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## Review Articles

**Structural Adjustment and the Working Poor in Zimbabwe**, Gibbon, