

ZIMBABWE

SUMMARY

Historically, civil society and state relations have been characterized by hostility, cynicism, and mistrust with civil society questioning the government's capacity and will to solve the problems facing the country. On the other hand government continues to question the sincerity, self-determinism, legitimacy and motives of civil society when demanding good governance and the rule of law.

There is a debate on the role of civil society in Zimbabwe's transitional politics given the political and governance context prevailing post July 31, 2013 elections. Legitimacy questions on the election and its outcomes have been made redundant by the fact that ZANU-PF, which was the senior partner in the Government of National Unity (GNU), is the dominant force in politics and, despite its internal frictions, will remain so for some time to come. Civil society is therefore faced with the challenge of figuring out its role in protecting and sustaining the democratic space achieved during the tenure of the GNU, while living with ZANU-PF's substantiated reign at least up to the 2018 elections.

However, this debate has been confined to questions of whether to engage with Zanu-PF and the state or not. Civil society has to widen and deepen its legitimacy by reconnecting with their social base so as to engage the state with a clear mandate from citizens.

Civil society organisation's (CSO) demands for transparency and accountability can only be taken seriously if the civil society leadership and organizations are equally transparent and accountable. Self-regulation, voluntary certification and adherence to generally accepted and agreed to code of conduct will increase the moral standing for civil society as it engages and demands political reforms from the state.

Civil society has been able to mount good political campaigns but is weak on solid alternatives. The activist-intellectual collaboration needs to improve so that there are credible policy alternatives to mobilize citizens around and to engage government. There are several important factors to influence in order to strengthen civil society, democracy and human rights in Zimbabwe.

SECURITY AND POLITICAL SITUATION

Since the first results of the 2013 elections emerged, most talk has been about whether the elections were free, fair and credible, with the main bone of contention being rigging of the voters' roll. Not much has been argued about the voting behavior of the Zimbabweans and why, apart from the discussion on rigging, so many actually voted for ZANU-PF and Robert Mugabe acting president since 1980.

ZANU-PF's and President Mugabe's victory is a result of a combination of factors; the continuing legacy of memories of post-colonial violence, ZANU-PF's persistent legitimacy from the liberation struggle, the declining fortunes of the opposition parties MDC and

MDC-T, the combination of coercion and patronage by ruling party, regional solidarity for Zanu PF and the limits of international pressure.

Civil society and the state are headed towards an adversarial relationship, regardless of civic attempts to re-position and reevaluate their engagements to the state or favorably respond to opportunities in the state configuration post elections to reduce civic versus state relationships are now being eroded by on-going political realignment which spills into state and governmental configurations. At this point CSOs are clearly in the way of the state and political actors and the results of this is still unknown. However, the risks for civic institutions and CSOs are increasingly high.

Intra-party violence in all major political parties surfaced again in 2014, largely driven by internal shifts in the power bases unhinged by the post-electoral environment and jostling for new and arising opportunities in the emerging reconfigurations. Contestations for power are likely to remain regardless of post-internal electoral processes of political parties across the board. These may result in isolated instances of violence, in some instances they may raise tensions within particular communities, but most probably they will not be sustained.

In terms of broader societal violence, the MDC (T) has been calling for mass protests. However, these are likely to rather be driven by internal party membership as opposed to the general public. In any event, all public protests will be met with brute force as evidenced by the state's positioning of security services, clearly anticipating public unrest and their readiness to put down any such attempts.

The stage may appear set for spontaneous early 1990's spontaneous mass public demonstrations, however, due to significant economic and social fragmentation, brutal state clampdowns on freedoms and cycles of violence and conflicts, the increasing reach of intelligence and security services in communities, the citizenry is strongly predisposed not to engage in such protests or public action. Communities ravaged by violence may be drawn into political party violence by virtue of their locations. They will not necessarily be agitators or active participants in such violence however.

The overall impact is expected to be delays in programming, as partners experience operating difficulties in accessing communities and or negotiating for space in tension filled social groupings and communities. In some instances partners may have to completely abandon or realign projects if programming objectives are to qualitatively maintain. In particular certain social groupings may actually be unable to deliver on outcomes and those target groups may themselves experience difficulties in undertaking their usual tasks, roles and responsibilities and therefore would only alter engagements by partners.

