Human Rights and Governance in Zimbabwe - Formulae for Engaging the Diaspora Residents

A discussion paper By Dr. Annie Barbara Chikwanha (PhD) for the DFZ Conference on ‘Engaging Zimbabweans in the Diaspora’, Elephant Hills Resort, 16th-18th Dec 2010

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Zimbabwe has signed charters, treaties and covenants that embody the broad values of governance and that have specific obligations and responsibilities that citizens should hold governments accountable for complying with. However, many of these signed commitments are yet to come into force and when they do get ratified, the probability that capacity to domesticate them and to adhere to the provisions remains quite low in the country. The amount of time it has taken to comply with the Global Political Agreement (GPA) provisions is an indicator of this low capacity and also a need for rigorous efforts on improving governance. This paper aims to suggest some ideas that can enhance Zimbabwe’s efforts in pushing for respect for human rights, compliance with the rule of law and inclusive good governance practices as specified by the many commitments signed by the head of the state. It is sincerely hoped that the suggestions of how to broaden the active citizen arena to the Diaspora residents will go a long way in closing the good governance deficit in the country partly caused by the failure to fulfill national, regional and international commitments. There is clearly a need to be innovative in a way that would clearly herald change in the way Zimbabwe’s democratization and development efforts are going.

Introduction

Rebuilding governance institutions, restoring democracy and re-establishing both vertical and horizontal trust\(^1\) in Zimbabwe is clearly a task for all its citizens regardless of their present habitat. Much of the work that has been done in the country has not included the views and contributions of the country’s Diaspora community yet more than a third of the country’s citizens are resident outside its borders. Though we applaud the GPA’s attempts at peace building, much more could have been done if these citizens outside the country had contributed to all the processes: the political, the economic and the developmental. After all, some institutional memory of a flourishing Zimbabwe resides within this massive Diaspora community. This exclusion amounts to the erosion of all citizenship rights and the disenfranchisement of this community in particular is a thorn in the

flesh of Zimbabweans residing outside the country’s borders. This forces us as a concerned public to ask: Is citizenship only defined by the physical occupation of space? And more importantly, Does Diaspora engagement only mean a physical presence in one’s country of origin - ‘i.e. returning home’? If not, how else can this be done? and How do we go about restoring trust and faith in all Zimbabwean citizens irrespective of where they reside?

Horizontal trust refers to the relations amongst citizens that are built and bound by shared values and norms and confidence in each other. There is a certain amount of predictability where horizontal trust exists. Vertical trust is embedded in the relations between the public and key institutions that deliver services and govern the daily conduct of citizens. Likewise there is also predictability in vertical trust that is defined in clearly articulated rules and regulations of these key institutions. Confidence in these institutions is thus a result of consistent behaviour in the treatment of service seekers and those needing protection in a non-partisan way. When we look at the current situation in Zimbabwe, it is quite clear that both types of trust were greatly eroded in the last decade though some significant strides have been made with regard to the establishment of frameworks such as those espoused in the Global Political Agreement (GPA) that has attempted to reconcile the country’s citizens through the Organ on National Healing and Reconciliation.

For the Diaspora residents who fled persecution, what then awaits them in the event they return home? Can they integrate as ‘free citizens’ who have more to contribute to the national building efforts than they have to fear from the regime? Mistrust and distrust dominate the relationship between and amongst all the stakeholders in Zimbabwe. For the Diaspora residents who have acquired higher education, skills and experience, and are used to more streamlined and transparent management processes, the willingness to submit themselves to authorities that behave contrary to rules and regulations is unappealing. This unwillingness is worse in ascriptive societies where patronage politics determines who manages what. Only merit should be the criterion for employment and business opportunities.

People can only flourish when their personal security is not threatened and it’s important to ask the question: “If one fled Zimbabwe for security reasons – (ie security in all its forms-physical, economic, social, space etc), do they feel it is now secure enough to reengage on a deeper level as free citizens?” The answer partly depends on where one stands on the opportunity ladder. And if one has developed demands that require an assured income and predictability in their offspring’s future, then the pull factor of the Diaspora will definitely provide more benefits hence the need for the means of broadening the participation arena so as to capture and incorporate the voices, needs and expectations of the Diaspora community. Failure to do this will mean the loss of not just this generation’s working age (30-55) that now lives in the Diaspora also of its children who have naturally acquired a more global outlook and approach to life hence reconnection
with their country of origin might not be a priority if the roots are not reconnected meaningfully in good time.

