

# **Zimbabwe and SADC:**



## *Setting the Record Straight*

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## What is the Crisis in Zimbabwe Coalition?

Crisis in Zimbabwe is a coalition of more than 350 civil society organisations. It was originally conceived in August 2001 as a collective response by Zimbabwean civics to the multi-faceted crisis facing the nation. The Coalition represents a broad cross section of Zimbabwean civil society, including labour, students, women, church groups, human rights activists, media practitioners, war veterans, farmers, lawyers, doctors and pro-democracy actors.

The vision of the Coalition is a democratic Zimbabwe. The Coalition addresses Zimbabwe's twin crises of governance and legitimacy.

### *Aims of the Coalition:*

- To enhance Civil Society's capacity to deal with socio-economic and political crises, through encouraging well coordinated strategic planning and action.
- To promote freedom and democratic values through encouraging dialogue, tolerance and the shaping of ideas by Zimbabweans from all walks of life.

### **Objectives of the Coalition:**

To this end, the Crisis in Zimbabwe Coalition:

- Strives to respond timeously to government positions regarding various key policy areas;
- Strives to share ideas and information for use by CSO's in the articulation of credible, alternative and practical views;
- Seeks to ensure the rapid development of a participatory democracy in Zimbabwe;
- Is determined to amplify the collective voice of Civil Society in Zimbabwe.
- Aims to cover issues which would otherwise not fall within the mandate of the major CSO's.
- Encourages the input of Zimbabweans into policy formulation and governance generally, and
- Highlights, debates, researches and proposes solutions to the various dimensions of the multi-layered national crisis.

The Coalition is comprised of five semi-autonomous committees. These are **Advocacy, Finance, Human Rights, Information and Civic Education** and **Peace Building**. Each committee organises its own campaigns and events, but also works in collaboration with the entire Coalition.

The Coalition is currently organising around campaigns including:

- Zvakwana—Enough is enough!
- A Time for Peace
- Leadership for Transformation
- Freedom from Hunger
- Repeal Unjust Laws
- Queue for Freedom

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## **Extended Response to the SADC Communiqué**

### **1. Introduction**

The Crisis in Zimbabwe Coalition read with dismay the communiqué issued by the Southern African Development Community (SADC) on April 3, 2003 following the Third Session of the Committee of Ministers of the Organ on Politics, Defence and Security Cooperation.

Sections 8-12 of the Communiqué deal specifically with Zimbabwe, and present a disappointing indication that SADC leaders continue to be misled by government propaganda which paints the Zimbabwe question solely as a struggle with colonial roots in which the land question plays a leading role, and concerns over poor governance and human rights abuses present a “selective diversion” from the central issue of redistribution of land.

The Crisis in Zimbabwe Coalition commends SADC leaders for acknowledging the seriousness of the Zimbabwe question by endorsing a task force mission to investigate the situation on the ground and consult not only with government actors but with opposition members and civil society groups. The Coalition notes with dismay, however, indications that this task force mission will be not only postponed, but possibly hijacked by Zimbabwe’s ruling party, and used as one more attempt at window dressing real problems by directing observers to the “safe” sources and restricting their ability to move freely, discuss a range of issues, and meet a variety of stake holders in Zimbabwe’s democratic process. The Coalition calls on SADC governments to maintain their principles and to commit to good governance, democracy, and human rights. It urges SADC heads of state to resist attempts by the Zimbabwe government to make a mockery of legitimate debate, and instead engage with Zimbabweans in genuine debate.

The Crisis in Zimbabwe Coalition reiterates the essential point that the question of mounting human rights abuses represent far more than a distraction from the key concerns of the Zimbabwe people. Instead, the Coalition argues that issues like land and compensation are only part of the problem, which must be linked to other central issues such as economic decline, gross human rights violations and political illegitimacy.

