

CRISIS IN ZIMBABWE: A TIME TO ACT
CONFERENCE HELD IN HARARE ON 4 AUGUST 2001

RESOLUTIONS

Introduction

The delegates at this conference represent two hundred civic organisations in Zimbabwe and are able to express the views of civil society in Zimbabwe.

The Conference believes that the people of Zimbabwe earnestly want a peaceful, stable and tolerant society. They want to be able freely to choose their government and to require it to govern well in the interests of the people. They want their leaders to operate within the framework of the law and the law to be applied impartially to everyone. They want an honest and accountable government that consults them and takes account of their views before making decisions that will affect their lives. They want economic development for the benefit of all Zimbabweans and equitable distribution of resources.

Regrettably in Zimbabwe presently there is widespread violence, political intolerance, lack of respect for the law and unaccountable government. The violence has created a climate of fear. The disorder and instability has led to rapid economic decline that is bringing enormous suffering to Zimbabweans. Together with the HIV/AIDS pandemic, this has resulted in the near-collapse of the health services, extreme hardship for families, especially for women and children, and the growth of unprecedented poverty.

The State has also shown contempt for the law by ignoring the decisions of the courts and encouraging the police and army to disregard their constitutional duty. Judges, lawyers and journalists have been harassed because they have performed their legitimate duties. Members of civil society organizations, teachers, and medical personnel have been threatened.

There is a political, social and economic crisis in Zimbabwe. The solution to the problems besetting Zimbabwe lies mostly in the hands of the ordinary citizens of Zimbabwe. The crisis requires all Zimbabweans to act according to their belief in, commitment to, and passion for the defence of basic freedoms.

The people are the ultimate source of legitimacy, power and authority and the people have a duty to act in defence of these basic freedoms.

In the light of the deliberations at this Conference the delegates make the following resolutions:

Constitutional reform

Central to the crisis in Zimbabwe is the absence of genuine constitutional reform. There is an urgent need for comprehensive constitutional reform and this should be done before the 2002 Presidential Elections. One important matter that needs to be addressed is the excessive powers vested in the executive President.

The Conference therefore supports the resolutions made at the National Constitutional All Stakeholders Conference held on 31 March 2001 and the timetable for the implementation of these resolutions.

Political rights

All Zimbabweans must be able freely to exercise their political rights without being subjected to violence and intimidation or other sanctions such as loss of job.

All Zimbabweans must be allowed to form political parties, join political parties of their choice and peacefully campaign on behalf of political parties.

Elections

All elections, including the Presidential election, must be free and fair.

Government must immediately appoint an independent electoral commission. The members of this commission must be drawn from nominees provided by the major stakeholders in Zimbabwe. The commission must be provided with sufficient resources to enable it to carry out its functions properly.

The independent electoral commission will accredit all local and international election monitors. Accreditation must be done well in advance of the polling days and local and international monitors must be permitted to observe not only the polling process but also the conditions prevailing in the period leading up to elections and in the aftermath of the elections.

There should be Code of Conducts covering the activities of political parties and candidates during the campaign and the election period, media coverage of elections and advertising and the conduct of election monitors. The independent electoral commission will be responsible for ensuring compliance with these codes.

There should be a more intensive voter education program, aimed particularly at the population in rural areas. There should be no attempt by the Government to control voter education as is currently proposed.

The voters' roll must be brought up to date and available at least three months before an election. Everyone should have access to this roll.

The Registrar-General's Office must be required to give full reasons for any disqualifications of voters.

The postal balloting arrangements must be revised to ensure that all eligible voters outside the country are able to cast their ballots. Very large numbers of Zimbabwean citizens living outside Zimbabwe are currently deprived of their right to participate in elections, and this is unacceptable. Election monitors must be allowed to monitor the postal vote process.

Rule of Law

The Conference notes that that the rule of law does not mean that the law cannot change even if those laws are unfair. Unjust laws can and must be changed. Inherited oppressive laws and laws that stand in the way of progressive social and economic reform must be overhauled. A democratic society must operate within the framework of legal rules that have been passed in the interests of the people. Democracy cannot function in a lawless society.

The Conference views with the deepest possible concern the breakdown in the rule of law, the attacks upon the judiciary and the disobedience of court orders, the failure of the law enforcement

agencies to enforce the law impartiality, the failure to protect citizens from violence, and the increasingly militarisation of the state and civilian administration.

There must be an immediate return to the rule of law and all court orders must be obeyed.

The independence of the judiciary must be guaranteed.

The police must undertake their constitutional duty without fear or political favour and the Commissioner of Police and all other members of the police force guilty of partiality must resign.

The Central Intelligence Organisation must be depoliticised.

All militia units masquerading as “war veterans” must be disbanded.

Gross human rights violations

The present climate of political violence must immediately be replaced by a climate of peace and tolerance.

The President and the Government and all opposition political parties must repudiate the use of violence and must advocate peaceful political processes.

The Government must ensure that the police enforce the law without fear or favour.

All amnesties for human rights abuses must be removed.