Driven by liquidity crunch in a cash economy that is largely informal, corruption risk is and remains high. Despite being acknowledged publicly and in policy by the state, the government has yet to be able any concrete proposals on addressing wide spread corruption which extends to all areas of the state and society. The rent seeking activities of state agencies plagued by inefficiencies and disposition to punish largely means the public is vulnerable to supporting corrupt practices in order to prevent punitive state action driven by state actors who exercise discretion largely unchecked and are difficult to report in the context of wide spread corruption (no whistleblower protection). In addition cases of collusion will become increasingly difficult to identify.

HUMAN RIGHTS AND GENDER EQUALITY

Zimbabwe's Human Rights records remain poor despite safeguards in the new constitution. In the report, *Human Rights Agenda for the New Government – 2013 to 2018*, Amnesty International urges the Zimbabwean government to take significant steps to improve the country's poor human rights record and also address impunity for past violations and provide remedies to victims.

Post-Elections 2013, the legislation on interception of communications was amended by the ruling party to provide the police with the right to intercept and access private communications without judicial oversight. This adds to the existing legislation that largely deprive Zimbabwe's citizens of their privacy rights, and this despite the new constitutional dispensation. The clampdown on social media based dialogues in combination with factors described above, including violent state responses is likely to continue to hamper free debate in social media and traditional press. Civil society language and narratives of engagement may be altered to ensure risk management and safety of partners delivering on the ground.

The new constitution, drafted during the period of a coalition government, with vast participation of the civil society, and enacted in May 2014, provides for a wide range of human rights under the Declaration of Rights (Chapter 4). This includes economic, social, cultural, civil and political rights that are enforceable by law. The government of Zimbabwe is consequently constitutionally obliged to repeal or amend all the laws that are not aligned with the new constitution.

The announcement of the new constitution in Zimbabwe means women could celebrate the inclusion of provisions on gender equality and women's rights in the supreme law of the land. The new constitution vastly espouses the values and principles of gender equality. There has been a significant improvement from the previous Lancaster House Constitution, which had provisions which were retrogressive with regard to gender equality, allowing discrimination in areas where customary law was applicable. The State has taken steps to comply with its obligations under the various international and regional instruments by enshrining provisions on gender equality in the constitution. The inclusion of provisions on gender equality in the constitution could not have come at a better time given Zimbabwe's poor ranking on the Gender Index, where it is 116 out of 148 countries. Commitment to the value of gender equality will be demonstrated through putting in place policies and legislation to promote gender equality and being guided by those values in any decisions that have gender equality implications. Failure to do so will reflect a lack of genuine commitment to the government's obligations.

It should be noted therefore that despite the provisions in the constitution there is little evidence that much has yet been done to ensure that increased gender equality becomes a reality in Zimbabwe. This is particularly true for groups of women who have been marginalized for centuries. Appointments of officials that have been made by the executive seem to confirm the stance of critics of the new constitution. It is still too early for women to celebrate effective change. Time will prove whether the provisions were mere window dressing. Less than eighteen months after the promulgation of the constitution there has been an outcry from women's organizations who see no political will on the part of the powers-that-be to ensure gender equality is realized.

CIVIL SOCIETY PARTICIPATION

The constitution was developed, and achieved popular support, largely through active participation and important inputs by the civil society. Several leading CSOs have had a slightly improbable impact on parts of the country's new constitutional framework, in terms of, for example, issues relating to women's rights, trade union rights, political rights, media freedom and governance. Several of the Palme Center's partner organizations in this process played a central role. This applies in particular Zimbabwe Institute, WIPSU, AWC and MISA.

