



ZIMBABWE APRM POPULAR SENSITISATION (ZAPS) PROJECT

Report of the Validation Workshop

Thursday, 8 July 2021, via Zoom

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[SIVIO Institute](#) and the [South African Institute of International Affairs](#) (SAIIA) hosted the [Zimbabwe APRM Popular Sensitisation \(ZAPS\)](#) Validation Workshop on 8 July 2021. The purpose of the event was to validate the findings pertaining to the key governance issues in Zimbabwe as identified by Civil Society Organisations (CSOs). This platform allowed representatives from the various Working Groups to present on their progress in formulating the chapters of the civil society submission to the APRM. The process is now 80% completed, which has included multiple meetings between SIVIO, SAIIA and Zimbabwean CSOs thus far. The next stage is to integrate inputs made in the Validation Workshop into a finalised report. The report will then be language edited, and sent back to the authors for correction. This will be followed by a production process of approximately two months and a launch event at the end of September 2021.

Opening Remarks

Steven Gruzd, Head of the African Governance and Diplomacy Programme at SAIIA, welcomed the guests and made opening remarks. He expressed that the Validation Workshop is an important stage of the ZAPS Project as there is a document that can now be discussed. This allows for all stakeholders involved to analyse, critique and provide input on how each chapter can be refined. Gruzd highlighted that the length of the document is an indication of the diligent work of all stakeholders and a depiction of various governance issues that need addressing in Zimbabwe.

He also expressed that the ZAPS Project is not the first of its kind, as SAIIA has successfully completed similar initiatives in three other African countries. Gruzd believes that this submission has the potential of being a very important part of Zimbabwe's efforts towards developing a country that civil society in Zimbabwe desire. It can be used as a foundation to ignite dialogue between various stakeholders in the country. He drew from the successes of the Botswana's APRM Popular Sensitisation Project submission,

which is now at the centre of consultations pertaining to Botswana's Constitutional Review process. Therefore, this is testament of the prospective substance and usefulness of the APRM submission.

Ms Ejigayu Tefera spoke on behalf of the APRM Continental Secretariat. She stated that the APRM process can be used to catalyse and bolster reform and open space for civil society participation through dialogue. It is a great opportunity for Zimbabwe to explain and showcase its practises to its peers and build capacity of CSOs to assist government bodies around all APRM thematic areas. She reiterated that CSOs are an integral part of the APRM process at the national, and continental level due to their importance in enhancing accountability, transparency and good governance. CSOs have the duty to monitor the implementation of the recommendations when reviews are completed to ensure government compliance. This can be done by fostering public debate and dialogue to identify key governance issues, their causes and propose solutions on areas of improvement. Therefore, CSOs should view this as an opportunity to influence the national APRM process in collaboration with the Zimbabwean government.

She further explained that it is a requirement for civil society to be involved in the APRM country review process, however, this depends on how mobilised civil society is. Hence it is imperative that CSOs understand the APRM, its goals and opportunities available to highlight governance issues and reforms to influence government policies. The process of enhancing CSO participation in governance, through developing a written submission, is important for undertaking successful and inclusive APRM review processes in Zimbabwe. It is an opportunity for Zimbabwe CSOs to play a leading role in demonstrating to the continent how civil society can take initiative in the APRM process.

Presentation 1: Constitutionalism in Zimbabwe

The first presenter was Greg Linington, who presented on **"Constitutionalism in Zimbabwe"**. Linington began by stating that Zimbabwe has a Constitution and that any conduct or law inconsistent with it is invalid. The Constitution has been amended several times since independence, however, multiple amendments were enacted in 2021 which had adverse impacts on its integrity and quality. More concerning was that these amendments were in contravention of proper procedures. These were substantial amendments made pertaining to the Judiciary, Vice Presidents and Parliament. For example, instead of potential judges undergoing a selection process, the President can now dispense of this process and appoint on his own authority. Another amendment was to make permanent the suspension of Section 92 of the Constitution providing for the election of Vice Presidents. This means that the President will now appoint the Vice President, thus extending his powers. Therefore, Linington argued that this constitutional amendment crisis has undermined Zimbabwe's constitutionalism.

Presentation 2: Rule of Law, Militarisation of Politics, Organised Crime

Fortune Kuhudzehwe presented on the “**Rule of Law, Militarisation of Politics, Organised Crime**”. The issues presented here were influenced by the unconstitutional constitutional amendments and the concentration of the President’s powers as previously presented by Linington. Kuhudzehwe notes that the concept of the rule of law is merely theoretical because the Constitution is not adhered to by the Zimbabwean government. The country has been militarised through the installation of military leaders in strategic political positions, democratic areas and their involvement in civilian affairs. Kuhudzehwe points out that this is conducted to consolidate power. For example, the military is not trained in dealing with civilians which has resulted in organised torture and violence on civilians. The judiciary has also been weaponised to prolong pretrial incarcerations and deny bail.

