

Zimbabwe

The human rights situation in Zimbabwe continues to be of grave concern. Repressive laws such as the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA) remain in place. The government continues to use these laws to suppress criticism of government and public debate, and those most affected included representatives of Zimbabwe civil society, opposition party supporters, and the independent media.

The government also tabled in parliament new legislation regulating the operations of non-governmental organizations (NGOs), and the AIPPA Amendment Bill which reportedly seeks to tighten existing media laws. Concerns were expressed that these new laws would further curtail fundamental rights to freedom of expression and association.

Food security remains a pressing issue and concerns have been raised about the availability of food and the risk of political interference in food distribution in the run-up to parliamentary elections in March 2005.

Elections

Serious concerns also exist about whether parliamentary elections, scheduled for March 2005, will be free and fair. The last two elections in Zimbabwe were marked by widespread violence and serious electoral irregularities.

In July 2004, the government announced that it would undertake electoral reforms that would comply with guidelines drafted by the Southern African Development Community (SADC). In October, the government tabled in parliament the Zimbabwe Electoral Commission (ZEC) Bill, which would establish an independent authority to administer all elections and referendums in Zimbabwe. The main opposition party, Movement for Democratic Change (MDC,) dismissed the government's attempts at electoral reform, and argued that they were superficial and failed to address much needed electoral changes. Morgan Tsvangirai, the leader of the MDC, also called for the postponement of the elections to allow for reform of Zimbabwe's electoral laws and processes. However, the government insisted that elections would take place as scheduled.

An inclusive national electoral institution would make a significant contribution to the holding of free and fair parliamentary elections. However, there were concerns that the ZEC bill did little to enhance the prospects of a free and fair election. There were questions about the independence of the electoral commission, and confusion over the functions of the commission and other electoral bodies. The

proposed law would also centralize control over voter education in the Commission, thereby restricting the role of NGOs. Moreover, an independent electoral commission would not be a remedy for repressive laws such as POSA and AIPPA that have contributed to an uneven playing field.

It remains to be seen whether the government would fully implement electoral reform and create an environment conducive to a fair electoral process in time for the March 2005 elections.

Freedom of Expression and Association

In October 2004, the Non-Governmental Organizations Draft Bill was tabled in parliament for discussion and debate. If enacted, the law would require NGOs to register with a government-appointed Council of NGOs that would have virtually unchecked power to investigate and audit the groups' activities and funding. National and foreign NGOs would be required to register with the Council by submitting the "names, nationality and addresses of its promoters," and sources of funding. Registration could be denied or withdrawn at any time if the Council determined that the organization "ceased to operate *bona fide* in furtherance of the objects for which it was registered." The law would also empower the Council to constantly monitor NGOs, and noncompliance with its rules and regulations would result in fines and imprisonment with no possibility of recourse to the courts.

Of particular concern were the limitations that the proposed law would place on NGOs active on issues of governance, including human rights. The draft law stated that no foreign NGO would be registered if "its sole or principal objects involve or include issues of governance." Similarly, local organizations working on matters such as governance issues would be barred from receiving "any foreign funding or donation." The proposed law would undermine fundamental freedoms of association and expression and place each and every NGO at the whim of the government.

Food Security

On May 12, 2004, the government announced that Zimbabwe would not require general food aid from the international community or food imports in 2004-5, as it had predicted a bumper harvest. Representatives of NGOs, United Nations agencies, and donor countries feel, however, that the government has over-stated the crop yield and that a large number of rural and urban Zimbabweans will require assistance as the year progresses.

In June, a member of Parliament raised questions about the government's estimate, leading Parliament to authorize an investigation. If the government's projections of a bumper crop were not met, Zimbabweans' primary access to food assistance would be through the government's Grain Marketing Board (GMB.) Since 2002, donors have provided food aid to Zimbabweans through a program separate from the GMB program. The government's persistence, however, in permitting the GMB to conduct its operations and distribution practices without transparency rendered uncertain Zimbabweans' access to domestically-managed food assistance. GMB distributions were often irregular and insufficient to meet high demands. Many Zimbabweans also cannot afford to buy the GMB's subsidized maize.

Problems with access to food could also be compounded in the months approaching the parliamentary elections in March 2005. Representatives of civil society, relief agencies, and donor countries warned that access to subsidized maize distributed by the GMB was likely to be subject to political interference in the pre-election period, with supporters of the opposition suffering most, as had been reported to have been the case in previous elections. Relief agencies expect interference in and restrictions on their operations during the election run-up, including their targeted feeding programs that provide food to acutely vulnerable Zimbabweans, such as orphans and households with chronically ill members.

In late November 2004, it was reported that the government would allow the World Food Programme to distribute 60000 tons of food aid.

Key International Actors

In August 2004, SADC approved the Principles and Guidelines Governing Democratic Elections, which require member states holding elections to “safeguard the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression and campaigning during electoral processes.” More significantly, all SADC member states, including Zimbabwe, signed the SADC electoral protocol, and agreed to hold elections in line with these principles.

The South African government continued to play a principal role in trying to improve the situation in Zimbabwe. In October 2004, President Thabo Mbeki of South Africa—current chair of the SADC Organ on Politics, Defense and Security—held discussions with Morgan Tsvangirai, the MDC leader, on the situation in Zimbabwe and the forthcoming parliamentary elections. Morgan Tsvangirai also flew to Mauritius to hold discussions with President Paul Berenger in his capacity as chair of SADC.

In July 2004, the African Union (A.U.) adopted a critical report on the human rights situation in Zimbabwe. The report was prepared by experts from the African Commission on Human and Peoples’ Rights, based on a mission to Zimbabwe around the 2002 elections. The adoption of the report was seen as a significant step by the AU in addressing Zimbabwe’s human rights record.

The European Union formally renewed sanctions on Zimbabwe in February 2004. The Union added another year to sanctions that were first imposed in 2002. It decided to keep in place measures that ban nearly 100 Zimbabwean government officials from entering the E.U., and froze any assets they might hold in Europe. The E.U. also decided to extend an embargo on shipments of military supplies to Zimbabwe. These sanctions have not had the anticipated effect, and Zimbabwe government officials have been able to attend international meetings hosted by E.U. countries.