

Enabling Environment Country Report for Zimbabwe

*A Report prepared by National Association of Youth
Organizations (NAYO Africa)*



Contents

Enabling Environment Country Report for Zimbabwe.....	1
Abbreviations.....	4
About the Organization.....	6
Executive Summary.....	7
Background and Introduction.....	8
Dimension One.....	11
Recognition of Rights and Freedoms affecting CSOs.....	11
The Right to freedom of Association, Basic Laws and the Constitution of Zimbabwe.....	11
The Right to Freedom to Peacefully Assemble in the Constitution of Zimbabwe and Basic Laws.....	12
Right to Freedom of Expression in the Constitution and basic laws of Zimbabwe.....	13
Significant and/or severe restrictions on the exercise of one or more of these rights through government intimidation, intrusion, harassment or threats.....	15
Dimension Two.....	17
The legal and regulatory environment, implementing rights and freedoms affecting CSOs.....	17
CSO Formation and Registration in Zimbabwe.....	17
Processes of Formation and Registration for Civil Society Organizations in Zimbabwe.....	19
Strengthening existing Legal and Institutional Frameworks to Promote Multi-Stakeholder Approach to Development Effectiveness.....	20
The Role of Government to create Enabling Environment and Engagement with CSOs in the Development Effectiveness Trajectory.....	21
CSO Operations: Free from interference.....	23
CSO Expression of views and Advocacy in Zimbabwe.....	24
Legal or political barriers that hinder a CSOs ability to openly express its opinions.....	24
Legal or Political barriers that hinder a CSO’s ability to engage in public policy activity and Advocacy.....	25
Access to Resources for CSOs in Zimbabwe.....	26
Legal, policy or political barriers to access.....	26
Legal or Policy Incentives to promote Local Resource Mobilization and Financial Sustainability among CSOs.....	27
Dimension Three.....	28
Rights of Specific Groups.....	28
Area Two: Policy Influencing.....	29

Dimension One: Spaces for Dialogue and Policy Influencing.....	29
Inclusive Institutionalized Opportunities for CSOs to Participate in Policy and Decision-Making Processes.....	29
CSOs Involvement in Design, Implementation and Monitoring of National Development Plans and Policies	30
CSO Inputs and Policy Outcomes.....	31
Initiatives to address Capacity needs of all Stakeholders to fully and Effectively Participate in Policy Dialogue	33
CSOs establishing Formal Working Relations and ensuring Active Participation with Key Partner Organizations, Donors, and Government and Development Agencies at different levels.....	33
Capacity Gaps both at Institutional and personnel among the Stakeholders	34
Ways through which the Capacity Problems be Addressed	35
Dimension Four: Access to Information	37
Access to information in Zimbabwe, by law and in practice	37
Process of obtaining Relevant Government Information	38
Area Three: Donor – CSO Relationships.....	39
Donor – CSO relationships in the Context of Zimbabwe	39
Examples of Donors and CSOs engagement processes for development in Zimbabwe	40
European Union (EU) -Country Road Map for Engagement with Civil Society 2014-2017.....	40
EU-CSO Dialogues	41
UN - ZUNDAF Processes.....	41
Africa Development Bank Group	42
Recommendations	43
Government.....	43
CSOs	43
Donors.....	44
Conclusion.....	44
Bibliography	45

Abbreviations

ACP	-	Aid Coordination Policy
AFDB)	-	African Development Bank
AIPPA	-	Access to Information and Protection of Privacy Act
BSA	-	Broadcasting Services Act
CSOs	-	Civil Society Organizations
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
EU	-	European Union
MOU	-	Memorandum of Understanding
NAYO	-	National Association of Youth Organizations
NAVUZ	-	National Vendors Union of Zimbabwe
NANGO	-	National Association of Non-Governmental Organizations
NCA	-	National Constitutional Assembly
NGOs	-	Non-Governmental Organizations
IG	-	Inclusive Government
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social, and Cultural Rights
UPR	-	Universal Periodic Report
WOZA	-	Women of Zimbabwe Arize
ZEC	-	Zimbabwe Electoral Commission
ZANU-PF	-	Zimbabwe African National Union Patriotic Front
ZIM-ASSET	-	Zimbabwe Agenda for Sustainable Socio-Economic Transformation
ZINASU	-	Zimbabwe National Students Union
ZUNDAF	-	Zimbabwe United Nations Development Assistance Framework

- ZYC - Zimbabwe Youth Council
- POSA - Public Order and Security Act
- PVO - Private Voluntary Organizations

About the Organization

The National Association of Youth Organizations (NAYO Africa) is a Youth Umbrella Body for youth organizations working in Zimbabwe. NAYO 's work spread from national, regional and international level; being the Global Youth Coordinator for CSOs Partnership for Development Effectiveness (CPDE), Regional Youth Coordinator for SADC-AAYC and at local level as National Youth Sector Chairperson with National Association of NGOs (NANGO). NAYO is premised on the notion that youth have an integral role to play in the development of the nation; a voice and platform throughout the spectrum of Zimbabwean societal concerns. The growing marginalization of youth, increasing unemployment of youth and social exclusion, gender based violence and inequalities, the vulnerability of youth and women to HIV and AIDS, among other key issues prompted youth organizations to seek a common platform to address these challenges in 2011. NAYO Africa places immense value in diversity of people and ideas in order to achieve the highest possible standards. NAYO's **Vision** is to see a repositioned, redefined and enhanced role of youth in community and national, regional and international developmental processes. NAYO's **Mission** is to redress the challenges that youth are facing and contribute towards their active participation in developmental processes through Coordination, Advocacy, Capacity Building and Information Sharing Initiatives. Currently NAYO has a membership of 183 Youth Organizations and about 1500 Youth Advocates from 10 Provinces of Zimbabwe and project reach to youth of 215 000 for all Clusters. The association is registered and operates under the Laws of Zimbabwe.

Executive Summary

The report acknowledges the Busan Partnership which affirms CSOs role as independent development actors in their own right and highlights within the context of Zimbabwe issues within the enabling environment that have created or limited space for CSOs. The advent of the new constitution sets a window of hope in strengthening the development effectiveness agenda within the country as the constitution promotes civic participation, guarantees the freedom of assembly and association, promotes human rights and fosters good governance. These are critical for CSOs engagement, participation and development work. Zimbabwe has ratified various human rights instruments which include the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social, and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); African Charter on Human and Peoples' Right and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. These provide guarantees for CSOs to enjoy rights to association, peaceful assembly and expression allowing for their work to progress smoothly.

Since the tenure of its office in 2013, the government has made efforts to engage with CSOs, as well as the international community. For instance, Zimbabwean CSOs were consulted in the process of the preparation of the Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZimAsset) in the last quarter of 2013. The government is in the process of aligning laws and has continued to make use of old laws, some of which have reinforced a restrictive environment on the part of CSOs. It is important to note that Zimbabwe has placed frameworks both at law and policy to regulate the work of CSOs. However most of these have come under sharp criticism for restricting the environment of CSOs. Succinct examples of draconian legislation include: the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) which work hand in glove curbing freedoms of assembly; association; media and access to information and the Zimbabwe Youth Council (ZYC) Act and Statutory Instrument (S.I) 4 which both curtail youth rights to freedom of association limiting the growth of vibrant youth movements within the country.

Owing to the continued stance by government of suppressing the work of CSOs, the report highlights the plight of CSOs working in Zimbabwe sharing recent cases which demonstrate the urgent need for CSOs to be supported. It notes the disappearance of human rights activist and journalist Itai Dzamara, the continued arrests of CSO leaders and denial of the right to peaceful assembly of CSOs such as Women of Zimbabwe Arize (WOZA). The report proffers recommendations based on best practice within the region and the lived realities of CSOs that were engaged in the process of creating the country report.

Background and Introduction

The Busan Partnership for Effective Development Cooperation, signed at the Fourth High-level Forum on Aid Effectiveness in Busan in November 2011, states that civil society organizations (CSOs) “play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation”. The new European Union approach to engaging with CSOs in external relations, also states that: “An empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth. The world’s governments have made high level commitments (eg. at the Fourth High Level Forum on Aid Effectiveness in Busan) to enable a rights-based and participatory environment in which civil society can thrive. However, their commitments, in many cases, are not being transformed into reality at the community level. On the contrary, many CSOs and human rights defenders are experiencing increased restrictions on their activities and funding; intimidation; excessive use of force; arbitrary detention; enforced disappearances and extrajudicial killings. These obstacles may be judicial or extrajudicial measures ranging from restrictions on activities and funding, to intimidation, excessive use of force, arbitrary detention, enforced disappearances and extrajudicial killings. Such challenges have been highlighted by numerous reports, based on in-country research, such as Trócaire’s 2012 report “Democracy in action: Protecting Civil Society Space”, and ACT Alliance’s 2011 report “Shrinking political space for civil society actors”.

The legal system in Zimbabwe is a hybrid system, consisting of influences from Dutch civil law, English common law, and customary laws and traditions. The operation of civil society organizations (CSOs) in Zimbabwe has been governed by legislation since the colonial era. During the colonial era, the Welfare Organizations Act (1967) was aimed at controlling organizations believed to be linked to the liberation movement and spreading information about the human rights situation in what was then Rhodesia and is now Zimbabwe. While the Welfare Organizations Act remained in force, most CSOs focused on humanitarian efforts and operated under the auspices of churches as church-related bodies, training and education institutions. Few CSOs dared to tread into the political rights arena, as this attracted the wrath of the colonial government, which condemned any such activity, especially to the extent it was perceived to support, aid and/or abet the liberation cause. In addition, the Unlawful Organizations Act was used to ban African political and other colonial resistance movements and indeed any others perceived in the same light.

