



Liaison, Dialogue and Research

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Policy Dialogue Report

19 November 2021, Zoom Platform

Civil Society Briefing on Zimbabwe

SALO PUBLIC CIVIL SOCIETY BRIEFING ON ZIMBABWE

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BLESSING VAVA,
DIRECTOR AT CRISIS IN
ZIMBABWE COALITION



Executive summary

On the 19th of November 2021 SALO, in partnership with the Norwegian People's Aid, held an online public multi-stakeholder civil society briefing on Zimbabwe. Speakers included Michelle Matsvaire, legal officer at Zimbabwe Environmental Law Association, Samuel Matsikure, Programmes Manager at Gays and Lesbians of Zimbabwe, and Blessing Vava, Director of Crisis in Zimbabwe Coalition, with input from Ngqabutho Nicholas Mabhena, Chairperson of the Zimbabwe Community in South Africa.

The focus of the dialogue was:

1. the shrinking democratic space in Zimbabwe;
2. lawfare (the use of law as a weapon of conflict);
3. climate change; and
4. LGBTQIA+ rights.

Summary of the Presentations

Blessing Vava, Director of Crisis in Zimbabwe Coalition

Blessing Vava structured his presentation around the weaponisation of the law in Zimbabwe and the shrinking democratic space. After the military coup in 2017, many promises were made about how the country would be run differently, including restoring constitutionalism and the rule of law, putting an end to corruption, and promoting human rights and democracy. However, these promises have not been kept.

The Weaponisation of the Law

The current government under President Emmerson Mnangagwa has made several attempts to amend the 2013 Constitution. Since the consummation of the so-called 'Second Republic' there have been several gazetting of Statutory Instruments that are subverting Parliament's legislative role and oversight. Nearly 270 Statutory Instruments were gazetted in 2020 alone.

Recently, amendments were made to the Private Voluntary Organizations (PVO) Act. These were approved by the cabinet in August 2021 on the basis that the amendments are part of "*efforts to deal with money laundering and financial terrorism.*" Further, the Cyber Security Act and the Patriotic Act were introduced, which are attempts to muzzle the operations of civil society, particularly ahead of the two upcoming elections in 2023. Laws that were used by the colonial regime have been revived, such as the Law-and-Order Maintenance Act of 1960, which infringed on people's freedom of association and assembly and resulted in the banning of political parties such as AZAPO and ZANU-PF.

The Judiciary in Zimbabwe is not acting independently and impartially, instead, it is using its power to settle political battles. The courts were used as a political weapon to decimate

the opposition when it decided that the MDC-Alliance is not a political party. This resulted in the government creating a new opposition party in the form of the MDC-T. This consolidation of power in the hands of the ruling party and the Executive is adding to the continual shrinking of the democratic space, while, at the same time, the government speaks of promises to reform the country.

The Continuous Shrinking of the Democratic Space

Since Zimbabwe's independence in 1980, the norms of democracy have not been respected. This was evident in the violence perpetrated against the people of Matabeleland and the subsequent impunity. Various other incidents in the country's recent history can be identified as contributing to democratic erosion and the aspirations of the liberation movement being lost, moving the country towards a dictatorship.

The winds of change that blew in Malawi and Zambia with their recent elections have resulted in the ZANU-PF acting in a panicked way and resorting to guerrilla-type violence against their opponents. They are not leaving anything to chance and are embarking on a deliberate campaign to close down the democratic space.

The Way Forward

There is a need for pro-democratic forces to join hands and create formidable lines of resistance to safeguard what democratic rights and institutions are left for citizens to fully enjoy their fundamental freedoms. The movements on key issues – democracy, the economy and social services – need to be rejuvenated and reorganised. A massive grassroots campaign should be launched to restore citizen agency and mobilise the people of Zimbabwe.

There is a need to engage the millions of Zimbabweans living in the diaspora to make their voices heard on the issues facing the country such as the draconian legislation and the closing down of the democratic space. Regional civil society organisations, solidarity movements, and social movements should support Zimbabwean organisations and highlight the issues on their platforms. These organisations must have a collective strategy to make sure that the government of Zimbabwe is brought to account.

