

Sovereignty Through Democracy

The Commonwealth and Zimbabwe's Multi-layered Crisis

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1.1 Introduction

This paper¹ seeks to achieve three things, namely:

- To respond to the question of how the Commonwealth ought to respond to the Zimbabwean crisis following a year-long suspension that will only be tackled at the Commonwealth Heads of State and Government (CHOGM) meeting in Abuja in December 2003. In particular, what it is that the Commonwealth did not do over the past year that it can improve on prior to the December CHOGM meeting. Particular reference shall be made herein to the need for a clear Performance Monitoring Mechanism (PMM); clearly defined performance indicators /milestones and a well thought out, participatory and broadly inclusive system of consultations with all stakeholders².
- To give an update of the situation on the ground. In particular to answer the question whether the situation has improved since Zimbabwe's suspension on March, 19th 2002;
- To propose a way forward in engaging the Zimbabwean crisis generally as well as returning the country to normalcy.

These issues are tackled within a broad context of the Zimbabwean crisis that acknowledges the centrality of land question to the bilateral relations between the Zimbabwean and UK government. However, this broad perspective refutes that there is any linkage between the land question and the gross human rights violations being perpetuated by uniformed forces and state sponsored militia. While equitable land reform should be supported, human rights violations must be openly condemned. This report thus looks at the extent of Zimbabwe's compliance with the Harare Principles with regard to the human rights issue.

1.2 Context—Commonwealth Declarations

The **Harare Commonwealth Declaration, 1991** is founded on a shared commitment to the following fundamental principles:

- The liberty of the individual under the law, equal rights for all citizens regardless of gender, race, colour, creed or political belief.
- The inalienable right of every eligible individual to participate by means of free and democratic political processes³ in framing the society in which he or she lives;
- That racial prejudice and intolerance is a dangerous sickness as well as a threat to healthy development. Further, that racial discrimination is an unmitigated evil;
- That every individual is entitled to dignity and equality;
- That socio-economic development should seek to satisfy the basic needs and aspirations of the vast majority as well as removing the wide disparities in living standards amongst the human race;

¹ Position of the Crisis in Zimbabwe Coalition, 1 April 2003. Crisis in Zimbabwe is a grouping of civil society organisations and coalitions whose vision is a democratic Zimbabwe. The Coalition's mandate is to address the twin questions of governance and legitimacy.

² At the time of writing this report, SADC Foreign Ministers are in Harare supposedly consulting with stakeholders. None of the Coalition's 350 member organisations have been approached to make any input into these consultations. This may signify a flaw in the SADC process, but it is too early to pass conclusive judgements.

³ We understand political processes to include public debate, the right to peacefully demonstrate and engage in other forms of constitutional protest.

- Democracy, democratic processes and institutions which reflect national circumstances, the rule of law and independence of the judiciary, just and honest government⁴;
- Fundamental human rights, including equal rights and opportunities for all citizens regardless race, colour, creed or political belief;
- Equality for women, so that they may exercise their full and equal rights;
- Provision of universal access to education for the national populations;
- Extending the benefits of development within a framework of respect for human rights;
- The protection of the environment.

Having affirmed and committed themselves to these principles the Commonwealth Heads of State and Government noted as follows in paragraph 13 of the **Harare Declaration**:

“... We the Heads of Government express our determination to renew and enhance the value and importance of the Commonwealth as an institution which can and should strengthen and enrich the lives not only of its members and their peoples, but also of the wider community of peoples of which they are part.” (Emphasis added.)

In 1995, the Commonwealth adopted the **Millbrook Commonwealth Action Programme on the Harare Declaration**. The **Millbrook Action Programme** provides for measures in response to violations of the Harare principles. In particular paragraph 3 provides that ‘where a member country is perceived to be clearly in violation of the **Harare Declaration**, then *‘appropriate steps should be taken to express the collective concern of Commonwealth countries and to encourage the restoration of democracy within a reasonable time frame.’* These measures include, but are not limited to, the following⁵:

