

Zimbabwe

A landlocked country in the middle of south-central Africa, Zimbabwe has a population of about 12 million, made up primarily of various black ethnic groups. While it has all the advantages of a pleasant climate, abundant mineral resources, fertile land and striking wildlife and scenery, the struggle for independence, power and land running through Zimbabwe's history have denied the majority their natural entitlements.

First conquered in the 1890's, and administered by the British South Africa Company, Southern Rhodesia, as it was then known, became a self-governing British colony in 1923, but with a franchise which excluded most blacks from participation. Over the years, white settlers developed a strong economy based on commercial agriculture, mining and manufacturing. However, blacks were excluded from the benefits, were dispossessed of much of their land, and were turned into exploited wage earners. Trade unionists led resistance to racially-based legislation, and then from the 1950's nationalist groups pressed for majority rule. Instead, Southern Rhodesia was forced into a federation with the two protectorates of Northern Rhodesia (Zambia) and Nyasaland (Malawi). Ten years later, this collapsed, as Britain was compelled to grant independence to the two protectorates. But in Southern Rhodesia, the white settler government blocked this. In 1965 Ian Smith, the Prime Minister at the time, rejected British conditions for independence and made a Unilateral Declaration of Independence. This was not recognised by London, ties with the colony were cut and United Nations sanctions were imposed. The colony was renamed Rhodesia. Faced with intransigence towards their peaceful protests, African nationalist organizations, ZAPU and ZANU, took up arms against the Smith regime and began a war of liberation, operating from neighbouring independent countries.

The war continued in the 1970's, with periodic unsuccessful attempts at a constitutional settlement. In 1979 an "internal settlement" which was boycotted by ZAPU and ZANU, co-operating as the Patriotic Front, failed to get international recognition.

Eventually a constitutional conference was convened at Lancaster House, London, in late 1979. It was attended by the Patriotic Front leaders Joshua Nkomo and Robert Mugabe, as well as the participants in the stillborn "internal settlement". An agreement on a new constitution, transitional arrangements and ceasefire was reached. Lord Soames, a British appointed Governor, was appointed and given full authority for the transitional period.

British supervised elections, with a universal franchise, were held in early 1980 and the new state of Zimbabwe became legally independent. ZANU had insisted on contesting the elections separately from ZAPU, and won a large majority, but formed a coalition government with ZAPU. Reverend Canaan Banana was appointed the ceremonial Head of State/ President with Robert Mugabe as Prime Minister of the coalition government.

While the early years of independence saw great progress in the development of health and education services, tensions between the former guerrilla movements gave ZANU an excuse to attempt to eradicate its partner ZAPU, whose support lay mainly in Matabeleland. In the 1980's Mugabe's Fifth Brigade brought terror to the villages in Matabeleland and Midlands provinces and massacred many thousands of civilians, on the allegation that ZAPU was supporting a "dissident" rebellion. They also targeted individuals in the ZAPU political structures with imprisonment, kidnapping, torture and death. The ZAPU leadership, who throughout denied any links with the "dissidents", finally gave up the attempt to maintain a separate political party, and joined with ZANU in a "Unity Agreement" at the end of 1987. In 1990, the state of emergency, which had shielded the atrocities, was discontinued.

The Unity Agreement was accompanied by a major constitutional amendment, which introduced the Executive Presidency. Robert Mugabe became the first Executive President of Zimbabwe and replaced the ceremonial President Canaan Banana.

Although Zimbabwe is a multi-party democracy on paper, holding regular elections, ZANU has always preferred a one party state. Whenever opposition has developed, it has been treated with gross intolerance and sometimes violently stifled, making it practically impossible for democratic practices to mature. Only since 2000, when the severe disaffection over economic decline prompted the rise of the Movement for Democratic Change, has the opposition been able to gain a foothold nationally, but under the most difficult circumstances, in the face of continuous harassment and violent attack.

The land ownership issue, which had been one of the issues of the liberation struggle, was not resolved immediately after independence. In 1992 legislation allowing the compulsory acquisition of land by the Government was promulgated. However lack of funds and a clear policy, compounded by corruption slowed the resettlement programme down. In 2000 the land issue was used by the ruling party as an election campaign tool. The Government blamed the failure of the land resettlement programme on the British, and sponsored ex-freedom fighters to forcibly acquire land without compensation. Whilst this action, accompanied by extreme violence and intimidation, guaranteed ZANU PF the election, the counter effect was to destroy commercial agriculture and alienate Zimbabwe from the developed world capable of investment. The violence, abuse of human rights, withdrawal of investment, and total failure of the "new farmers" who ended up on the land to produce food or agricultural exports, have together plunged the Zimbabwean economy into a downward spiral which continues to the present.

Zimbabwe's legal system is a dual one, embracing customary law primarily in the area of family law, and general law based on Roman Dutch common law and English influences, especially in the area of procedural and commercial law. The court system is widely established, with a hierarchy from primary courts to the Supreme Court, which also operates as a constitutional court. Customary law courts have been integrated with the magistrate's courts, and customary law can be recognized at any level. Small claims courts are intended to make the law accessible to self-actors in minor civil cases which do not require oral evidence. Recently the government, in an attempt to woo the loyalty

of traditional leaders, has given them far greater judicial powers, leading to considerable confusion, as they are not trained in the law.

In spite of a binding Declaration of Rights in the constitution, Zimbabweans have found their rights increasingly denied them by oppressive legislation, and the government's subversion of an independent judiciary has made it difficult to claim these rights in courts. The rule of law now hardly exists.

Paralegals were first introduced in Zimbabwe in the late 1980's, as legal NGOs felt it important to inform the people of their rights under new post-independence laws, especially those recognizing improved legal status for women. Since then paralegals have become both educators and advice givers in centres located throughout the country, and linked with qualified lawyers. Since the official provision of legal aid has never developed, paralegals play an important role in helping the people who cannot afford lawyers to understand and access the legal system.