

**“There is hope in Zimbabwe...  
Nothing is permanent except change”**



**Dialogue and Transition Conference Report**

***Harare, 5 July 2003***

## **WHAT IS THE CRISIS IN ZIMBABWE COALITION?**

Crisis in Zimbabwe is a coalition of more than 350 civil society organisations. It was originally conceived in August 2001 as a collective response by Zimbabwean civics to the multi-faceted crisis facing the nation.

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

### **Aims of the Coalition:**

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

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

To this end, the Crisis in Zimbabwe Coalition:

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

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

The Coalition is currently organising around campaigns including:

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

# TABLE OF CONTENTS

<b>Chapter</b>	<b>Page</b>
Acknowledgements	1
Background: What is Transition? Why have Dialogue?	2
Introduction	4
Conference Objectives and Expected Outcomes	5
Provincial Consultation Report Backs	6
State of the Nation and Overview	7
Land Reform	10
Economy in Transition	15
Political Issues in Transition	21
Human Rights, Truth and Justice	26
Constitutional and Legal Issues	31
Conference Resolutions	35
<b>Appendix</b>	<b>Page</b>
1: Dialogue and Transition Conference Think Tank Report	37
2: Heads of CSO's Meeting Report	42
3: Peace and Dialogue Workshop Minutes	55
4: List of Participants	58
5: Zimbabwe: A Land of Hope and Promise	61
6: Zimbabwe's Land Question After <i>Jambanja</i>	68
7: The Economy in Transition	73
8: The Zimbabwe Economy: Some Discussion Issues and Perspectives for Transition	84
9: Politics of Renewed Stalemate in Zimbabwe	96
10: Human Rights, Truth and Justice Issues	98
11: Dialogue and Transition: Some Legal Issues	101
12: Maputo Declaration (African Civil Society Organisations)	103
13: Post-Conference Press Statement	106

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#### *...Presenters and Chairpersons:*

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#### *...Facilitators and Rapporteurs*

Patricia Kasiamhuru, Zivanayi Manyika, Able Chikomo, Thomas Deve, Rutendo Kambarami, Nancy Kachingwe, Takura Zhangazha, Rudo Kwaramba, Primrose Matambanadzo, Perpetua Bganya, Gloria Nyamuzuwe, Silas Dziike.

#### *...Organisers*

Crisis Coalition Secretariat

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# BACKGROUND

## *What is Transition? Why have Dialogue?*

The widely contested Presidential Poll, held from March 9-11 2002, resulted in what many have described as a “stolen” election victory for Zanu PF. The ruling party has retained political control, but with an increasingly tenuous grasp on the economic and social confidence of the majority of Zimbabweans.

In July 2003, inflation stood at 340%, unemployment at 75%, and over 80% of the Zimbabwean population lived below the poverty datum line. One in three adults are infected with HIV, and over 3500 people die each week from AIDS-related illness. Shortages have become the order of the day, with Zimbabweans queuing for bread, mealie meal, cooking oil, fuel, and even local currency.

It is widely acknowledged that the economic crisis has its roots in the political impasse in Zimbabwe which has been deepening since the 2002 Presidential Elections. Thus, a way forward through the humanitarian devastation which is plaguing the country can only be found through resolving Zimbabwe’s political differences.

Countries in the SADC region, led by South Africa, have long advocated for a Government of National Unity (GNU) in order to resolve these political

differences. National unity assumes that a consensus can be developed on the broad issues and vision relevant to the country. It also assumes that the full diversity of the country’s political opinion will be included in participation on national debate. Thus, the process through which GNU is achieved has direct implications in terms of viability. If one group controls a stronger portion of the resources, or one sector finds itself excluded from discussion, the entire effort may be sabotaged.

Zimbabwe has had several experiences with coalition governments whose objective was national unity. Memories of the Muzorewa/Smith Zimbabwe-Rhodesia coalition of 1978, the compromise independence government of 1980 and the Zanu PF/PF Zapu Unity Accord Government of 1987 are the most powerful examples.

These experiments with GNU have failed to build durable peace. They focussed on satisfying the interest of specific political elites, but failed to develop peace, justice and truth-telling on the ground. These experiences have made Zimbabweans suspicious of coalition governments, and the potential for the ruling party to manipulate a “unity” government to its own interests.



Thus, civil society leaders and the Crisis in Zimbabwe Coalition believe that a GNU would prove an inadequate mechanism through which to resolve the national crisis. Instead, there is a need to re-envision the political prospects for Zimbabwe, and restore elected democracy to the country.

The Coalition proposes, and the text of this conference confirms that the preferred mechanism for this would be through inclusive, national dialogue which incorporates not only all interested political parties but also a broad cross section of civil society, including churches, women, labour, students, and the businesses community. It is hoped that through this national process of re-visioning the political frame work of the country, Zimbabweans will be able to develop a collective agreement on the way forward.

Further, the Yellow Paper outlines the necessary Transition Period required to move Zimbabwe out of its current political polarisation<sup>1</sup>. Through the transition process, a new people-driven constitution should be developed. Existing unjust laws should be repealed and an equitable legal framework should be established. Political violence and intimidation should be stopped, and the youth militia and parastatal bodies dismantled. Media access and freedom of expression will have to be guaranteed, and the humanitarian and economic crisis should be urgently addressed. Above all else, the Transition Process should develop the necessary conditions for fresh national elections and a truth and justice process to heal Zimbabwe.

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1 See Appendix 14 for the full text of the yellow paper.

# INTRODUCTION

The National Peace Convention, hosted by the Peace Building Sub-Committee of the Crisis Coalition on 13-14 December 2002 in Bulawayo, presented a unique opportunity for civil society actors and, particularly, church leaders from all denominations, to meet across their divisions and develop unified positions on the current multi-layered crisis in Zimbabwe. Out of this convention, church leaders were inspired to work together, and committed to take an active stance in resolving the problems plaguing Zimbabwe. Since then, they have taken a leading role in encouraging the two major political parties to come to the dialogue table and settle their differences.

In a parallel effort, leaders in the broader civil society movement have also recognised the need to take proactive steps to ensure that the voice of civil society, and the ordinary citizens of Zimbabwe is not lost in efforts to reach a political solution.

On 9 May, the Coordinating Committee of the Crisis Coalition held a strategic think tank meeting to discuss then impending “talks about talks,” and to chart the way for a unified civil society position on dialogue and transition in Zimbabwe. This meeting recommended a stakeholder conference and a broad process of consultations to solicit inputs and gain support for this position<sup>2</sup>.

On 16 May, these recommendations were endorsed by a Heads of Civil Society Organisations meeting, which agreed to hold a stakeholders conference as matter of urgency. In addition, this grouping recommended changes to “the yellow document,” a draft position paper on dialogue and transition. It urged the wide publication of this document in the press, and organisations committed themselves to disseminating and discussing this paper among their members<sup>3</sup>.

Consistent with these recommendations, consultations were held in Bulawayo and Mutare, in which church and civic leaders endorsed “the yellow

paper” and discussed the implications of this endorsement on their activities.

Following these consultations, on 5 July, the Crisis Coalition hosted a Stakeholders Conference to discuss issues on the current Dialogue between the ZANU PF Government and the Movement for Democratic Change (MDC).

Over 175 representatives from different civic society organisations from throughout Zimbabwe attended the meeting<sup>4</sup>. Debate on “the yellow paper” enabled stakeholders to consider diplomatic initiatives to seek a solution to the Zimbabwean crisis that has ensued since the controversial Zimbabwe presidential poll of March 2002.

The diplomatic initiatives that are currently taking place and spearheaded by South Africa have called for “reconciliation, working together and national unity in Zimbabwe” and dialogue between the ZANU PF Government and the main opposition party, the MDC. Accordingly, the crisis in Zimbabwe had been narrowed down to a crisis between MDC and Zanu PF political elites.

It is the opinion of the Crisis Coalition that the crisis in Zimbabwe is too complex, and too much of an issue which directly affects the majority of Zimbabweans, for it to be reduced to a fight between two party political elites. Rather, there are other voices which have a say in the present Zimbabwe crisis and these should be heard. Civil Society organisations represent a major voice in the Zimbabwe political scenario, and the citizens which make up their constituents are the same citizens which make up the electorate which chooses political representation. Thus, civil society has an obligation to advance its views on the current Dialogue and the proposed Transitional Government in what ever form.

2 See Appendix 1 for the minutes from this workshop.

3 See Appendix 2 for the minutes from this meeting.

4 See Appendix 4 for list of participants.

# CONFERENCE OBJECTIVES AND EXPECTED OUTCOMES

The conference intended specifically to engage civil society on the role it should play in the current dialogue between ZANU PF Government and the opposition MDC. Civil Society representatives were also expected to debate on the issue of transition concentrating on the form, composition, duration and other related aspects of the Transition Government.

The objective of this conference is to develop a unified Civil Society position on:

- ◆ The process required to move Zimbabwe out of its current multi-layered crisis;
- ◆ The strategy necessary to promote this process and ensure its rapid facilitation; and
- ◆ The methods through which this position and strategy will be debated and engaged with by the broader Zimbabwean population.

To guide the proceedings of the Conference the Crisis Coalition after consultation with heads of Civil Society Organizations had prepared a paper (“the yellow paper”) for discussion with the stakeholders that the Conference would adopt or reject accordingly. The paper outlined the following:

- ◆ The Crisis Coalition position on the process and content of achieving an amicable solution to the current crisis in Zimbabwe
- ◆ Exposed the weakness of the current process led by Mbeki, Obasanjo and Muluzi and
- ◆ A suggested way forward that will be sustainable in the long term.

The Coalition developed thematic areas that the delegates used to focus their inputs in the final Resolutions of the Conference and to amend the contents of the Yellow Paper. Each thematic group was to feature a presentation by one or more speakers, and group discussion on the key issues. The following themes informed the delegates’ discussions:

- ◆ Land Reform – The Way Forward (Presenter – Lloyd Sachikonye)

- ◆ Economy in Transition (Presenters – Godfrey Kanyenze, Davie Malungisa and Deprose Muchena)
- ◆ Political Issues of Transition (Presenters – Prof Brian Raftopoulos)
- ◆ Human Rights, Truth and Justice (Presenter—Janah Ncube)
- ◆ Legal/Technical Questions (Presenter – Dr Lovemore Madhuku)

Expected outputs of the conference included:

- ◆ A broadly agreed civic position on concerns surrounding dialogue and transition;
- ◆ Specific civil society positions on key sectoral concerns surrounding transition (e.g. land, the economy, legal requirements and human rights concerns);
- ◆ A clear plan of action for civil society actors to implement in order to promote these resolutions in their own sectors.

The conference achieved the consensus it sought on “the yellow paper,” and succeeded in collecting additions and amendments from participants, so that the final yellow paper reflects the full cross section of civil society.

In addition, the thematic groups developed distinct resolutions on the concerns of a transition for each sector. These are included as resolutions at the end of each thematic group’s discussion section in the report.

The conference fell short, however, of developing a unified action plan for civil society to achieve transition. A one day conference proved insufficient time for the large number of delegates to fully develop an action plan and agree on the necessary strategy to ensure that any political transition takes civil society’s concerns into consideration. This is a shortcoming that must be addressed by the Crisis Coalition and member organisations if the platform presented in the yellow paper is to be achieved and respected.



# PROVINCIAL CONSULTATIONS REPORT BACKS

The Crisis Coalition prepared the Yellow Paper and had circulated it to the Provinces for discussion and feedback before the Conference<sup>5</sup>. Representatives from Mutare and Bulawayo were requested to report back to the Conference on their discussions and Consultations.

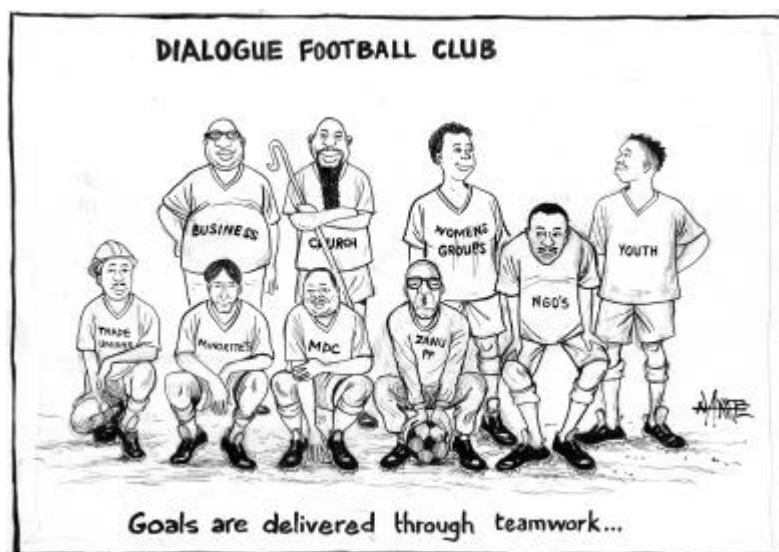
These report backs indicated that there was similarity in the provinces' consultations, with both reports indicating:

- ◆ There was agreement about the contents of the yellow paper.
- ◆ Dialogue and “talks” would prove an essential part of seeing Zimbabwe out of its current crisis.
- ◆ Civil society, including the church, should ensure that its concerns are also addressed in any negotiations.

The consultations in Mutare also debated the role of the church specifically in achieving the position identified in the “yellow paper.” They agreed that Senior Church Leaders should play a mediatory role, and Middle and Junior church Management would play an advocacy role lobbying these positions.

In Bulawayo, the meeting also stated that the only preconditions for dialogue should be surrounding the creation of a climate conducive for talks e.g. the release of political prisoners and the end to the state sanctioned organized violence and the repeal of POSA and AIPPA. That meeting also agreed that any talks should address humanitarian and social justice issues, not only political concerns.

The Bulawayo meeting further agreed that the composition of the Transitional Authority should be inclusive with representatives from all sectors of society.



5 See Appendix 3 for example, report from the Bulawayo consultation.

# STATE OF THE NATION AND OVERVIEW

*BISHOP TREVOR MANHANGA*

**“To resolve this crisis, there is a need for political will.”**

The keynote address of the conference was delivered by Mutare Bishop Manhanga<sup>6</sup>. The presentation noted that Zimbabwe was facing a crisis as epitomized by political polarization and rapid deterioration of the economy, the infrastructure, agriculture, decline in law enforcement and declining human rights standards.

Zimbabweans were urged to claim their democratic space in the economic and political governance of the country. Delegates were urged to map out solutions to the Zimbabwean political and economic quagmire in a creative and innovative manner.

To resolve these crises, there is a need for political will to define and achieve the way forward. Politicians will not automatically commit to such developments, but that the people must demand these commitments from them. However, Zimbabwe is suffering from a culture of compliance or “wait and see,” and its citizens do not demand accountability and action from those in positions of power. Zimbabweans must therefore develop a culture of accountability on the part of their rulers at all times, not only during election time by casting their vote.

Participants were urged to stop mud-slinging and finger pointing and instead seriously consider the future of Zimbabwe in a patriotic manner.

## *Economy*

In economic issues, it was noted that economic inequalities are severe where there has been enrichment of a minority at the expense of a few. The decline in the economy has been drastic, with unemployment at 80%, inflation at over 300%, and the effects of HIV/AIDS being exacerbated by these economic hardships.

The delegates were urged to deliberate on alternative economic policies that would bring Zimbabwe back to its role as a centre of development in the region.

## *Human Rights, Truth and Justice*

The presentation lamented the human rights abuses in Zimbabwe perpetrated by the police, state security agents, and extra-state agents such as militia and political party youths. He noted that Human Rights abuses had been on the increase since 2000, when Zimbabweans rejected the draft Constitution. Delegates were encouraged to work towards a zero tolerance policy for Zimbabwe for all acts of political violence. Delegates were also urged to deliberate on issues of repressive legislation including the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) that were restrictive of constitutionally guaranteed freedoms particularly in the area of the media, civil society operations, public order, security and political activism.



**Bishop Trevor Manhanga**

6 See Appendix 5 for a full copy of this presentation.

Issues of Truth, Justice and Reconciliation were highlighted, and participants were urged to objectively review these issues focussing on both the perpetrators and the injured.

#### *Land Issue*

The address recognised the need for land redistribution in Zimbabwe to correct the imbalances caused during colonialism. However it was pointed out that even with this background the government's land policy was never geared to correct the land imbalances as not much was done since 1980 and even after the lapse of the Lancaster House Constitution in 1990. The land redistribution policy through the Fast Track Land Resettlement Program was only used as a political tool to keep certain individuals in power and to enrich a few elites at the expense of the majority of the people.

Thus, the Fast Track Land Resettlement Program had resulted in a drastic reduction of production on Commercial Farms leading Zimbabwe to depend on food aid from the international community.

Delegates were urged to tackle the land question in terms of long-term requirements of the agriculture sector for sustainable productivity and the immediate future of the resettled farmers, displaced farm workers and the commercial farmers who have been force marched from their farms.

#### *Legal/Constitutional*

The Conference was urged to discuss key constitutional and legal questions surrounding the dispensation that will follow the conclusion of a political settlement. Some of the areas for discussion were: the rule of just law, opening up of democratic space and non-partisan application of the law to facilitate a free and robust discussion of national issues without fear of restraint or retribution.

Delegates were advised to discuss the legal and technical issues relating to the transitional mechanisms taking into cognisance that the present Zimbabwean constitution does not provide for any transitional mechanisms.

The need for dialogue was stressed, and civil society organizations were encouraged to focus on what the modalities would be and the intended outcome. Civil society was urged to ensure that the talks took into

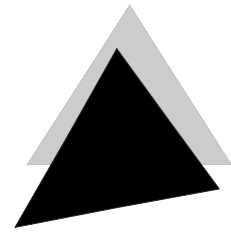
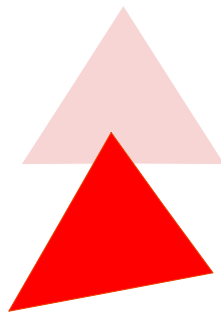
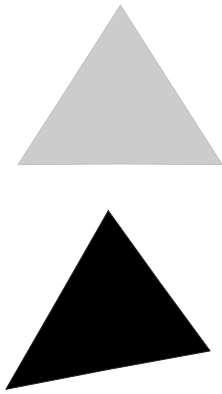
consideration different view points from all sectors of the Zimbabwean society irrespective of the divergence of view points.

In conclusion, the delegates were advised to remember the following:

- ◆ That the future of Zimbabwe could not be determined without its people or without the mandate and adequate representation of its people
- ◆ The portrait of Zimbabwe's future had to include both our laugh lines and our marks of stress, i.e. our views, fears and aspirations and
- ◆ As non-state actors there was need to seek to amplify the people's voice and to ensure that such voice is heard.
- ◆ The need to set out time frames, guidelines and performance monitoring mechanisms not only for the transitional period but to guide the Coalition's activities in order to achieve the goals set out during the conference.

“The future of Zimbabwe cannot be determined without its people.”

# THEMATIC DISCUSSIONS



# **LAND REFORM**

*Presentation and Group Discussion*

## PRESENTATION

The presentation for the land reform thematic group was prepared by Professor Lloyd of the Institute for Development Studies at the University of Zimbabwe<sup>7</sup>.

The paper discussed the land reform process which occurred from February 2000-August 2002. He sought to articulate the outcome and objectives of the land reform process. The “agrarian crisis” has resulted from this process, and the paper proposed the way forward which could assist in solving not only the agrarian crisis, but the national crisis as well. In addition, the paper revealed a framework to assist agrarian recovery and reconstruction.



**Professor Lloyd Sachikonye**

### **Government objectives of the Land Reform Programme**

- ◆ To achieve domestic food self-sufficiency,
- ◆ To attain a good balance between equity, productivity and sustainability,
- ◆ To expand employment opportunities,
- ◆ To promote emergent large-scale black commercial farmers,
- ◆ To reduce poverty among rural households and farm workers,
- ◆ To undertake reform of the land tenure system and
- ◆ To acquire 5 million ha for redistribution within 5 years (Zimbabwe Government, 1990, 1998).

Zanu PF abandoned this approach when it calculated that it faced the prospect of an electoral defeat in the 2000 election. In its place, a new radical, opportunistic and chaotic approach was adopted to pre-empt such a defeat. Scores of farm workers, farmers and opposition party supporters were killed, and hundreds injured in the violence that ensued between 2000 and 2002. The situation remains unsettled today as land invasions or threats of invasions continue. Dialogue with key stake-holders such as the Commercial Farmers Union, the General Agricultural and Plantation Workers Union of

Zimbabwe (GAPWUZ) and others have been scuttled as groups such as war veterans took centre stage in the *jambanja*<sup>8</sup>.

The outcomes of this programme have included:

- ◆ A massive amount of land transfer (from an originally projected 5 million ha over 5 years to about 11 million ha over 2 years),
- ◆ The promotion of the interests of new small and large black farmers,
- ◆ The eviction and decline in number of white commercial farmers from about 4 500 to between 600 and 900 remaining active farmers,
- ◆ A loss of jobs by about 200 000 farm workers (and livelihoods of over 1 million households) supported by this farm-worker population,

**“The communal areas have largely been forgotten.”**

- ◆ Intensified poverty and especially food insecurity due to income loss,
- ◆ Lower food output consistently since it began.

7 See Appendix 6 for an outline of Sachikonye’s presentation.

8 *Jambanja* is a recently developed Shona word meaning chaos or violence, specifically used to describe the recent political instability.

### *Communal Areas*

Sachikonye noted that, while one major motivation of land reform was ostensibly to “de-congest” the communal areas, it would appear that apart from the beneficiaries of the A1 model, the communal areas have been largely forgotten. There seems to be no concrete programme to rehabilitate them from the depths of poverty (more than 80 per cent of Zimbabwe’s poor live in rural areas). There are no large-scale transfers of resources (credit and related inputs, infrastructure etc.) when compared with current preoccupation with the new A1 and A2 models. Moreover, the land reform programme is largely silent regarding the future of the communal areas and their potential for development.

### **Less than 5% of farm workers received land.**

#### *Farm workers*

About 70 per cent of farm workers have lost jobs and regular incomes during the past two years. Less than 5 per cent received land; many are piece-workers while others drift into informal trade and gold panning. Their food security has diminished; many now depend on food assistance, their standard of living has deteriorated, and their vulnerability has significantly increased.

**“The resolution of the land crisis will hinge on whether, and how, the broader economic and political crisis is resolved.”**

#### *Recommendations*

The presentation stated that the land question has not been solved “once and for all” despite strident government rhetoric. Already criticisms of corruption, unfairness, opaque-ness and gross capacity under-utilization (of acquired land) have been levelled against the programme. Production has plummeted significantly, and there are endemic shortages of vital inputs (seed, fertilizer, chemicals etc.) owing to forex shortage and poor planning. The presentation therefore provided the following recommendations to build a sustained reform programme. Most of the recommended measures constitute pre-conditions for a turn-around in the reform process:

- ◆ Restoration of peace, stability and the rule of law in the agrarian sector and in the country as a whole.
- ◆ An Independent Audit of “who got what” from land reform, how much land was allocated, how much was not, how much is being utilized or not being utilized.
- ◆ Security of tenure and land rights need to be addressed in view of the massive investment and collateral required by the new farmers.
- ◆ A quick recovery of the agrarian sector, including incentives for “old” and “new” farmers to go into full production under conditions of stability, respect of law and property rights, and of confidence. This will require a massive credit and infrastructure programme.
- ◆ Creating suitable conditions for food security.
- ◆ Nurturing and strengthening the agriculture-industry production chain.
- ◆ Management and resolution of land-related conflicts.
- ◆ Building consensus between key stakeholders, including farmers (large and small), farm workers, government (central and local) and NGOs involved land-related work. A National Land Forum that consults widely

with stakeholders on these issues (as exists on economic issues) could be play a facilitative role in building consensus and confidence.

#### *Conclusion*

The resolution of the land crisis will hinge on whether, and how, the broader economic and political crisis is resolved. As long as the crisis persists, he advised, the prospects of success remain bleak. Therefore, to speak of the land question in “transition” is therefore to be optimistic that there will be change in the political and economic spheres. But, he urged, the change will not come about without a sustained struggle, mobilization, alliance-building and strategic planning.

## GROUP DISCUSSION

Following the presentation by Prof Sachikonye, the small group on land reform, resettlement, and the agriculture sector discussed their concerns<sup>9</sup>.

The group made the following observations:

- The current land reform programme was launched in 2000 after the referendum. It was a political tool to win the rural folk.
- Due to the *jambanja* Zimbabwe has become a grain importer, importing from countries to whom it used to export.
- Farm workers and the people residing in the communal areas have been forgotten.
- The group agreed that conditions of peace and stability must be returned to in the sector. There is a need to return to the rule of law.
- Participants reiterated the need to examine issues of land rights and security, and the need to develop systems to better address land-related conflicts.
- Participants also insisted that land reform should be made sustainable. Problems of corruption and the shortage of basic inputs must be investigated and addressed.
- The idea of one person one farm must be honoured.
- The Land Reform Programme did not take into consideration gender issues in land ownership.
- The group supported the proposal for a National Land Forum, to include small, medium, and large-scale farmers, government, and relevant civil society actors to identify the stakeholders and the necessary beneficiaries in the land reform process.

The group also raised the following questions:

- Is this conversation being held with the view of seeking redress now, or is it to prepare for after the Mugabe regime is gone?
- What is happening on the land now will have serious implications for the future. Can the land issue be factored into the negotiations?
- Why does Prof. Sachikonye's paper not cover minorities' cases?

The group also answered the following questions:

1. What is the most appropriate system of land tenure? What should be the place of private property in Zimbabwe's system of land tenure?

In 1994 the Rukuni Commission was the starting point for identifying a programme for sustainable land utilisation. It was observed that 80% of the population is poor. It was noted that access to land enables the poor to lead a better life but its very critical that there be stability in land use and people have security of tenure. Cognisant of that, the Rukuni Commission recommended defending the rights to access to land in legislation, so that people could go to court and defend these rights.

**“Land Reform did not consider gender issues.”**

2. Who should be the beneficiaries of a land reform programme? Are they being targeted now?

The intended beneficiaries of the land reform programme should include women, but that they have been marginalised. Similarly, the farm-workers have been displaced instead of being empowered. The use of land for political rewards needed to be revisited, as the issue of one person one farm was merely rhetorical.

There has been a dramatic decline in agricultural productivity, and beneficiaries to the programme should include those who can help to increase productivity. In addition, minorities and the landless should be targeted, and the process should be inclusive. Students and experts should also be involved to ensure productivity.

3. How do we ensure productive and appropriate utilisation of the land?

In order to achieve productive utilisation, appropriate ground work must be done before people are resettled. This included ensuring the availability of financial support, identification of farming capacity, provision of equipment, the

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9 This discussion was facilitated by Pastor Zivanayi Manyika and was minuted by Abel Chimoko of MMPZ.



identification of objectives, and targets for productivity and sustainability. There is a need to operate according to farming regimes, to ensure access to capital and loans for farmers, and to control disease and ensure management systems to ensure environmental sustainability.

4. What have been the socio-economic effects of the land reform programme?

The shortage of food, the loss of forex, reduced industrial productivity, the loss of infrastructure and investment, increased unemployment and international exclusion are some of the effects of the Fast Track Land Reform Programme. The land reform programme should have increased productivity, reduced poverty and benefited the whole nation. Instead, the programme has increased poverty for the majority of marginalised Zimbabweans and enabled an elite few to become extremely rich.

5. What should be done with the displaced farm workers and to rationalise plantation and farm workers' conditions of service under the new agricultural model? What should be done with the new/resettled farmers? What should be the position on compensation in the event of expropriation?

Marginalised populations, including the farm workers should be accommodated into whatever new system is developed. Special funds need to be created for the farm workers and for the new/resettled farmers.

6. What capital, human, and other investments need to be made in order to revive the waning agricultural sector?

Increase Zimbabwe's international credibility, create a land fund, which donors should be approached for contributions.

7. What should be done with the communal areas? How do we develop and rehabilitate these areas?

The partisan approach towards land utilisation should be abandoned, and an independent body, inclusive and made up of all stakeholders, answerable to the legislature and not the executive be established

8. Is the current land audit involving ALL stakeholders? How do we ensure that this process involves all the beneficiaries, and develops a way forward appropriate for all who depend on the land?

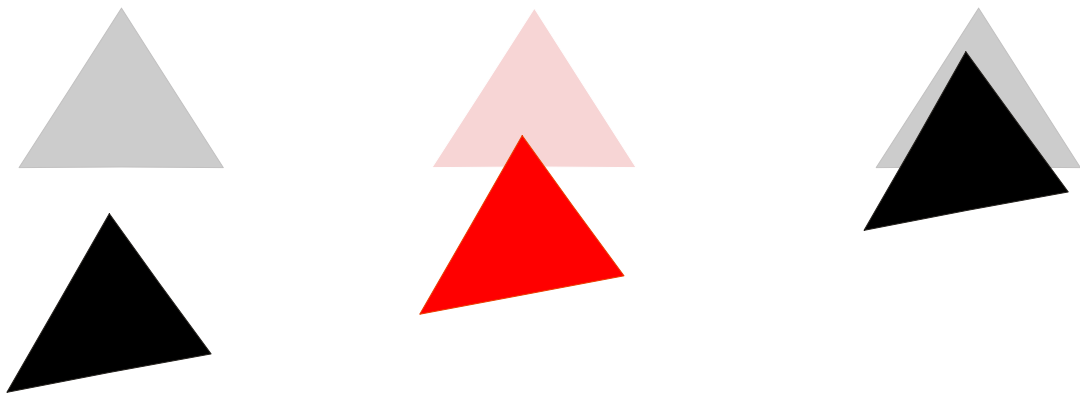
Research should be focussed on these needs, and technological developments should be exploited for this purpose.

**“Marginalised populations should be accommodated into whatever new system is developed.”**

## RESOLUTIONS

In its presentation to the plenary, the group made the following recommendations:

- The Rukuni Commission should form the baseline for dialogue as it had come up with security of tenure systems that would protect the poor
- Need for an inclusive program to include all groups especially non-Zimbabwean farm workers
- Need to give financial support to farm workers
- There was need for a non-partisan Land Committee to report to Parliament
- Need for infrastructural development in the farming communities



# **ECONOMY IN TRANSITION**

*Presentations and Group Discussion*

## PRESENTATIONS

The economy in transition thematic group featured two presentations. The first was a paper prepared by Dr Godfrey Kanyenze of the Zimbabwe Congress of Trade Unions (ZCTU) and the second a paper by Davie Malungisa of the Zimbabwe Coalition on Debt and Development (ZIMCODD) and Deprose Muchena.

