

ZIMBABWE BRIEFING

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ZANU –PF IN NO HURRY FOR MEDIA REFORM

After thirty two years of making many mistakes one after another Zanu-Pf has not understood the rules of the game in democracy. Evidenced by the jigsaws puzzle in approach to elections currently going on in Zimbabwe, only two words could subscribe as very true of Zanu leadership: reclusive and deceiving.

The three-week deadline reportedly given to Information Minister Webster Shamu by the unity government principals to implement media reforms expired on Monday the 12th of March with no sign of urgency from the ZANU-PF minister. This complacency comes at a time when media reforms have taken a centre stage in Zimbabwe's democratization process, in the wake of a controversial declaration by President Mugabe's spokesperson, George Charamba that 'the next election will be fought in the airwaves'.

Shamu was given the three week ultimatum the principals in the unity government, Robert Mugabe, Prime Minister Morgan Tsvangirai and his Deputy Arthur Mutambara who had 'agreed' that the boards must be recon-



Webster Shamu, Minister of Media and Information, ZANU PF

stituted. However, there are doubts this agreement will translate into action. A similar agreement was recently met over the post of national police chief, with the principals 'agreeing' that Augustine Chihuri remains in the post temporarily, until a replacement was

found. But in the following days, ZANU PF announced that Chihuri had been reappointed until 2014.

The importance of credible and transparent opening of the airwaves before elections which are being aggressively called for by Robert Mugabe cannot be overemphasized. Zuma has for a long time insisted on the need for the current government to reform the media which is a key democratic institution before holding elections also among other key areas such as human rights and the electoral system to ensure that the space within which the elections are going to be held is democratic. Zanu-Pf largely heads key media policy nerve centres in government, Zanu-Pf has virtual control over the Potraz, the Access to Information and Protection of Privacy Act (Aippra), the Broadcasting Services Act (BSA) and the Interception of Communication Act (ICA). Although the inclusive government, which established the Zimbabwe Media Commission (ZMC), managed to license a few private print media players to run independent newspapers, there has been no positive development regarding the broadcasting

environment.

After all has been said and done Zimbabwe needs a constitution that will guarantee media and freedom rights for the media is a democratic institution that plays an important democratic role in any society. Hence, to have Zanu-Pf complain on Jacob Zuma as a hindrance in 2012 on the Zimbabwe solution can only highlight an aspect that justifies displacement of Zanu-Pf for the sake of country progress. Every Zimbabwean today talks of the need for change and we urge Jacob Zuma, to seek nothing but justice for majority Zimbabweans for the sake of democracy, freedom, regional peace and continental stability. Again I reiterate, Elections in Zimbabwe have to be done after all areas agreed to in creating the GNU as transition to a constitutionally ready Zimbabwe are exhaustively attended to and achieved on paper to control and deter dictatorship. Zimbabwe is indeed overdue for responsible government accountable to people debate and suggestions and collaborative with other world governments.

From the Crisis in Zimbabwe Coalition Information desk

President Mugabe seeks to regionalize his displeasure with Zuma

Zimbabwe's ZANU PF party is stampering SADC mediator in that country's political conflict to endorse a farce election in 2012, accusing the South African President Jacob Zuma of being part of the regime change conspiracy. Zuma and his team have in the last few weeks expressed their position that Zimbabwe's political parties, that form the Unity Government, fulfill all the precepts of the Global Political Agreement (GPA), the founding document of the Unity Government. The agreement is not written on any other piece of paper but was inscribed in the constitution of the country through amendment number 19. ZANU PF's belligerent behavior is therefore not only politically motivated but a violation of the country's supreme law, which requires that all parties in the Unity government agree on key decisions such as holding a fresh poll. The essence and anticipated spirit of the unity government is that Zimbabwe's political leaders seek consensus on key issues.

Over the weekend the attacks on Zuma by the state owned and state controlled media in Zimbabwe have become frenzied and President Mugabe is reported to be ready to pounce on Zuma should he make an anticipated trip to Harare and tell him to his face, to back off, or as ZANU PF threaten they will simply ask SADC to appoint a new mediator. ZANU PF is of the thinking that the process of mediation is only meant to prepare the way for its stay in power. In this regard any statement or position that stands in the way, including what should be fairly reasonable to right thinking Zimbabweans, that the GPA must be fulfilled, are all dismissed as



President Jacob Zuma and SADC appointed Facilitator for Zimbabwe

western inspired machinations. President Robert Mugabe's Spokesperson George Charamba, who pens the longest Saturday opinion in the state controlled *The Herald* newspaper, attacked Zuma for lacking any ideological grounding, declaring that South Africa is far too young in political experience to Zimbabwe, ZANU PF and President Mugabe to dictate issues of politics and governance. President Zuma was reminded that the majority of his people are suffering, have no access to land and others means of production. And that South Africa's leverage is only its stable and domineering economy. This is an interesting line of thinking from ZANU PF as it demonstrates the kind of people that the majority of citizens of Zimbabwe have to contend with.