Following independence, and as the socio-political situation in post-independent Zimbabwe deteriorated in the late 1990s, there was a huge shift of emphasis by both old and new CSOs to issues dealing with democracy and governance. Indeed most of

Zimbabwe's opposition was born and bred from civil society. With the increased demand for democratic space and reforms in Zimbabwe, CSOs became targets of state harassment through increased legislative and administrative interference as they were perceived as extensions of political opposition. The ruling party at that time (President Mugabe's ZANU PF) routinely declared that CSOs and even churches, or anyone who is not a politician, have no place in the politics of the country. These sentiments have continued to be echoed since the conclusion of July 2013 elections, which led to an outright win by the ZANU PF and brought an end to the transitional Inclusive Government (IG) of February 2009 that came into force with the signing of the Inter-Party Agreement in September 2008.

Despite the onerous political, legislative and socio-economic context it has been embedded in over the past few years, civil society in Zimbabwe is robust and diverse. In Zimbabwe, CSOs complement government's efforts in lessening the suffering of people in areas such as humanitarian aid, human rights and governance, education, and health care interventions. Civil society organizations also act as a watchdog for the rights of the people. They comprise a diverse community ranging from humanitarian charities and community-based organizations, to developmental NGOs complementing the government in service delivery, and governance-oriented civic associations. Their mandate encompasses critical watchdog functions in the democratic governance arena such as election monitoring, political violence monitoring, corruption monitoring, debt monitoring and tracking public opinion. CSO activities in Zimbabwe are coordinated by NANGO, an umbrella body of local and international NGOs registered and operating in Zimbabwe. NANGO's mission to create space and identify opportunities for NGOs to pursue their visions and missions and to facilitate the building of members' capacities, resource bases and synergies has been a catalyst in CSO efforts to engage government on development policy.

The CSO sector in Zimbabwe, however, is not operating in a fully conducive political and socio-economic environment. Zimbabwean CSOs are subjected to a whole spectrum of repressive legislation, executive action, administration, police procedure, extra-legal dispute resolution and case law limiting their full engagement and participation on development effectiveness. The report provides insights into challenges faced by CSOs in Zimbabwe. Despite a new enabling constitution that has empowered CSOs in the supreme law; the government has continued to use old laws violating the current constitution to curtail the work of CSOs. Such laws include the Public Order and Security Act (POSA); Access to Information and Protection of Privacy Act (AIPPA) and the Private Voluntary Organizations (PVO) Act. CSO representatives continue to face arrest, harassment, restrictions to operations and increased police surveillance in their interventions. The report explores the existing legal and policy frameworks highlighting how in practice CSOs are coping under the restrictive environment which has slowed gains in development

effectiveness. It proffers recommendations based on emerging best practices from other regions and on CSO observations from consultations held by NAYO.

Dimension One

Recognition of Rights and Freedoms affecting CSOs

The Right to freedom of Association, Basic Laws and the Constitution of Zimbabwe

Freedom of association is the foundation of a strong civil society and an essential component to development effectiveness; along with other freedoms such as expression, assembly and the rule of law. Zimbabwe through the Constitution enacted in 2013 protects and guarantees the freedom of association to nationals inclusive of civil society organizations. Section 58 of the constitution notes that, clause, (1) and (2) “Every person has the right to freedom of assembly and association, and the right not to assemble or associate with others” and “No person may be compelled to belong to an association or to attend a meeting a gathering.” Following the enactment of the constitution, the government is currently engaged in a process of aligning laws to the constitution. The government has identified to date 400 laws which need to be amended, either substantially or consequentially; the pace at which government is progressing is rather slow raising questions on the commitment of some of the ministries and departments.

While the freedom to association has been given prominence and recognition within the supreme law, Civil Society Organizations (CSOs) continue to work under a restrictive environment which has curtailed civic education, participation and engagement thus marginalizing vulnerable groups such as youth, children and women. Legislative instruments such as the Unlawful Organizations Act (Chapter 11: 13) allow for interference with the running of an organization; POSA which curbs freedoms of assembly and association and AIPPA limits media freedoms were both enacted in 2002, further limit the operating environment for CSOs. The basic laws of the country have systematically curtailed the realization of this freedom adversely affecting the working of Civil Society Organizations (CSO's).

In Zimbabwe there are several cases of the government using the Private Voluntary Organizations (PVO) Act under which many CSOs operate, to make life difficult for particular organizations and individuals by imposing extensive and burdensome bureaucratic requirements on them. CSOs face blocks over and beyond the issue of simply registering their organizations. In January 2013 for example, a new regulation was approved by the government in Zimbabwe requiring all youth organizations to be registered with the Zimbabwe Youth Council. Under the new regulation no youth organization can receive funding without authorization from the youth council and all affiliates are required to pay high annual levees to the youth council. While a Parliamentary

Legal Committee has ruled that the regulation is in violation of existing laws, it nonetheless poses a significant threat to the country's youth movement. Civil society crack-downs have greatly weakened efforts to ensure development effectiveness.

The Right to Freedom to Peacefully Assemble in the Constitution of Zimbabwe and Basic Laws

Peaceful protest is important because it is the space where CSOs can express dissatisfaction or advocate for reform. However, as others have suggested, including the Special Reporter on freedom of peaceful assembly and freedom of association, freedom of peaceful assembly appears to be in a downward trend. The constitution provides for freedom of assembly through section 58 as highlighted above and through 59 which states that "Every person has the right to demonstrate and to present petitions, but these rights must be exercised" peacefully, but the government has placed restrictions on the right through basic laws, allowing it to selectively restrict or allow the enjoyment of these rights.

Freedom of assembly is severely restricted under the 2002 Public Order and Security Act (POSA). The act obliges organizers to give police seven days' notice prior to any public meeting defined as 15 or more individual; seven days in advance, and failure to do so can result in both criminal prosecution and civil liabilities. The law also allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrate's court stating the reasons behind the denial. While the advance notice provisions do not explicitly require police permission, security forces routinely use POSA to declare meetings and demonstrations illegal, arrest and detain demonstrators, impose arbitrary curfews and bans, and obstruct public gatherings with roadblocks and riot police. Consequently, several members of civic organizations, particularly the National Constitutional Assembly (NCA), NAVUZ, Zimbabwe National Students Union (ZINASU) and WOZA, and trade unionists have been arrested in 2015. CSO's in responding to this, some organizations avoided seeking the permits while others informed the police of their planned events and were denied permission or received no response. Authorities often denied requests by civil society and trade unions. Crisis in Zimbabwe Coalition (CiZC) spokesman Mfundo Mlilo and programmes manager Nixon Nyikadzino arrested by ZRP cops and harassed for having visited National Vendors Union of Zimbabwe (Navuz) chairman Sten Zvorwadza, his director Samuel Wadzanai and 14 other vendors who are in remand prison after they were denied bail on public violence charges¹.

¹ <http://nehandaradio.com/2015/07/25/three-civil-society-leaders-arrested/>

In Focus groups conducted by NAYO, participants revealed that it is difficult to organize peaceful demonstrations that are critical of government policy and that it is becoming more difficult with most CSOs failing to undertake these. The public assemblies and marches of Women of Zimbabwe Arise (WOZA), whom some view as having a provocateur strategy, are routinely disrupted by police. Hundreds of WOZA members have been arrested over the last few years. Amongst the charges used to justify detention of these social activists is that of 'knowingly failing to give notice of a gathering' under section 25 of POSA and that of 'participating in a gathering with intent to promote public violence, breaches of the peace, or bigotry'. For instance in 2015, when hundreds of Women of Zimbabwe (WOZA) members marched to petition parliament over the national economic situation on February 13, police violently broke up the march and dispersed the demonstrators. The Zimbabwe National Students Union (ZINASU) female students demonstrated in 2015 over the state of education and were intercepted by heavily armed police, beaten and detained including the students living with disability as they tried to submit a petition to the Parliament of Zimbabwe 2015. In addition, CSOs staged a demonstration outside the South African Embassy in light of the xenophobic violence in South Africa where Zimbabwean and other foreign nationals had been targeted. Anti-riot police brutally beat the CSO representatives in the peaceful demonstration injuring people in the process despite the above constitutional provisions.

Right to Freedom of Expression in the Constitution and basic laws of Zimbabwe

Section 61 of the constitution recognizes the right to freedom of expression through various clauses: (a) freedom to seek, receive and communicate ideas and other information; (b) freedom of artistic expression and scientific research and creativity; and (c) academic freedom. Paradoxically, a number of media laws in Zimbabwe do limit freedom of expression to a considerable and lamentable extent. The Criminal Law Codification and Reform Act, the Criminal Code, the Access to Information and Protection of Privacy Act, the Interception of Communications Act, Broadcasting Services Act, Official Secrets Act and Criminal Defamation are part of the toxic statutes limiting the citizen's ability to freely communicate and to self-express without the fear of adverse consequences. These offending laws, compounded by an ailing economy continue to pose serious threats to media freedom and citizens' right to freedom of expression and access to information through diverse media. Zimbabwe is still to align several of its restrictive media laws with the country's supreme law.

In 2015, journalists were arrested on the United Nations Day against Impunity for Targeting Journalists following an article that raised issues on poaching in Hwange alleging

the involvement of a senior police officer in elephant poaching. The Zimbabwe Union of Journalists condemned the arrests noting that every person is entitled to freedom of the media which includes the protection of the confidentiality of journalist's sources of information.

