

The LEGAL MONITOR

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A newsletter published by Zimbabwe Lawyers for Human Rights for members & human rights defenders



15 February 2010

Edition 32

COST-FREE

Progress? What Progress?

HARARE-The inclusive government has failed to deliver. Rights violations continue while most benchmarks set out in the Inter Party Political Agreement (IPA) have not been met, a review of the government's year in office by a coalition of civil society organisations has concluded.

Apart from bringing relative economic stability, the coalition government has remained fragile and cannot agree on how to implement commitments they agreed and signed up to in the IPA.

This brutal assessment is contained in a 64-page report card by the Civil Society Monitoring Mechanism (CISOMM), a non partisan network of civil society organisations dedicated to monitoring and evaluating the implementation of the IPA. The monitoring process is meant to hold the three political principals-namely President Robert Mugabe, Prime Minister Morgan Tsvangirai and Deputy Prime Minister Arthur Mutambara-to account.

The CISOMM review covers the period February 2009 to February 2010.

"One year on, the politicians whose responsibility it was to execute the mandate of the IPA, have not been able to put their partisan issues aside for the benefit of the nation; and instead have continued to stall over an ever-increasing number of 'outstanding issues', which look set to remain outstanding. On the eve of the anniversary, these issues threaten to tear apart the inclusive government and reverse the gains of the last 12 months, regrettably returning the country to the pre-June 2008 era," reads part of the CISOMM report which was launched last Friday in Harare.

The coalition government failed on all but one cluster under the seven clusters monitored by CISOMM. The clusters are economic stability, constitutional reform, human rights, institutional transformation, humanitarian and food assistance, media reform and freedom of expression and political justice and transition. Economic recovery in 2009 was one of the only positive outcomes of the coalition government with tangible effects for the general population.

CISOMM noted that the launch of the Short Term Economic Recovery Plan (STERP) and the crafting and implementation of STERP's 100 Day Plan were major steps in the fulfillment of Article 3 of the IPA.

However, the monitoring body said the government must speedily constitute the long awaited National Economic Council to fulfill its commitment to serious, long term economic reform and recovery as provided for under the IPA.

CISOMM said the constitution making process remained highly politicised and had turned into a political contestation between the Movement for Democratic Change (MDC) and ZANU PF due to the latter's determination to impose the controversial Kariba Draft.

"There has been limited citizen participation in the process. Of particular note is the media blackout of the process or the partisan reporting that has occurred. The lack of political will, evidenced by the failure to create conditions conducive for the writing of a new constitution, exhibited during the year 2009 could impede the progress," CISOMM said.

Although not as pervasive as before, CISOMM said police continued to harass human rights defenders. Political activists who engage in peaceful protests or meetings remain at risk of arbitrary arrest, detention, beatings and attempted abductions.

"The police continued to use POSA and other repressive legislation, as well as overt violence and intimidation

to clamp down on student leaders and university students engaged in peaceful protest. Teachers, mainly in the rural areas, also bore the brunt of intimidation by ZANU PF militias. Equally, journalists were frequently harassed in the course of their work and were not allowed to operate in a free media environment. Human rights lawyers often faced interference by the police during the discharge of their duties. Lawyers were prevented from gaining access to their clients, and were often baselessly charged with crimes to prevent them from attending to matters," reads the report.

Far from ensuring that human rights training was provided to the uniformed forces, the culture of

violence remained endemic within security institutions as demonstrated by the brutal treatment of prison guards and police recruits by their superiors while missing abductees remain unaccounted for.

CISOMM said the Chiadzwa diamond fields remained the site of gross human rights violations that almost resulted in the suspension of Zimbabwe from the Kimberley Process while operations have continued with unscrupulous attempts to sell the gems through government connected companies.

On institutional transformation, the monitoring body noted that appointments to the Zimbabwe Human

Rights Commission, the Zimbabwe Media Commission and the Zimbabwe Electoral Commission were marred by political bargaining as opposed to the requirement to make appointments on the basis of competence, professional ability and positive personal attributes.