By mobilizing Zimbabwe’s key actors and its public at large on the values that can propel the country forward, it becomes relatively easier to ensure compliance with acceptable governance practices. Like all other Africans, Zimbabwe citizens also value: the fundamental right to life, identity and opportunity; The basic right to freedom; Tolerance, dignity, integrity and respect; Solidarity and community; Participation in governance; Justice and fairness; Equality and equity; Respect for human rights [gender, youth, child rights, minorities]; Sovereignty, national self-determination and interdependence; Rule-of-Law and justice; Law and order, peace, stability and security- values that have been identified as key core values by the African Union in its forthcoming “Shared Values” Heads of State Summit in January 2011. The question then becomes, How has the GPA fared in creating a nation where citizens all subscribe to these same values?

**Status of governance in the country**

Strengthening democracy and spurring development by reinforcing governance institutions and processes that lay a strong foundation for equitable development is clearly the way to the restoration and consolidation of democracy in Zimbabwe. Credible governance processes can only be achieved through effective governance of resources, and continuously pushing for political, legal and administrative reforms that are required in the country to achieve this. Evidence from the various instruments\(^2\) used to assess governance show that Zimbabwe is lagging behind on many issues in the region on both the processes and the quality of governance. The Ibrahim Mo index\(^3\) is one measure that can assist in assessing and comparing Zimbabwe’s governance practices with other southern African countries.

To begin with, Zimbabwe’s rankings have remained static over a four-year period as shown in the table below. These figures show clearly that there hasn’t been much action with regard to creating a conducive environment for prosperity in the country.

**Ibrahim Mo Index rankings for Zimbabwe 2007 and 2008**

<table>
<thead>
<tr>
<th>Category</th>
<th>2007 (score out of 100)</th>
<th>2008 (score out of 100)</th>
<th>2008 (rankings out of 48)</th>
</tr>
</thead>
</table>

\(^2\) For instance the APRM, Ibrahim Mo index and UNDP assessments

\(^3\) The Ibrahim Mo index looks at a wide variety of factors, divided into four broad categories – safety and the rule of law, participation and human rights, sustainable economic opportunity, and human development. These categories cover 100 separate indicators – ranging from the incidence of violent crime, to the accountability of public officials, to access to electricity, mobile phones and computers, to vaccination rates.
<table>
<thead>
<tr>
<th>Safety and Security</th>
<th>75.0</th>
<th>75.1</th>
<th>32</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule of Law,</td>
<td>45.8</td>
<td>44.6</td>
<td>34</td>
</tr>
<tr>
<td>Transparency and</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Corruption</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation and</td>
<td>40.0</td>
<td>41.9</td>
<td>36</td>
</tr>
<tr>
<td>Human Rights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainable Economic</td>
<td>44.3</td>
<td>38.8</td>
<td>28</td>
</tr>
<tr>
<td>Opportunity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Development</td>
<td>51.2</td>
<td>51.7</td>
<td>28</td>
</tr>
</tbody>
</table>

When compared with other countries (table below), the highest governance rankings in the region for 2010 are recorded in Mauritius (83), Botswana (76), and South Africa (71) and Zimbabwe a low 33. The only country that Zimbabwe outperforms across all categories is the Democratic Republic of Congo where a protracted civil war has been raging for over two decades now. With a low score of 33 for Safety and Rule of law, it is not surprising that economic opportunities have dipped to a low score of 26 in the Zimbabwe.