Charamba and ZANU PF think that they are better than Zuma, the ANC and South Africans simply because Zimbabwe was independent in 1980,

14 years ahead of South Africa and that they grabbed farms from whites even as the majority of Zimbabweans are hungry. This is a clear case of an irresponsible adult, who cannot take care of his own family, abuses his wife, beats his children to pulp daily, cannot feed, nor send his children to school, cannot provide healthcare to his family, telling his young brother to back off from criticizing such errant behavior, simply because he happens to have a few more years on his birth certificate. SADC and the international community cannot therefore abandon the people of Zimbabwe to such madness.

A key strategy of ZANU PF is now to regionalize and Africanize its perceived conflict with Zuma, by threatening to, among other things, block the nomination and election of Ms Nkosazana Dlamini Zuma to the Executive Chairpersonship of the African Union. Instead of focusing on the internal failures of ZANU PF and President Robert Mugabe, Charamba, Jonathan Moyo and those of their ilk argue that Zuma and South Africa must simply be taken as political upstarts, full of bluster but with no substance, who betrayed African by siding with world powers on Libya. The story of Zimbabwe going forward must however remain as simple and straightforward as it is. That there is need for a new democratic constitution, and that after the constitutional process a process of preparing for a free and fair election be put in place. This process entails revamping the voters roll and a nationwide registration of voters, reforming and capacitating the Zimbabwe Electoral Commission as well as

sending soldiers to the barracks where they belong. These matters have absolutely nothing to do with South Africa's foreign policy failures or successes; they have nothing to do with Zuma's lack of ideological grounding, but everything to do with the lives and survival of the citizens of Zimbabwe. Civil society must therefore not allow ZANU PF and President Mugabe to regionalize and internationalize a simple matter. The only regional and international issues on Zimbabwe are that President Mugabe and ZANU PF has messed up Zimbabwe to the extent that the region had to intervene and the region wants a free and fair election, and is tired of Zimbabwe.

The challenges that Zimbabwe face are local and ZANUPF and President Mugabe must be pressurized to honour the GPA as well as hold a free and fair election following the processes outlined above. ZANU PF cannot and should not be allowed to designate who Zimbabwe's enemies are, on the basis of its narrow, self-serving political programme. In this regard there is need for civil society to stay the course in calling for an end to violence, bolstering vulnerable communities with awareness and protection as well as maintaining the flow of truthful accounts of life in Zimbabwe to the regional and international community. It is time civil society and democratic political sector chart a new course that is not distorted nor dictated to by ZANU PF's political agenda. It is time to look into the future with hope and let political dinosaurs in ZANU PF rest in history.

David RM Mutomba is a Zimbabwean journalist and human rights activist

A New Constitution Not a Panacea for Zimbabwe's Violent, Fraudulent Polls

Coordinator's Note 65



dewaMavhinga

The high level of attention given to Zimbabwe's crafting of a new constitution as a key step towards fresh elections necessarily calls for a word of caution about the unjustified great expectations that a new constitution will solve Zimbabwe's governance and electoral challenges. There is a real danger that president Mugabe and his Zanu PF party may demand elections on the basis of the new constitution but without further critical electoral reforms. Even though, that Zimbabwe will have a new constitution soon remains uncertain.

Yes, Zimbabwe needs a new constitution. But to deliver democratic, non-violent, free and fair polls, much more need to be done. The existing Lancaster-brokered constitution is not, in and of itself, a problem. Disregard for constitutional principles including respect for the rule of law and separation of powers are the major challenges which a new constitution would not necessarily cure. The subversion of state institutions by partisan individuals acting with impunity outside the constitutional framework is a deeper governance crisis that calls, not only for legislative and institutional reforms, but also top-level personnel changes in compromised institutions.