The early years of the new constitution will be critical in terms of how the new rules will be translated into national law and practice, and how this was implemented. With the new power structures after 2013 elections, civil society's political participation in civic process has become greatly circumscribed and its representatives perceive their opportunities for participation being clearly weakened. The risk of civil society in practice being almost completely disregarded in connection with the implementation of the constitution is thus evident. The role could then be reduced to the spectator's, who only subsequently are able to react on the governments and the parliamentary majority's judgments and choices regarding interpretation and realization of the constitutional framework.

The new constitution offers a golden opportunity for the government to begin to right the wrongs of the past, to deliver justice for its people and to allow freedom of expression. The civil society wants to see the new government sending a clear signal that it is committed to breaking away from a past where human rights were blatantly violated.

However, the new government continues to harass and intimidate human rights defenders – particularly NGO leaders being prosecuted for undertaking their legitimate work, which is guaranteed under both national and international law. The establishment of effective civil society constitutional monitoring mechanisms is therefore pivotal to the democratization process in Zimbabwe.

SOCIOECONOMIC SITUATION

Historically inequalities in Zimbabwe were largely racially and culturally instigated. Today the inequalities are fuelled by the ruling elites, a government that operates on patronage and cultural attitudes.

After the initial relief with the introduction of the US dollar in June 2009, that stopped the hyperinflation overnight, the economy failed to recover and grow as quickly as expected by many people, leaving little room for improving. 68 percent of the population is under 35 years of age. Formal employment is considered to be officially at 60 percent, however, this figure is strongly disputed. Currently 10 companies enter liquidations/closure per week – resulting in rapid loss of jobs.

Informal sector is largely the income generating base for over 70 percent of the population which is poorly supported, heavily taxed, subject to international currency fluctuations, heavily dependent on such transactions and unstable.

A tripartite negotiations forum with government, employers and trade unions, has been tabled before Parliament, creating a new platform for dialogue for organized groups of workers. However, the negotiating powers of these groups is significantly weak in an era of extremely limited resources and poor membership numbers, putting the legitimacy and base of the unions at risk. The International Monetary Fund Staff Monitored Program (ending December

2015) seeks to assist Zimbabwe to access international credit lines. It has identified the labour laws as requiring review. In this process, it is unlikely that labour laws regarding dismissal of employees will remain unchallenged. The Judiciary which at times has enhanced worker's rights through its rulings is likely to face a claw back as reforms that are pro-business are crafted. Unions will in such circumstances probably challenge the legal developments in the Constitutional Court.

Presently, reforms on wages and working conditions are underway in several sectors. The textile industry has recently concluded the new regulations pertaining to the wages and working conditions which was largely driven by the collapse of the cotton based sector following the global surplus of cotton (which is its third consecutive year). Farm workers are facing greater social and economic instability as agrarian reform settles. It is increasingly clear that the landownership structure has changed, and resulted in many family based small smaller companies with fewer employees. Due to poor agrarian financing structures, farm workers are largely informally paid and are not covered by mandatory state social security measures, and are therefore at high risk. Metal workers-unions are facing dwindling numbers of membership and the sector is under severe financial strain. Major state projects in this sectors have collapsed and workers are forced to negotiate their rights to wages and unpaid wages for long periods.

The post-hyperinflation rebound of Zimbabwe has ended with GDP growth decelerating from 10.5 percent in 2012 to 4.5 percent in 2013. Due to adverse weather conditions, weak demand for key exports and election-year uncertainty 2014 demonstrates continued low growth of 3 percent. Annual inflation dipped below zero recently, but stood at 0.1 percent in September 2014. External position is precarious, with low international reserves, a large current account deficit, an overvalued real exchange rate and growing external arrears (approximately 6 Billion). Rural poverty has increased to 76 percent in 2014 from 63 percent in 2013 as most rural households fail to produce enough food to meet their needs. 72 percent of the country's population lives below the national poverty line or less than US\$ 1, 25 a day, while some 30 percent of the rural poor are considered to be "food poor" or "extremely poor". Zimbabwe can be classified as a low-income and food-deficit country, which was ranked 156 out of 187 countries by 2013. 6 percent of the rural population, equivalent to 565 000 people, will need of food assistance at the height of the lean season between January and March 2015. This estimate is down from the 2,2 million food insecure people who needed assistance during the same period in 2014¹.