CISOMM said the Attorney General's Office persecuted several human rights defenders with vigour, while the non implementation of court rulings by the Zimbabwe Republic Police and other law enforcement agencies continued unabated.

Under the humanitarian and food assistance cluster, CISOMM observed that traditional leaders and councillors continued to perpetrate political discrimination in relation to the distribution of food aid while government sponsored food and agricultural assistance was distributed along political lines in many parts of the country. Often, unelected ZANU PF officials oversaw processes that should have been facilitated by elected Movement for Democratic Change (MDC) officials, according to CISOMM.

The watchdog body said the restrictive media framework remained in place with government failing to repeal repressive legislation and to liberalize the airwaves.

The coalition government also disappointed by failing to establish the mechanism to make recommendations to government on national healing. CISOMM said the government failed to consult victims of violence as to which form of justice and national healing process they desire while the conferment of national hero status remains a purely partisan exercise by the ZANU PF Politburo.



JOMIC member Elton Mangoma, Munyaradzi Bwanya, McDonald Lewanika and Dzhe Chimnga at the launch of the CISOMM report

Love is in the air... is it?



WOZA members take to the streets to protest against the transitional Government's failure to address bread and butter issues. On Saturday, the eve of Valentine's Day WOZA members distributed red roses and Valentine's cards. The cards carried the following message: "It is not enough that bread has returned to the shelves. Our hearts are also starving for a people driven constitution. We demand a living constitution that will give us roses too. Just like the thorns on a rose, love comes with pain. We must be willing to fight through the pain to get our constitution. Demand your rose. Stand up for love. Shine Zimbabwe shine."

Violations, rifts increase - ZPP

HARARE-Recorded cases of politically motivated rights violations increased in the month of December, as rifts between coalition government partners continue to widen, according to the latest report of the Zimbabwe Peace Project (ZPP).



ZPP director, Jestina Mukoko

According to the report released last week, political violence and food discrimination remained rampant and President Robert Mugabe's ZANU PF party continued being the main perpetrator of abuse.

"December 2009 recorded an increase in incidences of politically motivated human rights abuses with a total of 986 from the 890 in November 2009," reads part of the report released recently. "Harassments and assaults categories recorded the highest of the acts accounting for 801, with 575 cases being harassments while 226 were assaults. Midlands (195), Manicaland (193) and Masvingo (160) remained consistent with high incidence of politically motivated violence."

The country recorded 14 725 cases of politically motivated abuses in 2009, according to the Jestina Mukoko-led human rights watch group, which monitors and documents incidents of human rights violations and politically motivated breaches of peace.

Rights groups say while this number is lower than the 23 755 recorded in 2008, any single rights abuse was unacceptable in a country where the government has signed an agreement to ensure peace and democratic reform following traumatic election-related violence.

"The statistical trends in the period under review have generally increased, in view of the prevailing circumstances in the political, social and economical arenas. Political affiliation still remains a cause for political violations as people continue being victimised for belonging to different political parties," read the report.

The stalled constitution making process has increased tensions between supporters of different political

parties. Top officials positioning the public to support particular positions ahead of the constitution making process' outreach programme have worsened the situation, according to the report, which also covers food related violations.

"In Masvingo, Mashonaland East, Manicaland and Midlands the political parties (ZANU PF) are holding meetings mobilising people to participate in the thematic committees for the constitutional making process. It is at these meetings where people are intimidated and threatened with unspecific actions if they do not support the Kariba Draft as the basis for the new constitution. Some civic organisations are on the other hand mobilizing for a people driven constitution thus the heightening of tensions with the political parties in the communities," read the report, noting that people were

victimised for wearing party regalia in all provinces except Bulawayo.

Food, on the other hand has remained a weapon to force political allegiance.

"Since January 2009, a cumulative figure of 4 767 violations around issues of distribution of food and other forms of aid were recorded. Food and other forms of aid continue to be used as a weapon to cow members of the public to submit or confirm their allegiance to the ZANU PF party. The month of December saw a lot of non ZANU PF members being denied farming inputs for reasons that the inputs were sourced under a scheme dubbed "Presidential Aid". ZANU PF members deliberately denied access of seed and fertilizer to those they suspected to be non-members," stated the ZPP report.