### **2. Issues raised in the Communiqué**

In an effort to clarify the reality of the situation in Zimbabwe, the Coalition makes the following points:

#### **2.1 *Stay away***

On the question of the stay away, the Communiqué manifests the extent to which it has fallen prey to Zanu PF’s logic of paranoia. The Communiqué glibly refers to Foreign Affairs Minister Stan Mudenge’s assurance that the laws of Zimbabwe guarantee the right of individuals to demonstrate freely and peacefully. It fails to mention the fact that in reality, the laws of Zimbabwe are regularly amended in order to progressively narrow the legal opportunities open to Zimbabweans for public demonstration. Again, the Communiqué’s silence on legislation such as POSA underlines the complicity of SADC member states in ignoring the governance question and putting all their faith in the assertions of an unpopular leader and his Government.

In reality, the two-day stay away caused a national shut down, and was largely peaceful. While there were isolated reports of violence and sabotage by unknown agents, March 18 and

19 were quiet, with the vast majority of businesses closed and people in their homes. It was on the evening of March 19, and in the ensuing few weeks that the situation in Zimbabwe has become even more violent than in the past. In other words, it is the retributive attacks by state agents in the fall out after the stay away which has been violent, far more so than the stay away days themselves were<sup>1</sup>. Over 600 pro-democracy activists, including civic leaders, councillors and opposition Members of Parliament and national leaders have been arrested in the past two weeks under spurious charges. Over 800 people, primarily activists, but also their neighbours, colleagues, husbands, wives and children have been beaten, tortured, raped assaulted and victimised over the past two weeks for involvement—or perceived involvement—with the democratic struggle. This violence has been perpetrated primarily by individuals in police and military uniforms.

## 2.2 *Access to Information and Protection of Privacy Act (AIPPA)*

Section 10 of the SADC Communiqué refers to the need to amend the Access to Information and Protection of Privacy Act (AIPPA). SADC is to be commended for acknowledging the negative effects of legislation such as AIPPA on the capacity of Zimbabweans to exercise their Constitutional freedom of expression. However, the Communiqué falls short of achieving useful action in several ways.

In fact most of the proposed amendments will worsen rather than improve the situation as regards freedom of expression<sup>2</sup>. The proposed amendments give broad and sweeping definitions for words and phrases and this provides the Ministry of Information in the President's Office with even greater ambit to use the legislation as a weapon against certain sectors of the media. The original Act was clearly intended to give the Zimbabwean Government far-reaching powers to clamp down on the non-government press. The key institution of control in the Act is the Media and Information Commission. This body wields enormous powers over the media. No media institution can operate unless it is registered by the Commission and no media practitioner can practise as a journalist without accreditation from the Commission. It is a serious criminal offence for a newspaper to operate without being registered or a journalist to operate without accreditation. The Commission is also to create and implement a code of conduct. For a serious breach of this code, the Commission can remove the journalist's accreditation. The Act also contains a whole variety of nebulous criminal offences that can be brought against journalists. Many journalists have been arrested and prosecuted for these offences<sup>3</sup>. The police apply these provisions in a completely partisan fashion to harass journalists from the private press.

One of the amendments to AIPPA involves a drastic restructuring of the Media and Information Commission. It removes the provision that an association of journalists and an association of media houses will nominate at least three of the five to seven members Commission. This is contrary to an undertaking previously given to the media and denies media practitioners the capacity to choose any representatives to sit on the body. The end result of this amendment is that the body that will regulate the media will now consist entirely of Ministerial appointees. The Minister who exercises these powers has repeatedly evinced open hostility towards the private media in Zimbabwe.

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<sup>1</sup> See Appendix 1, Crisis in Zimbabwe Coalition Report on Organised Torture and Violence March 21-24 2003.

<sup>2</sup> See Appendix 2, Media Institute of Southern Africa, "Analysis of the Proposed Amendments to AIPPA."

<sup>3</sup> See Appendix 3 for a summary of journalists arrested this year.

Furthermore, the Communiqué does not refer to an important issue on freedom of the media, that of the electronic broadcasting in Zimbabwe. In 2000 the Zimbabwe Supreme Court ruled that the government's national monopoly on both television and radio broadcasting was unconstitutional. Following this ruling, government passed the Broadcasting Services Act. This purported to remove the government's monopoly on electronic broadcasting but it is highly restrictive in its terms and does little to open up the broadcasting arena. For example, it would allow only one other national broadcaster to operate in addition to the Zimbabwe Broadcasting Corporation. No new broadcasting licences have been granted since this legislation was passed, even for community broadcasting. SADC task force visitors are invited to spend even one night watching ZTV or listening to the Zimbabwe Broadcasting Corporation news programmes to gain an appreciation of just how partisan the national broadcaster is.