By 2013 the majority of civil servants earned a salary of 250 to 300US\$ while according to the Consumer Council of Zimbabwe, a family of six needed 570US\$ to sustain a normal life.

Unemployment also remained staggeringly high as in 2011 only 31 percent of economically active men were in paid employment and 14 percent of the women². The Informal sector, which had grown explosively during the collapse of Zimbabwe's economy remain the only alternative for millions of Zimbabweans.

Zimbabwe is one of the country's worst affected by the HIV and AIDS epidemic with an adult prevalence rate of 14 percent (National HIV Estimates, 2009). The country has an estimated population of 12 million³ and an estimated 1,102,822 adults and children were living with HIV

¹ ZIMVAZ 2014 Report, 2013 UNDP Human Development Report, IMF September 2014 Zimbabwe Notice

² ZimStat, Women and Men in Zimbabwe 2012 Report

³ CSO, 2008

in 2009⁴. In addition, an estimated 389,895 adults and children were reportedly in need of medical treatment for HIV by the end of 2009. As the needs are reassessed, the number of people in urgent need of treatment is expected almost double from about 340,000 to 593,168 for both adults and children.

DEVELOPMENT COOPERATION

In Zimbabwe, the focus of the Palme Center has been on supporting civil society's active participation and influence on the main political developments in the country. This has been possible through close partnerships with leading civil society actors in the Zimbabwean society, and the relatively important role of civil society in the country's political developments.

Several of the Palme center's partner organizations in Zimbabwe, Zimbabwe Institute, MISA, WIPSU, AWC, have been able to play a central, and sometimes, leading role in the process leading up to the March 2013 referendum approving Zimbabwe's new constitution. This is particularly apparent with regard to the important provisions of strengthened rights for women, media freedom, political rights and governance. Zimbabwe is currently in the process of starting to implement the new constitution, so far largely being a paper product, and the Palme Center believes that continued and strengthened civil society support enabling a continued active participation in the constitutional implementation is of uttermost importance for the strategic and aims of the cooperation program. Drawing from that conclusion, the Palme Center is envisaging a continued, and expanded, civil society support for the period concerned, with a focus on strengthening the capability to active participation in central political processes in Zimbabwe.

During previous program periods the cooperation between the different partners in the Zimbabwe program has been vast and gradually intensified. The process has been facilitated by the annual network meetings held between the Palme Center and the project partners in Zimbabwe. More than 10 different cooperation initiatives have been ongoing in 2012 and 2013.

A number of European and other donors are present in Zimbabwe. Among them the European Commission, the embassies of Nordic countries, UK, Belgium, Netherlands, Germany, France, China and the United States, of which all have development cooperation programs running. The nearly exclusive focus on civil society support, and aid channeled through the UN system, is currently transforming into an increased willingness to bilateral government partnerships.

On the civil society side there are a number of important foreign actors present, such as Oxfam, NPA, Action Aid, Diakonia, Afrikagrupperna, as well as a wide range of British and US-based NGOs. The Palme Center upholds regular contacts and exchange of information with the Swedish embassy, Sida, the European Commission and NPA, particularly. Discussions regarding coordination of project support with Sida and NPA is ongoing.

The Palme Center, being the representative of the Swedish worker's movement, upholds a particular role in the southern African sub-region, largely based on its historical ties. This fact is widely recognized by political and civil society actors in Zimbabwe and offers particular opportunities to close cooperation and strategic exchange of information, including influence political developments, through cooperation projects.

⁴ National HIV estimates, 2009

PROGRAMME OBJECTIVES

Program objective

Women, unionized workers and marginalised target groups increasingly have their voices heard in the political process and have increased access to democratic spaces.

Intermediate objective 1

The Palme Center's partnership organisations have contributed to labour legislation that reinforces the rights of women and trade unionists.

Intermediate objective 2

Women, trade unionists and marginalized target groups have increased knowledge of their rights.

Intermediate objective 3

The Palme Center's partnership organizations have increased their legitimacy and are to a greater extent representing their target groups.