The Ibrahim Mo Governance Index Ranking 2010

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Overall score</th>
<th>Safety and Rule of Law</th>
<th>Participation and Human Rights</th>
<th>Sustainable Economic Opportunity</th>
<th>Human Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mauritius</td>
<td>83</td>
<td>90</td>
<td>77</td>
<td>84</td>
<td>80</td>
</tr>
<tr>
<td>3</td>
<td>Botswana</td>
<td>76</td>
<td>88</td>
<td>69</td>
<td>70</td>
<td>77</td>
</tr>
<tr>
<td>5</td>
<td>South Africa</td>
<td>71</td>
<td>72</td>
<td>73</td>
<td>65</td>
<td>75</td>
</tr>
<tr>
<td>6</td>
<td>Namibia</td>
<td>67</td>
<td>80</td>
<td>66</td>
<td>63</td>
<td>60</td>
</tr>
<tr>
<td>10</td>
<td>Lesotho</td>
<td>60</td>
<td>70</td>
<td>68</td>
<td>52</td>
<td>51</td>
</tr>
<tr>
<td>16</td>
<td>Tanzania</td>
<td>55</td>
<td>62</td>
<td>56</td>
<td>53</td>
<td>49</td>
</tr>
<tr>
<td>17</td>
<td>Zambia</td>
<td>55</td>
<td>64</td>
<td>56</td>
<td>49</td>
<td>51</td>
</tr>
<tr>
<td>20</td>
<td>Mozambique</td>
<td>52</td>
<td>63</td>
<td>56</td>
<td>49</td>
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<tr>
<td>22</td>
<td>Malawi</td>
<td>52</td>
<td>65</td>
<td>51</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>28</td>
<td>Madagascar</td>
<td>49</td>
<td>51</td>
<td>51</td>
<td>50</td>
<td>43</td>
</tr>
<tr>
<td>42</td>
<td>Angola</td>
<td>39</td>
<td>44</td>
<td>44</td>
<td>36</td>
<td>33</td>
</tr>
<tr>
<td>49</td>
<td>Zimbabwe</td>
<td>33</td>
<td>35</td>
<td>31</td>
<td>19</td>
<td>46</td>
</tr>
<tr>
<td>51</td>
<td>Congo, DRC</td>
<td>31</td>
<td>33</td>
<td>36</td>
<td>26</td>
<td>35</td>
</tr>
</tbody>
</table>

A cursory glance at the progress made since the Short Term Emergency Recovery Programme (“SteRP”) after the formation of the transitional Government in mid-February 2009 as part of the implementation of the GPA reveals that much more needs to be done in one of its key areas- Political and Governance. Unfortunately the chance for radical changes that could have incorporated inclusive good governance were lost when the fast track process aimed for in the GoZ’s 100 day plan running from April to August 2009 failed to focus on security sector reforms that would place people at the centre of security provision. The vagueness of this plan for the ministry of Justice and Legal Affairs shows the gaps and the apparent disconnections in the way the security sector at large is managed. Putting emphasis on meeting the needs of prisoners; operationalising the Judicial Services Commission and meeting the minimum
standards, best practices and needs of justice delivery institutions does not necessarily translate into overhauling the system so as to enhance access to justice and treating all citizens fairly and equally. Rule of law remains a *sine qua non* for sustainable development and is essential for restoring and rebuilding trust relations.

The state of Zimbabwe’s prisons is one clear indicator of the need to reform the security sector. Overcrowding and its accompanying problems (sanitary and contagious diseases) is still a big problem as are food shortages. Reports estimate that one fifth of the prison population deaths recorded in 2008 were due to these conditions and juveniles are mixed with adults in custody most of the time\(^4\). These inhuman and degrading conditions violate the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules 1985) and the Kampala Declaration on Prison Conditions in Africa 1996 and the country’s laid down minimum conditions that should prevail in such institutions.

The work of the Organ on National Healing, Reconciliation and Integration is critical for Zimbabwe to be able to formulate and apply a much needed human rights-based approach to development which makes it important to take as the starting point, the legal framework within which human rights are protected in Zimbabwe. This legal framework consists of both domestic and international standards and the extent to which key institutions have complied with the provisions (see Appendix A for some of these). The Organ on National Healing, Reconciliation and Integration has failed to live up to the expectations of the many citizens who were victims of violence in the last decade. Part of the problem has to do with the failure to define what ‘Integration’ means for Zimbabwe and a willingness to acknowledge the ‘sources and extent’ of the pain that needs to be healed if peace and deep democracy are to take root and become part of the country’s political culture. Integration efforts need to extend to the diaspora too where websites set up by resident Zimbabweans show the cleavages that have devastated the country. It is quite clear that many of these websites cater for distinct communities as reported by the IOM\(^5\). For instance, *Mthwakazi online serves the* Ndebele audience; *Goffal* serves the Zimbabwean coloured community; *NewZimbabwe.com* now tries to offer a balanced view but is generally biased towards Matebeleland and the Ndebele people and *Zimdaily* is biased towards Mashonaland and the Shona people. This organ thus had the chance to unearth all the dark deeds during the more turbulent times in the country and these would have given more pointers to the problems in the

