



ZIMBABWE: A WAY FORWARD

Executive Summary

The Open Society Initiative for Southern Africa (OSISA) makes the following recommendations:

- a) That an ad-hoc delegation (sourced from South Africa in support of its mediation role or from SADC or the AU) be deployed with immediate effect to monitor and report on incidents of political violence and intimidation.*
- b) That SADC, as guarantor of the Global Political Agreement (and in its absence other regional or international entities), ensure effective implementation of the GPA and a definitive resolution of the outstanding issues as per the SADC communiqué of 26-27 January 2009, and in particular, secure an end to political violence and to partisan use of security forces, the legal system and other state apparatus.*
- c) That a comprehensive, standing presence of SADC and/or the AU be stationed in Zimbabwe until such time as a new Constitution has been drafted, that the draft has been submitted to referendum and that free and fair presidential and legislative elections have been held. And that the standing presence be coupled with a pooled fund, supported by the international donor community, overseen by sector experts, to ensure that education, health care, water sanitation services and food distribution remain uninterrupted.*

Zimbabwe Today

The Global Political Agreement (GPA), between ZANU-PF, MDC-T and MDC-M, and guaranteed by SADC, while always tenuous, faces a greater prospect of unravelling today than at

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any previous time – plunging the country back to the crisis levels of 2008, characterised by a breakdown in service delivery, economic collapse, food shortages and an outbreak of cholera. The prospective fallout also portends a return to widespread, even increased, political violence.

During its short tenure, the inclusive government – established under the GPA – has made demonstrable progress: stabilizing inflation, bringing down the price of food (although this remains high) and allowing for a return to work of doctors who had been on strike and teachers who had abandoned their posts. And although the process and progress leaves much to be desired, it has begun the important work of developing a new constitution.

However, the parliament – having met only intermittently – has failed to repeal repressive legislation such as the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA). As such, the environment continues to be one in which freedom of expression and assembly are severely curtailed. In addition, the state-owned media remains strongly biased in favour of ZANU-PF, raising questions about the credibility of the constitution-making process.

In recent weeks, the MDC has announced a policy of non-cooperation in respect of working with ZANU-PF in government – retaining its cabinet posts but withdrawing from cabinet meetings and active cooperation with ZANU-PF ministries. Of great concern are accounts of increased abductions carried out by state agents against political opponents, and the reports of increased violence by soldiers against villagers – particularly in Mashonaland East.

In recent days, UN Special Rapporteur on Torture, Manfred Nowak was denied entry into Zimbabwe, despite an earlier invitation.

In order to rescue the GPA, to ensure that the inclusive government continues to function and that effective response to key aspects of the crisis is ensured, OSISA makes the following proposals – the first two requiring immediate realisation and the third proposal needing to be enacted over the medium-term.

Immediate Proposals

A Delegation to Guard against Renewed Political Violence

Warranting greatest concern over the next few weeks is the prospect that Zimbabwe will see a return to intensive, widespread violence. Credible reports indicate that youth and ‘war veteran’ militias are currently being deployed in the three Mashonaland provinces.

These reports are consistent with previous outbreaks of politically directed violence that have originated in the Mashonaland provinces.

That the country is set to experience renewed widespread, politically motivated violence seems consistent too with the flagrancy of certain recent public actions: such as the denial of entry, despite his invitation, to UN Special Rapporteur on Torture, Manfred Nowak; the police raid on an MDC-owned property in Harare on the grounds that police suspected the stockpiling of arms; the recent abduction of the MDC’s transport manager, Pascal Gwezere; the arrest of civil society personalities such as Zimbabwe Election Support Network officials, NANGO Director and Board chairperson, and human rights lawyer Modecai Mahlangu among others.

In order to guard against the outbreak of renewed, politically motivated violence, it is recommended that a delegation be deployed to monitor military build-up and to report on incidents of political violence.

Ideally such a delegation would be a SADC-mandated delegation, but given the immediacy of the threat, those actors best placed to dispatch a delegation are those able to do most rapidly. South Africa, in support of the mediation role it has played, could do so. SADC and the AU are also possible sources.

