

# ***Zimbabwe Under Siege:***

## ***A Canadian Civil Society Perspective***

*In late May and early June 2004, a coalition of Canadian civil society organisations met with numerous organisations and individuals in Johannesburg, Bulawayo and Harare. Members of the delegation were also able to visit Mutare in the Eastern Highlands, high-density suburbs in Harare and some rural areas. While some people were willing to have their names quoted in this report, others wished to remain anonymous for security reasons.*

### **September 2004**

***Mission Participants Included:***

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*The members of the Canadian delegation to Zimbabwe thank the many Zimbabweans we met who assisted us greatly to understand their beautiful country. Their courage and determination to speak out in the face of intimidation and fear was an inspiration. Continued long-term support for their work by the international community is critical.*

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## Acronyms

AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
CCJP	Catholic Commission for Justice and Peace
CIO	Central Intelligence Organization
COSATU	Congress of South African Trade Unions
GAPWUZ	General Agriculture & Plantation Workers Union of Zimbabwe
GMB	Grain Marketing Board
LEDRIZ	Labour and Economic Development Research Institute of Zimbabwe
ILO	International Labour Organisation
IMF	International Monetary Fund
MDC	Movement for Democratic Change
POSA	Public Order and Security Act
PTUZ	Progressive Teachers Union of Zimbabwe
PVO Act	Private Voluntary Organisations Act
SADC	Southern Africa Development Community
UNDP	United Nations Development Programme
WFP	World Food Programme
ZANU-PF	Zimbabwe African National Union – Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZCC	Zimbabwe Council of Churches
ZimRef	Zimbabwe Reference Group

## EXECUTIVE SUMMARY

In late May and early June 2004, representatives from the Zimbabwe Reference Group (ZimRef),<sup>1</sup> a coalition of Canadian civil society organisations, went to South Africa and Zimbabwe with two objectives in mind:

- *To demonstrate solidarity and strengthen support for Zimbabwean and South African civil society groups in the context of the current crisis in Zimbabwe; and*
- *To learn how Canadian civil society can effectively influence policy makers in Canada, Zimbabwe and South Africa.*

The main findings of the mission can be summarized as follows:

- *Zimbabweans are experiencing a widespread human right crisis. The police, military, prosecution and judiciary - the traditional pillars of the rule of law - have increasingly become partisan instruments of the state. The Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) reflect a legislated crackdown on public demonstrations, independent media and most forms of civil interaction.*
- *Most recently, the Zimbabwean government has proposed an NGO Bill that will give them the authority to ban foreign funding to NGOs. The government's motivation to fast track this Bill into law before the March 2005 parliamentary elections demonstrates its clear resolve to neutralise or shut down the operations of selective local and international NGOs.*
- *The Church currently constitutes one of the last democratic spaces in Zimbabwe. However, through a mix of severe intimidation and patronage tactics, it is evident that President Mugabe actively seeks to neutralise church voices critical of him.*
- *On the labour front, the last four years have been exceptionally difficult, with increased government intolerance for dissent, legislated attacks on worker's rights, a violent crackdown on labour activities, and routine harassment and intimidation of labour leaders.*
- *In spite of the relatively good rains and harvest in 2004, the World Food Programme (WFP) estimates that 2.4 million Zimbabweans are in need of emergency food aid. Despite this, the government has expelled the WFP from operating in Zimbabwe, threatening millions of Zimbabweans with starvation and leaving the government in full control of the country's available grain. In the lead up to the March 2005 parliamentary election, all indications are that the politicisation of food distribution by the government will intensify.*

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<sup>1</sup> The delegation included among others representatives of Amnesty International, the Canadian Bar Association (International Development Committee), the Canadian Churches (Anglican, Presbyterian, United), Canadian Journalists for Free Expression and the United Steelworkers.

- *HIV/AIDS statistics are horrific. 2.3 million Zimbabweans are presently infected with HIV/AIDS. 4,500 people die on a weekly basis, compared to 3,850 a year ago. The total number of orphans has topped the one million mark. Life expectancy has been reduced to 35 years, from 58 in 1995. The continuing cycle of HIV/AIDS and poverty places particular burden on women and children as social and family norms give way and coping strategies become more desperate.*
- *The crisis in Zimbabwe has resulted in an estimated 3 million people (25-30% of the population) leaving the country over the past 4 years – with the overwhelming majority leaving for South Africa, Botswana and England. The plight of Zimbabweans in South Africa is grim. In a climate of xenophobia, many refugees are victims of harassment, extortion, and police brutality. The vast majority are unable to gain formal asylum seeker or refugee status.*
- *The March 2005 parliamentary election campaign has started and the necessary elements for a “free and fair” pre-election period are clearly not in place. Short of an immediate halt in the continued crackdown on the media, the judiciary and the opposition during this pre-election period, it is a foregone conclusion that the electoral environment will be worse than in the 2000 parliamentary and 2002 presidential elections, which were both deemed not free and fair by the international community.*
- *At the Summit of Heads of State and Government, held in Mauritius in August 2004, SADC adopted the Principles and Guidelines Governing Democratic Elections. Zimbabwe’s election processes and electoral climate must be assessed against those new Principles and Guidelines.*
- *The delegation was deeply dismayed to see that there is little safe space left in Zimbabwe in which individuals or groups can freely and peacefully disagree or express an alternate vision about politics, social concerns or any other issue. Popular targets of the government are the media, lawyers, the judiciary, the labour movement and churches. **Zimbabweans and civil society are under siege.***

## **SUMMARY OF RECOMMENDATIONS**

1. **Continue to Press for an End to Unjust Laws and Practices**  
To provide civil society with a sense of security, it is vitally important that pressure be maintained on the Zimbabwean government to repeal repressive laws and halt practices such as torture. The protection of Zimbabwean civil society must be a priority of external governments and multilateral bodies.
2. **Increased Pressure to Annul NGO Bill**  
International pressure must be brought to bear on the Zimbabwe government to desist from enacting the NGO Bill. The situation needs to be closely monitored to ensure that the government of Zimbabwe stops the attacks on human rights defenders and freedom of expression advocates.

**3. Increased Financial Support to Civil Society**

Zimbabwean civil society is under siege and is therefore in need of significant financial and technical support. The delegation strongly urges the Canadian government to substantially increase the level of funding available to support civil society organisations in Zimbabwe.

**4. Increased International Solidarity**

Canadian civil society groups need to continue to support Zimbabwean civil society through campaigning and lobbying, as well as by assisting with training and resource needs. It is especially important to increase solidarity between Canadian and Zimbabwean churches, unions, parliamentarians, human rights and media organisations and legal associations.

**5. International Monitoring**

There must be greater monitoring of government repression of civil society activities within Zimbabwe. The delegation urges the Canadian government to increase its monitoring efforts by adding further personnel to the embassy if necessary. Canada should continue to work closely with a wide range of other embassies, including those from other African nations, to encourage participation in these monitoring efforts.

**6. Refugees and Migrants**

The South African government must conduct an immediate, comprehensive, and independent review of its response to Zimbabwean asylum-seekers and ensure that its practices conform to its international human rights obligations. The international community must work closely with the South African government to address the refugee crisis.

**7. Diplomacy**

Canada must convey a clear sense of urgency for action towards a resolution to the crisis in Zimbabwe. The Canadian Prime Minister should appoint a Special Envoy for Zimbabwe, who could speak out about human rights issues and play a role in seeking a resolution to the current crisis. Canada should also develop a comprehensive Africa-wide strategy for Zimbabwe, working within and taking advantage of the influence Canada has within the Southern African Development Community and the NEPAD Secretariat, and at the African Union and the Commonwealth. Canada should actively support regional efforts to ensure respect of international law, of SADC Principles and Guidelines Governing Democratic Elections and of the African Charter on Human and Peoples' Rights.

## 1.0 INTRODUCTION

Zimbabwe, once a beacon of liberation among southern African states and a breadbasket among African countries, is in crisis. Key indicators point to economic meltdown, government-created food shortages, collapse of judicial processes and increasingly repressive state machinery.

Zimbabwean civil society<sup>2</sup> organisations have reported many instances of state persecution. Many Zimbabweans have spoken out against the violence, corruption and mismanagement in their midst. Some have been imprisoned, tortured or murdered for their efforts. Many others have been forced into exile, either out of fear for their lives, or in a desperate effort to feed their families. Still others have remained in Zimbabwe, risking their lives to serve as witnesses to justice, democracy and human rights. The future of Zimbabwe and the prevention of serious regional destabilization may well depend on these brave advocates.

The economy has contracted by 47% during the past six years. The new monetary policy has failed to import the critical raw materials to facilitate the productive sector industries, like manufacturing and processing. This has led to massive retrenchments, suspension of operations or both. The rate of unemployment has topped 80%. Prices of commodities continue to rise, while salaries fail to match the current 600% rate of inflation. As a result of price deregulation, many basic commodities are back on the shelves, although at very high prices making it extremely difficult for the ordinary person. In addition, the effective destruction of the commercial farm sector has led to severe food insecurity, rendering Zimbabwe unable to feed its own population and subject to localised famines.

## 2.0 CIVIL SOCIETY UNDER SIEGE

### 2.1 The Rule of Law

*The policeman said, 'so you're claiming to be a human rights lawyer. I'll teach you what police brutality is about, so when you go to Court, you will know from experience what police brutality is like, and whether you want to do human rights law.' He kicked me, hit me in the face, broke my glasses, and gave me two black eyes and bruises all over my body. I charged him, but the prosecution has not brought the case to Court. **Beatrice Mtetwa, Human Rights Lawyer in Harare and 2003 International Human Rights Lawyer of the Year***

*The rule of law" provides "a sense of orderliness, of subjection to known legal rules and of executive accountability to legal authority". At its most basic level, the rule of law vouchsafes to the citizens and residents of the country a stable, predictable and ordered society in which to conduct their affairs. It provides a shield for individuals from arbitrary state action." **Supreme Court of Canada, 1998***

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<sup>2</sup> **Civil society** is the complex, dynamic arena of institutions and organisations which exist outside the state apparatus. It is rich in variety, interactions, and linkages through which people learn, pursue their interests in collaboration and competition with others and assert themselves in protection of their rights and in the pursuit of change.

The rule of law permeates and facilitates the freedoms that are given to all segments of civil society, including democratic institutions, the press, the churches, trade unions, non-governmental organisations of all kinds and citizens as a whole. The history of Zimbabwe, both pre and post independence, has seen persistent assaults on the rule of law, with a lack of respect for democracy, pluralism, and human rights, but this destruction has escalated in the last four years since the constitutional referendum of February 2000.