Table 1: 2009 Cumulative Tables of Violations, Source: ZPP December Report

ACTS	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
Murder	0	0	0	0	0	0	0	0	5	3	0	0	8
Rape	4	12	8	7	8	7	5	6	3	5	2	2	69
Kidnapping/Abduction	21	20	17	13	15	11	13	9	8	5	10	5	147
Assault	270	378	367	292	398	308	310	129	205	226	187	2	3296
Theft/Looting	80	44	78	76	92	64	39	13	24	45	17	226	597
MDP	40	29	28	37	34	32	25	8	13	22	15	11	294
Torture	17	13	33	27	13	10	19	6	8	6	3	26	157
Unlawful Detention	37	41	35	34	36	32	18	1	17	10	14	9	284
Harassment/Intimidation	553	658	787	740	976	829	765	286	538	627	531	575	7865
Displacement	75	51	65	78	56	88	87	23	35	51	44	27	680
Discrimination	28	39	134	186	355	171	52	46	79	54	67	103	1310
Attempted Rape	0	0	0	0	0	1	0	0	1	1	0	0	3
Attempted Murder	0	0	0	0	0	5	2	0	0	3	0	0	10
Total	1125	1285	1552	1490	1983	1558	1335	527	936	1058	890	986	14725

Sanctions, violence motions shelved

HARARE-Parliament has deferred debate on two controversial motions sponsored by ZANU PF and the Movement for Democratic Change (MDC) purportedly in attempts to reduce boiling tensions between the coalition government partners.

Parliament was scheduled to debate a motion moved a fortnight ago by Mwenezi East Member of Parliament

Hon. Kudakwashe Bhasikiti calling on MDC leader and Prime Minister Morgan Tsvangirai to "engage the European Union, the United Nations, the British and the American governments to urgently and unconditionally remove the illegal sanctions imposed at their instigation on the government and people of Zimbabwe as confessed in the British Parliament by the Foreign Affairs Secretary Mr David Miliband".

The MDC insists that Western travel and financial sanctions imposed on President Robert Mugabe and over 200 members of his inner elite in protest against gross human rights abuses and electoral fraud only affect the individuals, and not the entire population. The introduction of the motion caused commotion in Parliament after MDC MPs said it was provocative.

After ZANU PF refused to withdraw the motion, Hon. Gonesse re-introduced a motion calling on parliament to investigate the 2008 election violence that the MDC says left 200 of its supporters dead and up to 200 000 displaced.

MDC negotiator and Economic Development and Investment Promotion Minister Elton Mangoma asked Parliament last Thursday to defer the motions to a later date without giving any reasons for the postponement.

This followed closed door discussions that led to the two parties agreeing to shelve both motions in a bid to heal tensions. The parties say the motions were not in the interests of the Inter-Party Agreement that forms the basis of the power sharing government.

Hon. Gonesse first moved the motion during the First Session of Parliament but agreed to hold it in abeyance after representations from ZANU PF that it would open old wounds. His latest bid to re-introduce the motion had been necessitated by ZANU PF's failure to show remorse as evidenced by Hon. Bhasikiti's sanctions motion.

Hon. Gonesse's motion would have touched on issues very relevant for transitional justice such as prosecutions, reparations and compliance with the rule of law, as well as how to address the abuse of State institutions by political players in the 2008 elections violence aftermath.

Police harass newspaper staff

HARARE-Media freedom remains a pipe dream in Zimbabwe a year after the formation of the transitional government judging from the arrest of locally based administrative and distribution staff of the London-based *The Zimbabwean* newspaper.

The staff was charged under the Criminal Law Codification & Reform Act for publishing falsehoods prejudicial to the State.

Wilfred Mbanga, the editor and publisher of *The Zimbabwean* told the media that the police had summoned the distribution staff several times to Harare Central Police Station. The staff complied each time they were summoned and were made to answer questions on the paper's editorial policy.