The presentation by Dr Kanyenze<sup>10</sup> described the Zimbabwean economy as being in an unprecedented crisis, caused by acute shortages of foreign currency, basic commodities and cash (Zimbabwe dollars); unsustainable budget deficits and domestic debt; accumulation of repayment arrears on the foreign debt; hyperinflation; un- and under-employment; a burgeoning parallel market and rising poverty.

### **“The Zimbabwean economy is in an unprecedented crisis.”**

Understanding the causes of the crisis was described as the first step towards identifying and implementing remedial measures to correct it.

The first explanation for the crisis was cited as the official (government) position, in which government continues to blame everyone else other than itself for the crisis. For example, the president continues to blame the current crisis on efforts by the west to recolonise Zimbabwe. This position also blames business for profiteering at the expense of the people. This position is articulated in government’s economic programmes, the Zanu PF manifesto, and has characterised most of the President’s speeches.

In contrast, there is the “progressive civil society” explanation which examines misguided policies adopted by government since 1997. This perspective explains that the descent to lawlessness and bad governance contributed to the current crisis. It further finds that efforts such as the Tripartite Negotiating Forum (TNF) have failed because of an absence of political will to implement agreements.

Given the second explanation to the crisis, the following economic principles should guide the transition period and beyond:

- Broad-based policy formulation, implementation, monitoring and evaluation;
- Pursuit of inclusive economic policies;
- Negotiated mandates to ensure the goals of stabilisation and recovery are pursued in a non-contradictory manner;
- Pursuit of alternative (human-based) development strategies that are pro-poor;
- Mainstreaming gender and the needs of disadvantaged groups such as children, youths, people with disabilities among others in all policy programmes; and
- Transparency and accountability.

Short term measures were recommended to address the shortages of foreign exchange and basic commodities, the parallel market and measures to restore confidence amongst stakeholders. These included:

- Restoration of Bureau de Change;
- Implementation of the Prices and Incomes Stabilisation Protocol;
- Implementation of the Kadoma Declaration;
- Negotiation of a Business Charter with quantifiable targets for earning and remitting foreign currency through official channels;
- Review of National Economic Recovery Programme (NERP<sup>11</sup>) and prioritisation of measures accepted from it;
- Reconstitution of the National Economic Consultative Forum (NECF) and TNF to make them inclusive, decentralised and effective;
- Establishment of an Anti-Corruption Commission.

Economic stabilisation involves bringing to sustainable levels internal and external imbalances. Internal balances were described as measures to achieve sustainable levels of the budget deficit and inflation (single digit). Key aspects of the transition with respect to internal imbalances include:

- Adopting an ‘optimal’ structure of the State (including foreign embassies) based on its strategic developmental role and focus;

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10 See Appendix 7 for a copy of Dr Kanyenze’s paper.

11 Which some suggested might also stand for “Now Everyone is Really Poor.”

- Enforcing fiscal discipline by adhering to Statutory borrowing limits and budgets;
- Reigning in on the parallel market for foreign exchange and commodities;
- Restructuring parastatals;
- Implementing a credible public reform programme to achieve effective delivery and strategic focus.

“External balance” refers to balancing transactions between Zimbabwe and her trading partners. The external balance is made up of two accounts, namely the current account, which records the balance between exports and imports, and the capital account, which reports inflows and outflows of capital. In this regard, immediate concerns of the transition will be:

- Negotiating a Business Charter with quantifiable targets for exporters as agreed under the TNF and remitting earned foreign currency through official channels;
- Restoration of Bureau de Change to normalise inflows of foreign currency through official channels;
- Normalising relations with development (co-operating partners);
- Negotiating for the rescheduling of debt (both domestic and external);
- Incentivising exporters (e.g. through retention of higher levels of foreign exchange earnings than the current 50%); and
- Grants from development partners (windfall from the normalisation of relations).

An immediate need of the transitional period will be the provision of relief assistance to distressed households. This should focus on:

- The Basic Educational Assistance Module (BEAM) Programme;
- Public Works Programme;
- Assistance for the procurement of essential drugs; and
- Supplementary Feeding Scheme.

In conclusion, the presentation recommended that the TNF be used to negotiate various protocols under the Social Contract including on Urban Transport, Health, Education, Housing, Public

Sector and Enterprise Reform, Empowerment, Economic Recovery and Development among others. A negotiated approach should ensure broad-based ownership of programmes and is the best way of dealing with policy conflicts (trade-offs).

As part of the Social Contract, the multipartite social partners need to negotiate a medium to long-term development strategy for the country. This strategy should be different from those in the past that were narrowly focussed on the formal sector (dual and enclave – separate and isolated development).

**“Social partners need to negotiate a development strategy for the country.”**

A second paper was presented to the economics small group by Davie Malungisa and Deprose Muchena<sup>12</sup>. This paper observed that “Zimbabwe is stuck in a mutually reinforcing political and economic crisis that requires urgent, practical and far-reaching solutions.” A transition in Zimbabwe will be defined as part of a negotiated, political solution, will imply constitutional and electoral reforms and a new governmental dispensation. Before this new government is inducted, there is also a need to develop a new framework of economic management. The economy must be treated as a priority concern, lest it collapse during the period of transition.

Whether the period is officially defined as such. Zimbabwe is already in an economic transition. This began in 1997 when economic mismanagement combined with such events as the DRC intervention, the collapse of the Zimbabwe dollar and following the imposition of the War Veteran levy. The economic crisis has precipitated the current political crisis by exposing mismanagement and poor governance. Historically, transitions have tended to emphasise political questions at the expense of fundamental economic concerns, and with disastrous long term implications.

The paper provides a situation analysis through which they examine some of the fundamental economic concerns facing Zimbabwe, and the

12 See Appendix 8 for a full copy of this paper.

implications of these issues on the country's future prospects. The factors discussed include:

- Severe Isolation and Pariah Status
- Economic Collapse
- Dangers and Realities of an Elitist Transition
- Deindustrialisation
- Declining Trade and Exports
- Commodity Shortage
- "The Debt Albatross" (including Foreign and Domestic Debt)
- The Energy Crisis
- Securing adequate supplies of fuel and power (electricity)
- Food supplies. Currently Zimbabwe needs about US\$300 million to meet its food needs.
- Drugs needed for the health particularly to deal with the HIV/AIDS pandemic
- Funding for constitutional and electoral reforms needed for the conduct of new elections
- Salaries for the civil service and the uniformed forces
- Infrastructure and maintenance
- Funding for all transitional committees, functionaries and structures

The extent of "real transition" will be measured by the capacity of Zimbabwe to move out of the humanitarian crisis it is

**"Real transition' will be measured by the capacity of Zimbabwe to move out of the humanitarian crisis."**

currently experiencing. This will imply a focussed attempt to not only expand the economy, but to achieve real human development, so that poverty and inequality are no longer key features of Zimbabwe's economic and social landscape.

Factors which must be addressed in order to deliver Zimbabwe from its current decline include:

- Poverty and inequality
- Humanitarian Crisis
- Growing inequality
- HIV/AIDS

Several bodies and mechanisms should be adopted and developed in order to see it out of the present crisis and effectively manage the transition phase. These included:

#### *Transitional Economic Council*

The TEC be charged with managing the key economic decisions over a defined period, for example 12 months. The TEC would "be charged with developing an innovative and responsive macroeconomic policy framework, which will guide implementation of the transitional economic policy package." Further, the TEC should develop a *time bound transitional budget* to be implemented for key and specific economic programs that are critical and that would facilitate the transition. The key issues to be dealt with by the transitional budget include:

#### *Land Audit and All-Stakeholder Land Commission*

The land question must be settled by the transitional government. They therefore proposed a Land Audit to inform deliberations of an All-Stakeholders Land Commission. The land commission should develop the broader framework for agrarian sector reform, which could link into the overall economic recovery plan.

#### *Private Sector*

The private sector should support the transitional budget requirements and assist with the importation of fuel and general economic management. The private sector should develop a recovery strategy supported by labour and the transitional state so that it can increase its export earning capacity and ensure the provision of essential goods and services at affordable cost to ordinary Zimbabweans.

#### *The Role of Donors*

In order to effectively address the key concerns of the economy in transition, Zimbabwe would have to re-engage the international donor community to assist with bi-lateral agreements. Therefore, a donor conference should be convened to approach and identify key funders. The terms of the Transitional donor initiative should include:

- The channelling of donor funds to priority areas;
- The development of conditions of re-engagement which ensure that principles of socio-economic justice are upheld;

- Ensuring food security through developing support for agrarian reforms and developing the viability of agro-industries.

Donor aid would be essential for funding the fuel and food requirements, drugs and infrastructural maintenance costs of the transition period

#### *The Role of the Region*

The region can also assist the transition by temporarily relieving the debts which Zimbabwe owes to regional governments and companies, particularly in Botswana and South Africa. South Africa might somewhat redeem its questionable track record by advocating for the temporary relief of Zimbabwe's regional debt in the region, or by suspending the payment requirements for electricity during the transition period.

**“Transition must ensure the autonomy of both civil society and the politic players.”**

#### **Conclusion**

Any transition must ensure the autonomy of both individual interest groups in civil society and the political players. In addition, the development of a social contract, based on principles of social justice and human rights should be a priority.

Further, the transition process should enable popular participation in the economic models, policies and packages that are developed. Otherwise, whoever comes to power next will also abuse their political office to achieve personal economic gain.

Therefore civil society should:

- Engage in a national consultative process to define the economy Zimbabweans want;
- Develop empirical studies to conceptualise transition economics in Zimbabwe;
- Share experiences with countries that have gone through conflict and transformation.

## GROUP DISCUSSION

The group debated the root cause of Zimbabwe's economic problems<sup>13</sup>, and possible solutions. The section below reflects contributions made in this discussion.

While the government claims the roots are in imperialism, there has also been a domestic factor. Therefore, there is a need to balance external and internal causes.

**“The structure and strategic role of the state should be redefined.”**

Specifically, the the immediate cause of the crisis was identified as related to the impact of the Structural Adjustment Programmes. In 1997, trade unions and civil society witnessed the turning point in Zimbabwe's economic history, with the bread riots. The settlement for war veterans in 2000 and the involvement in the DRC war (\$33 mill per month) were contributing factors to the present economic crisis. The rejection of the constitutional referendum in February 2000 brought the land issue to the fore when the economy was already in decline. Governance issues and the current siege situation contributed to the context of the crisis.

The global context was noted, including current trade negotiations with the World Trade Organisation and the European Union, the question over debt repayment or relief, and issues of NEPAD and regional integration.

In discussing the global context participants also agreed on the need to present a balanced view of both external and internal causes of economic decline. The international community should be reminded of its role and responsibilities – both through historical policies and current policies.

Issues to be discussed at a global level included trade negotiations, debt relief, the impact of HIV/AIDS on the entire economy (particularly employment, food security, health, education, social stability, etc.)

Regarding economic prospects for Zimbabwe, a focus on formal sector development is not enough; the trickle down policies of ESAP have not worked. Civil society needs to be clear about human-centred and decentralised frameworks.

Macro-economic factors such as inflation must be addressed in order to develop mechanisms that lead to stabilisation in a way that balances both the external and internal environment.

Government should be reduced in a way that does not compromise social services. The structure and strategic role of the state should be redefined, and social safety nets should be developed so that immediate needs and abject poverty could be addressed even during the transitional period

The ZCTU is developing an alternative critique which includes:

- negotiation/dialogue with transitional govt/council – transitional economic council
- humanitarian resources
- understanding the frame work and allocation of Zimbabwe's resources from 1890 to present.

A key difference was found between Kanyenze's paper, which discussed the current crisis, and the Muchena/Malungisa paper which described the economy in transition. It was agreed that the current situation can be accurately described as a crisis, and that the period Zimbabwe needs to go through, in order to achieve stability, should be called the transition period.

**“Business, community groups and donors should be involved in the budget making process.”**

There is a need to address possible asset stripping, particularly within parastatals. Asset registration should take stock of and audit current government agreements. Further proposals such as the suspension of promotional arrangements, and the development of mechanisms for the recovery of national assets and the dismantling of government business cartels were also discussed.

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13 This discussion was minuted by Rutendo Kambarami of MWENGO.

The 12-18 months budget needs to address deliverables, including food supply, medical equipment and medication (particularly for HIV/AIDS), salaries for civil servants, fuel and energy supplies, infrastructure stability and the funding of transitional process such as the new elections.

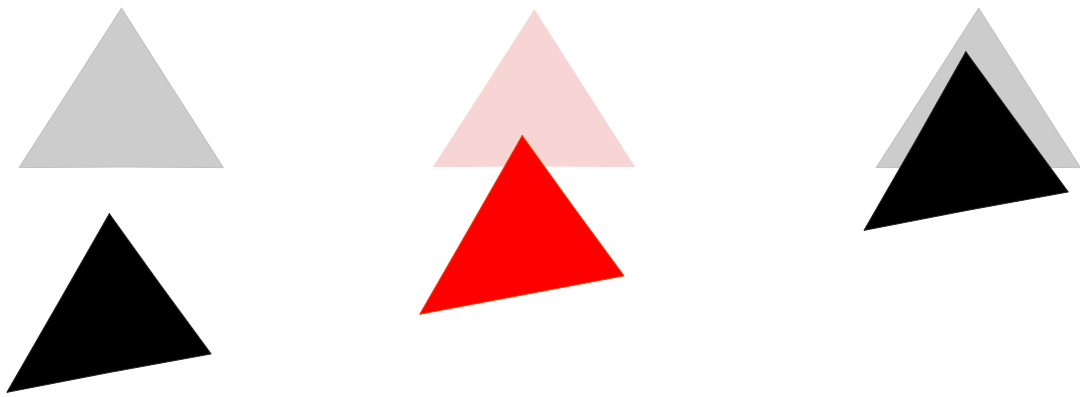
Different players, including business, community groups and donors should be involved in the budget making process. Economic development programmes should prioritise community empowerment and should understand the structures and values of communities so that future development does not perpetuate a dominant system.

## **RESOLUTIONS**

In proposing the way forward, the group made several concrete recommendations:

- Crisis and other civil society organisations should convene a national economic consultation that comes up with concrete measures to define the economy that Zimbabwe wants. This should include developing a framework to engage with donors during the transitional phase on the basis of poverty eradication goals.
- Conduct empirical studies to further define the extent and nature of the economic crisis.
- Develop values and an ethos that underpins and informs a new economy.
- Zimbabweans should share with and learn from other countries' experiences (beyond just South Africa), especially those emerging from conflict/crisis. This could include studying Kenya's engagement with the IMF/World Bank.
- The understanding of the crisis should be broadened to include issues relating to globalisation and NEPAD.
- Ensure broader civil society participation at a national level through existing mechanisms such as the tri-partite forum.
- Recognise the current global context/negotiations and the impact it has on the Zimbabwean economy
- The common person must be empowered on issues of development and by development in local communities
- The IMF and World Bank PRPS must be redefined.
- Issues of shortages of basic commodities and foreign currency must be urgently addressed
- The mapping out of strategies on how to transform the informal grey economy to a more formal economy.
- Develop a transitional economic authority and conduct critical restructuring of certain institutions such as the NECF.





# **POLITICAL ISSUES IN TRANSITION**

*Presentation and Group Discussion*

## PRESENTATION

In his presentation<sup>14</sup>, Professor Raftopoulos stressed the need for hope in combatting the Mugabe regime. Zanu PF was described as a party now largely based on coercion and force which has constrained political space and reduced the ability of Zimbabweans to imagine alternatives. In addition, there is lasting damage caused to the limited structures of public accountability that were still available in the country.

The ruling party has proscribed the limits of public debate, and authorises who may and may not speak and be heard in the body politic.

The major discussion around constitutional reform that generated such an inclusive discussion around state-citizen relations between 1998-2000, has been relegated to the background of Zimbabwean politics.



**Ms Nancy Kachingwe and Prof. Brian Raftopoulos**

As the economy continues its decline, the chances of building a sustainable basis for the ruling party's project become more remote. The accumulation strategies of the ruling party elite are connected to the plundering of state assets and the control over strategic commodities such as fuel. Lower structures of the ruling party, including members of the youth

militia, and sections of the police and army have used their political control functions as occasions to loot property in the name of the maintenance of law and order.

Zimbabwean politics is characterised by:

- a growing political polarisation;
- a serious undermining of the judiciary and the police force;
- loss of professionalism in the public sector; militarisation of the youth; loss of faith in the fairness of the electoral system; and a gross loss of confidence in the capacity of the state to protect the majority of its citizenry.
- when added to the deepening poverty of the majority and decreasing capacity of the labour force to reproduce itself, Zimbabwe represents a very volatile situation.

**“Many African leaders are trying to persuade Zimbabweans to ignore the regime’s poor governance record.”**

In contrast with this is an opposition party and a grouping of civic bodies that have maintained their commitment to peaceful political protest, while exposing the wide range of abuses that have characterised the Mugabe regime.

Thus Zimbabwe is caught in the midst of a political stalemate, with a ruling party which rules by force, and an opposition movement unable at present to mobilise peaceful protest to have a decisive impact on the state. Many African leaders are therefore trying to persuade Zimbabweans to ignore the current regime's human rights abuses, poor governance record and economic mismanagement in order to accept their nationalist credentials and the positioning this provides Zimbabwe in the context of regional and global politics. Many Zimbabweans are convinced that the country deserves better, we must hope that most Southern Africans agree.

14 See Appendix 9 for Raftopoulos' summary of his presentation.

## GROUP DISCUSSION

Group discussion focussed around the following questions:

1. Do you agree that we are in a political stalemate in Zimbabwe? If so what are the main features of this stalemate?
2. If not how would you describe the situation in Zimbabwe?

There was agreement that Zanu PF was the main obstacle to dialogue. In addition, the major players in the dialogue process are the regional powers led by South Africa that view Zimbabwe as a failed state. Zimbabwe is in a political stalemate but there is need to look beyond the political parties as being able to thrash out the solution to the crises by themselves.

**“Dialogue at an elite level does not address participatory issues.”**

3. Do we need a political dialogue in the country or should the civic movement be pushing for more confrontational forms activity against the state?

There is need to ensure that there is involvement of the people within the dialogue process because dialogue at an elite level does not address participatory issues. There is a fair amount of complacency around the talks by the people as well as sections of civil society because of the lack of knowledge around the issues that characterise the talks.

4. What processes should be put in place to facilitate a political dialogue?
5. What form should this dialogue take?
6. What major issues should inform the dialogue?
7. If there is no movement towards dialogue, what alternatives are open to the civic movement?

On the brokering of the dialogue there was debate as to whether there is need to have an interlocutor from outside or within the country. The role of the

churches was brought up as a critical role that can be used as an entry point by civil society into the dialogue process.

Within Zanu Pf there are divisions that need to be taken advantage of in order to spur on the dialogue process that will involve CSO's. At the same time there is need to lobby for less partisanship within the regional leadership. This would mean engaging the heads of state that are playing the leading role in the process to be more open and neutral in their interventions in the Zimbabwean crises.

Civil society should be a united front without worrying too much about non-partisanship. Some participants believed that the united front must be forged with the opposition Movement for Democratic Change because there is a common denominator of the desire for democratic change in Zimbabwe.

### **Possible strategies for CSO visibility in dialogue process:**

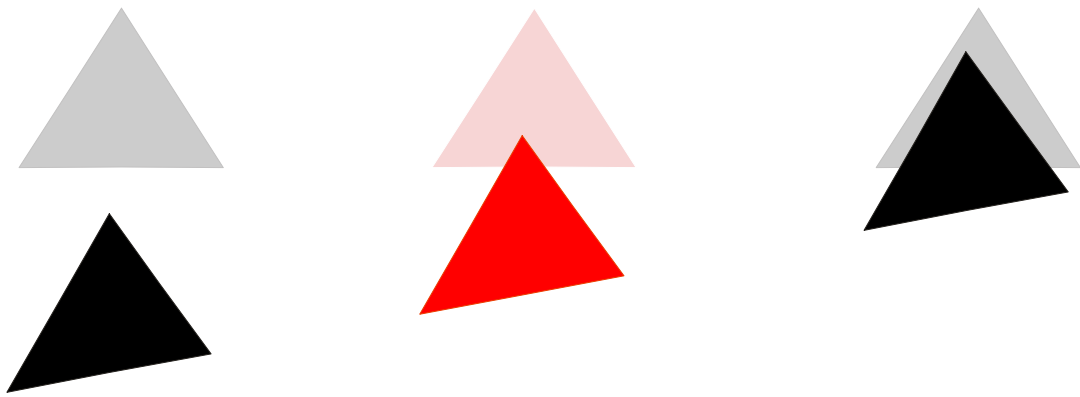
The strategies that must be put in place for dialogue to begin in earnest as well as with the involvement of civil society must include:

- Mass action around the repressive Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA);
- The involvement of the church in building bridges between the political parties;
- The establishment and maintenance of a united CSO front with a strong relationship with the MDC.
- Strategising at regional and international level in order to put pressure for dialogue.
- A TRC process that ensures accountability so that people are clear about who is forgiving whom.

## RESOLUTIONS

From its discussion, the group proposed the following recommendations:

- Repealing of POSA and AIPPA and the need for civil society to plan campaigns around the two Acts
- Release of political prisoners as a sign of goodwill before the talks
- 19<sup>th</sup> of July campaign against the repressive Laws to commemorate the 7000 people march in 1966 where people from Highfield including President Mugabe participated to protest against the Law and Order Maintenance Act which has now been reborn as POSA
- Strengthening of Churches' mediation role and ensuring that they advance issues arising from the civil society groups
- Civil Society to merge alliances with churches on bread and butter issues
- Identification of ZANU PF members that civil society can dialogue with
- Forging international and regional alliances without interference with the course of action that Zimbabweans want.
- Civil society to ensure that they are not discouraged from participating in the talks to resolve the Zimbabwean crisis. There was need to map out a strategy including lobbying the region and other eminent persons on the inclusion of civil society at the negotiating table.
- Civil Society to ensure that its voice is heard during the Maputo AU meeting, during President Bush's visit to South Africa and other similar meetings.



# **HUMAN RIGHTS, TRUTH & JUSTICE**

*Presentation and Group Discussion*

## PRESENTATION

The presentation for this group was prepared by Janah Ncube<sup>15</sup>. The presentation emphasised the inter-relatedness of different aspects of the crisis. In addition the escalation of the crisis to the present was established.

Since the year 2000, human rights standards in Zimbabwe have steadily declined. This was attributed primarily to political intolerance, which has resulted in an undeclared state of war existing in Zimbabwe. Abductions, kidnapping, assault, murder, “disappearances” displacement, rape, torture, detention and arrests are just some of the examples of politically motivated violence Zimbabweans currently experience.



**Ms Janah Ncube** (right)

Beyond the human rights violations, the Zimbabwean climate has been further marred by hunger and starvation, soaring HIV rates, the absence of the rule of law, shortages of basic commodities (including local currency), repressive legislation and widespread fear. The arms of government had colluded with the ruling party to the extent that even the national media has become a propaganda machine. Further, in instances when government-sponsored actors are perpetrating abuse on the people, the law is blind.

It is difficult to describe the current situation in Zimbabwe when the human rights abuses are so widespread and when the current political, economic and social disasters facing the country are so inter-related. The state of the economy in particular (including lack of currency, rising unemployment, soaring inflation, shortages and the development of the parallel market) has affected Zimbabwean’s basic human rights.

In addition, there is a trend of sharp increases in human rights violations during the election periods and at times of mass action. This has worrying implications on the public’s ability to organise freely and for political debate to take place openly.

The paper described types and extent of human rights abuses, and discussed the physical and psycho-social damage to the victims who have been murdered, crippled, dismembered, raped scarred and abused. Loss of dignity, and the damage to family and community structures also occur when individuals lose their jobs, are victims of arson, have their properties destroyed or their families divided.

In conclusion, the paper called for politicians and civil society actors alike to stop bickering while the country suffers, and instead urged them to sit and talk across a table. Dialogue was cited as only the beginning of a process that will take time, truth and justice to bring about that new Zimbabwe which is possible.

**“Politicians and civil society actors should stop bickering while the country suffers.”**

15 See Appendix 10 for a copy of the submission from Janah Ncube.

## GROUP DISCUSSION

The group defined Transitional Justice as an immediate and expedient process of blending societies legally, philosophically and morally, taking into consideration the cultural, legal and social perspectives of the society<sup>16</sup>.

Following the presentation, participants discussed issues relating to human rights, truth and justice in relation to the potential for transition in Zimbabwe. The group attempted to answer them by allowing for broader discussion which primarily included examining the rights that have been violated before coming up with mechanisms of how to deal with them and bring perpetrators to justice.

The discussion was given the theme “Rebuilding and re-envisioning Zimbabwe from the perspective of Human Rights, Truth and Justice.”

### **Violations prominently noted included the abuse of the following:**

- Right to equality before the law
- Freedom of association, assembly and expression
- Right to dignity and security of person
- Right to food (especially through inaccessibility and politicisation), this inherently impacts on the right to life.
- Right to information: freedom to disseminate and receive information; restriction of access to information through monopolisation of broadcasting space by a partisan public broadcaster.
- Right to education
- Freedom from discrimination and equal opportunity
- Right to plurality, people/ citizen participation
- Right to health - inadequate provision of medical facilities and services, access to health facilities; accentuated with regards to people living with HIV/AIDS

Detentions, torture, assaults, murder, abuse have become more systematic. The institutions which are supposed to protect, promote and enforce people's rights (e.g. police, army, national broadcaster) have become the chief conspirators in abusing people's rights.

The group then proceeded to answer the discussion questions as follows:

1. How does Zimbabwe want to deal with past human rights abuses and atrocities? How does it deal with both recent and older grievances? How do we deal with perpetrators and ensure that justice prevails without being vindictive? How do we address questions of truth telling, forgiveness, revenge, justice, healing, reconciliation and reparations.

### **Past wounds left unhealed have festered and aided the present crisis.**

There must be acknowledgement of past and present injustices. Healing can only follow such admission of responsibility. An important lesson has already been learned locally of the consequences of lack or rehabilitation of both victim and perpetrator in the form of liberation war veterans, detainees and collaborators whose unhealed wounds made them very responsive to a violent campaign for land acquisition.

The wounds left unhealed, particularly after the liberation struggle and the *Gukurahundi*, the Matabeleland massacres of 1983-1987 have festered and aided the present crisis. Therefore each phase, (including the liberation war, *Gukurahundi*, land invasions and politically motivated violence) must be revisited in terms of “breaking the silence and building true peace” and healing of memories.

Perpetrators must be made accountable and brought to book, but that there should also be a focus on rehabilitation. In particular, there should be a focus on rehabilitation and reintegration for members of the youth militia. A distinction should be made in terms of the justice meted out on willing versus unwilling perpetrators. That is, those that partook in acts of violence as part of their employment under threat of reprisal for defiance of orders should be treated differently than those who acted willingly/out of their own volition. Instigators of violence must be made accountable, as well as those who actually carried out the acts.

2. What institutions do we want to set up to achieve transitional justice? Does Zimbabwe need a

16 This discussion was minuted by Primrose Matambanadzo of the Human Rights NGO Forum.

TRC process? A tribunal? Something unique? What should this look like?

Zimbabwe needs a process in which perpetrators acknowledge past misdeeds, and through which victims are able to tell their stories in order to arrive at reconciliation. A TRC process or similar was seen as suitable for this.

The provision of justice is the duty of a different body as a TRC was unsuited to this, and perpetrators should be brought to justice.

***“There must be justice, if people are to be placed in jail, they must be placed in jail, but it is just not enough to say ‘Oh I tortured you and I am sorry’ and for that to be that.”***

Justice, reconciliation and reparation are not mutual processes but must be attended to in distinct manners. A transitional body in Zimbabwe should incorporate the two: a tribunal and a TRC. Various associations and organisation could interplay in the different aspects of this process. For example, issues of justice and reparation could be addressed by legal organisations and associations. Questions of rehabilitation should be tackled by psycho-social organisations, and issues of healing should be taken up by faith based organisations.

The ‘Truth, Justice and Reconciliation’ body should have sub-committees that give specialised attention to specific violations eg. unlawful arrest and detention; rape, torture, etc.

The institutions/ bodies that should be established congruent to this process be as follows:

i) A National Integration Commission, the duties of which would include:

- Building nationhood, specifically to address existing disparities and the conflicts that they have caused.
- Addressing grievances by minority groups.
- Playing a role in reconciliation
- Developing a culture of accountability among citizens through the media and other advocacy tools

ii) Constitutional Commission, which should be independent of any sitting government

3. Constitutional and Legal framework: How do we guard against a repeat of such abuse? What Constitutional guarantees can we put in place for the future?

A new constitution is imperative. It should be the result of wide public consultations and accommodation of an implementation/enforcement body should be included ie. A Human Rights Commission.

There must be an awareness of rights among the people. The rights presently enshrined in the constitution have been violated and many victims have not even been conscious that they had any entitlements to begin with. There should be a nationwide education campaign informing citizens of their rights under the reformed constitution.

## **RECOMMENDATIONS**

Civil society should play its role to help create, develop and support institutions that protect and promote people’s rights. To achieve this, civil society should promote a culture of human rights, peace, truth and justice. It should promote advocacy around citizen’s right to equal protection under the law, and the manner in which the regime has threatened and systematically violated social and economic rights, the rights to information, private property, education, food security, health care and employment resources.

The transition process, and the institutions created in this process must contribute to the acknowledgement, healing and restoration of positions and reparations. For example, lessons should be learned from the South African process, which focussed on the perpetrators, rather than the victims. However, the South African process had its own challenges, which Zimbabwe should critique and learn from so that they do not repeat some of the same mistakes.

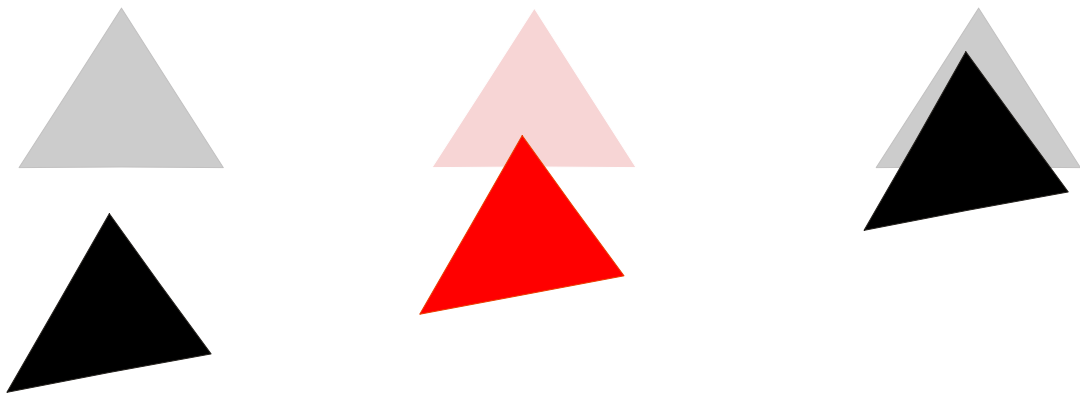
The process must be inclusive and definitive. The institutions which are created must be monitored to deliver, and the people must be confident that there is a new dispensation being created. A new, people driven, democratic Constitution should be a sign post in the transition that points to a road to recovery.

