

# Zanu PF and MDC Power Sharing Agreement:

## Assessment of Outcomes, Benchmarks for engagement and recommendations from Zimbabwean Civil Society

12 October 2008

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## **1 Introduction and Background**

This document outlines positions, reports, recommendations, benchmarks and monitoring mechanisms as defined by the civil society organizations from Zimbabwe. This is in respect of Zimbabwe’s recently signed power-sharing deal following the

highly controversial presidential election runoff of the 27<sup>th</sup> of June 2008. The African Union resolved that the political parties in Zimbabwe kick-start negotiations aimed at forming a common government. The negotiations were placed under the auspices of SADC and were to be led by the then President of South Africa, Mr. Thabo Mbeki. It is these negotiations which produced a deal signed on the 15<sup>th</sup> of September 2008 by the principals of the two MDC factions and ZANU PF, namely Mr. Morgan Tsvangirai (MDC-T), Prof Arthur Mutambara(MDC-M) and Robert Mugabe (ZANU PF) .

Responses to the deal varied from scepticism, especially among civil society organisations to cautious optimism from the international community to outright triumphalism from sections of SADC, especially former South African President Thabo Mbeki, who hailed the deal as a product of Zimbabweans themselves and called upon “all progressive humankind to support the people of Zimbabwe”. There was no clear evidence of celebration in and outside Zimbabwe by Zimbabweans themselves. The cautious optimists expressed a sense of relief and waited to see the details of the plan and how it would be implemented. For the sceptics, the deal raised more questions than answers.

The following were the main concerns articulated:

**Concerning the process:**

- The major part of the negotiations were conducted in secrecy, which raised
- Questions about the integrity of the whole process and created mistrust within the MDC and among the MDC and its major constituencies, such as the labour movement.
- The process was neither inclusive nor consultative, hence fears that the deal was an elite pact that might actually have omitted some of the key issues from civil society and the broader Zimbabwean society.
- The process seemed to assume that the problems in Zimbabwe start and end with the political parties and that if ZANU PF and MDC agreed on a common framework the problems would be naturally resolved. However this is not the case: issues like constitution making, transitional justice and the economy etc

will only be resolved conclusively through the broad involvement of other key stakeholders and players.

- **Concerning the content:**

- It seems that ZANU PF literature and philosophies dominate the tone of the document.
- The deal does not exclusively reflect the will of the people as expressed on the 29<sup>th</sup> of March 2008.
- The deal does not create a transitional government with a clearly spelt out time frames to draft a new constitution and conduct fresh elections under international supervision. Instead it establishes a government of national unity whose duration will be a full five year term.
- The deal is vague and open to various interpretations, it is not exhaustive e.g. it does not spell out clearly which ministry will be allocated to whom hence the process is already stalled as there are now disagreements over the allocation of Ministries.
- The matter of ministries seems to have opened new negotiations which could frustrate the process and lead to failure to adhere to the crucial timelines set out in the deal. For example it is incomprehensible how the parties will meet the 18 months timeline for the constitution making process if the process continues to evolve at the current pace.
- There is lack of clarity on where precisely power lies. There is a President and a Prime minister whose duties overlap. It is and will be difficult to determine who has the final say. This is a recipe for conflict and deadlocks which are already in fact quite evident e.g. ministerial allocations.
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- There is a hung parliament in that the MDC has a slight majority in the lower house (house of assembly) and ZANU PF has a majority in the upper house (senate). This will lead to enormous difficulties in terms of passing bills which will be crucial to establish the priorities of the new government. The agreement does not address this.
- The nature of the new government is not clearly defined - whether it is based on a presidential or prime ministerial/parliamentary system. This is important in trying to see where the focus of power lies. In this instance it seems the

parties came short of a French model miniature, namely a semi-presidential system with a very powerful president (which is/would be a negation of the will of the people as expressed on the 29<sup>th</sup> of March election).

This document gathered insights from the civil society organizations that will be important in providing internal monitoring. This was done through the collection of the various positions and what they outlined as areas of priority and instruments of measurement and monitoring of the implementation of the deal. In terms of the meetings held with various actors at EU level and other international platforms, the three major aspects for the International Community are currently:

- Benchmarks for the assessment of the agreement
- monitoring of implementation "on the ground"
- reconstruction planning - and priority setting (what, how, when - linked to the above - if certain benchmarks met /improvements realised - then support. (What kind of support is then also an issue of course - particularly in terms of priorities?)

From an EU/International community angle it is now a crucial period to consider information from Civil Society organizations in Zimbabwe and to strengthen the position of the civil societies to be able to monitor the process and insist on accountability, broad consultation and generally develop a fallback measure in case the whole process falters. Hence it became imperative to kick-start processes in Zimbabwe in trying to

- a) Formulate a common Civil Society position on the agreement, setting benchmarks for the assessment of the agreement
- b) Put into place mechanisms for monitoring implementation of the agreement i – we have been gathering existing information (such as Civil Society reports/positions on the agreement and the measurement instruments they are using to monitor the implementation etc).

- c) Formulate a sequence of priority areas for donors to work on (e.g. 1. Humanitarian Aid. 2. Violence 3. Free media - and how they are linked to a sequence of benchmarks that need to be met for donors to come in).

## **2 Overview of the Deal**

### **Political Progress-Unlocking the Impasse/Reaching out**

The 15 September power-sharing deal marked a major development in the polarised political landscape of Zimbabwe. While the deal still does not fully reflect what Zimbabweans expressed on the 29<sup>th</sup> of March, it nevertheless paved the way for possible political progress.

The Mugabe regime had to, for the first time, recognise the MDC as an important player that they should work with rather than antagonise and demonise. This process created the possibility for policy realignment, international re-engagement and more importantly, the opening up the democratic space for the non-state actors, independent media and civil society organizations to operate freely without any state hindrance and intimidation.

The deal provides an opportunity for reformation of the crucial state institutions that have been politicised and manipulated to meet the political ends of ZANU PF. The MDC hoped to gain control of key economic ministries and the home affairs ministry so that it could get leverage to facilitate the restoration of law and order and the rule of law, economic stabilization and national healing.

### **Alleviating Human Pain and Suffering (Poverty starvation and political violence)**

The most crucial process from now onwards is the humanitarian crisis. To date, more than 4000 Zimbabwean families were affected directly and indirectly by the violence and state of terror that rocked the country in the period between the 29 March 2008 Presidential and Parliamentary elections and the 27 June presidential election run-off. High level military personnel designed and masterminded the brutal implementation of an orgy of violence reminiscent of the *Gukurahundi* atrocities of the 1980s. More than 400 innocent people were murdered by state agents such as the war veterans and the youth militia.

Thousands have been internally displaced; millions have fled the country for fear of hunger, poverty and political prosecution and millions more are without job or any source of livelihood and face life threatening hunger/starvation and chronic poverty<sup>1</sup>.

The problems described above are by far beyond the capacity of the current government of Zimbabwe to resolve. Zimbabwe will need international aid<sup>2</sup> to kick-start the process of economic rebuilding and recovery. While the conditions that led to the withdrawal of international aid have not yet been addressed, the international community must do all that is possible to support poverty alleviation, economic recovery and the reform of key state institutions. The people expect to see substantial change in their daily lives and if the international community does not support this process it could weaken the MDC and the civil societies and offer Mugabe breathing space to recover and reclaim *“lost ground”*. In this regard, it is important for the international community to continue making a clear distinction between the people of Zimbabwe, the civil society and other democratic forces on the one hand and ZANU PF on the other.

### **Transitional Justice, National Healing and Averting Impunity and Immunity**

The Zimbabwean power-sharing deal has totally ignored the issue of justice for the victims and perpetrators of violence and various other political crimes. The trauma and suffering caused by the crimes against humanity that have been perpetrated in Zimbabwe will not disappear and the national political/civil leadership will have to confront these problems in a manner that will help heal the wounds of the people and lead to national unity and reconciliation. In the absence of a carefully thought out transitional justice project, the country's political situation will remain polarised and the problems will continue to simmer like a volcano and eventually erupt in a manner that will not be manageable.

Zimbabwe's political leadership should be encouraged to draw lessons from their South African and Rwandese counterparts who have gone through and emerged from

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<sup>1</sup> Inflation has hit a record 250 million percent surpassing world records ever recorded in history

<sup>2</sup> UN chief Ban Ki-moon has called on the Zimbabwean government to lift restrictions on aid deliveries, to stop "a catastrophic humanitarian crisis".BBC

traumatic experiences but have managed to confront the problems and ensure that those responsible for the extermination of human life for political ends are brought to justice. This was accompanied (particularly in the South African example) by an open process of confessions and public apologies which facilitated for reconciliation and national unity. No doubt Zimbabwe will need a more or less similar process that takes into cognisance the peculiarity and uniqueness of the Zimbabwean situation and perspective. The political leaders cannot be allowed to sweep the need for transitional justice under the carpet. It needs the collective wisdom of Zimbabweans themselves to constitute a transitional justice and reconciliation framework which will find a lasting solution to crimes committed in the name of political ideologies.

### **Repatriating the Diaspora: Addressing the brain drain syndrome and formalising of remittances for greater national benefit**

There is need to devise strategies to facilitate for the return of skilled Zimbabwean labour which is now scattered around the world in search of greener pastures due to the failure of the economy. The stabilization of the economy must explore means and ways of re-integrating those who want to immediately return in a manner that guarantees them their livelihood.