The MDC led by prime minister Morgan Tsvangirai correctly stated, in their 'Minimum Conditions for Free and Fair Elections' document released last week, that to deliver credible elections the Zimbabwe Electoral Commission (ZEC) must be staffed by new and civilian employees recruited by the current Commission. Highly partisan employees currently working for ZEC, many of

them drawn from the military and state intelligence agents, cannot be expected to run a transparent and impartial electoral process. The MDC must remain resolute and steadfast in their categorical demand that no member of the central intelligence organization (CIO), the police or the army should be involved in the management of any election.

The voters' roll must be

free the airwaves to bring on board truly independent radio and television broadcasters while transforming state-owned media into a public broadcaster that serves the interests of all Zimbabweans and not one political party as is currently the case. The improperly constituted Broadcasting Authority of Zimbabwe (BAZ) has sought to hoodwink Zimbabweans into believing that it is opening up

nipulation of the results, it would be pointless to go for fresh elections. Comprehensive transformation of the security sector will undoubtedly take a considerable amount time, but for now, in the short-term, it is critical that the political leadership of the security forces publicly declare that they will respect democratic processes and not act partisanly towards Zanu PF.



The Southern African Development Community (SADC), as guarantor of Zimbabwe's coalition government, must be brought on board to provide a peace-keeping force to complement efforts of the police to deal with cases of political violence. The presence on the ground of an external, uniformed force, will certainly go a long way in building public confidence that violence will be minimized and action taken against perpetrators of abuses. There should be a provision for long-term deployment of domestic and international election monitors and observers to all parts of the country.

cleaned up to remove ghost voters and ensure greater transparency under the direct and exclusive management of ZEC. To minimize chances of vote-rigging, there is need to address the challenge of extreme voter apathy and encourage citizens, particularly young people, to register to vote. The electoral law must make provision for all electoral stakeholders, including civic groups, to be allowed to freely and impartially conduct voter education across the country.

The coalition government must move with haste to genuinely

the airwaves by granting two radio licenses to the state-owned media – Zimpapers and to a bunch of political activists aligned to Zanu PF.

But perhaps the most critical outstanding reforms are around the prevention of state-sponsored electoral violence and ensuring the security of persons. Without the institution of interim mechanisms to prevent the security forces, particularly the military, the police and state intelligence agents from unduly influencing the electoral process through use of violence, intimidation or ma-

In the absence of these critical reforms tackling media freedom, independence of electoral management body and security forces, mechanisms to prevent violence and unfettered domestic and international elections observation, a new constitution alone will not create the right conditions for democratic elections. What must be avoided is the elaborate trap woven around the flawed argument that once a new constitution is in place, Zimbabwe is ready for fresh elections that are transparent, free and fair.

Dewa Mavhinga, Regional Coordinator, Crisis in Zimbabwe Coalition

Research and Advocay Unit Press Statement

NGO calls for an end to cyclic political violence against Zimbabwean women to empower rural women to eradicate poverty and hunger (Harare, Zimbabwe) Today, the Research and Advocacy Unit [RAU], an NGO working on providing specialist assistance in research and advocacy in the field of human rights, democracy and governance calls on the Zimbabwean government to eradicate politically motivated violence against women as it is a drawback to the development of communities in commemoration of International Women's Day. RAU is deeply concerned with the manner in which political violence has contributed to poverty and poverty traps for rural women. Political violence as witnessed during the 2008 disputed elections resulted in the injury of many women, leaving them maimed and unable to fend for their families. Breadwinners were killed or disappeared resulting in in-

come losses and at times forcing families into abject poverty.

Homes were destroyed and whole granaries of harvest burnt to ashes. This loss of assets forced many women into deprivation and economic distress from which they are still to recover. In many of the cases, national leadership, traditional leadership and the police were unresponsive to the women's pleas for protection and accountability. RAU also notes that political violence affected education and literacy, two important factors to the eradication of poverty among rural populations. The disruption in schools by political campaigns as well as the setting up of political bases at schools created security fears among communities as schools had become political battlefields. As a result the girl-child dropped out of school and teachers fled to 'safe' zones, depriving especially rural school children of

skilled teachers and the teachers of their sources of livelihood.