Given the prominence of the constitution, a few cases have been tried in courts thereby advancing the right. In a landmark ruling on July 22, 2014, the Constitutional Court declared criminal defamation laws unconstitutional (as they did not comply with sections 61 and 62 of the constitution-which protect the right to freedom of expression, media freedom and access to information, based on an interpretation of the old constitution. This has given confidence to CSO's that within the space provided in the new constitution to approach the Constitutional Court to set the precedence. However, the government has yet to repeal or amend as appropriate other laws, including AIPPA and POSA, the provisions of which severely restrict basic rights. Failure to amend or repeal these laws, and to address the partisan conduct of police, severely limits the rights to freedom of expression, association, and assembly guaranteed in the new constitution and international law.

The government- sanctioned Information and Media Panel of Inquiry (IMPI), on 18 March 2015 officially released its much awaited report and recommendations on Zimbabwe's information and media sectors urging the government to review and repeal the country's restrictive media laws. The 666-page report recommends for the repeal of laws such as the Access to Information and Protection of Privacy Act, Criminal Law (Codification and Reform) Act, BSA, Censorship and Entertainment Controls Act , Official Secrets Act and Copyright and Neighboring Rights Act, the report notes that:

"The orientation of laws affecting the information sector has been one of control, and not one of viewing this sector anew as a growth pole in the national economy. Legally, the information revolution has thrown up new issues to do with growth promotion, regulation, standards and protection of society from negative, harmful material. The main recommendation is the need for review of existing media laws in line with the Constitution, including media regulation and removal of all penal measures and criminalization".

Further to this, section 60 guarantees the freedom of conscience which includes (clause, a) "freedom of thought, opinion, religion or belief" and (clause, b) freedom to practice and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private and whether alone or together with others." In 2015 Itai Dzamara, a human rights activist and journalist led the "Occupy Africa Unity Square" campaign against the government of President Robert Mugabe in which he hand delivered a petition to the President. He openly as part of the campaign spoke about the need for Mugabe to resign, allow for a process to establish a new administration to take over and manage country and prepare for fresh elections. Following several detentions, beatings and harassment from

the Police, Itai Dzamara disappeared under unclear circumstances with several reports pointing to abduction². Several people were arrested for insulting the President in different occasions within the reporting period, among these, the case of a Bindura³ man and a Great Zimbabwe University (GZU) student⁴. All were charged under the Criminal Law Codification and Reform Act despite the Constitutional Court (ConCourt) scrapping the controversial law in early January.

Significant and/or severe restrictions on the exercise of one or more of these rights through government intimidation, intrusion, harassment or threats

The assault to the freedoms of association, assembly and expression in Zimbabwe is demonstrated by the sheer number of laws and regulations that have been adopted within the past decade for the purpose of placing CSO's and trade unions under stricter state control. Laws have been passed that increase the penalties for violation of NGO regulations, place hurdles in the way of NGO funding, outlaw NGO involvement in quasi-political activities, or give the state the authority to directly oversee NGOs' internal affairs. The stifling of dissent and independent action is a major political priority.

Police frequently misused provisions of POSA to ban lawful public meetings and gatherings. Opposition and civil society activists were wrongly prosecuted and charged under these laws. In January 2015, police arrested five activists from four NGOs-Chitungwiza Residents Trust, Combined Harare Residents Association, Centre for Community Development in Zimbabwe Trust, and Zimbabwe Human Rights Association, for participating in a demonstration in Chitungwiza. They were later released without charge. Also in the same month, police arrested 12 leaders of the Zimbabwe National Students Union. The students, who were beaten in police custody, were arrested during a demonstration against poor education standards at Harare Polytechnic College. On June 28 2015, police in Victoria Falls arrested and detained for two days four members of the Bulawayo Agenda on charges of contravening POSA by allegedly failing to notify police of their public meeting. The court acquitted the four. In July 2015, authorities in Nyanga and Gweru separately charged the leader of the opposition political party Transform Zimbabwe, Jacob Chengedzeni Satiya

² http://www.pindula.co.zw/Itai_Dzamara

³ <https://www.newsday.co.zw/2015/05/28/mugabe-age-insult-lands-man-in-trouble/>

⁴ <https://www.dailynews.co.zw/articles/2013/11/04/student-arrested-for-mugabe-insult>

Ngarivhume, with violating POSA for allegedly holding political meetings without police clearance. Ngarivhume was later acquitted in the courts.

Following its Universal Periodic Report (UPR) in 2011, Zimbabwe was called upon to uphold its international obligations to respect the rights to freedom of expression, assembly and association. The report recommended the Government to put in place an enabling and safe environment that is conducive to the free expression of civil society allowing individuals to exercise their legitimate freedom of association without undue hindrances. In pursuant of this government in the report was urged by the UPR committee to amend both the POSA and the PVO Act, which are recognized to impose considerable restrictions on the work of CSOs. The government did not agree to consider this recommendation and CSO's and citizens continue to work and live under these laws which curtail enjoyment of these rights.

Dimension Two

The legal and regulatory environment, implementing rights and freedoms affecting CSOs

CSO Formation and Registration in Zimbabwe

There are three primary forms of civil society organization (CSO) in Zimbabwe are Private Voluntary Organizations (PVOs), Trusts and the Associational form known as “Common law Univesitas”. The Private Voluntary Organizations Act [Chapter 17:05] (PVOs Act) Act primarily governs the work of CSO’s. Originally introduced by the Rhodesian government and revived in 2002, the Act sets out registration and funding requirements for NGOs. The Minister of Labor and Social Services administers the PVO Act, for the registration and de-registration of PVOs. Registration of CSOs in Zimbabwe under the Private Voluntary Organizations Act (PVO Act) is mandatory, "registration" being the final process in the establishment of an organization, the process by which the CSO is given legal status. The legal framework applicable to PVO contains several legal barriers relating to establishment and registration, while for trusts and Univesitas law is less strict. In fact, the PVO Act provides for very complex registration. Zimbabwean CSOs claim that, in the absence of an established criterion for the evaluation of applicants, the process becomes more of a subjective evaluation. Moreover, the waiting list within the Department of Social Services (DSS) is long. Applicants PVOs might even wait more than a year to get registered. Therefore, some of the organizations opt to register as Trusts or Univesitas and not PVOs since it takes less time. This has sometimes proved to lead to more complications afterwards as some organizations’ representatives have been take into court by the State over the past few years with allegations of running an “unregistered” organization under the PVO Act. A succinct case of this is that of Abel Chikomo, 2-11-20135.

Foreign organizations that seek to carry out work in Zimbabwe, and in particular work of a humanitarian nature or whose objectives are covered under the PVO Act, are required to register as such. Most international organizations operate as PVOs and are supposed to have a direct memorandum of understanding (MoU) or cooperation with the Government (usually at both national and local levels.) Section 3 of the General Notice 99/2007 requires an international organization to file its application with the Registrar of PVOs. The

⁵ (18 For more information see: [http://www.actsa.org/newsroom/2013/11/zimbabwe-director-of-zimbabwe-ngohuman-rights-forum-acquitted-on-charge-of-running-an-unregistered-organisation/.](http://www.actsa.org/newsroom/2013/11/zimbabwe-director-of-zimbabwe-ngohuman-rights-forum-acquitted-on-charge-of-running-an-unregistered-organisation/))

application documents must include Curriculum vitae and an Interpol or local police clearance certificate for the country representative, among other requirements.

CSOs can also either be registered as Trusts in terms of the Deeds Registries Act [Chapter20:05], which allows the Registrar of Deeds to register notarial deeds in donation or in trust. Trusts are dealt with by the Department of Deeds, Companies and Intellectual Property, which is administered by the Ministry of Justice and Legal Affairs. Trusts typically have unlimited objectives which are often intended to benefit an identifiable constituency. This method of registration has less administrative processes and most CSO's are registered under this to enable their work. However, given that trusts fall under the Ministry of Justice and Legal Affairs, there is a growing thrust to make trusts focus solely on governance issues which are specific to the Ministry limiting the scope of their work. Currently most CSO's registered as trusts are carrying out interventions that cover a wide spectrum of areas which include HIV and AIDS, livelihoods support, WASH among other areas.

Organizations can also operate as unregistered voluntary associations or organizations, known as Universitas, in terms of the common law. These entities have members, a constitution and activities that are entirely for the benefit of its members. It can be viewed as a common law persona; this form was recognized by the Zimbabwean Supreme Court in Zimbabwe Lawyers for Human Rights & Anor versus The President of the Republic of Zimbabwe⁶. Such an entity is excluded from registering under the PVO Act and is therefore not viewed as a PVO, but as the corporate form "universitas". In recent years, some of these have come under attack from the government as it pushes for compliance. Youth sector CSO' apart from these governing laws are also governed further by the Zimbabwe Youth Council Act.

Despite the onerous political, legislative and socio-economic context it has been embedded in over the past few years, civil society in Zimbabwe can be considered robust and diverse. Around 993 CSOs are presently registered as Private Voluntary Organizations (PVOs) in Zimbabwe (European Union, 2014). They compose a diversified community ranging from humanitarian charities and community-based organizations, to developmental NGOs complementing the government in service delivery, and governance-oriented civic associations. CSOs operate in several fields including: peace building, human rights protection, research and analysis, media and information dissemination, youth and women sectors, transitional justice, development effectiveness, democratization, elections support, environment and natural resources management, health, and disability. Their duty covers

⁶ <http://www.icnl.org/research/monitor/zimbabwe.html>

also critical watchdog functions in the democratic governance arena such as election monitoring, political violence monitoring, corruption monitoring and tracking public opinion. The CSO sector in Zimbabwe, however, is not operating yet in a fully conducive political and socio-economic environment.

