



Benchmarks for Re-engagement by the international community.

11 February 2009

With the decision by MDC-T to enter the "unity government" has come an immediate call (for example by the AU) for the lifting of "sanctions" and the re-engagement of the international (donor) community with the Zimbabwean government. Now, it is not clear to all that the formal sanctions applied to Zimbabwe consist solely of targeted sanctions against several score individuals (and more recently businesses) and asset-freezes, and, although thus of limited impact, they remain a source of pressure upon ZANU PF to restore democratic norms in Zimbabwe. However, the call for the lifting of sanctions does not merely apply to these "targeted" sanctions, but is also a call for the Western nations (the EU and the United States of America) and the multi-lateral finance institutions (the IMF and the World Bank) to re-engage, and provide balance of payments support and development assistance. It has been made abundantly clear by all these bodies and countries that re-instituting support to Zimbabwe will be conditional upon compliance with standard lending criteria and the restoration of democracy.

It is evident to most that ZANU PF's will to do so has been wholly absent since the signing of the Global Political Agreement in September 2008. There is no evidence that ZANU PF has made even a minimal attempt to honour the undertaking to "respect the democratic values of justice, fairness, openness, tolerance, equality, respect of all persons and human rights" outlined in the Preamble to the Agreement. Rather there has been continued political violence, disregard of the rule of law, continued partisan media coverage and press reporting. Even though a "unity" government is currently being put in place, this of itself does not mean that democracy has been restored

It would then seem premature to remove the targeted sanctions, and even more premature for the international community to move beyond the provision of humanitarian support into balance of payments support and development aid. There is clearly still a need for the implementation of the Agreement to be carefully monitored by all parties.

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With these points in mind, there should be no re-engagement by the international community, outside of humanitarian assistance, until a six month period of monitoring the implementation of the Agreement against clear and explicit benchmarks has taken place. This period is necessary in order to test the good faith of the parties to the Agreement, and especially the good faith of ZANU PF. The monitoring should be both local, by Zimbabwean civics, and international, by SADC, AU, and UN observers.

The monitoring of an agreement is an issue that has been much discussed by Zimbabwean civil society and its international partners, and there have been several exercises to specify the kinds of benchmarks that should be put in place to determine the efficacy of any agreement.

These bench marks however should not be specified without determining how and who will monitor these. It is not enough to merely provide a list of indicators without an equivalent measuring process. Some of this should be done by the Zimbabwean civil society organizations that have been doing an excellent job already, and some may need to be done by new initiatives. This local process should be complimented by external bodies, with at least a small team from SADC/AU to act as arbiters over the validity of reports.

Although there are very valuable benchmarks that have been previously developed, and the following derives strongly from these,¹ it is also evident that the bench marks will need to be more specific in order that they can be unambiguously monitored. The following is an attempt to build on these earlier suggestions in an effort to make the bench marks more specific.

1. VIOLENCE

- *An immediate cessation of the violence, arrests, harassment and torture in general and in particular of opposition activists as well as human rights defenders such as journalists, lawyers and women rights activists;*
- *The dismantling by Government of youth militia bases and any other informal institutions of violence and intimidation;*

These benchmarks should be explicitly tested against the Monthly Political Violence Reports of the Zimbabwe Human Rights NGO Forum. The Human Rights Forum has a well-established system of recording violations, having provided over 80 monthly reports and over 35 analytical reports on various aspects of the political violence since 2000.

The indicator here will be a large drop in reported cases of political violence seen in the Monthly Political Violence Reports of the Human Rights Forum.

2. HUMANITARIAN ASSISTANCE

- *Immediate and unrestricted access to all internally displaced persons and other victims of political violence by humanitarian organizations and ending of interference with the work of NGO's throughout the country.*

¹ These benchmarks are derived from *Zanu PF and MDC Power Sharing Agreement: Assessment of Outcomes, Benchmarks for Re-engagement*. Zimbabwe Watch & Crisis in Zimbabwe Coalition. 12 October 2008 [see Appendix 1].

These benchmarks should be explicitly tested against the reports of FOSENET and ZPP. The reports on food security and other aspects of the humanitarian crisis have been credible and corroborated generally by the reports of other external bodies.

The indicator here will be reports of increased food assistance in all areas, an absence of reports indicating any interference with food distribution, and an absence of raids by state security agencies on the offices of NGOs.

3. MEDIA

- *Immediate end of harassment and torture of journalists;*
- *Opening up the airwaves for private radio and television stations;*
- *Transformation of the Zimbabwe Broadcasting Corporation into a true state broadcaster.*

These benchmarks should be explicitly tested against the reports of MISA (on journalists & legislation) and MMPZ (on the media environment). Both these organizations are highly respected for their reporting on the media, and the task of monitoring could be divided as suggested above - MISA to concentrate on the ability of journalists to operate and the media environment, whilst MMPZ could continue its excellent work of monitoring the content press, television and radio for evidence of freedom of expression improving.

The indicators here will be several. An absence of reports of journalist being harassed, arrested or deported, and indications that the press, radio, and television show non-partisan reporting, an absence of hate speech, the appearance of all political parties, civics and others in the media, and a plurality of broadcasters and publishing houses.

4. Rule of Law and Justice

- *An enabling environment for the legal profession to carry out its professional duties and an independent, competent and professional law officers and Attorney general's office;*
- *An end to impunity by investigating all cases of rights abuses and bringing all perpetrators of crime to book;*
- *Removal of weapons of war from the ZRP and a return to civilian policing.*

These benchmarks should be explicitly tested against the reports of Zimbabwe Lawyers for Human Rights and the Law Society. Both these bodies have the membership that should allow them to determine whether the security agencies are acting within the constraints of the constitution and their governing legislation, as well as being able to have a sound and informed opinion as to whether the justice machinery is operating in a non-partisan fashion.

