

Zimbabweans Meet in Musina

Yesterday Crisis in Zimbabwe Coalition Regional office convened a public meeting in Musina as part of its Dialogue Series. The meeting was held in collaboration with the Musina Legal Advice Centre with the aim of providing a platform for debate around the political situation in Zimbabwe given president Mugabe's call for elections this year and the plight of immigrants in South Africa.

Close to 100 people attended the meeting and raised concerns that Zimbabwe is not ready for democratic, non-violent elections due to lack of serious reforms. The participants, mainly drawn from the Zimbabwe immigrant community in Musina, called for a complete overhaul of the justice administrative institutions and systems in Zimbabwe as the current arrangement is negatively impacting



on efforts to bring democracy to the troubled country.

Immigrants complained at the harassment by South African authorities citing the demand by home affairs department of fines of up to R2,500.00 from asylum seekers who are late in renewing their asylum papers or who lose those documents and seek replacement. Mr. Jacob Matkanye, the Musina Legal Advice Centre said their office was aware of

the problem and had since approached the courts for recourse.

By Crisis in Zimbabwe Coalition Regional Office Outreach Team

Zimbabwe Advocacy Mission to Geneva

The United Nations Human Rights Council will from 27 February to 16 March convene its 19th session in Geneva, Switzerland where Zimbabwe's justice minister Patrick Chinamasa will address a High Level Segment meeting of the UN HRC on 1 March. Last week Chinamasa made a surprise announcement that he is lobbying Cabinet to ratify the UN Convention Against Torture.

It would appear that the announcement is mere political grandstanding ahead of the UN HRC session and the universal periodic review session where Zimbabwe is being discussed for the second time to assess its human rights record. The intention to ratify the UN Convention Against Torture is an empty promise that lacks clear time lines for implementation – it is unlikely that president Mugabe and his allies in Cabinet would agree to ratification of the Anti-torture convention given the widespread practice of torture by Zimbabwe state agents against opponents and the fear of

international mechanisms being activated to deal with the torture.

Crisis in Zimbabwe Coalition and other key Zimbabwe human rights groups will be in Geneva over this

period to lobby the UN HRC to increase scrutiny of Zimbabwe's human rights record and to call for democratic, non-violent and credible elections in Zimbabwe.

By Dewa Mavhinga



At 88, Mugabe says it's not yet time to groom a successor

President Mugabe, leader of Zimbabwe and his Zanu PF party for over 32 years, marked his 88th birthday this week by declaring that it is not yet time for him to groom a successor in Zanu PF. Mugabe made this and several other startling revelations in an interview with Nomsa Nkala of the state-owned but Zanu PF aligned Sunday Mail weekly paper.



Key highlights of the interview include Mugabe's view that those calling for critical electoral reforms ahead of elections are cowards who should know that 'elections can happen anytime.' His answer to the question whether Zimbabweans will go to elections this year was – definitely, yes. He insisted that money for elections just has to be found without elaborating where the money will come from. He indicated that he viewed conditions set for elections to be conditions to overthrow Zanu PF, hence to push to 'go for elections.'

Mugabe's acknowledgment of deep divisions within his party, or that some in Zanu PF want him to step aside came as

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no surprise. The shocking revelation was for Mugabe, at 88, to say that he is not ready to groom a successor yet as this might deepen divisions appears to be just but a lame excuse to cling to power. Zanu PF members should be seriously concerned that their leader believes that there is no-one else in the party, apart from Mugabe himself, fit to take the party forward, or to win elections when pitted against Morgan Tsvangirai of the MDC.

Mugabe also hinted that Zanu PF would reconsider SA president Jacob Zuma's role as SADC appointed Facilitator to the Zimbabwe negotiations and that he believed 'this woman' Ambassador Lindiwe Zulu had mis-understood the role of the Facilitator. Most likely Mugabe is bluffing – and Zuma should not mind him.