For those who would like to stay put while assessing the situation and contributing to the economic recovery from outside the country, the government must work to urgently stabilise the foreign currency fluctuation and work towards a system which allows for the Diaspora to send their remittances through normal/legal channels. This will help the government access excess foreign currency and it will encourage the Diaspora to send money more comfortably through proper channels and thereby play their role as the fourth arm of development as recognised by the African Union.

### **Strengthening government institutions to avert/resolve internal power struggles**

One of the greatest shortcomings of the Zimbabwean deal is that it has been conducted in extreme secrecy. It therefore did not and may not be able to pass the test of democratic scrutiny. To start with, the terms of the reference which have been availed to the public so far are too vague and open to various interpretations which could be recipe for conflict for the various leaders involved. The constitutional amendment process to facilitate for the implementation of the deal will cause a lot of

quarrels in terms of the detailed technical wording of this amendment. There is therefore need for the mediator backed by SADC, AU and the international community to continue to monitor and guide this process throughout this delicate phase. This should include the strengthening institutional mechanisms within which to function and resolve differences.

### **Composition of Government: Parallel Government?**

It is a known fact that ZANU PF and MDC have had a very difficult relationship over the last ten years. The creation of a huge loosely defined government will not be helpful. First of all it is too top-heavy and therefore very expensive. Secondly, the more the Ministers, Deputies, Permanent Secretaries the greater and more inefficient will the bureaucracy be. It is understood that the cabinet may have been large in order to cover all sections but there is need to gradually scale down as soon as the most immediate concerns have been addressed i.e. in the mid to long term phases. We must see a much smaller cabinet which will be less expensive, more efficient.

The deal creates a parallel government situation. The MDC-T will control 13 Ministries and will define and oversee the day to day policy implementation, while Mugabe will control 15 Ministries, chair cabinet and control the army. The smaller faction of the MDC will have three Ministers. It is hard to comprehend where “*final say*” resides. This will inevitably lead to disagreements which will not be easy to resolve. It is difficult to trust such an unprecedented structure to work, hence the need to support institution building/strengthening and support democratic reforms and development by supporting the democratic forces and civil societies.

The timeline of this government is five years. It will be too expensive to maintain such a superstructure for five years and the bureaucracy may be entrenched further, leading to administrative bungling/stagnation and lack of transparency. As stated above, there will be needed to scale down on the cabinet in order to cut costs, create efficiency and avoid duplication of roles in the many ministries with more or less similar titles and job descriptions.

Whatever laws and institutions this process will define for Zimbabwe, it is imperative to note that institutions alone cannot implement or enforce good law and policies. The challenge is to ensure that the deal will ultimately lie with the actors (people). The deal must not only work for those who are in government but for the advancement of democracy, alleviation of poverty, facilitation of a transitional justice and national reconciliation process and lead to the democratisation of Zimbabwe.

### **3 Main Issues**

Issues raised by Civil Society organisations revolve around the process, and the possible content and outcome of the talks. There was consensus in all the statements that the process lacked openness and wider consultation hence the exclusion of civil society from the talks that led to the signing of the deal. Civil society argues that Zimbabwe is not for supporters of ZANU PF and MDC only and that the crisis is beyond just a political settlement, but one that involves both political and non political actors.

**The state of the economy and the suffering of the ordinary people** in Zimbabwe are highlighted in all the statements and the civil society calls for measures to alleviate the humanitarian suffering. The current hurdles on humanitarian assistance and politicisation of food aid for the people who need it most is noted with concern. The organisations highlight the need to begin sustainable dialogue with all stake holders, including business, to revive the economy and depoliticise the land and agriculture sectors which are the backbone of the economy

**The deeply polarised and militarised** environment since 2000 is cited as a cause of the violence that characterised the first quarter of the year 2008 and is yet to stop. The statements highlight that the election period particularly after March 29 2008 has been awash with state sponsored human rights abuses and violence such as threats, torture, abductions, murder and mass displacements both internally and into the region. Most statements refer to an “undeclared war between the government and its people”. Of particular worry is the continued use of violence by state agents in spite of the signing of the deal.

**There is consensus that the 27<sup>th</sup> June election was illegitimate** and should not have formed (as it seems to have been the case) the basis of the current deal. Civil society organisations refer to the reports of the Africa Union observer Mission, Pan-African Parliament Observer Mission and the SADC Election Observer mission which

concluded that the environment prevailing in Zimbabwe prior to the June 27 2008 election was not conducive for the holding of free and fair elections and the outcome did not express the will of the people of Zimbabwe.

**The organisations welcome, with some scepticism, the signing of the deal between the major political parties.**

They remain suspicious of ZANU PF and their commitment to genuine government of national unity premised on an equal share of power based on the March 29 general elections. There is widespread lack of confidence in Thabo Mbeki as a facilitator, even more so since he has lost his clout as a head of state. This lack of confidence and trust extends to the monitoring mechanisms outlined in the deal and the past record of ZANU PF as a genuine partner in a government of national unity. The 1987 Unity accord events are a cause for scepticism within civil society. Presently, ZANU PF is proving to be a difficult candidate for a genuine settlement by renegeing on the sharing of key ministries.

**In light of the Deal, the organisations called for the prompt establishment of the government and the immediate address of:**

- Constitutional Reform
- An immediate cessation of violence and harassment (which still continues, albeit at a limited scale)
- Immediate resumption of humanitarian of unhindered assistance by NGOs and Humanitarian organisations with particular attention to most vulnerable population including youth, women, girls and the disabled.
- Beginning dialogue with stake holders to revive the economy and international relations which are critical to the revitalisation of the economy.
- Reform of state institutions
- Prepare for and administer a free and fair election to hand over power to a democratically elected government.

## **Justice:**

Of concern to civil society organisations was the issue of transitional justice and how to deal with possible granting of impunity for violations of civil and political as well as economic and social rights. The organisations call for an investigation into all cases of rights violations and the overhaul of the judiciary to enable the courts to bring perpetrators to book. All the statements underscore the importance of NOT granting any blanket amnesty which would set a bad precedent, not only in the country but on the continent. There is a dire need to strengthen the position of the civic society organizations working on transitional justice to be able to pursue these issues more effectively.

**Media:** The repressive environment in Zimbabwe is not conducive for journalists to carry out their work fairly and effectively. The state media continues to be severely compromised and biased towards the ruling party ZANU PF and independent journalists are tortured and prosecuted. The new government should as a matter of utmost urgency begin the opening up of media space and reforming the public broadcaster.

**Despite the exclusivity of the process which led to the signing of the deal, the civic society cautiously welcomes the deal and hope their views will be taken into consideration. They support a transitional government and consider a government of national unity as a travesty of the will of the people. They are encouraging the parties to the government to take transitional justice issues seriously and bring perpetrators of violence to book. They are also calling on the international donor organisations and countries to consider reengagement in the event that the parties coming up with an implementation arrangement acceptable to the people of Zimbabwe. Benchmarks on what would be considered as “acceptable to the people of Zimbabwe” are listed below.**

## **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

## 5 Recommendations

The following recommendations to the political parties, the facilitator and the international community were extracted from Zimbabwe's Civil Society positions on the negotiations and adapted for conciseness and relevance.

To the new government

**Immediate implementation of the deal, including the enactment of the constitutional amendment<sup>3</sup> that allows for the creation of that government to assume office and opens democratic space for non-state actors to operate freely.**

- Provide a framework and process by which violence is immediately stopped and a demonstrable and effective dismantling of the infrastructure of violence takes place. Including the reintegration of youths who have been both victims and perpetrators of violence.
- Immediately allow for unhampered humanitarian assistance to those in need.
- Create a government that is transitional in nature and totally respects the will of the electorate as expressed on 29 March 2008.
- Establish a process of ending impunity by investigating all cases of civil and political as well as economic and social rights abuses and bringing all perpetrators of crime to book. .
- Disband the Joint Operations Command comprised of Minister of Housing and Amenities Emmerson Mnangagwa,, Commander of the Zimbabwe Defence Forces General Constantine Chiwengwa, Commander of the Air Force of Zimbabwe Air Marshall Perence Shiri, Commander Zimbabwe National Army Lieutenant General Philip Sibanda, Police Commissioner General Augustine Chihuri, Head of prisons Major General Paradzai Zimhondi and Director General of the Central Intelligence Organisation, Happyton Bonyongwe.
- Devise and provide a clear strategy of demilitarising, depoliticising and professionalising state institutions.

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<sup>3</sup> Crucial amendments to facilitate for the new government have not yet been drafted despite the fact that parliament will open in the next week. (Bill watch)

- Ensure that policy formulation takes place in professional institutions such as parliament and cabinet and after extensive consultations and involvement of the civil societies.
- Open up the media and transform the state broadcaster.
- Prepare a clear strategy for the safe return and resettlement of internally displaced people.
- Involve civil society and include their views in conceiving and implementing policy decisions.
- Put in place mechanisms of ensuring that the agreed settlement is adhered to.