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\(^4\) In 2005, the Supreme Court declared the condition of various police holding cells in Zimbabwe to be inhuman and degrading and not meeting the laid down minimum conditions for prisoners.

\(^5\) See IOM, 2006, *Zimbabwe Mapping Exercise*  
http://www.iomlondon.org/doc/mapping/IOM_ZIMBABWE_MR.pdf
country’s governance processes yet its time is coming to an end and a lot still remains to be done since divisions are still very real and very visible. Through the healing dialogues or whatever transitional justice mechanism can be applied, many of the reasons for the mass exodus of skilled professionals from the country could have been identified and Diaspora residents would have had a chance to benefit from the process too. Even though this might take place over space (distance) the symbolism of the gesture is what would contribute to rebuilding trust relations again. It is also important to point out that though this organ intends to solve a big political problem, the leadership of this organ could have been more inclusive of all the actors on the governance landscape. This would have made it possible to design a national human rights oriented action plan crafted by all citizens.

As the key driver of the constitution drafting process, the ministry of Constitutional and Parliamentary Affairs is equally well poised to change the course of history with regard to the development of the key institution—the constitution—that will define the development of a human rights oriented political culture that can ensure a secure environment for all citizens. Failure to use the opportunity to anchor the country’s future governance practices on a constitution that emerges as a result of deliberative democracy will only result in both political and economic stagnation—if not regression.

Some of the many other signifiers of a shaky GPA and inadequate governance processes are:

a. Since the Global Political Agreement took effect on February 11, 2009, reports of political violence against perceived opponents continue to pour in and dispossession of property, especially commercial farms, continues.

b. Complaints against the Law and Order Section of the Zimbabwe Republic Police (ZRP) based at Harare Central Police Station reveal its blatant disregard of Article 13.2(b) of the Global Political Agreement (GPA) that requires ‘all state organs and institutions to strictly observe the principles of the Rule of Law and remain non-partisan and impartial’. Forty-two suits were filed in Zimbabwean courts against the Zimbabwe Republic Police, the Minister of Home Affairs, and the Minister of Defence.

c. Cases of violence, intimidation, hate speech and abductions continue to be reported and a disturbing fact is that the Constitutional Outreach program has also been marred by incidences of violence.

d. Human Rights Defenders (HRDs) amongst them the General Agriculture and Plantation Workers Union (GAPWUZ), Women of Zimbabwe Arise

7 ZIG Watch: Issue 20, Sokwanele Article: October 21st, 2010
(WOZA) and the Zimbabwe Human Rights Association (ZimRights) continue to face persistent harassment and intimidation at the hands of the security authorities and the Law and Order section has maintained its systematic harassment of human rights activists even though their work is guaranteed by the African Charter on Human and Peoples’ Rights as well as other international human rights treaties to which Zimbabwe is a party.

e. The Public Order and Security Act (POSA), continues to criminalise political behaviour making it difficult for citizens to participate freely in political activities of their choice.

Towards A Zimbabwe Human Rights Strategy

Zimbabwe is clearly in need of a human rights framework that is linked to other processes and institutions in the governance realm in the country. The shift from a state centric approach to a human security approach in security provision is essential for creating an environment in which all citizens can maximize their development potential. Human security is essentially about putting people first and enhancing the ability to protect human rights and ensure the presence of peace and stability that are key ingredients for sustainable human development. By focusing on people as the principle point of reference, human security aims to address threats to their safety and security especially if we use the definition that puts emphasis on ‘freedom from fear and want’. Though the Southern Africa Development Community (SADC) has integrated the human security approach into its constructions and policy frameworks for peace and security, many African governments have largely maintained a rather neutral position hence human security has remained off the states’ main agenda that is dominated by political survival and the maximisation of gains from political office. This obsession is what has triggered anger in marginalised communities seeking for inclusion as is evidenced by the violent contestation for inclusion into governance that has been experienced by some of the countries in the region.