- Immediate public expression by the Secretary-General of the Commonwealth’s collective disapproval of any such infringement of the Harare principles;
- Encouraging bilateral demarches by member countries, especially those within the region, both to express disapproval and to support early restoration of democracy;
- Appointment of an envoy or a group of eminent Commonwealth representatives where, following the Secretary-General’s contacts with the authorities concerned, such a mission is deemed beneficial in reinforcing the Commonwealth’s good offices role;
- Stipulation of up to two years as a time frame for the restoration of democracy where the institutions are not in place to permit the holding of elections within, say, a maximum of six months;
- Pending restoration of democracy, exclusion of the government concerned from participation at ministerial-level meetings of the Commonwealth, including CHOGMs;
- Suspension of participation at all Commonwealth meetings and of Commonwealth technical assistance if acceptable progress is not recorded by the government concerned after a period of two years; and

⁴ This is why genuine access to information, robust public debate, citizen participation in the policy process is crucial to the restoration of normalcy in Zimbabwe.

⁵ A good number of the measures outlined herein have been adopted with very little impact. Hence the call for more decisive action and attendant performance indicators and a functional monitoring mechanism.

- Consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government to government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Declaration even after two years.

The mechanism for implementing these measures is the Commonwealth Ministerial Action Group (CMAG). CMAG's task is to assess *“the nature of the infringement and recommend measures for collective Commonwealth action aimed at speedy restoration of democracy and constitutional rule.”*

1.3 2002 Presidential Election

In March 2002, Zimbabwe held its Presidential Poll, without any real attempt to attend to the concerns raised by the Commonwealth Secretary-General, CMAG and the international community. In the event, both the Commonwealth Observer mission and the SADC-PF delegation declared the election “unfree and unfair”.

The SADC-Parliamentary Forum delegation held that the Presidential election was neither free nor fair⁶. Their reasons included:

- Violence and intimidation in the run-up to the election;
- Partisan conduct of the Police
- Non-availability of the Voters Roll before the election;
- Restrictions on the freedom of opposition parties to campaign;
- Limited availability of information on the location of polling stations, and a reduction of the number of polling stations in urban areas;
- Lack of an independent Electoral Commission;
- Limited access of opposition parties to the public media.

Similarly, the Commonwealth Observer Mission concluded that the Presidential Poll *“did not reflect the free expression of the will of the people and thus was deeply flawed”*⁷. The report noted that the election had been held in a climate of fear and suspicion. Concerns of the Commonwealth included:

- Widespread state-sponsored political violence;
- Enactment of repressive legislation whose provisions and effect would result in the violation of several key provisions of the Harare Commonwealth Declaration of 1991;
- Youth and other state-sponsored militia that were deployed to terrorise opponents of the government;
- Irregularities relating to conduct and process of the presidential poll;
- Long queues of voters in urban centres.

Following the Club report, a “Troika” was set-up under the auspices of the Commonwealth to look into the Zimbabwean issue with a view to restoring normalcy and democratic

⁶ See Appendix 1, Report from the SADC-PF Observer Mission, March 2003.

⁷ See Appendix 2, the Executive Summary of the Report from the Commonwealth Observer Mission, March 2003.

governance. The Troika met in London on 19 March 2002 and recommended that Zimbabwe be suspended from participating in the committees of the Commonwealth for a year until it has attended to the concerns raised in the Commonwealth Club Presidential Poll Report⁸. At the time the troika intimated that:

“This issue will be revisited in 12 month’s time, having regard to progress in Zimbabwe, based on the Commonwealth Harare Principles and reports from the Commonwealth Secretary General.”

At the same time, the Commonwealth Secretary General was mandated to:

“engage the government of Zimbabwe to ensure that the specific recommendations from the Commonwealth Observer Group report—notably on the management of future elections in Zimbabwe—are implemented.”

In addition, as provided in the 19 March 2002 Marlborough Statement, the Commonwealth supported initiatives to address:

- political violence;
- the need for inter-party reconciliation;
- food shortages;
- economic recovery;
- the restoration of political stability;
- the rule of law;
- and the conduct of future elections.

