

On the “New Dispensation”, the Rule of Law and the School

Research and Advocacy Unit (RAU)

In Africa, the kidnapping of the 113 Chibok girls by the jihadists, Boko Haram, casts a shadow on the safety of schools all over the world. There are cases of schools shooting in the USA. During the liberation struggle in Zimbabwe for instance, schools were fishing grounds for new fighters. Today, schools have remained melting pots of violent politics, exposing learners to political vitriol, slandering, scandalising of opponents, and outright political violence, including potential exposure to ordinances such as grenades.

In the aftermath of the November coup, the re-constituted ZANU-PF government promised a “new dispensation”. The government also promised that the elections would be “free, fair and credible”. However, there are good grounds for remaining cynical about these promises, mainly because the key to both promises should be rigid adherence to constitutionalism and the rule of law. Neither seems to be at the heart of the new dispensations mode of governing, and two examples reveal this. Both also have a material bearing on the possibility of free, fair and credible elections.

Take the issue of schools (and teachers and pupils) being dragged into the elections. Three teachers unions took the government to the Human Rights Commission earlier this year, and the Commission ruled that this was unconstitutional, making comprehensive recommendations to the Government.¹ The Commission also noted that their investigations revealed that ZANU-PF was the culprit, finding no evidence that the MDC-T was a culprit. Instead of immediately issuing instructions to stop this practice, ZANU-PF continued with the practice, and so the Amalgamated Teachers’ Union of Zimbabwe (ARTUZ) went to court. [They won the case](#). Yet, the Vice-President the very same day addressed a rally at [Chireya High School](#) in Gokwe North. Incidentally, the report also suggests that Chief Chireya was present at the rally, and there will be more to say about chiefs shortly.

Now the involvement of schools, teachers and pupils during elections is nothing new, and the [adverse effects on learning, pupils and teachers](#) was what forced ARTUZ to launch the [Safe Schools Campaign](#) in 2017. This was presumably based on the awful experiences of 2008 during the Presidential run-off, and possibility of such a situation occurring again in 2018. Research by the [Research and Advocacy Unit \(RAU\) and the Progressive Teachers’ Union of Zimbabwe \(PTUZ\)](#) on the 2008 elections made very plain the scale of violence. Of the 1,159 teachers that were interviewed around the country, the findings were startling:

- 79% reported having been forced to attend political meetings;
- 77% reported threats;
- 41% reported some form of extortion;
- 33% reported being assaulted;
- 31% reported being tortured;

¹ ZHRC/CI/0069/17, Teachers Unions vs Ministry of Primary and Secondary Education & ZANU-PF

- 30% reported having been disqualified from voting;
- 24% reported having been forcibly displaced from their work station and community.

This was merely what had happened to teachers and the effects on [the children were equally severe](#), but not as well documented.

So, when teachers and pupils are still dragged to rallies at schools, we must seriously consider whether the new dispensation has any respect for rule of law. The government ignores both a decision and the recommendations of the Human Rights Commission, and now stands in contempt of a court order. And does this suggest that the government is seriously committed to free, fair and credible elections?

Then there is the issue of the traditional leaders. RAU pointed out nearly a decade ago that traditional leaders were in breach of the Traditional Leaders Act by being [politically partisan](#), as was also the case for all the security services. The Traditional Leaders Act, now firmly buttressed by the 2013 Constitution in Section 281(2), clearly requires traditional leaders to be non-political. Thus, the [decision by the High Court](#) in May of this year to give Chief Fortune Charumbira seven days to withdraw his statement pledging support by the Council of Chiefs for ZANU-PF. This was an ideal opportunity for the government to display its commitment to constitutionalism and insist that, not does Chief Charumbira comply with the court order, but also to insist that ALL traditional leaders comply with the constitution, and to ensure that this is made widely public. Rather than this, the government has allowed Charumbira to contest the decision.

These two decidedly non-trivial issues underline the problems inherent in the coming elections, and show no break with the past as endlessly alleged by the “new dispensation”. If the government was serious about change, and ensuring that these elections will be genuinely free, fair and credible, then it would act wholly differently. Firstly, it would insist on absolute compliance with the constitution and the rule, publicly support the court, and demand public statements from traditional leaders, nationally, regionally and locally, that they will be non-partisan,

Secondly, the government would publicly support the Safe Schools Campaign being mounted by ARTUZ, ensure compliance by all political parties with the court decision, and even go so far as to endorse the [Safe Schools Declaration](#) on the Global Campaign to Protect Education from Attack. This last has been signed by 75 countries, and is an initiative of a large group of UN agencies and international NGOs: CARA (Council for At-Risk Academics), Human Rights Watch (HRW), Institute of International Education/ IIE Scholar Rescue Fund, Protect Education in Insecurity and Conflict (PEIC), Save the Children, UNICEF, UNESCO, and UNHCR. This last would not only state the government’s commitment to guaranteeing the safety and well-being of teachers and pupils, but also provide an opportunity to demonstrate to the international community the reality behind the rhetoric of Zimbabwe becoming a good global citizen.

6th July 2018