

ZIMBABWE BRIEFING

a crisis in zimbabwe coalition regional office weekly report

30 May-06 June 2012

ISSUE 76



UN Human Rights Chief Sets Tone for International Community Engagement on Zimbabwe

Zimbabwe has been thrust once again on the international spotlight with the visit by the UN Human Rights Commissioner Ms Navi Pillay. The visit was not without its own controversy as the ZANU PF side of the Unity government and the state media went into overdrive to stage manage Ms Pillay's itinerary, hence influence what she could see and who she could meet. The statement by Ms Pillay at the end of her visit in which she notes the continued state of fear in Zimbabwe, stagnation on key reforms, existence of obnoxious laws that violate human rights, and her call for an end to politically motivated violence are all refreshing. In essence Ms Pillay's visit has set the tone and benchmark for issues that the international community need to make demands on as part of a continued reform of Zimbabwe's body politic before the next election. Ms Pillay's visit has thrust Zimbabwe back into the international spotlight and civil society and political actors in Zimbabwe need to take advantage of her statement and her report to ask the dominant political player in Zimbabwe, ZANU PF and the influential security sector in Zimbabwe to account and reform.

This visit must therefore not be treated as an event but the beginning of renewed and direct interaction between Zimbabwe and the international community on the seemingly never ending man made crisis. Ms Pillay's statement has laid the foundation on all issues that need attention in Zimbabwe, more importantly the need to end violence. Civil society therefore has an obligation to keep the UN fully informed as well as regional bodies including SADC to maintain pressure for a violence free, peaceful, free and fair election as well as a peaceful power transition should the election outcome indicate so. All this, as Ms Pillay said, should be preceded by the conclusion of the constitution writing process, referendum and adoption of the new constitution. For SADC, the UN Human Rights Chief's visit is another endorsement of the SADC mediation process as led by South Africa President Jacob Zuma. The tendency to deny the existence of human rights violations in Zimbabwe by some countries in the region is no longer sustainable as the UN Human Rights Commissioner's visit has exposed the ills in Zimbabwe and endorsed the already pub-



Zimbabwe's Minister of Justice Patrick Chinamasa [in red tie] and UN Human Rights Commissioner Navi Pillay, 25 May, in Harare

licised solutions to Zimbabwe's woes. SADC must therefore not

election, nothing more, nothing less. Now shamed and exposed, the

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feel isolated nor heed ZANU PF's threats, but act as per the mandate of the SADC and AU Summits resolutions to find solutions to end Zimbabwe's crisis.

The UN Human rights Commission and by association the whole UN family now has information and a public position as stated in Ms Pillay's statement that Zimbabwe is still in the woods and in need of assistance. Again the role of keeping such SADC states informed now and into the future rests with civil society. The demand from the citizens of Zimbabwe on SADC are simply to maintain pressure on the dominant political elite in Zimbabwe and the security sector to maintain peace and ensure that citizens can vote in a free and fair

writing is surely on the wall for ZANU PF that the world is paying attention. This brings us to the recent deployment of high level envoys by President Mugabe to talk to SADC leaders on his desire for an election in 2012. President Mugabe is reported to have dispatched envoys to Namibia, Zambia, South Africa and Tanzania, and might as well be sending others to the rest of SADC and other key African countries. The message from the President to the SADC leaders is part of a strategy to seek their support for a 2012 poll. He will obviously point at the disunity in the misnamed Unity government, and the need for one party to win and execute its developmental agenda without having to deal with disruptive dissention.

President Mugabe will say there is need for political leaders to have the mandate of the people. This is all well and good but the environment, as noted by Ms Pillay, is not yet right. President Mugabe's calls are therefore insincere and self serving. This comes, as his military Generals have vowed violence on his opponents and the electoral system is yet to be reformed. Zimbabweans want elections as soon as possible BUT not a sham election in which opponents of ZANU PF are beaten, the voter's roll manipulated, and in which there is no guarantee for transition in the event of ZANU PF losing. Elections are not the solution to Zimbabwe's crisis but rather an acceptance by the military and President Mugabe that ZANU PF can indeed lose power and be out of government: everything else will follow after that. As long as elections are a mere call to endorse and legitimise President Mugabe and ZANU PF then there is no need for such an election. The two events of last week, Ms Pillay's visit and President Mugabe's diplomatic charm offensive are a wakeup call for civil society to up the game.