This period has seen a dramatic deterioration in the human rights of Zimbabweans, to the point where the legal system is virtually unrecognizable. The police, military, prosecution and judiciary - the pillars of the rule of law in a democratic society - have increasingly become partisan instruments of the state. The police have responded to opposition rallies by arresting thousands of opposition supporters and MP's. The professional police service is being weeded out and replaced by partisan officers. The police, together with youth militias, the Central Intelligence Organization, the "war veterans" and the military, have essentially deprived persons perceived as anti-government of the protection of the law. They are arrested, frequently held without charge in degrading prison conditions, interrogated without counsel, denied food in prison, and then released without charge or on the eve of trial. Ninety percent of opposition MP's have been harassed by the authorities, 50% have been prosecuted, but not one has been convicted. The result is a chilling effect on the exercise of basic constitutional rights such as freedom of expression; enormous costs in legal fees; and physical and emotional harm.

Conversely, very few acts of political violence by members of the ruling party have resulted in arrests, trials or sentences. About three hundred opposition supporters (five whites) have been murdered, yet there has been only one effective investigation and prosecution. Repeated Presidential amnesties have given effective immunity from the law to such perpetrators. No action was taken against the persons who tortured two journalists in January 1999. Indeed, the reporting of violence against journalists has resulted in assaults by the police. That, in turn, has discouraged the reporting of crime perpetrated by the authorities, which has fed the perception that such crime does not occur.

The government passed two draconian laws in 2002 to further its erosion of constitutional rights. The Public Order and Security Act (POSA) creates several criminal offences such as the making of abusive or false statements about the President, and also requires anyone who organizes a public gathering to give the police four days' notice of it. That provision has been interpreted to permit the police to ban such meetings, and even when that has not happened; the organizers have often found that for unexplained reasons, the location of their meeting has become unavailable. The so-called Access to Information and Protection of Privacy Act (AIPPA) established a Media and Information Commission, appointed by the Minister of Information, which is empowered to register publishers of news media and accredit journalists. These provisions were used last year to shut down Zimbabwe's only independent daily newspaper, the *Daily News*. The absence of free journalism has been exploited by the government to engage in character assassination of judges, prosecutors and lawyers through the media.

The lawmaking process has itself been distorted. The Parliamentary Legal Committee's views on the constitutionality of proposed legislation are increasingly pre-empted or rendered meaningless by ZANU-PF's numerical superiority in parliament, which gives it the ability to force any law into being. The President has been given far-reaching powers

under the Presidential Powers (Temporary Measures) Act to create or amend any laws for up to six months. These powers have been used to amend such basic statutes as the Electoral Act up to and including election day, and to require magistrates and judges to remand accused persons without bail, despite the absence of *prima facie* grounds, if they have been arrested on a wide range of security-related and economic crimes.

The position of the legal profession is particularly dire. Many lawyers and members of the judiciary feel isolated and forgotten. Human rights lawyers have been obstructed and assaulted while attempting to do no more than carry out their professional duties. In June 2002, the President and Secretary of the Law Society were arrested and remanded in custody on frivolous charges when they spoke out against the absence of rule of law. The state news media attacked them viciously, but they were never charged with an offence. White lawyers are viewed with particular hostility. Prosecutors have been subjected to intense pressure from the government to pursue cases against opposition supporters and members with alacrity while allowing prosecutions of ruling party agents to languish.

Unfortunately, this pattern has extended to the highest levels of the Zimbabwean judiciary, which historically was regarded with great respect. It was a trend-setter in Africa, according rights that were not enjoyed in countries that had experienced independence for much longer than in Zimbabwe. Compared with its position in 2001, when Chief Justice Gubbay was forced to resign when the government refused to protect him from physical threats by war veterans and other agents of the ruling party, the Supreme Court is unrecognizable. Several members have been replaced after resignations occurred under duress, and four members have received farms from the government. There are serious questions about the competence of its present complement. Its strong defence of fundamental human rights is gone, and has been replaced by a deferential stand toward action by the executive and law enforcement authorities; a restrictive approach to legal standing; and a willingness to delay important hearings and judgments, such as eight cases in which 2000 election challenges succeeded in the High Court, but the Supreme Court has failed to deal with them while the members in question have remained in office for almost their entire electoral terms. The situation in the High Court has been less drastic, although a large proportion of seats remain vacant, and lawyers who are considered sympathetic to the government have replaced many judges. Judges who continue to issue rulings contrary to the interests of the state have been threatened or vilified in the government-controlled media. As one lawyer put it, "behind every male judge there is a praying wife."

The final indication of breakdown of the rule of law has been the government's utter disdain for the law and for decisions of the Courts that it has re-fashioned. Persons freed through declarations of unconstitutionality have simply been re-arrested. When the Law Society succeeded in its challenge to the AIPPA provision requiring Internet service providers (ISP's) to enable the government to monitor electronic mail, the executive simply reiterated the need to sign forms giving the authorities the access they sought.



## 2.2 NGOs and Activists

### ***Women of Zimbabwe, Arise!***

Two years ago, women from across Zimbabwe came together, determined that their activism could make a difference, and convinced they had a responsibility to speak out about the injustices they were witnessing in their communities. Women of Zimbabwe Arise, the acronym WOZA meaning “come forward” in the Zulu language, was formed and has been a powerful voice for social justice ever since. Some 2000 women are involved in WOZA. They are determined to peacefully but defiantly stand up to the repressive effect of laws such as POSA and demand that basic human rights be protected in Zimbabwe. Their messages have been simple but powerful – such as Valentine’s Day efforts to distribute red roses in the streets with a message of love – but have uniformly been met with force and arrests. Activists such as the courageous women of WOZA need strong international support to sustain their efforts.

The delegation was deeply dismayed to learn that there is virtually no safe space left in Zimbabwe in which individuals or groups can freely and peacefully disagree or express an alternate vision about politics, social concerns or any other issue. Other sections of this report have highlighted the impact that this has had on the media, lawyers, the judiciary, the labour movement and churches. It was clear to the delegation, however, that this impact has been felt across the entire range of civil society and that the consequences have been severe.

The delegation met with individuals involved in organisations active in such causes as the campaign for constitutional reform, the struggle for women’s equality, human rights promotion, civic education, and monitoring of food security. All provided detailed information about the degree to which they have been harassed, threatened, arrested, attacked and beaten in an obvious effort to frighten them from continuing with their work. They spoke of peaceful meetings that have been disbanded through brute force. They described peaceful protests that have been violently attacked by the authorities. There appear to be a number of different official and unofficial bodies involved in the attacks on civil society, including the police, military, war veterans, the Central Intelligence Organization (CIO), and youth militia.

Some of the measures taken against civil society arise from the web of repressive legislation that the government has enacted over the past several years. Most notably this includes POSA, which has become a license for a blanket restriction of the rights to freedom of expression and freedom of assembly in Zimbabwe.<sup>3</sup> POSA, which was adopted by Parliament in December 2001, has been used as a basis for arbitrarily arresting many hundreds of Zimbabweans over the past three and a half. Its broad provisions provide an easy excuse to target civil society organisations whose views are not supportive of the ZANU-PF government.

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<sup>3</sup> These rights are protected under a number of international human rights treaties which have been ratified by Zimbabwe, including the *International Covenant on Civil and Political Rights* (ratified in 1991) and the *African Charter on Human and Peoples’ Rights* (ratified in 1986).

While some of those arrested have been held for lengthy periods, the most common experience that the delegation heard time and time again, consists of short periods of detention, with charges dropped and subsequent release after only a few days. During that time individuals are held in abysmal prison conditions and may be subjected to torture or ill-treatment. Many individuals have been subjected to this treatment on several occasions. It is clearly a practice meant to intimidate civil society activists. One source indicated to the delegation that during 2003 there were 1,200 politically motivated arrests in Zimbabwe, including actual and perceived supporters of the political opposition and civil society activists. The most frequent basis for arrest was POSA.

Civil society in Zimbabwe has demanded that POSA be repealed. Ironically, to make that very demand is to invite further reprisal arrests under POSA. Numerous United Nations human rights experts and international organisations have supported the demand for the repeal of POSA. The legislation is clearly in contravention of Zimbabwe's international human rights obligations and has had a destructive effect on the enjoyment of basic human rights in the country.

In this beleaguered environment, civil society activists look outside Zimbabwe for support. They hope that foreign diplomatic representatives in the country will be present at demonstrations and other events where arrests and police violence are a likelihood. They count on the international community to intervene and speak out when they are arrested. They expect other governments to press Zimbabwe to repeal unjust laws such as POSA and commit to policies that safeguard basic human rights.

### ***Non-Government Organisations Bill, 2004***

*Non-governmental organisations must work for the betterment of our country, and not against it. We cannot allow them to be conduits or instruments of foreign interference in our national affairs. My government will, during this session, introduce a Bill repealing the PVO Act (Private Voluntary Organisations Act) replacing it with a new law that will create a Non-Governmental Organisations Council, whose thrust will be to ensure rationalisation of the macro-management of all NGOs. **President Robert Mugabe: Speech to Parliament on July 20, 2004***

In its definition of NGO, the draft bill includes *any foreign or local body or associated persons involved in the promoting and protecting of human rights.* This makes clear that "the government has targeted all organisations that promote and protect civil and political as well as economic, social and cultural rights in the net of organisations that it wants to control." **Zimbabwe Lawyers for Human Rights**

As is currently the case under the PVO Act, the proposed NGO Bill makes registration compulsory. However, in addition, it provides that *no local NGO shall receive any foreign funding or donation to carry out activities involving or including issues of governance, which include the promotion and protection of human rights and political governance issues.* Given the widely accepted understanding that civil, political, economic, social and cultural rights are included in the broader concept of human

rights, it is clear that this provision gives the government carte blanche to ban any foreign funding of disliked NGOs.

Further on the issue of funding, a sub-section of the proposed NGO Bill provides that in the event that an NGO gets what is deemed *unlawful funding*, the funds in question would either be ordered repatriated back to the funding partner or seized, along with securities and property.

The government's motivation to fast track the NGO Bill into law before the March 2005 parliamentary elections demonstrates its clear resolve to neutralise or shut down the operations of selective local and international NGOs in Zimbabwe.