Kuhudzehwe made the following recommendations. Firstly, the government needs to fulfil its obligations as per the Constitution by respecting, promoting and protecting fundamental human rights. Secondly, historical injustices committed since independence must be addressed. Thirdly, transparent, concrete and targeted measures must be placed to facilitate peacebuilding. Fourth, all laws must be aligned with the Constitution, rule of law and the Judiciary must be impartial and independent. Fifth, there needs to be a professional, accountable and impartial police force. Lastly, the Zimbabwean National Army must be removed as an ancillary law enforcer to the police.

Presentation 3: Democracy and Elections

MacDonald Munyoro presented on “**Democracy and Elections**”. He began by stating that although Zimbabwe has held regular elections since independence, these were highly contentious. There were consistent allegations of intimidation, rigging, and suspicions about the legitimacy of electoral outcomes. Nyoro stated that the electoral system is subject to significant failings. For example, the Zimbabwean Electoral Commission’s (ZEC) Chairperson is appointed by the President and is not financially independent which affects legitimacy. Furthermore, the government uses administrative and legal measures to cripple opposition parties. This includes creating barriers for opposition not to freely access communities, election resources and the state media. This undermines electoral democracy as opposition political parties do not have equal opportunities to access the media or engage with voters. More alarming is the questionable impartiality of the Judiciary, particularly in cases of fraud brought before the courts.

The following recommendations were made. Firstly, regional bodies (AU and SADC) need to take more robust actions against member states disregarding regional guidelines on credible electoral democracy. Secondly, Zimbabwe’s electoral Framework needs to be reviewed to address existing flaws. Third, the

ZEC needs to strengthen engagements with political parties and CSOs during the electoral processes. Fourth, the Electoral Act must be amended to provide for the development and elaboration of the electoral Framework. Lastly, CSOs need to be involved in all areas of the electoral process, not merely for purposes of monitoring during election day.

Presentation 4: Corruption in Zimbabwe

Steven Ngoma, presented on the issue of **“Corruption in Zimbabwe”**. He began by defining corruption as “the abuse of public power for private gains” (World Bank). According to the Transparency International 2020 Corruption Perceptions Index, Zimbabwe ranks 157 out of 180 countries, which is a cause for great concern. Ngoma stated that there have been anti-corruption measures in Zimbabwe. These include the Constitution (Chapter 13), the Money Laundering and Proceeds of Crime Act, Prevention of Corruption Act, and Public Entities Corporate Governance Act. Since President Mnangagwa came into power, Zimbabwe has established Anti-Corruption Courts, launched anti-corruption awareness campaigns in 2019, and a National Anti-Corruption Strategy in 2020. At a regional level, Zimbabwe is a signatory to the SADC Protocol on Corruption and the AU Convention on Preventing and Combating Corruption. At an international level, Zimbabwe is also a signatory to the United Nations Convention against Corruption.

Despite the abovementioned anti-corruption measures, Ngoma asserts that the battle for corruption is far from being won. Although there are robust legislative frameworks and other measures, these are only applicable to ‘small fish’ rather than dealing with the high profile cases of elite corruption, and there is a ‘catch and release’ process of high-profile suspects. There are accusations of political interference within the National Prosecution Authority which weakens law enforcement. Furthermore, the anti-corruption institutions are underfunded. Journalists reporting corruption are harassed, arrested and imprisoned. Lastly, there is an overall lack of political will to combat corruption scandals involving politically involved persons. Ngoma made the following recommendations. Firstly, anti-corruption institutions need to be strengthened and their capacity must be improved. Secondly, the government must minimise cases of impunity against politically exposed persons. Thirdly, more needs to be done to protect whistle blowers to strengthen confidence in the anti-corruption agenda. Fourthly, the anti-corruption net needs to be broadened to include opposition and ruling party members. Lastly, the government must create a policy and legal framework to enable whistle blowing.

Presentation 5: Accountability and Transparency

Jonathan Kugarakuripi presented on **“Accountability and Transparency”**. Kugarakuripi began by defining the concepts of transparency and accountability as twin pillars for good governance. This is facilitated

through free media, elections, the rule of law and access to information on government expenditures. He then depicted various problems that prevent effective accountability and transparency. These include the increase in corruption and mismanagement of resources despite there being laws outlining accountable and transparent government conduct. Kugarakuripi's evidence was focused to the year 2020 onwards. It reveals the misuse of Community Development Funds, the distribution of Covid-19 relief funds, attempts to conceal the country's foreign debt obligations and the refusal of ministers to answer questions in parliament.

The following recommendations were put forward to combat issues of accountability and transparency. Firstly, government policies and activities must be submitted for scrutiny and debate. Secondly, ensuring the media's right to free reporting on all matters. Thirdly, the government must publicly sanction transgressors to demonstrate a serious intent to curb corruption. Lastly, parliament must affirm its role of holding the government accountable and equip citizens to do so as well.