Political violence also impacted the delivery of health services which is an essential indicator of poverty in any country. Victims of the violence incurred injuries, ill-health and severe psychological damage. Most of these individuals have still not received adequate redress. RAU expresses concern with the eradication of poverty especially among rural youths as such persistent poverty created grounds for youths' increased participation in violent campaigns during the 2008 elections. RAU calls on the Government to end political violence against women in Zimbabwe by bringing perpetrators to book, providing assistance to victims and preventing recurrence of such violence in the future as part of their ongoing campaign. It further calls for the involvement of women in positive and committed rec-

onciliation processes because this is not only a question of justice but also sustainable development. RAU calls for humanitarian and psychosocial support for all the women affected by political violence as reiterated in the Global Political Agreement and the Southern African Development Community Protocol on Gender and Development which protects and upholds women's human rights to which Zimbabwe is a party.

RAU also implores the government to direct the Zimbabwe Republic Police to investigate and prosecute all perpetrators of political violence against women. In the absence of such measures, the recurrence of violence is highly likely. Such violence only serves to entrench regression of the status of women, especially rural women into poverty. RAU is the Research and Advocacy Unit, 2 Ernies Lane, Monavale, Harare. Tel. 339421

Celebrating Women’s day: The Key factors

8 March 2012 marked International Women’s Day and I was moved by the way different people teamed up to commemorate the day in their very own special way. What was also outstanding was the fact that even some men took time to acknowledge, appreciate the day and work done by women everyday. I attended a session with some African women on a platform where women from all over Africa had come to deliberate about issues that affect them and how they could get the governments to put in place policies that addressed these issues. The three main contentious issues were to do with sexual and reproductive health right, use of the “human rights” terminology and land grabbing by various players.

Sexual and reproductive health rights are at the very center of a woman’s life. If she does not take the necessary precautions and get the desired support, then this could spell out disaster! In a world where the burden of family planning and childcare lies deeply with women, governments need to realize this and grow beyond focusing on sexual rights to just mean sexual orientation rights. There is an urgent need to make sure that a holistic analy-

sis and approach to sexual and reproductive health rights is undertaken and women’s needs are met when it comes to such issues. Women need to have the right to make choices when it comes to their sexual and reproductive health rights and governments in Africa, Zimbabwe included, should ensure that they hear the women out and meet the demands made thereof.

Human rights are universal and governments should be responsible duty bearers. The reason the African governments seem to be refusing to have as much as the terminology “human rights” included in women’s empowerment is because they know that they do not have the political will and commitment to respect, let alone uphold, these basic human rights. Governments know that they will be held responsible for their actions which in most instances are contradictory to what they purport in public. Human rights are fundamental to the lived realities of women and should therefore be respected in their entirety!

Land is an important resource to women’s sustainable livelihoods and when governments decide to distribute it Willy nilly to whoever cares to grab it

then it becomes a problem. Women in the African Women’s Caucus at UNCSW (prior to 8 March 2012’s IWD Commemorations) discussed how governments have grabbed land to use in illegal deals amongst themselves and with their “friends” so as to fulfill selfish political desires at the expense of national interests. In this regard, the former refuse to have anyone hold them responsible and accountable for their actions. In the end, the effects have been evident through the destruction of women’s livelihoods and issues to do with access and control where land is concerned.

If women are going to be empowered, African governments have to come to the realization that women are a critical partner in development and should be treated as such. Moreover, it is crucial that women be given the respect they deserve through the respect and upholding of their basic rights such as their sexual and reproductive health rights and also through accessing and controlling land as a means of their source of livelihood. As we reflect on how each one of us commemorated the IWD this year, it is also important to begin to master the courage required to lobby African governments to translate

to reality through effective implementation of national, regional and international instruments that protect and provide for women’s empowerment. Just like the women at the UNCSW African Women’s Caucus noted – everyone has the responsibility to hold government accountable when it comes to women’s development and empowerment – and what better time to demand redress than at a time like this where it is a month for women with a special regard for IWD. Please do play your part.

By Grace Chirenje Nachipo



Political Violence Rampant as Zimbabwe remains unreformed ahead of elections



Iranian Foreign Minister Salehi pointed to good trend of the political ties with Zanu-PF

Armed police failed to intervene as five people were injured in the Sunningdale suburb of Harare last Sunday during a violent attack by the Zanu PF aligned Chipangano terror group which stopped an MDC rally that police had cleared. Some 200 supporters of Prime minister Morgan Tsvangirai’s MDC party had turned up for the rally.

The Chipangano vigilante group comprising mainly of Zanu PF youths has become a law unto themselves, spreading a reign of terror in urban areas with impunity. Chipangano’s extreme violence, and the failure by the police to act to maintain law and order, speak volumes about Zimbabwe’s unpreparedness to hold non-violent elections that are free and fair. Such acts are clear indicators for SADC and all to see that civics including Crisis in Zimbabwe Coalition have a well-founded fear that going for elections in the absence of mechanisms to prevent violence would be catastrophic.