The region, particularly the Southern African Development Community (SADC), has a very big role to play in holding the Zimbabwean government accountable for the violation of several international protocols of which Zimbabwe is a signatory. The upcoming election period in 2023 has the potential of being riddled with violence, as is already taking place in the country. If the region does not step in promptly, Zimbabwe runs the risk of experiencing the same violence and terror that was seen in 2008.

Blessing Vava concludes his input thus:

“This then calls for a collective effort, a coordinated approach for every citizen because what is happening is not just a problem of the MDC, it is not just a problem

of the civic society or NGOs, but it is for us Zimbabweans to enjoy what is enshrined in the Constitution.”

Samuel Matsikure, Programmes Manager at Gays and Lesbians of Zimbabwe

Context

A few weeks before the dialogue a very popular South African socialite, Somizi Mhlongo, was invited to Zimbabwe to open a restaurant. He was invited, not because of his sexuality, but because of his skills, work in the entertainment industry and the crowd he draws. The Apostolic Christian Council of Zimbabwe (ACCZ) opposed his visit because he openly identifies as gay. They wrote a letter to the office of the President in Zimbabwe expressing their views that his visit encroaches on their rights.

This stimulated a discourse in Zimbabwe on LGBTQIA+ issues, rights, and the current Zimbabwe constitution, not only concerning homosexuality but also foreigners doing business in Zimbabwe.

Samuel stipulated it thus:

“We continue to experience impunity within Zimbabwe and this disregard for [the] rule of law because anyone can simply say, I do [not] want this person based on their colour, which is racism, or based on the fact that they [are] a foreigner.”

This is important to look into, especially with the rhetoric from the government that Zimbabwe is ‘open for business’ for foreign investment.

“It was quite an uncomfortable space to be in where someone is simply coming for business and people are supposed to be excited that he chose Zimbabwe as a destination, and then we got this.”

According to Samuel, many LGBTQIA+ people invest in Zimbabwe without perhaps publicly declaring their sexuality. The difference between these people and Somizi Mhlongo is that Mhlongo lives as openly gay.

The Constitution

The government of Zimbabwe and the public do not respect the Constitution. The issue of constitutionalism remains a grey area in Zimbabwe. One of the problems is the lack of public education on the Constitution and what it entails. The general public does not have a firm grasp on the document and what it means for Zimbabwe and themselves. The current Constitution of Zimbabwe prohibits same-sex marriage. However, homosexual Zimbabweans cannot be excluded from enjoying all other rights as enshrined in the Constitution. The preamble of the Constitution stipulates that it applies to all Zimbabweans – *“in all our diversity as Zimbabweans”*. However, people who are not heterosexual in Zimbabwe are often deprived of their rights and discriminated against.

The current Immigration Act, specifically Section 14, defines people that are not allowed to enter Zimbabwe. This includes homosexuals, sex workers, and people with disabilities. These laws are archaic and outdated and are not in line with global human rights standards. These laws are not upheld by the government itself because airports in Zimbabwe have made attempts to be inclusive and accessible to people with disabilities. These laws should be updated to reflect this and to safeguard people's human rights in Zimbabwe. These laws further hinder people from investing in Zimbabwe.

Foreign Aid in Zimbabwe

The selective application of outrage against LGBTQIA+ people and funds in Zimbabwe is also palpable in this case. The Elton John Foundation funds many programs and organisations in Zimbabwe that respond to the needs of the general population. This happens with no backlash. Furthermore, Samuel posits the question of whether race plays a role in the discrimination that Mhlongo faced in Zimbabwe:

“Would it have been different if this person was white in terms of reactions? Because we have so many celebrities that have come into this country and we are excited to have them in Victoria Falls, for instance, for holidays, but I [have] not seen any Christian Group writing a letter [condemning them].”

Michelle Matsvaire, legal officer at Zimbabwe Environmental Law Association

Context

A few weeks before the dialogue the Zimbabwean government sent a sizable national delegation to COP26 – over 130 people went to Glasgow to attend the climate meeting. It is assumed that this points to the seriousness of the Zimbabwe government in fighting climate change. In opposition to this, however, the Minister of Finance used COP26 as an opportunity to advertise investment in coal in Zimbabwe.