Institutions such as a Human Rights Commission and a Truth and Reconciliation Commission should



be created to further enshrine protection of people's rights. Specifically, the process of healing and restoration should include the rehabilitation of those in para-military groups, e.g. The Border Gezi youth training camps. There is a challenge in finding an alternative forum to educate the young people across the country.

Civil society should learn from the United Democratic Front (UDF) process of South Africa, and demand space both in the negotiating process and in regional and African Union (AU) initiatives.



# **CONSTITUTIONAL AND LEGAL ISSUES**

*Presentation and Group Discussion*

## PRESENTATION

Dr Lovemore Madhuku submitted a brief and technical paper addressing the legal and constitutional issues surrounding transition<sup>17</sup>. This submission suggested that issues of dialogue and transition are not legal but political. The current constitution is silent about transitional possibilities, but regardless of this fact, processes can be initiated between interested parties. Thus, with political will regarding what a transitional phase should look like or what was required to move Zimbabwe forward, the law could be changed to reflect this agreement. This also means that the legal process itself can change to adapt to any political settlement.s

Two or more parties may agree to dialogue but this does not automatically imply what form this dialogue will take. Similarly, the form of transition of any society will be unique to the requirements of that particular country. Therefore, developing a legal framework for dialogue and transition implies some basic assumptions about the focus of the dialogue and the form of the transition.

The paper thus developed two possible routes to transition, stating that the specifics of these routes would be contingent upon the broader concerns as defined by the dialogue or transition period.

One route was described as the “extra-legal” route, wherein the existing constitution would be overthrown, and a new constitutional order would be imposed, provided the new order could work itself into the existing situation and take hold.

The other option was described as the “legal” route, which operates within the existing constitution and laws of a country. This method does not challenge, the legitimacy or justice of the very laws themselves.

Under the legal route, the process of dialogue itself does not need to be legislated. It can instead operate based on agreements between the parties which might be morally, rather than legally binding. If, however, the parties chose to create a legally-binding environment for dialogue, they could do so either through an Act of Parliament, specifying the nature, mandate and scope of the dialogue body, or through the Presidential appointment of a Commission (similar to the way in which the Constitutional Commission was defined. This legal construction of a dialogue body was described as the exception rather than the norm.

In contrast to this, the transition process itself would be regulated by law, although the specifics of this legislation would depend on the form of the transition. In particular, the starting point for a transitional phase would be the amendment of certain sections of the constitution, in order to address the issues of elections and office bearers in particular.

**“With political will, the law can be changed.”**



17 See Appendix 11 for a copy of this submission.

## GROUP DISCUSSION

The group discussion focussed around the following questions:

1. Can the current Constitution facilitate transition? If so, how?
2. If not, what should be done to ensure that there is an appropriate legal framework for transition?
3. What are the challenges for such a course of action?
4. What time frames will be necessary and appropriate for Constitutional or legal changes that will facilitate a return to legitimacy?
5. What laws need to be repealed and amended to achieve the objectives set above?

“Transition” was defined as a bridge or linkage between two phases. The transition phase would be an acting or caretaker government, to serve as the temporary authority or provisional government. The transitional government should be all inclusive, incorporating faith based organisations and broader civil society, not just political parties.

**“Transition is a bridge or link between two phases.”**

Political parties and civil society organisations, including organised formations that have a stake in the nation should both be involved in the transitional government.

It was suggested that a National Assembly could be established, either by an Act of Parliament or a Constitutional amendment. The mandate of the National Assembly would include setting up a time-frame for the elections, supervising democratic elections, creating an enabling environment, the depoliticisation and demilitarisation of the police, facilitating a new Constitution process and ensuring full participation of all Zimbabweans in the transition process.

A Referendum Act could be written, as a precedent for participation by citizens on a referendum on the way forward. It was suggested that Section 31 of the

Constitution, which pertains to the operation of Parliament and the Cabinet could be suspended, thus opening the way for transitional arrangements. Others however doubted the effectiveness of suspending Parliament, and believed that it was necessary instead to gain participation of Members of Parliament, to help mobilise the political will necessary for such legislation to be passed.

**“There should be broad participation in the dialogue and negotiation process.”**

The South African model recommended a Government of National Unity, an interim constitution and the establishment of interim structures. The interim Constitution would lead to a new substantive Constitution.

Political will for transition would be one of the major stumbling blocks. There is a need to define objectives and articulate the purpose of the dialogue in order to increase political will. There is also a need to put pressure on major political parties, particularly once these objectives are clearly defined. One objective of engaging the political parties should be to ensure broader participation in the dialogue and negotiation process.

Through an Act of Parliament a transitional government could be established. This would provide for an interim constitution and could work with an Eminent Persons Group to develop a brokered transition.

Challenges of these suggestions and other proposals for transition would include:

- resistance from Zanu PF,
- lack of political will,
- repressive legislation such as POSA and AIPPA,
- unconstitutional groupings of intimidation such as war veterans and militias,
- the current executive powers of the Constitution,
- apathy,
- donor conditionalities,
- limited resources and
- the lack of a clearly defined mandate and time-frame for the transitional government.

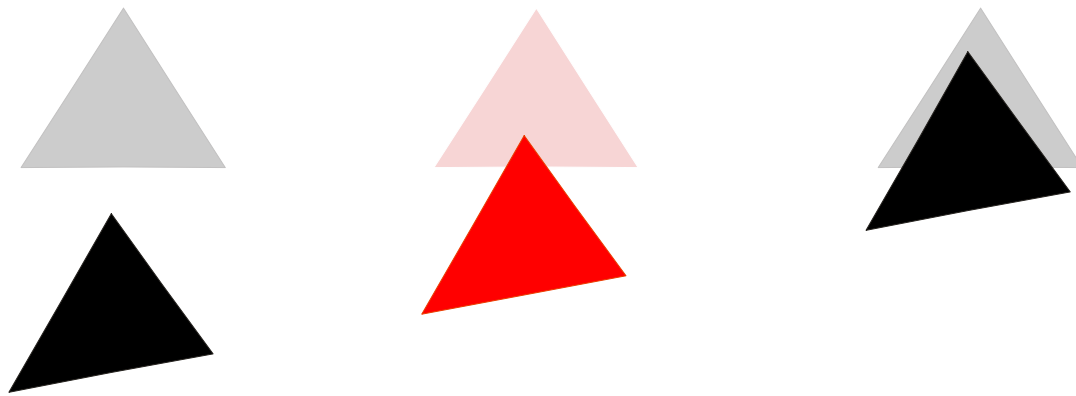
In addition, the environment must become conducive for a stable transition, in order to limit the scramble for positions and leverage in the face of a leadership vacuum.

## Recommendations

Based on its discussion, the group developed the following recommendations for the conference:

- The transitional government would be a temporary provision. This could operate under a transitional constitution.
- Such a temporary provision would come about through an Act of Parliament
- The need for an interim constitution with an Interim Assembly
- Need for an Eminent Person to act as broker during the Transitional period
- There was need for civil society to create an environment that would encourage and ensure meaningful participation of the people
- There was need for the repealing of POSA and AIPPA
- The mandate of the Interim Assembly should be overseeing the process of coming up with a new Constitution, depoliticisation of state institutions, Human rights watchdog and to ensure that Gender was a cross cutting issue
- Need to develop a timeframe for the transition period with clear monitoring mechanism





## CONFERENCE RESOLUTIONS

Following the report back from the thematic group discussions, the conference moved to a closing plenary discussion in which it was agreed to adopt the “Yellow Paper” with the following amendments:

- "Dialogue" should be changed to Political Party Dialogue.
- Include the Constitution Reform as an immediate concern.

Civil society has a role to play in resolving the crisis, but the role of civics is deeper than this. Civil society should not be tagged to political parties but should claim and occupy their space as independent entities. Civil society could make alliances with any political party but should maintaining its role as permanent and relevant entities.

That there is a need to build bridges between the major political parties that were extending their hand to the civil society. Civil society should seek to strengthen such alliances.

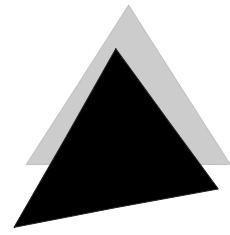
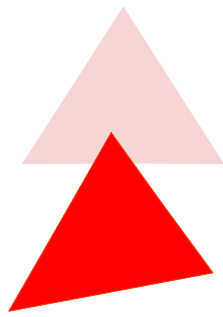
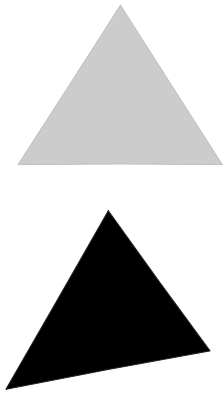
That there is hope in Zimbabwe as nothing is permanent except change. However, there were concerns regarding the post-transition period, especially in regard to the youth that were being trained and used as tools of violence.

The conference further endorsed the recommendations of the small groups, and adopted the following resolutions<sup>18</sup>:

- The Conference supports the current efforts in the mediation by the church.
- The Conference supported the non partisan regional and international initiatives to resolve the crisis in Zimbabwe but was opposed to partisan or dishonest interference.
- The Conference undertook to resolve the political players in the current crisis failure of which they resolved to engage a parallel process.
- The Conference adopted the proposal for the 19<sup>th</sup> of July march to campaign against POSA and AIPPA.
- The Conference accepted the principle position for the Crisis Leadership to engages members within ZANU PF that are keen to dialogue.
- The Conference agreed that a group of Eminent persons from Civil Society Organisations would be identified through an inclusive consultative process to represent civil society.
- The Coalition will hold consultative meetings on thematic issues at Provincial and District levels and report back to the members.
- The Conference agreed that the Coalition would commission studies and create think tanks on thematic issues to be outlined in simple form for public consumption
- The Conference Report would include the recent African Union civil society resolutions<sup>19</sup>.
- Crisis Coalition leadership should mobilize and make effective interventions in the SADC region, and take advantage of opportunities such as President Bush's visit to South Africa
- The NCA was tasked with further inquiry and research into the Constitution Making process.

18 The conference resolutions were developed into a press statement advertisement that appeared in the local press the week after the conference. See Appendix 13 for this press statement.

19 See Appendix 12 for statement from the Maputo summit.



## **APPENDICES**

# APPENDIX ONE

## Report on Proceedings

*Negotiations and Dialogue Think Thank Meeting*  
9 May, 2003. Cresta Lodge, Harare

### Introduction

The Chairperson of the Coalition introduced the meeting. He thanked the participants for coming, particularly on such short notice. The purpose of the meeting was explained to be to start initial discussions within civil society on the possible negotiations and dialogue process, and to develop a unified position on these initiatives to direct the way forward.

Participants were advised that the discussion documents were not intended to limit discussion, but rather to provide a starting point from which discussion could grow and refine. Discussion therefore began from the *Framework For Discussion* document.

### Question 1

Should there be dialogue? If so, what form should this dialogue take (inter-party? multistakeholder?)

The group agreed that dialogue was necessary. It was agreed that, while other alternatives might be available, for the time being this was the preferred mechanism to resolve the Zimbabwe crisis. It was acknowledged that the circumstances and preconditions for negotiations had yet to be resolved, but this did not make the process any less critical.

However, there was initial disagreement as to whether this should initially be inter-party, and then involve civil society into a broader multi-stakeholder process later, or if civil society should be involved from the beginning.

Some participants argued for the first approach, stating that an inter-party process was required initially to break the impasse. It was argued that the transition should occur in phases, and that the first phase would be getting the political parties to the table for discussions. In addition, it was believed that as this process had already begun, it should be encouraged to continue, and not frustrated by attempts to demand broader inclusion immediately.

Others argued that history has shown that, once political parties are allowed to “go it alone,” it becomes difficult for civil society to later be incorporated into their agenda. There is a tendency for parties to focus more on who is in power, than on what the nature or context of that power is. Thus, some argued that it was important for civil society to push to be involved immediately in the negotiations process, or else risk being sidelined up until the end. Participants were discouraged from thinking that civics could hide in the background at first, and then expect to be brought in later.

Overall, however, it was agreed that to expand dialogue beyond the two major political parties, from as early on as possible, would help to moderate the tension and reduce the confrontational approach taken by the two parties. In addition, it was believed that involving a broader stakeholder approach would expand the process beyond simply dialogue into substantive negotiations about the process and content of the transition period, and the new Zimbabwe.

Participants also stated that it was necessary to involve civil society in order to broaden the process so that it consisted of a national discussion on values, vision, stability and key issues such as land reform, basic livelihoods, the Constitution, and human rights violations (past and present).



In addition, participants mentioned the need to create an enabling environment for the dialogue process, and to guarantee that this process involved all stakeholders. It was discussed that this should be done by continuing to place pressure on both sides of the political equation, and by continuing regional and international efforts in order to break the impasse. It was also agreed that action from civil society was necessary to ensure that the strength of civil society was recognised by both major political parties, so that they do not close off the negotiating space and exclude civics and their interests. Participants resolved that while there may be different specific interests among civil society actors, the broad objectives of tolerance, equality and democratic governance are shared by all. It was therefore agreed that the purpose of mass action, for civil society, was a complete transition—not just a political one, but one of governance, economy, livelihood, values, rights, etc.

Thus the process could be envisioned as follows:

Mass pressure dialogue/negotiations new elections, good governance, economic stability, humanitarian crisis resolved, human rights respected, etc.

In terms of the target, participants were reminded that while both parties should be targeted, the approaches should be different. With the opposition, there is a potential for dialogue and ensuring accountability. Within the ruling party, the stance is more one of applying pressure to bring them to the table. However, the group was urged to develop strategies that took into consideration the differences, obstacles and intricacies both between and within the two major parties.

It was argued that, in the current process of “talks” only the two major political parties featured. Therefore it was proposed that civil society needed to create its own space to ensure that its broader agenda is heard.

## **Question2**

What is the ideal process for achieving consensus in Zimbabwe, given the current conditions?

Participants agreed that while a process has already begun between the two parties, it was also important to establish a parallel process within civil society to involve a broader spectrum of voices in the discussions.

The group agreed that this did not prevent them from continuing to apply pressure to have civil society’s voice heard at the negotiating table. Instead, it agreed that a dual strategy should be developed.

Participants therefore agreed to establish an all-stakeholder process to develop consensus within Zimbabwean civil society on its vision for the transition and the requirements of that process. It was agreed that both parties would need civil society, given the broad constituencies represented within civics. Therefore, they agreed that it was necessary to demonstrate its relevance by being involved in the process and propagating its own agenda and values.

The group agreed that its demands, and its mandate from the majority of suffering Zimbabweans would form its entry point. Questions of to whom civics would present its case, be this an internal or external personality, and the credibility of this personality/organisation were raised.

Members agreed that it was necessary for civil society to be proactive in developing broad agreement and articulating its expectations of the transition process. It was agreed that, if properly done, this process would simultaneously build consensus and demonstrate the leverage of civics, and the necessity of its involvement in the negotiation and transition process.

The group agreed therefore to hold an all-stakeholders conference in which the transition process could be debated. This process would be preceded by regional and sectoral ground work to promote discussion across the country and ensure that the conference was representative of all views.

Discussants also agreed that it would not exclude political parties from this conference, nor would it wait for them to participate. It would instead go ahead with its plans, and invite all parties to take part in it.

The group reiterated the need to have a dual-pronged approach, of articulating its own agenda as well as making efforts to be involved in the negotiations from the beginning. It was agreed to make its position clear to the mediators, and to push for immediate inclusion, or else risk being sidelined and isolated.

### **Question 3**

What structures should be put in place to ensure that civics' objectives are met.

The group discussed the modalities of being involved both with the interlocutors and the political parties.

A meeting had already been proposed with the MDC for Tuesday May 13 to hear its feedback on the initial talks, and to hear its proposals for the way forward. It was agreed that this meeting should go ahead as a way of engaging with the opposition and ensuring its commitment to involving civil society in the negotiations process. It was proposed that a similar effort be made with the ruling party, to hear its side of the story and seek its commitment to broader involvement. As churches already have some leverage with the ruling party, it was recommended that these channels be used to ensure that civics' agenda be heard by both sides.

Any effort at developing multi-stakeholder involvement in the negotiations and transition will divert some civil society actors from their other core activities. Therefore participants discussed the need to ensure that this process be inclusive, irreversible, and aimed at the fundamental issues of concern to the majority of Zimbabweans, and not simply an exercise in vying for political power.

Participants agreed to use the all stakeholder process to achieve articulation of civil society's position and objectives. In addition, it was agreed to use civics' existing linkages with both major parties to ensure that its agenda was heard, and that the political parties did not proscribe its involvement.

Further, discussants were reminded that neither party are monoliths. Each feature different actors and different interests which can be engaged at a variety of levels to ensure that civil society's objectives are met. It was therefore agreed that civics should be creative in ensuring that both parties debate the core issues.

It was proposed that the all-stakeholders conference should establish consensus on:

- who should be involved in the negotiations process
- the objectives and endgame of this process, beyond a resolution of political questions
- the processes and institutions necessary to achieve this endgame (electoral reform, new constitution, etc.)
- the values which should underpin the process and the endgame

It was agreed that these resolutions would become the basis of civil society's involvement with the negotiations. This would enhance civics capacity to move the objective of negotiations beyond the political question to incorporate broader issues of livelihoods and good governance. This would also ensure that civics had its own position from which to engage, and sufficient leverage to promote accountability from both parties.

In addition, this would provide a context within which the rest of the nation, and those outside Zimbabwe, could get informed and become engaged in the process, and so that they knew what civil society was aiming for. Discussants emphasised the need to work together and ensure broad participation in the entire process.

It was agreed that the debriefing meeting with the MDC should go ahead, even before the all stakeholder process had been launched. This was important to get feedback and intelligence from them on the process. The formal process of engagement will follow after thorough introspection from all civil society actors.

However, it was agreed that the debriefing meeting should proceed, and that there should be effort to establish a similar process to hear Zanu PF's side of the story.

Participants raised concerns that if regional/sectoral consultations preceded the national indaba, the process would take too long and their efforts would be overtaken by events. Therefore it was agreed to work with the Peacebuilding and Advocacy Committees of the Crisis Coalition, and the existing networks of these member organisations, to build consensus as a precursor to the national meeting and ensure that the agenda was broader than Harare. It was further discussed that this would provide the Coalition, and civil society, with a unique opportunity to consolidate its agenda and develop its capacity through its networks to achieve broad consensus across the country.

Some participants questioned the practicality of relying on networks which may have a questionable willingness, capacity and passion to implement this process. However, it was agreed to divide the country among interested and responsible organisations and to identify which organisations/networks would be responsible for which region, and to promote accountability within these allocations.

It was therefore agreed to hold a meeting of the heads of Civil Society Organisations (CSOs) in order to agree to the broad framework and to allocate responsibilities. Many participants at the May 9 meeting came in their individual capacity. Therefore a heads of CSOs meeting would be essential to ensure institutional buy-in so that organisations would be willing to direct their resources for this process. In addition, this would ensure that the process did not become overly centralised, and would avoid accusations of being biased or elitist.

It was therefore agreed to target three processes at once:

- Involvement in political negotiations
- Development of regional dialogue and consensus
- Development of national dialogue and consensus

It was also agreed some analysis of similar experience elsewhere be conducted, to understand the lessons learned from these experiences, the options available in Zimbabwe, and to plan possible scenarios. This process would be achieved through public meetings and the all stakeholders conference, which provide the platform to bring experiences to the table and develop a vision of what is practical, desirable and necessary. At the same time, private meetings would be held with targeted organisations and actors, to ensure institutional buy-in and broad participation.

The meeting agreed to adjourn, with the remainder of the discussion questions to be targeted for resolution at the Heads of CSOs Meeting.

This meeting was scheduled for Friday 16 May, from 8:30 to lunch. It was agreed to declare this an urgent meeting and appraise participants of the agenda in advance to ensure good attendance.

It was agreed that invitations for the Heads of CSOs meeting would be sent on Monday by the Crisis Secretariat to Networks and key organisations. These organisations, in turn, would help to spread the word to ensure attendance. It was recommended that NANGO and Kubatana be specifically targeted to help spread the message.

**Timeframe:**

**Heads of CSOs meeting:** Friday, May 16.

**Regional consensus:** To be gathered by the end of May.

**All Stakeholders Conference:** Mid-June

It was further agreed that outside facilitators (non-Zimbabweans) did need to be brought into this process, as such an action might create a perception that Zimbabweans were not capable of resolving their own concerns, and would invite scepticism about the process.

Discussants also resolved that regional meetings should be encouraged to be focussed and specific, and must develop concrete proposals. It was recommended that, through the regional meetings, further input be gathered as to how civil society can engage with the political parties in a decentralised way to ensure discussion and engagement with both major parties.

It was further proposed that a think tank meeting be held in advance of the all stakeholders conference to clarify and concretise expectations and objectives of the conference.

The Crisis Secretariat requested that participants contact them with any recommendations of individuals or organisations that should participate in the heads of CSOs meeting and the think tank.

## APPENDIX TWO

### Heads of CSOs Meeting

16 May 2003, Bronte Hotel

#### Welcome & Introductions

#### Background

This meeting is a follow up meeting to a discussion held on 9 May. It was agreed there that civil society had a distinct role to play in the light of dialogue which is building between Zimbabwe's two main parties. It was further agreed that civic groups should agree on how to relate to the parties within the framework of the dialogue, and at what level civil society should engage to ensure that it does not become an add-on to either party and thus become weakened by the transition process.

The meeting agreed to answer the following four questions from the *Framework for Discussion* document, and to expand the discussion after that if necessary.

1. review "should there be dialogue." Discuss briefly to build consensus.
2. how can we ensure that the following is included: (revised from transparency)
3. what practical steps to make sure CS is not excluded—risk dilution of civic agenda, weakening of civic space which leaves civics muffled.
4. what safe guards are in place to monitor the process

1. Should there be dialogue? If so, what form and what objectives?

In last week's meeting, people agreed that dialogue was necessary. This group affirmed that decision.

2. What form should it assume?

The previous meeting proposed either:

- a) Civics stands aside, allows the inter-party process to break the impasse, and then come in, or
- b) Civics insists on being included from the beginning, and defines its own agenda as civics, mobilises its constituencies and gets involved.

The group discussed these perspectives. It was argued that civil society has its own values and positions, independent of political parties. It can operate without parties, and has different issues. Civics may be excluded because those negotiating want them excluded. But civics should come in with their values and principles, even if it means rocking the boat. Neither party holds positions based on principles. Their positions are based on power. Their separate positions are understandable, based on where they come from. But it would be a mistake for civics to sit back and let the two parties go ahead, and hope that one of them will support their agenda. There is no reason to exist as a civic player if you are going to choose to be an observer.

Participants agreed with this, saying that the issue was not governance within Zanu PF or within Zanu PF. The issue is governance of Zimbabwe as a country. Civics are part and parcel of the country. There is a need to abandon the notion of a limited role of civics waiting for things to be done by others and coming in to criticise them. There is everything to be gained by not being part of the process, because then one can accuse either side of selling out or compromising. It is important to get on board the negotiation process from the

outset, because of the norms and values which civics would like to see in relation to governance, by whomsoever is governing. To allow the political process to go on without civil society, as if civics are not political actors, is dereliction of duty. Civil society should engage with the proposed mediators—the African *troika* and inquire why civics has not been part of their itinerary. Civil society must insist on playing a part as its own entity, within its rights.

It was discussed that the language used by civics to discuss the current crisis encouraged it to develop faulty solutions. Civics continues to locate the conflict in Zimbabwe as between MDC and Zanu PF. Words like mutually destructive and mutually hateful are used, as if the issue were only between two parties. But many of those who are suffering, abused and victimised within the current crisis are not affiliated to any party, or even to any civic group. So there is need for a group that focuses on principles of equality, fairness, equal inclusion, etc. It is essential to have a group that can articulate these values and norms. It comes out of the language in civics to locate it as a question of political power. It is more than that. It is a crisis of governance. Civics moves forward saying that it needs space here because it is not about a court case, or being recognised, but about being able to secure livelihoods.

It is important that civics identify its entry point. Is it through Zanu PF? the MDC? Outside leaders? There is a need to be clear on how civics will get engaged. If civics uses the wrong entry point, it may become a disastrous intervention. Civics must demand its space, but it needs to know from whom this space is demanded.

### **Summary:**

The group agreed that there is a need for civics to have an autonomous space in which its values and demands are clearly articulated from the outset. The group therefore agreed to move into a broader discussion on what those positions will be, and how civics will get consensus.

### 3. Monitoring Structures

The meeting was informed that a small group of Crisis Coalitions met with the MDC on Tuesday. In addition, it was agreed last week to set up meetings with Zanu PF through the Churches, who have their own contacts.

From the MDC, the group got feedback on the status of talks—the MDC discussed the Zimbabwe crisis with the three leaders of the African *Troika*, and there is some movement forward in terms of realisation of certain problems. Unfortunately, there is little agreement on how to proceed in terms of legitimacy, and there is a lack of clarity on how to get around that question.

In addition, the feedback from the MDC seemed vague in terms of the need for immediate constitutional reform, the timing of the transition period, and order of process. Also, that meeting indicated the need for civics to develop a clear position on immunity and amnesty, and where that issue fits into the timing and process. The group was further informed that from that meeting both the MDC and Civics continued to discuss modalities of how civics should be involved.

### 2. Irreversibility of the Process

The meeting agreed that the interlocutors must have a mandate, must be neutral and must have capacity. However, the current interlocutors do not have capacity. Thus, the negotiation process has been reduced to interparty talks. Given this, the meeting asked how can civics ensure that the process becomes broader. It discussed some practical steps necessary to ensure that a broad section of actors are included in the process.

The meeting agreed on the need for civics to hold its own broad stakeholders meeting to discuss these issues with a wide section of the population, and agree on what civics should do, what its end game is, its objectives, path to transition, etc. It was further agreed that this should be done quickly, both because of the urgency of

the matter, but also because such a meeting would help civics to assert its own position. The meeting agreed that regional meetings and motivation of CS leaders would be essential to ensure broad involvement. The group was asked, however, if the objective was to be included in the interparty dialogue, or if it was to initiate an independent process as civics, to clearly state civics' own position and make sure that its efforts to broaden the debate are taken seriously.

Two views were thus debated:

- a) Civics should stake its own agenda and own terms as a way of coming to the table and making sure it is involved in an inevitable process (African *troika*) or
- b) say the table is so imperfect, there is a need for civics to have its own separate parallel process and not get involved in interparty discussions.

It was agreed, however, that regardless of which option it took, there was a need to support and legitimate the processes civics is going to be involved in.

The meeting discussed, therefore, if civics should use its process in order to get more involved on the negotiating table, or whether the objective was to fundamentally change that table itself. The MDC's perspective is clear—it believes civics should not be at the table unless it is supporting one party or the other. For the parties, the issue is about the transference of power and a won/lost election. Civics' issues are broader. There is a need to broaden the entire process to involve entire civil society, e.g. with a CODESA/UDF model. The group agreed on the need for Zimbabwe to resolve its crisis all together, and not leave it to two parties who are equally likely to misbehave.

It was argued, however, that civics cannot depend on the troika to come in and listen to civil society without participation of the parties. It was suggested that it may be wishful thinking to try and be completely separate, and that it may be taking an unachievable position to expect the talks to include civics. For example, in South Africa, civics did initiate the process, but they took part in reality and influenced the process only once interparty dialogue had taken off and a transition had started. At the moment, the objective is to break the ice between the two parties. Thus, it was suggested that for the time being civics could only take positions which would allow it to get on the train. Until the train starts, civics cannot take a hard position.

The meeting discussed the fact that the two processes (engaging with parties and establishing independent positions) are mutually supportive. If civics limits itself to dialogue, and it falters, the situation will continue to deteriorate. Thus, civics should seek participation, and should seek freedom to articulate its own position. It was recommended that civil society should ensure that achieving the new Zimbabwe and the objectives of the dialogue are seen as part of the same whole.

It was mentioned that if civil society does not believe in its own capacity to influence either side, there will be problems. Civil Society must look at its own capacity and do what it can to get the two sides talking in a broad discussion of what governance looks like.

It was suggested that there are stages of transition which must be recognised, and dialogue is one part of the process. The question of civics' relationship to political party interactions indicates a specific role—one of facilitation and monitoring, and to be a party to the principle objectives and process.

The group agreed that there was consensus on the nature of the current crisis and its roots. There is agreement that issues of democratisation, governance, legitimacy, even more broad concerns are at hand. The need instead is to inspect the differences in what the crisis is. Given the report from the MDC leader, it is clear that civics' definition of the crisis differs from that of the MDC. The political parties have a different definition of the crisis, so there is need to define a common ground.

The group agreed to review the Agenda and Way Forward sections of the *Talks about Talks?* document, and relate these concerns to the existing dialogue process.

It was agreed that civics does not want to be in talks about talks. There is a need to agree on the agenda and points of inclusion for the talks and make sure that civics' strategies fit in to something attainable.

It was indicated that political parties exist to capture state power. Civics, instead, is involved in issues of rights and justice. On the road to the state house, the debate is between organisations who want power. So must civil society also march to statehouse? If so, it was asked what the objective of this would be. The group agreed on the need to speed up the process of settlement, and to define how civil society will engage in that process. It was asked if the negotiations process provided civil society with a timeframe it could use to agree on mobilisation.

Participants agreed that there was a need to answer these questions with a view towards the end game/end state. It was asked if civics believed that either party, left alone, would deliver on the desired end state. Or are both parties involved purely to get into state house? It was mentioned that if civics approaches the interparty dialogue with an aim to get into the dialogue and support either side, there is no guarantee that either side will deliver on civics' desired end state?

The group stated that it was a simple division of responsibility. The question of who governs is answered by political parties. The question of how are we governed is answered by civil society. At this stage, the focus is on ensuring a transition. The process will gather momentum. There is, however, a need to agree on the long term vision and discuss the tangible short term steps required to get there. For example, if there is to be a transition, does Parliament have to propose the formal process? If this is the objective, civics needs to agree on how it will occur.

Participants were reminded that the impasse on constitutional reform was an effort to engage as civics in debate on governance. Civics wanted a new constitution because it wanted a new government. If civics had not set that objective, it would not have engaged in that process. In engaging this state and the players, there is a need for civics to recall its own past. There was the potential to be excluded then, but civics overcame that. Today's debate is a step higher than the 99/00 question, but it raises the same questions on civic processes and how it intervenes.