**To the International Community, particularly SADC and AU**

- Continue increasing pressure on ZANU PF to halt human rights abuses (including sexual violence and abuse), allow humanitarian access and respect the spirit of the agreement.
- Benchmarks used by the international community in assessing if, when and where technical and financial support to Zimbabwe can be resumed must reflect the civil society's benchmarks and positions on the outcomes of the talks.
- Not to reengage or financially support Zanu PF and any future government of Zimbabwe if the benchmarks set out above (including humanitarian access, end to human rights abuses and impunity, justice and the establishment of a legitimate government) are not met.
- Members of the international community and institutions (particularly those involved in possible reconstruction support) must consult and involve civil society organisations with strong expertise and knowledge of Zimbabwe in policy development and situational assessments, particularly in reviewing progress of the negotiations and developing possible reconstruction scenarios, policies and packages.
- Establish programme of engagement with Zimbabwe for protection of human rights especially for women, girls and children. Security and safety of women and children should be guaranteed.

In the event of Mugabe and his party once again blocking the implementation process of the government of national unity in a fair manner,

- SADC/AU should consider diplomatic sanctions against the Mugabe regime and encourage by all means at their disposal their membership to adhere to democratic values.
- A renewed process must be initiated to bring UN sanctions against Zimbabwe's ruling party.
- Civic groups in the region and internationally, in particular trade unions must mobilise for further isolation of the Mugabe regime.
- There is need for the international community to remain steadfast and keep their eyes on the ball. The struggle for democratic change in Zimbabwe is not yet over. However this deal opens new avenues of consolidating democratic gains and this will need extensive support of the international community through government but more importantly civil societies.

## **6 Positions of Zimbabwe Civil Society Organisations**

### **6.1 NCA**

#### **Statement on the agreement between ZANU PF and MDC on resolving challenges facing Zimbabwe**

##### **Social Economic Collapse and the Suffering of Zimbabweans**

The NCA notes that the people of Zimbabwe are in the midst of extreme levels of suffering arising from the disintegration of our social and economic system. There is no food in the country; no jobs for over 90% of Zimbabweans seeking employment; no drugs for the sick; no electricity in homes and industries; no clean water in homes; no learning in schools; no cash in banks. It is a humiliating and painful experience for the people.

It is the duty of every Zimbabwean to contribute to both the short-term and long-term solutions to this crisis, and it is in this context that the NCA responds to the Agreement between ZANU PF and the two MDC formations on resolving challenges facing Zimbabwe as follows:

#### **1. NEW, DEMOCRATIC AND PEOPLE-DRIVEN CONSTITUTION**

The reason why the NCA has continued to insist on a new, democratic and people-driven Constitution is that Zimbabwe needs a solid foundation for its governance system. It is bad and unaccountable governance that has brought this country to the current pains. A new, democratic and people-driven Constitution will provide the much needed solid foundation for good governance. The adoption of a new, democratic and people-driven Constitution must be followed by free and fair elections under that Constitution and a government operating under a new Constitution.

The NCA is disappointed that the Agreement does not provide for a new, democratic and people-driven Constitution. Instead, in its Article 6, it uses the phrase "people-driven" but provides for NOTHING of that sort. It claims that the people have the right to author their own Constitution, yet prescribes for them a process where politicians, through Parliament, have the final say as to the content of the Constitution.

In the Agreement, the parties boast about having already authored a Constitution which they adopted in Kariba on 30 September, 2007. The Agreement refers to it as the 'Kariba Draft'. It is this 'Kariba Draft' which ZANU PF and the two formations of the MDC seek to sneak through as a 'new' Constitution for Zimbabwe.

This is unacceptable. The NCA totally rejects it. The NCA therefore calls upon the people of Zimbabwe to unite and continue to push for a genuine democratic, people-driven Constitution led by an All Stakeholders Constitutional Commission.

As NCA, we do not believe or accept that ZANU (PF) and MDC, as political parties or as government have the right to unilaterally determine the process by which or through which a new constitution for Zimbabwe is to be written. We believe that a constitution can only be as good as the process through which it is created and thus the process for creating the constitution is as important as the constitution to which it gives birth. Furthermore, the process itself must be legitimate, transparent and accepted by all the stakeholders. This is not the case with the constitution making process that has been proposed in the agreement between ZANU PF and the two MDC formations.

If anything, the process that has been outlined in the ZANU PF-MDC agreement is an elitist constitution making process in which these formations, by and large, are keen on imposing a constitution on the people of Zimbabwe. This is unacceptable as the constitution must be written for the people and by the people. By proposing that the constitution making process be spearheaded by parliament ZANU PF and MDC are attempting to usurp the power of the people. The ZANU PF-MDC process essentially leaves out of the constitution making process important stakeholders that currently do not have representation in parliament.

As opposed to the elite constitution making process that ZANU PF and its MDC partners are proposing, the NCA proposes an All Stakeholders constitution making processes as outlined in the Zimbabwe People's Charter. This process must proceed by way of an All-Stakeholders' Commission whose composition must include representatives from a diverse collection of interest groups such as churches, labour unions, political parties, women groups, youth Groups, veterans of the liberation struggle, war collaborators, the academia, the media people living with HIV/AIDS business, the disabled, the informal sector and others.

## **2. POWER-SHARING**

The NCA notes that this agreement proposes to share power as a solution to the current crisis. There are three points on this aspect which the NCA wishes to make:

2.1. In principle, power must be exercised by a democratically elected group of people. There must be free and fair elections held under a democratic constitution: Zimbabwe must work towards this state of affairs. Power-sharing is a bad precedent for Zimbabwe.

2.2. An analysis of the agreement shows that there is very little power-sharing. The defective features of the current constitution remain where the president wields overwhelming powers. The office of the Prime Minister has been created merely to absorb the MDC under the guise of power-sharing.

2.3. The so called 'all-inclusive government' is unnecessarily huge and costly. Most resources of our poor country, including whatever foreign aid we may get, will go to service this power-sharing infrastructure. The NCA is not convinced that this is desirable

## **3. WAY FORWARD**

3.1. Zimbabweans must regard the government emerging from the agreement as a Transitional Government.

3.2. Zimbabweans must reject Article 6 of the Agreement. The NCA will, after receiving inputs from all interested Zimbabweans, publish what the people of Zimbabwe consider to be a "people- driven process".

3.3. The NCA will confront the Transitional Government with a demand for a new and democratic constitution in accordance with the people-driven process emerging from 3.2. The NCA will do this as part of its objectives that include the following:

"(a) Initiating and engaging in a process of enlightening the general public on the current constitution of Zimbabwe.

(b) Identifying shortcomings of the current constitution and to organize debate on possible constitutional reform.

(c) Facilitating debates in a way which allows broad- based participation.

(d) Subjecting the constitution- making process in Zimbabwe to popular scrutiny with a view to entrenching the principle that constitutions are made by and for the people.

(e) Promoting, discussing and debating questions of good governance in Zimbabwe.

(f) Promoting, discussing and debating important economic, political and social issues in Zimbabwe.

(g) Promoting, debating and fighting to establish a tolerant, just and transparent new political order in Zimbabwe.

(h) Encouraging a culture of popular participation in decision- making." (Extracted from the NCA Constitution)

**Dr. Lovemore Madhuku**

**NCA Chairperson**

## 6.2 GAPWUZ

### **GAPWUZ concerned about the delay in the cabinet appointments and the subsequent decline in economy.**

THE General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ) is greatly concerned about the delay in the appointment of cabinet ministers, a move that is worsening the plight of the ordinary Zimbabweans.

The disagreements over cabinet posts and the subsequent delays in the commencement of a new government have seen the nation's economy fall into further abyss.

Far from the economic decline, the impasse is delaying the healing process for the traumatized rural communities that suffered from the violence during the run up to the elections.

As a union that represents the interests of the most marginalised group, the farm workers and rural communities , we are therefore calling on the two political parties to quickly resolve whatever differences they have and start working together for national development.

Farm and rural communities are at the receiving end of the situation as they are struggling to see through the days as food shortages worsen.

Currently farm workers are earning a paltry \$800 a month, an amount not enough to buy a loaf of bread and this positions them as the least paid workers in the country.

Far from delaying economic recovery, the political impasse is hindering preparations for the coming rain season and this may mean yet another failed season.

According to the Food and Agriculture Organisation (FAO) about " 2.04 million people in rural and urban areas will be food insecure between July and September 2008, rising to 3.8 million people between October and peaking to about 5.1 million at the height of the hungry season between January and March 2009. The food insecure population will require food assistance amounting to some 395 000 tonnes of cereals in 2008/09"

This automatically means that the majority of Zimbabweans are in dire need of food aid and any efforts to bail them out are currently being scuttled by the impasse in the creation of the cabinet.

## 6.3 ZINASU

### Position on the interparty deal

The Zimbabwe National Students Union (ZINASU) welcomes albeit with caution the signing of the interparty deal signed by the representatives of the three political parties in Parliament. We are cautious of the deal because of the lessons we have drawn from history. Zanu Pf has a history of unfaithfulness and crudeness. As a Union of students we are elated that Zanu Pf and the two MC formations have responded to the needs of the suffering masses of Zimbabwe and indeed of the students. The agreement provides a framework for resolving the crisis that characterizes Zimbabwe. Zimbabwe is currently faced with a crisis of governance, economic and social service collapse, political and human rights abuses etc.

The student's leadership is engaged in nationwide consultations with its membership to get responses to the deal. The union will be able to provide a comprehensive response after these consultations. The Union however reinforces its demands which are as follows:

1. Improvement in living and learning conditions for students – Student loans that cover tuition and subsistence "learn now and pay later scheme"
2. Restoration of academic freedoms
3. People driven constitution that guarantees education as a right
4. Professionalization of learning institutions
5. Favorable remuneration schemes for teachers and lecturers
6. Lifting of suspensions and expulsions for student leaders
7. Repeal of repressive legislature – Posa, AIPPA, Broadcasting Act and University Ordinances.