The Development Foundation of Zimbabwe can, together with other key institutions, mobilize expertise to build the capacity of the security agents and other stakeholders in protecting and promoting the universal values of human rights and rule of law as espoused in the African Charter on Human and People’s Rights and the Universal Declaration of Human Rights. This is currently being attempted through the Human Rights Commission in the country but a lot more can be done by forging partnerships with the Civil Society Organisations (CSOs)

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8 The 1994 SADC Ministerial Workshop on Democracy, Peace and Security in Windhoek resulted in the creating of a Protocol on Peace, Security and Political Cooperation that had different institutions all geared to guarantee ‘freedom from fear’.

9 The African Charter on Human and People’s Rights (1981) is a critical instrument aimed at promoting human rights on the continent which contribute to the establishment of the African Human Rights Commission
working on human rights, connecting with the relevant organs at the sub-regional level and ultimately complying with the African Commission on Human and People’s Rights [Banjul] through (a.) ensuring that the plans, policies and processes of national development are anchored in these rights (b.) holding the leadership accountable to the commitments they signed on upholding the rule of law. Working through the provisions contained in these agreements, DFZ can oversee

(i) The government’s adherence to ACHPR provisions and identifying impingements and challenges;
(ii) Mobilise technical support to all the country’s Human Rights Institutions on monitoring adherence to the ACHPR; Assist with capacity building of national human rights institutions in the development of an instrument to track legal compliance issues and with the development of national human rights action plans for security sector institutions
(iii) Lawyers in the Diaspora can assist with the Institutionalisation and Domestication of various provisions of the charter—there is no need to reinvent the wheel and the many academics in the legal field can back up their ideas/suggestions with evidentiary support of success stories from other countries
(iv) The promotion of international human rights instruments through providing evidence based research i.e. Research on the impact of negligence in emphasizing human rights in the domestication of relevant protocols etc.
(v) National dialogue/dissemination workshops for all stakeholders in the human rights action arena [civil society, Diaspora and government institutions]
(vi) CSOs work in Provincial workshops on upholding the rule of law and its links with development and democracy

Property rights
Property rights are a critical issue for all citizens and the challenge for Zimbabwe is how to design legal institutions that safeguard individual investments and also enable the protection of long-term investments. When reports of governments that extract resources at will from their citizens abound, it signals weak property rights and this erodes trust and confidence for Diaspora residents in particular who may have an alternative to invest in their current habitat. Strengthening the property rights regime in property rights institutions, which include protections against expropriation by the government, are thus imperative for Zimbabwe to generate confidence in all potential investors that they will be assured of yielding returns from their investment.

Property rights denote four key attributes: the right to use the good; the right to
earn income from the good; the right to transfer the good to others and the right to enforcement of property rights. Expropriation destroys all these rights yet alternatives such as implicit or explicit property rights can be created by regulating the environment, either through prescriptive command and control approaches i.e. by placing limits on input, output or discharge quantities or by specifying processes equipment, audits or by applying more flexible market-based instruments such as taxes, transferable permits or quotas. Weak institutional capacity is very often the reason why governments often simply seize property from citizens for whatever motive. An issue of concern is the fact that some of the current legislation related to natural resources such as the Mining Act, is not connected to the land rights hence landowners and potential investors will always be hesitant as uncertainty will always surround any investments that one may risk. Owning land does not translate into the right to use that property in the event that minerals are discovered on that land. This leaves everyone vulnerable to loss of investment.

The way forward

This section contains some suggestions on areas and ways in which the Diaspora residents can be engaged. The order does not imply anything about the weight of the suggestions.