The Sunningdale attack is not an isolated case many cases of violence have been recorded in Masvingo province through the Youth Forum of Zimbabwe, for instance. The most worrying factor is the indifference of the police when violence is taking place. Police are still partisan, ZANU PF is leashing out violence. Political space is only there for ZANU PF. The facts speak for themselves.

SADC, the African Union and the United Nations should heed the call by Crisis in Zimbabwe Coalition and other pro-democracy actors to deploy election monitors at least six months before and after the elections to minimize violence and keep the spotlight on Zimbabwe.

Meanwhile, minister of defence (Zanu PF) Emmerson Mnangagwa, viewed as leading contender to replace Mugabe, last week exchanged gifts with visiting Chinese Generals who reportedly annointed him Mugabe’s succes-

sor. The Chinese have vast, shadowy business and mining interests in Zimbabwe, including in Marange where Chinese and Zimbabwe soldiers teamed up to form a diamond mining company, Anjin. It is no secret that China has a good relationship with ZANU PF and part of the strength of the relationship was the capability of China to supply military intelligence and weapons to Zimbabwe. The cozy relationship between the Chinese and Zanu PF, and the Zimbabwe Defence Forces in particular, warrants the raising of a red flag.

A further cause for concern is defence minister Mnangagwa’s recent mission to Tehran, Iran, where he called for the expansion of defence cooperation between Zimbabwe and Iran. In Tehran Mnangagwa met with Iranian Defence Minister Ahmad Vahidi. It is worrying that Zanu PF is frantically moving to strengthen relations with China and

Iran on the back of a call for elections in 2012. Perhaps Zanu PF is counting on support from them in the event that SADC fails to endorse another sham election.

By Crisis in Zimbabwe Coalition Media department.



Defence Minister Emmerson Munangagwa[ZANU PF] receives a gift from a Chinese Army General in Harare, the same week he met the Iranians

National Annual Chiefs Conference-a big charade

The just ended National Annual Chiefs Conference held in Bulawayo was reduced to a comical show which left me laughing as if I had been watching the hilarious DSTV Jerry Springer show. The whole conference was characterized by weird, unimaginable and outrageous demands reducing what was supposed to be an important national event by our traditional leaders to tackle a host issues affecting our rural areas to a ‘big charade with nothing of importance coming out of that conference.’ To sum it all, it was a ZANU PF conference but this time focusing on one of their numerous wings masquerading as traditional leaders who have since ceased playing their role as community leaders. We all expected vigorous deliberations on how they were going to deal with the issue of drought and hunger that the nation is facing and other issues of development to our rural areas which remain backward, under-developed and marginalized.

The conference had no serious deliberations but demands and praise singing of President Mugabe. One would have mistaken the gathering for a nursery school party. Chiefs have indeed digressed from their role that among other things is of settling customary disputes, connecting residents to district assemblies, acting as gatekeepers for their subjects and championing local development.

Sad how they have become ZANU PF activists and commissars who do not deserve any respect at all if what they deliberated at their so-called Indaba is anything worth talking of. Maybe they were not briefed on the purpose and importance of the gathering because surely that meeting was a waste of our hard earned taxes. I feel pity for the thousands of people who are under the custodianship of our chiefs. So what feedback will they give the people they left in the communities? What will they tell the people about the apparent food deficit? How will they answer to the young people’s cry for jobs and other opportunities? Most obviously, after being drugged on such



Part of the drama- Mugabe gets Gaddafi gown from the national chairman of House of Traditional Elders in Kenya Kamlesh Mondoo Patti

luxuries, they will just go on to say ‘it because of sanctions.’ When they spent four days, making noise and demanding luxuries some of which you wonder if they really deserve in a country that is struggling economically. Maybe they were assured that the closely guarded ‘diamonds purse’ will cater for them. The comedy show which was officially opened by President Mugabe drew 1000 delegates including 200 wives of our country’s chiefs who also accompanied their husbands to this indaba. They also took time to enjoy the luxury of the 5-star hotels they were booked as most of them reside in rural areas. As the script goes on I also realized that the hosts of the event were said to be Mashonaland East province but surprisingly the event was held in Bulawayo and one wonders why the event was held in Bulawayo and not in the host province Mashonaland East.