We are particularly impressed with the following issues contained in the agreement which also form our benchmarks for a reasonable deal;

1. A draft constitution in 18 months
2. Restoration of economic stability and growth
3. Comprehensive, transparent and non partisan land audit
4. Promotion of equality, national healing and unity

The union will push for the recognition of these demands by the all inclusive government and in the meantime the Zimbabwe National Students Union will finalize work on an alternative education policy which it will lobby parliament to consider adopting and will also produce a report on the state of the education sector. We remain the watchdog of government and will also work to complement its efforts towards improving the quality of education and day to day life of students and Zimbabweans.

**Blessing Vava**

**Spokesperson**

## **6.4 ZCTU**

### **Position on the ZPF-MDC Power sharing Deal**

*Wellington Chibebe, 20 September 2008*

The Zimbabwe Congress of Trade Unions' General Council today met in Harare to deliberate on the recent signing of the power sharing deal between Zanu PF and Movement for Democratic Change (MDC) which was held on September 15, 2008.

After deliberating on the issue and taking a closer look at the deal, the General Council noted that the deal is a far cry from the ZCTU expectations and that it is an outcome of a flawed process.

Instead, the General Council noted, the deal is all about power sharing between Zanu PF and MDC, leaving out primary causes of the dispute which has created the current political and economic impasse currently prevailing in the country.

It also noted that the process used in coming up with the deal was not all-inclusive as the civic society was not given an opportunity to participate.

The exclusion of such critical sectors as labour, the general council noted, and the secretive manner in which issues were discussed, do not give credence to the outcome of the deal.

It then resolved that an all-inclusive dialogue is the only way forward to resolve Zimbabwe's political and economic impasse. Ownership of the dialogue process should rest with the people of Zimbabwe, not just a few politicians, some of them who have been rejected by the electorate.

The General Council also resolved to treat the deal as a 'temporary stop gap measure' because it denies Zimbabweans the right to choose a government of their choice through a democratic process. In all its dealings, the ZCTU said it will treat this arrangement as a temporary measure, capable of dealing with outstanding demands from labour, in the absence of an elected government..

ZCTU continues to advocate for a Neutral Transitional Authority and the drafting of a people driven constitution which will lead the nation into a free and fair democratic election where people will choose their own government. The current temporary arrangement has not created a People's Government.

The General Council further resolved to urgently engage MDC President, Morgan Tsvangirai by Saturday, 27 September, 2008 to directly brief it on the deal.

**Wellington Chibebe, ZCTU Secretary General**

## **6.5 MISA**

### **Misa Appeals to Incoming Government to Prioritise Transformation of ZBC into Independent Public Service Broadcaster**

**Media Institute of Southern Africa (Windhoek)**

**PRESS RELEASE**

**16 September 2008**

**Posted to the web 17 September 2008**

MISA-Zimbabwe welcomes the signing of the agreement by Zanu PF and the two Movement for Democratic Change (MDC) formations as a development that should usher in a new era of tolerance and diversity of views underpinned by fundamental reforms that respect the right to freedom of expression and access to information by citizens.

The media and most critically radio and television because of their wider reach, play a critical role in creating the required platform for national dialogue that will input into the envisaged era of national healing, stability, harmony, reconciliation and economic development.

MISA-Zimbabwe is therefore appealing to the incoming inclusive government to prioritise the transformation of the Zimbabwe Broadcasting Corporation (ZBC) from a state broadcaster into a truly independent public service broadcaster (PBS) that serves the citizens objectively and impartially as a matter of extreme urgency.

The role of the PBS is that of enhancing the national collective responsibility of engaging the people of Zimbabwe to actively participate in national discourse by freely expressing, imparting and accessing information through the broadcaster irrespective of one's political affiliation, religion, ethnicity, colour or creed.

The African Charter on Broadcasting (ACB), which calls for a three-tier system of broadcasting that includes public service, commercial and community broadcasting can be used as a benchmark for the enactment of the enabling legislation and policy formulation. The Charter stipulates that:

- a. all formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party.
- b. all state and government controlled broadcasters should be transformed into PSBs, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.
- c. PSBs should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.
- d. the public service mandate of PSBs should be clearly defined.
- e. the editorial independence of PSBs should be legally guaranteed.
- f. PSBs should be adequately funded in a manner that protects them from arbitrary interference with their budgets.

ZBC should therefore be run by an independent board which is representative of civil society, the media, churches, labour and the business community among others. This will cushion the institution from falling into the helms of political and economic interests that compromise its public service mandate.

MISA-Zimbabwe remains committed to playing its contributive role towards that eventuality and reiterates its position that an enabling environment can only be created through:

1. An immediate cessation of the arrest, harassment and torture of all journalists and media houses reporting on Zimbabwe.
2. The granting of permission to all media houses, (both foreign and local) to cover the political situation as it unfolds.

3. The suspension and subsequent repealing of all repressive legislation that targets the media, and in particular, the Access to Information and Protection of Privacy Act, the Public Order and Security Act, the Broadcasting Services Act and the Interception of Communications Act. In their place, all media policy should be guided by the principles outlined in the African Charter on Human and Peoples Rights, the Windhoek Declaration and the African Charter on Broadcasting.

4. An immediate conversion of the Zimbabwe Broadcasting Corporation from a state broadcaster into a public broadcaster under the guidelines outlined in the African Charter on Broadcasting.

## **6.6 WOZA**

### **WOZA demands the immediate forming of a new government in a street demonstration in Bulawayo today**

OVER 600 members of Women of Zimbabwe Arise (WOZA) and Men of Zimbabwe Arise (MOZA) took to the streets of Bulawayo this afternoon, marching straight to Mhlahlandlela Government Complex to demand the immediate forming of a new government as outlined in the 15 September power-sharing deal. Despite this complex being directly opposite the Zimbabwe Republic Police Drill Hall, no members appear to have been arrested at the time of this release.

On several occasions, police officers walked by the protest looking the other way. Workers at the three government complexes along the route met the peaceful procession with big smiles. They demanded copies of the Woza Moya newsletter covering our position as regards the power-sharing agreement. At Mhlahlandlela, the security guard received the newsletter and some placards with a broad smile and handed them in to the receptionist.

The protest began at the Zimbabwe Electricity Supply Authority (ZESA) where participants delivered a protest note, complaining about poor electricity supply and high tariffs. Bystanders shouted out – ‘Well done, good job – good job!’ The procession then proceeded several blocks to the government complex where it ended.

The theme of the protest was ‘actions speak louder than words’. Despite it being 15 days since the deal was signed, no progress has been made in forming a new government although it was to have been implemented immediately. Food prices are soaring, electricity and water cuts are increasing but no one seems interested or able to deal decisively with these issues and the ordinary citizens continues to carry the ever-increasing burden. WOZA members, along with the rest of the nation, are starving but unable to access food aid despite recognition in the deal that the situation is urgent.

WOZA is therefore demanding immediate action regarding the formation of a new government that will begin to work on solving urgent social issues, like food,

electricity and water. We also requested that the mothers of the nation arise and demand a liveable peace.

During the protest, WOZA members chanted in Ndebele – ‘ayihlale phansi ihambe umthetho’ (sit down and maintain discipline). This was sang both as a way to ensure that the activists maintained non-violent discipline and also as a message to politicians to sit down and respect the deal. Other songs sang include a WOZA favourite – ‘this is an issue that men are failing to solve’.

Some of the placards written by members read – ‘we can’t eat empty promises’; ‘once bitten twice shy’; ‘we are hungry’ and ‘three principals, the talk show is over’.

The protest was also a test to see if freedoms of expression and assembly have opened up and WOZA commend the police for looking the other way. In our view police did not act to arrest anyone because they are fed up and personally support the protest issue.

Ends

29 September 2008

## **6.7 ZIMCODD STATEMENT ON THE INTER-PARTY POWER SHARING AGREEMENT**

*2 October 2008*

The Zimbabwe Coalition on debt and Development (ZIMCODD) notes with cautious optimism, the recent historic signing of an agreement between ZANU (PF), MDC (T) and MDC (M) in September 2008, facilitating the arrangement to form an all-inclusive government. We hope that that this agreement sets the political framework for economic recovery and meeting social needs. We take this opportunity to make our position clear on the management of national debt and development, in the context of this political development.

### **Zimbabwe's Indebtedness and Aid Flows**

We expect the new government to consider effective debt management to be a priority in tackling the national economic recovery agenda and beyond. Currently the external debt of Zimbabwe is proportional to the size of its economy. According to Joint External Debt Database of the IFIs (IMF and World Bank) the external debt was USD 4.9 billion at the end of 2007. Zimbabwe is now one of the few countries with such a high and unsustainable level of indebtedness. Almost half of that debt can be traced from the Rhodesian government during the 1970s. Secondly, almost a quarter of that debt is due to Apartheid destabilisation acts in the 1980s, because government had to borrow to strengthen itself to fight off these disturbances. Thirdly, the last quarter of the external debt originated from IFI lending during the 1990s, based on the disastrous Economic Structural Adjustment Programme (ESAP). In this view, we call for an official audit of the external debt to establish the nature and legitimacy of debts owed by Zimbabwe.