Assurances of an End to Political Violence for a Return to Inclusive Government

The MDC has adopted a position of non-cooperation in respect of working with ZANU-PF in government, in protest at increased political violence, targeting of MDC office-bearers and failure to resolve outstanding issues under the Global Political Agreement. Yet there will be no meaningful progress in complying with the GPA until there is renewed full engagement in the government.

SADC, as guarantor of the GPA, must, as a threshold for return to full cooperation, ensure effective implementation of the GPA and a definitive resolution of the outstanding issues as per the SADC communiqué of 26-27 January 2009, and in particular, secure an end to political violence and to partisan use of security forces, the legal system and other state apparatus.

The policy of selectively arresting MDC officials and members of parliament as well as human rights defenders must stop, every effort must be made to bring to justice those responsible for the abductions and attempted abductions of MDC officials, and politically motivated charges against MDC officials must be dropped.

In the event that there is demonstrable progress in resolving the outstanding issues, it is urged that there be full and renewed engagement with the Global Political Agreement and new government, as set out therein, by all political actors.

SADC, upon re-engagement, must play a more active role than it has previously in continuing to facilitate and monitor progress under the GPA.

Medium-term proposal

A Comprehensive Observer Mission

Should the GPA collapse, there is a real danger of continued violence across the country, escalating food prices and a return to hyper inflation. The state would no longer be able to afford the allowances that it has been paying to civil servants, and this would lead to the discontinuation of teaching and learning and severe disruptions in the ability of state hospitals to function. There is also the likelihood of a further breakdown in water and sanitation services, resulting potentially in another devastating cholera outbreak (the last outbreak began in September 2008 and ended in February 2009, killing over 3000 people across the country).

In order to avert the collapse of the state, it is crucial that the inclusive government not only continue to function but that it be capacitated to respond to key aspects of the crisis. However, the intractable differences that exist between the parties and the recurring deadlock, has meant that while some gains have been made, ordinary Zimbabweans are frustrated at the absence of real measurable improvement.

The parties have shown an inability to effectively and efficiently address differences relating to the interpretation and implementation of the GPA – as witnessed by the most recent deadlock.

It is thus imperative that oversight of the GPA not rest with the parties themselves, but that a comprehensive, standing presence/observer mission of SADC and/or the AU be stationed in Zimbabwe until such time as a new Constitution has been drafted, that the draft has been submitted to referendum and that free and fair presidential and legislative elections have been held.

The mission would have a dedicated presence of experts and observers across the country to monitor and oversee the constitution-making process. Observer presence would help guarantee the safety of communities participating in consultations related to the making of the constitution, the constitutional referendum anticipated in the GPA, and the elections that would follow. Furthermore, AU expert military personnel would be deployed to the army and the police to lead a process of security sector reform. This reform process would ensure the implementation of section 12.1(b) of the GPA which states that “the Government shall undertake training programmes, workshops and meetings for the police and other enforcement agencies directed at the appreciation of the right to freedom of assembly and association and the proper interpretation, understanding and application of the provisions of security legislation.” The mission would also comprise experts from the United Nations, SADC and the AU who would oversee a process to ensure the repeal of all repressive laws using parliamentary processes.

Experts would also be deployed to support the sectors of water and sanitation, education, health and agriculture so as to ensure that basic services are not interrupted. Sector experts would manage a pooled fund – the Zimbabwe Humanitarian and Emergency Relief Fund – supported by the international donor community – to ensure that education, health and water sanitation services remain uninterrupted, while with the support of the United Nations World Food Programme, the mission would ensure the fair distribution of foodstuffs to communities affected by food shortages.

It is envisaged that the mission would comprise some 75 experts from SADC and the AU, and an additional 300 observers. The mission would be head-quartered in Harare with a presence across the country for a period of 2 years, tasked with ensuring the implementation and interpretation of the provisions of the GPA, overseeing the constitution-making process (including the constitutional referendum) and the next national elections, as well as with supporting and supervising the repeal of repressive legislation, guiding electoral and security-sector reform, and ensuring uninterrupted basic health and educational services through the management of a donor-funded Zimbabwe Humanitarian and Emergency Relief Fund.

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