In addition, the Communiqué completely ignores the question of repressive legislation such as the Public Order and Security Act (POSA). POSA re-introduces *apartheid* style legislative requirements including the carrying of identification, gives the police force tremendous powers to determine what public meetings may or may not be held, and represents a threat to Zimbabweans' constitutional freedoms of expression, assembly and movement<sup>4</sup>. Over the past year, POSA has been used to arrest and detain thousands of pro-democracy activists in acts of harassment by the state. Many of those arrested have been ill-treated whilst in custody. The police have applied the legislation in a politically biased way to prevent activities which they perceive as "dissident," while freely allowing gatherings by supporters of the ruling party<sup>5</sup>.

### 2.3 *Farm Workers*

The Communiqué rightly indicates the need to consider the impact of the land resettlement exercise on the two million displaced farm workers and their families. Long before the land resettlement programme began, farm workers represented one of Zimbabwe's most marginalised populations. The current exercise has only worsened that situation. Many of these workers are now unemployed, homeless and destitute. There is apparently no government policy which appropriately addresses the issue of farm worker resettlement or compensation for workers who are forced out of their homes when a farm is acquired<sup>6</sup>.

Some of these workers have been absorbed by the new farmers, and have been offered employment on these farms. However, there is very little protection for these workers in terms of minimum wage and living conditions. For example, in January 2003, the General Agricultural Plantation Workers Union of Zimbabwe (GAPWUZ) which represents farm workers negotiated a wage increment for workers across the board. This raised the minimum wage for farm workers to \$9,500 per month. However, many new farmers are unable or unwilling to pay that amount, and instead are paying workers as little as \$3,000 per month—less than what they earned before the wage negotiations. For its efforts, GAPWUZ has been labelled as a "pro-opposition" union, and its movements have been severely hampered in many provinces. Its offices in Kwekwe, Midlands Province were raided in February this year, and its offices in Chinhoyi, Mashonaland West Province were razed by fire last month. Meanwhile, farm workers suffer as farm schools and clinics are not being maintained, and many new farmers are demanding payment for water, electricity and rental from the farm

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<sup>4</sup> See Appendix 4, a Petition to repeal POSA.

<sup>5</sup> See Appendix 5 and 6, being relevant press reports.

<sup>6</sup> Farm Community Trust of Zimbabwe, Report on Assessment of the Impact of Land Reform Programme on Commercial Farm Worker Livelihoods, May 2002.

workers they employ. Thus farm workers live in desperate conditions and are poorly protected by their employers, the state or their union.

As correctly indicated by the SADC Communiqué, many of the farm workers in question are of Malawian, Mozambican, Zambian or other descent. Thus, when they are displaced, there is no where else that they can go. Amendments to the Citizenship Act in 2002 effectively rendered many of these workers and their children—who were born in Zimbabwe but who had foreign parentage—stateless. It is argued that proposed amendments to this Act will do little to redress the situation for most farm workers<sup>7</sup>. Moreover, these changes do not address the damage which has already been done. Many farm workers have already been through a difficult and costly process to resolve their citizenship status. More than that, many of these farm workers were disenfranchised by the Citizenship Act. This means that they were unable to vote in the 2002 Presidential Election. Amending the Act now will do nothing to return this vote to them.

In addition, the questions of employment, residence, food security, schooling and health care, to name a few, remain pressing concerns of these displaced farm workers, who have been doubly abandoned—first by the displaced farmer, and then by the State. Thus, an analysis of the Land Reform Programme must also examine the impact of the resettlement exercise on the most vulnerable groups, including communal land dwellers, women, displaced farm workers, migrant workers, AIDS orphans, the elderly and retired workers.

