

HUMAN RIGHTS

No. 19 October 2001

MONITOR

THE ABUJA AGREEMENT

Editor's Introduction

With the May issue, we sent readers a questionnaire. So far, about 300 readers have responded. Thank you for letting us know how you view the *Monitor*. We hope others will reply later.

Early this month (October), an evaluation workshop recommended certain improvements to make the *Monitor* more 'reader-friendly'. The 'first fruits' are our banner headline for our special focus, the bigger print, and Shona and Ndebele versions in the *Financial Gazette Supplement*.

Our focus this month is the Abuja accord. Abuja stressed human rights and the rule of law. These are also specified in the Harare Declaration and the Millbrook Programme. The Abuja communique referred to both Commonwealth documents. In this issue we will examine Government's observance of Abuja and the human rights it agreed to uphold.

Abuja and Human Rights

The Abuja communique, signed on 7 September 2001, agreed (among other things) that:

'Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy. A programme of land reform is, therefore, crucial to the resolution of the problem.

Such a programme of land reform must be implemented in a fair, just and sustainable manner, in the interest of all the people of Zimbabwe, within the law and Constitution of Zimbabwe.

The crisis in Zimbabwe also has political and rule of law implications, which must be addressed holistically and concurrently...

The orderly implementation of the land reform can only be meaningful and sustainable if carried out with due regard to human rights, rule of law, transparency and democratic principles.

The meeting welcomed the assurances given by the Zimbabwe delegation as follows: ...

- there will be no further occupation of farmlands;
- to speed up the process by which farms that do not meet set criteria are delisted;
- for farms that are not designated, occupiers would be moved to legally acquired lands; ...

commitment to restore the rule of law to the process of land reform;

commitment to freedom of expression as guaranteed by the Constitution of Zimbabwe and to take firm action against violence and intimidation.'

The Abuja communique lacked any specific protection for the human rights of farmworkers. Since January 2001, nearly 14 000 farmworkers and their dependants, 70 000 people in all, have become destitute. Minister Chinamasa told Parliament that resettlement would not cater for all displaced farmworkers. GAPWUZ strongly condemned the wanton destruction of farm villages which *after Abuja* left 70 Macheke farmworkers without their right to shelter.

Abuja also said nothing specific about compensating previous owners for land acquired in a legitimate and orderly land reform programme. It was silent about systematic political violence, the position of the judiciary, and incitement of racial hatred.

Reactions to Abuja

Angola, Botswana, Malawi, Mocambique, Namibia, South Africa and Tanzania immediately emphasised SADC's support for the Abuja agreement. The Commonwealth expected to monitor its progress at Brisbane, but CHOGM was postponed to March 2002. So CMAG came to see what was happening.

The CMAG delegates were reported not to be impressed with progress. The UK did not intend to release money until receiving detailed evidence of Government's compliance with what it had agreed to.

1. Government reactions

'Although the Abuja Agreement had brought a new dimension to the final resolution of the land issue, the Government was not placing all its hopes on the pact'.

President Mugabe waited until Cabinet and Politburo 'approved' the Abuja communique, then accused 'British' farmers of 'stirring trouble on the farms ... mobilising, arming and even paying their workers to attack their black brethren settlers'. He warned them:

'White commercial farmers are not a law eviction authority. They should rely on arms of Government which will only act within the laws and policies of the Government'.

By late September Government spokesmen were claiming that Abuja recognised 'the status quo' on 'fast-track resettlement' and that donors would fund

the acquisition of 95% of all commercial farms. This was promptly denied by donors. The European Union as donor refused to support 'an illegal programme'.

Then CHOGM was postponed. Mid-October saw government's early caution transformed into a claim of full compliance with Abuja's requirements.

'Government has made all the necessary efforts to make sure that the agreement succeeds but it seems there is a hidden hand that is trying to turn the Abuja agreement into yet another flop... The Zimbabwean Government promised to carry out the land reform exercise according to the constitution and laws of the country *as it had already been doing*...

