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Lack of Progressive Policy Reforms, a Growing Cause for Concern in Zimbabwe

When opening the 1st session of the 9th Parliament of Zimbabwe in September 2018, President Mnangagwa announced that his government was going to table 6 bills in Parliament that were urgent in promoting accountability in natural resource governance. Amendments to the Mines and Minerals Act(MMA) (Chapter 21.05), Forestry Act (Chapter 19.05), Gold Trade Bill and Precious Stones Trade bill were important to address issues of mining title and contracts, community empowerment, revenue transparency, compensation and mineral leakages to name but just a few.

Amending the MMA was also urgent to foreclose policy gaps by bringing it in harmony with numerous laws governing natural resources such as the Rural District Councils Act (Chapter 29.13), Forestry Act, Environmental Management Act (20:27), Water Act (20:24), Parks and Wildlife Act (20:14) and Communal Lands Act (20:04). Improving laws governing natural resources alone without devolving government powers to local institutions was not going to promote accountability and sustainable development.

Thus President Mnangagwa proposed to table before the 9th Parliament, the Provincial and Metropolitan Councils Bill in order to devolve power from central government to lower tiers of government. In line with devolution, the bill sought to establish Provincial Councils to run the social and economic developments in the country's 9 provinces. Therefore, a proposal was also made by President Mnangagwa to align the Traditional Leaders' Act (29.17) and the Rural District Councils Act with devolution as enshrined in chapter 14 of the constitution. Traditional leaders and Rural District Councils are members of the Provincial Councils. They are responsible for running local affairs of people within the areas of their jurisdiction. However, none of these bills have been tabled in Parliament by President Mnangagwa's administration, almost half way through the 3rd session of the 9th Parliament of Zimbabwe.

In June 2020 Zimbabweans overwhelmingly rejected proposed amendments to the constitution in the public consultation meetings carried out by Parliament. Government tabled Constitutional Amendment Bill Number 2 in Parliament in

2020 aimed at centralising state power in the hands of the President. The bill seeks to empower the President to appoint his own 2 Vice Presidents, appoint Prosecutor General without public interview, appoint sitting judges to higher posts without subjecting them to public interviews as well, extend the retirement of judges from 70 to 75 years, enter into agreements with international entities without the need for approval from Parliament among other issues. Despite public disapproval of the bill, government moved with speed a fortnight ago to sail the bill through the lower and upper houses of Parliament. Government manipulated the whipping system and a fragmented opposition in Parliament to ensure that the bill was approved. The trampling of the people's will in the constitution by government is meant to entrench authoritarianism.

Inappropriate laws derived from colonial rule have been the major source of poverty and alienation in rural communities where 68% of the population live. To a larger extent, government has maintained the status quo in rural areas to manipulate people and exploit their natural resources. Meanwhile increased appetite for elitism and political dominance by the governing party, ZANU PF, is turning Zimbabwe into a predatory state. Rural District Councils have a mandate to meet human rights standards of communities under their jurisdictions through service provision. These institutions have been disrupted from achieving their mandates by political elites and securocrates who are corruptly awarding themselves with available resources to line their pockets.

The United Nations Guiding Principles for business and human rights implore on the state to enforce laws that require business to respect human rights and periodically address policy gaps to ensure the adequacy of such laws. Chapter 4 of the constitution of Zimbabwe binds the state and agencies of government at every level to respect, protect, promote and fulfill human rights. The insatiable desire to plunder public resources by political elites has made it difficult for government to balance business and human rights. The consolidation of power by President Mnangagwa as highlighted in the Constitutional Amendment Bill Number 2 that has since been approved by Parliament, is an indictment on constitutionalism and the rights of citizens to democratic governance. Authoritarianism will further worsen the lives of communities made vulnerable by ongoing predatory extraction of minerals in Zimbabwe.

The exploitation of resources where political elites and securocrates are involved has been a worst sight of human rights violations.