primary aim is to return the country to democratic legitimacy premised on the rule of law through a credible electoral process and outcome.

After the country, through its electoral and political institutions, failed to administer a credible electoral process in 2008, the Inclusive government through the Global Political Agreement was supposed to address both software and hardware issues attendant to the holding of credible future elections with the supervision of the African Union (AU) and SADC.

Since 2009, there are still disagreements over the role of the security apparatus in political and electoral matters, the democratization of the public media and issues of impunity. The constitutional review process, the role of electoral institutions such as the Zimbabwe Election Commission (ZEC) and the Registrar-General's and the partisan nature of the personnel in these institutions need to be audited.

Both the administrative and environmental issues related to the electoral process and most critically the restoration of law and order in Zimbabwe are glaringly absent yet one political culprit; ZANU PF that is arguably responsible for this mess is calling for elections without reforms.

In trying to understand the strategy by ZANU PF and its security apparatus hardliners, it is important to appreciate what human rights scholars describe as the spiral model in the study of regime transitions.

The spiral model builds upon work on transnational advocacy networks in the field of human rights such as Amnesty International, local groups like the National Constitutional Assembly (NCA), Zimrights and Crisis in Zimbabwe Coalition whose activities are meant to bring democratic rule and respect for human rights in norm-violating states such as Zimbabwe. It is argued that through the work of



such organizations, a boomerang pattern of influence exists when domestic human rights groups in a repres-

elements in that transitional arrangement are awake to the political machinations of the political cabal that

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sive State such as Zimbabwe during crises, bypass the State and directly search out international allies to try to bring pressure for the State from outside.

National opposition groups, civic groups and social movements link up with transnational advocacy networks and Inter-Governmental organizations who then convince international human rights organizations, donor institutions and powerful states through the UN system and regional blocks such as SADC and the AU to pressure norm-violating States such as is the case with Zimbabwe. Crisis in Zimbabwe's Coalition's regional advocacy office in South Africa serves this process in the current crisis in Zimbabwe.

Democratically relinquishing power is not a given unless the democratic

wields coercive power and respond decisively through political mobilization among other methods. ZANU PF sings the tired song of sovereignty despite the fact that Zimbabwe is a state party to international human rights treaties and a signatory to the Universal Declaration of Human Rights.

However, faced with fully mobilized domestic advocacy networks and opposition parties linked up with transnational advocacy networks, the proponents of the spiral model argue that norm-violating regimes such as the ZANU PF have few choices but to comply. In the case of Zimbabwe it would mean complying with all the provisions of the GPA. This has not happened because of local advocacy groups are not fully mobilized, others have gone to bed with politicians

while some are suffering for a glaring lack of strong leadership.

If the advocacy groups in Zimbabwe were fully mobilized and the domestic opposition fighting as before, we could move to the prescriptive stage where ZANU PF would fully accept the validity of the GPA and the validity of human rights norms when ratifying international human rights conventions, the norms are institutionalized and domesticated into law. Validity can be accepted while for example people continued to be tortured.

Continued pressure from below; by domestic actors and from above; through the work of transnational advocacy networks can lead to the final stage of rule-consistent behavior. At this stage international human rights are fully institutionalized domestically and norm compliance because habitual as actors especially the government enforces the rule of law.

When the GPA is fully implemented, repressive laws such as AIPPA and POSA are repealed, there is an end to impunity and constitutional reforms put in place, then Zimbabwe could have followed this framework. It has proved impossible. It remains the ought to be; definitely not what is.

Political transitions are sophisticated, they are bumpy and thorny, they are like rivers infested with crocodiles and swimming in such uncharted waters is not any easy exercise. Nothing should be taken for granted and trusting another political player especially ZANU PF is the last thing to do.

The greatest lesson from the spiral model is that in political transitions such as the one in Zimbabwe, it is important to remain focused on the broader democratic goals and never to go to bed with political players on the part of civil society.

On the part of political players; insisting on norm-compliance without compromise should be the game plan to avoid democratic regression from the hardliners. The struggle continues.

By Pedzisai Ruhanya (PhD Candidate, University of Westminster, London)

Zimbabwe Principals' Agreement Insignificant Without Implementation

Coordinator's Note 61



dewaMavhinga

On the 8th of this month Zimbabwe's political principals, namely president Mugabe, prime minister (PM) Tsvangirai and deputy prime minister (DPM) Mutambara, met for over two hours at State House to discuss outstanding issues in the Global Political Agreement (GPA) ahead of a planned visit to the country by the Facilitator president Zuma of South Africa. Following the meeting, PM Tsvangirai and DPM Mutambara addressed the media to present outcomes of their meeting.