Government has stopped all further occupations of farmlands despite repeated efforts from some white commercial farmers and opposition elements to make it appear as if the occupations are still going on. Some commercial farmers have "stage-managed" fresh farm occupations in a bid to tarnish the image of the Government...

Britain has not yet taken any confidence-building measures... Some people have even said **Britain agreed to sign the Abuja agreements knowing well that it would fan instability on the farms...** [We have emphasised the untrue claims in these *Sunday Mail* quotations.]

As the Commonwealth delegation arrived in late October to inspect reality on the ground, Government announced it had delisted 20 farms since Abuja.

2. Civil society reactions

Zimbabweans were sceptical from the outset.

'Will Robert Mugabe really go along with the agreements entered into at last week's land talks in Nigeria?... If he engineered the ruckus we have witnessed, as a mere ruse to divert attention from his lack of ideas on how to arrest the decline of the economy, his staying in power beyond what is relevant and affective, as well as his increased unpopularity, then the Abuja agreement has done nothing to help him... If this cynical evaluation makes the "land issue" the seeming sole reason for his existence, then he will not find it in his interests to adhere to the Abuja agreement. We would then expect to hear a lot about how the British did or didn't do this or that, thus scuppering the whole deal.' (Chido Makunike).

Sure enough, what Makunike predicted came to pass.

'Abuja: UK drags feet' yelled *The Sunday Mail*. 'Abuja pact holds – But UK backtracks, CFU mounts smear campaign' screamed *The Herald*. 'While the Government has pulled out all the stops to implement the Abuja accord, the British administration has dismissed the agreement as not binding...'

What is the evidence on the ground?

By early October, **30 new farm invasions had been reported after the Abuja Agreement was signed**

without any State attempt to stop them. More settlers were also reported on over 200 previously-invaded Beatrice, Concession, Karoi, Matobo, Mazowe, Mvurwi, Mwenezi, Norton and Nyamandlovu farms. Various Cabinet ministers denied these reports. They accused farmers of provoking trouble to discredit the agreement. Some farmers reported **increased** hostility toward themselves and their workers after Abuja.

Among the farming areas most severely disrupted after Abuja was Marondera. On 4 October 18 farmers here obtained a High Court order from Justice Chinhengo, requiring Police Commissioner Chihuri, Provincial Governor David Karimanzira, provincial and district administrators, the CIO and named individuals to curb lawlessness and allow normal farming operations. The police did act, but not very effectively, against the violence. In neighbouring Hwedza district, only four of its 35 commercial farms were operating.

Even *The Herald* reported that on 25 September 2001 a CFU survey had found that 1 948 of 3 829 farms were still occupied. Of the 3 555 remaining members of the CFU, 350 (10%) had closed down, while another 550 (14%) were operating only partially. The Agricultural Labour Bureau said 950 of 1 150 occupied farms were unable to continue normal production and confirmed 350 had ceased operating. On 570 farms, tobacco production was reported to have been stopped by farm occupiers.

Colin Cloete, chairman of the CFU, was quoted by *The Daily News* as saying:

'What's happening on the ground and what's happening at the political level are two different things. The chaos carries on ... The police are not being helpful.'

After Abuja and the start of the new crop season, 65 000 tonnes of potential tobacco on 26 000 ha, valued at Z\$12,5 billion, was lost. Farm occupiers uprooted the seedbeds or forbade planting.

The National Land Committee chaired by Ignatius Chombo said conservancies must **not** be designated or occupied. But occupiers **increased** on Save Conservancy farms, despite an eviction order and Government promises to comply. Masvingo Governor Josaya Hungwe reportedly admitted that he personally had ordered the acquisition of two Save Conservancy farms. **Governor Hungwe appears to have deliberately breached both Government policy and the Abuja agreement.** There have been no reports that Governor Hungwe has been censured.

African Rights complained in writing to SADC chairman President Muluzi of Malawi about these violations, which it had monitored from London.

Violence and lawlessness also continued off the farms, in Mount Darwin, where illegal road blocks were mounted by Zanu-PF. Midlands gold mines were invaded and gold panners extorted.