An independent judicial commission must be set up to investigate all gross human rights violations with the power to ensure prosecution. This commission must be mandated to investigate not only recent violations but also past violations such as those in Matabeleland during the 1980s.

The media

The public and private media must be allowed to operate freely without restrictions that are incompatible with an open democratic society.

The airwaves must be freed to allow diversity in electronic broadcasting. The legislation passed by Parliament governing electronic broadcasting must be repealed and be replaced with legislation that opens up the airwaves.

The public media must be obliged to give fair and balanced coverage to the differing opinions held by Zimbabweans.

The violence and intimidation directed at the independent media must end.

A proper system must be set up that will allow people to have access to information held by Government.

The proposed legislation that will enable Government to impose unreasonable controls upon media practitioners should be rejected by Parliament.

Corruption

The Conference notes the existence of rampant corruption in the use of public funds and in the private sector. This has contributed to the dire economic situation, with both high inflation and prices adversely affecting all citizens. There is also corruption in some non-governmental organisations.

An independent anti-corruption commission must be set up with the extensive powers to investigate corruption, recommend prosecutions and recover stolen monies and assets.

There must be immediate investigations into the administration of all public bodies and parastatals.

Legislation must be passed that encourages people who know that corruption is occurring to report such corruption and be protected against reprisals for making such reports.

All ministers, members of parliament, civil servants, and members of parastatals must fully and publicly disclose their personal assets and interests.

Land

The Conference fully accepts the present inequitable pattern of land distribution cannot continue and that there is an urgent need for major land reform in Zimbabwe. The land reform programme must, however, be properly planned and executed so that it benefits those in need of land and ensures that resettled farmers are given proper support systems to enable them to farm the land productively. It must also be carried out within a legal framework and without the use of violence.

The Conference notes that the chaotic “fast track” land grab has been carried out with violence and in contempt of the rule of law.

There must be an immediate cessation to the “fast track” land programme. The present occupations must be rationalised in terms of the law but those guilty of violence on farms must not be eligible for incorporation into a new lawful programme

There must be immediate compliance with all courts orders issued in connection with the “fast track” land programme.

There must be a transparent and accountable process of genuine land reform in the interests of those who need land. The reform programme must ensure that women benefit fairly and directly from land resettlement. A proper system of land tenure must be put in place and section 23 of the Constitution must be amended so that women can own land in their own right.

Economic policies

An economic policy body must be set up with power to veto inappropriate Government expenditure.

The Conference notes the near-demolition of the Zimbabwean economy brought about by misguided policies, corruption, international isolation, and the involvement in the war in the DRC.

All Zimbabwean troops must be withdrawn immediately from the DRC and the cessation of all military expenditure on this war.

There must be full and detailed disclosure of all government expenditure, auditing of all Government ministries, including the Office of the President, and the auditing of all parastatals.

Human Rights Conventions

Zimbabwe is a party to a number of international human rights conventions but the Government often continues to breach the provisions of these conventions.

The Constitution must be amended so that all human rights conventions are automatically incorporated into Zimbabwean law after Zimbabwe accedes to them.

Women

The social and economic conditions arising out of the crisis in Zimbabwe have had a particularly harsh effect on women.

In addressing the crisis special attention must be paid to the needs of women.

Government must give effect to all international human rights instruments on women's rights. It must repeal the provisions in section 23 that provide that the protection against discrimination on the grounds of sex does not apply where African customary law is involved.

Youths

Like women, youths are suffering grievously as a result of the current crisis. Many are unemployed and their access to education is being increasingly limited.

In addressing the crisis special attention must be paid to the needs of the youth.

The massive increases in fees at State Universities must be withdrawn.

An independent youth commission must be established to represent the youth.

The National Service programme introduced by Government must be scrapped.

Children

The present crisis, including the AIDS pandemic, is inflicting enormous suffering for children. In addressing the crisis special attention must be paid to the needs of children.

Steps to be taken if Government does not accede to demands

The Conference believes that the crisis in Zimbabwe must be resolved immediately before the country descends into chaos.

It therefore reserves the democratic right to engage in civic action, including civil disobedience if Government refuses to accede to the demands of this Conference or to engage in meaningful discussion on these demands.

Non-governmental organisations Crisis Centre

Given the increasingly hostile environment under which non-governmental organisations are operating, the Conference supports the establishment of an NGO Crisis Centre to provide medical, legal and other necessary supports to NGO workers.

Crisis centre for all citizens work of managing crisis.

Regional and international bodies

The Conference calls on SADC, the African Union, the United Nations, the European Union, the Commonwealth and foreign governments to use their influence to bring about a restoration of peace, functional democracy and the rule of law within Zimbabwe and compliance with the African Charter on Human and People's Rights and United Nations human rights instruments and the Harare Declaration..

We call on the regional and international observers present at this Conference to communicate these resolutions to their governments and organisations and facilitate dialogue between civic society and their governments and organisations.

Once peace, functional democracy and the rule of law have been restored, the international community must be prepared vigorously to assist Zimbabwe with economic aid and debt relief.