After the power sharing agreement is implemented, it is likely that the political leadership will look forward to a massive injection of external resources into the country to reboot the economy, given the prevailing humanitarian and economic crisis. Various donor countries, multilateral agencies and other institutions have already made pledges of aid to Zimbabwe in the new dispensation. The new government must reveal the nature of this aid to avoid ambiguities associated with the relationship between current aid flows and new loans that will add to the already huge debt stock of the country. For a new beginning to take place for the Zimbabwean economy, the donor countries must cancel the debt unconditionally instead of creating more debt. Unconditional debt cancellation can free billions of dollars for social services, sustainable development and decent livelihoods. Any new aid inflows should add to economic development and not to indebtedness.

### **Quality of Social Services**

The decline of the economy has been characterised by a corresponding collapse in social service delivery, with vulnerable groups such as workers, people living with HIV/AIDS (PLWHAs), women and children being hardest hit. The problems of access to clean water, skills flight in local medical and health institutions, poor infrastructure development and maintenance, shortages of equipment for delivering

amenities and other related problems, vividly illustrate the current poor state of social services. The genesis of this social decline can be located in the implementation of neo-liberal policies linked to ESAP, which left a legacy of increasing poverty, high unemployment, and a decline in health and educational standards amongst other things. The reason for this is that the IFIs with the compliance of the government liberalised and deregulated the economy through the commodification of social services including the implementation of massive cutbacks in expenditure in the mentioned areas.

### The New Constitution

We expect the new constitution proposed in the power sharing agreement to specify people's Social and Economic Rights in its Bill of Rights. Social and economic rights, which are based on principles of social justice and public obligation, will ensure that the rights to food security, health, education, housing, basic public utilities, transport, decent work and a living wage are enshrined in the constitution. Furthermore, it should give Parliament and civil society guaranteed, meaningful participation in any future loan contraction processes and management. Lastly, we demand that the constitution should place limits on debt servicing in relation to the social spending.

### Role of Civil Society in Economic Stability

The agreement provides for the establishment of a National Economic Council composed of productive sectors and other relevant stakeholders. We hope that the proposed council will result in the inclusion of a broad spectrum of representative groups, to give civil society meaningful participation in the formulation of national development strategies. We in civil society demand the end to the inherent bias in favour of the business sector over other organized civic sectors, in regards to consultations over matters of economic management.

We hope that the new, inclusive government will create space and structures for meaningful engagement with civil society on these and other issues.

## 7 Zimbabwe Deal: Full Text

Published: September 15 2008 22:42 | Last updated: September 15 2008 22:42

### **AGREEMENT BETWEEN THE ZIMBABWE AFRICAN NATIONAL UNION-PATRIOTIC FRONT (ZANU-PF) AND THE TWO MOVEMENT FOR DEMOCRATIC CHANGE (MDC) FORMATIONS, ON RESOLVING THE CHALLENGES FACING ZIMBABWE**

#### **PREAMBLE**

We, the Parties to this Agreement;

**CONCERNED** about the recent challenges that we have faced as a country and the multiple threats to the well-being of our people and, therefore, determined to resolve these permanently.

**CONSIDERING** our shared determination to uphold, defend and sustain Zimbabwe's sovereignty, independence, territorial integrity and national unity, as a respected member of the international community, a nation where all citizens respect and, therefore, enjoy equal protection of the law and have equal opportunity to compete and prosper in all spheres of life.

**ACKNOWLEDGING** the sacrifices made by thousands of Zimbabwe's gallant sons and daughters in the fight against colonialism and racial discrimination and determined to accept, cherish and recognise the significance of the Liberation Struggle as the foundation of our sovereign independence, freedoms and human rights.

**DEDICATING** ourselves to putting an end to the polarisation, divisions, conflict and intolerance that has characterised Zimbabwean politics and society in recent times.

**COMMITTING** ourselves to putting our people and our country first by arresting the fall in living standards and reversing the decline of our economy.

**EMPHASISING** our shared commitment to re-orient our attitudes towards respect for the Constitution and all national laws, the rule of law, observance of Zimbabwe's national institutions, symbols and national events.

**RESPECTING** the rights of all Zimbabweans regardless of political affiliation to benefit from and participate in all national programmes and events freely without let or hindrance.

**RECOGNISING**, accepting and acknowledging that the values of justice, fairness, openness, tolerance, equality, non-discrimination and respect of all persons without regard to race, class, gender, ethnicity, language, religion, political opinion, place of origin or birth are the bedrock of our democracy and good governance.

**DETERMINED** to build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality.

**RECOGNISING** and accepting that the Land Question has been at the core of the contestation in Zimbabwe and acknowledging the centrality of issues relating to the rule of law, respect for human rights, democracy and governance.

**COMMITTED** to act in a manner that demonstrates loyalty to Zimbabwe, patriotism and commitment to Zimbabwe's national purpose, core values, interests and aspirations.

**DETERMINED** to act in a manner that demonstrates respect for the democratic values of justice, fairness, openness, tolerance, equality, respect of all persons and human rights.

**SUBMITTING** ourselves to the mandate of the Extraordinary Summit of the Southern African Development Community (SADC) held in Dar-es-Salaam, United Republic of Tanzania, on 29th March 2007 and endorsed in Lusaka on 12th April 2008 and in the AU Summit held in Sharm El-Sheikh, Egypt from 30th June to 1 July 2008.

**RECOGNISING** the centrality and importance of African institutions in dealing with African problems, we agreed to seek solutions to our differences, challenges and problems through dialogue.

**ACKNOWLEDGING** that pursuant to the Dar-es-Salaam SADC resolution, the Parties negotiated and agreed on a draft Constitution, initialed by the Parties on 30 September 2007, and further agreed and co-sponsored the enactment of the Constitution of Zimbabwe Amendment Number 18 Act, amendments to the Electoral Act, the Zimbabwe Electoral Commission Act, Public Order and Security Act, Access to Information and Protection of Privacy Act and Broadcasting Services Act.

**APPRECIATING** the historical obligation and need to reach a solution that will allow us to put Zimbabwe first and give the people a genuine chance of rebuilding and reconstructing their livelihoods.

**PURSUANT** to the common desire of working together, the Parties agreed to and executed a Memorandum of Understanding on 21 July 2008, attached hereto as Annexure “A”.

NOW THEREFORE AGREE AS FOLLOWS:

## **ARTICLE I**

### **DEFINITIONS**

#### 1. Definitions

The “Agreement” shall mean this written Agreement signed by the representatives of ZANU-PF and the MDC, in its two formations (“the Parties”) in fulfillment of the material mandate handed down by the SADC Extraordinary Summit on 29th March 2007 and endorsed by SADC in Lusaka, Zambia and adopted by the African Union Summit in Sharm El-Sheikh, Egypt.

The “Parties” shall mean ZANU-PF, the two MDC formations led by Morgan Tsvangirai and Arthur Mutambara respectively.

The “Government” or “New Government” means the new Government to be set up in terms of this Agreement.

## **ARTICLE II**

### **DECLARATION OF COMMITMENT**

#### 2. Declaration of Commitment

The Parties hereby declare and agree to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation and in particular to implement the following agreement with the aims of resolving once and for all the current political and economic situations and charting a new political direction for the country.

## **ARTICLE III**

### **RESTORATION OF ECONOMIC STABILITY AND GROWTH**

#### 3. Economic recovery

##### 3.1 The Parties agree:

(a) to give priority to the restoration of economic stability and growth in Zimbabwe. The Government will lead the process of developing and implementing an economic recovery strategy and plan. To that end, the parties are committed to working together on a full and comprehensive economic programme to resuscitate Zimbabwe’s economy, which will urgently address the issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates and the exchange rate.

(b) to create conditions that would ensure that the 2008/2009 agricultural season is productive.

(c) to establish a National Economic Council, composed of representatives of the Parties and of the following sectors:

- (i) Manufacturing
- (ii) Agriculture
- (iii) Mining
- (iv) Tourism
- (v) Commerce
- (vi) Financial
- (vii) Labour
- (viii) Academia; and
- (ix) Other relevant sectors

(d) that the terms of reference of the Council shall include giving advice to Government, formulating economic plans and programmes for approval by government and such other functions as are assigned to the Council by the Government.

(e) to endorse the SADC resolution on the economy.

## **ARTICLE IV**

### **SANCTIONS AND MEASURES**

#### **4. Sanctions and Measures**

4.1 Recognising and acknowledging that some sections of the international community have since 2000 imposed various sanctions and measures against Zimbabwe, which have included targeted sanctions.

4.2 The Parties note the present economic and political isolation of Zimbabwe by the United Kingdom, European Union, United States of America and other sections of the

International Community over and around issues of disputed elections, governance and differences over the land reform programme.

4.3 Noting and acknowledging the following sanctions and measures imposed on Zimbabwe:-

(a) enactment of the Zimbabwe Democracy and Economic Recovery Act by the United States of America Congress which outlaws Zimbabwe's right to access credit from International Financial Institutions in which the United States Government is represented or has a stake;

(b) suspension of Zimbabwe's voting and related rights, suspension of balance of payment support, declaration of ineligibility to borrow Fund resources and suspension of technical assistance to Zimbabwe by the International Monetary Fund;

(c) suspension of grants and infrastructural development support to Zimbabwe by The World Bank; and

(d) imposition of targeted travel bans against current Government and some business leaders.