A new wave of violent political discrimination was launched against rural professionals - doctors, nurses, teachers and civil servants. This violence, in

direct contravention of Abuja, violated its victims' human and constitutional rights.

By mid-October, after Government had frozen the prices of foodstuffs and other basic commodities, 'war vets' had also invaded more urban companies. In language contradicting both Abuja and our own Constitution, President Mugabe again threatened the owners of capital with loss of their property rights. He was quoted as saying:

'We will, as the State, take over any businesses deliberately closed down ... After all, the assets belong to the people of this country and those tired of doing business here can pack and go. Government will vigorously enforce the gazetted prices...'

Two days later 'war vets' threatened these businesses (especially those owned by Asian and 'British' investors). Stick to the prices proclaimed, or face seizure of assets and deportation, they were told. Brian Raftopoulos was cited as saying the seizure of companies was illegal and breached the spirit of Abuja, but was an attempt 'to arm-twist London to release funds when Harare has failed totally to even start fulfilling the agreement'.

The internationally-respected (British) *Weekly Guardian* agreed:

'Neither Mr Mugabe nor any other cabinet minister has publicly urged a halt to the violence or farm invasions. The foreign minister, Stan Mudenge, said ... that as soon as Britain provided funds for the purchase of the farms the violence would stop of its own accord'.

Abuja and the presidential election

Many of those allocated land had not taken it up by the 15 September deadline. Government threatened they would lose their allocations, unless they had 'convincing reasons' for absence, such as 'soldiers on national duty in areas such as the DRC, members of the ZRP in Kosovo, as well as private citizens who may be out of the country for one reason or another'. Such people seem unlikely to be as serious about farming as those whom they might replace.

Following the failure of other 'fast-track' settlers to occupy their land, the Government sent audit teams to count occupants and 'assess development' on occupied farms. 'We are actually anxious to see whether the resettled farmers are preparing for the coming season or not', Ignatius Chombo was quoted as saying, as the food crisis hit us big-time.

We assume that Government gave settlers this ultimatum to occupy their land or lose it because the voter registration exercise for the presidential election was launched in mid-October. Zanu-PF wanted fast-track settlers (which it regarded as loyal beneficiaries) registered in their new constituencies. It also wanted antagonistic farmworkers out of theirs.

'Anyone who thinks the so-called Abuja and SADC summits could lead to something positive or peaceful is either a hypocrite or a simpleton ...

President Mugabe has been redistributing people, chasing those potential opponents [farmworkers] from their usual homes to disable them as voters. This will continue until election 2002' (Arufeya Gungumakushe).

'With Abuja all but dead because of the continuing and widening lawlessness, it does look as if Zimbabwe's presidential ballot will indeed be held – if it is held at all – under the most testing of times. Whether Zimbabweans and the international community will accept the verdict of elections held under chaos remains to be seen...'
(*Financial Gazette* Editorial 18 October 2001).

Abuja and 'terrorism'

President Mugabe clearly benefitted from the world's attention being refocussed on international terrorism after 11 September. Zimbabwe's rural terror dropped way down the international agenda, despite locals renaming the ruling party 'Taliban PF'.

'The irony is that while the whole world is fighting terrorism, Mugabe is promoting terrorism by incorporating untrained war veterans into the police force and then arming them' (Giles Mutsekwa, MDC shadow minister for defence).

'Since the signing of the Abuja agreement in September, government has intensified its terror campaign against members of the opposition and commercial farmers' (*The Standard*).

'It is hypocritical for President Mugabe to express his outrage at the terrorism which struck America while he accepts terrorism as a political tool at home... The Government is using terror as a means of coercion against the rural and urban population to force its political viewpoint'
(Learnmore Ndlovu).

While not accepting any of these criticisms, the state-controlled media were quick to condemn as 'terrorism' the assaults on Zimbabweans living in South Africa. Official reports missed the parallel between these assaults and what has been happening since March 2000 on Zimbabwe's own commercial farms. Independent papers and cartoonists identified this terror many months ago.

