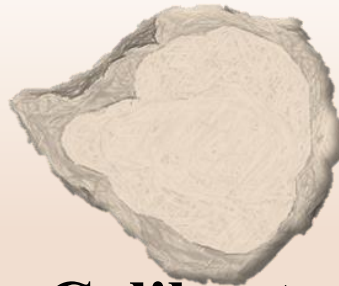


Zimbabwe's Re-Engagement by the Western Community:



A Call for a Calibrated Approach.

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Post 31st of July 2013; the Western Community has signalled or started engaging and normalising relations with Zimbabwe after close to two decades of contested leadership and disputed electoral outcomes. The signing of a bilateral grant between the EU and Zimbabwe, the visits by high level envoys from the United Kingdom and German in early 2015 signify a thawing of relations and shift from isolation to engagement. The trend towards re-engagement presents a complex challenge for pro-democracy civil society and opposition since the democratic and governance practice of the Harare regime still leaves a lot to desired. In this article, Zimbabwean scholar, Tamuka Charles Chirimambowa, argues for a gradualist approach to re-engagement based on government of Zimbabwe achieving certain milestones towards operationalising the country's new constitution.

The fragmented and weakened nature of civil society and the opposition parties post July 2013 elections has complicated things for the West which has hitherto supported the democratic forces in Zimbabwe. This plus the ruling Zimbabwe African National Union Patriotic Front (ZANU PF)'s increased stranglehold and domination of the state within the present and foreseeable future may explain why re-engagement has become more attractive. This paper looks at ways through which re-engagement can be more meaningful and contribute towards democratisation in Zimbabwe.

Despite the lack of change in political leadership, the adoption of Constitution Amendment (No.20) Act, 2013 has set Zimbabwe on a road to transition as the need to operationalise the constitution arises. This provides an opportunity for an incremental approach to re-engagement and normalisation of relations with Zimbabwe benchmarked on specific milestones based on the operationalisation of the new constitution. There is need to move the discourse of Zimbabwe's re-engagement to tangible or practical outcomes; free from the rhetoric and grandstanding of politicians. In addition, there is need for international partners to support the capacity of civil society organisations to engage with government and positively influence policy towards clear deliverables. A key objective in all these deliberations must be the protection of democratic institutions and deepening of democratic practices provided for under the new constitution. Such an approach will most likely provide guarantee to the protection of rule of law in the long term.

Deepening Democratic Institutions: the 'new' Constitution as an Opportunity

Zimbabwe has an urgent task of realigning existing laws and institutions according to the new constitution. According to Zimbabwe's Justice and Parliamentary Affairs Ministry not less than 300 pieces of legislation need to be realigned and the Zimbabwe Electoral Commission (ZEC) Chairperson, Justice Makarau has called on the Zimbabwe government to expedite this process. It is notable that the Vice President, Emmerson Mnangagwa has hinted that, "The General Laws Amendment Bill, which seeks to amend over 150 pieces of legislation is being finalised"¹. The creation of the Bill of Rights and the provision for Chapter 12 Institutions curtailing powers of the executive further gives credence to the thesis that Zimbabwe is in some form of transition. Chikuhwa concurs and observes that the adoption of the Constitution of Zimbabwe Amendment (No. 20) Act, 2013 marked the end of the First Republic and thus ushering in a new era², while Masunungure and Shumba argue that Zimbabwe is mired in transition³. However, whether Zimbabwe will transition to democracy or slide into authoritarianism depends on the actions of civil society, opposition, international partners and dynamics within the ruling ZANU-PF. Sadly and cause for caution is that this transition is taking place amidst the disarray in opposition parties and fragmentation within civil society.

Given the domination of the state by ZANU PF post the July 2013 elections there is need to engagement government to positively influence the reform of policy and institutions. There is need for critical engagement defined by key benchmarks around the operationalisation of the constitution. However, in adopting this approach there is need for international partners and civil society to move away from dictating a roadmap to government⁴; but through sustained dialogues, develop a local based and mutually accepted general framework. There is need to increase engagement at diplomatic and staff levels especially between

¹ Mbanje, P. (2015). 'Lack of Funding Hampers Realignment of Laws: Mudenda', Newsday, available:

<https://www.newsday.co.zw/2015/03/24/lack-of-funding-hampers-realignment-of-laws-mudenda/> ; The Herald, (2015).

'Makarau on Alignment of Laws', available: <http://www.herald.co.zw/makarau-on-alignment-of-laws/> and AllAfrica, (2015).

'Zimbabwe: Govt Committed to Realignment of Laws', available: <http://allafrica.com/stories/201501220139.html>

² Chikuhwa, J. (2013). *Zimbabwe: The End of The First Republic*, AuthorHouse.

³ Masunungure, E. V., & Shumba, J. M. (Eds.). (2014). *Zimbabwe: Mired in Transition*. Weaver Press.