Climate Justice

The adverse impacts of climate change are not felt at the same level within society – climate change affects people from different social and economic standing differently. People who live with disabilities, women, youth, and children experience climate change in different ways. When it is assumed that everyone is equally and similarly affected by climate change, climate injustice occurs.

It is important to look at mitigation and adaptation measures and whether they take cognisance of the different social and economic contexts of different people and how climate change affects them differently. These should ensure that no one is left behind.

COP26

COP26 called for a phase-down of the use of coal, as opposed to a phasing out of coal, which is what was expected. Coal contributes to about 40% of all global emissions.

Michelle had several unanswered questions regarding this decision:

“If we [are] talking about a phase-down of coal, [will we] be able to reach the 1.5 degrees [cap in increasing temperatures] that we want to ensure that we reduce the effects of climate change? More importantly, how are we going to attain those levels through climate finance or financing for loss and damage that has been caused by climate change?”

Climate change also affects countries differently, depending on their economic standing, social strata and populations. Some countries have social safety nets to ensure that those most affected by climate change are taken care of, which is often absent in developing countries. The funding that was anticipated to come from developed countries to developing countries did not come at the anticipated time.

Zimbabwe

Zimbabwe indicated that it revised its nationally determined contributions and committed to a conditional 40% per capita reduction in greenhouse gas emissions by 2030. This is an increase from the 33% that it had indicated earlier.

COP26 was the first time that coal was explicitly mentioned in the United Nations documents on climate change. The change in wording to ‘phasing-down’ coal instead of ‘phasing-out’ coal came largely from what was said by the Climate Minister from India, who asked how developing countries could promise to phase-out coal and fossil fuels while dealing with issues of development and poverty eradication. This is also being seen in Zimbabwe, especially in the type of rhetoric that Zimbabwe is ‘open for business’.

If this is the case, it is expected that the coal industry in Zimbabwe will grow and that more energy will be needed to fuel the economy. This is where the big issue lies – how will Zimbabwe continue to grow its economy while at the same time, mitigating the effects of climate change, especially on those who are most vulnerable such as women and children? Erratic rainfall in Zimbabwe has caused droughts and flooding and has led to huge food insecurity in the country.

The Way Forward

Michelle concluded with a way forward:

“I think what is important for us to see is what are we going to do? Or what is our action plan in terms of the phasing down of coal? Are we going to meet the requirement of us to make sure that by the end of 2022 we [have] revised our climate pledge, [have we] set up enough measures to say we are progressing to ensure that we are adapting [well]?”

The global community needs to be clear about what is being done and what will be done to provide developing countries with the necessary funds for adaptation. It is a priority for

the funds to be disbursed for developing countries to effectively phase down coal or eventually phase out coal.

Several other questions are important for Zimbabwe:

- What is the Zimbabwean government going to do to reach its pledge to cut greenhouse emissions by 40%?
- What will be different in 2022 at COP27, what will the priorities of the Zimbabwean government be?
- How will Zimbabwe ensure that everyone is included, no one is left behind and that the country as a whole is moving towards the same goal?

Ngqabutho Nicholas Mabhena, Chairperson of the Zimbabwe Community in South Africa.

Mabhena gave an update on the process of the Zimbabwe Exemption Permit. At the time of the dialogue, the Department of Home Affairs had submitted to Cabinet as to what should happen with people holding these types of permits and the Portfolio Committee on Home Affairs in Parliament was to be informed of this submission. As such, an announcement upon the finalisation of these processes was expected.

This process has caused anxiety among permit holders because an announcement is usually made in September whereafter the application process starts on 1 October and runs to 31 December. However, in November an announcement had not yet been made. Many ZEP holders have been approached by financial institutions to provide them with their permit details. When people are on a permit and they cannot prove that they are renewing them, the bank can freeze their accounts.