*Basically, the meticulous recording of human rights' abuses that characterised the last election will not be possible if the government determines which organisation should be registered and who should manage it. The implications for the proposed legislation are grave, and will cut out the free flow of information to the outside world, as monitoring some of the excesses will be criminalised. The proposed legislation should therefore be fought by all freedom loving persons. **NGOs under threat in Zimbabwe: Mmegi (Botswana)**  
**29/07/2004***

Civil society in Zimbabwe, despite the severe repression and the brutal violence, remain committed to working for justice. The delegation was consistently impressed by the dedication, courage and creativity of civil society activists. But many of the activists the delegation spoke to described feeling isolated and overlooked by other governments and by civil society outside the country. They made a plea for stronger international solidarity.

### ***The Struggle for a Future Based on Justice and Freedom***

One grassroots civil society activist interviewed by the delegation described a litany of human rights violations suffered by her entire family. Because of her commitment to human rights and her support for the political opposition, she has been hounded and chased from her home and has received death threats, her two teenage sons have been beaten, her husband has been abducted and severely tortured over a period of three days, and at one point was forced to temporarily escape to South Africa. While she is concerned about finding safe refuge for her family outside Zimbabwe, she remains personally committed to remaining in the country and continuing with her work. In her words, it is her only choice, because it is a struggle for a Zimbabwean future based on justice and freedom.

## **2.3 The Key Role of the Church**

The Church is the "last democratic space in Zimbabwe". "Churches are able to reach people in every corner of the country." "The potential of the Church to be catalyst and mobilizer in such difficult and chaotic times should not be underestimated." These and other statements heard by the delegation underline the importance of the church sector in

Zimbabwe. More than 80% of Zimbabweans are active church members.

While unable to observe church life at the local level, we had opportunity to meet with church leaders from several denominations and Christian organisations, as well as with representatives from formal and informal ecumenical groupings. We are convinced that the Church and Christian community has within it strong leaders who persevere in their efforts for a violence free and more just society.

Every aspect of church life is affected by Zimbabweans' desperate struggle for life. Poverty, hunger, unemployment, the impact of HIV/AIDS, deteriorating medical and educational services, and harsh political repression heavily tax church personnel and financial resources. Church communities attempt to respond as they provide refuge for dislocated farm workers, set up orphanages and family support programmes for AIDS orphans, help distribute food, and give protection to victims of state violence. Overwhelmed by the weight of their context, parishioners seek comfort, support and hope. "Never look down on the struggle for life," we were told by one pastor. "It is massive... this is what living our faith is about, making choices for life, not death". At the same time people are well aware of risks inherent as they struggle against forces of death in their context. As one indicated, "We are here to be with our people no matter what, to help people persevere and to share a Gospel of hope."

Churches in Zimbabwe, like churches in Canada, include a cross section of society, having within their membership views from every part of the political spectrum. Diverse understandings of faith and competing operative theologies lead some to assert that the churches' space needs to be neutral. Others strongly disagree. It is not surprising, therefore, to find different responses to the crisis in Zimbabwe: efforts at dialogue and mediation; strong prophetic stands and political mobilizing; Biblical and theological studies that help pastors and lay persons link faith commitment to political activism; pastoral ministries that recognize and deal with the polarised environment; and a silence of avoidance and fear.

**Dialogue and Mediation:** A trio of prominent church bishops commonly referred to as "the Troika", pursue dialogue and mediation efforts with the Government and the Movement for Democratic Change. Manicaland Bishops Sebastian Bakare, Trevor Manhanga and Patrick Mutume believe their work is an achievement, but admit the process is uphill and progress slow. Some criticize the Troika's work as ineffective. The Bishops indicate that processes of education among the people to intensify civic pressure must accompany their dialogue efforts.

In addition to the Bishops' efforts, the churches recognize the urgent need to build dialogue and conflict resolution skills. We heard promising stories from several parts of the Church about quiet work in building skills of peace building, conflict transformation and mediation across traditional divides. These church-related programmes are often linked with universities and/or the UNDP.

**Prophetic<sup>4</sup> Stance:** We met strong prophetic leaders from Roman Catholic, Anglican, Methodist, Baptist, and Evangelical traditions. Roman Catholic Archbishop Pius Ncube, who speaks fearlessly from his base in Bulawayo and works together with clergy from other denominations on human rights and justice concerns, is undoubtedly the most visible. Anglican Bishop Sebastian Bakare and Evangelical Fellowship of Zimbabwe Bishop Trevor Manhanga, along with others, have joined Archbishop Ncube as leaders in the Solidarity Peace Trust, an alliance of southern Africa church leaders aiming to build solidarity between South Africa and Zimbabwe and support churches ministering to human rights victims in Zimbabwe. The Solidarity Peace Trust also forthrightly documents Zimbabwean government abuse, such as in their September 2003 report that condemns the paramilitary training programme for Zimbabwean youth, as “inculcating blatant anti-democratic, racist, and xenophobic attitudes”.

Bishop Bakare, serving a two year term as President of the Zimbabwe Council of Churches (ZCC), led the ZCC in issuing strongly critical statements in their July 2003 Assembly. Given some negative reaction to those statements from its diverse membership, the ZCC has been quieter of late. Bishop Bakare continues his strong prophetic stance as Bishop of Manicaland.

It is evident that President Mugabe not only seeks to neutralise church voices critical of him, but, through a mix of severe intimidation and tempting patronage, works actively to minimize the impact of prophetic church leaders.

**Faith Development for Advocacy:** Informal ecumenical alliances and networks link justice-oriented church workers, who because of isolation seek kindred spirits and support. Some of these groups work nationally, others regionally. We were encouraged by conversations with dynamic young leaders in organisations such as Ecumenical Support Services, the Bulawayo-based Christians Together for Justice and Peace, the Catholic Commission for Justice and Peace (CCJP), and The Manicaland Churches. The National Pastors Conference founding meeting brought together some 550 pastors. All of these efforts are monitored by State authorities and leaders face harassment and arrest. Most of these church organisations lack adequate financial resources. Tight budget realities are exacerbated by donor fatigue and lack of understanding of the Zimbabwe situation.

Many church leaders spoke of feeling isolated and are desirous of more active solidarity support from churches in other parts of the world. Connections with the African ecumenical community are especially valued. There continues to be active engagement with the regional All Africa Conference of Churches and the Churches Commission of International Affairs of the World Council of Churches has made the situation of Zimbabwe a priority concern.

*The church represents perhaps the only remaining space, democratic space left in the country - the only remaining place where people can speak of the truth. Even there it has to be said that when you operate within the churches, you are aware that what you are saying is being carefully noted and recorded and reported to those in authority. But the church still has a certain authority of its own and of course Pius'*

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<sup>4</sup> “Prophetic” refers to the biblical tradition of courageous religious leaders who speak out against unjust policies.

*church St. Mary's Cathedral particularly so because it is associated with his very strong stand on human rights. And so the church must take advantage of that situation and use that very limited space that it has - to speak really for the voiceless. I can bear testimony to the fact in Bulawayo and at St. Mary's going back now for a few years we've had the occasional major service within the Cathedral, ecumenical service often attended by church leaders from the region who've come to be with us and we've listened to the testimony of the victims of gross human rights abuses, torture, rape and so on. We have given these people the space to tell their stories. If they can't tell their stories in the church, then where can they go? **Graham Shaw, Methodist Minister***

## **2.4 Labour Under Siege**

The mission represented an opportunity to better understand the impact of the crisis in Zimbabwe and to express Canadian labour's solidarity with workers under siege in Zimbabwe. We met with representatives of the Zimbabwe Congress of Trade Unions (ZCTU), General Agriculture & Plantation Workers Union of Zimbabwe (GAPWUZ), the Labour and Economic Development Research Institute of Zimbabwe (LEDRI), and farm workers, among others. While we heard about the various ways the Zimbabwean crisis has impacted Zimbabwean workers, we were inspired by the courage demonstrated daily by the leadership of the labour movement which continues to fight for workers' rights and represent the interests of workers under difficult conditions.

**Labour and the political crisis:** According to the ZCTU, the last four years have been most difficult for labour, with increased government intolerance of dissent, legislated attacks on worker's rights, violent crackdown on labour, opposition and civil society activities, routine harassment and intimidation of labour leaders. Over the last ten years, ZCTU has sought to assert its autonomy from the state, challenging its drift towards authoritarianism and providing leadership in the campaign against ZANU-PF attempts to amend the constitution in the 2000 referendum, as well as supporting efforts to form a formal opposition to the Mugabe regime. ZCTU and its affiliates have worked with the Movement for Democratic Change (led by Morgan Tsvangirai, the former President of ZCTU), the National Constitutional Assembly, various human rights and civic organisations, and other oppositional forces to fight for the restoration of democracy and the rule of law in Zimbabwe. ZCTU affiliates played a central role in mobilizing for the referendum and parliamentary elections in 2000 and the presidential elections of 2002.

Labour has also used strike action to respond to the ZANU-PF government's increasing authoritarianism. In 2003, labour helped organize two major stay aways, one lasting a week, and mass demonstrations. These actions have made labour activists the target of government reprisal since 2000. The government has responded by targeting the leadership and rank and file activists. It has introduced draconian amendments to the Labour Relations Act to limit Labour's ability to organize, mobilize and defend worker's rights. It has undertaken a campaign of intimidation, legal harassment and violence against the leadership. ZCTU meetings have been monitored and disrupted. Workers have been beaten, arrested, tortured for attending union meetings. Leaders have been arrested for participation in political activities such as the mass actions in 2003 or the protests against high taxation.

The government has also used other draconian legislation, such as the Public Order and Security Act (POSA), Access to Information and Protection of Privacy Act (AIPPA), the Labour Relations Amendment Act (LRAA) and the Miscellaneous Offences Act in its campaign to intimidate and silence labour leaders. These laws have been used effectively for the purposes of legal harassment, to routinely detain without charge and to intimidate leaders and rank and file members. The requirement under POSA to notify the police days before a public meeting is held has been used to disrupt legitimate and lawful union activities. The legislation has been used to deny workers their workers' rights and the right to freedom of expression, freedom of assembly and freedom of association.

The ZANU-PF government has also used state-sponsored intimidation of labour activists carried out by war veterans, youth militias, and state and security agents – the infamous members of the Central Intelligence Organization (CIO), to seek to silence the voice of Labour. Because of resource constraints, officials of ZCTU and its affiliates have had to rely mainly on paralegals to represent them when in trouble with the law, or resort to expensive legal services to keep their members out of jail.