They said, as Principals, they had agreed on the following, among other things: (1) that the Police Service Commission must be regularised so that it makes recommendations of potential candidates to Mugabe (in consultation with PM Tsvangirai) to replace Augustine Chihuri whose term of office expired on 31 January 2012. The current position is that the office is vacant and Commissioner Chihuri is serving in an acting capacity; (2) that the date for the next election will be determined by a process involving putting in place the necessary reforms that will ensure a free and fair election including a new constitution; (3) that the Minister of Media Information and Publicity, must immediately reconstitute the boards of ZBC, Mass Media Trust and the Broadcasting Authority of Zimbabwe in line with the agreed formulae; and (4) that there must be a land audit to assess ownership and production levels at all the farms in the country.

Problems with the agreement soon came to the fore with Mugabe's spokesperson, George Charamba, gave a conflicting and contradictory statement suggesting that Mugabe had in fact unilaterally extended Chihuri's term to 2014. This contradiction reveals underlying challenges with Zimbabwe's inclusive government.

At face value, the agreements made by the political principals represent significant progress, however, the major challenge has been the non-implementation of issues agreed to. The GPA, signed in September 2008, has several clauses agreed to that have not been implemented due to absence of political will, particularly on the part of president Mugabe and Zanu PF who wield significant political power through the parti-



san and politicized security forces. This latest round of agreements between political principals may fall victim to non-implementation as security chiefs are likely to resist these proposed measures.

The agreement on the need for a land audit is not new at all, it is contained in the GPA signed but which has not been implemented on account of resistance from Zanu PF. The position taken on the media reforms and the need to reconstitute the various boards and revoke licenses already issued is welcome but must be followed through urgently. In addition to ensuring free and fair elections, the principals must place special emphasis on mechanisms to prevent violence or intimidation and to ensure that those who commit violence and other human rights abuses are held accountable. The timing for the next elections should be informed by the institution of critical reforms including mechanisms to reign in the security chiefs who interfere in political and electoral affairs.

On the question of the expiry of the term of office for the current Commissioner General of Police, Augustine Chihuri, it maybe that president Mugabe may also be happy to replace Chihuri with a more loyal person. One of the top contenders for the post is deputy Commissioner General Innocent Matibiri, a nephew

to president Mugabe. It is therefore critical that focus be not on individuals, but on reforming the system to ensure that the leadership of the police force is non-partisan, independent, professional and serving the interests of multi-party democracy. A better approach would have been to ask Chihuri to vacate office and have a deputy act as Commissioner General until a substantive replacement is made. As it is there is no limit to the period for which Chihuri stays as acting Commissioner General.

A significant weakness of the agreements by principals is the conspicuous lack of watertight timeframes for implementation. The principals must ensure that their agreements have clear time frames and undertakings that their political party structures will not reverse or resist the implementation of the agreements. There is a real fear that Zanu PF structures and their allies may reject these agreements.

The position from Zanu PF and their allies including the so-called war veterans is that elections must be held in 2012 with or without critical reforms and that the constitutional reform process must be abandoned in favour of rushed elections contrary to the agreement by the principals. The challenge is for president Mugabe to reign in his party and security chiefs

to submit to agreements reached at the highest level of political authority by the principals.

The regional bloc – SADC should closely monitor the reforms in Zimbabwe as there is a danger that the hardliners in Zanu PF and the security establishment may turn against Mugabe for embracing reforms if this agreement is a gesture of sincerity on his part. Zimbabwe is at serious risk of a violent military takeover if Mugabe softens without carrying the politically entrenched securocrats along. The visible monitoring presence of SADC in Zimbabwe will help diffuse tensions and keep the securocrats in check. SADC and the AU ought to be on high alert now.

Dewa Mavhinga, Regional Coordinator, Crisis in Zimbabwe Coalition

UPCOMING ACTIVITIES:

Zimbabwe Dialogue Series

Musina Nanciefeld Boardroom,

Time: 6.00pm

Date: 21 February 2012

Theme: The plight of Zimbabweans in South Africa



MASVINGO GOVERNOR BLACKLISTS 29 NGOs

MASVINGO - THE Governor for Masvingo Province has blacklisted 29 local and international non-governmental organisations (NGOs) operating in the region accusing them of failing to sign memoranda of understanding (MOU) with the

local leadership. The 29 organisations were read out by resident minister for Masvingo Province Titus Maluleke at a meeting that was also attended by the senior officers from the Zimbabwe National Army (ZNA), Zimbabwe Republic Police (ZRP), Zimbabwe Prisons Services (ZPS) and NGO leadership from the province.

