

**STATEMENT OF
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REGIONAL INFORMATION AND ADVOCACY COORDINATOR: CRISIS IN ZIMBABWE COALITION

Before the

**HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH AND HUMAN RIGHTS
“US POLICY TOWARD ZIMBABWE”
WASHINGTON DC, WEDNESDAY 02 NOVEMBER 2011**

Mr. Chairman and members of the committee, I request that the entirety of my statement, along with additional material, be submitted for the record.

Mr. Chairman and Members of the Committee, representatives of various stakeholders, it is a singular honor for me to appear before this distinguished sub-committee to give a testimony on “**US Policy Toward Zimbabwe**.” I wish to thank you profoundly for taking time to reflect on initiatives to support the people of Zimbabwe.

My work as Regional Information and Advocacy Coordinator for Crisis in Zimbabwe Coalition – a grouping of civil society organizations that are working to help create a genuinely free and democratic Zimbabwe – keeps me in touch with ongoing efforts to resolve the governance crisis in our country. My testimony before this esteemed sub-committee is driven by a deep desire – shared by many of my compatriots – to build a society that is free of violence, fear and intimidation and founded on justice, fairness and equality.

Since the signing of the Global Political Agreement (GPA) in September 2008 – which created the legal basis for the establishment five months later of the Inclusive Government between the former ruling party ZANU-PF and the two factions of the opposition MDC – some progress has been made to reverse the country’s catastrophic economic decline and restore normalcy to people’s lives. But several critical steps remain to be taken both within Zimbabwe and by members of the international community, including the US government, to guarantee sustainable peace and development.

Current Position

Mr. Chairman, largely due to president Robert Mugabe and his ZANU-PF party’s unwillingness to institute fundamental reforms, Zimbabwe’s Inclusive Government has failed so far to restore the rule of law, to ensure that the next elections will be free and fair, to provide justice for victims of abuses or to bring the perpetrators of those abuses, particularly the horrific electoral violence of 2008, to account and to create a viable roadmap that will pave the way towards a genuine transition to a free, democratic and open society. ZANU-PF retains control of all senior ministries – including the ministries of foreign affairs, defense, state security, justice, and it co-chairs the home affairs ministry – and retains the absolute and vocal support of the heads of the security services. However, the fact that the shaky inclusive government has not collapsed altogether is a source of hope. There has also been a marked improvement in the economy, which is expected to grow robustly again this year – for the third year in a row after almost a decade of precipitous decline. And while the reform process is painfully slow and piecemeal, pro-democracy forces continue to painstakingly chip away at the remnants of the old regime.

Fortunately, ZANU-PF was unable to force elections in 2011 thanks to a concerted campaign both inside and outside Zimbabwe, which called for key reforms to be instituted before the country could possibly go to the polls. President Mugabe and ZANU-PF are now ratcheting up the rhetoric again and talking about holding elections in 2012.

But for the following reasons, among others, Zimbabwe is still not ready to hold democratic elections:

1. Key state institutions, particularly those responsible for the administration of elections, remain unreformed and partisan towards ZANU-PF. Although the Inclusive Government has appointed a new Zimbabwe Electoral Commission, its secretariat has not been reviewed to ensure independence and non-partisanship in the discharge of its mandate.

2. Zimbabwe's voters' roll cannot be used for elections as it remains outdated and largely inaccurate. A survey released earlier this year estimated that 1/3rd of the voters on the roll were dead.
3. Senior leaders within the security sector continue to publicly – and unconstitutionally – proclaim partisanship towards ZANU-PF. For instance, on 27 May 2011, Brigadier-General Douglas Nyikayaramba of the Zimbabwe National Army told a weekly paper that the military wants elections held in 2011 which will be won by ZANU-PF adding, "*Truly speaking, I am in ZANU-PF and ZANU-PF is in me and you can't change that.*" Uniformed members of the security forces have also been implicated in perpetrating violence against perceived ZANU-PF opponents and in directly campaigning for ZANU-PF. The security sector played a key role in preventing the MDC – which clearly won the 2008 elections – from taking power and there is little likelihood of a genuine and peaceful transition without transformation of the security sector.
4. While government has lifted restrictions on print media, it has maintained tight control over ZANU-PF aligned and state-owned radio and television stations. There are no private radio or television stations operating in Zimbabwe.
5. The constitutional reform exercise is yet to be finalized.