Participants observed that the objectives of dialogue were described in the *Talks about talks?* document, particularly pages 4 and 5, when the short, medium and long term objectives are described. The meeting agreed to take up this agenda as the basis for discussion on the endgame and objectives of civil society's engagement with the dialogue process.

The meeting, however, recommended a few changes to this document. In particular, it was argued that Item 3—"a new presidential election," implied that the elections question was being placed before the constitutional question. That is, if the constitutional question was resolved before new elections, there might no longer even be the position of president. Thus, it was recommended that Item 3 be edited to read simply "new elections and a new constitution."

The meeting stated, however, that Zimbabwe is in its current crisis largely because of the illegitimacy of the Presidential Elections. If you revise the constitution, the question of a presidential election may fall away. But this does not mean that the issue of the incumbent and the contestants falls away. This is a separate issue which must be reviewed. There is a need to identify how Zimbabwe will remedy the stolen Presidential Elections in the light of both sides.

The meeting agreed that transitional arrangements must be agreed to. These arrangements will then determine if the talks going to waste themselves on the election question alone, or if they will be mandated to achieve something more. It was stated that talks should be about the transitional arrangement, because answering that resolves the other questions.



Thus it was proposed that the point of the agenda of the talks should read “to agree on a transitional arrangements.” The details of this process then become subpoints from that.

There was disagreement on this question, however, as some participants believed that, while it makes political sense to define things so broadly, this may provide problems in the future. There may be a need to justify the question of why a transitional arrangement is necessary. For the MDC it is obvious—there is a stolen election. As civics, if the premise is not a stolen election, how does civics explain why it needs to be involved.

Participants were reminded that the proposal was to push for transitional arrangements as a way to resolve the crisis. This—the need to resolve the crisis, and the potential of negotiations towards a transitional arrangement—therefore provides the justification for civics’ involvement.

The meeting therefore agreed that there were three key areas of concern:

1. The stolen presidential elections, which implies that direct action will likely be a “march to the statehouse” type action.
2. Constitutional reform—this needs to be addressed immediately, and is both a short and long term process.
3. Transitional Authority—this must address the short comings of a march to statehouse, or demand for an immediate rerun, and should take the responsibility to determine under what conditions and what constitutional mandate the TA would operate from.

It was suggested that the Zimbabwean population has been subjected to elections with players with claims and counter claims. Instead, there is a need for a separate TA that enables both sides to come in evenly, not with one as President and the other as a failed contestant. This even playing field will also enable greater participation from civil society.

The group therefore agreed that as civil society, there was a need for it to develop arguments which explained legally and politically why Zimbabwe needed a Transition stage. Participants were reminded that not every country which has experienced economic crisis needs a TA. But the fact of the political impasse explains the need for a transitional period.

Thus, the demands from civil society were to be restructured so that the TA becomes the top demand. Legal and political arguments for this can be developed. The other points on what the TA should discuss then fall in as defining the Terms of Reference for the TA.

The group then discussed the short term objectives as stated on page 4 of the *Talks about Talks* document.

It was agreed that a new constitution must be a prerequisite to fresh elections. However, if the constitutional question is not discussed, it becomes less clear what should be done with the current constitution. Should portions of it be suspended? Should there be a transitional addendum? Participants were warned that if the constitution is not suspended, that may enable the current government to continue to have certain powers. It was agreed that a smaller technical team should gather to determine what civil society can expect in terms of tangible products of a TA. It was agreed that the best way was to push for a new constitution before new elections, as neither political party could be trusted to develop a new constitution after elections were held.

The meeting asked for clarity between “transitional authority” and a “transitional constitution.” It was explained that the current Zimbabwe Constitution does not provide for a Transitional Authority. Thus, in order to enable a TA to come in, Zimbabwe would need a Transitional Constitution which suspended the current constitution. This process should be done through Parliament, by achieving the two thirds majority

required to amend the Constitution. The Transitional Constitution would provide the mandate for the operations of the TA.

It was stated that the general process would look like this—Parliament would sit and pass a Constitutional amendment to the current Constitution, or suspend the current Constitution and replace it with a transitional Constitution which initiates the TA. Technically, Parliament can dissolve and reconstitute itself. But again, the meeting asked what purpose this would serve. Thus it was agreed that the details of this process should be one of the points of discussion during the dialogue.

The time frame for this process was discussed. It was agreed that the Transitional Constitution could be developed in the short term—in as little as six months. The TA would then be mandated to facilitate the process for a new Zimbabwe Constitution, and the Transitional Constitution would guide this process by providing it with a timeframe in which to complete its mandate.

The meeting further agreed that more detailed questions on the details of the Transitional Constitution, the make up of the Transitional Authority and the legal process necessary to achieve a transitional phase should be discussed by the technical team. These recommendations should then be brought back to a larger forum, and this should provide the basis of some of civil society's interventions in developing the framework for the transitional phase.

It was stated that the MDC believes that a transitional government would be weak, and this is why they want to limit its duration, for example to three months. The meeting, however, agreed that a more realistic time frame might be longer. The meeting questioned if both Zanu PF and the MDC agreed on the need for a Transitional Arrangement. If they do not, this will mean that they conflict with civics and this would slow any movement forward.

The group agreed that the item of the opening of political space must occur immediately. This should include all forms of broadcast and print media, as well as ensuring broader access to political space. It was agreed that unless the discussion is broad, it will be easy for civics to be excluded. Thus the group agreed on the need to further define what is meant by “the opening of political space.”

On other points the group agreed:

- End to political violence *should stay*
- Setting stage for TA *removed. This question is subsumed by making “having a TA” the first agenda item.*
- Repeal unjust laws *should stay*
- New electoral framework *should be added in short term/ta*
- Economic/Humanitarian crisis *should be added in short term/ta*

The meeting then discussed the time frame of the Transitional Authority. The meeting suggested 12-18 months. However, it was observed that the timeframe should be informed by sense of national expectations, and determined by a wider grouping than the people at this meeting. A national perspective of how long people can stretch themselves should inform any discussion of the time frame. It was suggested that if a timeframe longer than 12 months were proposed, people might prefer to wait for the scheduled general and presidential elections to be held. Further, it was suggested that the time frame would depend on the details of what is to be involved in the TA process, and the feasible time frame required to bring that to fruition. Thus it was proposed that the time frame could be developed out of technical discussions.

The meeting then debated how civics can best fast forward a move to the negotiations process. How do we get to the stage of fast-forwarding the process?

It was agreed that the African *troika* should provide the first port of call. Issues should be taken to them through the embassies, and they should be reminded that they are omitting a key player from the process.

It was further recommended that advertisements be placed in the press to ensure that people get involved and that civics plays a role in this process.

It was suggested that member organisations' advocacy structures should be mobilised to ensure participation in the discussion, so that it is not just about MDC and Zanu PF but about Zimbabwe.

The meeting mentioned that it is not clear that the ruling party is willing to participate in meaningful discussions. Thus there is a need to ensure that they come to the table and are sincere. The group agreed that civil society pressure should be about its participation in the discussion, and about ensuring that the process itself is meaningful and commits both sides.

The group discussed what kind of pressure civics could put on both sides and the *troika* to ensure that they also participate in a manner consistent with civics' objectives.

It was agreed that the *troika* will not dictate what Zimbabwe wants and needs. Thus, civics must inform the public, broadly, of the yellow paper—what it wants. It was suggested that this agenda for talks might be the first document of the transition to go to the people. It could be used to get people debating what civics really wants. It was suggested that this document be circulated in the streets and in the villages.

There was a proposal to go back to the *troika*. However, participants questioned if anything new could come from them. Thus it was recommended that civics also consider new players and new brokers, e.g. Ndungane, and not restrict itself to what the *troika* can do.

How do we get people involved?

The meeting discussed the need to get commitments to engage organisations and advocacy networks to build involvement.

It was recommended that civics should cultivate regional links—e.g. COSATU and encourage solidarity actions—e.g. a day's blockage of Beitbridge

It was further suggested that economic and political exiles should be further engaged. It was acknowledged that there are huge problems with this, particularly in London where there are strong cross political currents. But it was suggested that it would still be good to think more strategically about this.

The meeting also proposed a media campaign. This campaign should be regional, not just national. The Internet could be used to involve regional actors.

The group was informed that the Coalition is in the process of developing a media strategy for the region. It has asked colleagues to fashion a questionnaire to go around their organisations and all of civics. It is particularly hoped that organisations and individuals who have worked in the region will help to identify key players in government and civil society in the region, will recommend how to engage with these partners.

It was proposed that, once the group finalised the discussions on the next steps, possible failure scenarios be discussed. These scenarios include the parties refusing to dialogue, or the parties rejecting the proposed transition phase, and the refusal by both parties to acknowledge civics and its demands for the process. The meeting agreed that either side could easily choose to exclude civics, and this should be planned for.

The group discussed the need for individual organisations to commit to the processes which had been proposed at the meeting, e.g. an all stakeholders conference and regional advocacy work across Zimbabwe.

It was suggested that some organisations may need to have a formal discussion with their structures before they could commit. However, the meeting was urged to ensure organisational commitment from as broad a cross-section as possible, so that efforts were not isolated in one organisation. Thus, it was agreed that

today's discussion would be taken back to the member organisations present, in an effort to build buy in and get commitments for involvement. Participants were also urged to support one another and to work together to develop a national discussion on the question of transition. It was recommended that organisations share resources where possible in order to ensure the success of these initiatives, and that central focus was important.

The meeting therefore agreed that those present could use the next week to secure organisational buy in. In the meantime, the Coalition Secretariat would begin to lay down some of the details of a plan of action to carry forward civics' objectives.

### **National Stakeholders Conference**

The meeting discussed the possible date for this. The meeting last week had recommended mid-June. This was consistent with the urgency of the subject, and the need for immediacy. There was concern, however, that this would not allow sufficient time for regional mobilisation, and for preparation of the various logistical requirements.

The meeting was reminded on the need to get commitment on this conference and a timeframe so that the Secretariat could begin the necessary preparations. It was suggested, however, that the debate should be taken into rest of Zimbabwe, beyond Harare, in order to build up momentum. Thus it was asked, if the meeting has not agreed on the time frame for spreading the message nationally, it is difficult to plan for the stakeholders conference.

It was suggested that the Stakeholders Conference be seen as an opportunity to launch the process, and that consultation in the provinces could be rolled out from there.

Alternately, it was recommended that consultations with the provinces be held first, so that this feedback could help to inform the national discussion at the meeting in mid-June.

It was suggested that these processes could be engaged simultaneously.

It was argued that the success of the conference will depend on broad representations from across the country. Securing these inputs will require massive mobilisation in advance. Thus it was recommended that the end of June might be more feasible.

The meeting stated that the purpose of the all stakeholders would be to encourage the provinces to prepare recommendations and possible roadmaps for the transition process, and then to bring these proposals to the table for a national debate.

Participants argued that the meeting should be held in mid-June. It was discussed that other actions may sprout up, and if the date is pushed too far forward, circumstance will pre-empt some of civil society's decisions. The conference was described as an opportunity for civics to get a mandate and legitimate its position. Thus, it should not be put off by the fact that the political parties were organising their own actions.

It was discussed that mid-June, while ambitious, is possible. If civics' structures are organised and thorough, and they begin debating these issues now, getting in touch with them will not be a problem.

Participants were further reminded that if the date were postponed, civil society ran the risk of being overtaken by events. Thus, members were urged to move very quickly. It was argued that mid-June for the conference was fine, but it was recommended that organisations start immediately with their media campaigns. These are important not only to tell people what is going on, but to give them an option to get involved and discuss the topic. It was thus recommended that individual organisations take discussion document and debate it within their organisations and within their constituencies. Thus, when the all

stakeholders is held, the discussions will be of substance, and it will be obvious that there is another force which must be considered, not only Zanu PF and the MDC.

Participants were urged not to rush things, at the risk of doing things poorly. They were reminded that it is easy to bus people to a conference, but to what end. Participants were urged to aim towards developing a critical mass that can debate objectively, reasonably, and come up with something reasonable. It was suggested that the purpose should be to carefully think through the issues, gather broad inputs, ensure national buy in and then inform the parties that these are civil society's recommendations, and this is its mandate. Thus, it was proposed that the conference be held at the end of June, and that the time between now and then be used to plan, secure finance, and consult with the public.

On the contrary, the group was encouraged to be more confident about the identity and capacity of civics. It was suggested that civics must move quickly, or risk being overtaken by events. It was recommended that the process of consultation had begun through this meeting, and that organisations present should be assumed to be committed and beginning consultations with their structures.

The group was reminded that politicians have a way of being double faced, and that they are not always honest. They know who civil society is, and they know its strengths. However, they try at times to pretend as if civil society organisations do not have members, and do not represent constituencies. This is dishonest, but it means that they must be continuously engaged and reminded.

It was proposed that the meeting comprise on June 21 as the date for the all stakeholders conference.

It was suggested that the meeting could be seen as part of a process. The mid-June conference could be held to demonstrate civil society's presence. This would energise and inform those who had not been involved, and a follow-up meeting could be held at the end of July.

Participants were reminded that their timing should be determined by strategy. The meeting was asked how it intended to mobilise people. It was argued that agreeing on the date was less important than finalising the strategy necessary to mobilise people for the process. While participants might assume that everyone at the meeting would mobilise for the conference through their members, unless the methodologies were agreed to, it would be difficult to ensure accountability.

It was suggested that the question of who should attend, what level of mobilisation should occur and to what extent this should happen and the players to be involved should be answered first, and this would determine the dates. It was further suggested that continuously thinking that anything could happen will paralyse civics. Instead make its own plans and engage others along the way.

The group was reminded that the timeframe before them gave them even less time than was there to prepare for the national working peoples convention. It was agreed that the All Stakeholders Conference must be seen as a synthesis of civics' activities. Thus, it was proposed that organisations start now building engagement, and get the final endorsement from the conference. Thus, involvement in the process begins even before the conference. Organisations should start engaging members in these discussions now. That way, no matter the date of the meeting, and no matter what happens between now and then, people will already be involved.

The group was questioned on how to raise the local profile through the regional indaba. It was recommended that specific organisations take responsibility for different provinces or regions, so that there is a method to ensure concrete feedback and accountability.

Participants discussed who should attend. It was recommended that the leadership and key activists from organisations across the country and their regional representatives should participate. It was recommended that the Stakeholders conference is part of a process, and will showcase civil society's capacity. It was agreed that discussions and actions can continue to roll out even after the conference. The meeting was reminded

that if all of the organisation and consultations are done centrally, this will take a very long time. However, participants were urged to develop organisational responsibility for specific actions and areas, to speed up the process.

It was, however, discussed that even if organisations break up responsibilities, there is a need for a clear view of accountability and shared responsibility, and a central organising body to make sure everything happens and to do the necessary follow up. The meeting agreed to the compromise third week of June, and committed to starting to think through the logistics and securing organisational commitments in the next week, so that when organisations give their feedback there is already a sense of how responsibilities can be divided.

The meeting also agreed to tighten the yellow paper and simplify it for public consumption. The Secretariat was tasked with this, and it was proposed that the spokesperson would announce the document.

### **Failure scenarios**

The meeting then agreed to discuss the failure scenarios previously mentioned.

Discussion focussed on how civil society can implement fall back measures to guarantee the process.

It was suggested that political parties do not respect civil society because many civic actors have not kept their principles. Possible scenarios include continued Zanu PF dominance, or the MDC dictating the way forward. If civil society wants to impact these scenarios, it must assert its position regardless of who is in power. If civics is not prepared to push its positions regardless of whom it offends, it will not have enough leverage to influence debate.

Participants thus asked if civil society was prepared to agree with certain positions of either party. If so, in what context would this occur, and whom should be informed of this. For example, civil society has agreed that a new constitution is essential. If political actors disagree with this, is civil society prepared to disagree with them no matter which party they represent. Moreover, can a civic organisation put an advert and even say that the MDC may be wrong on this point, and be public even in criticising the MDC if they vary with civics on a point of principle. Too often organisations are reluctant to offend the opposition because they do not want to appear disloyal, or be accused of being Zanu PF. But there is a way to be principled without necessarily being loyal to either party.

It was recommended that civil society should experiment with routing its presence in social movements. It should make road signs, and indicate that representative democracy rooted in numbers can expand civil disobedience to many civic organisations. For example, one possible failure scenario is one of exclusion. Thus to counter that civil society should erect a road sign of people governing in a broad way that includes social movements and builds on their capacity.

Participants were urged to have strategic differences, based on principles and not in a manner that undermined civics' capacity to build public space.

The group was reminded that civil society activists are also voters. Some are Zanu PF, others are ZUM. This may drive how people behave when they lead organisations. There is a question of what one believes as a citizen versus what one believes as a leader. It is easy to differ with the MDC on principle, where they have demonstrated shortcomings. It was stated that solidarity should be critical, not blind. It was suggested that the principles of civil society have not been communicated as loudly as mdc's. Thus, people know "change" better than inclusion, gender equity, etc. Until civics is clear on its principles, its inputs may continue to be muted.

The meeting agreed on the need to define what civics agrees on. From there, civil society should remain committed to that position irrespective of individual affiliation to any party. Otherwise, civil society will

remain a mixture of politicians and activists. As long as there are politicians mixed in with civics, it means civics is fighting a third entity in its midst. There is a need to build relations of trust to move forward as a cohesive force. It was stated that political issues provide a springboard from which civics can operate, but civics is not limited solely to political issues. The crisis of Zanu PF's legitimacy also comes from the failed economy, hunger, etc. Thus, civics needs to remain focussed on real issues, or else it will become disconnected from its constituency.

It was argued that if the economy was flourishing and everything was fine, there would not be such a national push for new governance. Politics must be able to address humanitarian and economic issues. Where they fail, civics must guide and advise politicians.

The meeting agreed that if civil society remain confident in itself and focused on principles, it would stay focussed. However, it agreed on the need to debate possible actions should either Zanu PF or the MDC differ with its agenda. It was argued that with the yellow document, civil society would become the first institution to sell an agenda to the people of Zimbabwe regarding a transitional government. Other parties have not though through these issues to the same extent. It was argued that civil society condemns itself to being a second class entity if it continuously waits for the political parties to come up with something. Instead, it was proposed that civics should give its agenda to the parties, let them agree or disagree with it, and move on from there.

It was further argued that there is a value in non-partnership in terms of strategic differences. If MDC or Zanu PF undermines one of civics' values or fundamental principles, it was agreed that civil society must take remedial steps in order to preserve the principles no matter which party has violated them. It was agreed that the details of these steps would be worked out as required, but that there was a commitment from civil society to confront any violation of principle from either party.

It was further argued that civics should be less concerned with the question of numbers, and more determined to protect its principles. In a polarised society, the work of civics is to remain depolarised. If something is wrong, it is wrong. Even if certain parties disagree, this should not matter. If you have principles people will eventually see the value of what you are saying. Thus, civics should not be worried about being asked "who are you." In the short term, it cannot compete with parties. But in the long term, its commitment to principles will prevail.

The meeting agreed on the need to build confidence within civics, and to do the work necessary to ensure that both parties need, respect, trust and recognise civil society. It was argued that within civil society there is an underachieved area of building consciousness and confidence.

It was argued that through this process, civil society is entering a mine field. Thus, the main thing should be to build trust in one another and ensure that the civil society's processes are moving together based on central principles.

It was proposed that the yellow document discusses the short term, and will be publicised as a Coalition position. However, in order to demonstrate buy-in from a broader perspective, others must also take it up, and be aggressive in discussing and debating it.

The discussion then agreed to finalise the way forward document as the Coalition position<sup>20</sup>. It was agreed that once the amendments are made, the Coalition would publicise the document in the press. However, in order to ensure broad ownership and to enhance public perception of the position as a broadly accepted civil society position, partners were asked to also be involved in the dissemination and publishing process. For example, it was recommended that all organisations involved cascade the yellow document through their

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20 See Appendix 5, *Coalition position on transition which features the discussed revisions.*

networks/members down to the lowest level of each member organisation, and secure feedback in advance of the all stakeholders meeting, consistent with the programme of regional consultations.

It was agreed to take up page 4 onwards. However, it was proposed that the question of pardon be scratched, and instead include reconciliation, rehabilitation, truth justice and reparations.

It was proposed that the constituencies to be involved in the negotiations process should explicitly list youth, students and women. However, it was argued that if specific constituencies were identified, beyond “civil society organisations” then the list of specifics would be endless. Thus it was proposed that the sentence should read “representatives drawn from the broadest spectrum of civil society” without specifying separate groupings.

However, it was argued that there is something cathartic in identifying the groups who are normally excluded, and thus making a more conscious effort to ensure their inclusion. Thus, it was agreed to identify youth, students and women as specific constituencies which should be included in the negotiations process.

It was proposed that, in order to demonstrate that the negotiations process is owned by organisations, individual organisations could sign on to the document and then these could be included in the advertisement which publishes the position. It was agreed that this would be less challenging than asking individual organisations to publish the same information under their own names.

Thus, it was agreed to flight the position first as it is, and then to include organisations’ names in the advert as groups signed on. It was suggested that the document with actual signatures of representatives who have signed on be kept in the office as documentation/encouragement. However, in an advertisement, organisations could be listed/identified without having to show the actual signatures.

It was also recommended that organisations who were not at the meeting also be approached to build their participation. The negotiations discussion is part of a critical national question. Thus, there is a need for organisations to buy into the process and demonstrate their leverage.

It was agreed that the process should move forward as discussed, and that the question of numbers should not be worried about too extensively until the all stakeholders conference. It was recommended that the advertisement also invite participation/involvement. However, there were some suspicions that this might attract organisations with less true motivations, and that a more effective approach would be to approach known organisations individually.

The meeting thus agreed to deal with the details of dissemination and distribution afterwards, and adopt pages 4-5 as amended. In addition, it was suggested that an introductory paragraph be prepared to contextualise the document and which included points 1-7 under the current “Transitional Authority” agenda and described the need for a road map for the transition.

Thus, the document should be structured as follows:

1. Broad statement of the agenda for the TA
2. Itemisation of short medium and long term objectives, in bullet point form.

Further, it was suggested that the yellow document discusses broad principles, and not an agenda per se. Thus it should be renamed to indicate that. For example, it should say “the process of resolving the crisis must include...” and then items 1-7 can be written in prose.

It was thus agreed that Secretariat would draft the revised document, and circulate it to the participants to verify the amendments.

The meeting then reaffirmed the timeframes for the next process:



## **Week May 17-23**

- Firm up logistics.
- Communicate with organisational membership and get endorsement of the position
- Launch creative media campaign to publicise document, organisational sign in, and start people talking about this process.
- Start lobbying and advocacy work through organisations immediately
- Activities should be engaged by member organisations to ensure the propagation of civics' agenda through advocacy/networking. These activities include:
- Mass mobilisation and strategic actions
- Lobby and advocacy (here and troika)
- Sustained popular campaigns

## **Closing Remarks**

Participants were thanked for their attendance and involvement in the discussion. They were encouraged that participation in this process will strengthen civil society, develop its networks, and enhance its relationships to ensure that civics remains a meaningful player. It was mentioned that the work of civil society, to ensure that its principles and values are maintained, will not end even when the crisis is over. However, the group was reminded that poor communications structures, and the inability of information to be filtered down limits the capacity of civil society to mobilise its constituencies. Thus, participants were encouraged to communicate with the broadest spectrum of their structures, and to play a role in ensuring the representativeness of civil society's involvement in the negotiations process.

## APPENDIX THREE

Peace and Dialogue Workshop  
Minutes from a meeting held 27 June 2003  
Bulawayo, Zimbabwe

### DIALOGUE: INTERPARTY NEGOTIATIONS

- There must be no pre-conditions. The problem now is that preconditions have become the agenda.
- There is no way out of the crisis without talks.
- Talks should not be restricted to political issues but must include humanitarian, social justice issues.
- Must include other parties including churches and civic organisations.
- Dialogue will only be possible if there is a mediator – neutral and well qualified with no interest
- Fundamental issue is legitimacy [political power]; we must work to get ZANU to the negotiating table. Power of veto.
- One party has the people one has the power.
- Political situation – is a transition that will include input and participation of the people.
- Pre-conditions must be:
  - Contextual
  - Based on content
  - Once we are in talks you/we cent?
  - Impasse stalemate results
- Should the parties/people make the preconditions
- If the talks are necessary how do we bring the 2 parties to talks?
- Churches and CSO's can start a campaign endorsing short-term goals
- What will force the present government to the talks?

### WHAT SHOULD BE THE AGENDA FOR THE TALKS?

- Climate and preconditions
- New constitution
- Amnesty
- Time frame for the transition
- Composition and policing of transitional government
- Survival and recovery – economy and reengaging the multi-sectoral agencies and forex generation
- Food security – access and distribution

### WHAT IS THE ROLE OF CSO'S AND THE INTERNATIONAL COMMUNITY?

- To participate in the inter-party talks to provide more broader stakeholder involvement
- Advocacy and effective mass mobilisation
- Mediation
- Help reclaim the voice of the people [talks cannot go on without the people represented by the civic service organisations
- Demand that parties add fundamentals now
- Intensify local and regional advocacy e.g. business and other religious communities have largely remained quiet.
- Intense coordinated awareness campaigns to make this a national dialogue issue.

- Creative non-violent moral rather than event driven non-cooperation
- Have informal research – study examples of transitional authorities and mechanisms and amnesties – if possible a study tour.

#### TRANSITION: THOUGHTS ON THE WAY FORWARD

- Produce and promote the Zimbabwean Charter [can become a bargaining point].
- Based on broader stakeholder participation.
- Can there be a transitional constitution.
- Work out limited positive amendments to the constitution.
- Best transitional framework with expert's sources by CSO's NCA.
- Have a stakeholder's college that will validate the constitutional constitution.
- Transitional constitution – limited time frame, limited powers and clearly defined mandate should be ready at the soonest – NCA requested to do the same.
- Economic recovery – US and EU ready to engage once transitional mechanism is in place
- Nature of TA – non-partisan? Bipartisan? Poly partisan? Multi sectoral a better option as it will give neither party options.
- Who monitors its activities – SADC, AU and UN?
- Should be a period of healing and depolarisation
- Truth, reconciliation and amnesty – role of the churches – can they bring in people with experience on TRC, as they will appreciate the challenge before them

#### EXPECTED OUTCOMES

- Transitional authority in place
- A favourable climate to operate in
- To influence the process of dialogue
- Bring accountability to the parties
- Restoration of the basic freedoms
- The people's voice being heard again
- Democratic space created
- A return to legitimacy and good governance
- A people's constitution

#### URGENT PRIORITIES

- Black market – how do we deal with it
- Land issue – how can we address it in a final way to ensure agricultural recovery
- Repeal repressive legislation and unjust laws
- Disband militia and an end to all forms of political violence and in particular violence against women
- Stop the militarisation of the nation
- An end to all forms of political discrimination
- Food security
- Groundwork for the transition
- Address social disintegration through a theology of reconstruction
- HIV/AIDS – urgent issue also linked to poverty
- Coordinating CSO's and churches and rebuilding networks
- Leadership – expand the leadership base and models
- Resolve crisis of the succession within ZANU PF
- Identify and develop leadership within CSO's and churches and business

- There is a drought and gap in leadership, which needs to be addressed. Develop leadership with integrity.

#### TRUTH, JUSTICE AND RECONCILIATION

- Can come in as part of the package of constitutional reform
- Should not be taken up urgently/right away as it might become a deterrent to transition
- Financing
- Reparations
- People should have a say in the process and who will be forgiven etc.

#### TRANSITIONAL PHASE MANAGEMENT

- Nature Of Maturity
- Mandate
- Time Frame
- Monitoring Mechanisms

#### Attendance List:

- Brian Kagoro, Crisis Coalition
- Vusa Ndlovu, NCA
- P. Netha, AEA
- G. Shana, EFZ
- D. Nkomo, Habakkuk
- Nigel Johnson, Radio Dialogue
- Jenni Williams, WOZA
- Ntando Ndlovu, ZIMCODD
- Graham Shaw, CTJP
- Piet te Velde, Habakkuk
- L E Ndebele, ZCDT
- Justin Ndlovu, NCA
- Thabang Nare, CLP

## APPENDIX FOUR

### List of Participants

Name	Organisation
Pastor Patson Netha	AEA
Joe Mutate	Alfa Ministries ZNPC
Nkosilesisa Moyo	AM
Frances Lovemore	Amani Trust
Grace Mutandwa	BHC
William Chikuvanyanga	CASEP
R.C.Mungaraza	CCIP
Mike Davies	CHRA
Barnabas Mangodza	Chra
T.Mapurahwa	Churches in Manicaland
Paul Renshaw	Churches together In Britain and Ireland
Farai Zizhou	CZI
Aaron Ufumeli	Daily News
S. Chari	E.Africa
K Chikapa - Phiri	EFZ
Goodwill Shana	EFZ
Charles Chiriseri	EFZ
Trevor EC Manhanga	EFZ
Shireen Seleyer	E-L. shannah ministries
G.W. Mafukare	EMCOZ
N. Maronda	ESS
Noah Madzikatire	ESS
M Beckmann	ESS
Jonah Gokova	ESS
Enoch Moyo	FNF
Gertrude Hambira	GAPWUZ
EM Samuriwo	Gwapuz
Sikhululekile Mkandla	Habakkuk
Dumisani Nkomo	Habakkuk Trust
Prof Lloyd Sachikonye	IDS
C Marolene	ISS
Wynand Hart	IAG
Dale Dore	IAG—Vision For Agriculture
Brenda Burrell	Kubatana
Bev Clark	Kubatana
Prisca Munthali	LEAD SA
T Maseka	LHR
L.T. Nyarota	Manicaland Churches
Bonginkosi Moyo	Manicaland Churches
Susan Chizanga	Manicaland Churches NCA
Paidamoyo Dube	Manicaland Churches NCA
Tarisai Chirenje	Mass Public Opinion Institute
Trudy Stevenson	MDC
Paurina Mpariwa	MDC
C Makuyana	MDC
Takura Zhangazha	MISA
S Chiumbu	MISA
Silas Dziike	MISA
Andrew Moyse	MMPZ

M Nyamanhindi	MMPZ
Abel Chikomo	MMPZ
C Mangomera	MPOI
Thomas Deve	Mwengo
Nancy Kachingwe	Mwengo
Eddie Monteiro	NAAC
D Ameer	NAAC
M. Nyikadzino	NAGG
Dumisani Ncube	National Youth Development Trust
Liberty Bhebhe	National Youth Development Trust
Edna Zinyemba	NCA
Patience Nhliziyo	NCA
Felix M Mafa	NCA
Vusa Ndlovu	NCA
Tinashe Chimedza	NYDNT
Nokuthula Gwebu	OSISA
Maruwacha M	Padare
Regis Mtutu	Padare
Judith Kaulem	PRF
Raymond Majongwe	PTUZ
Heather Mupita	Sahrit
Patricia Kasiamhuru	SAIPED
E Mhuriro	Silveria House
A Musekiwa	Silveria House
I Musona	Silveria House
C Zvavamwe	Silveria House
E Pajibo	SNCPD
Erin Mccandles	SNCPD
Erin Mccandles	SNEDP
Frank Moyo	SW Radio
Stephanie Funk	USAID
Deprose Muchena	USAID
A. Lebas	UZ
Grace Chigaba	WAG
S.S.Phiri	Women's Coalition
Ianah Ncube	Women's Coalition
Gloria Nyamuzuwe	Women's Coalition
Maureen Marasha	Women's coalition
Simbiso Madzongonwe	Women's Coalition
Mable Sikhosana	Women's Coalition
Z.D. Manyika	Word of Life
Maclean Dlodlo	World Vision Zimbabwe
Rudo Kwaramba	World Vision Zimbabwe
G Moyo	World Vision Zimbabwe
Jenni Williams	WOZA
Perpetua Bganya	ZADF Pact
Lindie Ndebele	ZCDT
Gomaredza FP	ZCPAWU
G Mwariwangu	ZCPAWU
L. Tarabuku	ZCTU
G.Shoko	ZCTU
Z.D. Shambare	ZCTU
Collen Gwiyo	ZCTU
M Sibanda	ZCTU

Wilson Nyambiya	ZCTU
Godfrey Kanyenze	ZCTU
M Takavarasha	ZCTU
Primrose Matambanadzo	Zimbabwe Human Rights NGO Forum
Tinei Kanyama	ZIBAWU under ZCTU
Eileen Sawyer	Zimbabwe Human Rights NGO Forum
Venitia Govender	Zimbabwe Liaison Office
Frank Kantor	Zimbabwe Advocacy Campaign
Jestina Mukoko	ZIMCET
Joy Mabenge	Zimcodd
Davie Malungisa	Zimcodd
Peter Robinson	ZimConsult
Chimhowo. T.O.	ZINASU
Danson Zinengeya	ZINASU
Letticia Mushunje	ZINASU
Edewell Mugariri	ZINASU
Knowledge Dangarembizi	ZINASU
Phillan Zamchiya	ZINASU
Ndlovu Sendisa	ZINASU
Fredrick Jongwe	ZINASU
Judith Murombedzi	ZINASU
Blessing Maposa	ZINASU
Gordon L. Chavunduka	Zinatha
Jacob Mafume	ZLHR
W.K. Munodawafa	ZLP
K.Masuku	ZLP
H Mariri	ZLP
T Bote	ZLP
Antony Mukwendi	ZLP
Shireen Selyer	ZNEP
I.T.Munemo	ZNPC
Daphne Magaya	ZNPC
Ancelimo Magaya	ZNPC
Captain Mhembere	ZNPC
Peter Guhu	ZRI
Phillip Pasirayi	ZYDT

## **APPENDIX FIVE**

### **ZIMBABWE: A LAND OF HOPE & PROMISE**

*Critical Reflections on the Potential for Settlement*

The Chairperson Crisis in Zimbabwe Coalition, Heads of Christian Denominations, Members of the Clergy, Members of Parliament, Head of Civil Society, our guests from outside our borders, friends and colleagues.