National Association of NGOs (NANGO) executive director Cephas Zinhumwe who was also present in the meeting described the meeting as very tense. "Twenty nine member organisations

including local and international NGOs have been blacklisted after they failed to sign MOUs with the governor's office. They were also demanding that the NGOs hand in copies of their trust deeds and constitutions clearly stating their areas of operation," said Zinhumwe. He said organisations had to move fast and come up with tangible plans to deal with new threats.

Last year Governor Maluleko reportedly gave NGOs working in the province a three-day ultimatum to "renew their memorandum of understanding or risk

being kicked out". Governor Maluleko summoned field monitors to a meeting at his offices in Masvingo where he read the riot act and made it clear that "the environment has to be cleared" before national elections can be held.

Ends//

This alert was produced and circulated by the Zimbabwe Peace Project, P O Box BE 427, Belvedere, Tel: (04) 747719, 2930180, 2930182 and email:

Zanu PF must stop undue interference with Constitutional Reform

The bid by Zanu PF to destroy and derail the constitution making process has taken a new twist with the political party making frantic efforts to discredit the draft constitution before its official release. On Friday 10 February 2012, state-owned paper and defacto Zanu PF mouth-piece, *the Herald*, published what they claim to be the first draft of the Zimbabwean constitution.

The publication of the said draft was followed by articles trashing and discrediting the contents of the draft with the Zanu PF co- Chairperson of COPAC, Paul Mangwana stating that President Mugabe will not sign into law a constitution which could potentially end his three decade stranglehold on power.

Zanu PF, in typical fashion, has la-

beled the draft constitution which they took part in drafting, 'a regime-change document targeted at Robert Mugabe,' clearly indicating the bankruptcy of ideas within Zanu PF and their desperation to deprive Zimbabweans their right to author a new constitution.

Dismissing the said draft constitution and questioning the political commitment of Zanu PF, the Crisis in Zimbabwe Coalition spokesperson, Mr. Thabani Nyoni said;

'We all need to appreciate that there have been individuals within the inclusive government delaying democratic consolidation. The constitutional draft, whether official or otherwise, was leaked to cor-

rode public confidence in the constitution making process. This is a build up to a scenario where the country reverts back to the Lancaster House Constitution giving Zanu PF leverage to return to the old establishment.'

Constitutions are made for posterity and Zimbabweans have every right to author a constitution that reflects their views and aspirations. Zanu PF should allow the process to run its course and stop undue political interference. Zimbabweans should be weary of politicians who want to hijack the constitution making process for the fear that it will bring with it reforms that will lead to their defeat in the forthcoming elections.

By Crisis in Zimbabwe Coalition Information Desk, Harare



A big thank you to Zambia Civil Society

Crisis in Zimbabwe Coalition wishes to profoundly thank Zambia civil society and media leaders for hosting a Zimbabwe civil society delegation in Lusaka last week.

It was a critical advocacy experience-sharing mission focussing on how Zambian civil society groups came together and coordinated themselves to set the agenda for a democratic, non-violent, free and fair election in Zambia that resulted in a peaceful transfer of power from the Rupia to the Sata administration

Among the scores of organizations we met were

- Zambia Council of Churches and its affiliates,
- Caritas Zambia,
- MISA Zambia,
- The NGO Coordinating Committee,
- Operation Young Vote,

- Zambia National Women's Lobby,
- Anti-Voter Apathy Project,
- AWOMIZ,
- WILDAF,
- Foundation for Democratic Process ,
- Zambia Social Forum
- and

Transparency International Zambia.

Thank you Zambia, and thanks for winning the Afcon soccer cup!

By Dewa Mavhinga

Congratulations Chipolopolo



Youths have what it takes to democratize Zimbabwe

Last week turned out to be a very progressive and successful week for me. Not only was I engaged in processes that left me inspired but was also left in a place where I am confident that nothing that has a beginning definitely has an end. To this effect, I was made to reflect on the importance of the youth in social transformation and in particular in political leadership. Young people have the energy, time and creativity that can get Zimbabwe to the next level. They are the leaders of both today and tomorrow and if they are to leave a lasting legacy, they have to take matters into their own hands and begin to see to it that Zimbabwe is once again restored as the bread basket and jewel of Africa. So how can this happen?

Firstly, it is important for young people to realize that this is the information era and that if there is going to be any meaningful transformation, then the young mind has to be well informed. Being the “Google generation”, the work before the youth is very easy because everything that is needed is a simple click away. In that regard, young minds should be kept activated and creative by gathering as much fact and information as is possible so that when they begin to stand up and speak, the content of their engagement is worth the light of day. Moreover, being conversant with new information technologies is a plus

that could help the youth get activism to the next level and not to mention political activism. I will not bore you with what this did to Libya, Egypt and other areas. Let us cease the moment as the Google generation. Secondly, there is no way that young people can become agents of change if they are to wait for space to be given or created for them! It is high time that young people demand, “grab” or even create spaces that will enable them to creatively engage across racial, social, political, economic and intellectual divides so as to create a greater vision for Zimbabwe. It is when young minds begin to come together and decide what sort of future they want to see in as far as Zimbabwe is concerned that action is generated. No one will hand it to the youth on a silver platter, it is the youth who can and must begin making the difference, one person at a time.