4.4 Noting that this international isolation has over the years created a negative international perception of Zimbabwe and thereby resulting in the further isolation of the country by the non-availing of lines of credit to Zimbabwe by some sections of the international community.

4.5 Recognising the consequent contribution of this isolation to the further decline of the economy.

4.6 Desirous and committed to bringing to an end the fall in the standards of living of our people, the Parties hereby agree:-

(a) to endorse the SADC resolution on sanctions concerning Zimbabwe;

(b)that all forms of measures and sanctions against Zimbabwe be lifted in order to facilitate a sustainable solution to the challenges that are currently facing Zimbabwe; and

(c)commit themselves to working together in re-engaging the international community with a view to bringing to an end the country's international isolation.

## **ARTICLE V**

### **LAND QUESTION**

#### 5.Land Question

5.1Recognising that colonial racist land ownership patterns established during the colonial conquest of Zimbabwe and largely maintained in the post independence period were not only unsustainable, but against the national interest, equity and justice.

5.2Noting that in addition to the primary objective of the liberation struggle to win one man one vote democracy and justice, the land question, namely the need for the re-distribution of land to the majority indigenous people of Zimbabwe was at the core of the liberation struggle.

5.3Accepting the inevitability and desirability of a comprehensive land reform programme in Zimbabwe that redresses the issues of historical imbalances and injustices in order to address the issues of equity, productivity, and justice.

5.4While differing on the methodology of acquisition and redistribution the parties acknowledge that compulsory acquisition and redistribution of land has taken place under a land reform programme undertaken since 2000.

5.5Accepting the irreversibility of the said land acquisitions and redistribution.

5.6Noting that in the current Constitution of Zimbabwe and further in the Draft Constitution agreed to by the parties the primary obligation of compensating former land owners for land acquired rests on the former colonial power.

5.7 Further recognising the need to ensure that all land is used productively in the interests of all the people of Zimbabwe.

5.8 Recognising the need for women's access and control over land in their own right as equal citizens.

5.9 The Parties hereby agree to:

(a) conduct a comprehensive, transparent and non-partisan land audit, during the tenure of the Seventh Parliament of Zimbabwe, for the purpose of establishing accountability and eliminating multiple farm ownerships.

(b) ensure that all Zimbabweans who are eligible to be allocated land and who apply for it shall be considered for allocation of land irrespective of race, gender, religion, ethnicity or political affiliation;

(c) ensure security of tenure to all land holders.

(d) call upon the United Kingdom government to accept the primary responsibility to pay compensation for land acquired from former land owners for resettlement;

(e) work together to secure international support and finance for the land reform programme in terms of compensation for the former land owners and support for new farmers; and

(f) work together for the restoration of full productivity on all agricultural land.

## **ARTICLE VI**

### **CONSTITUTION**

#### **6. Constitution**

Acknowledging that it is the fundamental right and duty of the Zimbabwean people to make a constitution by themselves and for themselves;

Aware that the process of making this constitution must be owned and driven by the people and must be inclusive and democratic;

Recognising that the current Constitution of Zimbabwe made at the Lancaster House Conference, London (1979) was primarily to transfer power from the colonial authority to the people of Zimbabwe;

Acknowledging the draft Constitution that the Parties signed and agreed to in Kariba on the 30th of September 2007, annexed hereto as Annexure “B”;

Determined to create conditions for our people to write a constitution for themselves; and

Mindful of the need to ensure that the new Constitution deepens our democratic values and principles and the protection of the equality of all citizens, particularly the enhancement of full citizenship and equality of women.

6.1 The Parties hereby agree:

(a) that they shall set up a Select Committee of Parliament composed of representatives of the Parties whose terms of reference shall be as follows:

(i) to set up such subcommittees chaired by a member of Parliament and composed of members of Parliament and representatives of Civil Society as may be necessary to assist the Select Committee in performing its mandate herein;

(ii) to hold such public hearings and such consultations as it may deem necessary in the process of public consultation over the making of a new constitution for Zimbabwe;

(iii) to convene an All Stakeholders Conference to consult stakeholders on their representation in the sub-committees referred to above and such related matters as may assist the committee in its work;

(iv) to table its draft Constitution to a 2nd All Stakeholders Conference; and

(v)to report to Parliament on its recommendations over the content of a New Constitution for Zimbabwe

(b)that the draft Constitution recommended by the Select Committee shall be submitted to a referendum;

(c)that, in implementing the above, the following time frames shall apply:

(i)the Select Committee shall be set up within two months of inception of a new government;

(ii)the convening of the first All Stakeholders Conference shall be within 3 months of the date of the appointment of the Select Committee;

(iii)the public consultation process shall be completed no later than 4 months of the date of the first All Stakeholders Conference;

(iv)the draft Constitution shall be tabled within 3 months of completion of the public consultation process to a second All Stakeholders Conference;

(v)the draft Constitution and the accompanying Report shall be tabled before Parliament within 1 month of the second All Stakeholders Conference;

(vi)the draft Constitution and the accompanying Report shall be debated in Parliament and the debate concluded within one month;

(vii)the draft Constitution emerging from Parliament shall be gazetted before the holding of a referendum;

(viii)a referendum on the new draft Constitution shall be held within 3 months of the conclusion of the debate;

(ix)in the event of the draft Constitution being approved in the referendum it shall be gazetted within 1 month of the date of the referendum; and

(x)the draft Constitution shall be introduced in Parliament no later than 1 month after the expiration of the period of 30 days from the date of its gazetting.

## **ARTICLE VII**

### **PROMOTION OF EQUALITY, NATIONAL HEALING, COHESION AND UNITY**

#### 7. Equality, National Healing, Cohesion and Unity

7.1 The Parties hereby agree that the new Government:

- a) will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and will work towards equal access to development for all;
- b) will ensure equal and fair development of all regions of the country and in particular to correct historical imbalances in the development of regions;
- c) shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre and post independence political conflicts; and
- d) will strive to create an environment of tolerance and respect among Zimbabweans and that all citizens are treated with dignity and decency irrespective of age, gender, race, ethnicity, place of origin or political affiliation.
- e) will formulate policies and put measures in place to attract the return and repatriation of all Zimbabweans in the Diaspora and in particular will work towards the return of all skilled personnel.

## **ARTICLE VIII**

### **RESPECT FOR NATIONAL INSTITUTIONS AND EVENTS**

#### 8. Respect for National Institutions and Events

8.1 In the interests of forging a common vision for our country, the Parties hereby agree:-

(a) on the necessity of all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion to respect and observe Zimbabwe's national institutions, symbols, national programmes and events; and

(b) that all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion have the right to benefit from and participate in all national programmes and events without let or hindrance.

## **ARTICLE IX**

### **EXTERNAL INTERFERENCE**

#### 9. External Interference

9.1 The Parties reaffirm the principle of the United Nations Charter on non-interference in the internal affairs of member countries.

9.2 The Parties hereby agree:-

(a) that the responsibility of effecting change of government in Zimbabwe vests exclusively on and is the sole prerogative of the people of Zimbabwe through peaceful, democratic and constitutional means;

(b) to reject any unlawful, violent, undemocratic and unconstitutional means of changing governments; and

(c) that no outsiders have a right to call or campaign for regime change in Zimbabwe.

## **ARTICLE X**

### **FREE POLITICAL ACTIVITY**

#### 10. Free political activity

Recognising that the right to canvass and freely mobilise for political support is the cornerstone of any multi-party democratic system, the Parties have agreed that there should be free political activity throughout Zimbabwe within the ambit of the law in

which all political parties are able to propagate their views and canvass for support, free of harassment and intimidation.

## **ARTICLE XI**

### **RULE OF LAW, RESPECT FOR THE CONSTITUTION AND OTHER LAWS**

11. Rule of law, respect for the Constitution and other laws

11.1 The Parties hereby agree that it is the duty of all political parties and individuals to:

(a) respect and uphold the Constitution and other laws of the land;

(b) adhere to the principles of the Rule of Law.

## **ARTICLE XII**

### **FREEDOM OF ASSEMBLY AND ASSOCIATION**

12. Freedoms of Assembly and Association

12.1 Recognising the importance of the freedoms of assembly and association in a multi-party democracy and noting that public meetings have to be conducted in a free, peaceful and democratic manner in accordance with the law, the Parties have agreed:-

(a) to work together in a manner which guarantees the full implementation and realisation of the right to freedom of association and assembly; and

(b) that the Government shall undertake training programmes, workshops and meetings for the police and other enforcement agencies directed at the appreciation of the right of freedom of assembly and association and the proper interpretation, understanding and application of the provisions of security legislation.

## **ARTICLE XIII**

## **STATE ORGANS AND INSTITUTIONS**

### 13. State organs and institutions

13.1 State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties.

13.2 For the purposes of ensuring that all state organs and institutions perform their duties ethically and professionally in conformity with the principles and requirements of a multi-party democratic system in which all parties are treated equally, the Parties have agreed that the following steps be taken:-

(a) that there be inclusion in the training curriculum of members of the uniformed forces of the subjects on human rights, international humanitarian law and statute law so that there is greater understanding and full appreciation of their roles and duties in a multi-party democratic system;

(b) ensuring that all state organs and institutions strictly observe the principles of the Rule of Law and remain non-partisan and impartial;

(c) laws and regulations governing state organs and institutions are strictly adhered to and those violating them be penalised without fear or favour; and

(d) recruitment policies and practices be conducted in a manner that ensures that no political or other form of favouritism is practised.