The UN has set the tone and there is need to keep the international community informed, more importantly to raise awareness on the demands of the people of Zimbabwe, number one, the need for peace, two the need for a free and fair election and a peaceful political transition. There is need to highlight the human rights violations currently going on. The beating and destruction of property of opponents of ZANU PF, the politicisation of the security sector and its public support for ZANU PF, the manipulation of aid to poor communities and the unpreparedness, for an election, by such bodies as the Zimbabwe Electoral Commission all point to a high state of unpreparedness for an election. Unfortunately all these conditions are created by and favour ZANU PF and President Mugabe, hence the insistence on elections. The opposite of the above should be civil society's song, to be sung at every given opportunity outside Zimbabwe.

David Mutomba, he is a journalist, human rights activist and a Zimbabwean citizen

Risk of Zimbabwe Plunging into Chaos Real

During president Mugabe's recent trip to Bulawayo he had a short meeting with a former ally and one of the Zanu PF founding fathers, Enos Nkala who warned him that failure to properly handle the succession issue in the former liberation movement could lead to civil war. This chilling warning may seem far-fetched, but I strongly believe that Nkala is correct, there is a real risk, for factors analysed below, that Zimbabwe could plunge into chaos and civil war although there is hope for a better future depending on the steps taken in the next twelve months.

The most obvious and most articulated source of potential chaos for Zimbabwe is from within Zanu PF – how the 49-year old party deals with leadership renewal and with life after president Mugabe, the man who has been at the helm of the party since 1976. Powerful factions have emerged to position themselves to take over from Mugabe, some with access to significant financial resources including unaccounted for diamond revenue from Marange diamond fields. Only last week finance minister Biti announced that there are some ministers splashing diamonds cash, including purchasing private jets. Such amounts of money in wrong hands, as in the present case, could easily be used to sponsor anarchy and mayhem in the country.

Related to the succession conundrum and with massive destabilizing potential is the involvement of the military and the state intelligence in national and Zanu PF politics. With different factions of the army aligning themselves with dif-

ferent factions within Zanu PF and with access to diamond resources, the stage is set for potential open conflict. Senior military officials have repeatedly vowed to disregard elec-

ing for soldiers to be given constitutional rights to participate in party politics. To avert a clear and present danger flowing from the military factor in Zanu PF succe-

ssion violence with little or no action from the police to maintain law and order. However, as we go forward, there is a real danger that ordinary Zimbabweans will refuse to be submissive recipients of violence. Zimbabwe has reached that tipping point where citizens will begin to take measures to defend themselves and retaliate in the face of Zanu PF violence. Once Zanu PF's monopoly over violence is broken, the situation in the country could rapidly degenerate into a state of civil war.

The only way to avert this real risk of chaos is to ensure that Zimbabwe does not go to elections under 2008 conditions of violence, intimidation and a lopsided political field tilted in favour of Zanu PF. SADC has so far done well in insisting on a clear elections roadmap that includes a new constitution affirmed through a referendum, an independent and well-resourced Zimbabwe Electoral Commission, a cleaned up and accurate voters roll and close elections monitoring by SADC, the AU and the UN to prevent violence and intimidation. We expect SADC, in its extraordinary meeting to discuss Zimbabwe this coming weekend in Luanda, Angola, will stick to their guns and insist Zimbabwe cannot go to elections unless all pre-conditions have been met and unless the environment is conducive.

By Dewa Mavhinga, Crisis in Zimbabwe Coalition Regional Coordinator



A woman walks past the remnants of a homestead burnt down in post election violence. Mount Darwin, Mashonaland Central, 11 May 2008

tions if they choose is of a leader 'without liberation war credentials,' of which MDC leader Morgan Tsvangirai, one of the most popular political leaders today is without liberation war credentials. The same goes for the other political leaders like professor Welshman Ncube and professor Arthur Mutambara.

UN High Commissioner for Human Rights Ms Navi Pillay correctly noted during her recent visit to Zimbabwe that for any country that is a democracy, its army should observe strict political neutrality. This is not the case in Zimbabwe where the Zanu PF is clamour-

sion politics, it is advisable for president Mugabe to urgently and directly focus on the issue of succession so that he can lend his support to a successor and diffuse tensions that could trigger instability in the country. Instead of burying its head in the sand and wishing the problem away, Zanu PF must do the right thing around leadership renewal in order to ensure stability for the country.