Trouble started last month when Barnabas Madzimure and Fortune Mutandiro, were arrested in Mbare while distributing *The Zimbabwean*. They proved that the newspaper had been legally brought into the country and were released without charge.

Last Thursday, Madzimure and Mutandiro were charged with writing and publishing false statements for a story published in the January 10 edition of the newspaper under the headline "Mnangagwa plots fight back: talk of new splinter group".

Mbanga said the statements, which are alleged to be false, related to a meeting held on Christmas Day between Emmerson Mnangagwa, Jonathan

Moyo, and other senior ZANU PF officials, allegedly to plot a power takeover in ZANU PF. He said the charge was "ludicrous," and meant to harass and intimidate the distributors of the newspaper.

Madzimure and Mutandiro denied the charges, and in their warned and cautioned statements stated that they had nothing to do with the distribution of the edition in question which was done by the newspaper's former distributor, Publications Distributors. They further denied involvement in the editorial content of the newspaper, and advised that the newspaper was produced outside Zimbabwe.

Abductees' families in dire straits

CHINHOYI -The wives of two victims of abductions and torture who are wallowing in remand prison after being charged with murdering a ZANU PF councillor say they have been battling to make ends meet since the nasty ordeal their husbands were subjected to over a year ago.

Concillia Chinanzvavana and Busisiwe Gundwani, the wives of tormented Banket Town councillors Emmanuel Chinanzvavana and Fani Tembo last week opened up to The Legal Monitor and talked about how their lives have been shattered.

Chinanzvavana, Tembo and Givemore Hodzi are accused of murdering Lancelot Zviringwe, a ZANU PF special interest councillor for Banket. The State alleges that the three men kidnapped Zviringwe between Banket and Chinhoyi and dragged him to an area in Banket where they murdered him with an unknown weapon and dumped his body into Kingston Dam in January.

Concillia, who was also abducted by state security agents in 2008 together with her husband and other Banket residents for allegedly plotting to topple President Robert Mugabe's previous administration said her family had lost its source of income after surrendering their travel documents to the State in 2008.



Concillia and Busisiwe leave Chinhoyi Magistrates Court

Emmanuel and Concillia surrendered their passports in March 2009 as part of their bail conditions in the terrorism case. With the new charges against her husband, Concillia says life has never been tougher.

"We have been grounded since the confiscation of our passports. We had been using our passports as a way of livelihood. We have no means of survival," she said outside Chinhoyi Magistrates Court, where she was following her husband's murder case last Friday.

The Chinanzvavana's used to source clothes from Botswana for resale in Banket and some chemicals for the family's fiberglass manufacturing enterprise.

Concillia, who resigned from her job as a high school teacher in January 2008, said it was painful to come to terms with the relentless persecution of her family.

"It is still difficult. It's very painful. We are not through the first allegations and we are still on bail and reporting to the police once a week. Since our first kidnap and arrest our livelihood has been torture. We have no means of sustenance. They (persecutors) are making our children suffer more. Our first son failed his Ordinary Levels examinations in 2009 because of our situation. It's unfortunate that there are some people who want to make us suffer. We know it's political. I have tried to be strong but it is getting on me now. Why me? Why my family only?"

Concillia said the coalition government had failed to stem rights violations during its one year tenure. "Nothing has really changed because with

or without the Government of National Unity I am still on the receiving end," said Chinanzvavana.

Tembo's wife, who said she was struggling to fend for the family revealed that one of her daughters, Patience, had been dismissed from school after failing to raise tuition fees while the first son, Innocent, had failed to proceed to university.

"It (persecution of husband) is troubling me and painful. Our child is out of school and basic commodities have run out," said Gundwani, whose husband was abducted together with Terry Musona and Lloyd Tarumbwa from their Banket homes in 2008 and detained under protective police custody as they were to be used as State witnesses against the other abductees.

A ruling on an application for refusal of further remand filed by Tembo, Chinanzvavana and Hodzi's lawyer Tawanda Zhuwarara of Zimbabwe Lawyers for Human Rights will be delivered today after it was postponed last Friday. The murder suspects' bail hearing could not be determined last week, because the High Court was not operational due to the ongoing civil servants' job action.