Notably, although the Marlborough Statement acknowledges that “land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern,” Zimbabwe’s suspension from the Commonwealth had nothing to do with the Land Reform Programme *per se*. Nor was it in any way related to Zimbabwe’s bi-lateral relations with the United Kingdom. This fact is important in assessing the extent to which Zimbabwe has managed to address the factors that led to its suspension as well as the way forward regarding Zimbabwe full re-admission into the Commonwealth. There is also a need to reflect beyond Zimbabwe’s fate in the Commonwealth and explore other possibilities that might lead to an amicable resolution of its multi-layered crisis. In this regard, this paper outlines a possible process of achieving such an amicable resolution to the Zimbabwean crisis.

2. Zimbabwe: State of the Nation

Zimbabwe was suspended from participating in the Councils of the Commonwealth largely because of recorded human rights abuses and what appeared to be a deliberate violation of the Harare Principles with regard to the conditions of the 2002 Presidential Elections. The democratic and governance deficits that resulted in the suspension are dealt with herein below. In a sense, the intention is to as—with respect to each issue—whether anything has changed for the better since March 2002.

2.1 Repressive Legislation

Public Order and Security Act (POSA)

The Government of Zimbabwe (GoZ) enacted the Public Order and Security Act (POSA) on 10th January 2002 amidst widespread public outcry and international condemnation. POSA

⁸ See Appendix 3, the Marlborough Statement.

repealed the Rhodesian Law and Order Maintenance Act (LOMA), yet its provisions are substantially a re-enactment of the latter colonial legislation. Over the past five months alone in excess of 1500 civil society activists and leaders have either been arrested or unlawfully detained under POSA. This is 100 times the number of people arrested, detained or prosecuted under LOMA between the years 1980 to 2000. Several provisions of POSA are patently in violation of both the Zimbabwean constitution and international Human Rights statutes, namely sections 5, 16, 19, 24, 28 and 32.⁹

Access to Information and Protection of Privacy Act

Barely a week after the declaration of the Presidential Poll result, on March 17 2002, Robert Mugabe signed the Access to Information and Protection of Privacy Act (AIPPA) into law. AIPPA requires journalists to be accredited to a government appointed commission. Foreign journalists may be accredited only for short periods at prohibitive expense.

AIPPA also makes it a criminal offence for a journalist to “falsify or fabricate information” or to “publish falsehoods”. At least 11 independent journalists and editors have been arrested on suspicion that they had committed this crime. The stories which have given rise to these arrests range from one that alleged that the Presidential election was rigged to one that purported to describe conditions in the police holding cells where the journalist concerned were kept during a previous arrest. Government journalists publishing falsehoods have not been arrested. Clearly, there has been a selective application of this heinous piece of legislation that targets private media organisations and their employees.

AIPPA also requires newspapers and internet providers to register with the commission which has power to revoke their registration on relatively trivial grounds. The penalties for non-compliance with AIPPA include fines, imprisonment of the owners and seizure of equipment.

Despite numerous undertakings to the contrary the GoZ has not amended AIPPA. If anything the proposed amendments tabled before the Parliament of Zimbabwe will result in a more draconian law than its current deplorable state. Since Zimbabwe’s suspension there have been at least 42 separate cases in which AIPPA has been used to harass intimidate both local and foreign journalists working with privately owned media groups. In August 2002, suspected government sympathisers bombed the only independent Radio station operating from within Zimbabwe, Radio Voice of the People (VOP). Thus, during the period under consideration, the clamp down on the media has been pernicious and in fact worse than in the period before the poll¹⁰. In May 2002, the Committee for the Protection of Journalists rated Zimbabwe among the top 10 most dangerous countries for media workers, alongside Afghanistan and Iran.

The Media Commission has the power to investigate a journalist’s sources, and to control and delay access to public records for a period of up to 25 years. This poses a serious additional threat to the independent press in Zimbabwe. Inconspicuously through a Schedule, the Act also protects information relating to the most important public office, the Presidency, from disclosure.

⁹ See Appendix 4 for a summary of these provisions.

¹⁰ See Appendix 5, Report by MISA (Media Institute of Southern Africa).