Processes of Formation and Registration for Civil Society Organizations in Zimbabwe

The legal framework applicable to trusts and to “universitas” are generally permissive, but the PVO Act contains several legal barriers relating to establishment and registration. The PVO Act provides for complex registration procedures. The PVO Act makes registration mandatory, in that any organization that seeks to carry out work as defined under section 2 of the PVO Act must be registered. Section 6(1)(a) and (b) of the PVO Act reinforce this mandate by providing that “no private voluntary organization shall commence or continue to carry on its activities or seek financial assistance from any source unless it has been registered in respect of a particular object or objects in furtherance of which it is being conducted.” Section 6(2) and (3) of the PVO Act prohibit any individual from serving in the management or control of such an organization with the knowledge that such institution is not registered. For contravening section 6(2) on collection of funds from the public, one is subject to six months imprisonment or a fine not exceeding level five (approximately US\$ 200) or both; for contravening section 6(3) on managing or controlling an unregistered entity, one is subject to imprisonment not exceeding 3 months or a fine not exceeding level four (approximately US\$ 100) or both. In addition, the PVO Act provides for sanctions in the event of the PVO failing to abide by provisions of the Act. Offences under the PVO Act include raising funds as an unregistered organization; being an office bearer despite having been convicted for more than 5 years for a crime involving dishonesty; and the failure to provide information as requested by an inspection officer. Available sanctions include fines, imprisonment or both, cancellation of the registration, suspension of board members and/or dismissal.

Most CSOs are forced to pay exorbitant fees by local authorities in order to carry out their work regardless of their mode of registration. Local authorities charge NGOs amounts ranging from US\$100 to US\$1,000 per year in order to conclude a Memorandum of Understanding (MoU) with the local authorities. Where an organization refuses to pay the amount, no MoU is granted and the NGO's activities are not allowed to proceed. This practice is alleged to have the approval of the Ministry of Local Government, Rural and Urban Development. Significantly, however, there is no legal requirement for NGOs to conclude MoUs with local authorities.

In addition to the legal restrictions set up by the PVO Act, Zimbabwean CSOs are subjected to a whole spectrum of legislation, executive action, administration, police procedure, extra-legal dispute resolution and case law that, once applied, can seriously affect their operating environment. Through the Unlawful Organizations Act the President can declare an organization to be unlawful "in the interests of defence, public safety or public order". This is an easy way to interfere with the running of an organization by prohibiting or calling the members of the executive or members of the organization to relinquish their duties or membership of such an organization. POSA and AIPPA, both enacted in 2002, further limit the operating environment for CSOs. In particular, POSA confers on the police several powers that might be used to undermine civil liberty and the collective right of citizens to assemble and associate.

Moreover, in previous years (2004), there have been attempts at legal reforms by the government through the elaboration of an NGO Bill whose official purpose was to provide for "an enabling environment for the operations, monitoring and regulation of all non-governmental organizations". The Bill, which was enacted by Parliament but never approved by the President, was strongly opposed by civil society organizations in the country for potentially violating the right to freedom of association. If in force, it would significantly extend government control over organizations provided for in the current PVO Act, which it seeks to repeal. In addition to this, in October 2012 and June 2013, there were amendments to the Electoral Act, which sought to bar CSOs from conducting any form of voter education, without accreditation from ZEC. Reproduction and distribution of any forms of the voters' roll was also criminalized.

Currently CSOs are advocating for and creating a voluntary Self-Regulating mechanism that will allow NGOs to execute their duties effectively without overregulation. The Self-Regulating mechanism is being coordinated by NANGO. At the time of this report, NANGO is currently internally reviewing with its membership the draft version of the self-regulation mechanism; this in a collaborative move to protect the space for CSO's, strengthen relations with state and donor actors and to ensure the independence of CSO's in their work.

Strengthening existing Legal and Institutional Frameworks to Promote Multi-Stakeholder Approach to Development Effectiveness

The Constitution of Zimbabwe which is the supreme law provides for key provisions that can strengthen a multi-stakeholder approach to development within an enabling environment. Government must expedite the process to align existing laws with the constitution repealing old draconian laws that continue to be utilized stifling the enabling environment for CSO's. The current pace at which government is progressing is worrisome

raising questions on the political will within government. Such laws in need of urgent alignment and repealing include draconian laws such as AIPPA, POSA, PVO Act [Chapter 17:05] General Notice 99 of 2007- Code of Procedure for the Registration and Operations of Non-Governmental Organizations in Zimbabwe, the Interception of Communications Act, BSA and Official Secrets Act among others which limit the exercise of the rights to freedom of assembly and association. In addition to this, the constitution establishes vital institutions that can foster an active civil society through provisions on devolution of government, declaration of rights and the establishment of independent commissions on Gender, Human Rights and Peace among others.

There is need to strengthen the Parliament's legislative, oversight and representative functions to ensure the promotion, protection of human rights and development effectiveness. Parliament is entrusted with the process of aligning laws and is mandated to engage and consult locals including CSO's in the development of these. Parliament has the potential to galvanize the diverse inputs of Zimbabwean CSO's into the constitution alignment processes which in most cases happen within and among Parliamentarians. In turn, CSO's have been active in engaging the Parliament on various issues through the Parliamentary Portfolio Committees. However, these engagements have been limited in nature.

There is need for the creation and support of platforms that bring together government and CSO's - the lack of dialogue between the actors has been adverse to development effectiveness. There is no formal platform that brings CSO's, government and other aid players together to discuss development and aid effectiveness in Zimbabwe despite the existence of an Aid Coordination Policy (ACP). The Zimbabwean Government launched the ACP in 2009 to provide a donor coordination framework for effective planning and engagement, based on the Paris Declaration on Aid Effectiveness of 2005. It contains guidelines, structures and objectives to support coherent interactions between government and partners. The shift from the humanitarian to recovery phase coupled with the launch of Medium Term Plan (MTP) lays a strong basis for reviewing current aid co-ordination mechanisms and structures in Zimbabwe.

The Role of Government to create Enabling Environment and Engagement with CSOs in the Development Effectiveness Trajectory

The involvement of CSOs by the authorities in the elaboration of national policies in Zimbabwe is in fact quite limited, particularly due to a historic background of mutual mistrust between Civil Society and the State, and especially in sectors that used to be considered as politically sensitive. As stated before, however, after ZANU-PF's electoral victory in 2013, parts of Government have been more open to consultations with Civil

Society, in particular in light of the difficult economic situation, as for the ZIM-ASSET process. In some sectors, such as the Health Sector, CSO participation has existed for longer time and at various levels (policy formulation, service delivery). The basis for this has been the official acknowledgment of community participation as a main actor in the provision of primary healthcare. These 'soft sectors' are not viewed as a threat to the state. It is a different with CSOs whose mission is to monitor the state's role in governance and record in transparency and civil and human rights. State authorities are very uncomfortable about the 'watchdog role' that they play hence their attempts to de-legitimize this role.

Consultation in sectoral policies formulation might occur but they are very limited. In few cases, CSOs were allowed to directly interact with relevant government Ministries and influence public legislation. This was the case during the development of the Domestic Violence Act in 2006-2007 when the Women Movement succeeded in effectively lobbying government officials, as well as in pushing for women rights in the Constitution in more recent years. During reforms of the Wills and Inheritance Act, CSOs were also actively engaged. Ad hoc multiple stakeholder consultations and dialogues sometimes take place including on governance-related matters for example the Constitution Making Process which was done in 2013, UPR process. However, according to Civil Society in the country, these are to be considered sporadic cases, after which CSOs often complain not to receive any feedback on the outcome of the process.

There are a number of multiple stakeholder platforms in Zimbabwe that foster result-oriented dialogue. At national level, the UN Cluster meetings have provided a platform for stakeholder dialogue, including civil society (e.g. Water and Sanitation Cluster, Agriculture and Irrigation Cluster, Agriculture Working Group, Food Security and Nutrition Cluster and Education Cluster). At local level, NGOs forums meet regularly with local authorities, particularly if involved in the area of service delivery and humanitarian assistance. However, the real effectiveness of these processes is affected by poor resources and poor capability of human resources on both sides.

Free, clear and accessible flows of information on matters of public interest are guaranteed by law in Zimbabwe. In particular, Article 62 of the new Constitution states that "every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability". In practice, however, there are limitations due mainly to the lack of harmonization between the different laws that impede access to information and the Constitution. For example, AIPPA imposes cumbersome ways to access information, containing provisions that restrict freedom of speech and press.

In specific sectors, such as the mineral sector, the laws in place do not compel the government to disclose information to the public, as is the case for the Mines and Minerals Act (1961), although in recent times the Ministry of Mines has been informing the public on diamond tenders as well as holding press conferences to inform stakeholders on new developments. Civil society organizations active in the sector have been lobbying for a new minerals law that compels government to publish mining information such as contracts, identity of investors, and revenues; given the importance of disclosing information in this specific area.

CSO Operations: Free from interference

CSO's in Zimbabwe are free to choose the location, scope and mandate of their work in Zimbabwe. However, limitations are placed to these through the application of laws and administrative processes. For instance, organizations registering under the PVO Act are required in most instances to enter into an MOU with government in their interventions. In addition to this as observed in the focus group discussions, all organizations (including trusts and universities) are subject to administrative processes at the local authority level-processes which have a direct bearing and adverse effect on their independence to choose their location, scope and mandate of work. In some instances, this is altered to meet the interests/perceived areas of need by the local authority leadership. Owing to this, the scope, mandate and location of CSOs have shifted as they implement their programs and adjust to the terrain within the enabling environment.

CSO's in Zimbabwe are not free to operate in practice as there is excessive administrative burdens and interference on the part of government in their operations. Diverse strategies are used by government to establish surveillance on the work of CSOs monitoring their activities through state agents and placing sanctions were needed to curtail their work especially if this focuses on issues pertaining governance and human rights among others. Fully registered organizations with established relations with government departments or line ministries are subject to new administrative processes at the local authority level which are not established at law. CSOs are required to enter into an MOU with the local authority, as part of this process the CSO must share information on the sources of its funding and internal governance among other issues. In this process most CSOs are harassed. This process of entering into MOU's is yet to be challenged at court by CSOs, gradually CSO's are yielding to this new arrangement to allow the continuation of their work. The local authority can deny or permit the CSO to operate within its jurisdiction. The requirements and exact process at the local authority level vary across the country depending on the leadership and political affiliation.