The Zimbabwean labour movement feels that it is under siege and welcomes the expression of solidarity by the international community. It calls for continued international financial, diplomatic and moral support. ZCTU thinks it is important that international non-governmental organizations in a position to help support membership organizations should do so to the same level as they have supported some local service NGOs.

**Labour and the economic crisis:** The economic decline in Zimbabwe over the last five years has had a profound impact on labour. There has been a precipitous decline in employment owing to massive retrenchments in the agricultural, manufacturing, food processing and public service sectors, with marked decline in the textile and clothing, mining industries, and the financial and transportation industries. These job losses are linked to structural adjustment, as well as disastrous national fiscal policy. Owing to the near total collapse in the tourism industry, as well as the high rate of inflation, there have been further job losses in the retail and hospitality industry. High levels of formal unemployment are concealed by the growth in the informal sector. ZCTU estimates that between 1998 and 2004, formal unionised employment has declined from 450,000 to a low of 200,000.

Farming remains the backbone of the Zimbabwean economy and farm workers represent the largest segment of the Zimbabwean labour force. However, they have historically been the most severely exploited and most vulnerable because of their low wages, poor working conditions, long hours of work, sub-standard housing and lack of access to health care facilities and schools for their children and the fact that a significant proportion of them are first, second or third generation immigrant labour from neighbouring countries such as Zambia, Malawi, Mozambique. For farm workers, the impact of the land reform programme has been devastating. According to GAPWUZ, from a high of 500,000 in 2000 (supporting 1.5 million family members), the number of paid farm workers have fallen dramatically to about 150,000 today. Not only have many lost their jobs: most had their accommodation (simple makeshift houses) tied to their employment, have therefore been displaced as well. Many of those retained have either not been paid or are paid in kind with maize meal, sugar, salt, soap and the like. Others have been forced to work for free in order to maintain

their homes. While the government claims to have resettled 157,000 people on the farms it has repossessed from commercial farmers, the government's own figures show that as many as 300,000 were seeking land, suggesting an acute, persistent case of land hunger. Only 3% of farm workers have been resettled and, although many farm workers were born on the farm they worked, the government refuses to give land to what it claims are *migrant workers*.

**Labour and the social crisis:** There has been a marked decline in the workers' standard of living. The lowest paid non-farm workers earn as low as Zim\$ 100,000 per month which represents 1/3 of their real income in 1990 and is not enough to meet basic needs of families, including food and accommodation. Food, housing and transportation costs have skyrocketed because of the impact of inflation and the devaluation of the Zim\$. Workers are not able to make up ground because of wage controls. On top of all this, workers have had to deal with a growing food crisis in many parts of the country and a crisis in health care at a time when HIV/AIDS rates are said to be as high as 35%. In the urban centres, the impact of the collapse of the economy and job losses has been hardest on working class neighbourhoods, such as Mabvuku in Harare, where unemployment among young workers is said to be as high as 80%.

**Crisis in Labour relations:** The crippled state of the economy has undermined the capacity to bargain for fair wages and to support demands for better wages and working conditions with strike action. In cases where such action has been taken, it has been met with a heavy-handed response by the government. Massive retrenchments in the public service and in such previously well paying industries as the mining industry, where many gold mines have closed down, mean that the labour market is very poor and labour power at its weakest in years. In the retail sector, new employers like Shoprite from South Africa have demanded maximum flexibility in working conditions, leading to unstable work arrangements, low wages and almost no job security. In the agricultural sector, the government has failed to honour the conditions of the collective agreement negotiated through the National Employment Council for the Agricultural Industry by GAPWUZ and the Commercial Farmers Union, claiming that the wages negotiated are too high. To put this in some context, based on the most recent collective agreement schedule, a general agricultural worker is supposed to earn Zim\$ 77,000 per month (Zim\$5,300 – US\$1) and agricultural processing workers Zim\$ 135,000. The amounts have risen from Zim\$38,000 in 2003 partly due to the devaluation of the Zim\$.

The new farm owners have refused to engage in negotiations based on existing collective agreements or to engage in new collective agreements, preferring instead to offer payment in kind (corn flour, sugar, salt, dried fish, soap). GAPWUZ is now under attack from government sponsored attempts to organize new unions dominated by war veterans. These splinter organisations are being organized to displace GAPWUZ in the agricultural sector. In the mining industry, the new owners of the platinum mines have resisted attempts to organize workers at new production sites. The affiliates of ZCTU are poorly resourced because rampant inflation and loss of membership has cut into their resource base. This has led to a diminution of their ability to defend workers rights - even as ZANU-PF is said to be preparing legislation to further weaken ZCTU. ZCTU and its affiliates need to strengthen their capacity to generate the research necessary to equip their members with the information they need to bargain effectively. As well, there is a need to undertake



research on the impact of the crisis on various groups of workers, such as the miners, farm-workers, retail workers, women, young workers, workers in the public sector, financial workers, teachers etc.

Lastly, strong research is required to empower workers to influence policy decision at the national and regional levels. To that end, ZCTU has created an independent labour research institute – LEDRIZ, to aid in providing researched analysis of the economic and work place conditions that the affiliates of ZCTU face. LEDRIZ has benefited from a strategic alliance with other national labour research institutes under the African Labour Research Network.

The focus of the ZCTU's struggle is to restore democracy and a sustainable economy to Zimbabwe. They have rejected the market centred approach to economic management that has liberalized the economy and rendered most workers vulnerable to multiple devaluations of the Zim\$ and destroyed the clothing and textile industry, among others. The ZCTU also reject the demands by the governor of the Reserve Bank of Zimbabwe, Gideon Gono, for more austerity.

**Labour and the international community:** The labour movement is concerned that the international community does not have a true picture of what is going on in Zimbabwe. Recently, the government declined a request by ILO to send a delegation to Zimbabwe to assess the situation that the workers face. The inability to communicate with the outside world and to provide accurate information about the condition of workers to the international community has contributed to the Zimbabwe crisis not getting the profile and attention it deserves in such international forums as the ILO or among labour organizations in both SADC and the rest of the AU. Although regional labour organisations such as South Africa's COSATU and Zambia's ZCTU and FFTUZ are generally supportive of the struggle Zimbabwean workers are engaged in, they have an incomplete understanding of the nature of the Zimbabwean crisis, subject to the mischaracterisations of the government with its control over the media. ZCTU is working to change this, but faces an uphill task because of resource constraints and an inability to travel freely abroad. Recently, Lovemore Matombo, the President of ZCTU was dismissed by his employer, ZIMPOST, upon returning from an international conference of the ICFTU. His appeal to the Minister of Labour to intervene has been rebuffed and he awaits a drawn out appeal through arbitration conducted by the Labour Relations Court.

## 2.5 The State of the Media in Zimbabwe

*As to the state of the media in Zimbabwe, it's absolutely as bad as it can possibly be. Scores of journalists have escaped. They have no money. There's no chance of getting a job. It's a nightmare. There exists a state of maximum repression. Security is totally compromised. The whole media community has been terrorized. Journalists feel alone. **Andrew Moyse, Veteran Journalist***

*How good are you at running an underground newspaper? **Zimbabwean Journalist.***

Practicing journalism is a dangerous occupation in Zimbabwe. Journalists are routinely harassed, assaulted, arrested and re-arrested. Some have been tortured. Many assaults go unreported because of the fear of further reprisals at the hands of the police who are implicated in these cases. Even when charges are laid the chances of getting a fair trial are virtually non-existent since there has been a corresponding harassment of human rights lawyers who represent journalists, as well as attacks on the judiciary itself. As a result, the independent media has been all but eviscerated and alternative voices have been largely silenced. Many journalists have fled the country. The emotional toll has been enormous. The mood of those who remain lies between desperation and defiance.

The government has engaged in the harassment of journalists since the early 1980's beginning with those who reported stories about the massacres in Matabeleland by the North Korean-trained 5th Brigade. Others were fired for reporting stories of government corruption. Press freedom took a turn for the worse, however, when in January 1999, a reporter and an editor were arrested and brutally tortured by military intelligence for reporting a story about a failed army coup. The arrests were met with widespread public protests.

In spite of harassment, the private press grew in strength and a public debate began about the state of society and the future of the country. After the government lost the constitutional referendum in February 2000, attacks on the media intensified.

*You know it was auspicious that we (The Daily News) were in existence during the constitutional referendum. Some people called it the daft constitution. What the Daily News did was to find out from people what they thought about the proposed constitution and why they thought the government wanted to change the constitution and also whether they thought it would be for the good of the people or basically for the good of ZANU-PF. We wrote extensively on the referendum and the constitution and at the end of the day, the people rejected the ZANU-PF constitution and the government began a sort of a grudge against the Daily News, because they blamed us for the "no" vote. **Bill Saidi, Veteran Journalist. The Daily News***

The head office of the Daily News was bombed in April 2000 and the following January its printing press was destroyed by limpet mines. In August of that year a bomb was detonated in the Harare offices of the Voice of the People, a private radio station. No one has ever been arrested in connection with these attacks.

In addition to physical attacks, the government have engaged in relentless psychological harassment of the media. Militias and the CIO routinely search newsrooms, especially during elections or election campaigns.

Attacks on the press have extended to the vendors, who have also been beaten and terrorised by the government. In one case a man in a rural area was beaten to death for simply possessing a copy of the Daily News.

At its height the Daily News had a circulation of 120,000 - double that of the government controlled daily, The Herald. When bombs and physical harassment failed to silence the

independent media, the Minister of Information, Jonathan Moyo, drafted the Access to Information and Protection of Privacy Act (AIPPA). The legislation was hotly debated in the legislature and deemed unconstitutional even by some of the government's own members of parliament. Under AIPPA it became a criminal offence (punishable by two years in prison) to practice journalism without accreditation. Accreditation must be renewed every two years and must be approved by the information minister, who is openly hostile to the independent press, and a handpicked committee.

Using AIPPA, the government was finally able to shut down the Daily News in February of this year. In June the Tribune, one of the last small-circulation papers was also closed. There are no independent radio or television broadcasters.

*We have zero independent radio and television stations in this country. We have only the Zimbabwe Broadcasting Corporation, which is government controlled television station and is not even doing its mandate as a public broadcaster. It's just a propaganda wing of the ruling party. **Abel Chikomo, Media Monitoring Project***

Those with short-wave radios can pick up the BBC's Radio Africa from London or the Voice of America. Recently the government has said it would find a way to crack down on these stations and those who listen to them.