One of the main highlights which spiced the comedy show were the newspaper headlines which ran through from the day the conference started right up to the end. I have tried to pick a few newspaper headlines for everyone to see the kind of deliberations by the people who preside over a very important but backward constitu-

ency and they seem not to understand their role as community leaders. The few headlines I came across had titles like, ‘Chiefs demand guns,’ ‘Chiefs says Mugabe will die in office,’ ‘Chiefs endorse Mugabe,’ ‘Chiefs wives goes sightseeing,’ most sickening being ‘Mugabe gets Gaddafi gown,’ as if there are no important issues that are affecting the people they lead in their communities worth debating. Of great surprise was a one Chief Dandawa, chairperson of the traditional chiefs in Mashonaland West province who demanded that chiefs be given guns to protect themselves from people who do not respect them especially politicians. So does it mean that when one owns a gun that is a passport for you to be respected? Chiefs do not need guns, otherwise they will end up intimidating or killing in the name of respect. I find Chief Dandawa being a good candidate for psychiatric treatment.

The chiefs also demanded diplomatic passports. My question is, to go where and to do what? Because their job is purely local and does not require any travelling abroad and hence they should not be given diplomatic passports. The list of demands goes on such that I can’t write it all, and at this

rate very soon they will be demanding designer underwear. However, in all this melodrama, for the first time Vice President Nkomo said something sensible and I salute him for that when he dismissed their demands attributing it to laziness. Nkomo is right, all of the country’s chiefs benefited from Mugabe’s controversial land reform exercise and they were some of the main drivers. They are direct beneficiaries of the agricultural inputs, food aid and farming implements and are also responsible for the distribution which they have been abusing by only giving ZANU PF people. Chiefs should stop behaving like cry-babies and do something productive on their vast pieces of land for them to get the luxuries they are clamouring for.

Such levels of greed and self-aggrandizement are the reasons why our rural areas are still backward and undeveloped. What they said in Bulawayo was a clear sign that these chiefs are only interested in satisfying their personal needs more than that of the communities they lead. Their active role in pushing partisan politics is regrettable and a betrayal to our African cultural values. It can clearly been deduced that the role of chiefs in development of our country is very critical as they can facilitate and either derail or delay development. It is therefore very important that the role of chiefs in the society is well articulated as they should be in the forefront fostering development at local level.

The laws governing chiefs, their jurisdictions and key result areas should be clearly articulated just as the roles of the President or Prime Minister are clearly articulated in our laws and statutes. The challenges such as succession in chieftaincy as well as open political participation of chiefs are prominent and critical and need to be addressed by policy makers

Blessing Vava is from the Committee of the Peoples Charter (CPC), and can be contacted on blessingvava@gmail.com

SAMWU PRESS STATEMENT

.Zimbabwe activists in danger of unlawful prison sentences – release them now!

The South African Municipal Workers Union, SAMWU, is alarmed to hear reports that the six Zimbabwean activists who dared to show and discuss a film of the Egyptian Uprising last year in Harare and who are currently in court defending themselves, are in danger of receiving heavy prison sentences. The State is behaving in a hysterical and irrational manner. The evidence put before the court by the State is flimsy, biased and shrouded in innuendo and paranoia. If the six are convicted it will mean that the security apparatus in Zimbabwe will have unlimited powers to send perfectly innocent people to prison for watching a film, or worse, for even daring to discuss events unfolding in another country! The so-called evidence emanating from the State verges on the paranoid. As far as the State is concerned, this group of peaceful socialist activists were about to launch a revolution and take power from themselves! In other words, if you watch a film about the events in Egypt, you must be preparing to organise a violent uprising

ing in Harare! On this reasoning, thousands of those who tuned into Al Jazeera during the North African turmoil are guilty too! Mr Michael Reza, for the State said in his submission that the six clearly conspired on February 19 last year, to cause public violence and the uprising had gone beyond the planning stage. “The uprising had gone beyond the planning stage. The date had been set (March 1, 2011), the place set, (Africa unity square) communication method agreed on (e-mail, texting).“All what remained was the arrival of the appointed date. The crime had been complete at that stage.“If the accused persons are found guilty as charged (and the State firmly believes that it should be so) then they should be punished heavily,” And “Were it not for the police, who scuttled the plan, Harare would have burnt on March 1, 2011.”he said. Logic and reason are not being applied in this court by the State. Instead it is deploying the worst forms of guilt by association and conspiracy mongering to stifle any opposition to rule by Zanu -PF. The State is desperate to close down any avenue for discussion in the build-