There is excessive interference in CSO operations on the part of the state for both political and arbitrary reasons. Through the PVO Act the Minister has excessive powers over registered PVO's making it difficult for CSO's to operate as there is interference in internal governance and sanctions. For instance, if the Minister believes that a PVO has failed to comply with its objectives or constitution, has been subject to maladministration, or has engaged in illegal activities, or that "it is necessary or desirable to do so in the public interest," the Minister through notice in a government gazette may suspend all or any of the members of the Executive Committee of the PVO. The Minister may also amend or revoke any suspension. According to Section 7 of GN99/2007, the Registrar is the supervising authority of all PVOs in terms of the developmental impact of programs and monitoring of the organizations' corporate governance. The monitoring entails field visits by social service officers to project areas, analysis of submitted annual narrative reports and audited financial statements. The Minister is authorized to send inspectors to examine the accounts and any documents of any PVO. CSO's are required to report annually to the PVO Board, the reports must be submitted, however, few organizations have complied with this requirement and there has been no enforcement against PVOs per se, but rather against organizations deemed to be political (even if not PVOs). There were however no incidences of this within the reporting period.

CSO Expression of views and Advocacy in Zimbabwe

Legal or political barriers that hinder a CSOs ability to openly express its opinions

Zimbabwean law and the selective application of that law, places severe restrictions on speech and advocacy activity, especially where the speech or advocacy is critical of government policy or focused on politically unpopular causes. Organizations that engage in advocacy find themselves operating within a landmine of laws which hinder free expression. The potential state response to CSO advocacy can include arrests, raids, threats and malicious prosecution. Advocacy materials, publications and opinions are all prepared and published with due regard to these laws and potential sanctions. POSA and the Criminal Law (Codification and Reform) Act (Criminal Code), for example, criminalize the insulting of the office or person of the President [Criminal Code Section 33], uttering words which are likely to undermine policing authority [Criminal Code Section 177], and communicating falsehoods prejudicial to the state [Section 31 Criminal Code]. In practice, many individuals have been arrested and prosecuted under these laws. Such laws cause individuals and organizations to censor themselves or engage in selective and thorough reviews before placing any information in the public domain.

Given the politicization of civic space and issues, most CSO's tend to be mum on expressing their views on government policy especially on hard issues such as governance and accountability opting instead to voice out on socio-economic rights issues. This trend has been growing on the part of SCO's as they seek both to maintain the existing relations with government at both national and local level and protect themselves from government backlash which through various legislative instruments can de-register organizations among other actions highlighted in the report.

Legal or Political barriers that hinder a CSO's ability to engage in public policy activity and Advocacy

Sections 58 and 59 (Every person has the right to demonstrate and to present a petition, but these rights must be exercised peacefully) of the constitution provide the foundation for CSO's to engage in policy activities and advocacy. However, the continued use of old laws regulating assemblies in violation of the constitution being invoked. These include among others POSA, which regulates public gatherings, demonstrations, and marches; Section 37 of Criminal Law (Codification and Reform) Act, which criminalizes public gatherings that cause or are likely to cause the breach of peace; and Protected Areas and Places Act. Notification is required in cases of "public gatherings" but not private meetings. Section 2 of POSA defines a public gathering as being composed of more than 15 people and conducted in a public place or involving a meeting where the public is allowed to attend. Meetings that are held in a private place do not qualify as "public gatherings." Section 25 of POSA provides that if there is a public gathering, written notice must be provided to the police five days in advance or seven days for a demonstration or procession. During election season, the period of notice is reduced to three days.

The police, however, often "misinterpret" these provisions and harass members of opposition political parties and civil society activists who hold private meetings by requiring that they notify the police every time they want to hold a meeting even if it does not constitute a public gathering. In addition, although the authorities must respond to a notification request, there are no clear timeframes written in the law. It is never clear whether or not the police will invoke the provisions of POSA to prohibit assemblies when the police are not notified. In addition to this, Section 27 of POSA prohibits assemblies within 20 meters of Parliament, 100 meters from the vicinity of the Supreme Court, and 100 meters from areas that are protected under the Protected Areas and Places Act.

In 2015, several CSO groups had peaceful demonstrations to Parliament to deliver diverse petitions denied clearance, barricaded and blocked in the event that activists proceeded. The leader of Occupy Africa Unity Square and Human Rights Activist a critic to President Robert Mugabe and the government has been abducted by unknown people which the

public suspect to be the government since he was a threat to their interest. It is one year since his disappearance, a worrying factor for enabling environment.

The government can also institute criminal penalties to CSO's. According to Section 37(c)(ii) of the Criminal Code, "any person participating in a public gathering who performs any action, utters any words, distributes any writing, sign or other visible representation that is obscene, threatening or abusive or breaching the peace may be found guilty and liable to a fine or a prison term of 5 years." In addition, Section 19 of POSA provides for imprisonment of up to 10 years for a person "performing any action, uttering any words or distributing any writing, sign or other visible representation that is obscene, threatening, abusive or insulting, intending thereby to provoke a breach of the peace or realizing that there is a risk or possibility that a breach of the peace may be provoked." As with the Criminal Code, this language is vague and allows excessive government discretion to criminalize the behavior of participants in an assembly that is protected under international law.

Political polarization is rife in Zimbabwe; as such CSO's are facing barriers in their operations as they are largely viewed as advocates of the regime change agenda on behalf of the West. This suspicion on the part of government has seen prominent political figures denouncing CSO's on mostly political platforms accusing them of distributing aid with the intention of influencing regime change. The result of this has been the increase in procedures especially at the local level to scrutinize the work of CSO's and establishing rigorous procedures for a CSO to finally gain approval to work at a local level with communities. Some CSO's have had to cut programs, relocate programs and also miss out on funding opportunities as local authorities withhold granting authority under the guise that CSO's have sinister political agenda.

Access to Resources for CSOs in Zimbabwe

Legal, policy or political barriers to access

The Zimbabwe Electoral Commission Act (ZEC Act) prohibits the receipt of foreign funding for conducting voter education. Section 16 provides that "No foreign contribution or donation for the purposes of voter education shall be made except to the Commission, which may allocate such contribution or donation to any person referred to in section 14(3) or subsection 15(1)." Other than this specific prohibition, there are no legal limitations more broadly limiting the ability of CSOs to obtain funding from any particular source. But there are a number of constraints that have arisen in practice. First, and most commonly, the Government of Zimbabwe has attacked PVOs that receive foreign

funding as instruments used by the West to undermine the State. Government criticism of such PVOs has created a hostile atmosphere surrounding civil society, and especially those organizations that receive foreign funding. Second, the Government has effectively 'stolen' funding from CSOs; that is, funds from CSOs, located in the Reserve Bank, and allocated for the Global Fund for HIV/AIDs and Tuberculosis-and used those funds for governmental purposes.

Youth CSOs are subject to further restrictions through the Zimbabwe Youth Council (ZYC) Act and Statutory Instrument S.I 4, under the statutory instrument, youth organizations are prohibited from receiving any foreign funding. The Parliamentary Legal Committee produced an adverse report on the Statutory Instrument 4 of 2013- Zimbabwe Youth Council (General) Regulations, 2013 where it noted that it contains provisions that are ultra-vires its Enabling Act the Zimbabwe Youth Council Act [Chapter 25:19].

However, several CSOs receive funding from both local and international donors, this funding is subject to scrutiny by the government; its efforts to establish NGO Bill was directed to regulate on foreign funding as one of the issues.

Legal or Policy Incentives to promote Local Resource Mobilization and Financial Sustainability among CSOs

The PVO Act and Deed of Trust are both silent on investment and on generating income through economic activity. In practice, CSOs generate income in a variety of ways, such as selling publications at nominal costs and through consultancies for fees. It is expected, however, that funds generated from economic activity be used for the non-profit purposes of the CSO under the PVO Act. [PVO Act, Section 10] CSOs speak broadly to this through internal organizational policy frameworks and within coalitions through codes of conduct binding members. A point of reference is the NANGO code which is currently being reviewed.

Dimension Three

Rights of Specific Groups

World over the growing realization of the potent role played by youth to national development and transformation has been brought to the spotlight, in the case of Zimbabwe government has put in place legislations to further regulate the operations of youth CSOs to curb strong youth movements and organizations. The Zimbabwe Youth Council (ZYC) Act, 10/1983, 15/1991, 17/1997, 22/2001 and the 2013 statutory instrument (S.I instrument 4) have emerged over the years as some of Zimbabwe's most undemocratic acts and similar to POSA. These both create a false impression of a ZYC that seeks to represent young people yet gives the minister of youth unfettered interference in youth work through partisan appointments of young people with a track record of supporting the minister's political party, a violation to section 20 (3) of the new constitution. The statutory regulations passed in 2013 (S.I instrument 4) is apparently ultra vires the ZYC Act. These instruments seek to regulate the work of youth CSOs by placing the following requirements: that all youth associations must register [section 5], when the Act requires only the registration of national youth associations; the fee for registration [section 5], although the Act does not empower the charging of a fee [the legal rule is that regulations may only prescribe fees if the enabling Act says so expressly or by necessary implication, which is not the case here] and restrictions on donations (bans foreign funding) to youth associations [section 9] on which the Act is silent. Furthermore, the statutory instrument makes registration as Private Voluntary Organizations inadequate without registering with the Zimbabwe Youth Council for youth CSOs placing limitations on their operations. Youth CSOs are required to submit annual reports, both financial and narrative; furnish ZYC with annual work plans, budgets and donor information and renew registration on an annual basis subject to the discretion and approval of the ZYC.