Clearly, the content and effect of repressive legislation such as POSA and AIPPA run foul of the spirit and content of the Harare Commonwealth Principles. In particular, the provisions of the POSA and AIPPA violate the following Principles:

- The liberty of the individual under the law, equal rights for all citizens regardless of gender, race, colour, creed or political belief.
- The inalienable right of every eligible individual to participate by means of free and democratic political processes in framing the society in which he or she lives;
- That every individual is entitled to dignity and equality;
- Democracy, democratic processes and institutions which reflect national circumstances, the rule of law and independence of the judiciary, just and honest government;
- Fundamental human rights, including equal rights and opportunities for all citizens regardless race, colour, creed or political belief;

Partisan policing, which has become the norm in Zimbabwe today, has worsened the negative impact of these repressive laws. The Commissioner of Police has openly declared his allegiance to the ruling party¹¹. Police officers who are suspected of being sympathetic to the opposition have been victimised in various ways¹².

2.2 State sponsored violence

More than 17 people, mainly supporters of the opposition have been killed in incidents of politically related violence since March 19, 2002. There is evidence of continued and at times, intensified use of youth militia especially in areas where by-elections have been or are due to be held¹³. Physical violence has been complemented by the use of food aid as a political tool against perceived opponents of the ruling Zanu PF party¹⁴. Deplorable levels of violence were reported in the Kadoma Mayoral Election and Insiza, Hurungwe West, Kuwadzana and Highfield Parliamentary by-elections respectively¹⁵. In addition, there is evidence of the use of uniformed forces such as the army and police following the successful two-day stay away held on 18 and 19 March 2003¹⁶.

Beyond political violence, there is a gender dynamic that is particularly worrying given its social and cultural implications. In many reported incidents of political violence, women activists have been deliberately targeted for attack. In others, female relatives and neighbours of the intended target were also attacked when the perpetrators came. Specific assaults against women included beating with booted feet and blunt objects, slapping with fists, rape and sexual assault including inserting foreign objects into a woman's vagina.¹⁷ These attacks represent a frightening level of violence against women, and provide a further indication of the extent to which attacks have become increasingly inhumane.

2.3 Electoral irregularities

¹¹ *The Herald*. 29 February 2000.

¹² BBC News, 18 February, 2003.

¹³ See reports from the NGO Human Rights Forum available on www.hrforumzim.com and from the Zimbabwe Election Support Network (ZESN) available on www.zesn.org.zw.

¹⁴ See Appendix 6, International Crisis Group report "Zimbabwe's Silent, Selective Starvation."

¹⁵ See Appendices 7-11, being relevant press statements.

¹⁶ See Appendix 12, being Crisis in Zimbabwe Coalition's report on Organised Violence in Zimbabwe 21-24 March 2003.

¹⁷ See Appendices 13 and 14, being relevant press statements.

The issue of the hotly contested presidential poll result is pending before the Harare High Court in Zimbabwe. The pleadings filed by the parties suggest gross violations of both human rights and the electoral process, such as would totally vitiate the result of that poll. These pleadings are corroborated by reports compiled by groups such as the Zimbabwean Election Support Network (ZESN)¹⁸ and the Crisis in Zimbabwe Coalition¹⁹. Until such a time as the court has adjudicated on the matters raised in the election petition filed by the MDC, this matter remains far from resolution. Suffice it to state that should the court find in the MDC's favour, the incumbent might be forced to vacate office and call for fresh elections. The irregularities complained of in the MDC petition are further corroborated by the Commonwealth Club report as well as the SADC-PF Observer Mission report. Thus, evidence suggesting and confirming a fundamentally flawed election process is overwhelming. Perhaps the decision as to whether to withdraw the election petition or not may be a purely political that only the MDC can make. However, the by-elections that have been held since March 2002 indicate a worsening of the factors that had led to international condemnation of the presidential poll. A case in point is the increased levels of intimidation and violence witnessed in the recently ended Kuwadzana and Highfield Parliamentary by-elections. Although the opposition MDC won both of these by-elections, the electoral process was fraught with grave irregularities. These by-elections were therefore neither free nor fair²⁰.

2.4 Attacks on Judicial Independence

The composition of Zimbabwe's Supreme Court, which had come into conflict with the government through its championing of human rights, has been changed to favour the government. Pressure was placed on judges to resign and the Chief Justice was made to retire early. New judges have been appointed, giving the court a largely pro-government aspect.