## **ARTICLE XIV**

### **TRADITIONAL LEADERS**

#### 14. Traditional Leaders

14.1 Recognising and acknowledging that traditional leaders are community leaders with equal responsibilities and obligations to all members of their communities regardless of age, gender, ethnicity, race, religion and political affiliation, the Parties hereby agree to:-

(a)commit themselves to ensuring the political neutrality of traditional leaders; and

(b)call upon traditional leaders not to engage in partisan political activities at national level as well as in their communities.

## **ARTICLE XV**

### **NATIONAL YOUTH TRAINING PROGRAMME**

#### 15. National Youth Training Programme

Recognising the desirability of a national youth training programme which inculcates the values of patriotism, discipline, tolerance, non-violence, openness, democracy, equality, justice and respect.

Determined to ensure that the National Youth Training Programme raises awareness of the HIV and AIDS pandemic, engenders a spirit of community service, skills development and a commitment to the development of Zimbabwe

15.1The Parties hereby agree that:-

(a)all youths regardless of race, ethnicity, gender, religion and political affiliation are eligible to participate in national youth training programmes;

(b)the National Youth Training Programme must be run in a non-partisan manner and shall not include partisan political material advancing the cause of any political party; and

(c)while recognising that youths undergoing training at national youth training centres have a right to hold political opinions, they shall not, during the period of their training, collectively and as part of a scheme of the training centre be used or deployed for partisan political work.

## **ARTICLE XVI**

### **HUMANITARIAN AND FOOD ASSISTANCE**

## 16. Humanitarian and food assistance

16.1 In times of need, every Zimbabwean regardless of race, ethnicity, gender, political affiliation and religion is entitled to request and receive humanitarian and food assistance from the State.

16.2 It is the primary responsibility of the State to ensure that every Zimbabwean who needs humanitarian and food assistance receives it.

16.3 Non-Governmental Organisations involved in giving humanitarian and food assistance shall do so without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion and in doing so, shall not promote or advance the interests of any political party or cause.

16.4 In this regard the Parties hereby agree:

(a) that in the fulfillment of its obligations above, the Government and all State Institutions and quasi State Institutions shall render humanitarian and food assistance without discrimination on the grounds of race, ethnicity, gender, political affiliation or religion;

(b) that humanitarian interventions rendered by Non-Governmental

Organisations, shall be provided without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion.

(c) that all displaced persons shall be entitled to humanitarian and food assistance to enable them to return and settle in their original homes and that social welfare organisations shall be allowed to render such assistance as might be required.

(d) that all NGO`s rendering humanitarian and food assistance must operate within the confines of the laws of Zimbabwe.

## **ARTICLE XVII**

### **LEGISLATIVE AGENDA PRIORITIES**

## 17. Legislative agenda

17.1 The Parties hereby agree that:

(a) the legislative agenda will be prioritized in order to reflect the letter and spirit of this agreement;

(b) the Government will discuss and agree on further legislative measures which may become necessary to implement the Government's agreed policies and in particular, with a view to entrenching democratic values and practices.

## **ARTICLE XVIII**

### **SECURITY OF PERSONS AND PREVENTION OF VIOLENCE**

18. Security of persons and prevention of violence

18.1 Noting the easy resort to violence by political parties, State actors, Non-State actors and others in order to resolve political differences and achieve political ends.

18.2 Gravely concerned by the displacement of scores of people after the election of March 29, 2008 as a result of politically motivated violence.

18.3 Recognising that violence dehumanises and engenders feelings of hatred and polarisation within the country.

18.4 Further recognising that violence undermines our collective independence as a people and our capacity to exercise our free will in making political choices.

18.5 The Parties hereby agree:

(a) to promote the values and practices of tolerance, respect, non-violence and dialogue as means of resolving political differences;

(b) to renounce and desist from the promotion and use of violence, under whatever name called, as a means of attaining political ends;

- (c) that the Government shall apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book;
- (d) that all political parties, other organisations and their leaders shall commit themselves to do everything to stop and prevent all forms of political violence, including by non-State actors and shall consistently appeal to their members to desist from violence;
- (e) to take all measures necessary to ensure that the structures and institutions they control are not engaged in the perpetration of violence.
- (f) that all civil society organisations of whatever description whether affiliated to a political party or not shall not promote or advocate for or use violence or any other form of intimidation or coercion to canvass or mobilise for or oppose any political party or to achieve any political end;
- (g) to work together to ensure the security of all persons and property;
- (h) to work together to ensure the safety of any displaced persons, their safe return home and their enjoyment of the full protection of the law.
- (i) to refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or unfairly undermine each other.
- (j) that while having due regard to the Constitution of Zimbabwe and the principles of the rule of law, the prosecuting authorities will expedite the determination as to whether or not there is sufficient evidence to warrant the prosecution or keeping on remand of all persons accused of politically related offences arising out of or connected with the March and June 2008 elections.

## **ARTICLE XIX**

### **FREEDOM OF EXPRESSION AND COMMUNICATION**

#### **19. Freedom of Expression and Communication**

Recognising the importance of the right to freedom of expression and the role of the media in a multi-party democracy.

Noting that while the provisions of the Broadcasting Services Act permit the issuance of

licences, no licences other than to the public broadcaster have been issued.

Aware of the emergence of foreign based radio stations broadcasting into Zimbabwe, some of which are funded by foreign governments.

Concerned that the failure to issue licences under the Broadcasting Services Act to alternative broadcasters might have given rise to external radio stations broadcasting into Zimbabwe.

Further concerned that foreign government funded external radio stations broadcasting into Zimbabwe are not in Zimbabwe's national interest.

Desirous of ensuring the opening up of the air waves and ensuring the operation of as many media houses as possible.

19.1 The Parties hereby agree:-

(a) that the government shall ensure the immediate processing by the appropriate authorities of all applications for re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act;

(b) all Zimbabwean nationals including those currently working for or running external radio stations be encouraged to make applications for broadcasting licences, in Zimbabwe, in terms of the law;

(c)that in recognition of the open media environment anticipated by this Agreement, the Parties hereby:-

(i)call upon the governments that are hosting and/or funding external radio stations broadcasting into Zimbabwe to cease such hosting and funding; and

(ii)encourage the Zimbabweans running or working for external radio stations broadcasting into Zimbabwe to return to Zimbabwe; and

(d)that steps be taken to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities.

(e)that the public and private media shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations. To this end, the inclusive government shall ensure that appropriate measures are taken to achieve this objective.

## **ARTICLE XX**

### **FRAMEWORK FOR A NEW GOVERNMENT**

#### 20. Framework for a new Government

Acknowledging that we have an obligation to establish a framework of working together in an inclusive government;

Accepting that the formation of such a government will have to be approached with great sensitivity, flexibility and willingness to compromise;

Recognising that the formation of such a Government would demonstrate the respect of the Parties for the deeply-felt and immediate hopes and aspirations of the millions of our people.

Determined to carry out sustained work to create the conditions for returning our country to stability and prosperity;

Acknowledging the need for gender parity, particularly the need to appoint women to strategic Cabinet posts;

20.1 The Parties hereby agree that:

#### 20.1.1 Executive Powers and Authority

The Executive Authority of the Inclusive Government shall vest in, and be shared among the President, the Prime Minister and the Cabinet, as provided for in this Constitution and legislation.

The President of the Republic shall exercise executive authority subject to the Constitution and the law.

The Prime Minister of the Republic shall exercise executive authority subject to the Constitution and the law.

The Cabinet of the Republic shall exercise executive authority subject to the Constitution and the law.

In the exercise of executive authority, the President, Vice Presidents, the Prime Minister, the Deputy Prime Ministers, Ministers and Deputy Ministers must have regard to the principles and spirit underlying the formation of the Inclusive Government and accordingly act in a manner that seeks to promote cohesion both inside and outside government.

#### 20.1.2 The Cabinet

(a) shall have the responsibility to evaluate and adopt all government policies and the consequential programmes;

(b) shall, subject to approval by Parliament, allocate the financial resources for the implementation of such policies and programmes;

(c) shall have the responsibility to prepare and present to Parliament, all such legislation and other instruments as may be necessary to implement the policies and programmes of the National Executive;

(d) shall, except where the Constitution requires ratification by Parliament, or action by the President, approve all international agreements;

(e) shall ensure that the state organs, including the Ministries and Departments, have sufficient financial and other resources and appropriate operational capacity to carry out their functions effectively; and

(f) shall take decisions by consensus, and take collective responsibility for all Cabinet decisions, including those originally initiated individually by any member of Cabinet.

(g) The President and the Prime Minister will agree on the allocation of Ministries between them for the purpose of day-to-day supervision.

