

The New Zimbabwe
Working To Implement Congressional ZDERA Reforms

In 2018, the U.S. Congress passed the Zimbabwe Democracy and Economic Recovery Amendment (ZDERA) Act. Co-sponsored by Sen. Chris Coons (D-DE) and former Sen. Jeff Flake (R-AZ) in the Senate and by Rep. Karen Bass (D-CA), Rep. Eliot Engel (D-NY), Rep. Bobby Rush (D-IL), Rep. Brad Sherman (D-CA), and former Rep. Edward Royce (R-CA) in the House, this legislation suggested legal and legislative reforms to Zimbabwe as conditions for a strengthened U.S.-Zimbabwe relationship. Suggested reforms included:

- Updating Statutes and Laws
- Upholding the 2013 Constitution
- Holding Free and Fair Elections
- Implementing Economic Reforms
- Removing Authority to Pay Land Acquisition Costs
- Acknowledging Previous Atrocities and Human Rights Abuses

President Emmerson Mnangagwa and his administration have been working diligently to adhere to ZDERA's provisions and have achieved progress on a number of reforms. **Thus far, the Zimbabwean government has signed into law:**

- The **Land Commission Act** to reform property ownership practices and dispense compensation to white farmers whose land was appropriated by the Mugabe regime at the turn of the 21st century
- The **Gender Commission Act to promote gender equality**
- The International Treaties Bill to expedite Zimbabwe's **compliance with international law**
- The National Peace and Reconciliation Act to **address previous human rights abuses**
- The Zimbabwe Human Rights Commission, created to be an independent human rights institution devoted to upholding the enforcement of human rights
- Approximately 20 new bills that align Zimbabwe's laws to the constitution

Legislation to address other key changes suggested in ZDERA has also been proposed and is currently passing through the parliamentary system.

Although additional progress is still necessary, President Mnangagwa is **operating within the democratic system** to implement reforms in conjunction with the national legislature. The Zimbabwean Parliamentary system resembles the US system in that the **President is not able to unilaterally push legislation through Parliament**. Instead, he must ask them to consider and pass his reform suggestions. In his October 2019 State of the Union address, President Mnangagwa challenged Parliament to pass legislation that aligns to the Constitution in a timelier manner, stating, "the slow pace in this August House, which has resulted in a low number of bills passing through Parliament, cannot be allowed to continue."

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Zimbabwe Anti-Corruption Commission (ZACC)

President Mnangagwa has appointed an independent Head Commissioner to lead the revived and empowered Zimbabwe Anti-Corruption Commission (ZACC). He not only appointed someone with a history of fighting corruption, but also **gave ZACC broad and deep investigative and arrest authority**. The President also appointed a board of commissioners made up of members from his own party, the opposition, NGO's, and private criminal justice authorities. The ZACC commissioners are almost evenly split between women and men.

ZACC Head Commissioner Justice Loice Matanda-Moyo oversees a team of over 60 investigators is currently managing more than 200 investigations into corruption. The commission's independence was demonstrated last year when it arrested Zimbabwean Minister of Tourism Prisca Mupfumira – a close ally of President Mnangagwa – after a thorough investigation into potential corruption. Justice Moyo's team also arrested Munesu Munodawafa, permanent secretary in the environment ministry, and Douglas Tapfuma, former director of state residences, after allegations of corruption. Additionally, in November 2019, the Commission arrested ZANU-PF member and government Minister Joram Gumbo for criminal abuse of office. Gumbo was the ZANU-PF party Minister to be arrested and was also considered an ally of President Mnangagwa. The commission's actions drew praise from U.S. Ambassador to Zimbabwe Brian Nichols, who has applauded its independence. The Zimbabwean government is also creating new legislation to protect whistleblowers in corruption cases.

Due to these improvements and the completion of free and fair elections **in 2018, Freedom House improved Zimbabwe's status to "partly free."** **Zimbabwe was the only country to improve its Freedom House status in 2018.** This summer, Commonwealth Secretary-General Patricia Scotland **announced intentions for Zimbabwe to rejoin the Commonwealth of Nations "as quickly as possible"** and meetings have already begun. Additionally, election monitors from the International Republican Institute (IRI) called the 2018 presidential campaign a "marked improvement" over previous elections.