up to the up-coming elections that might allow important questions to be raised about the illegal human rights abuses of Zanu-PF, the state of corruption and patronage at work in the country and the continuing poverty experienced by the masses. This is the real agenda. Speak out and you can expect to be punished and sent to prison. This Union urges all of those who stand for democratic and human rights, including members of the tripartite alliance and all of civil society across the region to be ready to defend the six socialists who are currently in court if the outrageous and unjust convictions materialise. We must all be ready to send a message to the Zimbabwean Government that intolerance of this type is not acceptable and must be condemned in the strongest possible terms. We sincerely hope that the MDC in Government will publicly disassociate itself from this travesty of justice, and along with civil society demand that the charges be dropped and those who have been victimised and vilified be properly compensated and given an official apology. Failure to do so will make everyone less secure in Zimbabwe. The right to meet, discuss

events in the world, share ideas and speak openly and freely is not a luxury reserved from small political elite, but a fundamental human right that must be enjoyed by all. Release the six accused now! Say no to intimidation and state repression! An injury to one is an injury to all!

For further comment, contact SAMWU’s International Officer Steve Faulkner, on 0828175455.

Stop the Zimbabwean State from handing down Prison Sentences to our

Comrades Picket the Zimbabwean Consulate and Visa Office

Tuesday 20th March at 12 - 1pm

13 Boeing Street West, Bedfordview, on the opposite side of the road to East

Gate shopping Mall

Bring Banners and Placards

Called by the Adhoc Defence Committee of the Zimbabwean 6, Endorsed by Crisis in Zimbabwe Coalition Regional Office

CONSTITUTION WATCH 2012

Progress on COPAC's Review of the First Draft

Work on First Draft Speeds Up
COPAC co-chairs complete their review of first draft

On Tuesday 6th March the three COPAC co-chairs – Munyaradzi Paul Mangwana of ZANU-PF, Douglas Mwonzora of MDC-Tand Edward Mkhosi of MDC – announced that they had completed their own“ review” of the first draft of the new constitution on Monday 5thMarch. This had been done with the assistance of the technical committee [this is the 17-member committee representing the three GPA parties and the chiefs] and expert advisers. The next step, they said, was for their review report to be presented to the full Select Committee which would in turn go through the draft.

Draft considered by full Select Committee

On Wednesday last week the co-chairs presented their review report to the full COPAC Select Committee. Working atthe Harare International Conference Centre, the Select Committee then startedgoing through the report and the first draft of the constitution. The COPAC press statement issued at a press and civil society briefing at noon that Friday said that the Select Committee's review was “nearly complete”. Later information was that the Select Committee was expected to finish the job on Monday 12th March. A report would then be given to the Management Committee at a meeting also planned for Monday, but subsequently rescheduled for today Tuesday 13th March. But, as key members of the committee, ZANU-PF negotiator and Minister of Justice and Legal Affairs Patrick Chinamasa and Emerson Mnangagwa are not available on Tuesday, the meeting may not take place or may not be able to finalise the parked issues.

Management Committee to decide on “parked issues”

At its meeting the Management Committee is expected to decide on the remaining outstanding issues which have until now been “parked” because of inter-party disagreements at Select Committee level. These parked issues included evolution of power, the death penalty and dual citizenship. Request for draft by the GPA principals?
Although at meeting on 27th February the GPA principals said they would like to see the completed draft on 12th March [a request – not an ultimatum as reported by the press] they will obviously have to wait a few weeks longer.

Remaining Work of Three Lead Drafters

The lead drafters cannot start work on the final version of the draft constitution until all issues have been finally agreed, by COPAC co-chairs, the COPAC Select Committee, the Management Committee, which includes the Minister of Constitutional and Parliamentary Affairs and the three GPA parties' negotiators, and by the GPA principals – President Mugabe, Prime Minister Tsvangirai and DPM Mutambara.

COPAC believes the work the three lead drafters will need to do can be completed within five days.