Perhaps an even greater danger for instability and chaos comes from outside of Zanu PF. Until now, elections and other political processes have been characterized by state-sponsored violence accompanied by Zanu PF

Zimbabwe Civil Society Statement on the Conditions to be Met Before Elections

Zimbabwe civil society organisations have issued a set of minimum conditions which are to be met in order to ensure that Zimbabwe holds democratic elections. These are summarized below

- ◆ A new, democratic constitution that conforms to local and regional expectations and to international best practice and standards must be in place before elections are held.
- ◆ All security agents including the Central Intelligence Organization (CIO) and the Attorney General's Office must speak and act in a manner consistent with professionalism, independence and non-partisan conduct in the exercise of their constitutional mandate and be answer-

- able to parliament in terms of the law.
- ◆ All military and security operatives currently deployed across the country be recalled immediately to the barracks and be confined there.
- ◆ All Security Chiefs must respect results of elections regardless of their outcome and refrain from interfering with, and making unlawful political pronouncements on political and electoral matters.
- ◆ The independence, non-partisanship and professionalism of the Zimbabwe Electoral Commission (ZEC) must be ensured. In this regard ZEC must be accountable to Parliament and not to a minister, as is

- currently the case.
- ◆ ZEC must be legally empowered to take full responsibility and control of the process to establish a clean and credible voters' roll.
- ◆ The Inclusive Government must ensure a safe space for women's effective participation in all democratization processes, including the adoption of a mixed electoral system that provides for effective participation of women in politics.
- ◆ There be urgent repeal or extensive amendment of repressive laws such as AIPPA, BSA, Criminal Law (Codification and Reform) Act and the Interception of Communications Act that continue to impinge on free journalism en-

- terprise, free expression and the right to information access.
- ◆ SADC should ensure that Zimbabwe elections are held in full compliance with SADC Principles and Guidelines Governing Democratic Elections.
- ◆ Given the abnormal situation obtaining in Zimbabwe where the pre and post election periods are characterized by widespread violence, SADC and the AU are urged to deploy long-term monitoring and observation teams six months before the election and for six months after the elections to monitor the prevailing conditions and prevent state-sponsored violence and intimidation.

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UPCOMING EVENTS

Special SADC summit to discuss Zimbabwe, Luanda, Angola 02 June 2012

19th Summit of the African Union, Lilongwe Malawi July 2012

Briefing on the Constitutional Making Process, 30 May 2012, Devonshire Hotel, Johannesburg

2010 Comptroller and Auditor –General Report Reveals Financial Irregularities in Government Ministries

The 2010 report by the Comptroller and Auditor –General has cited financial irregularities in several government ministries including the Defence ministry headed by Emmerson Munangagwa which failed to account for about US \$18 million for the financial year ended December 31 2010. The ministry’s total expenditure as per the Appropriation Account amounted to close US\$177million while the public finance management system [PFMS] report recorded a balance of close to US\$159 million, leaving unreconciled difference of about US \$18 million. The report also unearthed incidents where US\$197 043 was paid to six companies which did not provide any goods or services to the ministry.

The report also exposed the Ministry of Agriculture Mechanisation and Irrigation Development for failing to reconcile



The Minister of Defence, Emmerson Munangagwa

three different figures it submitted. The appropriation account reflected close to US \$216 million, the public finance systems’ consumed budget had a figure of close to US\$113 million, while the Subpaymaster’s general bank statements showed an amount of

about US\$206 million. The Comptroller and Auditor General echoed that the submission of three figures suggested that the ministry’s total expenditure might include fraudulently processed vouchers. The Agriculture ministry also failed to do monthly payroll reconciliation

in 2010. The report also showed that the Ministry of Local Government issued 27 Mitsubishi L200 pick up vehicles to chiefs without any form of regularisation. Loans for the purchase of 161 vehicles issued to traditional leaders were written off without approval by Treasury. The audit revealed that the Department of State Land in the Ministry of Lands was not following procedures in land allocation, the ministry of Home Affairs had no cash book records, there was also misappropriation of US\$960 thousand at immigration between May and June 2010 and the Ministry of Women Affairs, Gender and Community Development had unreconciled balance of close to US \$4 million.