1. In the same way that globalization has altered the way core issues that undergird development are addressed, governance in Zimbabwe equally demands processes that go beyond the national level because of the many varying governance mechanism the following various enclaves utilize: the private sector, the civil society, the Diaspora residents, the sub-regional and the regional levels. These various stakeholders all challenge the traditional power of national governments especially since some of them are better at networking –eg CSOs’- and have contributed significantly to the e-governance phenomenon that has enhanced government efficiency, transparency, accountability and service delivery, and that has also expanded citizen engagement and participation in the various governance and democratic processes through better access to information. E-governance has the potential to broaden participation in governance in Zimbabwe as it transcends space such that the Diaspora and internal stakeholders can all speak at the same level on the same processes. Unfortunately, this is a system that depends on other sectors such as the openness of the communication regime in the country and the access the

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10 See the massive literature on property rights on the internet- also see Pranab Bardhan, *Alternative Approaches to Development Economics*, http://www.dipsa.unifi.it/romano/ASP/Bardhan%20ch03%201988.pdf
different stakeholders have to the technology they need to be part of the dialogue and other processes. On this, the Diaspora residents are better placed to lead in networking for the exchange of ideas and in innovative ways of enhancing governance processes that is based on empirical evidence from different countries.

2. Zimbabwe is not party to continental/regional structures such as the Africa Peer Review Mechanism yet a review of the political, economic and corporate governance structures and practices in the country and an equal review of political and economic structures set up by the Diaspora community is imperative for finding solutions to the stagnation or extremely sluggish developmental pace in the country. The key purposes of the African Peer Review Mechanism (APRM) and of the proposed African Platform on Governance (APG) are to ensure the compliance of African states with standard practices of governance agreed upon by the AU summit in July 2002 as well as to assist states to constantly monitor and improve their policies and policy implementation and thereby maximize the attainment of their commitment to acceptable codes of conduct. Achieving this requires the institution of some mechanisms that will limit the prospects for the emergence of bad governance and this is a responsibility that has to be spread across the key governance actors as defined by the GPA. Such broad distribution of the responsibilities will eventually evolve into a desirable ‘governance culture’ as both institutional memory and expectations of adhering to good governance practices become ingrained in the habits of officials and politicians. This also provides a system for checks and balances on governance practices across key institutions. The APRM’s scope is broad [political governance, economic governance, corporate governance and socio-economic development] though it could have been expanded further to address, for instance, issues that are to be addressed by the African Union Charter on Democracy, Elections and Governance. The thematic areas of the APRM are critical building blocks for the assessment of governance in Zimbabwe and can only be added to capture the specificities of the country. This shows commitment to transparency and a willingness to improve governance practices. DFZ can steer an internal governance assessment process acting as a secretariat that will provide up-to-date background information and materials to be used by the provincial and national institutions internally.

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3. Coordinated information sharing of the work of all institutions working on governance through the establishment of a Zimbabwe Governance Portal would go a long way in coordinating the efforts of the many key actors. This implies collecting information from a wide range of stakeholders: the Government, political parties, parliamentarians and civil society organizations (including the media, academia, trade unions, business, professional bodies) and with all such structures existing in the Zimbabwe Diaspora community.

4. Bring Zimbabwe back to the international arena. This is important for the wider scrutiny of compliance with key instruments, protocols, standards and norms upholding the rule of law. Through an informed process backed by empirical evidence, raise the debate to the relevant Regional Economic Communities and engage the Pan-African Parliament, the African Commission on Human and Peoples’ Rights, the Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC) of the African Union.

5. Process issues: Any governance review process is partially contingent on having the experts on board before the process begins and this is a challenge Zimbabwe will face for some time. The DFZ could serve as the focal point for coordinating all the key persons scattered across the globe, in key international institutions such as the UN and the AU and serve as a Secretariat that would coordinate the CSO’s governance work in the country. Unfortunately, pulling together the requisite resources in terms of manpower would remain a major challenge unless if there is some borrowing pf staff from organizations with such capacity to organize and offer implementation support for the assessments.

6. Any assessment process has to remain inclusive and credible, e.g. there must be broad-based and inclusive participation of key stakeholders in the public and private sectors, the Diaspora, trade unions, and special interest groups such as women and children. Though this poses a real challenge, it is important to maintain such an approach and it must not be done without explicit mechanisms to ensure ownership and support of all levels of government and parliament or else governance assessment will not succeed in its pursuit of greater accountability and good governance.