COPAC Rejects Criticism of UNDP-Sponsored Foreign Expert Adviser

At Friday's briefing the co-chairs, responding to questions, dismissed



savage criticism from within ZANU-PF of the presence within the COPAC process of UNDP-sponsored South African expert adviser, Hassen Ebrahim. This had appeared in The Herald of 8th March. ZANU-PF co-chair Mangwana explained that Mr Ebrahim's appointment by the UNDP had been approved by the co-chairs, that he was an internationally recognised constitutional expert and that they had no reservations about his purely advisory contribution to the constitution-making process. A separate press statement, signed by all three co-chairs confirmed this and emphasised that “key decisions in this process have been made by COPAC itself”. The statement also expresses “gratitude for the support given to us by the UNDP and the consortium of donors who have so generously supported the process” and concludes thus: “Without the financial and technical assistance from our co-operating partners, COPAC would not have made the progress it has made.”

More from COPAC's Press Briefing of Friday 9th March

Other issues were touched on in COPAC's first press statement on Friday: Materials the drafters used “The people's views collected during outreach formed the basis for the discussions around the proposed new draft. These views which were collected during outreach are contained in the national report which is still under construction as it is about the whole process. It is from this report that two important draft foundational documents, one of constitutional issues and the other of constitutional principles were derived. In drafting the proposed draft, the drafters used these two important documents as well as the gap-filling document produced by the Select Commit-

tee with the assistance of its Technical Committee. This process therefore guarantees that the people's views will be contained in the new draft.” Publicising the second/final draft “Once this document is in place, it will be then be widely publicized to give all Zimbabweans to familiarise with its contents before it is taken to the Se-



cond All-Stakeholders Conference.” Translations into all indigenous languages will be provided. Purpose of Second All-Stakeholders Conference “As this is a people-driven process, the purpose of the conference is to give Zimbabweans, through their representatives, an opportunity to comment on the draft before it is finalised and taken to Parliament for debate and the referendum thereafter.”

Comment on COPAC's Statement

On materials given to lead drafters the brief 26-item constitutional principles document was sent out in Constitution Watch of 21st February and subsequently appeared in the press. But COPAC has not so far made public the other two documents referred to –the constitutional issues document and the gap-filling document. Nor has it released its instructions to the three lead drafters, although doing so might have served to dampen the unpleasant campaign of criticism directed at them personally by those objecting to certain provisions in their leaked first draft.

On the national report the statement that this national report will be “about the whole process”, and is therefore still under construction, is unconvincing. Of course COPAC is expected to produce a report on the whole constitution-making process. But previously COPAC has given the impression that the process of gathering the views of the people would result in a national report on the outreach, with a statistical component and a narrative component. The leaked “national report” published by the Herald in December covers statistics of outreach meetings only; it does not include Diaspora contributions or those received directly by

COPAC from stakeholders such as Parliament, the disabled, children; and it has no narrative component, analysing all contributions from both the qualitative and the quantitative angles. The qualitative/quantitative arguments between ZANU-PF and the other parties delayed progress last year when the district and provincial outreach reports were being compiled. So this latest statement reads like an attempt to gloss over the inability of the political parties within COPAC to reach consensus on the narrative component of the promised national report on the whole outreach exercise.

COPAC Expenditure

Cost of the drafting stage the total cost of the drafting stage is put at \$1.7 million. This stage is regarded as having commenced with the Great Zimbabwe Hotel, Masvingo Workshop at the beginning of November, so the amount covers not only the remuneration of the three lead drafters but also the work of the fifteen technical experts and rapporteurs who have contributed to this part of the constitution-making process, their meetings and the workshops and retreats of the co-chairs and the Select Committee.

Second All-Stakeholders Conference

The current forecast within COPAC for holding the conference is “April or May”. The budget for the conference is \$2.1million. This will be a smaller gathering [2 500 delegates] than the First All-Stakeholders Conference in July 2009 [which involved over 4 000delegates]. COPAC Preparatory work for Referendum this will cost about \$200000. But the costs and organisation of the Referendum itself will be the responsibility of the Zimbabwe Electoral Commission.

Estimated overall expenditure

COPAC's total expenditure is likely to hit the \$45 million mark. About half of that was spent on the outreach programme, which not only overran its originally planned 65 days by another 40 days, but also involved nearly twice as many people – 1300 all told – than the originally planned 700. Transport costs were very high –principally for hiring vehicles and paying for fuel. 260 vehicles were hired at a basis cost of \$100 per vehicle, but with distances over 200 kilometres per day costing extra. Another major component of outreach costs was made up of accommodation and subsistence and remuneration for those involved in the programme.

COPAC Co-ordinator Gift Marunda has rejected allegations that the prospect of substantial financial gains for the parliamentarians on the Select Committee has prompted undue prolonging of the constitution-making process.

Source : Veritas