Many foreign journalists have had their accreditation withdrawn. Others have been expelled from the country. It continues to be difficult, if not impossible, for foreign press to get accredited. As a result the crisis in the country has been underreported, leading to a distorted understanding of the situation.

AIPPA and its arbitrary defamation laws have led to an explosion of legal cases against journalists, thereby imposing tremendous financial hardship on a sector of the population who are largely unemployed. The shut down of the Daily News and the Mirror has furthermore meant the loss of thousands of jobs.

In 2003, thirteen people were arrested for circulating email about a demonstration. The government recently stepped up its pressure on Internet Service Providers (ISPs) installing surveillance equipment worth millions of Zim dollars. These companies have been told they must filter email that is said to jeopardize the economic security of the government or be shut down.

A group of women, called Women of Zimbabwe Arise! (WOZA – see page 14) were arrested, beaten and thrown in jail by the riot police on Valentine's Day and International Women's Day. Their crime? Handing out roses and one-page flyers, which said "Choose Love Over Hate!" and "One Man One Vote?"

The government controlled newspaper The Herald and the state-run national public broadcasters have become little more than vehicles for ZANU-PF propaganda, misinformation and hate speech actively promoting divisions within society. Catholic Archbishop Pius Ncube, Bishop Desmond Tutu, the political opposition (the Movement for Democratic Change or MDC), human rights activists, lawyers, white farmers, journalists, and trade unionists have all been attacked in the state media. President Mugabe has

personally attacked Archbishop Ncube calling him a “terrorist”, “unholy” and “an enemy of the state”. Mugabe has also used the media to say, “It’s now the time to bury the MDC.” Journalists are often called “western puppets” and “terrorists.” In an extra twist, Mugabe often calls prominent opposition figures “gay”.

*In 2002 we had two men who killed [MDC] supporters because they thought they were actually executing a national service. They were young ZANU-PF supporters who were told that opposition supporters are enemies of the state. And therefore in killing [MDC supporters] they didn’t think they were doing anything wrong, but they were actually doing a national service. **Abel Chikomo, Media Monitoring Project***

Hate speech has also been implicated in the most recent spate of violent farm invasions. A farmer in Manicaland was physically attacked five times before he shot an attacker in what appears to have been self-defence. The police refused to intervene and he was violently beaten. He is now in hospital under police guard and charged with murder.

Misinformation is rife. One journalist said that she had been conducting an informal poll among black Zimbabweans to ask how many whites were left in Zimbabwe. Most believed there were in excess of one million when in fact there are fewer than 40,000 white Zimbabweans left in the country.

*The closure of the Daily News has given the impression that almost everything is normal in this country because nowhere else do you read on a daily basis what is happening in the country. You will not know that some people are killed in the rural areas or brutalised; because there is no way that it is publicised. The Daily News was the only daily source of information on what is truly happening in this country. And because of that the government is now spearheading this campaign against the opposition to paint the impression that the opposition is no longer vibrant, it’s gone, and it’s dead. It’s foreign-funded, British wing puppet. This kind of stuff. And there’s no way the opposition can express itself. **Abel Chikomo, Media Monitoring Project***

As the food crisis deepens and the 2005 parliamentary elections approach, there is the very real fear that there will be no media left to bear witness to these events. So the public is left with an information vacuum. Yet people clearly do not trust the state-run media.

*If you go into the rural area now, which are perceived to be ruling party strongholds people will tell you that they’re sick and tired. So anything can happen at any moment. Zimbabwe is sitting on a time bomb. People are just waiting for an opportunity to explode. **Abel Chikomo, Media Monitoring Project***

Again and again, people say that the church is the one democratic space left - the one place where some freedom of expression still exists. The defiant pamphleteers and pirate broadcasters, whose determination to voice their opposition is as steely as their security is precarious, will also continue to express themselves. Zimbabweans are a determined and resourceful people, and in spite of the repression and fear, there is every indication that they will voice their opposition in whatever spaces they can create for themselves.

When asked if he was afraid one young journalist said:

*There is nothing to be afraid of anymore, because life itself is the biggest threat in this country now. It's actually difficult to be alive in Zimbabwe, because there are so many hardships that you go through. It's so painful to see people dying in hospital because there are no drugs. It's so painful to see people dying because they are perceived to be enemies of the state because they hold alternative views. It's so painful to see your relatives starving because they support the opposition so they don't have access to food aid. So why should I be afraid anymore. It's better that I speak out, because if we don't have somebody who can stand up and say "no", then the government will continue to abuse us, abuse our rights, abuse our nation and people will continue to die.*

*It's all up to us Zimbabweans, today to decide the way we want to go. Do we all want to continue suffering and keep quiet? Do we all want to continue dying and keep quiet? I think it is time the people of Zimbabwe choose the way they want to go, and I think that they want to speak out against the evils this government is perpetrating against its own people. **Abel Chikomo, Media Monitoring Project***

### 3.0 THE POLITICS OF FOOD

With an estimated 70-80% of Zimbabweans living in poverty, food insecurity (hunger) is a chronic problem in many communities.

Although this year, the rains only started in late January (two months late), the rainy season has turned out far better than expected. The dams are full, livestock are healthy and the countryside is green. However, the appearance of plenty is misleading. Reports from NGOs across Zimbabwe and from the World Food Programme (WFP) have indicated that hunger continues to exist despite expected average harvests in some sections of the country. The WFP are still predicting they will need enough food to feed a minimum of 2.4 million people (others are predicting as high as 5 million) next year, citing lack of inputs (seed, fertiliser, etc) and political interference as the main reasons.

Despite what the government claims, Zimbabwe continues to have an acute food shortage. As of February 2004, the national food situation estimates indicated slight improvements compared to last year. However, the country does not produce enough food to feed its people and will be in that position for the predictable future. There are large sectors of the population, particularly displaced farm workers and the urban poor, whose food security needs, are not being met and whose levels of poverty and starvation is cause for serious concern. Rural Zimbabweans, especially in non crop producing regions such as Matabeleland, will also require food assistance this year and are likely to be very vulnerable to political abuse of food.

The WFP and local independent estimates agree that where maize is concerned, the following figures are accepted:

- Annual need: 1.8 million metric tonnes (mt)
- 2003/04 harvest: 800,000 to 900,000mt (FEWSNET 13 February 2004). This is

33%-38% of the estimated annual national cereals requirements for both human and livestock consumption.

- Government stockpile held at GMB: 250,000mt
- Therefore, 650,000 to 750,000mt will need to be imported by the government.

The government states the harvest will be 2.4 million mt of maize and 400,000mt of small grains. All independent observers agree that these numbers are impossible. Recently, a joint WFP / FAO and government mission attempted to undertake a crop assessment, but the government indefinitely stopped the process after five days. It has become clear that the government does not tolerate any independent voices on the food issue.

In addition, the government has refused requests by the United Nations (UN) for an audit of GMB stocks. Over the past year the government has also blocked UN nutritional, health, water and HIV/AIDS assessments from taking place. UN officials cannot visit any areas outside of Harare without permission from the government, which is rarely given.

The decline in Grain Marketing Board (GMB) deliveries to regional depots over the past year continues, with a drop in the coverage, frequency and volume. The government reports that the fall in GMB deliveries will be compensated for by available food from harvests, with reports cautioning that this is a temporary situation. The GMB took most of last year's harvest from farmers, for which they have yet to receive payment. It is expected that the government will undertake this same strategy of *stealing* grain this year.

The human face of this food insecurity is devastating. An estimated one million children under five, one million school children and 200,000 pregnant women are in need of supplementary feeding. While vulnerability is often focused on children and pregnant women, it is likely that in the year ahead adults, who would normally not need food aid, will need assistance due to absolute food shortfalls and to the impact of HIV/AIDS in the adult population.

High levels of HIV/AIDS raise nutritional needs and exacerbate the effects of hunger. Presently 2.3 million Zimbabweans are infected with HIV/AIDS. 4,500 people die on a weekly basis, compared to 3,850 a year ago. The total number of orphans is over a million. Life expectancy has been reduced to 35 years, from 58 in 1995. Due to increasing malnutrition, lack of treatment, and vulnerability, AIDS mortality rates continue to increase thus leaving more families without breadwinners, physically, emotionally and spiritually drained, and with more child-headed households and orphans. The continuing cycle of HIV/AIDS and poverty places women and children at particular risk as social and family norms give way, and coping strategies become more desperate. Community organisations report that there has been a clear tendency towards increases in domestic violence, child abuse, and prostitution in the past few years.

Over the last four years, numerous cases of political manipulation of food have been recorded, with opposition party supporters being denied access to food being sold through the government-controlled GMB. By refusing WFP assistance, ZANU-PF ensures they have complete control over all grain in the country. In light of this, threats of politically biased starvation (and possible associated deaths) are predictable. By disallowing donor food agencies in the rural areas, ZANU-PF also completely and effectively bans the

international community from the most vulnerable regions of Zimbabwe ahead of the 2005 parliamentary election.

### ***One Person's Story of Food and Politics***

ZANU-PF is harshest with those in the rural areas it considers its rightful sphere of domination. This often intensifies the vulnerability of these citizens to violence and the politicisation of food distribution. Such is the case of Elisabeth, an elderly woman we met who related an account of violence, abuse and victimization by government supporters in one of the areas the ZANU-PF partisans have declared a no-go zone for the opposition.