These pro-establishment sympathies are reflected in several of its judgments, in particular judgments in political and electoral cases. This reflects a fundamental abuse of judicial independence. Recently, this has been coupled with a flagrant violation of the respect of members of the judiciary. On February 17 2003, sitting High Court Justice Benjamin Paradza was arrested in his chambers and detained overnight, over charges of obstruction of justice. He was brought before a magistrate the next morning, and released on bail. This follows the harassment of retired High Court Justice Fergus Blakie in September 2002, who was also arrested, detained and charged with obstruction of justice²¹.

2.5 Land Reform

At independence, white farmers (less than 1% of Zimbabwe's population) held a grossly unfair 39% of Zimbabwe's most productive land. This situation required urgent redress. However, as late as 1998, only 71 000 families had been resettled. Hundreds of thousands of black families continued to live in squalor. Land hunger and over-crowding also progressed resulting in spontaneous land invasions in the 1980's and mid-to-late 1990's. This was due to a number of factors, namely:

- An entrenched property clause in the Lancaster House Constitution of 1979;

¹⁸ See Appendix 15, ZESN Statement on the Election.

¹⁹ See Appendix 16, Crisis Statement on the Elections.

²⁰ See Appendices 17 and 18, being relevant statements on the by-elections.

²¹ See Appendices 19 and 20, statements condemning these unprocedural arrests.

- The lack of adequate resources to comply with the Lancaster House Constitution. These provisions required payment of adequate compensation for expropriated farm land, and required that such expropriation be on a willing-buyer, willing-seller basis;
- The intransigence of white commercial farmers and dilatory tactics by the international community²²;
- Absence of a consensually agreed land reform policy.

In March 2000, Zanu PF launched the “Fast Track Land Resettlement Programme,” to supposedly redress this imbalance. This anarchic programme was accompanied by considerable violence. The compulsory acquisition of commercial farms occurred unconstitutionally, facilitated by an Act of Parliament which has been amended to render the acquisition process increasingly unfair and arbitrary. To date, approximately 95 per cent of commercial farms have been seized.

Essentially, the land reform exercise has been used to justify political upheaval and the politics of selective citizenship based on race, ethnicity and political affiliation. Many of the larger special beneficiaries of this fast-track land programme are not landless peasants but Ministers and other senior government officials and prominent supporters of the ruling party, including those who officially supervised the Presidential election²³. There is need for a thorough and independent audit of the recently ended fast track land reform programme. Such an audit must pay special attention to the plight of displaced farm workers, including the most vulnerable groups, namely AIDS orphans, migrant workers, the elderly and retired workers.

2.6 Food Security

Access to food and basic social security for citizens is an entitlement of all citizens regardless of their political affiliation, religious beliefs, gender, race, age ethnicity, etc. In Zimbabwe in the past year, however, the land reform programme, economic mismanagement and poor governance have exacerbated the effect of a regional drought, jeopardising Zimbabwe’s food security situation severely.

It is estimated that over 7.2 million people in Zimbabwe—more than half the population—face food insecurity and possible starvation due to lack of access to basic nutritional requirements. This has particularly drastic implications on both urban and rural women, who are, in most cases, expected to provide the family’s nutritional requirements on a daily basis. The non-availability and high price of food and other basic commodities have jeopardised many women’s capacity to meet their families’ needs. Thus, many women sacrifice their own health and nutrition to enable their families to eat more. Others have resorted to performing sexual favours in exchange for food for their children²⁴.

To make matters worse, government has declared a monopoly on food importation, making it difficult for business, church groups and civil society organisations to mitigate the impact of

²² The position of the British government regarding the context and its obligations for land reform in post-colonial Zimbabwe is unsatisfactory. Once an orderly land reform programme is in place, following on an independent and comprehensive land audit, Britain’s financial obligations should be explored through the mediation of the Commonwealth.

²³ See Appendix 21, Addendum to the Land Reform and Resettlement Programme National Audit Interim Report, as leaked to Africa Confidential.

²⁴ See Appendix 22, being Zimbabwe: Economic problems exacerbate violence against women, IRIN December 05, 2002.

the famine facing Zimbabwe. Moreover, seizures of food aid by para-state groups, particularly in politically volatile areas, has been wide spread.