By Tafadzwa Maguchu

Inbrief Around Zimbabwe

Murder of MDC Activist in Mudzi

MDC-T chairperson for Ward One in Mudzi North Constituency of Mashonaland East Province, Cephas Magura, was on Saturday 26th day of May 2012 murdered by alledged ZANU PF supporters in a politically motivated clash involving the two rival parties. Officer commanding police in Mashonaland East Province Senior Assistant Commissioner Ronald Muderedzwa confirmed the report and he indicated that six suspects have been arrested and brought into police custody in connection with the murder.



From Left, Dewa Mavhinga and Deputy Prime Minister Hon Thokozani Khupe at Barbourfields Stadium Bulawayo on the 19th of May, National Day of Prayer for Peace. Ms Khupe is a leading breast cancer awareness campaigner in Zimbabwe.

President Zuma’s Facilitation Team in Zimbabwe

South African President Zuma,



President Jacob Zuma’s International Relations Advisor, Lindiwe Zulu

the appointed mediator in the

Zimbabwe Unity government dispatched his facilitation team to Harare on Monday the 28 of May 2012 to hold meetings with negotiators of the various parties to the Global Political Agreement which brought about the Unity government. The team is expected to produce a report for submission to President Zuma who will present the report at the SADC troika meeting to be held on the 31 of May in Angola.

MDC-T’s International Relations Secretary and also Minister of State in Prime Minister’s Office Jameson Timba confirmed that Zimbabwe is high on the agenda of the Troika

meeting. The SADC troika meeting will then report to the full SADC summit on Friday the 1st of June 2012 in Angola.

UN Agency Appoints Mugabe as a leader for Tourism

The United Nations has appointed Zimbabwean President Robert Mugabe as a "leader for tourism," sparking criticism from human rights activists. The [UN World Tourism Organization](#) endorsed Mugabe, 88, along with his political ally, Zambian President Michael Sata, 75, as international envoys for the tourism initiative. The two African leaders will also co-host the organization's general assembly

in August 2013.

Regional Coordinator Dewa Mavhinga of the Crisis in Zimbabwe Coalition also criticized the appointment, telling the British newspaper: "It sends the wrong message to Mugabe that he is now acceptable to the international community.

Petroc Trelawny [BBC Music Presenter] Release Delayed After Immigration Refuses to Hand Over Passport

Human Rights Lawyers were on Tuesday 29 May 2012, working on filling an urgent chamber application in the High court seeking to compel, Zimbabwe’s immigration authorities to release the passport of British Broadcasting Corporation [BBC] classical music presenter Petroc Trelawney, which they are holding on to despite the Attorney General’s decision not to pursue his prosecution.

Trelawny was still hold up in Zimbabwe by late Tuesday after authorities from the department of immigration refused to release his passport which they confiscated upon his arrest in Bulawayo for allegedly performing without a permit.

President Mugabe Should Read the Signs of Times

From Latin America to Asia, from Eastern Europe to Africa, long entrenched dictatorships have given way to elected civilian governments. The outcomes of recent transitions are increasingly becoming clear but nations emerging from dictatorship face formidable challenges as they seek to establish or restore the rule of law.

This is the case that Zimbabwe is grappling with and needs to address in order to return the country to democratic legitimacy after three decades of a Stalinist type dictatorship in which the military and other security forces such as police and the spy agents have been a critical cog in the electoral and political affairs of Zimbabwe working hand in glove with ZANU PF.

It is important for Zimbabwe to learn about the toxic role of the soldiers in political and electoral affairs elsewhere and how such regimes have become unacceptable. For instance, military dictatorships in Argentina and Chile were once formidable but with the fall of their communist alliance in Eastern Europe democracy is slowly establishing itself in Latin America. The fall of the Soviet Union in 1990 also saw a wave of democratic struggles that saw the birth of new independent and democratic States such as Georgia while in Africa once autocratic States like Apartheid South Africa gave in to democratic rule and dictatorships such as Kenya under Daniel arap Moi succumbed to the democratic will of the people.

From Gukurahundi in the 1980s, the 2000 violent elections, 2002 disputed presidential poll to the 2008 equally murderous presidential poll run-off, Zimbabweans have been observing but recording the military's violent electoral thread in politics to serve the interests of President Mugabe and ZANU PF.

Most of the critical players in this well defined thread of violence and the military's involvement in the electoral and political affairs of Zimbabwe still remain in civilian and military employment of the State. They have survived with impunity and there seems in their limited understanding of political events that nothing will happen to them. The military in Zimbabwe has taken the role of political game changer in the country, violating their constitutional obligations with impunity by involving themselves in partisan politics and alleged human rights violations. Some of these soldiers especially the military hierarchy have made several partisan statements blatantly threatening Zimbabweans that their vote would not count if it goes against Mugabe and ZANU PF. They have gone beyond mere statements but have campaigned publicly for ZANU PF while in military fatigue, a role that cannot be associated with a professional army.