*For the longest time, Elisabeth and her family had led a quiet life, with little interest or participation in politics. However the deteriorating political and economic situation incited her sons to become politically active during the 2000 parliamentary and the 2002 presidential elections. Her two youngest sons became prominent MDC activists in the area. During the presidential election, they were repeatedly attacked by ZANU-PF youth groups and were eventually forced to flee from the district for their lives. As a result, Elisabeth was left with only the meagre support she got from the village community around her. Subsequently, she too was attacked and her hut burned to the ground, her maize garden razed and her husband's grave desecrated because she could not 'produce' her sons. Incredibly, the reprisal did not end there. Normally, the process of food distribution in rural areas calls for lists to be drawn up by village heads that supposedly know their local communities' needs. They are then submitted to community chiefs, who in turn present them to local and international food aid organisations responsible, jointly with government, for food distribution. As an elderly woman without her children and family to support her, Elisabeth was left off the list of vulnerable people in need of food aid. Ostracised by association to her children's political choices, Elisabeth is left to contend alone with the threat of political violence and starvation.*

## **4.0 THE MARCH 2005 PARLIAMENTARY ELECTIONS**

Eight months in advance, the campaign for the March 2005 parliamentary election has effectively begun. In the run up to the election, the Zimbabwe government is trying to demonstrate to the world that they are reforming themselves. In a desperate attempt for acceptance by the world community, their efforts include:

- Bolstering Zimbabwe's standing with the International Monetary Fund (IMF) and the World Bank, which includes paying back some of their outstanding debt;
- Continuing to encourage South African President Mbeki's quiet diplomacy, an approach that has minimised direct pressure on the Zimbabwean government to end its campaign of repression: Mbeki, himself, seems content to work with a reformed ZANU-PF in 2005, rather than insisting on serious steps to restore democratic processes in Zimbabwe;
- Winning the March 2005 parliamentary elections at all costs. Indicators are that, in the hope of making the election more likely to be declared *free and fair* internationally, ZANU-PF will make cosmetic changes to the electoral process,

particularly on voting day itself, which include reducing the voting period to one day and using transparent ballot boxes and visible indelible ink.

However, our analysis of the key pre-election period in which the country now finds itself indicates that the necessary elements for a *free and fair* election are clearly not in place.

- The clampdown on the local and international media continues. The only independent daily (The Daily News) remains closed and will stay closed for the foreseeable future. Another independent weekly, the Tribune, was recently shutdown. Few independent journalists remain and the government is acting to silence these few remaining voices.
- The judiciary remains under attack on a daily basis and has virtually no capacity to make independent rulings.
- The voters' roll is widely believed to be in shambles. A detailed analysis of only 3 constituencies' voters' rolls used in the presidential election in March 2002 indicate that as many as 2 million voters out of 5 million on the roll were either dead, not known at this address, or duplicate entries.
- An estimated 3 million Zimbabweans abroad are not allowed postal votes.
- The Public Order and Security Act (POSA) passed in 2002, forbids more than one person to gather without police being informed four days before. POSA gives state agents the right to kill in dispersing unauthorised gatherings and outlaws all freedom of speech, movement and association.
- A recent Presidential amendment to the Criminal Laws allows for up to 21 days detention without bail or charge for those arrested under 7 sections of POSA.
- Having ensured exclusive control of all food stocks in the country by year-end through their refusal to allow the World Food Programme the right to operate in the country, commentators predict that ZANU-PF will use the threat of politically selective starvation ahead of the elections,
- It is reported that 18,000 young Zimbabweans have been trained in the ZANU-PF Youth Militia in camps across the country. Their training consists of a programme of party-political indoctrination, coupled with para-military drills and lifestyle. Militia are told that they are trained to "defend Zimbabwe against an invasion by the UK and US" and that the MDC is part of that plot. Operating on the basis that the MDC constitutes a serious threat to national security, the Youth Militia have been documented as the primary perpetrators of violence against perceived opposition supporters during the past two years. During the pre-election period, it is expected that they will be deployed per constituency under war veteran commander supervision.

Unless freedom of the press is restored, along with substantial legal and electoral reform allowing for normal civil society and campaign processes, it is a virtual certainty that the electoral environment will be worse than during the 2000 parliamentary and 2002 presidential elections. Both of these elections were deemed not free and not fair by the international community.

*This government is putting everything in place to rig these elections. We hear of a whole lot of things that are going on all the time. They (the ruling party) now have taken the traditional African chiefs under their wing. They keep providing them with*



*beautiful cars, paying them beautiful money so that they are going to force the people to vote for this government. So this government is going to win. Mugabe would only get less than 40 per cent if there were free and fair elections, but he's going to stuff as he has done before, stuff the ballot boxes, change voting times, crook people, refuse to register some of the citizens. Open the polling booths late. Get certain people to vote twice. **Archbishop Pius Ncube***

*If those in power went on the streets and asked people: What do you think of freedom? What do you think of independence? They would get the most unprintable answers. People are angry—so angry. They say this is not what we fought for. We have no food. We have no jobs. We have no housing. That's the freedom you promised us? They're angry and this why during the 2000 election, people voted. I mean just like that they kicked out 57 ZANU-PF MP's.... to a party that was nine months old. If things don't change we're headed for trouble. Big trouble. **Bill Saidi, Veteran Journalist. The Daily News***

## **5.0 REFUGEES AND MIGRANTS: AN UNTOLD HUMAN RIGHTS CRISIS**

As with any widespread human rights crisis, the Zimbabwean crisis has led to massive displacement. The rapidly deteriorating human rights and economic situation in Zimbabwe has compelled untold numbers of Zimbabweans to flee the country. The delegation was distressed to hear reports as to the extent of displacement that has occurred and in particular, serious concerns about the treatment of Zimbabweans in South Africa. It became clear that this is a dimension to the current crisis in Zimbabwe that has received very little attention and where the international community has a clear obligation to act.

Precise numbers at this point are only estimates. The delegation heard suggestions that it is possible that three million Zimbabweans have fled the country over the past five years, a shocking figure that would amount to approximately one-quarter of the country's population. It seems clear that the majority of those individuals have gone to South Africa. We were told that the South African government has estimated that there may be three million Zimbabweans now living in South Africa, two million of who have arrived since 2000. Perhaps even more staggering, it is thought that some 400,000 Zimbabweans are currently residing in Botswana, equivalent to nearly 25% of that country's population of close to 1.7 million.

The delegation met with a number of members of South African civil society, including lawyers, church leaders and frontline activists, who are working to defend the basic human rights of Zimbabweans in South Africa. They described a climate for Zimbabweans in South Africa that is marred by deep-rooted xenophobia. The situation is further complicated by the politics of South Africa's Zimbabwe diplomacy, which tempers the government's willingness to recognize the scope and nature of the human rights crisis in Zimbabwe. The concerns that emerged from those meetings are serious.

In addition to the refugee dimension of the Zimbabwean displacement crisis, the delegation heard a great deal about the vulnerability of the many thousands of Zimbabweans now internally displaced within Zimbabwe. Many are farm workers, who have been forced off of

farms that have been invaded and seized. Only a small number have been provided with alternative living arrangements. They are, meanwhile, at great risk of human rights abuses.

It is time for the international community to respond to the hidden crisis of Zimbabwean displacement in southern Africa.

## 5.1 Dangers and Hardship in South Africa

Zimbabweans have fled a human rights and economic crisis. At stake are a number of fundamental human rights which are consistently violated in Zimbabwe - ranging from protection against torture, to freedom of expression, to the rights to food, shelter, education and healthcare.

Sadly, the sense of safety, which Zimbabweans have hoped would await them in countries such as South Africa, has proven elusive and illusory. The delegation heard, for instance, that there are credible reports of Zimbabwean security agents, Central Intelligence Organization (CIO) officers, operating in South Africa, including allegations of CIO officers apprehending Zimbabweans in South Africa and arranging for their return to Zimbabwe.

There are also substantial reports indicating that Zimbabweans face violence and abuse at the hands of South African police. The delegation heard allegations that Zimbabweans have been beaten by police, including while waiting in line to deposit asylum claims at the Home Affairs office in Johannesburg. We were told that the beatings frequently involve the use of the *sjambok*, the rawhide whip that was a notorious symbol of violence during *apartheid*-era South Africa. In one notorious incident, broadcast on a South African television station, a guard is shown flailing a *sjambok* at a Zimbabwean while shouting, "get away you Zimbabweans, we do not want you here."<sup>5</sup>

The delegation heard many concerns related to conditions and treatment at the Lindela repatriation centre, in Krugersdorp, west of Johannesburg. The centre, which is privately operated, holds around 6,000 individuals, including large numbers of Zimbabweans, pending arrangements for their deportation from South Africa. There continue to be allegations of poor conditions and physical abuse at the centre. We were told that virtually none of those who are detained and then deported have had an assessment carried out as to the risk they may face in Zimbabwe. Weekly trainloads of Zimbabweans leave Lindela for the Zimbabwean border, where they are handed over to Zimbabwean authorities. The delegation heard reports of many Zimbabweans jumping from the train carriages, preferring to take that chance rather than face return to Zimbabwe. An unknown number of individuals have been killed and badly injured in the process.

There are serious concerns about the social and economic conditions Zimbabweans face in South Africa. Given the difficulties that Zimbabweans face in gaining access to formal refugee status determination (see below), the vast majority remain without official papers and thus lack permission to work legally, attend school or obtain government healthcare. As a result, they face dire economic conditions. This is particularly the case in Johannesburg's Hillbrow district, where large numbers of Zimbabweans are currently living in appalling conditions. In these difficult circumstances, it is thought that hundreds of

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<sup>5</sup> Andrew Meldrum, "Flails and insults await Mugabe refugees", The Guardian, January 2, 2004.

Zimbabweans in South Africa may be dying weekly from AIDS. Many die unknown and alone. There is a fledgling effort underway within the Zimbabwean community to provide news of these deaths to family members who have remained in Zimbabwe, and attempt to return some bodies for burial.

## **5.2 Access to Protection**

There appears to be very little statistical and other official information available, providing an overview of the plight of Zimbabweans in South Africa. As a result the extent of the crisis is largely unknown and unreported. Consequently, foreign governments and the international community have not mounted a comprehensive response to the crisis. The delegation was shocked to learn that in the face of the ongoing influx of large numbers of fleeing Zimbabweans, South Africa is reported to have granted refugee status to an unbelievably low number of only eleven individuals.

We were told that there are numerous hurdles put in the way of Zimbabweans who attempt to make a formal request for asylum in South Africa. They are apparently only given access to the relevant Home Affairs office at limited times. So desperate to get their papers in order, hundreds of Zimbabweans line up at the office the night before, to assure that they will have access to the office. In those line-ups they are reportedly subject to harassment, extortion and beatings by guards. Then, when the office opens, observers indicate that only a handful of those in line are allowed in. A lucky few will then receive papers confirming that they have made a request for asylum. That does not, however, guarantee that their case will be assessed within a reasonable period of time.

The delegation was told by a number of different sources that xenophobia and corruption are at the heart of the hurdles Zimbabweans face in accessing South Africa's refugee system. For several years there have been credible allegations that officials extort bribes from Zimbabweans, and the delegation heard that this continues to be the case.

## **5.3 The Role of The International Community**

The delegation asked repeatedly for information about the response of foreign governments and UN agencies to the needs of Zimbabwean refugees in South Africa. Due to shortage of time and scheduling conflicts we were not able to meet with representatives of the office of the United Nations High Commissioner for Refugees (UNHCR) in South Africa.