Out of these draconian youth organizations has been receiving letters that seeks to compel them to provide information to the government including the source of funding. There has been arrest of youth leader such as the leader of Occupy Africa Unity Square, Itai Dzamara (Currently missing), the leader of Zimbabwe Young People in Politics (ZYOP) Nkosilathi Moyo, arrest of students' leaders from ZINASU among other threats to the youth movement which limits the freedoms.

Area Two: Policy Influencing

Dimension One: Spaces for Dialogue and Policy Influencing

In the context of Zimbabwe, it is important to utilize the Power Cube framework to explore pertinent issues on dialogue and policy influencing as spaces for engagement in policy dialogue are invited or claimed in practice. The government of Zimbabwe has endeavored to establish inclusive and accessible processes for policy engagement at various levels especially at the local and national levels; however in practice some of these processes have not been inclusive. The Parliament of Zimbabwe plays a key role providing an opportunity for civic engagement as parliamentarians periodically engage CSOs and citizens to gather views on policy issues. An example is the country-wide budget consultation meetings held by the Parliamentary Portfolio Committee on Finance and Economic Development to gather views of various stakeholders into the 2016 National Budget. Apart from this, CSOs have access to the committees meetings and can send reports directly to it for consideration. This has allowed CSOs at both the local and national level to engage on issues of policy. Parliament is accessible to all; however there have been concerns on the part of persons with disabilities.

Apart from Parliament, the government of Zimbabwe has established development committees at various levels at the local authority level to allow CSOs and citizens to participate. These include the District Development Committees; Ward Development Committees and the Village Development Committees where locals are able to engage and discuss on development issues. They are composed of diverse stakeholders representing different interest areas. However, these are not active across the country and tend to function in a partisan manner weakening the inclusivity of the platform. The committees tend to focus on issues of economic and social rights and are silent on issues pertaining to governance and accountability in essence these rarely challenge the government choosing to follow policy prescriptions.

Inclusive Institutionalized Opportunities for CSOs to Participate in Policy and Decision-Making Processes

The UNICEF led Nutritional Technical Working Group (NTWG) provides for an inclusive opportunity for CSOs to participate in policy and decision making pertaining to issues of health and nutrition. The NTWG is composed of government line ministries; CSOs working at both national and local levels; the donor community; thematic groups and various UN agencies active at country level. However, the platform is active at the national level making it less accessible for organizations that are not headquartered in Harare. At the

local level, select local authorities such as the Harare City Council engage stakeholders on their work including on issues of policy. This is done by the different stakeholder committees established by the council in which CSOs second representatives such as the Budget Advisory Committee; the monthly feedback meetings held by councilors at the ward level open to participation of CSOs and the budget consultation meetings which the local authority undertakes annually engaging both citizens and CSOs at various levels.

It is important to note that various CSO actors as noted from the focus group discussions do not consider institutionalization as an issue, because at provincial and local levels the dialogue depends on the will of the government officer in charge, that is, in some places it may happen and in others not, depending on the personality of the person in charge, and it follows different patterns. Another factor that discourages CSOs using the institutionalized policy dialogue spaces is the tendency of institutionalization of spokesperson from certain organizations in detriment of the voice of the majority. This is reinforced by the fact that the so called representatives of the people in the invited spaces have no constituencies. Experience has shown that the openness of the Government to dialogue depends on whether the issue is non-controversial or controversial. If non-controversial, the space widens; if controversial, the space shrinks. As such, the majority of institutionalized platforms have failed to be inclusive.

CSOs Involvement in Design, Implementation and Monitoring of National Development Plans and Policies

CSO's have over the last few years gained valuable experience in engaging in policy dialogue through a number of major processes: key among these the Constitution Making Process, the United Nations led cluster meetings and the re-engagement efforts by the European Union of government and CSO's. There is not enough room for civil society to maneuver the policy cycle. The participation of civil society in the policy dialogue is not usually by invitation but rather through 'bulldozing'.

Several invited spaces have been established, but there is limited decentralization and central government's efforts to increase engagement and dialogue with CSOs do not cascade down to local and district level. For instance, the government in coming up with the country's economic blueprint ZIM-ASSET consulted CSO's and has placed CSOs in the various thematic committees which include: food security and nutrition; social services and poverty reduction; infrastructure and utilities and value addition and beneficiation. Another platform that the government has availed to CSOs is through the Zimbabwe United Nations Development Assistance Framework (ZUNDAF) where government convenes with CSOs to plan, review and monitor progress in the implementation of the country. Most of these platforms are however not accessible to most CSOs especially those working outside

of the Capital City and at grassroots level. In particular, attempts to engage with some service-providers Ministries such as the Ministry of Public Service, Ministry of Finance, Ministry of Housing, Ministry of Education, Ministry of SMEs, among others, were successful and CSOs could advocate for pro-poor policies. However, it is important to note that invited spaces are often met with skepticism by CSOs, which feel that the invitation to participate is issued only to legitimize decisions already taken. This raises serious questions on inclusivity of these platforms. Well-established CSOs have a preference for claimed and informal spaces, which are not directly controlled by Government.

It is important to note that while the constitution guarantees increased space for CSOs in policy development and engagement with government actors, the process to align laws has seen the creation of repressive laws by government that seek to limit this space. For instance the draft Bill on local authorities presented by the Ministry of Local Government, Urban and Rural Development in September 2014 contradicted the constitution. The Bill allowed the Minister of Local Government to retain excessive control over the affairs of provincial and local authorities; it is silent on Resident Associations; there is no provision in the Bill for cooperation and coordination between local authorities, provincial and metropolitan councils, as required by section 266 of the Constitution and there is no provision in the Bill for the equitable allocation of revenue between provincial and local tiers of government, which section 301 of the Constitution states must be provided for in an Act of Parliament. The government's plan for the period 2013 to 2018, ZIM-ASSET, does not include devolution as espoused in the Constitution making it a peripheral matter to national development in the work of the ZANU-PF led government. Consequently, there is a gap between the provisions for participation and devolution in the Constitution and ZANU PF politics. Devolution of government allows CSOs from the national to grassroots level to engage meaningfully on issues of development.

CSO Inputs and Policy Outcomes

Most of the organizations consulted in the process of the report have acknowledged participating in consultative processes at the Ministerial level in areas such as humanitarian aid, education and health care, HIV and AIDS policies, rights of children and women, as well as of people living with disabilities, succeeding in raising their voice at the time of formulating policies in these areas. CSOs contributions are often requested to develop ad hoc legal framework on issues of particular importance (e.g. Human Trafficking Bill, CAADP process, and more recently the ZIM-ASSET). CSOs are active in participating in meetings aimed at debating policies and reform laws. They also attend Portfolio Committees in Parliament; submit position papers, and recommendations to authorities. In

spite of the hostile political environment versus civil society, thus, significant inroads promoting the participation of civil society in national process with the aim of influencing policies have been made over the past few years by CSOs and their umbrella organizations.

There is room for all stakeholders to participate in the policy framework. However, civil society's participation is not always taken into account. CSOs consulted argued that their recommendations are hardly taken on board by authorities and at the end of the consultation process no real feedback is provided to CSOs. A lucid example is the nationwide consultations carried out by the Parliamentary Portfolio Committee on Finance and Economic Development. Citizens and CSOs while appreciating the move to consult in the process, questioned if the process had a feedback mechanism and the extent to which citizens were able to engage in the process further, for instance into budget tracking. The same can be said of most of the local authorities' budget making processes. Furthermore, the capacity of CSOs to effectively understand and influence the policy formulation process needs to be enhanced, so that they can be better involved in public policy processes.

Organizations which work on apparently non-political issues such as gender equality or trade justice have found that their inputs to policy issues are often welcome. The policy work done by economic justice advocacy organizations is extremely important, and their influence on government policy makers is critical in setting a national framework in which people-centred development can thrive rather than suffocate. And government seems to have no problems with economic justice campaigners as long as they are not questioning the accountability, transparency and legitimacy of politicians and officials, which of course the more radical organizations do. Thus, calls such as for debt audits have fallen on deaf ears as they are likely to raise unpleasant dust for a number of politicians who have benefited from the country's economic turmoil over the years. That suggests that such policy work needs to go hand in hand with governance advocacy and mobilization for development at the grassroots.

Findings from the focus group discussions demonstrate that formal, invited spaces for policy dialogue did not promote effective participation of CSOs. The quality of participation within these still constitutes a major challenge, due to an absence of accountability, weaknesses in decision-making processes and the absence of monitoring of district plans and budget implementation. One defining factor has been the role of the paternalistic state itself, which seems to be transforming the local councils into controlled participation spaces. Therefore, the invited spaces for dialogue, instead of working as arenas for the strengthening of dialogue and consolidating the role of CSOs, end up becoming instruments of manipulation and co-option of CSOs. Because of the above situation, well-established CSOs often prefer to make use of claimed, informal spaces for policy dialogue instead of using the formal spaces.

Initiatives to address Capacity needs of all Stakeholders to fully and Effectively Participate in Policy Dialogue

The government of Zimbabwe through various bilateral relations and agreements has been receiving institutional and technical support to its work instrumental to building capacity in the area of policy dialogue. For instance, the UNDP⁷ country office has been running a program on Capacity Building for Local Government and Service Delivery given the critical role of local authorities in deepening and enhancing people's participation in national affairs. The project aims to build capacities in the local government sector for more efficient service delivery to the people. The primary focus is to strengthen the policy and legislative framework to align with the new constitution, enhance the institutional setups and national fiscal transfer system in the sector. It also seeks to support a comprehensive human skills development, as well as enhance civic participation mechanisms in the local government sector. Key achievements as part of the program among others include:

1. Launching of the Capacity Building for Local Government and Service Delivery programme in all provinces countrywide;
2. Preliminary production of a "Layman's Draft" necessary in the preparation of a White Paper on the local government legislation aligned to the new constitution; and
3. Training of 93 trainers from the Ministry of Local Government, Urban and Rural development; Ministry of Public Service; ZIPAM and Local Authorities. These are equipped with training materials to induct newly elected local Government Councilors.