Mr. Chairman, some progress has been made in the area of crafting a new constitution as agreed under the GPA. The constitutional review process, over a year behind schedule, is taking place under difficult conditions characterized by extreme polarization, conflict, intolerance and inadequate funding. The Constitution Parliamentary Select Committee (COPAC) tasked with leading the review process indicates that, following the gathering of views across the country, a team of legal drafters has now been set up to develop a constitutional draft for debate in parliament before being subjected to a national referendum possibly by March 2012. A new constitution must be in place before Zimbabwe can be ready to hold fresh elections that are credible, free and fair and where violence and intimidation play no part.

Mr. Chairman, my assessment is that ours will be a constitution by compromise – political parties will agree on the framework and content before submitting the draft to referendum as a fait accompli. While this might undermine the credibility of the constitution in the eyes of many citizens, a genuine debate in parliament followed by a free and fair referendum will at least provide a more level playing field for the elections to come – and for our future development.

Mr. Chairman, our regional bloc – the Southern African Development Community (SADC) - has made a significant policy shift towards Zimbabwe. Driven largely by its mediator for Zimbabwe, President Jacob Zuma of South Africa, SADC openly condemned violence and intimidation in the resolution of its Troika of the Organ of Politics, Defense and Security Cooperation of 31 March 2011 made in Livingstone, Zambia. SADC further rejected ZANU-PF's push for elections to be held in 2011, insisting on full implementation of the GPA. SADC further urged its Troika to appoint a team of representatives to participate in the monitoring of the implementation of the GPA and the election roadmap. It is important that the international community actively supports the emerging consensus on Zimbabwe within SADC and works to build a similar international consensus around the positive steps needed to restore Zimbabwe to full democracy.

Key Challenges

Mr. Chairman, the key challenges confronting Zimbabwe today include the fractured state of ZANU-PF, a party that, under Mugabe, controls the security sector. President Mugabe turns 88 next February and there are growing concerns about his health – concerns compounded by the fact that Mugabe has no clear succession plan within his party. Should anything happen to Mugabe, the risk of chaos and civil unrest that could spread to the region is very high as there is no other leader within his party who could keep the various factions together. Instituting democratic reforms becomes urgent in order to completely separate ZANU-PF from the security sector and to remove the security sector from interfering in the country's political and electoral affairs.

The Inclusive Government is barely functional, leading to the existence of parallel structures of governance operating outside the GPA framework – particularly the infrastructure of violence aligned to ZANU-PF, which includes self-styled war veterans, ZANU-PF militia like the Mbare-based *Chipangano*, and elements within the security establishment. Parallel structures also exist in the management of diamond revenue from the massive Marange fields. Most of the revenue from the diamonds, which could play a pivotal role in boosting state spending on key social sectors and on supporting overall economic development, has largely bypassed formal government structures controlled by finance minister Tendai Biti of the MDC. Lack of transparency and accountability for the

vast diamond revenue raises the serious risk that the money could be used to finance a violent election if one is called prematurely in the absence of mechanisms to prevent state-sponsored violence and intimidation.

Mr. Chairman, there is a genuine fear among many Zimbabweans that come the next elections, forms of violence and intimidation may be subliminal and covert rather than overt as was the case in 2008. It will be a case of ‘rattling the matchbox’ by an arsonist as a reminder to arson victims that one stands ready to start another fire. This kind of psychological violence based on threats of a repeat of the past is more difficult to observe and would require close monitoring over an extended period of time by both local and international election observers.

Mr. Chairman, the inclusive government has managed to restore a measure of stability to our economy riding on the back of the relative stability afforded by the GPA and the scrapping of our local currency in favor of a multi-currency system dominated by the US dollar. Our agriculture and local industries are performing way below capacity, and we largely rely on imported goods and food stuffs, mainly from South Africa. For the ordinary Zimbabwean, life continues to be a huge struggle with unemployment in the region of 90% and at least 70% of the population living below the poverty datum line. So while we can point to economic growth in the past few years, these economic gains are unsustainable without a solid political foundation. In addition, the debate over the Indigenization bill – where foreign companies must sell at least 51% of their shares to ‘indigenous’ Zimbabweans – is also causing serious concern and undermining hopes for an increase in foreign direct investment.