Firstly, I thank you for the invitation to address this gathering this morning and I thank you all for making the effort to be here, especially those who have travelled from out of Harare despite the constraints of the unavailability of fuel. Your dedicated efforts to be here is commendable. I was hesitant at first to accept the invitation, in view of the fact that the last time I accepted an invitation from Crisis I was arrested even though I did not speak!! I notice this morning that certain individuals who were arrested together with me on that day are present here today and I hope that is not a bad omen of things to come!! I have been asked to speak on the State of the Nation, and I am honoured to have been invited to make a presentation on this very auspicious topic, in full knowledge of the fact that I am not the Head of State, but simply an ordinary peace-loving citizen of our beautiful nation. I make no claim to being able to succinctly articulate the State of the Nation and will therefore attempt to present a synopsis of the nation as seen from the eyes of a layman.

As I understand it this meeting today seeks to elicit debate and input from a vast spectrum of civil society in Zimbabwe on the issue of Dialogue and Transition in the nation. But, more importantly, I hope that this coming together of minds will serve to develop and proffer possible solutions to issues facing our nation at this time. There is need for creative thought about the current situation and innovation in the articulation of the proposed way forward.

In order to understand where we want to go, however, we have to know where we are coming from. Today Zimbabwe is battling with major structural crises epitomized by political polarization, the rapid deterioration of our economy, as well as infra-structural deterioration, a decline in agricultural output, coupled with a declining confidence in law enforcement and human rights standards by the populace, to mention but a few. Though some would vehemently and derisively deny the existence of a crisis in the nation, the words of Doris Lessing in her book "The Grass is Singing" would serve us well, she said,

"The crisis of individuals like the crisis of nations, are not realized until they are over."

In my remarks, I will make an effort to describe the key challenges facing Zimbabwe, which need to be considered in debating the way forward. Permit me, Chairperson, to briefly touch on issues related to political will, economic reality, human rights, land reform and legal constitutional concerns.

#### **Political**

When deliberating about the political issues facing Zimbabwe, we must recognize that a key shortfall in this country has been the failure of the people of Zimbabwe to hold accountable those they have elected to lead them - and may I state that this cuts across the political divide. The culture of the demanding of results from elected leadership simply is not there, or if it is it is very muted. We need to disabuse ourselves of the notion that democracy is simply the holding of elections. Without discounting the importance of elections, a cursory study of the African continent will leave one with no doubt, that the holding of elections in and of itself, is not the be all and end all of the democratic system. Writing in the BBC's Focus on Africa (April - June 2003 edition) Kayode Fayemi, Director of the Center for Democracy and Development in Lagos Nigeria makes the pertinent point that, "It is important to interrogate the notion of democracy in its complex forms, especially in the context of societies in transition. The notion - 'have elections and every other thing shall follow' is flawed."

The people of Zimbabwe need to take ownership of the processes that determine their fate and well being. For too long the people have sat back and not vigorously held their leaders accountable for performance.



That is why politicians will go to such great lengths to get elected, safe in the knowledge that for the next five years they will be comfortably ensconced in parliament and will only need to face the electorate should they decide to stand for another term.

This disconnect between the rulers and the governed, the leaders and the led, is a serious flaw in our democratic process and one we must address. In my humble estimation the central questions Zimbabweans have to answer are these: What is this nation called Zimbabwe? What does it mean to be a Zimbabwean? What is the relationship between citizens and state? What is the nature of intergovernmental and inter political party relations? Fayemi raises these questions in relation to the Nigerian context and I think they are applicable for us here. The citizens of Zimbabwe, and no one can do this for them, must demand the right kind of leadership to govern them. A leadership that seeks to serve and not to rule, a leadership that combines charisma with character, intellect with integrity, rhetoric with relevance, and is not comprised of political pretenders. In particular, questions of integrity, morality and accountability have made many Zimbabweans suspicious of the good will and honest motivations of politicians on both sides of the political party divide. It would do us well to consider the warning given by Dr. Martin Luther King Jnr when he said that, "The most dangerous criminal may be the man gifted with reason but with no morals."

Zimbabwe has witnessed a progressive decline into authoritarianism, and this trend has created leaders who govern out of fear, rather than trust. Fellow citizens, our future will stand or fall on the caliber of the leadership we allow to guide us into the future. This leadership issue is not limited to the political realm, on the whole the crisis of leadership cuts across the entire spectrum of society in Zimbabwe from the public to the private sector, business to the church. I am looking for a new generation of leadership models and leadership practices in our nation, that has the moral and intellectual capacity to lead this nation. The challenges facing our nation will need leaders who have the will and are prepared to make some unpopular decisions, which may be required to solve Zimbabwe's multi-layered crisis. This must be accompanied by the participation of the nation at large with civil society in its various forms, taking a leading role so that we all feel part of determining our collect future.

Fellow citizens, we are duty bound to lay aside our favourite past-times of finger pointing, blame allocating, insult trading and talk seriously about the Zimbabwe of the future, the Zimbabwe we want. In your deliberations today I hope you will be guided by this sense of hope, patriotism and national duty.

## **Economy**

The aspect of the current multi-layered crisis, which is perhaps most keenly felt by the generality of Zimbabweans, is the drastic decline in the standard of living in the past three years. Everyone tries to see the humour in these very difficult situations with myriads of joke doing the rounds. A current favourite joke is to quip that the only thing not running short in Zimbabwe are shortages! It is good that the economic difficulties have not robbed Zimbabweans of their ability to smile and find something to lift their spirits, but no sane person can not be troubled at the manner of the economic decline we have witnessed and continue to witness. While it would be uncharitable to argue that there has been no progress of note in the past decade, socio-economic indicators show that the country boasts a 75% unemployment rate, a 90% decline in foreign direct investment, inflation running at over 300% and over 80% of the population living under the poverty datum line. We all know these statistics well, both from reading them, hearing them quoted, and from personal experience. We continue to witness the spiralling cost of living, crumbling social services, and the migration of many skilled workers out of our borders to foreign destinations. Whilst all sectors of Zimbabwean society have been affected in this economic melt down, the health sector has been drastically affected, and this has compounded the effect of HIV/Aids on the population. In my estimation the HIV/Aids epidemic looms even larger than the political impasse before us and yet we have not addressed it with the sense of priority and urgency we should. While last year it was estimated that 2000 people died per week from HIV related illnesses, that figure is now more than 3500. Over one third of the adult population is HIV +. This has drastic implications not only on the current social fabric of Zimbabwean families and culture. In particular, the human resource base and pool of educated professionals who have the collective capacity to bring Zimbabwe into the 21st century has been severely diminished.

Most painful, perhaps, is the extent to which Zimbabwe's recent economic decline has exacerbated economic inequalities. The distorted distribution of wealth has resulted in the enrichment of a minority at the expense of an impoverished majority. Successive economic policies drawn since independence 20 years ago from ESAP in 1990, Zimprest, MERP and finally NERP have not addressed the burgeoning gap between the haves and the have-nots. In 1996 the UNDP stated that inequality in Zimbabwe is one of the worst in the world, with the richest 20% of the country's population using up to 46% of all expenditure, whilst the poorest 10% only 1,8% (Zimbabwe Kairos document, 1998, p.23). This gap must be a cause for concern for all Zimbabweans. The effects of these successive economic programs have been further hardship inflicted on the poor. The major beneficiaries have been the big multi national companies, the political elite and politically well connected individuals. Whilst the hope of people at independence was that the new order would bring about a greater distribution of the wealth of the nation to its entire people, what has happened in real terms is the replacement of a minority white elite class with a minority black elite class. These are the inequalities and inconsistencies we must address and seek ways of eradicating.

The biggest challenge facing the government at this present time is the reduction of the national debt, now standing at about 90% of GDP, which economists agree is unsustainable. Another challenge is the burgeoning parallel or gray market, which has created a turbulent economy, which gives some Zimbabweans access to the market without requiring them to actually produce or manufacture anything. Instead, their capacity to act as agents or brokers for the haves is the only skill they need. Those who cannot afford this luxury must increasingly do without not only the most basic of goods such as food, soap, cooking oil and fuel, but even cash itself which has become a commodity to be bought and sold. The incentive required in a post-crisis future to bring all of us back into the formal economy will be phenomenal.

Zimbabwe's requirement for economic recovery and reconstruction, and what Zimbabwe can expect in a dispensation following a negotiated settlement will no doubt be covered in depth by the relevant economic experts in the economic discussion section. But a few things are worth considering -firstly, in the dispensation following the conclusion of a political agreement in Zimbabwe, how will this impact on our ability to initiate economic recovery? Will donors step in to assist? Will we be able to quickly rationalize some of our economic policies in order to build confidence, restore stability and at least put the brakes on the current free fall we are experiencing? What will the ultimate cost be?

### **Human Rights, Truth and Justice**

In the matter of Human Rights, Truth and Justice, questions of violence and physical security are prominent in Zimbabwe today. Allegations of police brutality, repression by state security agents, other state agents, parastatal groups and political party youths abound. In addition, acts of political violence seem to be increasing steadily since 2000. The Human Rights NGO Forum reports that from 1 January to 31 May 2003 alone five people were murdered in acts of political violence. Over 446 were tortured or assaulted, at least 578 people were unlawfully arrested or detained, and more than 506 people experienced political discrimination or victimization, or were restricted in their freedom of movement and association. There is no good reason why Zimbabweans should continue to kill, maim each other, and destroy each others property, twenty-three years after independence. A zero tolerance policy should be called for by the populace of this nation for all acts of political violence. There is no other way to deal with this menace that threatens to destroy the very fabric of our society.

Anxieties over the justice delivery system have become commonplace, as are allegations of denial of access to justice or delayed justice. I had a first hand experience of this when I was unlawfully detained at Borrowdale Police Station for over five hours in February this year. These graphic and highly publicized instances, however, represent only one part of the human rights abuses, which Zimbabweans currently experience. Other major points of human rights concerns include repressive legislation including the Public Order and Security Act (POSA and the Access to Information and Protection of Privacy Act (AIPPA) which

restrict Constitutionally guaranteed freedoms particularly in the area of the media, NGO operations, public order, security and political activism.

Any effort to address the Human Rights, Truth and Justice questions facing Zimbabwe must strive to immediately repeal repressive and unconstitutional legislation, such as that discussed above. In addition, there is an urgent need to end political violence, and particularly to halt the reported involvement of state security forces and para-military groups. In the long run, questions of rehabilitation - both of victims and perpetrators - must be carefully and thoroughly considered. The healing of victims and survivors must be considered, as must be the healing of the perpetrators themselves. In 1980 Zimbabwe under the then Prime Minister Honourable R.G. Mugabe led the way in national reconciliation. We did it before, why can we not do it now. We must take heed of the words of the great Dr. Martin Luther King Jnr. who said that the policy of an eye for an eye would leave us all blind. Clearly there is a better way, a more noble way, that of love, reconciliation and healing.

## **Land**

Zimbabweans are unanimous that land reform is urgently required. For the majority of Zimbabweans land is life. It is their birthright and inheritance, the centre of their spiritual and cultural lives. Zimbabwe's war of liberation was fought in part, in response to the grossly unequal distribution of land and other national resources. At Independence, over 80% of the arable land was owned by white commercial farmers who made up a fraction of the population. The Lancaster House agreement prevented the immediate transfer of land rights to the most needy because of the willing-seller/willing-buyer provisions. The years that followed allowed the entrenchment of the positions of the whites and those elite blacks that gained access to land. Unfortunately, government - and other key stakeholders - did little to redress that imbalance. Even the lapse of the Lancaster House provisions in 1990 did not see a concerted effort made to address this anomaly and, despite the rhetoric of land reform since 2000, and efforts of the Fast Track Land Resettlement Program, the root problem of land ownership being isolated in the hands of the few remains.

In addition, the haphazard nature of the Fast Track Land Resettlement Programme has resulted in drastically reduced productivity on commercial farms, and has forced Zimbabwe to move from being the breadbasket of Southern Africa to being dependent on donors for food aid. Production, consumption, access to and distribution of food have all become critical areas of concern in Zimbabwe. Over half of our population required food aid last year. Based on the number of farmers currently on the land, and the productive capacity of these farms, it is estimated that the same number of people, if not more, will again require food aid in the year 2003/04.

In addition, the critical issue of land tenure is yet to be effectively addressed by the current land reform program. Security of tenure is essential in order to enable individuals to fully benefit from the potential of the land they own or occupy. The revival and stability of the agricultural sector is essential to ensure not only food security, but also economic recovery and industrial productivity. The national economy is intimately connected to the success of the agricultural sector, and any plan for economic recovery must carefully examine the requirements of the agricultural sector.

In this conference, the discussion group tackling the land question must determine not only the long term requirements of the agriculture sector to ensure productivity, but also the immediate future of the resettled farmers, the displaced farm workers and the commercial farmers who have been forced to leave their farms or cease production. Our deliberations on this issue must seek to balance the intricate, sensitive and unavoidable issues of justice, fairness, politics and economic rationality.

## **Legal/Constitutional**

In addition to the above discussed concerns, certain key Constitutional and legal questions surrounding the dispensation that will follow the conclusion of a political settlement must be resolved, such as the restoration

of the rule of just law, the opening up of democratic space and non-partisan application of the law to facilitate a free and robust discussion of national issues without fear of restraint or retribution.

It is therefore imperative that this conference debate and determine not only the nature of this dispensation, but also that the legal and technical issues related to such a scenario. The Constitution of Zimbabwe does not provide for any transitional mechanism in the event of it being agreed to by the current two protagonists in the political impasse we have. This does not mean that such a provision cannot be written, but we must develop a collective understanding of what that will require - an Act of Parliament, a suspension of the current Constitution and an imposition of a Transitional Constitution? Mediated power sharing? A new constitution making process with fresh elections to be held after this based on the new positions and requirements stipulated in this constitution? The possibilities are only limited by our imagination. But in order to ensure that these ideals can be created here, we must understand the steps necessary to achieve them.

The current difficulties facing Zimbabwe are legion. They are well known and well documented. Moreover, it is indisputable that the current crisis in Zimbabwe is damaging not only to this country but also for the entire region. But the challenge before us as I have stated earlier, is not to enumerate these problems, or to attribute blame. This conference is not a witch-hunt. Our goal here is to imagine the Zimbabwe we want, and to develop methods to achieve this. The lack of structured, inclusive debate on key national issues has largely contributed to Zimbabwe's current crisis. Thus, we must take the opportunity wherever possible to reverse this trend and seek collective ways to redress this shortcoming.

We understand well the extent of Zimbabwe's decline. The missing link now, which we must generate here together, includes the requirements for transformation.

The issue of political dialogue.

In my humble opinion negotiations are non negotiable. We need not concern ourselves with whether or not dialogue and a negotiated settlement is desirable, but rather what the modalities would be, and what we envisage as the intended outcomes. Examples abound around us from the Congolese Inter Party Dialogue, to the Burundi Talks to see that ultimately there is no other way out of the quagmire. Whilst I am well aware that the circumstances surrounding those processes are fundamentally different from ours, the point I am trying to make is that, at the end of the day political parties at loggerheads with each must sit down and talk. What all Zimbabweans must do is use their influence to bring to bear on the two parties to talk. In this regard I believe that it is incorrect for any of us to treat another Zimbabwean of a differing point of few or opinion, as having engaged in an act of hostility, or a declaration of war, however offensive we may find that persons point of view to be. The wider the differences among the various players on the Zimbabwe political stage the more urgent the need becomes for us to ensure that they engage one another in discussion and dialogue. Are we saying that as Zimbabweans we do not have the capabilities to sit down and amicably bring an end to the impasse before us? I categorically and emphatically state that whilst we may lobby the AU, SADC, UN, the Commonwealth, at the end of the day no one can do for us what we can and must do for ourselves. In the words of Dr. Martin Luther King Jnr. "Sooner or later, all people of the world will have to discover a way to live together in peace, and thereby transform this pending cosmic elegy into a creative psalm of brotherhood."

This is further cemented by the words President Thabo Mbeki when speaking at the NEDLAC summit in 1996 on the "Inevitable need for a culture of Co-operation" between government and business said,

*"However divergent our interests might seem, we are condemned to live together and interact with one another, both the unwashed and the perfumed. Divorce is not possible. Inevitably the actions of the one impact on the other, for better or for worse, with none in reality being capable of successfully pursuing their purposes without the cooperation of the other."*

I hold to the view that this is the manner in which we should look at dialogue between the two parties currently at loggerheads with each other. We must also agree if there should be broad stakeholder involvement, and if so at what level and at what stage within the dialogue. Others may argue that all stakeholders are already represented in the two parties (that is Zanu PF and MDC) and should simply lobby for their positions to be adopted by the two respective parties. Whatever you finally agree upon here today, I believe that we are at the beginning of a protracted process that will ultimately usher in a new dispensation. Each one of us as individuals and indeed each Zimbabwean can make a contribution to that process. H.G. Wells in his book *The New World Order* writes:

*“ The will be no day of days when a new world order comes into being. Step by step here and there, it will arrive, and even as it comes into being it will develop fresh perspectives, discover unsuspected problems and go on to new adventures. No man, no group of men, will ever be singled out as its father or founder. For its maker will not be this man nor that man nor any man but Man, that being who is in some measure in everyone of us. World order will be, like science, like most inventions, a social product, of an innumerable number of personalities who will have lived fine lives, pouring their best into the collective achievement.”*

We are all entitled to expect that when the books are tabulated, we shall each be judged as having been joint architects in the making of a glorious and wonderful future for our nation of Zimbabwe. Depending on our answers to these questions, we need to define and locate the role of civil society and other interested stakeholders in such a process.

Secondly, is the issue of the dispensation following a political settlement. What this would entail is a matter for discussion and debate. Will this take the form of a transition as suggested by some in terms of the Lancaster House Constitution, or transition in terms of a Transitional Framework yet to be written into the Constitution, or transition as a question of succession within the ruling party? We are confronted with the issue of whether transition is possible and if so, what form such transition should take. We must also determine what mechanisms, legal and constitutional requirements this should entail.

Thirdly, are the specific requirements of governance during this dispensation? This includes the question of economic stabilization measures, and urgent steps to address the current humanitarian crisis we now face. We would also need to consider at what stage the international community would be engaged particularly the US as the world's sole super power, the British government (as I see them intricately connected to a successful resolution of the land issue) and as the former colonial power as well as South Africa Zimbabwe's largest trading partner.

Finally, as we grapple with these questions, we must be mindful of the fact that transformation is a result of promise, pleasure or pain. Without predetermining the debate today, permit me to suggest that there will be no transition or dialogue without leverage of some kind. As a clergyman, my perception of leverage is mediation. However, there are others whose perception of leverage differs from mine. I have made myself clear on my stance as a servant of God and do not intend to brow beat any of you here present to adopt my position. As I alluded to earlier, without spurning the helping hand of our neighbours and friends, I trust that we can reach a consensus that Zimbabweans should solve the problems of Zimbabwe in a non-violent and peaceful manner.

I am certain that we would want to send as key messages out of this conference that:

- a) The future of Zimbabwe cannot be determined without its people - or without the mandate and adequate representation of its people
- b) The portrait of Zimbabwe's future has to include both our laugh lines and our dour marks of stress, that is our views, fears and aspirations; and
- c) As non-state actors we seek to amplify the people's voice and to ensure that such voice is heard. We are not partisan entities but rather as truth tellers seeking to determine the agenda for talks.

All this must be done within set time frames, guidelines and performance monitoring mechanisms not only for what we envision the transitional period to be, but also to guide our own activities as we strive to achieve the goals and tasks we shall set for ourselves today.

Friends and colleagues, I trust that you will enter these deliberations with an open and creative spirit. The kind of Zimbabwe that encapsulates the highest aspirations and desires of its people, where all can be beneficiaries of the vast wealth and potential of this nation is possible, but only if we apply our effort, time and resources to building it. At the root of the matter is to have a vision for a more desirable future. The book of Proverbs 29:18 in the Old Testament warns us that: "Where there is no vision the people perish."

However the having of a vision must be followed by the articulation of that vision in written form. In Habakkuk 2:2 the prophet advises us that we should, "Write the vision and make it plain, that they who read it may run with it."

In our deliberations here today we must ensure that we seriously consider these wise words and that through the adoption of a common vision a future of hope and prosperity may be envisaged for our people. My hope is that you will leave this conference and go back to your various places of abode, with faith that there is a future for all of us and generations to come, that though weeping may endure for a season, joy comes in the morning, that we must not quit until the job is done. We will also leave here under no illusions as to the magnitude of the task ahead, with full knowledge of the uncertainties that lie ahead, and yet we must depart from here today with hope and determination, for as the scripture says, "Let us not grow weary in doing good, for in due season we shall reap if we do not lose heart."

God Bless you all,

Bishop Trevor E.C. Manhanga

## APPENDIX SIX

### *ZIMBABWE'S LAND QUESTION AFTER 'JAMBANJA'*

#### 1. INTRODUCTION

Zimbabwe has just implemented a land reform process that has been variously termed “*hondo yeminda*” or “agrarian revolution” or *jambanja* (“smash and grab”). This land reform process occurred between 2000 and August 2002.

- What has been the outcome of this ‘*jambanja*’ or ‘agrarian revolution’?
- Did it achieve its objectives?
- Is it sustainable?
- If it did not attain its objectives, and remains unsustainable, what is the way forward from what has become ‘an agrarian crisis’?
- To what extent is a way forward tied to the wider political and economic ‘transition’ that is now indispensable as the path out of the broad ‘national crisis’?
- What framework will be necessary for agrarian recovery and reconstruction?

These are the issues that this brief paper attempts to raise for discussion and analytical consideration.

#### 2. OBJECTIVES AND OUTCOME OF LAND REFORM

In the 1990s, the Zimbabwe Government enunciated a sober and more cautious land policy. Its principal elements and objectives are worth recapping:

- To achieve domestic food self-sufficiency,
- To attain a good balance between equity, productivity and sustainability,
- To expand employment opportunities,
- To promote emergent large-scale black commercial farmers,
- To reduce poverty among rural households and farm workers,
- To undertake reform of the land tenure system and
- To acquire 5 million ha for redistribution within 5 years (Zimbabwe Government, 1990, 1998).

Most would probably say that these were laudable reform objectives by any standards. But this sober approach was abandoned when the ruling Zanu PF party calculated that it faced the prospect of an electoral defeat in the 2000 election. In its place, a new radical, opportunistic and chaotic approach was adopted to pre-empt such a defeat. Scores of farm workers, farmers and opposition party supporters were killed, and hundreds injured in the violence that ensued between 2000 and 2002. The situation remains unsettled today as land invasions or threats of invasions continue. Dialogue with key stake-holders such as the Commercial Farmers Union, the General Agricultural and Plantation Workers Union of Zimbabwe (GAPWUZ) and others was scuttled as figures such as

the late Chenjerai “Hitler” Hunzvi and groups such as war veterans took center stage in the *jambanja*. More than 3 years later what have been the outcomes?

They include the following:

- A massive amount of land transfer (from an originally projected 5 million ha over 5 years to about 11 million ha over 2 years) marking the biggest property transfer in the region in recent history,
- The promotion of the interests of new small and large black farmers although it is noteworthy that government figures on the numbers are exaggerated. Instead of 300 000, recent estimates suggest that 205 000 (according to WFP/FAO) and even lower 130 000 (according to a Parliamentary Portfolio committee) small farmers were resettled under the A1 model. About half of the originally envisaged 54 000 large farmers have land under the A2 model.
- The eviction and decline in number of white commercial farmers from about 4 500 to between 600 and 900 remaining active farmers,
- Instead of expanding employment opportunities, a loss of jobs by about 200 000 farm workers (and livelihoods of over 1 million households ) supported by this farm-worker population,
- Rather than reduce poverty amongst farm workers and rural population, *jambanja* has intensified poverty and especially food insecurity due to income loss,
- In place of food self-sufficiency, the reform has contributed to lower food output consistently since it began. According to an FAO/WFP estimate released in June 2003, national cereal production for the 2002-03 season was 40 per cent of the 5-year average. The 2002-03 cereal harvest was 45 per cent lower than that of 2000-01. Zimbabwe will have to import cereals amounting to 1, 28 million tonnes in 2003-04. Nearly 6 million will experience food shortage in 2003-04.
- Clearly, productivity has declined sharply in the agrarian sector with profound knock-on effects on exports, forex earnings and raw material supplies. When the late Samora Machel, advised the new Zimbabwe leaders at independence to move cautiously on the economy and white farmers, he spoke from a chastening experience of a nearly bankrupt economy in Mozambique. An ironical outcome of *jambanja* is that for the first time Zimbabwe will import cereals from Zambia and Malawi this year. Some of the cereals would probably have been grown by white farmers who settled there in the last two years!

### **3. THE FORGOTTEN ONES: THE COMMUNAL AREAS AND FARM WORKERS**

While one major motivation of land reform was ostensibly to ‘de-congest’ the communal areas (CAs), it would appear that apart from the beneficiaries of the A1 model, the CAs have been largely forgotten. There seems to be no concrete programme to rehabilitate them from the depths of poverty (more than 80 per cent of Zimbabwe’s poor live in rural areas). There are no large-scale transfers of resources (credit and related inputs, infrastructure etc.) when compared with current preoccupation with the new A1 and A2 models. What will be the future of the CAs? The land reform programme says very little, if anything !

As for farm workers, about 70 per cent of them have lost jobs and regular incomes during the past 2 years. Less than 5 per cent received land; many are piece-workers while others drift into informal trade and gold panning.



Their food security has diminished; many now depend on food assistance. Their vulnerability has significantly increased. We have assessed the humanitarian dimensions of the deteriorating conditions of farm workers in a longer report.

#### **4. MAKING LAND REFORM SUSTAINABLE**

Clearly, all is not well with Zimbabwe's land reform. The land question has not been solved "once and for all" despite strident government rhetoric. Already criticisms of corruption, unfairness, opaque-ness and gross capacity under-utilization (of acquired land) have been leveled against the programme. Production has plummeted significantly. There are endemic shortages of vital inputs (seed, fertilizer, chemicals etc.) owing to forex shortage and poor planning. The "one person, one farm" policy has not been pursued least of all by the ruling elite that has become the new privileged "successor landed elite"! The elite includes a large proportion of "cell- phone farmers" and potential "land speculators" rather than full-time committed farmers! While it is by no means exhaustive, the following set of issues forms the heart of a sustained reform programme. Most of the recommended measures constitute pre-conditions for a turn-around in the reform process:

1. **RESTORATION OF CONDITIONS OF RULE OF LAW, PEACE AND STABILITY** in the agrarian sector and in the country as a whole. Continued lawlessness and ad hoc evictions of white farmers or threats to do so (such as those made at rallies against a famous legislator called Bennet) are inimical to restoration of confidence and stability.
2. **THE IMPERATIVE OF A LAND AUDIT.** There continue to be conflicting statements about "who got what" from *jambanja*. It is not absolutely certain how many people were resettled under the A1 and A2 models. Hence the controversy surrounding the leaked Buka report on land-audit, and attempts at damage limitation by the Presidential Land Review Committee. There is therefore an absolute need for an Independent Audit of "who got what" from land reform, how much land was allocated, how much was not, how much is being utilized or not being utilized. The modalities of appointment to such an Independent Audit team ought to be debated widely. It can be linked to the revival of the idea of an Independent Land Commission as part of transitional/permanent arrangements.
3. **SECURITY OF TENURE AND LAND RIGHTS** under A1 and A2 models remain ambiguous. They need addressing in view of the massive investment and collateral required by the new farmers. The issue of the land tenure system in the CAs also requires revisiting. In addition, the land rights of farm workers and women should feature on the reform agenda because they have not been defined or respected. The unused, under-utilised and mis-allocated land should be distributed to these social groups after a comprehensive audit.
4. **A QUICK RECOVERY OF THE AGRARIAN SECTOR** is fundamental for the economy and food security. There should be incentives for "old" and "new" farmers to go into full production under conditions of stability, respect of law and property rights, and of confidence. A massive credit and infrastructure programme will be imperative. The compensation claims of evicted farmers should be addressed

expeditiously, and those who like to return to farming should be encouraged to do so and given full protection under the law. The supportive role of the donors will be crucial and strategic in this respect.