The blatant and unconstitutional role of the army especially now that the people of Zimbabwe, the region and the international community have identified the securocrats as the unlawful problematic in the Zimbabwean transition to democracy through credible elections that are without violence made every reasonable people and institutions to focus on their conduct. In this opinion, my postulation is that democratic forces have identified the

pillar of democratic intransigence in Zimbabwe as the security apparatus led by the military. Past elections have shown that the military, the secret agents and the police have always come to the rescue of ZANU PF when everything else has failed. They are the vanguard of the ruling elite's

de facto military state with its civilian ZANU PF *de jure* leadership. What is critical is the meaning of the preliminary observations of the UN Human Rights Commissioner. It is these meanings and possible implications to President Robert Mugabe's regime that the government must take heed.

Mr. President, the world is watching and documenting all the abuses and threats by your men and women in uniform against the civilian population that you always claim you love so much while your men and women threaten them with impunity and you remain silent because they serve your parochial interests. There is a Zimbabwean political Sarajevo incident that is in the horizon should these soldiers violate human rights without redress. Mr. President, you have an opportunity to stop this rot. You should interrogate deeply the mission of Pillay and her preliminary pronouncements.

tinued stay in power. The violence that

Navi Pillay is an agent or representa-



Zimbabwe President Robert Gabriel Mugabe

has marred previous elections had the acquiescence involvement of the security apparatus and their declarations confirm this allegation. The failure to arrest and prosecute the culprits confirms this unholy alliance of the security apparatus and ZANU PF.

When all other means of persuading Zimbabweans to vote for ZANU PF in previous elections fail, violence has been the game changer and the culprits are now known. The late Professor Masipula Sithole described this as the 'margin of terror' when he accounted for ZANU PF's narrow victory in the 2000 elections that were marked by abductions, arson, enforced disappearances and assaults against Movement for Democratic Change (MDC) supporters and sympathizers. The position of the democratic forces against the partisan role of the military in the country's political and electoral affairs got a huge boost from the preliminary findings of the United Nations High Commissioner for Human Rights Navi Pillay when she made robust observations during her five-day mission in Zimbabwe.

What I am interested in is not what she said because her pronouncements are common cause to the majority of people in Zimbabwe who live under this

tive of the United Nations and its organs such as the Security Council and General Assembly, two critical bodies that can make far reaching decisions against both member states and non-members states in situations where both international human rights law and international humanitarian law are violated. Her findings will influence how the international community treaty Zimbabwe especially relative to the conduct of elections.

The second point is that in her preliminary pronouncements before she left Zimbabwe that concern is also rising both inside and outside the country that, unless the parties agree quickly on some key major reforms and there is a distinct shift in attitude, the next election which is due sometime in the coming year could turn into a repeat of the 2008 elections which resulted in rampant politically motivated human rights abuses, including killings, torture, rapes, beatings, arbitrary detention, displacements and other violations.

What this means is that any form of extra-judicial and extra-legal activities like the partisan role of the security apparatus will lead to a disputed poll and that the internal community will not accept the victor. This statement

should serious ring into Mugabe's mind and his political strategists that the world is watching and like in the Srebrenica massacres in the former Yugoslavia, the culprits will be called to justice in international courts of justice no matter how long they hide and survive with impunity. Pillay has actually doubted and discredited Zimbabwe's election preparedness. Any decision to disregard her leads to more isolation of the regime born out of an illegitimate electoral process and environment. Although Pillay was diplomatic by not directly asking the government to make the military observe their legal and constitutional obligations, it should be clear to President Mugabe and the partisan members of the security forces that the world at the highest level is now aware and is trying to find solutions to this unlawful abuse of State institutions.

Pillay said: "I have heard much concern expressed about the role of the military, including a recent statement by one of the country's most senior army officers suggesting the army should throw its weight behind one political party – when for any country to be called a democracy, its army must observe strict political neutrality." She went on to quote the GPA where it clearly says, "State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties." The likes of Major Generals Chedondo, Nyikayaramba and their blind military followers should take heed that like during the Balkan war leading to Srebrenica killing of about 8000 Bosnian Moslems in 1995, those responsible for the massacres of innocent women, children and prisoners were brought to international justice. Major General Chedondo and his colleagues should know that when they address soldiers at pass out parades to support ZANU PF and to be involved in political and electoral affairs, the possibilities of massacres on political grounds by the military are not phantom but real. This happened during the Gukurahundi period. The world was apparently complicit but this time around luck may not be with the culprits.