### 20.1.3 The President

(a) chairs Cabinet;

(b) exercises executive authority;

(c) shall exercise his/her powers subject to the provisions of the Constitution;

(d) can, subject to the Constitution, declare war and make peace;

(e) can, subject to the Constitution, proclaim and terminate martial law;

(f) confers honours and precedence, on the advice of Cabinet;

(g) grants pardons, respites, substitutes less severe punishment and suspends or remits sentences, on the advice of Cabinet;

(h) chairs the National Security Council;

(i) formally appoints the Vice Presidents;

- (j) shall, pursuant to this Agreement, appoint the Prime Minister pending the enactment of the Constitution of Zimbabwe Amendment no.19 as agreed by the Parties;
- (k) formally appoints Deputy Prime Ministers, Ministers and Deputy Ministers in accordance with this agreement;
- (l) after consultation with the Vice Presidents, the Prime Minister and the Deputy Prime Ministers, allocates Ministerial portfolios in accordance with this Agreement;
- (m) accredits, receives and recognizes diplomatic agents and consular officers;
- (n) appoints independent Constitutional Commissions in terms of the Constitution;
- (o) appoints service/executive Commissions in terms of the Constitution and in consultation with the Prime Minister;
- (p) in consultation with the Prime Minister, makes key appointments the President is required to make under and in terms of the Constitution or any Act of Parliament;
- (q) may, acting in consultation with the Prime Minister, dissolve Parliament;
- (r) must be kept fully informed by the Prime Minister on the general conduct of the government business and;
- (s) shall be furnished with such information as he/she may request in respect of any particular matter relating to the government, and may advise the Prime Minister and Cabinet in this regard.

#### 20.1.4 The Prime Minister

- (a) chairs the Council of Ministers and is the Deputy Chairperson of Cabinet;
- (b) exercises executive authority;
- (c) shall oversee the formulation of government policies by the Cabinet;

- (d) shall ensure that the policies so formulated are implemented by the entirety of government;
- (e) shall ensure that the Ministers develop appropriate implementation plans to give effect to the policies decided by Cabinet: in this regard, the Ministers will report to the Prime Minister on all issues relating to the implementation of such policies and plans;
- (f) shall ensure that the legislation necessary to enable the government to carry out its functions is in place: in this regard, he/she shall have the responsibility to discharge the functions of the Leader of Government Business in Parliament;
- (g) shall be a member of the National Security Council;
- (h) may be assigned such additional functions as are necessary further to enhance the work of the Inclusive Government;
- (i) shall, to ensure the effective execution of these tasks, be assisted by Deputy Prime Ministers; and
- (j) shall report regularly to the President and Parliament.

#### 20.1.5 Council of Ministers

To ensure that the Prime Minister properly discharges his responsibility to oversee the implementation of the work of government, there shall be a Council of Ministers consisting of all the Cabinet Ministers, chaired by the Prime Minister, whose functions shall be:

- (a) to assess the implementation of Cabinet decisions;
- (b) to assist the Prime Minister to attend to matters of coordination in the government;
- (c) to enable the Prime Minister to receive briefings from the Cabinet Committees;
- (d) to make progress reports to Cabinet on matters of implementation of Cabinet decisions;

(e) to receive and consider reports from the Committee responsible for the periodic review mechanism; and

(f) to make progress reports to Cabinet on matters related to the periodic review mechanism.

#### 20.1.6 Composition of the Executive

(1) There shall be a President, which Office shall continue to be occupied by President Robert Gabriel Mugabe.

(2) There shall be two (2) Vice Presidents, who will be nominated by the President and/or Zanu-PF.

(3) There shall be a Prime Minister, which Office shall be occupied by Mr Morgan Tsvangirai.

(4) There shall be two (2) Deputy Prime Ministers, one (1) from MDC-T and one (1) from the MDC-M.

(5) There shall be thirty-one (31) Ministers, with fifteen (15) nominated by ZANU PF, thirteen (13) by MDC-T and three (3) by MDC-M. Of the 31 Ministers, three (3) one each per Party, may be appointed from outside the members of Parliament. The three (3) Ministers so appointed shall become members of the House of Assembly and shall have the right to sit, speak and debate in Parliament, but shall not be entitled to vote.

(6) There shall be fifteen (15) Deputy Ministers, with (eight) 8 nominated by ZANU PF, six (6) by MDC-T and one (1) by MDC-M.

(7) Ministers and Deputy Ministers may be relieved of their duties only after consultation among the leaders of all the political parties participating in the Inclusive Government.

#### 20.1.7 Senate

(a) The President shall, in his discretion, appoint five (5) persons to the existing positions of Presidential senatorial appointments.

(b) There shall be created an additional nine (9) appointed senatorial posts, which shall be filled by persons appointed by the President, of whom, 3 will be nominated by ZANU-PF, 3 by MDC-T and 3 by MDC-M.

#### 20.1.8 Filling of vacancies

(a) In the event of any vacancy arising in respect of posts referred to in clauses 20.1.6 and 20.1.7(b) above, such vacancy shall be filled by a nominee of the Party which held that position prior to the vacancy arising.

### **ARTICLE XXI**

#### **ELECTORAL VACANCIES**

##### 21. Electoral Vacancies

Aware of the divisive and often times confrontational nature of elections and by elections;

Noting the need to allow this agreement to take root amongst the parties and people of Zimbabwe; and

Cognisant of the need to give our people some breathing space and a healing period;

21.1 The Parties hereby agree that for a period of 12 months from the date of signing of this agreement, should any electoral vacancy arise in respect of a local authority or parliamentary seat, for whatever reason, only the party holding that seat prior to the vacancy occurring shall be entitled to nominate and field a candidate to fill the seat subject to that party complying with the rules governing its internal democracy.

### **ARTICLE XXII**

#### **IMPLEMENTATION MECHANISMS**

## 22. Implementation mechanisms

22.1 To ensure full and proper implementation of the letter and spirit of this Agreement, the Parties hereby constitute a Joint Monitoring and Implementation Committee (“JOMIC”) to be composed of four senior members from ZANU-PF and four senior members from each of the two MDC Formations. Gender consideration must be taken into account in relation to the composition of JOMIC.

22.2 The committee shall be co-chaired by persons from the Parties.

22.3 The committee shall have the following functions:-

- (a) to ensure the implementation in letter and spirit of this Agreement;
- (b) to assess the implementation of this Agreement from time to time and consider steps which might need to be taken to ensure the speedy and full implementation of this Agreement in its entirety;
- (c) to receive reports and complaints in respect of any issue related to the implementation, enforcement and execution of this Agreement;
- (d) to serve as catalyst in creating and promoting an atmosphere of mutual trust and understanding between the parties; and
- (e) to promote continuing dialogue between the Parties.

22.4 JOMIC shall be the principal body dealing with the issues of compliance and monitoring of this Agreement and to that end, the Parties hereby undertake to channel all complaints, grievances, concerns and issues relating to compliance with this Agreement through JOMIC and to refrain from any conduct which might undermine the spirit of co-operation necessary for the fulfillment of this Agreement.

22.5 The new Government shall ensure that steps are taken to make the security forces conversant with the Constitution of Zimbabwe and other laws of Zimbabwe including laws relating to public order and security.

22.6 The implementation of this agreement shall be guaranteed and underwritten by the Facilitator, SADC and the AU.

22.7 The Parties and the new Government shall seek the support and assistance of SADC and the AU in mobilizing the international community to support the new Government's economic recovery plans and programmes together with the lifting of sanctions taken against Zimbabwe and some of its leaders.

22.8 The Parties agree that they shall cause Parliament to amend any legislation to the extent necessary to bring this agreement into full force.

## **ARTICLE XXIII**

### **PERIODIC REVIEW MECHANISM**

#### 23. Periodic review mechanism

23.1 Having regard to the Objectives and Priorities of the New Government as set out in this Agreement, the Parties hereby agree that:

(a) they shall constitute a committee composed of 2 representatives each to review on an annual basis progress on the implementation and achievement of the priorities and objectives set out in this Agreement, namely: Economic (restoration of economic stability and growth, sanctions, land question) Political (new constitution, promotion of equality, national healing and cohesion and unity, external interference, free political activity, rule of law, state organs and institutions, legislative agenda and priorities) Security (security of persons and prevention of violence) and Communication (media and external radio stations); and

(b) the committee shall make recommendations to the Parties and the new government on any matters relating to this Agreement, more particularly on measures and programmes that may be necessary to take and make to realise full implementation of this Agreement.

(c) this Agreement and the relationship agreed to hereunder will be reviewed at the conclusion of the constitution-making process.

23.2 The Parties will continually review the effectiveness and any other matter relating to the functioning of the Inclusive Government established by the Constitution in consultation with the Guarantors.

**ARTICLE XXIV**

**INTERIM CONSTITUTIONAL AMENDMENTS**

24. Interim Constitutional amendments

The Parties hereby agree:

24.1 that the constitutional amendments which are necessary for the implementation of this agreement shall be passed by parliament and assented to by the President as Constitution of Zimbabwe Amendment Act No 19. The Parties undertake to unconditionally support the enactment of the said Constitution of Zimbabwe Amendment No 19;

24.2 to include in Constitutional Amendment No19 the provisions contained in Chapters 4 and 13, and section 121 of the draft Constitution that the Parties executed at Kariba on 30 September 2007 (Kariba draft).

**ARTICLE XXV**

**COMMENCEMENT**

25. Commencement

This Agreement shall enter into force upon its signature by the Parties.

In WITNESS WHEREOF the Parties have signed this Agreement in the English language, in six identical copies, all texts being equally authentic:

DONE AT HARARE, ON THIS..... DAY OF ..... 2008

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ROBERT G MUGABE

PRESIDENT, ZANU-PF

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MORGAN R TSVANGIRAI

PRESIDENT, MDC

---

ARTHUR G O MUTAMBARA

PRESIDENT, MDC

In WITNESS THEREOF the Facilitator:

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THABO MBEKI

SADC FACILITATOR