5. CREATING CONDITIONS FOR FOOD SECURITY. In view of the experiences in 2002-03, land reform should pay particular attention to creating suitable conditions for food security. If present conditions continue, Zimbabwe risks becoming permanently dependent on food aid. It would have ceased its previous role of ‘bread-basket’ and become ‘a basket case’. In addition, there should be a de-politicization of food distribution by state agencies. In 2002-03, there was widespread criticism of food distribution particularly in rural areas.
6. NURTURING AND STRENGTHENING THE AGRICULTURE-INDUSTRY CHAIN. There will be need to pay special attention to the agriculture-industry production chain. The organic linkage that has been disrupted by *jambanja* should be urgently repaired. Supply of inputs should not be allowed to have endemic hiccups such as at the moment. Financing arrangements should facilitate the strengthening of this chain.
7. CONFLICT MANAGEMENT AND RESOLUTION OF LAND-RELATED CONFLICTS. Land reform created opportunities of land-related conflicts. There continues to be conflict over access to resources: access to land, food and housing etc. There have been enforced evictions of farm workers from farms and compounds, for instance. Tensions have flared between established farmers and newly settled small and large farmers. There needs to be a credible forum or structure that facilitates the management and resolution of misunderstandings and disputes between these parties. Key stakeholders should discuss the possibility of such a forum.
8. TOWARDS A CONSENSUS AND SETTING UP OF A FORUM. All the above-mentioned conditions and measures will require a measure of consensus between key stakeholders. The key ones are farmers (large and small), farm workers, government (central and local) and NGOs involved land-related work. Without such a consensus, it will be difficult for land reform to have a broad legitimacy and a reasonable chance of success. A national forum that consults widely with stakeholders on these issues would be a good idea. There exists one that consults on economic issues, and there is a compelling case for another that addresses agrarian issues at this crucial ‘make or break phase’ of land reform. Such a National Land Forum would play a facilitative role in building consensus and confidence.

## CONCLUSION

The land question will not be resolved in a vacuum. Its resolution will hinge on whether, and how, the broader economic and political crisis is resolved. The prospects of success are bleak as long as the crisis persists. To speak of the land question in ‘transition’ is therefore to be optimistic that there will be change in the political and economic spheres. But the change will not come about without a sustained struggle, mobilization, alliance-building and strategic planning. In a rare moment of candour, one leading Zanu-PF figure once described *jambanja* as ‘an agrarian racist enterprise’. The redress of historical injustice need not have entailed the implementation of such an unjust and opportunistic ‘enterprise’. By mid-2003, it was an enterprise that

was proving to have been reckless, flawed and vindictive. It will take many years to rebuild the agrarian sector but a start has to be made *now*.

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**L.M. SACHIKONYE**  
**JULY 2003**

## APPENDIX SEVEN

### THE ECONOMY IN TRANSITION:

*Dr Godfrey Kanyenze, Economist, ZCTU*

#### 1.0 INTRODUCTION

The Zimbabwean economy is in an unprecedented crisis since the attainment of independence in 1980. This crisis is characterised by acute shortages of foreign currency, basic commodities, cash (Z\$), unsustainable budget deficits and domestic debt, accumulation of repayment arrears on the foreign debt, hyperinflation, un- and under-employment, rising poverty and its feminisation. With virtually all foreign currency transactions, fuel purchases, and basic commodities now being sold through the exorbitant parallel market, the economy is effectively in an informal mode. Box 1 illustrates the extent of the crisis in recent years.

#### **Box 1: An Economy in Crisis**

- Output declined by 19.3% during the past three years and by 11.9% during 2002;
- A severe drought and food insecurity afflicts the country;
- Agricultural output declined further from -12.9% in 2001 to -20.8% in 2002;
- Maize output declined by a third to 500,000 tonnes (the country needs 2.5 million tonnes a year), cotton dropped from 333,000 tonnes in 2001 to 190,000 tonnes in 2002 due to the drought and uncertainties arising from the land reform programme;
- Total food imports of US\$359.3 million;
- The manufacturing sector declined by 17.2% during 2002, while mining declined by 7.1% in 2002 (gold fell by 18%);
- Inflation accelerated to 300.1% as at May 2003;
- Money supply (M3) growth of 113.6% by August 2002, associated with the budget deficit and its financing through the overdraft with the Reserve Bank;
- Shortages of basic commodities, frequent price adjustments and the emergence of a parallel market for foodstuffs;
- Acute shortage of foreign currency resulting in a thriving parallel market;
- Savings and investment have dropped to below 9.2% of GDP (what is required is a level of at least 25%);
- Export earnings declined from US\$3.1 billion in 1996 & 1997 to an estimated US\$1.4 billion in 2002;
- Capital inflows from co-operating partners and investment declined from US\$502 million in 1995 to a net outflow of US\$347 million in 2002;
- External payments arrears have risen to no less than US\$1.3 billion;
- Projected budget deficit of 14.1% of GDP or 17.8% when the gold and tobacco price support expenditures of \$9.1 billion and \$37.5 billion respectively are included for 2002;
- Budgeted international grants of \$9.8 billion and privatisation proceeds of \$40.9 billion did not materialise – outcome was only \$1.9 billion & \$10.2 million respectively;
- 33.7% of the adult population aged 15-49 is living with HIV / AIDS, about 2500 people are dying of AIDS related diseases and 780,000 children have so far been orphaned by the disease;
- In excess of 85% of the population is living below the poverty line.

**Source: Derived mainly from the 2003 National Budget Statement.**

The performance of the Zimbabwean economy is at odds with the general trend elsewhere. The global economy grew in real terms by 2.5% in 1998, 2.8% in 1999, 4.7% in 2000, 2.2% in 2001 and a projected 2.8% in 2002 and 3.7% in 2003. The volume of world trade was projected to grow from 3.3% in 1998 to 3.8% in 1999 and 5.8% by the year 2000. World inflation is on a downward trend. Global inflation

averages at 2.2% for advanced economies and 5.7% for developing countries. Even Africa is experiencing relatively good economic fortunes. Whereas real output grew at an annual average rate of 1.2% during the period 1991-94, it accelerated to an average annual rate of growth of 3.9% during the period 1995 - 98. Real economic growth for Africa is expected to improve from 2.8% in 1999 to 4.9% in 2000 and 4.3% in 2001. On the basis of this up-beat performance, the World Bank observes that: "For the fourth year in a row, most African economies continued to grow, despite the slowdown in world trade and re-emergence of civil conflict in several countries. First round effects of the Asian crisis were more muted on the continent than elsewhere, except for South Africa," (Annual Report, 1999: 30). Inflation in Africa averages 12.6%, compared to Zimbabwe's at 198.9% as at December 2002. The average budget deficit for Africa is 2.6% of GDP.

Attempts at resolving the crisis through the Tripartite Negotiating Forum (TNF) and other for a have yielded no tangible results as government has continued to operate in a unilateral and misguided manner. In fact the TNF mechanism has broken down as government disregarded its resolutions. All these efforts at addressing the crisis failed because they dared to suggest a course of action at odds with the preferences of the President.

## **2.0 CAUSES OF THE CRISIS**

Understanding the causes of the crisis is the first step towards identifying and implementing remedial measures to correct the malaise. If the diagnosis is wrong, so will be the solutions offered.

### **2.1 The Official (Government) Position**

Government continues to blame everyone else other than itself for the crisis. The Presidential approach is that the current crisis is emanating from efforts by the west to recolonise Zimbabwe. This position also sees businesses as part of the problem because they formed cartels that are profiteering at the expense of the people. This position is articulated in the Millennium Economic Recovery Programme (MERP) launched in 2000, the National Economic Revival Programme (NERP) launched in February 2003, the ZANU (P.F.) manifesto, and has characterised most of the President's speeches.

The business sector has been blamed for profiteering and undermining the economy, in cohorts with imperialists, identified as the Western governments (especially Britain, the USA and Australia). Unpatriotic organisations (mainly identified as civil society groups) and individuals have also been blamed for working in concert with anti-government forces to tarnish the image of government. The official line is that the West is not happy with government's efforts to redistribute land in favour of the black majority.

In MERP, the crisis is seen in the context of "...deleterious effects of neo-imperialist machinations aimed at limiting national sovereignty over the redistribution of national assets such as land in favour of indigenous Zimbabweans. These machinations are aimed at frustrating national efforts to transform the Zimbabwean economy so that it cannot reach higher levels of development as well as withstand acts of economic destabilisation," (page 13: 1.3). The challenge is seen as "...the development of a capacity to break the current siege imposed by cooperating partners who are withholding much needed development assistance: mainly for political reasons. This international antagonism has been accompanied by well - orchestrated negative publicity intended to scare away foreign investments," (page 13: 1.4). Profiteering and unfair business practices and business cartels are also identified as part of the problem. MERP argues that well meant economic reforms such as liberalisation have been "...exploited by crime syndicates and corrupt businesses who illegally externalise funds, destabilise foreign exchange markets through speculative behaviour which in some cases is foreign inspired in order to frustrate economic stabilisation efforts by government. Amidst these challenges, the Zimbabwean people have proved to be very resilient. The country is united under a visionary leadership," (page 14: 1.7).

In his address at the opening of the 52<sup>nd</sup> ZANU (P.F.) central committee meeting in Chinhoyi on 11 December 2002, the President attacked business and blamed it for hyperinflation. He declared, “While many manufacturers and traders want to blame it on production costs, it is clear that the consumer is being ripped off, abused and taken advantage of by avaricious heartless business people, several of whom would want to politicise production processes in sympathy with white landed interest,” (The Herald, 12 December 2002, page 1).

NERP contends that the crisis has been compounded by the existence of “a hostile external and domestic environment, arising from our detractors’ opposition to our Land and Agrarian Reform Programme,” and sanctions (2003, page 2). This external focus of the diagnosis of the causes of the crisis is also reflected in paragraph 10, which argues “Furthermore, the negative perceptions of our detractors and their portrayals of our land reforms internationally have dented the country’s image. Confidence in the economy is at its lowest ebb as a result, adversely affecting private investment and tourism,” (page 3).

This position therefore sees the country as if it is engaged in some war, and therefore sees violence as a useful tool of dealing with discontent. The solution is often reduced to price and other controls and heightened patriotism (*rambai makashinga!* – be resolute). It is from this framework that the President, in a direct rebuttal of his then Finance Minister’s stance labelled those calling for the devaluation of the Z\$ enemies of the State. The ruling Party has reduced the whole issue to land, and hence its slogan that ‘Land is the Economy, and the Economy is Land.’ In other words, it exonerates the mismanagement of the economy on the basis that the people did not have what matters: land. Asked what they are planning to do about the deepening crisis in an interview with the Sunday Mail of 19 January 2002, the Minister of Information, Jonathan Moyo stated that there was no need to develop new policies. What needs to be done is already in the ZANU (P.F.) manifesto. He went on to blame bureaucrats for not implementing the manifesto.

The policies flowing from this framework have been a disaster. The fixed exchange rate killed off the mining and other earners of foreign exchange, while price controls created shortages of all basic commodities, which resurfaced at prohibitive prices on the parallel market. With the artificially fixed exchange rate, most foreign currency transactions (in excess of 80% of all foreign exchange transactions) were driven to the parallel market, implying the official coffers were almost dry. The decision to close the Bureau de Change at the end of November 2002 effectively drove almost all foreign exchange transactions onto the parallel market as reflected in Table 1 below.

**Table 1: Official Foreign Exchange Inflows (US\$ million): 2002**

<b>Week ending</b>	<b>Inflows</b>
May 31	11.7
June 14	13.8
June 21	11.6
June 28	15
July 5	10.7
July 12	18
July 19	15.5
August 2	16.5
September 13	14.1
September 27	18.5
October 4	12.3
October 11	14.9
October 18	16.2

October 25	9.2
November 1	10.3
November 8	6
December 6	2.3
December 13	1.3
December 27	0.5

**Source:** Economic Research, Reserve Bank of Zimbabwe, Unpublished Data.

Clearly therefore, following the measures announced in the budget statement of 14 November, foreign currency inflows dropped massively to the extent that they could no longer meet the necessary imports of fuel and electricity. With the land reform programme experiencing its own problems such as multiple claimants to a piece of land, lack of inputs (the input scheme required Z\$60 billion, yet the 2003 budget only allocated Z\$12.5 billion to it) and the drought, food insecurity emerged. Given this scenario, the focus on “Land is the economy, and the economy is land” appears hollow. This exacerbated the crisis. To make matters even worse, the deal with Libya to provide fuel has faltered, with fuel queues part and parcel of every day life. Most parastatals are reportedly in dire straits, requiring urgent assistance at a time resources are hard to get by. The measures announced in the 2003 whereby exporters surrender all their foreign exchange earnings to the Reserve Bank resulted in serious viability problems, especially in the mining sector. Most tellingly, during its annual close down in December 2002, industry issued an ultimatum that some firms may not re-open after the festive season.

With businesses on the brink, CZI cobbled together a last gasp economic recovery paper, which was presented as a matter of urgency to the acting President, Simon Muzenda at the end of December 2002. The document is entitled: ‘Government and Business Partnership on Key Economic Issues’ dated 20 December 2002. In the proposal, business offered to support government’s Agrarian Reform, in return for an active partnership with government (including regular meetings with the President). The proposal insists on consultations on key issues as part of confidence building.

To make the deal attractive, business offered to regulate itself on the basis of a Position Charter, to pursue price management (as opposed to controls), to raise off-shore lines supported by export earnings, to minimise foreign exchange leakages, to proportionately reduce prices where exchange rate has been reduced and stabilised, and to share notes with other key stakeholders such as TNF. The main issue in the proposal is the suggestion on export incentives. To ‘incentivise’ exports, the proposal was that for exporters, the first 50% of earnings be exchanged at the official rate of Z\$55 to the US\$, while the second 50% attracts a favourable rate of Z\$800 to the US\$. For mining, the suggested rate for the first 50% is as above. However, a higher rate of Z\$1350 to the US\$ was proposed for the second (remaining) 50%.

These efforts coincided with the reconvening of the TNF in December 2002. The TNF developed an Incomes and Prices Stabilisation Protocol which was signed by government, business and labour on 30 January 2003. The protocol adopted the concept of price management whereby the ‘social partners’ would negotiate prices of basic commodities. Meanwhile, government pledged to reduce the deficit to 11% of GDP, inflation to 96% amongst others.

Apart from the Incomes and Prices Stabilisation Protocol, the TNF also agreed to sign and put into effect the Kadoma Declaration. The Kadoma Declaration deals with the political issues such as restoration of good governance, restoration of normalcy, and in particular relations with development partners. The Declaration spells out in detail what has to be done to deal with the ‘political risk factor.’ This includes among others the restoration of the rule of law and good governance, and de-politicisation of public institutions and restoration of relations with development partners.

A tripartite position on immediate measures to stimulate the economy was adopted. These were based on the proposals from business. Instead of having multiple exchange rates as

suggested by business, the TNF recommended an inflation consistent exchange rate of Z\$800 to the US\$. The Minister of Finance and Economic Development was requested to develop immediate policy measures based on those adopted by the TNF.<sup>21</sup> The TNF also reactivated its energy sub-committee to look into the procurement and pricing of fuel and the restructuring of NOCZIM and the fuel sector. Other sub-committees established include one on economic empowerment, which sought to develop measures to democratise the economy and establish an Empowerment Charter with sectoral schedules for indigenisation of the economy.<sup>22</sup>

Realising that what it had identified were only immediate measures to deal with the crisis, the TNF agreed to negotiate an economic policy to cover the medium to long-term period.

However, the political will to implement the adopted positions was conspicuous by its absence. In a move that contradicted the adopted principle of negotiated prices, government unilaterally increased fuel prices by almost 100% on 25 February 2003, followed by another unilateral fuel price increase of at least 200% on 15 April 2003.<sup>23</sup> Irked by the continued unilateral decisions of government, ZCTU demanded the reversal of the latter fuel price increase and organised a three-day stay away from 23-25 April 2003. At the same time, ZCTU announced that it had withdrawn from the TNF until the fuel price hike was reversed. The business sector also raised its disquiet with the violation of the Prices and Incomes Stabilisation Protocol, especially considering that fuel is a significant input in the production process and hence its cost affects all other prices. In a bid to pacify labour, government and business met on 24 April and agreed to introduce new minimum wages. Business only agreed to the new minimum wages on condition that the price controls were lifted, which was granted. However, ZCTU rejected the new minimum wages, arguing that they were now outdated given that they were based on January Poverty Datum Levels. Government announced that apart from the basic commodities that would remain under price controls, all other commodity prices were decontrolled.

Since then, the TNF has not been reconvened. Meanwhile, the crisis deepened with the emergence of an acute shortage of cash in banks, continued shortage of foreign exchange, basic commodities, fuel, acute expenditure overruns as it emerged by the first quarter of 2003, most ministries had exhausted their annual allocations for the year. That appears to have been the last straw that broke the proverbial camel's back. The economy is effectively on a free fall, with a bemused government just watching the free fall in awe. Out of desperation, there are emerging in-fights within government regarding the source of the persistent problems. Ministries have been blamed for failing to implement NERP, the Reserve Bank has come under vicious attack for failure to stabilise the economy and fingers have been pointed at stuttering parastatals.<sup>24</sup> Signs of readiness to compromise are emerging, with a leading politburo member, who is its spokesperson, Nathan Shamuyarira suggesting a government of national unity between ZANU (P.F.) and the MDC is a possibility.

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21 It was on this basis that NERP was formulated. However, NERP was not discussed in the TNF as requested.

22 The other sub-committees include the one reviewing minimum wages on the basis of the PDLs and the economic stabilization sub-committee, which has already developed immediate measures to stimulate the economy.

23 Paragraph 135 of NERP states that "In future, fuel prices will be reviewed within magnitudes determined through the Tripartite Negotiating Forum," (page 40).

24 At a recent rally, the President indicated that the Board of ZESA had been dissolved. In reality, that decision has not been relayed officially to the Board, creating confusion. A similar situation prevails with respect to the Hwange Colliery Board: is it dissolved or not?



## 2.2 The Alternative (Progressive Civil Society) Explanation

The alternative (progressive civil society) explanation traces the current crisis to the wrong-headed policies adopted by government since 1997, concluding that the descent to lawlessness and bad governance largely explains the current crisis.

The year 1997 was in many respects the turning point. Disgruntled at its marginalisation, civil society groups started agitating for their inclusion in the development process more strongly in 1997. Table 2 captures the number of strikes over the period 1991-2000.

**Table 2: Strikes: 1991 to 2000**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
<b>1991</b>												5	<b>5</b>
<b>1992</b>	1	2	2	0	1	3	1	0	1	0	0	3	<b>14</b>
<b>1993</b>	5	2	3	3	3		1	0	3	3			<b>23</b>
<b>1994</b>	2												<b>2</b>
<b>1995</b>	2	2	1	6	4	4	6	12	8	9	11		<b>65</b>
<b>1996</b>				12	9	6	8	3	4	13	7		<b>62</b>
<b>1997</b>	3	3	6	7	19	18	28	16	22	98	5	7	<b>232</b>
<b>1998</b>	6	9	21	9		20	3	3	16	10	5	17	<b>119</b>
<b>1999</b>	6	28	5	14	8	4	11	6	13	19	17	17	<b>148</b>
<b>2000</b>	5	12	14	8	16	12	10	22	10	9	12		<b>130</b>
<b>Total</b>	<b>30</b>	<b>58</b>	<b>52</b>	<b>47</b>	<b>51</b>	<b>61</b>	<b>60</b>	<b>59</b>	<b>73</b>	<b>148</b>	<b>50</b>	<b>44</b>	<b>733</b>

**Source:** Ministry of Public Service, Labour and Social Welfare, 2001.

Clearly, strike activity peaked in 1997, as workers' purchasing power was eroded through inflation.

More tellingly, war veterans had been complaining about being left out in the political landscape of Zimbabwe, to which the President would respond by challenging them to compete with others for consideration. However, during the first half of 1997, the war veterans organised themselves and undertook demonstrations to put their case forward. While at first government chose to ignore them, the demonstrations became increasingly raucous, culminating with the war veterans interrupting the President's speech at the Heroes Acre in August 1997. These demonstrations had by then become too loud and dangerous to ignore. Realising that the game was up, the President reached an agreement with the war veterans in November 1997 whereby each of the estimated 50,000 ex-combatants was to receive a one-off gratuity of Z\$50,000 by December 31<sup>st</sup> 1997, and a monthly pension of Z\$2,000 beginning January 1998. Since this was not budgeted for, government sought to introduce a war veterans levy, which was rejected by workers through ZCTU-organised demonstrations. Government had to resort to borrowing to meet its obligations.

With the massive depreciation of the Z\$ of 1997, input costs soared, thereby undermining the viability of producers, who in turn demanded that the producer price of maize be raised. Millers hiked prices by 24% in January 1998 following increased input costs. The increase in the price of maize-meal triggered nation-wide riots during the last week of January 1998. Government immediately intervened by introducing price controls on all basic commodities. The exchange rate was fixed at Z\$38 to the US\$.

In August 1998, government sent Zimbabwean troops to the Democratic Republic of Congo (DRC) to help the government of that country deal with rebels who were at the point of taking over the capital city Kinshasa. The involvement in the DRC war was estimated to cost US\$33 million a month. This was followed by the decision to increase civil service salaries by between

69% and 90% at the beginning of 2000, just before the referendum of February 2000 on the government proposed new constitution. Since such salary increases were not budgeted for, government had to borrow to meet the expenditure.

When Zimbabweans rejected the government proposed constitution in the referendum of February 2000, government deliberately encouraged the occupation of farms by war veterans and other pro-government elements. This followed accusations by government that white farmers had provided transport for their workers to vote against the proposed new constitution. From the chronology of developments, it is clear that the land invasions were a vendetta against the white farmers for openly supporting and facilitating the opposition. Realising that its support base was dwindling, government embarked on the fast-track land resettlement programme. Since then, there was a breakdown of the rule of law and the period before, during and after the June 2000 Parliamentary elections was characterised by violence and intimidation. 'Project money' was disbursed at ZANU (P.F.) rallies as a way of attracting voters. Since the Ministry of Gender, Youth and Employment Creation were disbursing the 'project money', it was obviously public money from the national budget. The impact of these political decisions is particularly acute with respect to the budget deficit.

The budget deficit progressively deteriorated from 5.5% of GDP in 1998 to 24.1% by the end of 2000. The deficit had been targeted to decline to 3.8% of GDP by the end of 2000. Domestic debt, which stood at Z\$24.5 billion in 1995 shot up to Z\$347 billion by end of 2002. The country accumulated arrears on its foreign debt repayments in 1999, which rose to US\$1.3 billion by December 2002.

**Table 3: Key Economic Indicators: 1995-2003**

	1995	1996	1997	1998	1999	2000	2001	2002	2003*
Real GDP (%)	0.2	9.7	1.6	0.7	-4.1	-6.8	-8.8	-12	-12
Per Person Real (1990) GDP US\$	235	220	180	90	55	42	32	28	26
Inflation %	22.6	21.4	16.4	34.5	58.4	55.9	71.9	132	400
Savings / GDP	19.9	15.2	9.5	16.7	17.7	12	0.8	4.3	4.3
Investment/ GDP %	25	17.2	18.9	22.3	17.1	13.5	10.3	8.9	8.5
Budget deficit / GDP %	-12.2	-7.7	-8.2	-5.5	-7.7	-24.1	-8.2	-13.8	>14.0
External payment arrears US\$m					109	471.1	762.7	1323	-
Domestic debt Z\$bn	24.5	32.8	35.3	44.2	77.5	162.1	194.1	347	-
Foreign debt US\$m	4001	4141	4117	3841	3285	3164	3180	4503	-
Export growth %	-	8.2	16.3	-25.8	-15.4	3.9	3.2	-7.2	-5.3
BOP US\$m	44	4	-739	-283	9	-166	-197	-1182	-825
Employment growth %	-1.9	2.8	5.6	-0.1	-2.3	-5.9	-0.6	-	-

**Source:** Selected Economic Indicators, the Reserve Bank of Zimbabwe, Jan 2003

**Notes:** Asterisks \* denotes estimate; BOP is Balance of Payments; GDP is Gross Domestic Product (total output).

Clearly therefore from Table 3, by the onset of the land invasions following the referendum of February 2000, the economy was already in decline, and hence the land issue was not the trigger of the crisis, it only exacerbated the crisis, especially with respect to food insecurity.

From developments in the TNF, where 8 ministers sit, it is clear that the official explanation of the crisis is not universally owned. Clearly, it was only after the policies agreed at the TNF were taken to cabinet that policy reversals were adopted. In fact, government officials intimated during TNF meetings that the President was not amused by the TNF recommendations (such as suggestions to resuscitate Bureau de Change and to devalue the Z\$). It is clear therefore that the President and a few cronies that have benefited immensely from State patronage hold the economy hostage. The key issue then is a transition to a new Presidency. In this regard, a central

demand of civil society is therefore the establishment of a transitional arrangement that would prepare for internationally supervised free and fair elections.

### **3. ECONOMIC ISSUES FOR THE TRANSITION**

#### **3.1 Economic Principles Governing the Transition and Beyond**

The following principles will be applied with respect to economic management and decision-making:

- Broad-based policy formulation, implementation, monitoring and evaluation through reconstituted and decentralised structures such as NECF, TNF and Parliamentary Portfolio Committees;
- Pursuit of inclusive economic policies;
- Negotiated mandates to ensure the goals of stabilisation and recovery are pursued in a non-contradictory manner;
- Pursuit of alternative (human-based) development strategies that are pro-poor;
- Mainstreaming gender and the needs of disadvantaged groups such as children, youths, people with disabilities among others in all policy programmes;
- Empowerment of disadvantaged groups to ensure that they participate and benefit from recovery;
- Transparency and accountability; and
- Stakeholder-developed national ethos to rally the people around national causes (e.g. undertaking the proudly Zimbabwean or Buy Zimbabwe campaign).

#### **3.2 Immediate Measures**

As had been agreed under the TNF, there are immediate issues that can be implemented to deal with the acute shortage of foreign exchange, basic commodities, the parallel market and measures to restore confidence amongst stakeholders. These include the following:

- Restoration of Bureau de Change;
- Implementation of the Prices and Incomes Stabilisation Protocol;
- Implementation of the Kadoma Declaration;
- Negotiation of a Business Charter with quantifiable targets for earning and remitting foreign currency through official channels;
- Review of NERP and prioritisation of measures accepted from it;
- Reconstitution of the National Economic Consultative Forum (NECF) and TNF to make them inclusive, decentralised and effective;
- Establishment of an Anti-Corruption Commission.

#### **3.3 Economic Stabilisation**

Economic stabilisation involves bringing to sustainable levels internal and external imbalances.

##### **Internal Imbalances**

Internal balances refer to achieving sustainable levels of the budget deficit and inflation (single digit). A key aspect of the transition with respect to internal imbalances will involve the following:

- Adopting an 'optimal' structure of the State (including foreign embassies) based on its strategic developmental role and focus;
- Enforcing fiscal discipline by adhering to Statutory borrowing limits and budgets;
- Reigning in on the parallel market for foreign exchange and commodities;
- Restructuring parastatals;

- Implementing a credible public reform programme to achieve effective delivery and strategic focus;
- Decentralising functions and budgets to local authorities; and
- Rescheduling debt (both domestic and external).

### **External Imbalances**

External balances refer to achieving a sustainable position with respect to the balance of payments: the record of transactions between Zimbabwe and her trading partners. The external balance is made up of two accounts, namely the current account, which records the balance between exports and imports, and the capital account, which reports inflows and outflows of capital. In the crisis state of Zimbabwe's balance of payments, immediate concerns of the transition will be:

- Negotiating a Business Charter with quantifiable targets for exporters as agreed under the TNF and remitting earned foreign currency through official channels;
- Restoration of Bureau de Change to normalise inflows of foreign currency through official channels;
- Normalising relations with development (co-operating partners);
- Negotiating for the rescheduling of debt (both domestic and external);
- Incentivising exporters (e.g. through retention of higher levels of foreign exchange earnings than the current 50%); and
- Grants from development partners (windfall from the normalisation of relations).

Stabilisation also requires the adoption of appropriate monetary and fiscal policies. It is therefore necessary to achieve positive interest rates to encourage savings and investment. However, in the short-term, this cannot be achieved through increasing interest rates above the current rates of inflation. This is not sustainable. To achieve this requires bringing down inflation, ideally to a single digit level.

In terms of cutting back on expenditures to reduce inflationary pressures, it is necessary to protect (ring-fence) those expenditures that benefit the poor and women, mainly in the social sectors of education, health and housing.

### **3.4 Provision of Targeted Relief Assistance to Distressed Households**

Since the food deficit arising from the drought is still widespread, coupled with the descent into poverty of at least 85% of Zimbabweans as a result of the crisis, it will be necessary to provide targeted relief assistance to those affected. This may entail increased imports (donation) of food from abroad. Clearly, poverty and hunger will be a source of instability even during the transitional period.

Relief assistance, as jointly identified in 2000 by government and civil society through the Enhanced Safety Nets focussing on:

- The Basic Educational Assistance Measures (BEAM) Programme;
- Public Works Programme;
- Assistance for the procurement of essential drugs; and
- Supplementary Feeding Scheme.

