

## Challenges facing civil society in Zimbabwe

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**Z**imbabwe is more in the news for its political and economic crisis than because of its AIDS epidemic. In the following article Tapiwanashe Kujinga explains how, for many years, civil society led the Zimbabwean response to HIV but warns that the political crisis is now having a negative effect on the capacity of civil society to continue to mount a response to HIV and AIDS.

## Background

Zimbabwe sits at the epicentre of the HIV/AIDS epidemic in Southern Africa, with a sero-prevalence rate of 33.7 per cent of the adult population, and an estimated 2,3 million people living with the virus. A total of 135 000 adults are thought to have died between January and August 2003 as a result of HIV/AIDS-related complications, and 36 000 cases of paediatric AIDS infections were recorded in the same period. According to the United Nation's 2004 Human Development Report, life expectancy in the country has plummeted from 55.3 years in 1990 to 33.9 years in 2004, the second worst in Africa after Zambia at 32.7 years. According to the UNICEF publication 'Africa's Orphaned Generations', 782 000 children were orphaned by HIV/AIDS in Zimbabwe in 2001, and it estimates that the number will rise to 1,3 million by 2010.

To say that the situation is grim would be an understatement. The epidemic has struck at all sectors of the society and wreaked untold havoc on a country already struggling with a myriad of challenges. Since the first case of HIV was diagnosed in 1984, HIV/AIDS has affected every individual, every home, and every family. However, civil society quickly realised the devastating potential of the pandemic, and moved in early to mitigate its impact. This network of non-governmental organisations, community-based organisations and faith-based organisations has toiled, at times with the barest minimum of resources, to combat the scourge at the grassroots, and these organisations have been credited with raising awareness on HIV and AIDS at a time when stigma meant that the disease was only mentioned in whispers.

One of the first AIDS service organisations to be formed in Zimbabwe, Family AIDS Caring Trust (FACT), has developed into the largest NGO in the country working with HIV/AIDS. It has succeeded in implementing programmes that cover basically the whole spectrum of HIV/AIDS interventions, including prevention, ongoing psycho-social support for people living with HIV/AIDS (PWAs), home-based care, voluntary counselling and testing, clinical services for PWAs, capacity-building for other AIDS service organisations, assisting orphans and other vulnerable children, and is planning to launch a programme on access to antiretroviral therapy. Through its varied activities, FACT has played an important mitigative role for people and communities infected and affected by HIV/AIDS, as well as being a vanguard for other AIDS service organisations.

Another organisation that has been crucial in the fight against HIV/AIDS in Zimbabwe is The Centre. Founded by Lynde Francis who has lived with HIV for nearly 20 years, the organisation provides ongoing counselling, nutritional support, home-based care,

clinical services for opportunistic infections, vitamin supplements and antiretrovirals for PWAs. The Centre employs HIV-positive counsellors, and this has contributed to its nationwide recognition as the country's leading organisation for PWA counselling and support. Other organisations doing much commendable work include Midlands AIDS Service Organisation (MASO), Matebeleland AIDS Council (MAC) and the Zimbabwe National Network for PWAs (ZNNP+). Unfortunately, the latter organisation has since scaled back its operations drastically and no longer reaches as many people as it used to during the 1990s.

The response of the Government, on the other hand, has been both tardy and ineffectual. During the 1980s when HIV was first diagnosed in Zimbabwe, the Government failed to move quickly to contain the pandemic. When the response came, it was a case of too little too late. In 1999, a National AIDS Trust Fund was created through the levy of tax on all taxpayers, but the fund has been mired in endless allegations of abuse and bias in its disbursement to communities. Early this year, the Government started an ARV roll-out scheme that would have seen 171 000 people on antiretroviral therapy by the end of 2005. However, the number of people currently on Government-funded therapy is so negligible that the goal is no longer attainable. Furthermore, the Government's proposal to the fourth round of the Global Fund was recently turned down, thus effectively putting paid to plans for scaling up the proposed massive ARV roll-out.