Finally, the youth should confidently stand up and take action on what is going on in Zimbabwe in the form of think tanking, activism, participation, impact and leadership. It is no use standing by and watching as different selfish players plunder the nation’s resources whilst we wait to “grow up”. Now is the time for you and me to wake up, smell the coffee and take a stand on how we want Zimbabwe to develop. Now is the time for young minds to do what they know best –



Grace Chirenje-Nachipo

get creative and make change happen. I get inspiration from Chipolopolo - that to me was a clear case of focus, desire to achieve and also hunger for victory. If they did it, the youth of Southern African and Zimbabwe in particular can ensure a total transformation of this circus defined nation. It is today, here and now that the youth of Zimbabwe can get this nation to the next level. Think of what you think will work from where you are and start doing it! To the rest of us, let us give the young people the necessary support so that they will leave a lasting legacy of getting Zimbabwe democratized once again...we

can do this and do it now!

By Grace Chirenje-Nachipo, Crisis in Zimbabwe Coalition vice-chairperson.

TYPHOID IN HARARE – A HUMAN RIGHTS PERSPECTIVE

Understanding the Right to Health

The right to health is an entitlement to the highest attainable standard of mental and physical health. It encompasses the right to health care as well as living conditions necessary for good health. The framework “right to health” is born out of international legal instruments such as the International Convention on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and People’s Rights (ACHPR). Zimbabwe is signatory to such treaties. Zimbabwe is party to those treaties, this itself placing an obligation on government to respect, protect and fulfill such a right in the lives of the people. The health and human rights discourse is one of accountability, keeping a clear lens on the manner and extent to which Zimbabweans are able to enjoy the right to health. Emphasis is made on the marginalized and disadvantaged populations who rely mostly on public health and the authorities to provide conducive living conditions.

Enter the Typhoid Epidemic

The City of Harare infrastructure, first designed for 250 000 people, now has a population of almost twenty times the original design. The current daily output for treated water is only 630 mega-litres, about half the requirement for the city at 1200 megalitres per day. There is no guarantee that water will come out of the taps when needed. Sewerage systems are similarly overloaded. Blockage, bursts and sewerage spills result in contamination of water from shallow wells, a common coping mechanism in Harare households use to secure access to water. Refuse collection is erratic

across the city, with garbage dumps mushrooming at street corners across the city. The situation was a time bomb waiting to explode.

A difficult economic environment allows the informal vendors to move around the city, with food items carrying the typhoid bacteria out of the hotspots into the rest of the city. Typhoid, a bacterial disease, is transmitted by the faecal oral route. Ingestion of bacteria may take place in food or water contaminated with faeces of an infected person. Typhoid is not endemic to Zimbabwe, but its presence acts as a herald to neglect or mismatch in improving public access to social amenities. Although applause is due for case management protocols currently on the ground, the key lessons from the cholera epidemic of 2009/2010 must be seen in practice.

Human Rights Concerns

Primary prevention as a key intervention against water borne disease. The state and local authorities have an obligation to provide permanent solutions to address water and sanitation in urban areas across. The adage of “inadequate resources” does not absolve authorities from meeting some core obligations related to the right to health. Partners to assist to manage crises are relatively easy to find. Who will fund permanent development? Innovation and tangible incentives must be done to lure direct private sector investment into health.

The indivisibility of the right to health from other human rights. Economic, social and cultural rights are networked with other human rights. Equal emphasis, equal financing and equal profile must be awarded to the



A woman is attended to after suffering from a suspected case of typhoid at a local hospital in Harare,

realization of the right to health in Zimbabwe as to other rights and freedoms

3. Public access to information

Constitutional protection and the justiciability of the right to health in Zimbabwe. Constitutional entrenchment of the right to health is a key entry point, to set a framework for the standards to which the state and authorities should adhere.

The typhoid epidemic is a wake-up call that we should urgently push the discourse around social determinants of health to the top of the agenda. The state and local authorities must prioritize resource for permanent solutions to the issues of urban living. The 2008 cholera

epidemic should have taught government key lessons to prioritize health issues. How much more should the people suffer?

Dr Rutendo Bonde, Chairperson of the Zimbabwe Association of Doctors for Human Rights