### **3.5 Negotiating a Broad-based Social Contract**

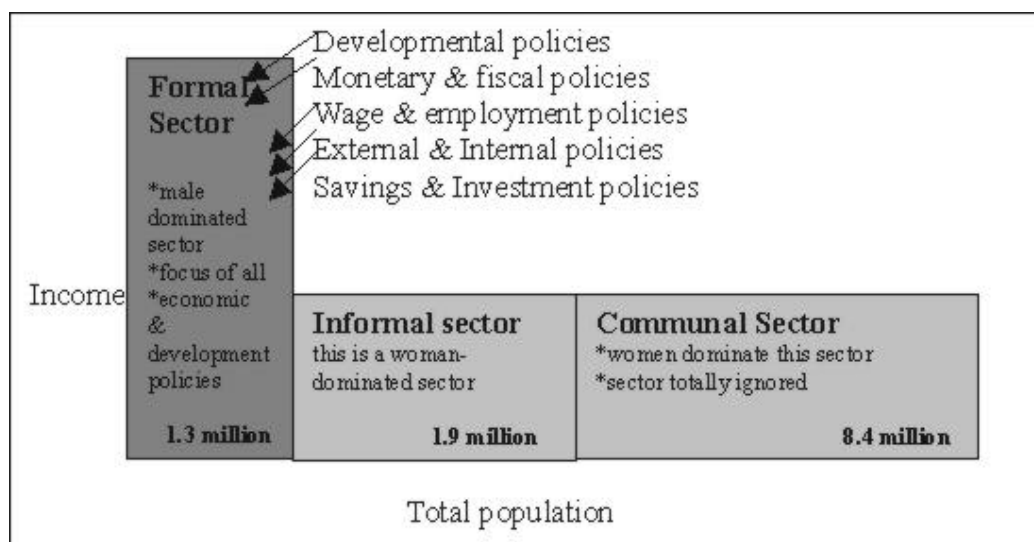
Under the TNF, it will be critical to negotiate various protocols under the Social Contract including on Urban Transport, Health, Education, Housing, Public Sector and Enterprise Reform, Empowerment, Economic Recovery and Development among others. A negotiated

approach ensures broad-based ownership of programmes and is the best way of dealing with policy conflicts (trade-offs).

As part of the Social Contract, the multipartite social partners need to negotiate a medium to long-term development strategy for the country. This strategy should be different from those in the past that were narrowly focused on the formal sector (dual and enclave – separate and isolated development). The danger with the current crisis is that by observing that its causes are related to the absence of good governance, some are tempted to argue that past policy programmes were all right, they only lacked implementation. However, even the World Bank and IMF have acknowledged that Structural Adjustment Programmes (SAPs) were not inclusive and exacerbated poverty. Thus, they have moved on to implement Poverty Reduction Strategies (PRSPs), which however still insist on the failed macroeconomic policies. Past programmes (ESAP, ZIMPREST, MERP, NERP) all focus on the promotion of a narrowly based strategy that relies heavily on the attainment of growth. Such programmes result in a few people benefiting.

Figure 1 below illustrates the problem of past policies.

**Figure 1: Structure of the Zimbabwean economy**



By focussing on the formal sector, which is male-dominated, past policies have neglected the non-formal sectors that accommodate the majority of the population, and especially women. They have therefore reinforced the inherited dual (separate) and enclave (isolated) structure of the inherited economy.

It is therefore necessary to mainstream the hitherto excluded sectors and groups (women, children, youths, and people living with disabilities) into the mainstream of the economy. This can be achieved by the following:

- Economic empowerment through access to land, capital & appropriate technology and entrepreneurship;
- Building infrastructure in hitherto disadvantaged areas (roads, electricity, water etc);
- Economic training (literacy);
- Strengthening the capacity of local government and government structures to deliver requisite services;
- Focussing on people, the ultimate goal of development and not merely on achieving growth;
- Internalising the source of growth (shifting from debt-driven or externally driven growth strategies) and

- Broad-based community participation in decision-making, implementation, monitoring and evaluation processes.

While land redistribution has occurred, it has however been chaotic and has adversely affected food security. It is therefore necessary to undertake a comprehensive land audit to determine the extent of resettlement and correct the new distortions created by the taking away of farms from farmers with one land and the greed that characterised the A2 model. In fact, the A2 model may not be necessary because it targets those that are already privileged and well placed in society. Much of the land under the A2 model is under-utilised as a result of the absentee nature of the new landlords. In this regard, it is necessary to depoliticise the land redistribution exercise by appointing the proposed Land Commission to spearhead the redistribution programme and correct the new anomalies created as the politically privileged grabbed highly productive land.

## APPENDIX EIGHT

### The Zimbabwean Economy: Some Discussion Issues and Perspectives for the Transition

By Deprese Muchena and Davie Malungisa<sup>25</sup>

## 1. Introduction

It is now common cause that Zimbabwe is stuck in a mutually reinforcing political and economic crisis that requires urgent, practical and far-reaching solutions. A country, once the jewel of Africa has become the biggest eyesore of the continent. A nation that once posted the most encouraging socio-economic indicators and demonstrated a great deal of human development is now backtracking into a basket case. The promised land of Africa, the breadbasket of the continent has degenerated into the monumental laughing stock of the continent. The root cause of this crisis has been multifold, multi-layered, internal and global.

The majority view emerging is that the transition in Zimbabwe will be defined as part of the political solution to the crisis facing Zimbabwe. It is a negotiated political transition, coming out of a broad based dialogue and negotiations. This would mean a road map in which the country will move towards new elections, via minimum or maximum political reforms that may include constitutional reforms, electoral reforms and a new governmental dispensation. Between the beginnings of the implementation of the road map to a new government, there is need for a new framework of economic management. Because we contend that it is central to pay attention to economic transition or issues affecting the economy in a transition. The economy should be stopped from further bleeding or else, it would collapse during the period of transition. It is important that the transition period offer confidence to the nation and to the international community that it is not a transition in reverse, but that there are positive steps in the right direction, a direction that offers hope and revival.

## 2. Zimbabwe in Transition

There is no contest on whether the country is in transition. The only issue is that there has not been an official declaration that the country is in transition. If it is about pace, then one can safely say the transition started in 1997 with the suicidal fiscal policy that busted the national budget. Think of the DRC intervention. Think about the War Veteran Levy. Think about the crash of the Zimbabwe dollar on the Black Friday 14<sup>th</sup> of November 1997. It is on the back of this economic crisis that the political transition gained momentum and finally exposed gross misgovernance. President Muzuru once remarked, '*Bad Economics is Bad Politics.*'

**Table 1: Scenario Casting Critical to the Political Economy: 2003-2008**

Date	Settlement	Important Assumption	Elections
2008	Presidential Elections	Mugabe sees his term through	Elections held in 2003
2005	Parliamentary and Presidential Elections are held at the same time	Mugabe Retires and paves way for Transitional Authority	Elections held in 2005
Now	Mugabe resigns	Gives way to a Transitional Authority	3 to 18 months Transitional Period leading to Fresh Elections

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25 Deprese Muchena is an activist researcher and writer with experience in grassroots advocacy and Davie Malungisa is an economic justice activist and researcher. Both are based in Harare.

Now	Government of National Unity	Political Parties Share power	Elections held but GNU concept continue e.g. South Africa
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Politically, the need to move out of the current quagmire is premised on the coming together of Zimbabweans in one form or another, in a framework that defines the current crisis, causes and effects of the same, and a road map out of the crisis. The issue of transition has therefore become a key element of the discourse in recent weeks. The issue we need to raise is that, generally, transitions have tended to emphasize political transition forgetting that unfinished economic questions are key ingredients for future crises. Remember our transition in 1979. It fundamentally ignored the economy, the Land Question and the result is seen when reckless vampires takes control of power, 23 years later the omission has come back home to roost. It is therefore instructive, in a context of economic collapse for that matter, that a number of issues arise and need to be dissected in informing a positive transition.

### **3. Transition from Where to Where? Situation Analysis**

A conjunction of acute foreign currency, food and fuel shortages, a thriving and fully fledged parallel market for basic goods and services, massive corruption and asset stripping, popular frustration and increasing state-sponsored brutality are driving the crisis into a new and dangerous phase, threatening a complete shutdown of the Zimbabwean economy with deeply destabilizing consequences for the country itself and the surrounding region. With the absence or postponement of an effective, honest and realistic negotiated compact between the ruling Zimbabwe African Nation Union- Patriotic Front (ZANU PF) and the opposition Movement for Democratic Change (MDC), with broad civil society input, Zimbabwe may become the newest world's collapsed state. In a worst case scenario, the country's current economic convulsions could lead to massive internal violence, unrest and a flood of political and economic refugees into the surrounding region.

The burgeoning threat posed by Zimbabwe is becoming ever more apparent to its neighbors and defenders, especially South Africa, which, if the worst-case scenario materializes, will be called upon ultimately to respond with assistance in providing fuel and food, haven for refugees, and possibly even to intervene militarily to restore order. Already the region is touched and affected by the Zimbabwean crisis in an inescapable manner. Zimbabweans now constitute the highest number of political and economic refugees in Botswana and South Africa. About 1000 Zimbabweans are languishing in jail in Botswana instead of being productive. Thousands more are illegally resident in that country creating untold social tension with indigenous groups of that country.

An unprecedented economic recession characterized by a 25% GDP decline since 1998 places the macro- economic picture as a crucial element in analyzing the transition. Hunger and starvation among citizens is apparent, affecting about 8 million of the 11.8 million population of Zimbabwe. The deepening poverty, inequality, unemployment and hopelessness are now key features of the social fabric of the Zimbabwean society. Zimbabwe is on the brink of economic meltdown. Exhausted nationalist rhetoric is no answer to the inevitable meltdown.

#### **4.1. Severe Isolation and Pariah Status**

Externally, Zimbabwe is regarded as a pariah state, with no practical discussion between the country and its creditors or major trading partners. In March 2002, the country entered non-accrual status under the World Bank funding arrangements; meaning that it is no longer considered a bankable country by the World Bank. Zimbabwe has thus joined the unfashionable League of Nations in this category that include the DRC, Somalia, Liberia, and Afghanistan among others. Not to be outdone, the IMF stripped Zimbabwe off its voting rights on its board. The controversial re-election of president Mugabe and the adverse reports issued by local election observers in Zimbabwe such as ZESN, the SADC Parliamentary Forum, the Commonwealth, a few African



countries and Western governments has worsened Zimbabwe's standing in the international community. The conduct of the government over economic and political affairs has worsened its record as a democracy, and has resulted in the EU and the US imposing targeted sanction on members of president Mugabe's government and political party.

The Zimbabwe ruling elite's response to international isolation and growing opposition to its rule has been to install a regime of draconian laws such as the POSA, AIPPA among others, meant to curtail civil liberties and freedoms, criminalize their expression and usher a selective application of the rule of law. The slogan "the land is the economy, the economy is the land" is fast proving to be inadequate in addressing the economic problems facing the country. The economy is proving to be more than the land. Not even the jingle of "Rambai Makashinga" being repeated on radio every 30 minutes is resolving the current challenge.

#### **4.2. Economic Collapse**

The Zimbabwean economy is hardest hit by the crisis besetting the country. If the Zimbabwean economy were like any other ordinary economy, it would by now have virtually collapsed. The existence of the economy is largely because the economy is resilient; it has withstood persistent pillaging, sabotage and maladministration. There are massive reported reports of corruption in government and in the private sector. People have been consistently looting the economy with brutal efficiency and with military discipline. The results are there for all of us to see.

#### **4.3. Just What kind of, and Whose, Transition? Dangers and Realities of an Elitist Transition**

Debate about transition is not new. In Zimbabwe we have been in transition severally. Notably through UDI, through Lancaster and the 1987 peace accord. Power structures fundamentally changed but the economy remained in the hands of less than 20% of the populace. It is therefore not out of order to foresee transition that will leave the economy in the hands of the predatory, if not vulture-type Black Economic Empowerment moguls feasting on the current economic distortion who are party of a clandestine take over of collapsing businesses. Business people like Mutumwa Mawere (Schweppes, Shabani Mine, First Bank, Insurance and Real Estate businesses, FSI Agricom, FSI Oil, etc., Ibbo Mandaza (several farms and has divided the farms in small projects to mask the injustice to landless peasants) farmers) and Saviour Kasukuwere Com Oils, Herzt Tourism Company, etc. Even people like Joseph Chinotimba are part of the new gravy train, becoming land-owing multi-millionaires overnight. These people, filthy rich as they are, symbolize and are crystallizing a group of less than three hundred, well connected-to-the state people who are tightening the grip on the economy. Unprecedented takeover of white businesses, from the oil sector, mining, services to agriculture pose the greatest threat to *Redistribution Issues* under a transition. They will literally shape the politics of not only the Transition but even that of the post Transition Phase. With more than five thousand large-scale commercial farms in the hands of the Ruling Elite, and several thousands of A1 Farmers receiving subsidies, it is clear than a new Middle Class and a new landed petty bourgeoisie is under construction. It is interesting, for example, how the rich are raising loans on the money market that is tapping money from peasants and the working poor. Have you ever received a Loan from POSB? This middle class will certainly favor a negotiated settlement to facilitate power sharing and ensure that any power transfer does not temper with their ownership of companies.

We postulate, and for now leave it to further interrogation, that a shift is under construction from the politics of Activism to the neo-liberal politics of Money.

Just like in Zimbabwe's 1979 deals and South Africa CODESA transition, we see a looming Neo-liberal Elitist transition that will continue to feed on the current inequality, just as we see the trends, under globalization, of growing inequality between and within nations. Taking South Africa as an example, the ILO notes that;

Indicators of the socio economic development of the country are misleading. In terms of per capita GNP, South Africa is classified as an upper middle-income country. But this

masks high unemployment, an extremely skewed distribution of income and an extremely high incidence of poverty for a middle-income country<sup>26</sup>.

Ranked 89th on the latest Human Development Index, South Africa is considered to be a country with a medium level of human development<sup>27</sup>. Ironically, this measure conceals profound differences of development within the country. Based on the Human Development Index for 1994 and South African data by population group, the recently published report on Poverty and Inequality (May et al., 1998) comes to the conclusion that the estimated index for Whites would come close to the average for Israel (ranked 19th), while in the case of Africans the index would be somewhere between Swaziland (117th) and Lesotho (120th) (ILO, 1999). It is therefore solid to say South Africa is experiencing an Elitist Transition.

#### 4.4. Deindustrialisation

A declining manufacturing sector beset by these problems is spelling disaster for the country. We have observed this steady decline since 2000. A CZI Study on the State of the Manufacturing Sector in 2001 surveyed only 13 sub sectors in the manufacturing sector and discovered that about 400 companies closed business affecting about 10 000 jobs. The hardest hit was the motor trade sector with over 70 companies closing down.<sup>28</sup> In an economy where unemployment is already hovering at around 75%, this does not augur well. The trend has continued in 2002. A CZI study in 2002 confirms this picture. The trend of company closures has continued. Contract workers are hardest hit. "Zimbabwe has lost its credibility and so buyers are wary of our reliability as suppliers. Also inputs are bought at the parallel market rate but 40% of exports are sold at the official rate meaning an overall loss. In addition there is no forex available to go and do any export promotion" (...report observed).

The report notes;

capacity utilization in the sector is about 60% for industry. In simple terms companies are processing less and less but the cost of production and therefore the selling price is going up and up...<sup>29</sup>

The volume of local inputs has stayed fairly constant but the price of such inputs has gone by anything from 60% to 100%. On the imported inputs side the situation is even worse with volumes declining (sometimes by as much as half) but prices increasing by anything from 90% to over 200% in Z\$ terms. The price freeze policy introduced in November last year has demonstrated beyond reasonable doubt that the very people who are supposed to be protected are the most hurt. Companies are also blaming the government sponsored price controls for the losses they are incurring. National Foods for example, last year made a loss of Z\$43, 3 million in operations. Natfoods blamed it on price controls arguing that the company was selling at less than the production costs and was being forced to reduce workload and eventually go out of business. Zimbabwe Sugar Refinery last year made a Z\$167 million loss. The company said better results could have been achieved if the government has not imposed price controls which restricted selling price of sugar at the August 2001 levels. The list of companies making huge losses as a result of this ill-advised policy continues to grow. Given this abject failure, one wonders what the philosophy of defending these price controls is?

#### 4.5. Declining Trade and Exports

This year, for the first time since 1998, ZIMTRADE, the country's export promotion authority cancelled the annual exporter of the year awards as the economic meltdown claimed its latest victim in the export sector. Freddy Chawasarira, the CEO of the organization indicated in an interview that 'exporters were now hard hit by the high production costs and skewed exchange rates, which

26 ILO, *Social Dimension of Globalization*, February 1999

27 UNDP, 1998

28 CZI State of the Manufacturing Sector Study, 2001

29 *ibid*

did not reflect the true value of the local currency. Export receipts dropped from US\$3,1 billion in 1996 to US\$1,4 billion in 2002. Export as have a direct bearing on Zimbabwe's ability to pay its external debts and continued imports of fuel, electricity, capital goods and raw materials'.<sup>30</sup>

The outbreak of foot and mouth in the country has threatened the beef export ability of the country as no one can or is willing to take risky meat into their own country even if they were the most respected pan Africanist. Zimbabwe owes Botswana Center for Vaccines an amount of about US\$1,3 million and the Botswana Center is now refusing to advance any further drugs to their counterparts in Zimbabwe. Zimbabwe has shifted its backing bowl to South of the Limpopo, but all they are getting seems to be Pan African solidarity without the benefit of the money to stop the spread of foot and mouth. The last time the vaccines were administered in Zimbabwe was in February this year. This is a disaster!

#### **4.6.Commodity Shortage**

A crippling foreign currency shortage resulting in a thriving parallel market for forex and subsequently a burgeoning parallel economy. Basic commodities that are supposed to be available on the shelves are now readily available on the streets. The prices at which those commodities are fetched are killing prices. These include swashing soap, toothpaste, cooking oil, sugar, salt, mealie meal , among many other things Kilometer long queues for fuel all over the place. It no longer needs a rocket scientist to know there is no fuel into the country. NOCZIM is totally bankrupt, pathologically corrupt and inept. It cannot solve. None wants to do business with Zimbabwe any more. They do not pay. Perhaps the biggest joke of all is the shortage of local currency in Zimbabwe. It is reported that it now costs Z\$ 700 to print a Z\$500 bill. Several excuses and explanations have been proffered for this shortage. There is now a parallel market for the local currency!

#### **4.7.The Debt Albatross**

##### **4.7.1.Foreign Debt**

Foreign debt is in arrears of USD 1.5 billion making the external debt stock USD 5.997 billion i.e. Z\$14, 941 trillion at parallel exchange rate.

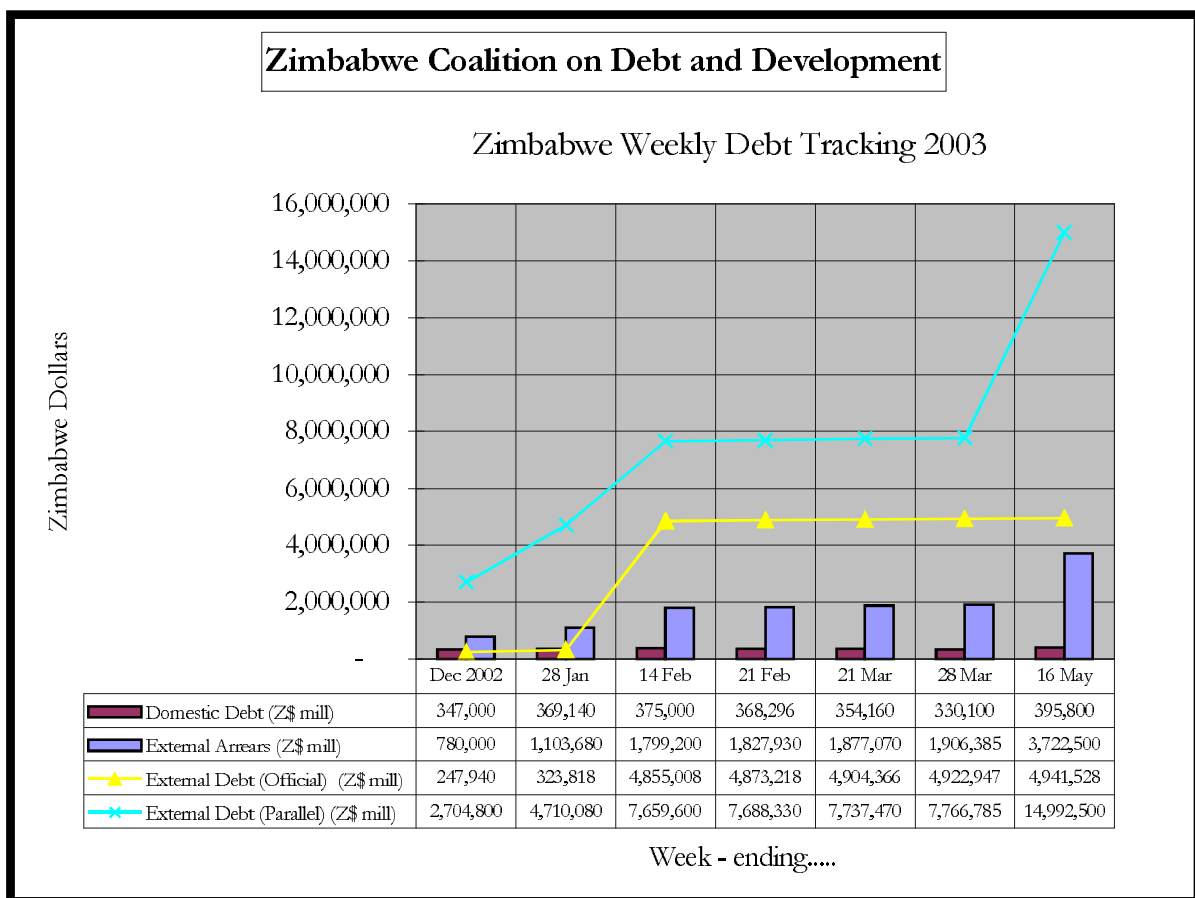


Where is the money going? Who borrows? Who benefits? Who actually pays and how? As citizens, these are questions that must under gird a discussion on transition. Even if you profile municipal debts, you will find that these are having an effect on the provision of basic services. Hospitals are being privatized. The rich have the best education; best health services and the poor are dying in poverty situations; deprived, excluded and humiliated. Are we getting jobs? Why is it that ZESA is load shedding?- its because of debt to ESKOM. Why is NOCZIM not delivering paraffin, fuel?- its because of debt to suppliers! Where are the drugs as we bury at least 3 800 of our children, friends and parents every week from aids related illnesses? How about sewerage system? Is NEPAD the answer? Is the New Economic Revival Plan the answer? What happened to ESAP? Who is making economic policy? Is it the elected representative or the intended beneficiary who is making policy? How about the IMF, The World Bank, The European Union and the African Union?

All these are reflection questions that citizens have a collective capacity to answer if they put the same on the Transition Debate. The discussion of these economic facts must be premised on socio-economic implications as discussed below.

The major stumbling bloc to reconstruction is the debt boomerang that besieged government when our pariah status became apparent from 1997 onwards. The government has developed a serious appetite for borrowing. The context has offered no future at the end of the tunnel as production is grounding to a halt. One key aspect to look at is the fact that production has been on the decline....actually facing de-industrialisation. Turning to Zimbabwe's debt crisis, the last time Zimbabwe fully serviced her external debt i.e. 1998, we were the Third most affected in the world if one uses the debt export service ratio of 38% which was only third to Brazil (76%) and Burundi (39%) respectively.

**Table 1**

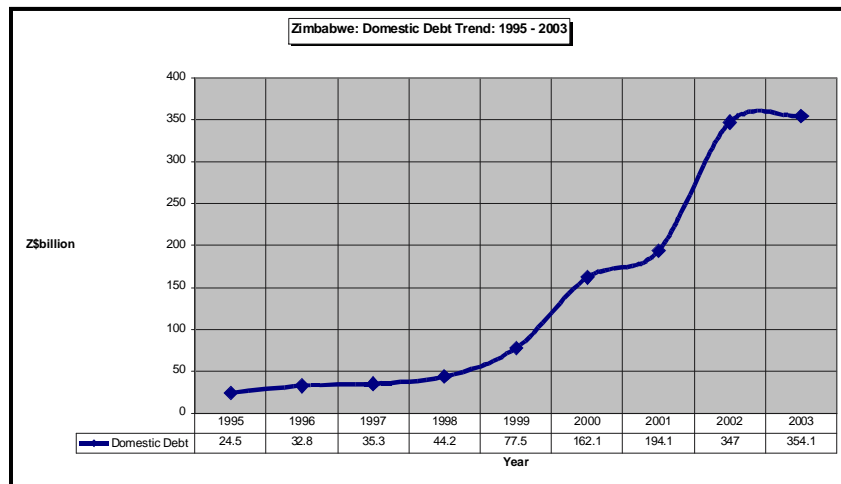


#### 4.7.2. Domestic Debt

In social terms, the current budget system allocates more money to debt servicing than to health and education combined. As we speak, our domestic debt is growing on an average of Z\$1 billion a day. Today the domestic debt is Z\$395.8 billion. Zimbabwe's domestic debt is set to soar. The country's more than Z\$354 billion domestic debt will continue to soar because most ministries have exhausted their 2003 votes and government is now forced to borrow to meet its requirements. Economists are arguing that it will get worse before it gets better. The level of the domestic debt will remain a major challenge to macro economic stability. The domestic debt which stood at Z\$205 billion in December 2001 stood at Z\$346 in December 2002. With 96% (Z\$331 billion) of the debt being Treasury Bills, interest costs pose a significant fiscal

challenge. Since February 21, the Central Bank has been advancing about Z\$28,8 billion weekly to the government for various undisclosed projects. The cost of servicing these huge debts have a bearing on the provision of basic health and education needs of the country. The country's once thriving health and education sectors face daunting challenges.

**Table 2**



**Sources:** Reserve Bank, Zimcodd Statistics 2003

#### 4.8. The Energy Crisis

Widespread load shedding is looming as ZESA fails to meet a one month deadline set by South Africa's Eskom for it to settle its debts. HCB, which was supplying Zimbabwe with up to 250 megawatts a month, has cut supplies to the heavily indebted power utility. HCB is demanding immediate payment of US\$5 million while Eskom wants R11, 2 million. ZESA Power stations are operating at 50% capacity due to shortage of foreign currency to buy spare parts. This has a huge impact on industrial performance as power cuts that are unscheduled affect conveyor belt systems of industry, affect output and create conditions of uncertainty, inability to meet orders etc. This makes Zimbabwean industries totally unreliable and at the same time affects inflows of tax proceeds as companies are likely to be affected in terms of what profit margins they will realize at the end of the year.

### 5. The Humanitarian Cost: Transition from Poverty?

A clear movement out of the Humanitarian Crisis that we face today will measure a real transition. This is a delivery from the scourge of unemployment. From hunger and deprivation. The human development index of Zimbabwe has also gone down. There is therefore need for a radical economic turn around policy that will depart from the current pre-occupation with a neo-liberal philosophy. NERP will not deliver us. Like most neo-liberal documents NERP seem to believe that economic growth is central, and then the proceeds of growth will trickle down to the poor. Human development is not the critical focus. It is assumed to happen through growth. Without this deliberate process, poverty and inequality will become a key feature of the Zimbabwean economic and social landscape.

The point should be made that the correlation between human development and growth is not automatic. The 1996 UN Human Development Report noted that growth patterns had become lopsided and flawed, producing:

- Jobless growth (without expanding employment opportunities);
- Ruthless growth (associated with increasing inequality and poverty);

- Voiceless growth (without extending democracy);
- Rootless growth (that withers cultural identity);
- Futureless growth (that squanders resources needed by future generations).
- We need to make sure that the building block of transition is human development. Measures should therefore be put in place in order to benchmark transition on human development.

### 5.1. Poverty and unemployment

Unemployment has risen to acute levels. With the rural-urban migration taking place at massive scale, the urban areas are no longer able to cope with a growing number of the Industrial Reserve Army, of unemployed people. However, while current and future challenges remain daunting, we have entered the new millennium with better understanding of development. With unemployment levels of more than 70% more than 80% of the population living below the Poverty Datum Line, there is an expectation that a Transitional State would go at lengths to provide a vision out of poverty. Poverty and its cousin unemployment, are leading to an accelerated collapse of the social fabric, increased crime, disease and death. Poverty is now endemic in Zimbabwe. Zimbabweans are now much poorer than they were in 1976. Relative to their neighbours in Mozambique, Malawi and Zambia, (that they used to look down upon) Zimbabweans are now worse off and have had their long standing dignity heavily sliced as they now form the largest numbers of political and economic refugees in neighboring countries in the region, and now export labour to Europe and North America.

Unfortunately, while poverty is growing fast, the current government seems to be running out of ideas. For example, preliminary budget figures obtained indicate that the whole social protection program that includes drought relief, support to the disabled, and children in difficult circumstances, public works program was allocated only Z\$15,8 billion for this fiscal year. In the first three months of the year, the ministry responsible had spent about Z\$13,6 billion which is about 86% of the allocation. Z\$58 million dollars which was allocated for poverty assessment studies and monitoring has been exhausted. But we have not seen or heard of the results of such studies.

### 5.2. Humanitarian Crisis

In the 2003 national budget, drought relief was allocated 12,45 billion, all of which had been exhausted in the first three months of the year. Of the Z\$200 million allocated to the Public works programs, nothing had been spent in the first three months. Not that the money is enough, but a number of factors can be raised to explain this including mobility of personnel in the absence of fuel, implementation hitches associated with bureaucracy etc. Z\$359 was allocated for programs to support children in difficult circumstances. Only Z\$7,6 million had been spend in the first three months. Given the enormity of this problem, one wonders whether this is enough to make any meaningful contribution to resolving this problem. At this rate, the ministry will have spent under Z\$25 million by the end of the year; meanwhile the numbers of children living in difficult circumstances has grown even wider.

With growing numbers of mentally distressed people as a result of a plethora of reasons, disabled persons and people in difficult circumstances, the NERP is simply unresponsive to the lot of our people who need social protection. For example, Z\$400 million has been allocated for people living with disabilities. There are about 1,2 million people living with disabilities. These are people, most of whom are unemployed, and because of the discriminatory nature of our society, probably "unemployable". The government allocates about Z\$1000,00 per month to a child and Z\$1500,00 to an adult with disabilities<sup>31</sup>. These monies are barely adequate to take one in Kukura Kurerwa from point A to B in the same district. To make matters worse there are no

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31 The National Association for the Care of Handicapped (NASCOH), a respected apex NGO for people living with disabilities in Zimbabwe uses these figures.

regulations to determine identification of those in need, no properly set out disbursement procedures and there are no focal points in the districts.

### 5.3. Growing Inequality

Zimbabwe has earned a dubious honor of being one of the countries with one of the highest gini coefficient. Zimbabwe (0, 63) South Africa (0, 58), Brazil, Cameroon have been singled out by the UNDP as leading countries in terms of inequality. Zimbabwe's skewed ratios of wealth patterns are a key matter for concern. According to the SADC Human Development Report of 1998. The richest ten percent earn almost 50% of the national income, while the poorest ten percent earn 2% of the national income<sup>32</sup>. This mismatch cannot be addressed by grand forms of unchecked indigenization and empowerment programs which have tended to generate the growth of parasitic elite made up of quack revolutionaries, vampire elites, gangsters, and intellectual hyenas that operate on their own selfish ethic of personal aggrandizement<sup>33</sup>. Widening disparities have increased the sense of injustice and deprivation for far too many people. Such a picture presents a daunting challenge for any transitional authority.