While the battle against the HIV/AIDS pandemic was raging, another more sinister war was being waged on the political front. It was inevitable that civil society would be sucked into the vortex of this political storm. In early 2000, a referendum was held on a proposed new constitution that was perceived by groups on the other side of the political divide as entrenching state power, and a vigorous campaign was launched against it. The resultant defeat of the Government, its first defeat in any plebiscite of any kind since independence in 1980, created a backlash with the ruling ZANU-PF party embarking on a putsch to crush its political opponents, including the nascent MDC party.

The immediate reaction of the state was to sanction the invasion of white-owned farms as a counter-measure against the whites who were accused of bankrolling the opposition MDC party as well as being the architects of the Government's defeat in the referendum. This was followed by a raft of draconian legislation that shut out the airwaves to private players, leaving the Government with a total monopoly of the electronic media. All forms of political protest were outlawed and three private newspapers were shut

down, making hundreds of journalists and media workers redundant. Against this background of state-sponsored anarchy and violence, a number of donors withdrew from the country, thus dealing a major blow to the HIV/AIDS sector of civil society.

The intended effect of this legal juggernaut was undoubtedly the gradual attrition of the opposition MDC and its backers. Despite efforts to handicap the party financially by outlawing foreign funding of political parties, the MDC somehow managed to survive. Speculation within ruling party circles gradually turned to the secret conduits of funding that the opposition was using, and the NGOs were finally in the cross-hairs of the Government's rifle. True, the relationship that existed between the Government and some of the politically inclined NGOs like Amani Trust, Crisis in Zimbabwe and the National Constitutional Assembly was frosty. Some of these NGOs persistently unearthed and published human rights abuses by the Government, including photographs, and the Government in turn accused them of being mere mouthpieces of its foreign-based enemies.

On July 20th, 2004 while opening a parliamentary session, President Mugabe remarked: 'NGOs must work for the betterment of our country and not against it. We cannot allow them to be conduits or instruments of foreign interference in our national affairs. My Government will, during the course of this session, introduce a Bill repealing the Private Voluntary Organisations Act and replacing it with a new law that will create a Non-Governmental Organisation Council, whose thrust is to ensure the rationalisation of the macro-management of all NGOs.'

Paul Mangwana, the Minister of Public Service, Labour and Social Welfare stated: 'Some NGOs and churches are causing too much confusion in the country because they are converting their humanitarian programmes into politics.' The Non-Governmental Organisations Bill, gazetted in August 2004, is a piece of legislation that is not very subtle in its intentions, nor is it circumspect about its effects. All NGOs must be registered with the NGO Council, which is dominated by Government appointees. No unregistered NGO will be allowed to operate, and any breach of this provision will result in the arrest, prosecution and imprisonment of Board members and management employees of such NGOs in their individual capacities. The NGO Council has sweeping powers, including the right to seize monies or assets that it deems to have been unlawfully collected by any NGO, to cancel the registration of any NGO, suspend the executive of any NGO and to request the Minister of Public Service, Labour and Social Welfare to appoint their replacements.

In short, the NGO Bill is a legal instrument crafted in hell. In its attempt to close yet one more perceived conduit of opposition political funding and clamping down on those NGOs which have become stinging gadflies, the Government has sought to criminalise charity work and to compromise the positions of those individuals and organisations at the cutting edge of HIV/AIDS intervention.

The potential effect of this Bill on HIV/AIDS-related activities is unprecedented. It is estimated that more than half of all NGOs in HIV/AIDS work are unregistered. Most of these submitted registration papers under the current legislation and commenced activities while the process of registration went on. Delays of more than 10 years in the registration process are routine, but officialdom unofficially sanctioned activities by unregistered organisations. With the proposed law, such organisations now have to close shop until they are properly registered. It would also be easy for the Government to close some organisations that are perceived as not being politically friendly. Furthermore, donors have already started to exhibit signs of nervousness at the prospect of having their funding confiscated. Staff flight from NGOs is a possibility given the fact that Government has not hesitated to do battle with any person, organisation or institution that poses a threat to its survival, whether that threat is real or imagined.

As the Swahili proverb goes, when two elephants fight, it's the grass that suffers. The communities that have been benefiting from the extensive anti-AIDS work being carried out by the NGOs will bear the brunt of the NGO Bill. With the withdrawal of NGOs from the frontline of the fight against HIV/AIDS, suffering and death will follow. The gains and successes recorded over the years against the pandemic will be irretrievably lost.