Mr. Chairman, Zimbabwe continues to be plagued by very weak state institutions manned by strong party cadres loyal to the old regime. Reforms must therefore necessarily go beyond normative or framework reforms to look at the personnel responsible for taking the country into the future. In most cases the challenge is not the absence of clear rules or laws, but a total disregard of those laws that is done with impunity. Our laws are clear that perpetrators of criminal acts must be held accountable, but the political leadership of the police and the prosecuting authority neglect to discharge their constitutional mandate. The Defense Forces Act and the Constitution strictly prohibit military officials from being partisan but the practice is that senior military officials routinely make reckless political statements that undermine democracy. Those loyal to the old regime often point to the existence of the normative and hollow institutional framework as evidence of good practice. For instance, on 10 October 2011, justice minister Patrick Chinamasa (ZANU-PF) told the UN Human Rights Council in Geneva that Zimbabwe is ‘desirous of promoting and upholding human rights for all,’ and proceeded to point to a litany of laws as evidence. Practice on the ground is very different though.

Recommendations to the US Government

Mr. Chairman, I wish to thank the US Government for its humanitarian support to the people of Zimbabwe and support to civil society groups working in the area of democracy, good governance and human rights. The US Government has a critical role to play in the coming months since Zimbabwe will only make progress towards a democratic transition if the international community – and particularly the US – remains genuinely engaged.

I wish to submit the following five recommendations for your consideration:

1. The US government should actively support the emerging SADC consensus on Zimbabwe relating to the need to establish a legitimate government through genuinely free and fair elections that are preceded by a new constitution and other necessary reforms to create an environment conducive to free political activity.
2. The US government should lead in building international consensus on Zimbabwe that supports the SADC consensus and insists that Zimbabwe’s next elections must comply with minimum SADC and international standards governing the conduct of democratic elections and transfer of power.
3. The US Congress should avoid any legislative initiatives on Zimbabwe – including repealing ZDERA or targeted sanctions – until after genuinely democratic elections have ushered in a legitimate government reflective of our people’s wishes.
4. The people of Zimbabwe have benefited greatly from the support rendered by the American people to civil society groups working in the fields of democracy and governance. Zimbabwe

is at the crossroads and needs that support more than at any other point in the life of our nation – but that critical support is being cut back. I urge the US government to not only reverse the cuts that are threatening to undermine the work of many critical organizations – for example the Mass Public Opinion Institute is now struggling to survive – but also consider increasing support for democracy and governance work through USAID at this vital stage in our transition. Key areas of work include (1) finalizing the constitutional review process, (2) instituting and promoting electoral reforms, and (3) long term monitoring and observation of elections.

5. The US government should support the United Nations' deployment of a Human Rights Advisor based in Zimbabwe and the long term deployment of election observers to help prevent state-sponsored violence and intimidation.

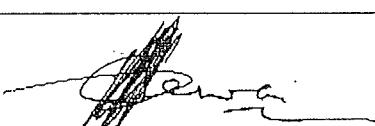
Thank You

DEWA MAVHINGA

United States House of Representatives
Committee on Foreign Affairs

"TRUTH IN TESTIMONY" DISCLOSURE FORM

Clause 2(g) of rule XI of the Rules of the House of Representatives and the Rules of the Committee require the disclosure of the following information. A copy of this form should be attached to your written testimony and will be made publicly available in electronic format, per House Rules.

1. Name:	2. Organization or organizations you are representing:
Dewa Mahvinga	Crisis in Zimbabwe coalition
3. Date of testimony:	
11/2/11	
4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?	5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. If you answered yes to either item 4 or 5, please list the source and amount of each grant or contract, and indicate whether the recipient of such grant was you or the organization(s) you are representing. You may list additional grants or contracts on additional sheets.	
USAID grant to Crisis In Zimbabwe coalition - \$50,000 (2010)	
7. Signature:	
	

Please attach a copy of this form to your written testimony.