The number of multimillionaires grows as we watch; a new Compressor class of filthy rich individuals living in leafy northern suburbs, drive in their fast cars which are never seen at fuel queues, they still go on holidays out of the country, send their children to posh schools and are largely driven by the ethic of the dot com society. They are thriving in the context of poverty, some of them through the now familiar asset stripping program which has reached advanced levels, others through dealing on the parallel markets which has transformed itself into a fully fledged parallel economy with attendant problems of corruption. What does transition mean for this development.

### 5.4. HIV/AIDS

As we speak there are about three thousand and eight hundred (3800) people dying every week as a result of HIV/AIDS related illnesses. The infection rates being used by the UNAIDS is about 33% of the adult population. Between 50-60% of the bed occupancy rates in public hospitals are people suffering from AIDS related diseases. The burden on health facilities, and the drain and strain that health facilities are subjected to is enormous. While the attention on HIV/AIDS increases, the focus on other diseases is stretched leading to a mismatch between resources and time that is spend on HIV/AIDS vis-à-vis other diseases. HIV/AIDS simply needs to be a cross cutting them of economic policy in this day and age, to not do so is tantamount to committing economic suicide.

The National Aids Council has been disbursing the AIDS Levy into the various projects including groups and community based organizations working with HIV/AIDS infected people. This is a wonderful effort. But the disbursement has been problematic. Firstly, the NAC distributes about twenty million dollars per district, without looking at the various geo-economic and social factors. Secondly there is no clear targeting. Some provinces and districts are well off than others, while some districts are more densely populated than others. For example, in Manicaland Province about 90% of the households in Buhera district are classified as poor, while in the Midlands province, Mberengwa is the poorest district with over 81% of the households classified as poor<sup>34</sup>. It is important to know these disparities so that targeting is accurate.

There are 780 000 orphans (or even more) as a result of the epidemic. The figure is set to rise to 1,1 million or more orphans by 2005. What program should be there for the social protection program, which we contend, is a key feature of any transition?

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32 R. Kamidza et, el in SADC Human Development Report, 1998

33 For an elaboration on this type of class of people and how it has ruined most governments in Africa, read George Ayettey's Africa in Chaos, 1999.

34 Poverty Assessment Survey, Ministry of Labor and Social Welfare, GoZ, 1995.

## 6.Managing Transition

Government's much-touted National Economic Recovery Program that was being promoted through the TNF hangs in the balance due to absence of common ground and points of convergence between stakeholders. ZCTU has already pulled out of the talk shop following increases in fuel prices two months ago. Many people are of the view that the TNF process will not work largely because social partners view government as an undependable partner. Various models, suggestions and ideas have been proffered on transitions. We do not attempt to give the final word on this subject but only offer a suggestion.

### 6.1.A Transitional Economic Council

The TEC will be charged with managing the key economic decisions over a defined period, for example 12 months. Competent individuals of integrity and unquestioned standing will run the TEC. The TEC will be charged with developing an innovative and responsive macroeconomic policy framework, which will guide implementation of the transitional economic policy package. Further, the TEC must be charged with drawing up a *time bound transitional budget* to be implemented for key and specific economic programs that are critical and that would facilitate the transition. The key transitional issues to be dealt with by the transitional budget include, but not limited to;

- Securing adequate supplies of fuel and power (electricity)
- Food supplies. Currently Zimbabwe needs about US\$300 million to meet its food needs.
- Drugs needed for the health particularly to deal with the HIV/AIDS pandemic
- Funding for constitutional and electoral reforms needed for the conduct of new elections
- Salaries for the civil service and the uniformed forces
- Infrastructure and maintenance
- Funding for all transitional committees, functionaries and structures

The TEC will be a form of check on the excesses of the transitional State and will make sure that the following happens in so far as the economy is concerned;

- Appoint a transitional Governor of the Reserve Bank to deal with monetary policy issues
- Suspension of all contracts dubiously awarded as well as all pending contracts of government,
- Stop all promotions in government and new deals that the government may have been contemplating, unless if they fall within the jurisdiction of the key and necessary transitional areas.
- Compilation of an asset register of government. All permanent secretaries and key personal of ministries will be required to produce an asset register by a specific date or face prosecution. This includes parastatals.
- Negotiate for breathing space with international creditors so that the country may be able to recover from the burden of debts. In the meantime, the TEC can look into the issues of illegitimate and odious debts, as well as an audit to establish the nature and extent of the total debt stock of the country
- Lead the negotiations with the regional electricity suppliers for the continued provision of electricity. The major suppliers are South Africa's ESKOM, HCB of Mozambique and Snail of the DRC

### 6.2. Land Audit an All-Stakeholder Land Commission

The centrality of land to the current crisis will have to be settled by the Transitional State. We propose that there be a Land Audit to inform deliberations of an All-Stakeholders Land Commission. The land commission must be in a position to spell out the land map for Agrarian Reforms linked to the overall economic recovery plan.



### **6.3. Private Sector**

The private sector must play a key role in supporting the transitional budget requirements including playing a key role in the importation of fuel and general economic management. The private sector must develop a turn around strategy supported by the other social partners (labour and the transitional state) so that it can increase its export earning capacity, production of essential goods and services at affordable cost to ordinary Zimbabweans.

### **6.4. The Role of Donors**

However, central to the realization of the issues and key concerns of the economy in transition is the ability of Zimbabwe to send signals to international donors. A donor conference must be convened to negotiate a re-engagement with the international community and key funders. The terms of the Transitional donor initiative would be:

- a) to ensure donor funds are channelled to priority areas;
- b) provide conditions of re-engagement of donors so that socio-economic justice principles are respected;
- c) ensure that Agrarian Reforms are immediately supported to ensure food security and viability of agro-industries.

A fresh injection of foreign currency, funding for fuel and food requirements, drugs, and infrastructural maintenance costs for the duration of the transition period is a major necessity and it calls for the Transitional State to re-engage the international community to assist.

Without support in material and financial forms, the transition plan will collapse. There must thus be an immediate injection of foreign aid, premised on reliable transitional governance. The aid will have to be channelled into the Transitional State's Developmental Budget.

### **6.5. The Role of the Region**

The Region can play a meaningful role by temporarily relieving Zimbabwe from the huge payments of arrears to a number of creditors that Zimbabwe owes to regional governments and companies. This includes more than US\$1,3 million owed to the Botswana Center for Vaccines where Zimbabwe has been drawing down for its foot and mouth drugs and over US\$5million owed to the HCB<sup>35</sup>. If there are more advances of the foot and mouth drugs, Zimbabwe can be able to reclaim its beef export market, which has been taken over by South Africa and other countries in the region. Proceeds of beef export can go a long way in meeting import demands for the country. Given South Africa's appalling 2000-03 record of opposing democracy in Zimbabwe, South Africa can redeem itself and play a meaningful role though suspending for the duration of transition period, the payment requirements for power.

## **7. Concluding Remarks: The Role of Citizens and Search for People Centered Transitional Economy**

Central to the success of any transition is the existence of a Social Contract based on Social Justice and the autonomy of individual interest groups in civil society on one side and the politic players on the other. The transition must not attempt to swallow these groups, but must benefit from their participation, accumulated wisdom, accord them an opportunity to shape the architecture, content and outcome of the same. *Never again* must citizens be reduced into being passive recipients of abstract political and economic models, policies and packages that they are not party to. It is now time for citizens to demonstrate their competency based on experience of the last 23 years of the

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35 As at February 2003.

contradictions of independence, the real art of economic policy formulation. Transitions and economic policies must be measured on one index; *to what extent are they people centered?*

The calculation of the cost of not engaging in the economic interest in the Transition is simple. Anyone who comes to power will simply do what is happening now: Using political office for narrow economic gains as George Ayitte observes:

***After independence, African nationalist leaders did not dismantle the authoritarian colonial state. Rather they strengthened and expanded its scope. Subsequently, they abused and misused the powers of the state to achieve their own selfish ends. Gradually a “Mafia state” evolved- a state that has been hijacked by vampire elites, hustlers and gangsters, who operate with their own notorious ethic of self-aggrandizement and self-perpetuation in power. The institutions of government were debauched, the country became the personal property of the ruling elites and the meaning of such terms as “development” was perverted. The centralization of power transformed the state into a prized asset, which all sorts of groups compete. This competition can be ferocious and it often degenerates into civil war, because in Africa, political power is the passport to great personal fortune. The richest persons in Africa are heads of states and ministers....***<sup>86</sup>

Experience has shown that the economy plays a key role in transition. Without economic stabilization the political deals and arrangements for transition can easily become a zero sum game as there would be no qualitative transition and problems will easily recur. With a state such as Zimbabwe's which resembles everything that matches the description of a predatory state, one that would want to secure economic interests of a ruling elite, as well as secure the perpetuation of all forms of personal aggrandizement the favored class that have become familiar with states in crisis, it is advisable to ensure that the conduct of the Transitional government or authority is severely checked, otherwise, some people may emerge as millionaires out of the transition.

In light of the foregoing discussion, we are proposing that as Civil Society, we begin:

1. A National Consultative Program on Defining the Economy that Zimbabweans Want;
2. Institute Empirical Studies to Conceptualize Transition Economics in Zimbabwe;
3. Share Experience with Countries that have gone through Conflict and Transition

## **APPENDIX NINE**

### **The Politics of Renewed Stalemate in Zimbabwe**

**Brian Raftopoulos**  
Associate Professor, Institute of Development  
Studies, UZ  
Chair of the Crisis in Zimbabwe Coalition.

The biggest enemy facing Zimbabweans opposed to the Mugabe regime is the loss of hope. For since 2000 a central part of Zanu PF's consolidation strategy has been to snuff out any sense of an alternative political vision beneath the crushing weight of its repressive political apparatus, and its claustrophobic constructions of the past. Behind the wall of 'Sovereignty' Mugabe's forces have dehumanised Zimbabwean citizens, and inflicted lasting damage to the limited structures of public accountability that were still available in the country. Moreover this has been done to the accompaniment of a chorus of solidarity from governments in the region and the continent. Sadly some of the most supine of these messages of support have emerged from the South African government.

It is clear that the rule of Zanu PF is now largely based on coercion and force with little concern for building up the structures of active consent. The major discussion around constitutional reform that generated such an inclusive discussion around state-citizen relations between 1998-2000, has been relegated to the badlands of Zimbabwean politics. Mugabe and his party are content to bark at the citizenry through threats, instructions and prohibitions, all designed to proscribe the limits of who is authorised to speak and be heard in the body politic. As the economy continues its descent the chances of building a sustainable basis for the ruling party's project appear more remote, notwithstanding the persistent exhortations of the state media.

Increasingly the accumulation strategies of the ruling party elite are connected to the plundering of state assets and the control over strategic commodities such as fuel. At lower levels party militia, and sections of the police and army have used their political control functions as occasions to loot property in the name of the maintenance of law and order. These mechanisms for building up wealth portfolios have been facilitated by a coercive arm of the law that has been restructured to entrench a new economic party class, with little concern for judicial probity. The pathology of this process, however, reveals a malignant growth of human rights abuse, that will create new forms of destabilisation in the future. As it stands Zimbabwean politics is characterised by:

- a growing political polarisation;
- a serious undermining of the judiciary and the police force;
- loss of professionalism in the public sector;
- militarisation of the youth;

- loss of faith in the fairness of the electoral system;
- and a gross loss of confidence in the capacity of the state to protect the majority of its citizenry.

When added to the deepening poverty of the majority and decreasing capacity of the labour force to reproduce itself, Zimbabwe represents a very volatile situation.

Opposed to this is an opposition party and a grouping of civic bodies that have maintained their commitment to peaceful political protest, while exposing the wide range of abuses that have characterised the Mugabe regime. The politics of opposition in Zimbabwe has been built largely on liberal democratic rights issues, namely those enshrined in the South African constitution. These principles have been incorporated into the democratic struggle in Zimbabwe because of their efficacy in confronting the abuses of the Zimbabwean state, and not because they have been inserted by some invasive foreign force. It is worth remembering also that such democratic principles were an important part of the past of nationalist parties on the continent, whatever their limitations. Much has been made by some commentators who consider themselves on the 'Left,' that Mugabe's singular achievement has been to re-assert the issue of redistribution at the centre of the development debate, and in so doing expose the limits of 'bourgeois democratic' politics. A much less honest assessment has been made by this contingent of the undermining of a genuinely popular politics that has accompanied Mugabe's repressive interventions. It is not enough to clamour for a more nationalist response to globalisation; an authoritarian nationalism, however Pan Africanist its pretensions, will never provide the popular basis to confront global capital.

Thus Zimbabwe is caught in a damaging post-liberation political stalemate, with a ruling party embedded in the politics of coercion, and an opposition movement unable at present to move this coercive state much further through peaceful protest. It is probable that this calculation forms part of the basis of President's Mbeki's preference for a reformed Zanu PF solution, notwithstanding his concerns over a labour-based opposition emerging in South Africa in the impending battles over the ANC's future. It is therefore a sad reflection on the politics of our region that as President Bush prepares for his visit to Africa, it is from an administration that has just re-asserted its imperial belligerence, that we hear the kind of critical response to dictatorship in Zimbabwe that responsible Southern African leaders themselves should be making. In the continuing conflicts over North-South issues, undemocratic regimes with anti-imperialist credentials will continue to oppress their citizens with the assistance of a spurious defensive Third Worldist solidarity, that flatters the worst aspects of our political systems. In such circumstances those African leaders tasked with the responsibility of 'mediating' in the Zimbabwean crisis, will be inclined to persuade us that for all the unpalatable aspects of the Zanu PF regime, the latter's nationalist credentials are 'our best bet' in the current positioning of the African continent in global politics. Many Zimbabweans are persuaded

that we should expect better. Let us hope that most Southern Africans agree.

## APPENDIX TEN

### Human Rights, Truth and Justice Issues

*Janah Ncube, Chair Women's Coalition*

For the past three years Zimbabwe has seen a serious deterioration of Human rights. This has been primarily as a result of political contestation or said differently political intolerance. We have seen every sector literally crumbling down and even when we have said things cannot get worse in Zimbabwe they can and they do. Zimbabwe is not in a state of war but the types of Human rights abuses we have seen and experienced would indicate otherwise. We have seen people being abducted/kidnapped, assaulted, killed, disappear, displaced, murdered, raped, tortured, unlawfully detained or arrested on a large scale just to mention a few.

The Zimbabwean environment is so tainted by Violence, Starvation/Hunger, HIV/AIDS, No Rule of Law, Repressive Legislation, Shortages of basic commodities including local currency and Fear. We have seen the abuse of the law making apparatus Parliament to pass unconstitutional legislation that is directly in violation of Human rights. These laws allow the state to lie to the nation and persecutes anyone who speaks Truth. These laws allow the state to arrest you, detain you, torture you then release you without charging you for a crime. The electronic media has been used to churn out government propaganda and has been limited only to government-aligned voices. The arms of government have colluded with the ruling party in all this. Where government is perpetrating its abuse on the peoples and the nation our police, our army, our law is blind.

To try and talk of Human Rights in Zimbabwe is a tall order. Firstly because each and every Zimbabwean is being violated and has a more shocking story to tell. If you have not been beat up, raped, tortured, arrested, intimidated you certainly have been queuing for sugar, mealie meal, your money, you certainly have been cursing yourself for humming *Hondo Yeminda* and *Rambai Makashinga*. Every Zimbabwean is reeling from the current political, economical, social disaster facing this country today.

Secondly because all the issues are so interlinked you cannot deal/focus/look at one and not the other because they all are a result of each other. The state of our economy (high inflation 300+%, no forex, no Zim dollar, no employment, high cost of living, black markets for everything etc) has so much affected people's human rights. The food shortages have seen many people reduced to eating strange wild vegetation. In February this year, there were reports of many people suffering from constipation, running stomach, malnutrition and just recently the Bulawayo City Councils released a report that in April 36 people were reported dead due to starvation, 45 in April.

2000 – 2002 could have been said to be years of fighting for political space and political leadership since they were years of elections. When we study trends of violations perpetrated on the peoples we see sharp increases around the election periods. This is the time when the state colluded with the ruling party but was not used to front the violations. We saw the strengthening of the already notorious War Vets led then by the Chenjerai Hunzi who were used around the Parliamentary elections. We also saw the setting up and rising of the green bombers/youth militia under the guise of "National Youth Service".

In 2003 we are seeing the police and army now being blatantly unleashed on the people they took oaths to serve and protect. With this use of state arms we have seen an increase of violations.

Some examples:

<b>Type of Violation</b>	<b>1 Year Period June 2001 – June</b>	<b>5 Months Period Jan 2003 – May</b>
Assault	215	180
Attempted murder	1	2
Death Threats	21	10
Disappearances	0	3
Displacements	54	93
Freedom of Association / Movement	4	265
Murders	19	5
Rape	9	5
Unlawful arrest	55	442
Unlawful detention	42	136

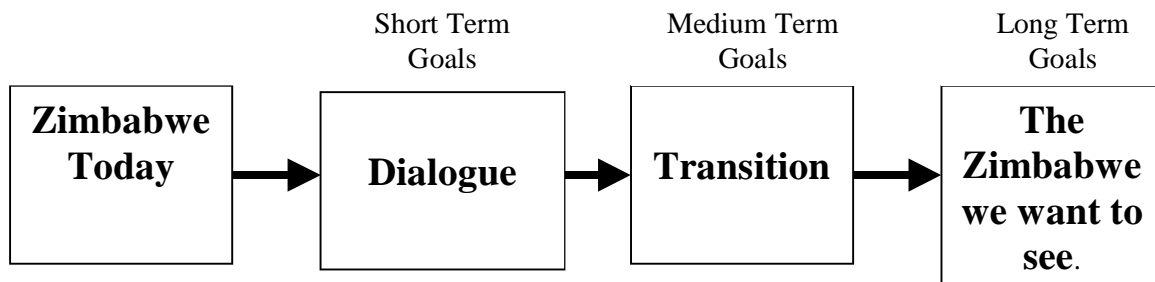
In 2003 the sharp increases are seen around times when either the opposition or Civic Society organize to protest (Stay-aways, marches etc).

For the past 3 years there are scores of Zimbabweans who have been victimized and crippled. Hundreds of lives have been lost, many have lost body parts, many their health, thousands carry scars and many women have been raped. Jobs have been lost, properties destroyed, home broken, families divided, communities broken. Zimbabwe is full of people whose dignity has been stolen from them. Zimbabwe is a nation of people whose freedoms are denied.

Our Africanness is in our Ubuntu. We have a heritage of dignity, family and community. It is our right to want that, to claim it and fight for it.

We are here to discuss Solutions. Dialogue and Transition have been indeed called for by many in the International, Regional and local communities including Civil Society as a way forward from the current impasse. The call for all the political parties and civil society to stop fighting on people's bodies but sit and talk across a table is louder and more urgent now. Dialogue is only the beginning of a process that will take time, truth and justice to birth 'Another Zimbabwe'.

### **Re-building Zimbabwe – The Process**



The Questions to Address are:

1. How do we get to the place of Dialogue? What is the Role of Civic Society in getting us there? What should be CS's position with regards to current/escalating Human Rights Violations? What short term/immediate mechanisms can be put in place to end these violations?

2. TRUTH - Our nation has been barraged with propaganda from government and the ruling party. Blatant lies are told as news, analysis, used as basis of decision-making, appropriating resources. This is what has led to many of these Human rights abuses, starvation, shortages, and hatred in our

communities. How do we integrate the truth into the process of rebuilding Zimbabwe not just in those involved in leading this process but into our society? What is the truth? What has been happening where we have not been able to access. What happened in the commercial farms to women in 2000 during land invasions where civil society had no access? What is happening to our young girls, our sisters at the Youth Camps? What is the real extent of Human Rights Violations in Zimbabwe? CS has done an incredible job in capturing cases, statistics, data, critiquing etc but it's evidently not the whole picture?

3. JUSTICE - After the first bout of Land invasions in 2000 many violence perpetrators were arrested. The President declared an Amnesty and they were all released back into the communities were those who had reported them lived and they created even more terror. What should happen to those named, linked to the current violations? How does this impact the perpetrators as stakeholders in dialogue? What should happen to the army and police who are reported to be now carrying out revenge on behalf of the ruling party? How about Government personnel who have collaborated with the ruling party? To what extent is the President and his cabinet responsible and what should happen to them? What can be defined as justice for the victims?

4. What legal & institutional conditions and mechanisms are necessary to ensure the protection of human rights in Zimbabwe?

5. RECONCILIATION - We need true reconciliation if the nation is going to get over this. In 1980 we heard of reconciliation but it did not happen. Today we are reaping the results of that. How do we go about the process of reconciling our nation? Families, communities, the nation is divided. There is hatred, lack of trust, fear. How do we get over those hurdles? What process needs to take place to reform our uniformed services? How do we rebuild trust, faith and hope?



## APPENDIX 11

### Dialogue & Transition: Some Legal Issues

Being a brief and technical paper presented at the Crisis in Zimbabwe Conference on Dialogue and Transition

*By Lovemore Madhuku*

#### 1. INTRODUCTION

Issues of “dialogue and transition” are in their essential character, not legal issues. They are political matters. The general rule is that law follows politics. This means that if there is a political agreement, the law can easily be changed to register and accommodate that agreement. It also means that the nature of legal processes envisaged on these issues depends on the scope of the political settlement.

This point requires further emphasis. The fact that there will be dialogue says nothing about what form it will take. Similarly, there maybe as many forms of “transition” as there are societies in transition! Accordingly, setting out a legal framework for dialogue and transition requires some basic assumptions about the form it will take. For example, if the transition focuses on the President, it will raise different legal issues from those that would arise in a situation where the transition affects both the President and Parliament. Thus, in the absence of a clear form of the envisaged “dialogue and transition” process, only general comments are possible. This is what this paper seeks to do.

#### 2. TWO ROUTES TO TRANSITION

There are two main routes: the “legal” and “extra-legal”

2.1 The legal route is that which follows the dictates of the existing constitution and laws of Zimbabwe. Under this route, the question of the “legitimacy” or “justice” of those laws does not arise.

2.2 Under the “extra-legal” route, what must be said is that an existing constitutional framework can be overthrown “illegally” provided there is success. **A successful resolution begets a new constitutional order.** In other words, it is possible to impose a new constitutional order outside the provisions of an existing constitution as long as the new order is able to take hold and succeed. This is a well-known principle in law. However, no more of it will be said and the rest of this paper will discuss the options available under the “legal route”.

#### 3. OPTIONS UNDER THE LEGAL ROUTE

3.1 The process of dialogue itself need not be regulated by law. It can be conducted in terms of a political agreement by the main players (political parties and civic society). A political agreement, while not binding at law, has moral force and can specify such issues as representation of the players, terms of reference, time-span and so on. It is the result of the dialogue process which will require legal processes for purposes of implementation. However, if it is deemed necessary for the process of dialogue itself to be regulated by law, there are two options.

(a) (The existing Parliament may pass a **Political Dialogue Act, 2003** setting out the composition of the requisite body and specifying its terms of reference.

(b) (The current President may appoint a Commission under the **Commissions of Inquiry Act** (along the lines of the discredited Constitutional Commission of Zimbabwe).

- Be that as it may, it is most unusual to have the dialogue process itself regulated by law.

3.2As already said, the results of any dialogue process will require the force of law for effective implementation. Whatever form the transition assumes, it must be regulated by law. The nature of the legal regulation depends on the form of the transition.

- As every transition will involve a departure from the existing framework of governance which is purportedly in terms of the current constitution, the starting point would be an amendment of some sections of the current constitution. Hereunder, I discuss various options.

(a) **Where the President is vacating office**

## APPENDIX 12

### MAPUTO DECLARATION (African Civil Society Organisations)

To the Second Summit of the Heads of States and Governments of the African Union,  
Maputo, Mozambique  
4th- 12th July 2003

#### PREAMBLE

We, the members of the African Civil Society having met on the occasion of the second summit of the Heads of States and Governments of the African Union, Maputo - Mozambique, 27th June - 02nd July 2003, hereby submit the following declaration which pronounces our convictions, commitment and call for action in attaining and realising a people centered African Union.

*Noting your* commitment to build partnerships with all segments of civil society as enshrined in the constitutive act of the African Union;

*Believing that* we have a vital role to play in the formulation, implementation, monitoring and evaluation of policies and programmes for the advancement of development in Africa;

We reaffirm our belief and commitment in an African society **characterised** by:

- Unity in diversity, equality and equity;
- Guaranteed fundamental human rights and basic needs of its people;
- Effective participation and empowerment of all stakeholders in particular women, the elderly, persons with disabilities, youth, children and the poor in decision making processes;
- Participatory democracy and sustainable development;

#### **In pursuit of the above, we are deeply concerned about:**

- The continued imposition and adoption of neo-liberal policies that continue to impoverish the African people;
- The continued gross violation of human and economic rights especially in Zimbabwe, Swaziland, Liberia, Cote D'Ivoire, Burundi, Sudan, Uganda, Democratic Republic of Congo, Somalia, Nigeria, Western Sahara amongst others;
- The civil strife and armed conflict in the continent;
- The deteriorating terms of trade within the continent;
- Lack of access, deterioration and privatisation of basic social services such as water, energy, health and education;
- The erosion / neglect of African cultural heritage;
- The ballooning levels of internal and external debt;
- The lack of political will to resolve the exploitation and mismanagement of natural resources in particular energy, water, minerals, flora and fauna and marine resources;
- Plundering, mismanagement, removal of local resource management and lack of benefit sharing, through inter alia biopiracy, promotion of genetically modified organisms and patents on life and life processes;
- Lack of corporate accountability by transnational corporations;
- The HIV/AIDS pandemic and other diseases such as malaria, TB and its socio-economic implications particularly for orphans and children and elderly in Africa;
- The lack of collective and concrete actions to resolve the land issues in Africa;

**We therefore call on the African Heads of states and governments to:**

- Recognise, engage and utilise indigenous knowledge systems, which is inherent and intrinsic to the poor and resides amongst them. This is as a means to involve the poor in social and economic upliftment processes by investing in them as a resource of development;
- Fight corruption and pursue good economic governance and make aid more responsive to development needs through the establishment of a joint civil society - government forum to engage donors and development partners;
- Respect the commitments made and agreed to, for the effective popular participation and promotion of human rights and democracy as enshrined in the international and national conventions;
- Develop democratic and autonomous local level institutions involved in land acquisition, allocation, conflict resolution and land management;
- Formulate natural resources management policies and legal frameworks that ensure improved access to land, forests, wildlife, water, fisheries and mineral resources by the rural communities;
- Ensure that all state members ratify the peer review mechanism;
- Further urge the African Union to consult widely and ensure that the peer review is done in an objective and transparent manner;
- Ensure that all members ratify international treaties and agreements such as the ODCCP protocol, ILO 182 (worse forms of child labour) as part of its task to combat child abuse especially the trafficking of children for sexual exploitation as well as the implementation of the African charter and the convention of the rights of the child;
- Strengthen the peace and resolution mechanism set in the continent;
- Take a united stance and common position in rejecting the “new issues” at the fifth ministerial meeting of the WTO - investment, competition, transparency in government procurement and trade facilitation; and rolling back agreements that have exacerbated poverty, underdevelopment and injustice;
- Reclaim and retain policy space for the regulation and monitoring of the movements of capital investments and transnational corporations on the continent;
- Enhance intra-regional trade and harmonise policy frameworks in regional economic communities including establishment of mechanisms for regulation and control;
- Take collective action on the call for total and unconditional cancellation of African countries external debt, restitution of our stolen wealth and the “demand” for reparations;
- Honour the Dakar commitments on quality basic education for all by 2015 in addition to previous un declarations on education since Jomteim;
- Agree on a well defined civil society space for engagement in the context of AU and NEPAD;
- Ensure the participation of youth for intergenerational equity in all AU / NEPAD organs and processes;
- Abide by the principle of parity in the organs of the African Union and NEPAD to guarantee gender balance in decision-making processes of each member state;
- Ensure participation of civil society to the specialised technical commissions of the African Union;
- Halt and reverse water privatisation, biopiracy planting of GMO and life patents through national laws, collective positions and strategies at the WTO, IMF and world bank, implementing their commitments to multilateral and regional environmental agreements, ensuring corporate accountability;
- Support agricultural marketing, extension services, credit and research with a gender perspective to enhance food security;
- Release all imprisoned African journalists and repeal all anti-free expression legislation in Africa;.

## **CONCLUSION**

In conclusion, we want to welcome the principle in the constitutive act of the African Union, which allows participation of the African peoples in its vision.

We are convinced of the crucial role played by the civil society in development and governance and further call the AU member states to establish the necessary mechanisms to involve civil society in policy making, development planning, implementation monitoring and evaluation in accordance with the African charter on popular participation and development.

Civil society shall continue to engage with NEPAD. We urge African leaders to partner with African civil society in all processes of implementation and further urge for a process that does not replicate structural adjustment programmes, which have impoverished the continent but take into consideration the views and needs of Africa.

The success of the AU will depend on the active involvement of the African people, governments, business community, civil society organisations and groups relevant to the struggles of the oppressed / marginalised and excluded majority of the continent.

**A LUTA CONTINUA, ANOTHER SUSTAINABLE AFRICA IS POSSIBLE!!!!**

## APPENDIX 13

### CRISIS COALITION RESOLUTIONS ON DIALOGUE AND TRANSITION

Members of the Crisis Coalition, including over 175 leaders of civil society organisations, representing women, labour, students, youth, churches, farmers, media, legal and medical practitioners, and academics met in Harare on 5 July 2003 for a historic conference on Dialogue and Transition.

Through our deliberations, the following was agreed:

- We support efforts of the church to undertake mediation and promote dialogue to move towards the transition.
- We will develop national consultative meetings, hold think tanks and commission studies on critical issues such as: Land Reform, Human Rights, Economy, Political Issues in Transition and Legal and Constitutional concerns.
- Unjust laws must be repealed in order to facilitate an enabling environment for greater participation by citizens.
- We reinforce calls for a new, people driven, democratic Constitution to enable transition.
- We press for an end to human rights violations by political party youths, state agents and state-sponsored groups.
- We demand the creation of institutions that protect people's rights and freedoms, and will participate in such institutions.
- We must learn from economic and political examples elsewhere in developing solutions to Zimbabwe's current multi-layered crisis.
- We will facilitate the development of a new framework of economic negotiations so that the protocols and requirements of wage and trade negotiations is open at a national level.

Through the meeting, we developed a unified position on dialogue and transition. We agreed that civil society has an integral role to play in the transition, and should be involved in discussions regarding the transition as an equal partner. In addition, we agreed to encourage non-partisan regional interventions around nation building, while opposing external partisan interference.

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Crisis in Zimbabwe Coalition  
Box CY 434, Harare  
info@crisis.co.zw

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