Mr. President, the world is watching and documenting all the abuses and threats by your men and women in uniform against the civilian population that you always claim you love so much while your men and women threaten them with impunity and you remain silent because they serve your parochial interests. There is a Zimbabwean political Sarajevo incident that is in the horizon should these soldiers violate human rights without redress. Mr. President, you have an opportunity to stop this rot. You should interrogate deeply the mission of Pillay and her preliminary pronouncements. The world at the level of the United Nations is waiting to strike against any violations of international human rights and humanitarian law by those who purport to work on your orders. These are the signs of the time, take heed.

By Pedzisai Ruhanya (PhD Candidate, Media and Democracy, University of Westminster, London)

Highlights From UN Human Rights Commissioner Statement in Harare

At the conclusion of her five-day visit to Zimbabwe on 25 May UN High Commissioner for Human Rights Ms Navi Pillay issued a press statement in Harare with the following highlights, most of which seemed to irritate her host, the minister of Justice, Patrick Chinamasa (Zanu PF). She said, among other things:

Concern is also rising both inside and outside the country that, unless the parties agree quickly on some key major reforms and there is a distinct shift in attitude, the next election which is due some time in the coming year could turn into a repeat of the 2008 elections which resulted in rampant politically motivated human rights abuses, including killings, torture, rapes, beatings, arbitrary detention, displacements and other violations.

On a more positive note, several people told me they believe that if the country can get through the next 18 months or so without another political and human rights disaster, then it could finally turn the corner towards renewed stability and prosperity.

Most of my interlocutors noted there had been improvements, including some very significant ones, since 2008, when the country seemed to be on the brink of catastrophe.

One very good achievement on the women's rights front is that half of the Supreme Court judges are now female, and there are a number of women ministers and senior public officials. I believe the government has a sincere commitment to boosting the number of women in key positions in the public sector, yet entrenched legal anomalies remain, such as the fact that women still need their husbands' permission and signature to acquire a passport.

But women have been faring far less well in some other spheres: maternal mortality has worsened steadily over the past two decades from 283 deaths per 100,000 births in 1994 to around 960 per 100,000 in 2010-2011.

Councillors and Members of Parliament from the MDC –T party have been arrested and charged under Section 33 of the Criminal Code (a provision dealing with “insulting or undermining the authority of the president”). I believe this legislation should be repealed. Section 121 of the Criminal Procedure and Evidence Act is also seriously misused by prosecutors who employ it to block release after bail has been granted, and are not required to provide any reason for their action. I believe this legislation should be amended to protect against its frequent misuse for political purposes, especially during the run-up to elections.

I have heard much concern expressed about the role of the military, including a recent statement by one of the country's most senior army officers suggesting the army should throw its weight behind one political party –

when for any country to be called a democracy, its army must observe strict political neutrality. As the GPA clearly says, “State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties.”

One very positive development during my visit has been the news that the government is proposing to sign and ratify the international treaty known as the Convention against Torture. I warmly welcome this development which was one of the 130 recommendations made by other states, and accepted by Zimbabwe, during last year's Universal Periodic Review (UPR) by the Human Rights Council in Geneva.

Many people I have spoken to have expressed great concern about the perceived strong political bias of the State-run broadcast media, and the refusal of the Broadcasting Authority of Zimbabwe to grant licenses to private radio and TV stations, thereby preserving a politicized monopoly that holds particular sway in rural areas. Opening up the market to non-state TV and radio stations might help to stimulate more balanced and better quality news by providing competition. While the newspapers have benefitted from greater freedom, they both reflect and feed the extreme political polarization.

I am also disturbed by reports that some of the humanitarian agencies are not allowed to operate in certain parts of the country – notably Masvingo and Mashonaland – which means that aid, including food aid, is not in all cases being delivered on the basis of need.