Zimbabweans to speak on POSA

HARARE-The Parliament Portfolio Committee on Home Affairs and Defence will from today convene public hearings into a Private Member's Bill sponsored by Mutare Central MP Hon. Innocent Gonese aimed at amending the harsh provisions of the draconian Public Order and Security Act (POSA).

Committee chairperson Hon. Paul Madzore told The Legal Monitor on Saturday that his Committee will hold nationwide consultations to solicit for people's views regarding the proposed amendments to a law that has been used to arrest hundreds of rights and political activists since its enactment in 2002.

"We want to hear what the people who elected us into Parliament think about these proposed changes by Hon. Gonese and then we pick it from there," said the Glen View South MP.

Appearing before the committee last Monday, Hon. Gonese dismissed claims by officials from the Ministry of Home Affairs that the Bill was ultra vires the Global Political Agreement (GPA). He noted that while the GPA was committed to the freedoms of association and assembly, POSA on the other hand limited these freedoms by placing inordinately wide and sweeping powers in the hands of the police.

He said the Private Member's Bill, which was introduced last year, seeks to vest the powers to prohibit a public gathering in the hands of Magistrates and will also seek to redefine a public gathering so as to be relevant only to those gatherings which pose a threat to public safety. As such, the regulating authority, in terms of the Bill, will only be able to apply to a judicial officer to impose conditions on a public gathering, rather than arbitrarily restrict peaceful protests.

Hon. Gonese dismissed the assertion by the Home Affairs' officials that the Bill is a negation of the doctrine of Separation of Powers and proved to the portfolio committee that the Constitution of Zimbabwe provides for the introduction of Private Member Bills, as do the Standing Orders and Rules of Parliament.

The Chief Whip reminded the Committee that Parliament does not simply consist of Honourable Members who are in the Cabinet, but also of the "back benchers" who, he insisted, have the same right at law to introduce such Bills as does any Member of Cabinet. He



Hon. Paul Madzore

concluded by noting that making law is the fundamental role of the legislature in any democratic State and that this could not therefore represent a negation of the doctrine of Separation of Powers.

On allegations that the powers of the police are being transferred to the Judiciary, Hon. Gonese indicated that the fact that there has not been a single conviction in relation to a case brought on the strength of the harsh provisions of POSA is evidence of the failure by the

police to correctly interpret and apply the law, thus justifying recourse to the Judiciary in the Bill.

POSA was enacted in January 2002 to replace the Law and Order Maintenance Act (LOMA). LOMA had been

enacted in 1960 and was used to harass liberation war fighters and nationalists in the struggle for Zimbabwe's independence. Ironically, POSA today is being used to suppress and persecute human rights defenders, just as LOMA was used during the colonial era.

Date	Province	Venue	Time
Monday 15 Feb. 2010	Mashonaland East	Murehwa Centre	0900 hours
Tuesday 16 th Feb. 2010	Manicaland	Sakubva Hall	0900 hours
Wednesday 17 th Feb. 2010	Masvingo	Mucheke Hall	0900 hours
Thursday 18 th Feb. 2010	Bulawayo	Large City Hall	0900 hours
Thursday 18 th Feb. 2010	Midlands	Mkoba Teachers' College	1700 hours
Friday 19 th Feb. 2010	Mashonaland West	Rimuka Hall	1000 hours
Monday 22 Feb. 2010	Harare	H.I.C.C	0900 hours

Infringing tollgate relocated

BULAWAYO-The Ministry of Transport, Communications and Infrastructural Development has finally succumbed to residents' protests and relocated a toll gate which had been erected in Bulawayo's Norwood suburb.

The ministry had erected a toll gate on the 13 kilometre peg along the Bulawayo-Victoria Falls Road, before a turnoff to a minor road that leads to Norwood suburb.

This meant that residents who use the road to get to town for work, school and to transact other day to day business were incurring an incremental financial prejudice. An average person who goes to town daily for a month had to fork out US\$60, according to one resident who challenged the positioning of the toll gate in court.