#### *2.4 Fast Track Land Resettlement*

The Communiqué refers to a Memorandum of Understanding (MoU) presented to the Commercial Farmers Union (CFU) by the Ministry of Lands and Agriculture in January this year for its review. The CFU responded to this document, but its concerns have yet to be addressed by the Ministry of Lands and Agriculture. Instead, the situation on the former commercial farms continues to be tense.

The Fast Track Land Resettlement exercise has left Zimbabwean agriculture—the backbone of the country's economy—in shambles. Moreover, despite reports by government that the Land Resettlement exercise was completed in August last year, farms continue to be acquired, and commercial farmers continue to be evicted from their farms. On March 21, 2003, government published, in accordance with Chapter 20:10 of the Land Acquisition Act, a Preliminary Notice to Acquire Land. This list consisted of 78 farms that may now be acquired by government. This indicates that the legal apparatus of land acquisition is ongoing. In addition, the violence which has characterised land acquisition over the past three years continues. On Tuesday April 8, two farmers, John Coast and Allen Parrson went to their farm in Karoi, Mashonaland West, which had been resettled. Bearing a High Court Order allowing them to recover farm equipment from the property, they were attacked by a group who had settled on the farm. The two suffered extensive bruising and swelling, and were taken to a nearby hospital for treatment<sup>8</sup>. This behaviour is indicative of the lawlessness which has come to characterise the entire land resettlement exercise.

In truth, the land resettlement programme has been anything but rational, equitable and transparent. Reports from across the country indicate that prime parcels of land have been allocated to Zanu PF stalwarts in an effort to reward party loyalty<sup>9</sup>. The agrarian reform, land

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<sup>7</sup> See Appendix 7, Comments on the Citizenship of Zimbabwe Amendment Bill, Bryant Elliot.

<sup>8</sup> See Appendix 8, Mliswa arrested, Daily News.

<sup>9</sup> See Appendix 9, Addendum to the Land Audit Report, Parliamentary Portfolio Committee.

redistribution and rural development programmes which so urgently needed to ease the strain on the communal lands and improve the living conditions for millions of poor Zimbabweans have not even been planned, much less implemented. There is an urgent need for a thorough and independent audit of the land reform programme, which must examine land ownership and tenure patterns in a non-partisan and scientific manner.

The violent and haphazard nature of the land reform exercise has plunged Zimbabwe's economy into chaos. Effects of a regional drought have been compounded by drastically reduced agricultural production. Over 7.2 million Zimbabweans—more than half the population—are currently unable to meet their basic nutritional requirements. Biting food shortages grip the country. Queues for bread, mealie meal, sugar, cooking oil and other basic commodities are commonplace in every urban centre and growth point. Poor rural women and their children are the most affected by this situation. In the rural areas, villagers are reduced to eating roots and foraging in the wild for meagre sustenance for their families<sup>10</sup>. In Zimbabwe, it is estimated that over one third of the adult population is HIV positive. Good nutrition is essential to maintaining good health, particularly for HIV infected individuals. Thus, the impact of food shortages and poor nutrition are compounded by high rates of HIV infection, jeopardising the futures of millions of Zimbabweans.

### **3. Conclusion**

As discussed, the Communiqué from the Third Session of the Committee of Ministers of the Organ on Politics, Defence and Security Cooperation of SADC is disappointing. It reveals a marked ignorance over essential issues facing the broad generality of Zimbabweans today. These misconceptions, however, can be corrected through continued engagement with a variety of Zimbabwean actors, and through a concentrated effort to gain correct information on current events in Zimbabwe. Thus, the Crisis in Zimbabwe Coalition commends SADC heads of state for seeking to engage in a task force process designed to promote broad consultation with Zimbabweans, including civil society organisations. The Coalition welcomes this effort, and hopes that the task force will waste no time in coming to Zimbabwe to investigate the situation here. Moreover, the Coalition sincerely hopes that SADC is able to develop a non partisan programme of visits and consultations, and spends a significant amount of time in the country, so that it is able to move beyond the urban confines of Harare and gain a first hand understanding of the reality in which most Zimbabweans live.

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<sup>10</sup> See Appendix 10, Assessment of the Food Situation in Zimbabwe - Dec 2002-Jan 2003: SUMMARY National NGO Food Security Network (FOSENET).