**Challenges for Diaspora engagement:**

Creating platforms for policy input across the globe is a daunting task for any endeavor and this is even harder when many of the envisaged participants may not necessarily have the means to engage consistently. Likewise, for an e-challenged government, (is ICT) this may lead to loss of information. This section presents some of the challenges likely to be encountered when bringing the Diaspora into the policy debate in Zimbabwe.

a. Limitations on diaspora residents who may choose to become active citizens: Many Zimbabweans reside illegally in the Diaspora especially in the UK and in
South Africa therefore they are unlikely to report themselves to any form of authority as they fear deportations. This affects both the skilled and unskilled workers who very often do the same kind of work in the Diaspora. A large number will thus stay out of the catchment area of this initiative. Part of the answer is in making the benefits of participating back home in whatever form outweigh the costs of being deported by redesigning the country’s institutions in a manner that engenders trust for all citizens and by allowing the Diaspora residents to maintain their anonymity if their security in those countries gets compromised. Working through trusted institutions where these residents have developed a sense of belonging and where they have obviously generated some social capital –such as churches- would yield some desired results with regard to increasing their voice in governance matters at home and to design policies that take their needs into account.

b. Those who fled persecutions are unlikely to forget easily and so quickly especially when there is no assurance of their safety. Even a blanket amnesty stretching for years to those who were accused of crimes [both general crimes and political] may not succeed in persuading Diaspora residence to reengage beyond subsidizing their families to become critical and active citizens. A continuous stream of announcements on a permanent amnesty for all Diaspora residents who have sought asylum in particular could go a long way to rebuilding trust albeit slowly especially if it is accompanied by genuine political will. It is only on the basis of a credible reputation in adhering to such declarations that trust can be rebuilt.

c. The criminalization of political behaviour will remain a deterrent to meaningful engagement for those occupational categories that are highly mobile and that can get employment opportunities elsewhere where the safety of the wealth they generate can be assured.

d. Citizens who bore the hardships of the last 10 years in Zimbabwe can harbour resentment towards Diaspora residents (and returnees) who may appear to be speaking down to them yet they escaped some of the experiences that now inform the way they now think about governance. A collaborative approach in which the value of what each citizen contributes is thus important to assure different categories that their interests will be taken into account hence compromise, negotiating and bargaining on some policy positions will be of utmost importance.

Appendix A
The UN International Covenant on Civil and Political Rights (ICCPR) (entered into force on 23 March 1976) acceded to by the Government of Zimbabwe on 13 August 1991 makes provision for, *inter alia*: article 6 the right to life; the right not to be subjected to torture or to cruel, article 7 inhuman or degrading treatment or punishment; article 9 the right to liberty and security of the person; article 14 the right to a fair and public hearing by a competent, independent and impartial tribunal established by law; article 17 the right to privacy; article 19 -the right to freedom of expression; article 21-22 the right to peaceful assembly and association; article 25 the right to participate in the conduct of public affairs, to vote in genuine periodic election held by secret ballot; and article 26 to be free from discrimination.

The African (Banjul) Charter on Human and Peoples' Rights ("the Banjul Charter"; entered into force on 21 October 1986) was acceded to by the Government of Zimbabwe on 30 May 1986 - has provisions for the protection of human rights similar to those found in the ICCPR. Article 26 provides expressly that "State parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter".

The Harare Commonwealth Declaration, 1991, was signed by the Commonwealth Heads of Government.

The Treaty of the Southern African Development Community (the SADC treaty was signed on 17 August 1992 and entered into force the following year). Article 6: "SADC and Member States shall not discriminate against any person on grounds of gender, religion, political views, race, ethnic origin, culture, ill health, disability, or such other ground ......

Government meeting in Zimbabwe on 20 October 1991 included provisions for the commitment of the Heads of Government to: "democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government.

The Latimer House Guidelines for the Commonwealth, 19 June 1998, are guidelines for the further implementation of the Harare Declaration and the Millbrook Commonwealth Action Programme prepared by the representatives of four Commonwealth Associations.)