In short, the ruling party has worsened a desperate food security situation by using food aid as a political weapon. This involves instances where food is deliberately withheld from needy persons who fail to produce Zanu PF party cards. This is a system that is militantly enforced by the youth militia “green bombers.” Reports from rural and urban areas alike demonstrate that this dangerous trend is widespread and severe²⁵. In a nation where an estimated third of the adult population is HIV positive, this inability to access food severely compromises the health and family security of the majority of the population.

2.7 Economic Obstacles

The situation described above has led to a deliberate destruction of various facets of the market. In addition, government’s indecisiveness on critical issues of policy has resulted in the destruction of the market place. For example:

- The fixing of the exchange rate at the current statutory levels effectively means that currency exchange has been taken out of the formal market into fringes of legality or extra-legality. This policy on the part of the state has resulted in over 75% of currency exchange now taking place on the parallel market. In real terms we now have a parallel economy that is more vibrant than the formal economy. Over 50 % of foreign exchange deals are taking place on the alternative market. The country is faced with an acute shortage of foreign currency. Depressingly, recent attempts by the Minister of Finance to address these issues have only made matters worse.
- Interest rates have been lowered in order to arrest the budget deficit. However the continued failure to rationalise monetary and fiscal policy effectively means that Zimbabwe now has a negative real rate of interest. This is not helped by the myriad of inflationary factors that confront the country.
- The economy is expected to shrink by between 7 to 10 % during the current fiscal year. Unemployment continues to soar, and is currently pegged at over 80%.
- The domestic debt is now set at Z\$ 237 billion and there are no immediate prospects that it will be retired soon. More so in the absence of balance of payment support from the multi-lateral donors.
- Government imposed price controls on a variety of basic commodities and food stuffs, including mealie meal, bread, sugar, cooking oil, soap, and sanitary ware. This strategy was enlisted to reduce rampant inflation, but has drastically back fired. Whatever the utility value of price-controls might be in the immediate term, their long term impact is undesirable. In essence, price controls have forced retailers to remove controlled commodities from the market, or risk closure. The costs of production have not been regulated such that there is rational pricing throughout the production line.
- Inflation is pegged at 235% officially, and as indicated above Zimbabwe has a highly inflationary monetary policy. The major source of inflation is the government. What the government has repeatedly attempted to do is to penalise the private sector and tax payers for the myriad of inflationary factors confronting the economy. In real terms, inflation is estimated at over 350%, because many goods are not available at the official prices and can only be found on the parallel market at highly marked up rates.

²⁵ See Appendix 23, BBC News article, Zimbabwe food crisis warning.

- Agricultural production has decreased to such an extent that Zimbabwe faces a severe unprecedented food crisis, with nearly half the population needing emergency food aid. Most basic commodities are in short supply, and the livestock base is being destroyed. This food security situation is exacerbated by the delayed resolution of the agrarian reform process.
- Destitution is widespread, with over 70% of the population living below the poverty datum line, and malnutrition and HIV-related deaths are escalating.
- The brain drain continues. There has been a serious exodus of skilled and unskilled workers seeking better lives elsewhere. In addition, food scarcity and increasing poverty, and the closure of some farm schools means that children are dropping out of school in their thousands. The ramifications of this on the girl child in particular are unprecedented in the post-independence era.
- Debilitating fuel shortages and an impending energy crisis further constrain Zimbabwe's productive capacity.

3. Defining the Way Forward

In sum, there has been a near-total closure of democratic space and a clampdown on democratic rights in Zimbabwe. The joint effect of repressive legislation referred to above as well as police brutality has meant that the possibilities for unfettered mobilisation and free expression has been seriously diminished. Moreover, the constraint on democratic space has not improved but deepened in the first year of Zimbabwe's suspension.

There are two outstanding factors about the political crisis in Zimbabwe. The first one is the wanton use of violence by the state relying on the agency of war veterans and youth militia. This is aided by a claim that violence in the post-colonial era is an extension of the violence of the liberation struggle. In a sense that such violence is a necessary tool for maintaining state power²⁶. The second is the serious infraction between the discourse and politics of the liberation struggle on the one hand and advocacy for human and civil liberties on the other hand²⁷.