Norwood resident Tawanda Marufu argued that the presence of the toll gate was an infringement of the residents' right to freedom of movement, association and assembly as prescribed in the Constitution of Zimbabwe.

But the residents were recently relieved after the toll gate was moved to the 17.5 kilometre peg which falls under the Umguza Rural District Council following Marufu's successful petition last year seeking an exemption from paying toll gate fees.

High Court Judge Justice Nicholas Ndou ruled that the Ministry of Transport, Communications and Infrastructural Development should relocate the toll gate to a convenient point outside the area of the Bulawayo City Council's jurisdiction in terms of Section 4[2][e] of the Administrative Justice Act.

Justice Ndou said the declaration of the disputed toll point was manifestly unjust and discriminatory to residents of Norwood who are ratepayers of the Bulawayo City Council.

Zimbabwe Lawyers for Human Rights regional manager for Matabeleland Kucaca Phulu said the Norwood residents' "victory" illustrates the effectiveness of standing up for one's rights.

"Hopefully citizens of Zimbabwe will be motivated to do likewise," said Phulu, whose organization is awaiting a ruling after it also filed an application with the High Court seeking the relocation of the same toll gate.

The transitional government introduced toll gates on the country's major highways last year in a bid to raise financial resources to give a facelift to the road network which has suffered more than a decade of neglect.

Marriage on rocks

So the romance is off - ironically in February, the month of love, now that Zimbabweans have become aware of public divorce proceedings by ZANU PF and Movement for Democratic Change (MDC) partners in the coalition government.

Last week, which marked the power sharing government's first anniversary, the MDC announced it was unhappy with the marriage agreement and wanted no more. It is demanding elections as the ultimate divorce settlement.

"We wanted to achieve real change. This marriage (transitional government) has failed to bring real change to Zimbabweans. It is not working," Nelson Chamisa, MDC spokesman and a minister in the government, said at the weekend. ZANU PF's central committee, the party's biggest decision making organ, declared as much on Friday when it barred its negotiators from making any further concessions until Western imposed sanctions on the party's leadership are removed.

Despite receiving "reports of progress" from his representatives, South African leader Jacob Zuma, who represents SADC - the midwife to this government - might be slow on this one.

The insults bear a ring all too familiar in nasty, prolonged divorce proceedings. "It was (the power sharing government) a case of a half donkey, half horse affair. The donkey being ZANU PF," hurled Chamisa. Nevertheless, Zuma's chief facilitator, Lindiwe Zulu thinks it is too early to call in Zuma to salvage what remains of the MDC - ZANU PF union.

Civic society, labour and the MDC itself have distressing figures and accounts of continued State sponsored abuses under the transitional government.

Recorded politically motivated human rights abuses increased in December 2009 to 986 from 890 in November 2009, according to the latest report released by the Zimbabwe Peace Project (ZPP). The report states that in total, 14 725 politically motivated rights abuses were recorded in 2009, while many incidents go unreported because of the fear still gripping the nation after the harrowing 2008 violence.

Starving people are still being denied food on the basis of political affiliation. According to the ZPP report, 4767 violations around issues of distribution of food and other forms of aid were recorded in 2009.

White commercial farmers say they could be completely wiped out this year, as often violent invasions continue in defiance of local court rulings and a SADC Tribunal judgment declaring the land reform racist and illegal. Charles Taffs, the Commercial Farmers Union vice president told *The Legal Monitor* that four commercial farmers were being unlawfully evicted from their properties every week. Less than 150 CFU members, out of the original 4 500 before the start of land reforms remain farming in a country where 2 million people require food aid, according to a forecast last month by the Famine Early Warning Systems Network, a grouping of donor agencies and the Zimbabwe government. The General Agriculture and Plantation Workers Union of Zimbabwe says fresh invasions have affected 4 000 labourers, including children and pregnant women who have become homeless.

The intensifying land takeovers include seizures of farms owned by foreigners supposedly protected under bilateral trade pacts, such as the Bilateral Investment Promotion and Protection Agreement signed with South Africa in November last year.