There are also serious challenges to issuing passports. The Zimbabwean government insists that ZEP holders and those in the diaspora pay 318 USD for a passport which many do not have. Further, many passport officials, particularly in Bulawayo, have started asking for bribes of 100 USD for booking an appointment to apply. As such, if the South African government announces that ZEP holders should apply for renewal, many will miss the deadline because they will not have gotten their passports in time.

Contributions and Questions from the Floor

- **Lily Manoim (SALO):** *“How do these different struggles fit together? Are there possibilities for them to form alliance-building between different activist groups and interest groups in the broader struggle for democracy and freedom?”*
- **Dineo Sithole (NEHAWU):** *“Maybe we need more public constitutional discussions to bring the communities into the Constitution and into building the kind of society that we [would] like. To what extent is there an effort from the climate groups as well as the LGBTIQ groups [to inform people so they] can understand and have the same view towards the kind of society that they [would] like to have in Zimbabwe? We know that SADC has been limping, not just on the Zimbabwean*

situation, but also with the [Eswatini] situation. How best can we assist when these spaces are being challenged like this; besides writing letters, speaking to the UN, or calling out with our statements? What else can we do that we can provide the necessary support?"

- **Miriam Saohatse (ANCIR):** *"The issues are very clear. However, I think it is the actions that all the activists need to prioritise. What is it that you want to support? I think, select five or four things that you say internally that we want you to prioritise. I also want to hear what is the situation [concerning] those that are incarcerated. Where's the progress around some of the women that were arrested too?"*

Responses from Panel

Blessing Vava responded to the inputs by explaining that his organisation has started the 'Restore Zimbabwe Campaign', which seeks to convene various interest groups, including churches, political parties, and the different sectoral groups. This campaign is based on the firm belief that Zimbabweans should come together to build a social contract under which state and citizen relations ought to be fashioned. For this to take place, Zimbabwe needs a national, all-stakeholders dialogue.

He identified many actions that can be done by solidarity movements, particularly spotlighting the situation in Zimbabwe and amplifying the voices of Zimbabweans. A well-coordinated campaign is necessary for this to affect Zimbabwe's government and force SADC to act.

Samuel Matsikure opined that Zimbabwe's human rights movement remains divided. He claims that most human rights defenders do not view LGBTQIA+ issues as human rights, but rather as "gay issues". LGBTQIA+ issues are thus often not included or prioritised in the human rights space, which points to a lack of inclusivity.

Michelle concluded the dialogue by emphasising the need to connect all civil society groups that advocate for different spheres of human rights. She also explained how her organisation publicly educates people on the issue of climate change and encourages a common view. The Zimbabwe Working Group on Climate Change is designed to create community-based organisations and civil society organisations to speak with one voice about environmental issues. This ensures that civil society engages the government with a single mandate. Included in this work is to go to communities, simplify the language that seems technical when it comes to climate change, and make sure the community voice is captured.

Conclusion

This dialogue took place approximately four years after the military coup in Zimbabwe in November 2017. Instead of greater democratic engagement and openness of government, since the coup, freedom of expression and human rights remain a large concern and the democratic space is continuously shrinking because of a further

entrenchment of autocracy and totalitarianism, with the introduction of draconian legislation that seeks to control and silence the people of Zimbabwe.

The discourse on homosexuality is limited because of how the Constitution is interpreted and how Zimbabweans tend to be selective in the types of rights that are discussed and prioritised. Many Zimbabweans do not realise that LGBTQIA+ rights are fundamental human rights and play a role in Zimbabwe's freedom. An added layer to the crisis in Zimbabwe is climate change. With COP27 coming up, the government's position on this aspect needs to be known, considering the importance of food security in Zimbabwe and its reliance on coal.

Although the topics discussed in the dialogue were different, and we discussed various topics on this platform, they are linked and intersectional. Blessing Vava concluded by calling for a Zimbabwe where every citizen stands up for their rights:

“What we should know is that ZANU-PF will come and go, the MDC will come and go, but Zimbabwe will remain. This is the time for us to come together and make sure that we form a broader alliance, encourage people to vote in our numbers, and be able to defend our vote in case [of a] manipulation in [the] 2023 [general election].”

The analysis and recommendations included in this report do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.

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The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the

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