Insisting on having elections in the absence of reforms, a reflection of Mugabe's personal view; is something that must be wholesomely rejected by all Zimbabweans and by SADC. Mugabe and Zanu PF cannot go to elections without the explicit support of SADC, the MDC formations and the people of Zimbabwe. Elections in themselves are no solution to the political challenges confronting Zimbabwe.

Those within Zanu PF opposed to Mugabe's insistence on forcing premature elections and on him running a president again should now join hands with pro-democracy forces and demand change. If

Zanu PF is to survive, even as an opposition party in the future, then it must embrace change and must immediately set in motion a leadership renewal and succession plan. Zanu PF should not believe this mantra that there is no other leader capable of taking the party into the future, because to believe that would be to put the final nail in the Zanu PF coffin.

President Mugabe has put his cards on the table; he has displayed a determination to take Zimbabwe back to 2008, it is a challenge for all Zimbabweans to be united and resolute in their total rejection of sham, violent elections that serve no meaningful purpose other than to settle cheap political scores within Zanu PF.

In what maybe an indication of how out of touch with the people he is, Mugabe said in his birthday interview that he wants to be remembered as a lover of his people. It may be too late for that, if he insists on choiceless elections then he will be remembered more as a lover of political power - a man with an insatiable hunger for personal glory regardless of the cost to the nation and to the people for whom he professes so much love.

Dewa Mavhinga, Crisis in Zimbabwe Coalition Regional Coordinator

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UPCOMING
ACTIVITIES:

Upcoming Events:

- *United Nations Human Rights Council (UN HRC) 19th Session – Geneva, 27th February to 16 March*
- *UN HRC UPR for Zimbabwe – 9 – 17 March*
- *Zimbabwe Advocacy Mission to Tanzania – End of March*
- *Zimbabwe Advocacy Mission to Mozambique – End of March*

A case for Curbing Executive Powers in the New Constitution

This week president Mugabe celebrated his 88th birthday – a significant milestone in itself considering that life expectancy in Zimbabwe is well below half his age. Zanu PF, the party he leads, appears to have been cornered to present him as presidential candidate in the next elections.

One cannot help but wonder why our beloved nation has been tormented by the curse of the ‘old man’ who refuses to go. There is no better time to ask questions than today when there is a constitutional reform process underway.

The new constitution should safeguard citizens from an excessive concentration of power in the executive endured for the past 32 years. The current unrestrained powers of the executive arm of government are totally unacceptable.



The new constitution should be explicit on these checks and balances and ensure that the judiciary and the legislature are sufficiently insulated from undue influence of the executive. This will result in horizontal accountability within government. The new constitution should create multiple veto points such that the task

of governance is not left at the mercy of a few individuals.

The type of governance we have endured over the past three decades has been based on domination with little or no democratic citizen participation or accountability. This has resulted in destructive policies and actions such

as Gukurahundi in the eighties and systematic human rights violations at the turn of the millennium.

In the nineties, Margaret Dongo a former independent Member of Parliament described ruling party legislators and cabinet members as “Mugabe’s submissive wives who

will not challenge him on anything.” This raises critical questions today about the composition of cabinet we would like guaranteed by the new constitution.

The constitution should bring key justice and security institutions under direct parliamentary control. The Central Intelligence Organization has been notoriously known as the President’s Office when the national intelligence organization should be accountable to the nation and not to be turned into an individual’s spy network.

The current constitutional reform process is a perfect opportunity for Zimbabweans to curb the president’s powers and ensure a functional democracy.

By Arnold Chamunogwa – Youth Agenda Trust

Are we dedicated to Zimbabwe’s Transformation ?

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I recently listened to a sermon where the preacher started off by singing some revolutionary songs from Zimbabwe’s 2nd Chimurenga liberation struggle. He kept emphasizing on the dedication of the freedom fighters to “the cause” Well, this just got me thinking – true indeed, what it all comes down to is dedication, dedication, dedication.