Civil Liberties and Freedom

A critical component for Zimbabwe's compliance with ZDERA is the implementation of new laws to enhance civil liberties and freedoms. To this end, the Mnangagwa government replaced the Mugabe-era Public Order and Security Act (POSA) with the Maintenance of Peace and Order Bill (MOPA). MOPA has passed through Parliament and is awaiting Presidential edits. Then, it will be sent back to Parliament for final passage.

In September 2019, the UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and Association, Clement Nyaletsossi Voule, released an *End of Mission Statement* after visiting Zimbabwe. **While pushing for more reforms, he noted several significant improvements in the MOPA Bill from Mugabe-era legislation.** Voule supported the deletion of a provision related to the temporary prohibition of holding public demonstrations within specific police districts, as well as the addition of a provision giving the President – rather than the Minister of Defense – authority to deploy military forces to support the police. **He also praised the Mnangagwa government for compensating victims impacted by a police crackdown following the August 2018 national elections and for creating an Inter-Ministerial Taskforce to lead political, electoral, and legislative reforms.**

Additionally, another major reform bill, the Freedom of Information Bill, has been drafted to replace the Mugabe-era Access to Information and Protection of Privacy Act (AIPPA). Principles for the Freedom of Information Bill were approved in February 2019, the bill was gazetted in June 2019, and it is awaiting further action in Parliament before being signed into law. Once signed into law, the Bill will set new procedures for Zimbabweans to access government-held public information. **In July 2019, UN officials praised the Zimbabwean government for introducing such legislation to replace AIPPA.**

While Voule noted that additional reforms are still necessary, he stressed the 2013 Constitution provides a “sound and robust basis for the protection of human rights” and that international economic assistance is essential for Zimbabwe to continue making progress. To buttress these reforms, **the Mnangagwa government has implemented approximately 20 new bills that align Zimbabwe’s laws to the constitution and made progress on resolutions to condemn previous atrocities and human rights abuses.**

Economic Reforms

A further critical component of ZDERA compliance is the implementation of significant economic reforms. While World Bank Senior Economist Stella Ilieva stated that President Mnangagwa’s economic reforms have caused short-term increases in poverty levels, she emphasized that they will ultimately be successful if implemented according to plan.

This October, 2019, The World Bank named Zimbabwe a “Top 20 Improver” in its annual *Doing Business* report. Economies are chosen based on the number of reforms and the improvement of their “ease of doing business” score. According to the report:

Zimbabwe made regulatory improvements in five areas measured by Doing Business. Zimbabwe made starting a business easier by improving online name search and reducing the Harare Municipality business licensing fee. More frequent sessions by the municipal building commission in Harare led to faster approval of construction permits. Likewise, the deeds registry implemented an internal tracking system allowing applicants to track their applications throughout the property transfer process. Finally, Zimbabwe introducing a new reorganization procedure, allowing creditors to vote on the reorganization plan, granting debtors the possibility of obtaining post-commencement finance and improving access to credit by giving secured creditors absolute priority during insolvency proceedings.

The Mnangagwa government has also made progress in implementing its Transitional Stabilization Programme (TSP), which will stabilize the economy to facilitate private sector-led growth. **In June 2019, the Government reached four out of six benchmarks required by International Monetary Fund (IMF) as part of TSP reforms.** Thus far, significant improvements have been made with regard to fiscal consolidation, investment promotion, monetary policy restoration, and liberalization of the foreign market exchange. The government is also merging the Zimbabwe Investment Authority with the Special Economic Zones and Joint Venture Unit to create the Zimbabwe Investment Development Agency, a one stop shop investment center that is a priority for making investment reforms.

Furthermore, this year Zimbabwe **enjoyed its first budget surplus in years**, and the Mnangagwa government has committed to additional reforms to prevent increasing debt. Such reforms include

pausing the assumption of new debt from foreign lenders during Zimbabwe's participation in IMF programs, decreasing the government's salary bill from 79 to 67 percent of the annual budget, and slashing the budget deficit to four percent of GDP.

While the IMF projected that the Zimbabwean economy would contract by 2.1 percent this year, **next year it estimates the economy will grow by 3.3 percent. Additionally, the IMF estimates that inflation will fall from 81% to 14% next year.** To facilitate these improvements, Zimbabwe has abandoned the multi-currency system currently in place and revised it to make the Zimbabwean dollar the only currency for legal tender. If successful, these reforms aim to help Zimbabwe **reach upper middle-income status by 2030**, the same category as Russia, China, Thailand, and Turkey.