Presentation 6: Corporate Governance – The Case of Parastatals

Patrick Mpedzisi presented on **“Corporate Governance: The Case of Parastatals”**. Zimbabwe has 107 State Enterprises and Parastatals (SEPs) which contribute less than 2% of the GDP. In the 1990s, SEPs contributed over 40% of the GDP and employed thousands, which depicts a great challenge on how these are currently governed. These challenges are accredited to political interference in the operation of state entities, which has resulted in massive debt. Mpedzisi highlights that there are legislative frameworks for good corporate governance in Zimbabwe. These include Section 9 of the Constitution, the Public Entities Corporate Governance Act (PECGA), and the Zimbabwe National Code of Corporate Governance. However, he notes that the challenges against good corporate governance are in the lack of compliance with these legislative framework and absence of a monitoring mechanism.

Mpedzisi recommended that the enforcement of stricter compliance with relevant legislation and policies. This must be monitored within all private and public sectors, with clear sanctions for non-compliance. The PECGA must explicitly forbid the chairperson of the board of directors to hold any executive position. Moreover, the principle of separation of ownership and control to the parent Ministry, the Board and CEO must be respected to avoid nepotism and patronage. He added that the Auditor General's office must be strengthened to independently investigate and provide regular reports or recommendations pertaining to corporate governance in Zimbabwe.

Presentation 7: Shrinking Civic Space

Yassin Nhara presented on the **“Shrinking Civic Space”**. She began by explaining the role of civil society in Zimbabwe. Civil society and CSOs are ideally critical sources of information for the government. They

monitor government policies and activities through advocacy and dialogue to ensure accountability and adherence to the Constitution. However, Nhara states that there is a divergence between the Zimbabwean government and civil society. This has caused increased tensions which have resulted in targeted arrests, hate speech and organised violence and torture against civil society and CSOs. There have been 932 reported cases of organised violence and torture between 30 March 2020 and 5 November 2020 alone. There is also a misperception that civil society is aligned with foreign agendas which has created an unhealthy relationship between the government and CSOs. This has resulted in legislative reforms to the Private Voluntary Organisations Amendment Bill and Patriotic Bill, which have far reaching implications for the work of CSOs.

Nhara put forward the following recommendations. First, there needs to be state and non-state advocacy and lobbying to activate citizen and government engagement. Second, perpetrators of organised violence and torture must be brought to account to dispel of the impunity culture. Third, there needs to be engagement with regional and international actors to pressure the government to account for its governance. Lastly, policy and legislative reforms must be democratically implemented with active involvement with civil society.

Presentation 8: Public Goods, Service Delivery and Citizen Welfare

Cornilia Selipiwe presented on “**Public Goods, Service Delivery and Citizen Welfare**”. This presentation analyses the impact of privatisation, political manipulation, economic under-performance to service delivery and the affordability of public goods for citizens. Selipiwe highlights critical issues like the diminishing expenditure on public goods, a liquidity crisis, resource mismanagement and corruption, COVID-19 economic disruptions, poverty and unemployment. The following recommendations were made towards combating these critical issues. Firstly, government’s transparency and accountability frameworks must be strictly enforced to minimise the misuse of state resources that are meant for development. Secondly, social welfare programmes must be revitalised and adequately resourced. Thirdly, the government needs to depoliticise development by promoting citizen participation according to the National Development Strategy. Fourth, local government needs to invest in business ventures like farming instead of relying on traditional revenues of resources like rates. Lastly, the government needs to promote policy consistency for better planning in the provision of public goods and service delivery.

Q & A Sessions

Q: What is the timeframe that the ZAPS submission will be covering considering that Zimbabwe has 5 years till its first country review?

A: The ZAPS report provides a contextual and historical background for some of the issues identified. However, the Working Groups' contribution are largely centred around the occurrences since 2017 and whether there has been any change. There is also a focus on any changes since Zimbabwe's accession to the APRM.

Q: A question was raised about the inclusion of people with disabilities in the voting process, particularly those who are deaf or blind.

A: The laws of Zimbabwe are not as robust as they ought to be. This is also the case with regards to laws pertaining to the accommodation of disabled persons. Hence the recommendation to align laws to the constitution, which speaks to the inclusion of disabled persons.

Q: Is there any regional or international law against the militarisation of the state (to strengthen recommendations)?

A: There are international laws to combat the militarisation of the state, for example, the Convention against Torture. However, the main issue is that Zimbabwe has not ratified nor localised such laws into legislation because the government exercises its sovereignty. Moreover, the militarisation of the state is generally against basic tenants of good, democratic governance.

Q: Considering the significant role played by religious leaders and institutions in the country's history, how do we involve the religious sector in processes such as the APRM?

A: Attempts have been made to involve the religious sector. Some participants in the Working Groups are members of the religious sector. Moreover, the Zimbabwean Christian Alliance was present in the ZAPS meeting. Therefore, this ZAPS process has sought to involve as many sectors or entities as possible.

Q: What can be done to minimise competition among CSOs and to promote a more collaborative and complimentary approach, especially around electoral advocacy?

A: CSOs compete around election reform agendas because there is an issue of who get access to finances. To minimise this unhealthy competition, CSOs need to form coalition with like-minded organisations that focus on issues of elections.

Recordings of the event can be found [here](#).