It also got me reflecting on a meeting I had about a week ago where one speaker said Zimbabwe will not be transformed unless people get to a point where there is no difference between life and death. Once one is

they would like to see happen in Zimbabwe. There is weight in numbers and more so when there is a pooling of diversities so as to attain one common cause! Just think about how much of a force to reckon with we could be if we all came together and decided what kind of a Zimbabwe we would like to see in the next year and begin to work towards attaining that! Great isn’t it? Well, let us start doing it then.

Clarity is important if we are going to present our cause and mobilize others to join in working towards achieving the vision of democratizing Zimbabwe. There has to be a certain level of knowing where we are going, how we plan on getting



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at that level then they are even willing to die for a cause then transformation becomes inevitable. The question is – how dedicated are we to the struggle for Zimbabwe’s democratization? I will look at unity, clarity and dedication as I attempt an understanding into the Zimbabwean situation.

There seems to be too many voices speaking about the Zimbabwean situation and I suppose it becomes confusing to the ordinary person who may be further from the reality of the democratization discourse when a number of conflicting voices are speaking at more or less the same time. In a nation that has been through and is still going through whatever it is we are facing, it is critical that people begin to harness their energies towards speaking with one voice that shows that they are serious about the agenda of the day.

It would be good to have the church, youth, women, civics and others speaking as a unified force to what

there, over what period and employing what tactics. The road may not always be smooth but it is necessary that we plan and ensure that we stick with it right to the end. It is important that we seek to understand and be understood so we do not end up a waffling lot. Zimbabwe needs minds that are active and pregnant with vision. We need to stop doing business as usual and employ the agenda of business as unusual if we at all going to eat of the fruit of our labour – let us begin to be clear about what we want to see. Mahatma Ghandi did it, so did Nelson Mandela and Mother Teresa died at it! We need a people who will stand to clarify it for themselves and for others!

Dedication – it all comes down to a little madness. There is no way we can democratize Zimbabwe if we do not employ a certain degree of madness. This kind of madness comes in the form of understanding that in order for there to be a total transformation in Zimbabwe that which is

deemed as “undoable” is the way to do things and in the end achieve what we set out to do. Dedication is coming to a level where we look at our present circumstances and get so mad about the status quo that death and life look more or less the same.

This means if one upholds the status quo, they could actually stand a chance of dying and so if they are to die, they might as well die fighting and dice with the chance of being remembered as a fighter! So what shall it be with you today? Will you stand around and mourn or get on your feet and start working at it a bit at a time, with unity, clarity and dedication? Do that which you can in your own little corner. Dare to dream.

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

CSO’S JOINT PRESS STATEMENT ON THE PURPORTED BAN OF NGO’S IN MASVINGO

We note with concern the blatantly illegal actions of Masvingo Provincial Governor, Titus Maluleke in purporting to ban some Non Governmental Organisations (NGO’s) operating in Masvingo. On 14 February 2012, at a press conference convened in Masvingo, Governor Maluleke ordered the suspension of the activities of 29 NGOs for allegedly failing to register their operations with his office. The Governor’s actions were illegal and are a nullity at law. The law in this country clearly shows that he has no regulatory authority; nor does he have the power to register or de-register NGOs. Even the Provincial Council that he heads in terms of the Provincial Councils and Administration Act does not have regulatory powers over NGOs. The council exists solely to foster developmental projects initiated and carried out by central government and local government. In fact in terms of the law, the Governor’s functions must be exercised through the process of consultation and suggestion with the various organs of government and not NGOs. As such he has no executive powers

to suspend, disrupt or hinder the activities of NGO’s and there is no legal obligation for an NGO to register with his office or any other Provincial Governor’s Office. The Governor’s rash and ill-advised utterances merely seek to confuse matters and are regrettably likely to worsen the humanitarian crisis prevailing in the Masvingo Province. This is because the list of organisations he seeks to ban include NGOs that are currently providing food, medication and water and other social economic support to the community – something the state itself has failed to do due to its misplaced priorities. The actions of the Governor are also irresponsible considering that the government and NGOs should be coming together to fight the Socio-Economic ills bedevilling Zimbabwe rather than him frustrating the efforts of individuals and organisations trying their best to help out fellow Zimbabweans. Governor Maluleke has also violated section 21 (a) of the Constitution of Zimbabwe which guarantees freedom of assembly and association, in that all the members