Zimbabwean society remains severely polarised between pro-reform and pro-establishment forces. This impasse has for the greater part meant that there is no collective effort to find a national solution to the obtaining crises. Political and social conditions must be created within Zimbabwe to seriously consider their vision for the future of Zimbabwe. Such forces must move beyond the current problems of repressive legislation, political violence, food shortages, etc. to a discussion of a post-crisis future for Zimbabwe.

In an effort to urge this discourse forward, one scenario is described below. While this report does not detail the necessary methods which would be required to enact such a programme, it is hoped that by opening up the debate, the steps, tactics and timeframes required for achieving a democratic dispensation in Zimbabwe can be developed. Furthermore, the time frames discussed below represent overlapping requirements, and should not be seen as isolated, quantum units.

²⁶ A critique of this violence has dominated the oppositional forces advocacy for an alternative politics.

²⁷ Human rights advocacy of this nature is often uncritical of globalisation and its excesses. Resultantly, such advocacy is poorly equipped to found a post-nationalist order.

In the immediate future, Zimbabwe desperately requires a stabilisation of her economic and political situation. This may require an element of mediated intervention, through SADC, the AU, the UN, or another credible and honest broker.

This intervention should insist upon, among other things:

- An immediate end to political violence;
- The cessation of all organised violence and torture as well as the immediate disbanding of all militia and in particular the youth militia; and
- The immediate return to respect for human rights, democratic principles and the rule of law.
- The restoration of non-partisan enforcement and professional conduct by state security forces;
- The depoliticisation of food distribution;
- Opening up of political space, particularly through the repeal or withdrawal of all draconian legislation, including the Public Order and Security Act (POSA); the Access to Information and Protection of Privacy Act (AIPPA), the Broadcasting Services Act and portions of the then proposed Labour Bill;

More broadly, during this period consensus should be built from all stakeholders on the terms, mandate, duration and constitution of a transitional arrangement. This will only be achieved through the opening of democratic space and by allowing participatory stakeholder interventions in the policy process.

The transitional phase implies Constitutional reform, which will create a framework to facilitate legislative reform, including the repeal of repressive legislation and the introduction of new electoral legislation.

These processes may entail the following steps:

- Identification of neutral brokers/mediators;
- Opening up of dialogue between and among stakeholders;
- Agreement on broad principles for transition, a Transitional Constitution and Transitional Authority;
- Defining the mandate of the Transitional Authority, its composition, process and timeframe.

In addition, this period should see the stabilisation of the humanitarian crisis, particularly in terms of access to food. It should also facilitate a reduction in the abuse of state authority. This may include staff training for civil servants, in particular security personnel. This should include a provision for weeding out non-cooperative elements if necessary.

4. Performance Monitoring Mechanisms

The period between now and the CHOGM summit in December 2003 will require that several pressing issues are addressed. In addition, definite time-frames and monitoring structures be put in place to address these issues, which include:

- Stop state sponsored or facilitated violence and organised torture;
- Disband the youth militia and other non-legislated forces;
- Repeal or progressive amendment of repressive legislation such as POSA and AIPPA;

- Opening up of democratic space;
- Depoliticisation of food distribution;
- Depoliticisation of law enforcement agencies and application of the rule of law.

The most appropriate mechanism of ensuring this would be CMAG²⁸. CMAG and the Secretary General's Office should mount a thorough fact-finding mission into Zimbabwe with a mandate to broadly consult with all key stakeholders from political parties, Faith Based Organisations, Civil Society groups and businesses. This fact finding mission could receive both oral and written evidence on a wide range of issues constituting the multi-layered Zimbabwe crisis. This mission could work with a small multi-stakeholder committee on Zimbabwe.

The essential requirement for Zimbabwe is democratic governance. The Coalition believes that this can best be achieved through a transformational phase. This phase is essential for the long term social, economic and political stability of the nation. This includes the development of a democratic culture, and addressing the social and psychological requirements of national healing. Whether this should be through a truth and justice style process, or through some other tribunal of justice is a matter for Zimbabwean society to discuss and agree to. Ultimately, Zimbabwean needs peace, security and development through the establishment of a legitimate, democratic government.

²⁸ We note in this regard that not only has the Troika's mandate lapsed, but it also failed to carry out broad-based consultations. Its members have taken fairly partisan views on the Zimbabwean crisis thus preventing them from being neutral brokers.