CSOs establishing Formal Working Relations and ensuring Active Participation with Key Partner Organizations, Donors, and Government and Development Agencies at different levels

Leading apex associations and bodies provide a strategic platform through which CSOs can establish relations with different actors in development at varying levels. The National Association of Non-Governmental Organizations (NANGO) founded in 1962 has played an important role in co-coordinating the civil society in Zimbabwe. It has facilitated

⁷http://www.zw.undp.org/content/zimbabwe/en/home/operations/projects/democratic_governance/capacity-building-for-local-government-and-service-delivery.html

interaction between the government and NGOs, and it has assisted them in unlocking opportunities for resources and funding, as well as it has catalyzed the sector to speak on critical issues to formulate consensus. NANGO coordinates the activities of CSOs at national, as well as regional level. In 2015 it continued in its thrust to build the level of engagement between government and CSOs holding several workshops and creating publications; facilitating for CSOs to engage with the African Development Bank (AfDB) and the International Monetary Fund (IMF) delegations that visited the country on development issues; facilitated engagement of local CSOs with regional bodies such as the SADC-CNGO and played the leading role in the process by the European Union to engage local CSOs. Currently NANGO is revisiting its work on a Self-Regulation mechanism as it steps up efforts to come up with a voluntary self-regulation mechanism for CSOs. The body provides avenues for formal engagement with development actors.

The context within which CSOs are working does not call for individual but collective actions, apart from being part of apex bodies CSOs can create consortiums with like minded organizations to engage development actors. On an individual level, CSOs usually request meetings with Ministers or other senior representatives, and they also write letters to the relevant government Ministries to raise issues that they may have. Although some CSOs have managed to engage with government officials, in most cases government officials have been very reluctant to meet with CSO representatives.

Capacity Gaps both at Institutional and personnel among the Stakeholders

CSOs face problems in engaging in policy dialogue due to varied reasons apart from those emanating from a restrictive enabling environment. CSOs in Zimbabwe are faced with dwindling donor support to their work with funding being cut, development agencies closing country programs or shifting the focus of their programs. This has presented for CSOs serious challenges at an institutional level as CSOs are forced to go on without the needed technical and financial support of donors. The more technical and sophisticated the policy dialogue spaces become, the more difficulties CSOs face in engaging in dialogue given their lack of expertise and resources; Lack of timely information and working documents; lack of adequate technical knowledge on public finance administration legislation and anti-corruption and scarce human and financial resources. Some CSOs expressed their concern for limited circulation of information among CSOs themselves, CSOs have not developed a strong culture of learning and sharing based on their experiences. In addition to this, most representatives from marginalized groups lack the experience and technical expertise to engage effectively in both invited and created spaces making it difficult to tap into their experiences. In some instances, CSOs lack the capacity to ensure inclusion in their processes owing to institutional limitations, for instance, to ensure the participation of

persons from indigenous groups given issues of proximity to Harare which is the hub of activities and persons with disabilities.

CSOs in Zimbabwe still need to improve on project cycle management, which includes putting in place effective systems for project identification, implementation monitoring and evaluation. Even though most organizations have organizational policies and manuals and declare to have an effective programme formulation, they often experience serious challenges in implementation of such policies. Moreover, some CSOs in Zimbabwe suffer from low skilled human resources and limited organizational capacity. This leads to an ineffective organization and program management. With this human resources issue, we can add the material scarcity, which affects most of the CSOs. Mainly because of the funding issue, CSOs lack medium to long term planning which does not allow them to have a long-term project management, but always a short-term vision. In fact, often, organizations follow the agendas of the donors and thus have to adjust their priorities, particularly in the event of a shift in the policy of the donor, creating unpredictability in the agendas and activities of CSOs.

The same can be said of government at both the institutional and personnel levels. At an institutional level, both central and local governments given the current economic crisis bedeviling the country are limited in their work by funding. In some instances this has meant that government is not able to fully consult locals on development policy or the shelving of development programs. A lucid example is highlighted in the work of Rural District Councils; these have been running for a few years without fiscal support from the government. Owing to this programs and platforms meant to steer participation in development policy such as the District Development Committees fail to meet and deliberate. The current process being undertaken by government to align legislation and policies to the new constitution has been progressing slowly, partly owing to the limited number of skilled drafters in the government. This in essence has made it a mammoth task for government to work on the over 400 laws that need alignment.

Ways through which the Capacity Problems be Addressed

- Despite the continuous efforts, CSOs keep working in a restrictive environment: in order to increase civil society's capacity to react and intervene, support to civil society organizations should be ensured in order to strengthen their capacity in engaging in effective advocacy;
- More funding should be allocated towards capacity building, analysis and information sharing platforms for CSOs.

- Even though many CSOs work on the same topic, horizontal communication between CSOs should be strengthened. A lack of cooperation among CSOs towards a common outcome has been noticed.
- CSOs need to strengthen their project and financial management system
- There should be harmonization Matrix between national and community based CSOs to maximize on impact

Dimension Four: Access to Information

Access to information in Zimbabwe, by law and in practice

The constitution has elaborate provisions that allow for CSOs to access information. Section 62 of the constitution focuses on Access to information where it notes that:

- (1) Every Zimbabwean citizen or permanent resident, including juristic persons and the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.
- (2) Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.
- (3) Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or any institution or agency of the government at any level, and which relates to that person.
- (4) Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

The government has enacted other pieces of legislation for purposes of ensuring access to information, namely AIPPA and BSA. AIPPA was enacted, among other things to provide members of the public with the right to access records and information held by public bodies, to protect personal privacy and provide for the regulation of mass media. The BSA provides for the creation of Broadcasting Authority of Zimbabwe that regulates and protects the broadcasting frequency spectrum in the country.

However in practice, the same pieces of legislation alongside the Official Secrets Act, the Interception of Communications Act and POSA impinge this right by limiting access to information. For instance AIPPA severely restricts access to information in part 3 of the Act; provisions of the Act exclude enormous quantity of information from disclosure. Section 15 of the Act states that, “the head of a public body may not disclose to an applicant, information relating to advice or recommendations given to the President, a cabinet minister or public body.” Section 17 prohibits disclosure of information that would be

harmful to law enforcement process and national security. Lastly, in terms of section 18 of AIPPA, the Minister of Local Government can refuse to disclose his reasons for appointing certain councilors to local authorities.

In the case of the Interception of Communication Act, it gives government powers to intercept messages that it deems subversive. It also authorizes the Chief of defense Intelligence, the Director General of the President's Office responsible for national security among other officials to apply for a warrant of interception (of a communication). The Official Secrets Act while noble has been abused in previous years for arbitrary arrests, abduction and torture of journalists and CSO activists in the exercise of their duty.

Process of obtaining Relevant Government Information

The procedures of disclosing certain information are very lengthy and cumbersome. A request for information in terms of Section 6 should be in writing, "giving adequate and precise details to enable the public body to locate the information so requested". In terms of section 8 and 11, a response to a request for information can be delayed for 30 days or, with consent of the Zimbabwe Media Council (ZMC), for even longer. The provisions of AIPPA restricting access to information use wide terms that allow virtually any information to be withheld. Information that may reveal mismanagement and cheating in the government maybe concealed. Practically, this makes it difficult to obtain any meaningful information or information will be obtained when it is too late to make any difference.

The attempts of civil society to engage in transparency and accountability area are mainly hindered by the limitations in accessing information from the public sector. In sectors such as mining, public revenues information is hardly accessible. Several CSOs consulted said that the failure of the State to publish data is a result of the high levels of state corruption. According to Transparency International Corruption Perception Index 2014, which ranks countries from most corrupt (1 out of 174) to least corrupt (174 out of 174), Zimbabwe ranks 13 out of 174, which is 45.9% worse than the average for all Corruption by Country. Other obstacles to the effective engagement in the area of transparency and accountability is the lack of resources for instance when having to print and distribute documents, and weak capacity, particularly in terms of research. Not much collaboration is established between civil society and the media in the field of transparency and accountability given the restrictive environment.

CSO's thus had to create and foster relations with various state actors outside of the established procedures to gain timely access to information. In some instances this comes with incentives on the part of the state actor supplying information. The old laws have to align to the new constitution to allow sustainable access to information.

Area Three: Donor – CSO Relationships

Donor – CSO relationships in the Context of Zimbabwe

The spirit of partnership has been compromised by many donors in Zimbabwe; there have been a prescription of interventions at national and community level. The funding situation in Zimbabwe from year 2000 to 2012 has not been inclusive to the needs of communities; there has been lack of transparency, and also funding mechanism that are not easy to understand. Attention was not given to sustainability after the ending of funding circle, a handful of donors were facilitating the diversification of CSOs' income sources that add to sustainability.

However, following the introduction of Busan Principles several donors changed the approach for their funding and CSOs consultation scaled up from 2013 up to the present moment with series of dialogues, integrated and collaborative research, focus groups discussions between the donor community and the CSOs. There has also been an increase in interaction between the Government, the Civil Society and Donors. This tripartite interaction has been made possible by the umbrella board of Civil Society Organizations in Zimbabwe, National Association of Non-Governmental Organizations (NANGO) which acted as a facilitator following the fall out among Government, CSOs and Donors since 2002.