and beneficiaries of the suspended NGOs are effectively being hindered from enjoying the benefits of such association and membership. Furthermore by illegally seeking to suspend the activities of NGOs, the Governor has violated their rights to freedom of movement as enshrined in Section 22 of the Constitution. Lastly, he as a public officer, has a duty to exercise his functions in accordance with the law and to observe and uphold the rule of law in terms of section 18 (1a) of the Constitution. Therefore he is also in violation of this provision as he acted illegally and beyond the scope of his authority. We also note that there are reports that Governor Maluleke made the pronouncement suspending the NGOs flanked by security forces from both the Zimbabwe Republic Police as well as the Zimbabwe Defence Forces. We wonder why this was so. We reiterate that the role of the security forces in terms of the constitution is to preserve security during times of war and, for the police, to maintain law and order in Zimbabwe. Their inclusion in the press conference is therefore curious

and misplaced and it is difficult for us not to conclude that their presence was a strategy designed to cower and intimidate the NGOs. This fresh onslaught on NGOs does not surprise anyone, as it was already hinted at by ZANU PF at its annual conference held in Bulawayo in December last year. NGOs have weathered such attacks before, and shall do so again. In these circumstances, the affected NGOs should ignore the order by the Governor and continue to carry out their life saving interventions in this province and all others in the country. Issued on behalf of Crisis in Zimbabwe Coalition National Association of Non Governmental Organisations National Constitutional Assembly Zimbabwe Election Support Network Zimbabwe Human Rights NGO Forum

CONSTITUTION WATCH 2012

COPAC Releases List of Constitutional Principles

List of Constitutional Principles The following are the constitutional principles guiding the drafting of the new constitution for Zimbabwe:

1. Supremacy of the constitution
2. Recognition of Zimbabwe’s liberation, democracy, sovereignty of the state and its people
3. Recognition of the principle of separation of powers
4. Recognition of land and natural resources as belonging to all Zimbabweans
5. The constitution should contain mechanisms of redressing colonial imbalances in the distribution of natural resources including land
6. The new constitution must ensure the maintenance of unity, in diversity, peace, stability, security and prosperity for all the people of Zimbabwe
7. Recognition of the rule of law, good governance and democracy
8. Recognition that power to rule and govern must be derived from the authority of the people
9. The recognition of fundamental human rights
10. All organs of the state to respect, protect, promote and fulfil the rights and freedoms

- spelt out in the Bill of Rights
11. Recognition of the principle of decentralisation
 12. Recognition of the principle of devolution of power
 13. Recognition of gender equality and gender mainstreaming in all spheres of governance
 14. The recognition of the rights of children, the youth, the disabled, women, workers and vulnerable groups
 15. The recognition of universal adult suffrage
 16. The recognition of the importance of an electoral system that guarantees regular, free and fair and effective elections that ensure adequate representation of the electorate
 17. Recognition of the importance of Bill of Rights by entrenching it in the constitution and its justiciability
 18. Recognition of the principle of checks and balances among the levels of government and the Arms of the State
 19. Recognition of the need for equitable resource sharing mechanisms
 20. Recognition of the rights of racial, ethnic, cultural, linguistic, religious and political minorities
 21. That the manage-

- ment of public finances should be informed by transparency, responsiveness, accountability, responsibility, integrity and equity
22. All arms of state must uphold the principles of democracy and good governance
 23. Recognition of the principle of constitutional transition and orderly transfer of power
 24. All Arms of State must uphold the constitution, respect human rights, be non-partisan and professional
 25. The constitution must recognise the diversity of languages, customary practices and traditions and must seek to protect and promote these
 26. The institution, status and role of traditional leadership, according to indigenous law, shall be

spelt out and recognised in the constitution Signed By Hon MP Mangwana,Co-Chair Hon Mp,Co– Chair, DT Mwonzora, Hon E.T Mkosi, Co-Chair Issued by Veritas

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