Human Rights Generally

This month, to show comprehensively what has happened after Abuja, our usual review of human rights' violations counts publicly-reported violations from 7 September, the date on which the Abuja agreement was signed, to the end of October.

1. Civil rights

There were 26 published reports of civil rights' violations. Among these reports, 18 came from towns and seven were rural.

Who were the victims of civil rights abuses?

As Table 1 shows, there were at least 108 individual

abuses.

Among the individually-known victims were five women, three girls, no boys and 56 men. In the case involving Rusape Hospital staff, victims were adults of both sexes.

Table 1: Victims of reported civil rights violations, including those resulting from political violence, between 8 September and 31 October 2001.

Type of Violation	'ordinary'	'political'	total
unlawful killings: total	3	7	10
(by ZRP)	(3)	0	(3)
attempted killings	2	5	7
death penalty executions	3	0	3
death threats	0	12	12
public/political violence	0	>90	>90
unlawful arrest/detention	5	>32	>37
assault by police / army	3	5	8
by Zanu-PF/ZNLWVA	0	>73	>73
by MDC	0	7	7
by others	0	12	12
disappearance/kidnap	3	>18	>21
firearms offences: total	4	10	14
(by ZRP)	(4)	0	(4)
(by others)	0	(10)	(10)
political intimidation / victimisation	39	>5	>44
political discrimination	36	>50	>86
torture	0	7	7
child abuse	2	>2	>4
child sex abuse / rape	1	0	1
freedom of expression	5	4	9
property-related	2	>92	>94
Total victims	108	>431	>539

>means more than

Who violated civil rights?

The State topped the list of responsibility for civil violations with 16 cases, caused by the CIO (1), line ministries (2), the Zimbabwe Prison Service (3) and the police (7). Three death row prisoners were hanged.

Zanu-PF and the 'war vets' were beaten into second place in the list of civil violators, being responsible for only five incidents.

Private individuals, in two cases acting collectively, caused four incidents with five victims.

The *Human Rights Monitor* is produced by the Zimbabwe Human Rights NGO Forum (known as the "Human Rights Forum") and is distributed **free of charge** through its member ngos.

The Human Rights Forum can be contacted c/o telephone nos: 792222; 737509; 731660. The physical address: Suite 1, 1 Raleigh Street (cnr Rotten Row), Harare — mail address: P O Box 5465, Harare and email: admin@hrforum.co.zw

2. Political rights

There were 63 news reports of political violence. Four cases closed schools. Another three schools were affected but not closed. There were seven deaths and at least 12 death threats of a political nature.

40 cases of political violations occurred in rural areas, while 22 hurt townspeople.

Who were the victims of political violations?

Political violence remained a predominantly male activity. 100 men but only 19 women were known to be victims. 14 incidents involved hundreds of victims of both sexes and all ages on five farms, one mine and seven schools.

Who violated political rights?

Alone or together, Zanu-PF and war veterans were responsible for 45 incidents with hundreds of victims. State agents were responsible for 10 incidents (CIO 2, ZNA 3, ZRP 6) with hundreds of victims, including those deported from South Africa. MDC supporters victimised 13 people in five incidents.

Please let us know about human rights abuses and include your full name and address if you want us to reply. (Our address is below.)

To develop a strong human rights culture here, we want to expose especially those human rights abuses that are not reported in the press. Information regarding unlawful killings, assaults, torture and other gross violations of Zimbabweans' civil rights is appreciated. But we also want to know when people cannot get birth certificates or identity documents, when property rights and work entitlements are violated, and when nothing is done about people who do not have access to health services and schooling.

The Legal Unit of the Human Rights NGO Forum offers legal advice and Amani Trust offers psychological counselling to anyone who has suffered from torture or organised (including political) violence. Address 1 Raleigh Street (off Rotten Row), Harare (tel. 792222, 737509, 731660; fax 772860; email [admin@hrforum.co.zw].