The civil society representatives we met with expressed serious concern about the lack of action by the international community. In their view, foreign governments and the UNHCR have failed to forcefully press South Africa to ensure that the basic rights of Zimbabweans in the country are protected and may be relying on the fact that the numbers of Zimbabweans registering official asylum claims is so low. A UNHCR representative was recently quoted in a South African newspaper as stating that "those people who claim asylum among all the Zimbabweans that come into the country are a small minority; most of the people say they have come to make some money to go back to feed their family."<sup>6</sup> The delegation believes that this observation must be tempered by concerns about access

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<sup>6</sup> Jerome Cartillier, "Zimbabwe's migrants just want to feed their families", Mail and Guardian, June 19, 2004.

to the South African refugee system, noted above. There appears to have been very little resettlement of Zimbabwean refugees from South Africa to other countries, including Canada.

## **6.0 THE FAILURE OF DIPLOMACY**

Throughout the delegation's visit to Zimbabwe and South Africa, a question uppermost in all meetings and discussions was "*what will bring change to Zimbabwe?*" It is clear that the answer to that question is complex, and that it involves initiatives that must proceed both within Zimbabwe and outside. Earlier sections have provided an overview of measures that the delegation believes should be adopted to strengthen the capacity of Zimbabwean civil society to withstand the current onslaught on human rights and the rule of law. Civil society certainly has a key role to play in promoting reform in the country.

The international community also has a profoundly important responsibility in the midst of this crisis. Foreign governments and regional and international multilateral bodies must take effective action to help restore basic human rights protections to Zimbabweans. Many have tried to do so. The virtually unanimous assessment of all individuals and groups the delegation met with is that those international efforts have been a failure.

Much of the failure has been due to a paucity of political will and diplomatic imagination. Much of the failure is due to efforts being hampered by President Mugabe's uncanny ability to frame all foreign criticism of his record as reflecting opposition to land reform and thus indicative of colonial-era sympathies and support for Zimbabwe's racist white-ruled past. This is particularly so when criticism originates with western governments such as the United Kingdom and the United States. In that light, he has often been able to turn foreign criticism to his advantage, and used it to further his image as a liberation hero.

Governments, including the Canadian government, are understandably sensitive to this tactic and have in many respects allowed themselves to be silenced as a result. Sadly this is the case even though the predominant international concern about President Mugabe's record has nothing to do with land reform at all but about human rights and the rule of law; and the criticisms that are generally advanced of his land reform policies do not disagree with the need for land reform but only with the violent and arbitrary manner in which it has been implemented.

### **6.1 Scattered and Sporadic Multilateralism**

Within multilateral bodies, the record is dismal. Only the Commonwealth has made a concerted effort to tackle the Zimbabwean crisis. That culminated with a decision at the December 2003 Commonwealth Heads of Government Meeting in Nigeria to extend the 2002 decision to suspend Zimbabwe from the Commonwealth. In response the Zimbabwean government withdrew from the Commonwealth. As a result, at the present time the Commonwealth likely has little leverage, but it should continue to monitor and discuss the crisis.

The record within the United Nations is virtually non-existent. The UN Security Council has not considered Zimbabwe, nor has the General Assembly. For three years running

attempts to have the UN Commission on Human Rights examine Zimbabwe's human rights record have been rebuffed through the successful use of a "No Action Motion" by African member states. Publicly, the UN Secretary General does not appear to have made the Zimbabwean crisis a priority, something that was noted with regret by a number of Zimbabweans, who feel that Kofi Annan bringing his stature and credibility to this debate could make a difference. It is perhaps the most notable African crisis situation for which he has not appointed a Special Representative or Envoy, and he personally has not often spoken out publicly about Zimbabwe. Recently, the United Nations Special Envoy for Humanitarian Needs in Southern Africa, James Morris, was rebuffed in an attempt to visit Zimbabwe and meet with senior officials. Surely a more decisive UN response is required. The UN's Office for the Coordination of Humanitarian Affairs maintains an office in Zimbabwe, largely to respond to the country's severe food crisis of recent years.

The delegation found a clear consensus that it is most important that African-based multilateral organizations take up the Zimbabwean crisis. Within Africa, both the Southern African Development Community (SADC) and the African Union (AU) are bodies to which Zimbabweans naturally look for an effective and concerted response to the Zimbabwean crisis. SADC has the most direct connection to the crisis, Zimbabwe being one of 14 members of that regionally constituted body.

But there has been no evident action taken by SADC. In 2003 the SADC Summit of Heads of State and Government primarily lent its support to the Zimbabwean government, reaffirming "the indivisibility of SADC and solidarity with Zimbabwe" and pledging to "continue to work with the country in order to encourage and sustain the positive developments that are taking place in the search for lasting solutions." Zimbabwean civil society is pressing for SADC, in the lead up to the March 2005 parliamentary elections, to actively enforce the application of the SADC Parliamentary Forum's Norms and Standards for Elections in the SADC Region, adopted in 2001. At the Summit of Heads of State and Government, held in Mauritius in August 2004, SADC adopted the Principles and Guidelines Governing Democratic Elections. Zimbabwe's election processes and electoral climate must be assessed against those new Principles and Guidelines.

The AU has not engaged with the Zimbabwean crisis in a significant way. The African Commission on Human and Peoples' Rights did carry out a fact-finding mission to Zimbabwe in June 2002, but its report, which the Commission adopted at its November 2003 session, has not been released. Members of Zimbabwean civil society expressed strong concern to the delegation about the fact that the report was still not public, more than two years after the mission visited the country. After the delegation returned to Canada this report was tabled at a session of the AU's Executive Council. The report is strongly critical of Zimbabwe's human rights record. Zimbabwe objected, arguing that the government had not yet seen a copy of the report. While that position has been disputed, the AU did agree to provide Zimbabwe with time to react. This is a promising development. It will now be crucial to ensure that the AU does come forward with a strong and decisive response to the report.

While SADC and the AU have failed collectively to respond to the Zimbabwean crisis, the delegation did hear that a number of individual African governments have exhibited concern, including Botswana, Malawi, Kenya, Mauritius, Ghana and Senegal.

## 6.2 The Paradox of South Africa's Zimbabwean Politics

There is complete agreement that South Africa is the key government in any international diplomatic efforts to resolve the Zimbabwean crisis. This is true on a bilateral level, as no other nation carries as much influence in Harare; and no other government is likely to have as much impact on President Mugabe's policies. It is also true multilaterally, given South Africa's sway within both SADC and the AU. While all eyes remain fixed on South Africa's President Thabo Mbeki to adopt a strong and effective strategy, he has studiously adopted an approach of so-called "quiet diplomacy" that has often appeared uncertain, ambiguous and without clear benchmarks. He has refrained from criticizing Zimbabwe's human rights record publicly, and at times he has rallied to Zimbabwe's defense within multilateral bodies such as the Commonwealth and the UN Commission on Human Rights. At the same time he has repeatedly expressed confidence that promising talks were underway between ZANU-PF and the MDC, a view that has been publicly denied and contradicted by both parties.

The delegation heard numerous possible explanations for the South African government's ambivalence. These include:

- Nervousness that within South Africa's own trade union movement there could be the genesis of an opposition movement akin to Zimbabwe's Movement for Democratic Change.
- Caution that taking a strong stand one way or the other with respect to the issue of land reform in Zimbabwe could inflame debate about land reform in South Africa.
- Recognition that President Mugabe is viewed as a liberation hero in the eyes of many South Africans.
- Sensitivity to the fact that other African governments resent South Africa asserting too much leadership within Africa.
- Concern that pressing President Mugabe too far could provoke an even greater crisis, which would lead to a mass influx of Zimbabwean refugees into South Africa.
- Benefiting from the current crisis, in that numerous South African firms have taken over Zimbabwean businesses at rock-bottom prices.

Much had been made of the fact that in January 2004 President Mbeki had publicly committed that there would be a "Zimbabwe solution" by June 2004. Everyone the delegation spoke with about that possibility expressed no confidence that progress would materialize, and expressed little hope that South Africa's policy would change. Many individuals told the delegation that while South Africa remains key to resolving the crisis, it is critical to adopt an approach that involves a wide range of African governments.

## 6.3 A Role for Canada?

Canada boasts a long and solid record of diplomatic engagement in southern Africa and in Zimbabwe specifically. Canada took a clear and principled stand against *apartheid* in South Africa, and is still respected for having done so. The delegation heard appreciation from civil society representatives for the financial support that some civil society groups and initiatives have received from the Canadian government. However, as well, the delegation witnessed disappointment that Canada is not doing more on the political and diplomatic front.

Canadian officials are understandably cautious about their diplomacy and lobbying efforts regarding Zimbabwe. They fear speaking out in ways that could allow President Mugabe to gain political advantage by dismissing the criticism as coming from “the west,” and focusing mainly on the plight of white farmers. Despite, the delegation did hear that careful efforts to cultivate Canada’s image in the country have been successful, and that Canadian officials do enjoy a respectable level of contact with the Zimbabwean government. Beyond building that positive image, Canada’s diplomatic strategy has been to primarily work through multilateral channels. Zimbabwean civil society agrees that the Canadian government must carefully avoid speaking out in ways that strengthen President Mugabe’s rhetoric about colonialism and liberation. However, the delegation was repeatedly told that Canada’s reputation in southern Africa would allow Canada to be more outspoken and visibly active than it has been to date.

Canada’s multilateral diplomatic efforts have primarily been focused on the Commonwealth. With Zimbabwe’s withdrawal from that body, the potential for diplomatic engagement on that front in the short to medium term is unlikely. The Commonwealth does, however, still provide Canada with an opportunity to encourage a range of governments from Africa, the Caribbean and Asia, to become more fully involved in seeking a resolution to the Zimbabwean crisis. This is an approach that civil society often recommended to the delegation: Canada facilitating action through its conciliatory role with other governments. Canada could thus play a valuable role in encouraging the establishment of an approach similar to that of the Front-Line States, which acted very successfully during the apartheid-era in South Africa.

## 7.0 RECOMMENDATIONS

Because of its strong opposition to apartheid in South Africa and to the Smith regime in Zimbabwe, as well as of its long-standing investment in human rights in Zimbabwe, we learned that Canada is in a unique position as having high moral authority in Zimbabwe. Issues of rule of law - notably the Constitution, electoral laws, freedom of expression, POSA and AIPPA - are central to the current frustration and political stalemate in discussions between the opposition and the ruling party. At the same time, the legacy and geopolitics of colonialism cannot be forgotten.