On the media front, the story remains that of unfulfilled promise. Deputy Media, Information and Publicity Minister Jameson Timba says the country has the capacity to host seven television stations, 31 local commercial radio stations and 60 community broadcasting licences. Yet Zimbabwe remains one of the few countries globally where the State enjoys a monopoly on broadcasting. New newspapers cannot register because the transitional government has failed to set up a functional Zimbabwe Media Commission (ZMC). The ZMC, together with other constitutional commissions proposed to open and guarantee democratic space (the Zimbabwe Electoral Commission, the Zimbabwe Human Rights Commission and the Zimbabwe Anti-Corruption Commission) are yet to be properly established and start functioning; despite being agreed to over a year ago.

Parliament has failed to repeal or amend any of the harsh media and security laws such as the Public Order and Security Act and the Access to Information and the Protection of Privacy Act. Human rights defenders continue facing arrest under these laws. Over a dozen lawyers and judicial officers have been arrested or harassed by State agents in the year the government has been in place, highlighting how the rule of law

has remained a pipedream. Abductions of political and rights activists, which were rampant before the formation of the transitional government, persist, with some victims being members of Prime Minister Tsvangirai's own party.

The Zimbabwe Human Rights NGO Forum, a local civil society coalition says Zimbabweans are "concerned

with the suppression of freedom of expression and association as demonstrated by the arrests and harassment of members of civic groups, the continued victimisation, intimidation and abductions of political activists and human rights defenders, the unabated violation of property rights on commercial farms, the disregard of court orders and the continued blocking of official visits by members of the international community invited to verify the human rights situation in the country."

A year into the "marriage of inconvenience", Chamisa thinks these violations can best be solved through a dissolution of this union—but not before it delivers a baby he thinks will become Zimbabwe's messiah child—elections.

"This government has been pregnant for too long and it is time for the pregnancy to deliver (in the form of elections). The elections should be internationally supervised and should only be held after thorough democratic reforms such as a new constitution," said Chamisa.

But civic groups such as ZPP and Women of Zimbabwe Arise note that ZANU PF's intransigence and lethargy on reforms might mean conditions for the birth of the messiah child dreamt of by Chamisa's party could be long in coming.

Unless, of course, the midwife, Jacob Zuma acts fast to do a caesarean as hoped for by the majority of suffering Zimbabweans.



Threesome... a year on it's no longer smiles

Nothing to celebrate ...starvation, chaos marks decade of land reforms

HARARE-Last Friday marked a decade since President Robert Mugabe's government began a drive to seize white-owned commercial farms to resettle landless blacks mostly from his Zanu PF party. With it have come ten years of hunger and starvation in Zimbabwe, a country that used to feed some parts of Africa.

The breadbasket of Africa being transformed to a basket case best describes Zimbabwe over the past ten years since the controversial farm seizures started in a process tainted by widespread political violence and corruption.

This could help explain why there were no celebrations of the controversial land reform programme. Zimbabwe is now depending on food hand-outs, where once agriculture was the backbone of the country's economy.

So where did Zimbabwe go wrong? Deon Theron, the Commercial Farmers Union (CFU) president – himself, a victim of the land seizures, thinks political patronage and greed wrecked a programme that could have been used to genuinely address land imbalances.

"We fed ourselves. We fed the region. We can do that again no doubt. The problem is we put someone on a farm who is not a farmer. I am not saying it must be a white. I know the imbalances that colonialism brought and we should not justify that anyhow," says Theron. A decade on, like many Zimbabweans, Theron has questions: "How many people who trained in agriculture were given farms? Few, if any. How many people who used to work on farms have land? Very few. How many people who are genuine farmers were given farms? None. We have people at the Reserve Bank of Zimbabwe – who on part time visit land they took from commercial farmers. Certainly you cannot expect serious production at that farm."

But Theron's assessment is challenged by Ngoni Masoka, the permanent secretary in the Ministry of Agriculture, Mechanisation and Irrigation Development who has presided over the land reform programme since 2000. Masoka rejects criticism that the land reform has been haphazard.