I have also been disturbed by the country's legislation on the subject of lesbian, gay, bisexual and transgender (LGBT) persons (sexual orientation). The all-important international principle of non-discrimination is included in the current Constitution, as well as in international treaties to which Zimbabwe is a party. There can be no justification for violence, harassment or stigmatization. And criminalization of any group because of their sexual orientation can lead to impediments to their accessing basic services – in other words result in clear-cut discrimination – including treatment for HIV. Sexual relations between consenting adults is not a matter for the courts.

My views on the issue of land reform have been oversimplified in some media reports... The pride and enthusiasm of some of the small farmers I met, including several women, was a pleasure to see, and I hope the government will fulfil its promises to help them makes their farms productive and profitable. It is important to remember however that some aspects of the land reform process also caused a great deal of misery,

not just to former owners evicted without due process or compensation, but also to tens of thousands of farm workers who lost their jobs, were evicted and in many cases reduced to total destitution overnight.

It is vital that such a process is carried out transparently and with clear criteria that are in full accordance with international norms and standards. The GPA contains an agreement to conduct a non-partisan land audit to establish accountability and eliminate multiple farm ownerships. There is, after all, no merit in taking sizeable quantities of land from one elite, only to give it another. Under the GPA, the parties also agreed to ensure that all eligible citizens who want to have land can do so, and that each individual will be considered without bias. I urge the Inclusive Government to take further steps to carry out these and other key reforms laid down in the GPA.

My speech at the University also covered a range of important issues in the realm of economic, social and cultural rights, such as the rights to food, education, health and adequate housing, and issues such as forced evictions, sanctions, good governance and the need to fight corruption. Issues relating to water and food production are particularly concerning with the country suffering from a severe drought. In addition, as a result of inadequate safe water supplies and sanitation in some areas, cholera outbreaks which used to take place once a decade now occur on an annual basis.

Reverting to the subject of elections, which is on everyone's mind, I have congratulated both President Mugabe and Prime Minister Tsvangiri on their recent strong public calls for people to avoid resorting to violence, and I urge the leadership of all three parties to continue to make such loud and unambiguous calls at regular intervals, so that the message is clearly heard again and again that none of the country's political leaders condones or encourages such behaviour.

I believe that it is essential that a satisfactory new Constitution with an entrenched Bill of Rights is in place soon, so that the referendum to confirm it and all the electoral reforms necessary for a peaceful, free and fair election can be carried out before people go to the polls. Realistically this will take time, but it will be more important to get it right than to rush the process. The Zimbabwe Electoral Commission's role is extremely important and I hope it is given all the assistance it needs to carry out its sensitive and vital tasks such as updating the electoral roll, delimiting constituencies, supervising registration and supervising the Constitutional Referen-

dum and the elections, while maintaining strict independence from any of the political parties.

I welcome the fact that Zimbabwe has established a Human Rights Commission – a type of national institution governed by a rigorous international set of standards – and appointed its members in 2010, and I deeply regret the fact that the bill that would enable it to function properly is currently still stuck in Parliament. The main obstruction to its progress is a dispute over its temporal limitation, i.e. whether or not it should cover historical events prior to 2009. My strong advice to the political leaders and parliamentarians has been that – like most other Human Rights Commissions around the world – it should not become involved in historical investigations. Debate on this issue must not be allowed to continue to hold up this vital body, whose members have been existing in a sort of operational limbo for more than two years now. Instead it should deal with the many pressing issues that face Zimbabwe today and in the future, and in particular all the human rights issues surrounding the forthcoming elections.

I stress that this does not mean that past human rights violations such as the devastating large-scale killings and other violations in Matabeleland and Midlands in the 1980s, or the 2008 election violence should be swept under the carpet. Far from it. There should never be impunity for serious crimes, and justice is essential if peace and stability are to endure. However, this would be too great a task for the Human Rights Commission, whose prime role is to deal with current and future human rights situations, to advise the government and parliament, to help draft human-rights-friendly legislation and to accept and assess complaints from members of the public as well as to promote and protect human rights in general. Instead, I have urged all parties to consider setting up another body or bodies – such as a Truth and Reconciliation Committee or a Commission of Inquiry – to look at major human rights violations that took place some time ago.

Finally, I would like to turn to a highly controversial issue that has come up again and again during my visit here, namely the various limited sanctions regimes that some countries have imposed on Zimbabwe over the past decade or so. The continuation of sanctions is now opposed by all three parties that make up the Inclusive Government, and I have yet to hear a single Zimbabwean inside the country say they definitely think sanctions should continue. , at least until the conduct and outcome of the elections and related reforms are clear.