Again there are several key indicators here: An absence of complaints against the ZRP; a cessation of partisan policing and unlawful and unlawfully prolonged detention; proper access to detainees by lawyers; compliance with court orders (particularly those relating to habeas corpus; evidence that judicial and court officials act appropriately and impartially. Furthermore, all judges, magistrates and court officers must make a declaration of their private interests.

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5. Elections

- *All elections should be run by a wholly independent electoral authority free of any interference from either the government or political parties;*
- *All elections shall conform explicitly to the SADC Principle and Guidelines;*
- *No reputable body shall be denied access to observing of monitoring elections, including bye-elections.*

These benchmarks should be explicitly tested against the reports of the Zimbabwe Election Support Network [ZESN]. ZESN has a long and reputable history of observing elections in Zimbabwe and their reports are accepted by all as credible.

The indicators will derive from the indicators based on the SADC Principle and Guidelines.

Other benchmarks could of course be added to this small list as was the case with the Zimbabwe Watch/Crisis Coalition suggestions, but they would need to have an obvious monitoring body and clear indicators to be useful. The aim must be to have indicators and measures that are beyond contest, and hence will need to be very specific and derive from a credible source. Furthermore, the organizations doing the monitoring should make it public that they are doing the monitoring, meet regularly to ensure proper coordination, and seek regular meetings with the Joint Monitoring and Implementation Committee [JOMIC] set up under the Agreement.

6. External support

The monitoring of benchmarks should not be a wholly Zimbabwean affair, and regional and international solidarity groups should make an input to the process in a number of ways:

Firstly, regional civil society groups should assist by sending in teams to verify the reports of each of the groupings mentioned above. Small teams should visit Zimbabwe to assess the situation as reported by the Zimbabwean monitoring groups and issue public statements confirming or refuting the claims made by Zimbabwean groups. Any attempt by the authorities to block such visits should be seen as bad faith in the context of the Agreement.

Secondly, there should be pressure put on SADC to send in monitors to do the same. SADC should not wait for the six month period suggested in the Agreement, nor rely only on the reports of JMOIC, but should be pressured to get independent verification of the implementation of the Agreement.

Thirdly, there should be pressure put on SADC and the AU to send in teams to monitor the implementation of all humanitarian assistance, and especially food distribution and the control of cholera. There must be people on the ground observing these processes.

Fourthly, there should be agreement by Zimbabwean civil society to insist that no economic re-engagement – balance of payment support or development assistance – takes place without there being satisfactory compliance with the benchmarks. There should be no removal of personal sanctions. The only assistance that is acceptable in the short-term is direct, humanitarian assistance to the ordinary people of Zimbabwe, delivered through churches and NGOs in the case of food, and through local government structures in the case of health.

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Appendix 1

Zanu PF and MDC Power Sharing Agreement: Assessment of Outcomes, Benchmarks for engagement and recommendations from Zimbabwean civil society.

12 October 2008

Crisis in Zimbabwe Coalition & ZimWatch

4. Benchmarks

In their interventions collected below, civil society organisations in Zimbabwe have indicated a number of benchmarks for measuring the success of the implementation of the deal. These effectively constitute benchmarks that the International Community must consider before actively reengaging with the Government of Zimbabwe, particularly providing macro-economic rescue packages for Zimbabwe and lifting the sanctions imposed on the key actors of the Mugabe Government:

4.1 Violence

- An immediate cessation of the violence, arrests, harassment and torture in general and in particular of opposition activists as well as human rights defenders such as journalists, lawyers and women rights activists. Sadly, this violence continues and controversial court cases have not been dropped.
- The Government disbands youth militia bases and any other informal institutions of violence and intimidation.

4.2 Humanitarian Assistance

- Immediate and unrestricted access to all internally displaced persons and other victims of political violence by humanitarian organizations and lifting of ban on the work of NGO's throughout the country. The clause which says humanitarian organisations must operate "within the laws of Zimbabwe" (as they presently stand) must be immediately removed as these very same laws were designed with a specific purpose of making operations of NGOs difficult if not impossible.

4.3 State Institutions

- Depoliticisation of key state institutions including the Zimbabwe Republic Police, the Zimbabwe National Army, the Zimbabwe Prison Service, the Judiciary, the Attorney-General's office, the Zimbabwe Electoral Commission, the Registrar-General's office, the Reserve Bank of Zimbabwe, the Zimbabwe Media and Information Commission and the Zimbabwe Human Rights Commission.

4.4 Media

- Immediate end of harassment and torture of journalists;
- Opening up the airwaves for private radio and television stations;
- Transformation of the Zimbabwe Broadcasting Corporation into a true state Broadcaster;
- Suspension and repealing of repressive legislation that is an impediment to dissemination of information.

4.5 Economy

- Dialogue with the business and professional community to develop policy designed to bring about economic recovery;
- Depoliticise land reform.

4.6 RULE OF LAW AND JUSTICE

- AN ENABLING ENVIRONMENT FOR THE LEGAL PROFESSION TO CARRY OUT ITS PROFESSIONAL DUTIES AND AN INDEPENDENT, COMPETENT AND PROFESSIONAL LAW OFFICERS AND ATTORNEY GENERAL'S OFFICE;
- AN END TO IMPUNITY BY INVESTIGATING ALL CASES OF RIGHTS ABUSES AND BRINGING ALL PERPETRATORS OF CRIME TO BOOK;
- THE SUSPENSION AND SUBSEQUENT REPEALING OF ALL REPRESSIVE LEGISLATION.

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