As mentioned before, several donor policies were too restrictive to allow independent programming and prioritization by CSOs, their financial modalities left a lot of gaps that hinder the CSOs from fulfilling their mandate, constituencies and offers various capacities. The worst scenario was towards the harmonized Parliamentary and Presidential elections in 2013; where most donors shifted from community development to democratic governance funding, this has influenced many CSOs to alter their primary mandate to meet the donor requirements. After the elections in 2013 some donors started to scale down their operations in Zimbabwe, some have completely left Zimbabwe due to changes in their foreign policies, a practical example is the Danish Government, its agency such as DANIDA has winded up operations in Zimbabwe. Some Donors such as Deutsche Gesellschaft für Internationale Zusammenarbeits (GIZ) has scaled down and integrated their programs to avoid duplication, however CSOs received shocks as this was on short notice and it affected the operations. In some recorded cases some CSOs has since seized operations due to lack of funding.

As cited above, the donors are taking the positive step towards implementation of Busan Principles; this has been seen in several engagements with the CSOs at country level; for example the European Union, the African Development Bank and the United Nations.

Examples of Donors and CSOs engagement processes for development in Zimbabwe

European Union (EU) -Country Road Map for Engagement with Civil Society 2014-2017

As a way to foster sustainable engagement, the EU Country Delegation in collaboration with EU Member States and Civil Society in Zimbabwe led by NANGO conducted a survey from March to June 2014. About 85 local CSOs, 7 INGOs working in Zimbabwe responded to the survey and 15 Consultations were carried out across the country with 200 CSOs participating in the meetings, taking note of different thematic clusters such as women, disability and the National Association of Youth Organizations (NAYO-Africa) was coordinating the youth sector in this consultative meetings which sought to consolidate the state of Civil Society in Zimbabwe.

As noted in the roadmap, consultations with both Civil Society and Member States were central in defining Priorities, Actions and Indicators for the next years of EU support to civil society in Zimbabwe, with this action it fosters the spirit of Busan where donors and CSOs should treat each other as equal partners to respond to actual priorities. The European Union (EU) Delegation as part of its re-engagement processes in Zimbabwe has initiated a program that focuses solely on building the capacities of CSOs in the area of policy dialogue realizing the role of CSOs in development, national policy, decision making and legislative processes. The program has four main focus areas with a strong bias towards capacity building and policy dialogue:

- To enhance CSOs' role and citizen participation in promoting domestic transparency and accountability for better governance;
- To support CSOs' actions to enhance social development;
- To support CSOs' contributions in promoting inclusive and sustainable growth; and
- To enhance better coordination and networking amongst CSOs and with other actors, such as the private sector.

The program runs from 2016 to 2018 and will support select CSOs at both the national and local level in the above areas. Given the dwindling donor support and weak institutional capacities of CSOs, the program has the potential to activate CSOs for more meaningful engagement and dialogue on policy and national development issues.

Given the political situation in Zimbabwe which deteriorated due to several of factors such as bad governance and the negative relations with foreign partners which led to dis-engagement with key multi-lateral institutions such as the Bretton Woods (World Bank and

IMF); there has been positive steps towards normalizations of relations with foreign partners. EU-Zimbabwe relations have gained a changing node from a restrictive phenomenon since 2002 through Article 96 of the Cotonou Agreement to a progressive normalization of relations with the Government. This has been evidenced by a tripartite engagement of EU, CSO and government of Zimbabwe through a National Indicative Programme. The thematic areas covered in the National Indicative Program; specifically were (a) Governance and institution building (b) Health (c) Agriculture based programs.

It is fundamental to note that one of the key factors cited in the survey and the National Indicative Program is lack of structured dialogues between EU and CSOs, the structured dialogues paves way for systematic and defined developmental agenda in the context of political, cultural, social, and economic spheres.

EU-CSO Dialogues

Another positive progressive gesture emanating from the EU-CSO Engagement strategy is the establishment of series of dialogues that seeks to practically and collaboratively solve priority issues in Zimbabwe. The EU-CSO Roadmap developed in consultation with CSOs has guided not only the future financial support but also the framework in which the stakeholders with positively engage for the next five years. As part of these dialogue sessions, the CSOs are responsible for crafting discussion areas with the EU and its member state.

On a Focus Group Discussion (Dialogue) held on the 12th of November 2015 at EU Offices between the representative of Civil Society and EU Member countries some key discussions were done, these include: Constitutionalism, Socio-Economic Rights, Civil and Political Rights and Environmental Rights, Climate Change; some concrete strategies were proffered to mitigate the challenges, the dialogue outlined what need to be done to solve various issues affecting development and the need for CSOs to harmonize their interventions in order to maximize on impact.

AS noted in the EU Indicative Program and the Cotonou Agreement, the strategic objective of the EU's development cooperation with Zimbabwe is to reduce and eventually eradicate poverty and to support peace and stability, by supporting inclusive and sustainable growth and promoting human rights, democracy and rule of law.

UN - ZUNDAF Processes

The United Nations through its program for development called the Zimbabwe United Nations Development Assistance Fund (ZUNDAF) has engaged both the Government and Civil Society in consolidating the work at country level. In line with Busan Principles the UN has involved the CSOs through dialogue and workshops. The ZUNDAF Workshop held by UN and Civil Society in November 2015 provided a platform for Civil Society to sub-divide

themselves into ZUNDAF Thematic areas where the Civil Society will not only monitor the implementation but participate in review of programs in line with country blue prints such as ZIMASSET.

Africa Development Bank Group

The African Development Bank (AFDB) has been scaling up its engagement with Zimbabwe following the re-engagement processes with the government of Zimbabwe. Most positively is its open hands policy extension to the Civil Society in Zimbabwe in order to dialogue on issues of development effectiveness. The Bank has been meeting several stakeholders including youth and women as means to see proper interventions for development in Zimbabwe. The bank is keen to engage the CSOs on issues of Economic development, Gender among other key priority issues of the bank.

On 19 December 2015 the Africa Development Bank delegation led by Chief Gender Officer Moreno Ruiz Maria Jose met with the Delegation of National Association of Youth Organizations (NAYO) an umbrella board of youth organizations in Zimbabwe and Global Youth Sector Coordinator for Civil Society Partnership for Development Effectiveness (CPDE) led by the Director to explore exchange of ideas on development trajectory in Zimbabwe; specifically on youth issues. Various issues were explored such as youth empowerment, gender issues, development effectiveness, agriculture, research among other. The meeting sought to explore on the priority issues of intervention and it served as a key resource pool for this research; as donors are now valuing the principles enshrined in Busan before directing interventions in communities.

Recommendations

These are based on the following three key actors:

Government

- Government must expedite the process to align existing laws and policy frameworks to the constitution of Zimbabwe which is the supreme law. Draconian laws must be reviewed in multi-stakeholder processes inclusive of key actors. To this end, the government must be supported with technical and financial support to enable it to align the outstanding 400 laws;
- Government must create enabling legislation for the devolution of government as provided for in the constitution setting up the required structures and institutions from the national to grassroots level;
- Government must establish inclusive permanent spaces for multi-stakeholder dialogue on development policy based on mutual respect trust, respect and shared responsibility. These will gradually restore and build trust between the actors;
- Government must fully recognize the role and contributions of CSOs as they complement government efforts and are full development actors. Their work must be depoliticized;
- Parliament's legislative, oversight and representative functions should be strengthened to ensure the promotion and protection of human rights – this becomes an enabler on the part of CSOs to contribute to development effectiveness.
- Government must depoliticize the space occupied by CSOs in Zimbabwe;
- Government must enhance the access to information by CSOs as it is vital to their actions and interventions; and
- Government must ensure greater political will to guarantee the rule of law, addressing issues of rampant corruption and human rights abuses.

CSOs

- Capacity building amongst NGOs should be on going, especially given the high staff turnover amongst NGOs. The Capacity strengthening should be in areas such as Monitoring and Evaluation, Project Cycle management, financial management and Human Resources Management. This will sustain actions on policy dialogue and development;
- NGOs must interact with the communities that they work in, and foster stakeholder buy-in by community leaders at all levels of the project cycle. Clearance should be sought from community leaders for them to be co-operative;
- Supporting CSOs as independent development actors in their own right

- Strengthening engagements among the private sector, CSOs, and local authorities on development effectiveness platforms have been limited
- CSOs must practice what they preach, transparent and accountability in their operations, seek dialogue with government where necessary.

Donors

- Inclusive processes for CSO policy engagement on donor strategies at all levels
- Funding mechanisms that are reliable, transparent, easy to understand that respond to community needs within national priorities
- Human Rights Based Approaches to CSO and Donor interventions that fosters development within an enabling environment
- Donors should engage the governments to lobby on Enabling Environment for CSOs within the context of the rule of law, acceptable national and international practices.

Conclusion

CSOs in Zimbabwe continue to operate in a very restrictive environment owing to the presence of legislation, policy frameworks, administrative procedures and the heavy surveillance of CSO activities by the state. Challenges in the enabling environment are curtailing CSOs contributions to development effectiveness and militating against the role enshrined for CSOs in the Busan Partnership for Development Cooperation. The vital role to enable people to claim their rights, to promote rights based approaches, to shape development policies and partnerships and on overseeing the implementation of these. In spite of this, as highlighted in the report CSOs continue to exercise their rights in some instances facing arrest, harassment and brutality from the police given the numerous constitutional provisions which have guaranteed in the supreme law the enjoyment of these. The efforts by donors to re-engage and capacitate CSOs are encouraging given the context and efforts must be stepped up to enhance CSO capacity, create more civic space for CSOs and permanent structures that engage on issues pertaining policy and development. The current effort to align laws on the part of the government and the few invited spaces open to CSOs provide for windows of hope within the enabling environment of CSOs.

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