⁴ This point is more expounded more by Ward who argues that, "... in the face of proffered incentives and disincentives, it would be wise to avoid at aiming for a U.S. 'roadmap' for Zimbabwe". See Ward, G. (2015). 'Political Instability in Zimbabwe: Contingency Planning Memorandum No.23', available: <http://www.cfr.org/zimbabwe/political-instability-zimbabwe/p36230>

international partners and the government of Zimbabwe⁵. There is a danger of missing the opportunity for positively influencing reforms, if Zimbabwe is not engaged with constructively.

Zimbabwe's Transition: Call for Calibrated Engagement

The July 2013 elections have had the effect of Zimbabwe being accepted back within the international community besides the protest from Zimbabwe's opposition, civil society and the Western Bloc⁶. This has removed Zimbabwe from the agenda of the Southern Africa Development Community (SADC) and the African Union (AU) despite that there are still serious questions of democratic deficit in Zimbabwe. Questions of disappearance of activists; militarisation of state institutions; uneven/partial electoral field and 'lack of rule of law' continue to be of concern within Zimbabwe⁷. With the locus on Zimbabwe having thus shifted from the regional and international radar; the seemingly available opportunity for influencing issues of policy and reform in Zimbabwe is through the empowerment of citizen and civic led initiatives. This article calls for Zimbabwean civil society to come up with a roadmap that seeks an incremental engagement which is gradual and aligned to institutional reforms based on the new constitution. International and regional partners may aid the reform process in Zimbabwe through provision of support that seeks to complement their diplomatic efforts. Adopting an engagement strategy of this nature may help to hedge against potential democratic regression as Africa has had significant cases where democratic constitutions have been changed to accommodate the wishes of the incumbents⁸. Already in Zimbabwe there is talk on the part of government, 'reviewing the constitution on the arguments of fiscal austerity'⁹ which may potentially threaten the survival of some democratic institutions¹⁰. It is at this point that the engagements with Zimbabwe by international and regional partners have to take on full board civil society to ensure the broadening and deepening of democratic systems and values to guarantee sustainable rule of law and democratic stability.

Conclusion

This article concludes that Zimbabwe's new constitution has set it on a path of transition. Whether the country transitions to democracy or regresses depends on the commitment of actors within Zimbabwe, both inside and outside of government to ensure that the new constitution is operationalised. Support towards this end by regional and international partners will thus be crucial. The article has recommended for an incremental engagement and normalisation of relations with Zimbabwe benchmarked by key milestones on

⁵ See Ward, G. (2015). 'Political Instability in Zimbabwe: Contingency Planning Memorandum No.23', available: <http://www.cfr.org/zimbabwe/political-instability-zimbabwe/p36230>

⁶ See Makokera, C G. (2015). 'Zimbabwe and South Africa: Security Takes Precedence Over Economy', SAIIA Policy Briefing No. 126, available: <http://www.saiia.org.za/policy-briefings/zimbabwe-and-south-africa-security-takes-precedence-over-economy>

⁷ See Smith, D. (2015). 'Zimbabwe Activist Still Missing as State Officials Deny Abducting Him', The Guardian, available: <http://www.theguardian.com/world/2015/mar/13/zimbabwe-activist-missing-itai-dzamara>; Laiton, C. (2015). 'Deputy AG Assaulted', Newsday, available: <https://www.newsday.co.zw/2015/03/23/deputy-ag-assaulted/>; Magaisa A (2015). 'ZEC's Astounding Act of Hypocrisy', available: <https://newzimbabweconstitution.wordpress.com/2015/01/27/zecs-astounding-act-of-hypocrisy/> and Newsday (2015). 'Respect Rule of Law: German Envoy', available: <https://www.newsday.co.zw/2015/03/25/respect-rule-of-law-german-envoy/>

⁸ In the Democratic Republic of Congo there is a dispute of President Kabila want to extend the presidential constitutional limit; in Angola President Dos Santos managed to extend his presidential term limit; in Senegal President Abdoulaye Wade's attempt to change extend his tenure were resisted and the same scenario prevailed in Mozambique towards the end of President's Armando Guebuza's rule. These narratives are awash in African politics (try and reduce generalising journalistic statements like the last one above).

⁹ See Zimbabwe Situation (2015). 'Major Changes to Constitution Coming', available: http://www.zimbabwesituation.com/news/zimsit_w_major-changes-to-constitution-coming-the-sunday-mail/

¹⁰ See Newsday (2015). 'Chinamasa Rapped Over Constitutional Changes Remarks', available: <https://www.newsday.co.zw/2015/03/16/chinamasa-rapped-over-constitutinal-changes-remarks/>

the operationalisation of the new constitution. International and regional partners may also intensify diplomatic efforts and at the same time include civil society in their engagement strategies to broaden and deepen democratic practice. Taking such an approach will most likely ensure entrenchment and sustainability of democratic institutions and systems in the long term and make Zimbabwe a law abiding player within the community of nations.

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