Solutions to the Zimbabwean crisis must be born of self-help that is fashioned and implemented in Africa. It is within this context that the Zimbabwean struggle will be primarily fought and won by Zimbabweans. They have already shown a tremendous capacity for courage and resourcefulness. These strengths are what international contributions must add to and build upon to help limit the suffering and shorten the length of the struggle. These are some of the recommendations to consider in responding to the crisis in Zimbabwe today.

### **Recommendations:**

#### **1. Continue to Press for an end to Unjust Laws and Practices**

To provide civil society with a sense of security, it is vitally important that pressure be maintained on the Zimbabwean government to repeal laws such as POSA and AIPPA, and halt practices such as torture and ill treatment. Canada should make the protection of civil society a priority in the concerns that it highlights with the Zimbabwean government, with other governments and within appropriate multilateral bodies. In section 7, below, we make recommendations for a more comprehensive lobbying strategy to build and sustain effective pressure.

#### **2. Increased Pressure to Annul NGO Bill**

International pressure must be brought to bear on the Zimbabwe government to desist from enacting the NGO Bill. The situation needs to be closely monitored to ensure that the government of Zimbabwe stops the attacks on human rights defenders and freedom of expression advocates. If this Bill becomes law many NGOs will be silenced and the public deprived of its right to access alternative views and sources of information in Zimbabwe.

#### **3. Increased Financial Support to Civil Society**

Zimbabwean civil society is under siege and in those circumstances is in need of significant support, including financial. The Canadian government cut off bilateral financial assistance to the Zimbabwean government in 2002 following the presidential elections and since that time has delivered aid only directly to non-governmental organisations. The delegation heard frequently how important this assistance has been to many groups. We heard and witnessed as well, however, that civil society is still significantly under-resourced, particularly membership organisations including the ZCTU and the churches, which typically have not looked outside their membership for resources, and are therefore battling in the face of huge challenges. While some groups are able to sustain small offices and some



staff, others struggle to carry out their work relying on volunteers and lacking resources for internet access and office space. The delegation strongly urges Canada to substantially increase the level of funding available to support non-governmental organisations in Zimbabwe, particularly membership organisations.

**More Specifically:**

**Law:** Increased funding to non-governmental organisations in Zimbabwe to address:

- The cost of ongoing and future litigation involving fundamental freedoms such as the right to vote, legal rights and freedom of expression and the media; there is a legal defence fund established for this purpose that could be directly supported.
- Improved legal resources such as law reports, online legal publications and reports, periodicals, and research in areas of constitutional and international law;
- Training of judges and human rights advocates in emergency response, electoral rights, test case constitutional and international litigation, voluntarism and pro bono work, and union and worker rights.
- In-kind assistance of Canadian lawyers and students in the following areas:
  - Pro bono work such as international, Canadian and other domestic constitutional law research;
  - Research in access to justice initiatives such as innovative payment arrangements to encourage Zimbabwean lawyers to take on cases;
  - Analysis and criticism of Zimbabwean judgments from a Canadian, African and international perspective.

**Labour:**

- *Strengthening labour's capacity to resist through enhanced financial support:* Labour's financial demands far outpace its revenues and this has been exacerbated by the high inflation rate and the devaluation of the currency. A more equitable distribution of international donor funds between service NGOs and membership organisations can help alleviate some of its financial pressures and allow it to sustain a variety of membership activities, including resisting the regime's assaults of workers rights.
- *Strengthen LEDRIZ's capacity for research and dissemination:* Labour believes that its defence of workers rights and its intervention in policy debates requires a strong research and analysis capacity. The work that LEDRIZ is doing needs financial and technical support. A lot of the research done is made available not just for affiliates but for others engaged in the struggle for the restoration of democracy.
- *Legal support for workers subject to legal harassment:* Because of the legal harassment campaign, ZCTU has undertaken paralegal training for its affiliates to ensure that they have the capacity to respond when their members are detained. Supporting this work with funding and expertise will make a major contribution to workers.
- *Strengthen capacity of the opposition to communicate within the country:* The closure of the Daily News and other independent minded newspapers has left the country with very limited access to information that is not from the government propaganda machine. ZCTU has a functioning monthly called *The Worker*, which surprisingly, is licensed and widely distributed. There is a possibility of

publishing it more regularly and using it to counter the government's propaganda. Given the resources and expertise, ZCTU is willing to work with partners to make that happen.

#### **4. Increased International Solidarity**

Zimbabwean civil society does not look only to foreign governments for aid and support. Groups also need and rightfully expect increased solidarity from civil society in other countries. Many Canadian civil society groups, in a wide variety of sectors, have a long history of engagement with southern Africa. It is incumbent upon Canadian organisations to commit to working with Zimbabwean colleagues who can benefit from support in many ways, including through campaigning and lobbying, and assisting with training and resource needs.

##### **More Specifically:**

##### **Churches:**

- Canadian churches with already existent links with Zimbabwe partners should sustain and develop these relationships. Zimbabwean church people need to know that the world cares about their struggles.
- Given relationships between the Evangelical Fellowship of Zimbabwe (EFZ) and the Pentecostal Assemblies of Canada (PAC), the Church members of the Zimbabwe Reference Group should explore possible interest of PAC participation in Zimbabwe Reference Group.
- United, Anglican and Presbyterian southern Africa staff should keep in close touch with WCC and AACC work on Zimbabwe in order to maximise international ecumenical efforts to increase the capacity of Zimbabwe churches and church-related organisations to respond to their challenges.
- The Catholic Church in Canada should be encouraged to become more involved in Zimbabwe.
- Canadian churches should make every effort to keep voices from Zimbabwe visible in the Canadian church, its media and constituency.
- Funding should be made available for exchanges.

##### **Law:**

The delegation recommends increased interaction between members of the bar and judiciary of Canada and Zimbabwe, as well as other South African Development Community (SADC) countries and the SADC law association:

- More concerted efforts by Canadians and SADC lawyers to attend and critique Zimbabwean court proceedings;
- Visits to Canada and to Southern Africa between respective representatives of the bar and judiciary to consult and exchange information and experience on issues of Court and bar administration and independence, as well as substantive law;
- The convening of a conference in Southern Africa to bring together Zimbabwean and international representatives of the bar and the judiciary to consult on the independence and effective functioning of the legal profession and the Courts;
- Training by Canadian and SADC lawyers and academics in bar and Court administration, independence of the judiciary and the bar, freedom of expression,

legal rights and the efficient and effective hearing of constitutional cases by a domestic court.

**Labour:**

Labour believes that the role of the international community is vital in both calling attention to its plight and forcing concessions from the ZANU-PF regime, especially in the lead up to the 2005 parliamentary elections. However, it is critical that the international expression of solidarity be coordinated to ensure maximum impact and target key diplomatic centres such as South Africa, SADC countries, the United Nations, the Commonwealth, ILO. Much depends on getting the international community to better understand what is a complex crisis. Sponsoring emissaries from Zimbabwe on speaking tours, both in the sub-region and abroad, can be an effective way of focusing renewed attention on the crisis in Zimbabwe and presenting a representative picture of the victims of the crisis.

**5. International Monitoring**

Although the mere exercise of the right to free expression and assembly by civil society groups constitutes an invitation to arrest, many groups continue to organise peaceful demonstrations as the only means open to them to speak out publicly about a range of human rights concerns. These demonstrations, by groups such as the National Constitutional Assembly and Women of Zimbabwe Arise, are often violently dispersed by the authorities, leading to numerous arrests. Some diplomatic staff, including from the Canadian Embassy, make an effort to be present at such events to monitor the situation and hopefully provide some sense of international protection. The delegation urges Canada to increase its monitoring efforts, by adding further personnel to the embassy if necessary. Canada should also continue to work closely with a wide variety of other embassies, including those from other African nations, to encourage other countries to take part in these monitoring efforts.

**6. Refugees**

- There must be an immediate, comprehensive, independent review of the government's response to Zimbabwean asylum-seekers, leading to reforms, which will ensure that Zimbabweans have prompt access to an impartial determination of their claims.
- There must be a firm commitment to carrying out independent investigations of allegations that South African officials have attacked Zimbabweans and extorted bribes from them, leading to charges being brought when supported by evidence.
- A reliable census should be carried out of the Zimbabwean population in South Africa.
- A clear policy should be adopted assuring that before being deported from South Africa, all Zimbabweans will be given a fair opportunity to ask for an impartial assessment of the risk they may face upon return to Zimbabwe.
- The UNHCR, Canada and other governments should press South Africa to ensure that its laws and practices with respect to Zimbabwean refugees fully conform to international standards. In addition, Canada should take an active role in urging other governments to accept Zimbabwean refugees for resettlement.

- Canada should put in place a programme to support the resettlement of Zimbabwean refugees from South Africa, Botswana and other parts of southern Africa to Canada.
- Canada should designate Zimbabwe as a “source country” under the Immigration and Refugee Protection Act, thus empowering the Canadian Embassy in Zimbabwe to resettle Zimbabweans who are in situations of risk directly from Zimbabwe to Canada.

## 7. **On the Diplomatic Front**

The delegation believes that Canada can and must intensify its diplomatic efforts, bilaterally and multilaterally.

- The Prime Minister should appoint a Special Envoy for Zimbabwe: an individual whose profile, background and reputation would stand up to the anticipated criticism from President Mugabe that he or she has colonial interests and bias.
- Working in conjunction with the Canadian Embassy in Zimbabwe, the Special Envoy should build contacts and relationships within Zimbabwe, allowing him or her to both speak out about human rights concerns and play a role in seeking resolution to the current crisis.
- Canada should develop a comprehensive Africa-wide Zimbabwe strategy, working within and taking advantage of influence Canada has within the Southern African Development Community and the NEPAD Secretariat, and at the African Union and the Commonwealth. Canada should clearly convey the urgency for decisive and effective action on the part of these bodies to resolve the Zimbabwean crisis and to ensure the respect of international law, of SADC Principles and Guidelines Governing Democratic Elections and of the African Charter on Human and People' Rights. The Special Envoy should play a central role in this strategy.
- Canada should press for an immediate and independent review of the United Nations' response to the Zimbabwean crisis. This review needs to include a comprehensive contingency plan and analysis of entire UN mission in Zimbabwe and lead to concrete recommendations for UN action.