"We have experts here, local, regional and international. They know the kind of planning that has been taking place in the agriculture. We are at the stage of making the agriculture sector recover.

Do not make an unsubstantiated statement that the land reform was haphazard when in fact I am arguing that the land reform programme was planned," fumed Masoka, while responding to a question put to him at a press conference last Thursday where the European Union (EU) released close to 9.2 million euros to assist rural farmers. The EU funds will be administered by the UN's Food and Agriculture Organisation (FAO). It will be used to train communal farmers mainly in conservation agriculture and is part of money injected by the West to promote food sufficiency at household level following the collapse of commercial agriculture.

But Theron differs: "Evidence is there. He (Masoka) can become annoyed about it but evidence is there that it (the land reform) was haphazard. People were resettling themselves and the government just allowed it to happen. You go to the Ministry of Lands and check if they can account for every farmer – as to who is on which farm. If not, why is the government fearful of having a land audit? They will not be able to say who is where."

Since the formation of a transitional government last year, Prime Minister Morgan Tsvangirai has called for a land audit to check on multiple farm owners. President Mugabe's allies – such as Minister of Agriculture, Mechanisation and Irrigation Development Joseph Made have rejected the audit and labelled it "premature".

A drive to Zanka farm where Theron used to produce about 5 000 litres of milk daily reveals a sorry picture. The Beatrice farming area was once part of a vibrant farming sector that until 2000 was able to feed the nation and export cash crops, accounting for about 40 percent of the economy. But not anymore. The farm now owned by Elias Musakwa, a musician and former RBZ employee has less than 30 cattle.

Farmers in the area have crops which are in a bad state. Instead of providing for the nation, these farmers tell us they want the government to assist them not only with inputs, but with food as well. Since 2000, government has been giving farmers inputs but this has not changed much because the inputs such as fuel, fertilisers and seed easily find their way onto the black market.

Patrice Mazhindu, a resettled farmer in the Chegutu area attributes the failure of the land reform programme to poor support from government. He says resettled farmers lack equipment and modern technology, leaving them to operate like rural farmers.

"Things are not going well because we don't have what we need to make agriculture successful. Things like

fertilisers, tractors and also cattle. We use these oxen for tillage. Government keeps promising that aid will come but nothing comes."

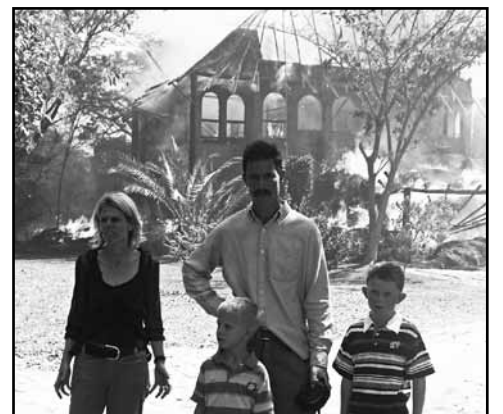
Masoka says the government simply doesn't have the money to make agriculture under the land reform work.

"True we need resources. It is a question of resources that is constraining pace at which we can advance pace of agriculture in this country. The issue of liquidity, it is our expectations that it should improve. If the situation (of liquidity) improves in terms of capacitating the farmer to be able to go to the banks and borrow on concessionary rates then the pace can be improved," says Masoka who could not reveal where the resources would come from.

It has been a decade of starving for most Zimbabweans. Until that improves, the status quo will remain – starvation and economic decline.

The United Nations has already asked donors for close to US\$400 million dollars to aid Zimbabwe this year, partly to feed those who will certainly face hunger again. The UN expects that 2 million Zimbabweans will need aid this year.

"It has been a frustrating 10 years, sadly it has been reduced to a racial issue, yet we are fighting to make the country restore its status of being able to feed itself," says Theron. "Man-made hunger is a serious abuse of human rights and must not be condoned at any level."



Farmer Ben Freeth and his family outside their burning house. Arson, murder and looting have characterised the land reform programme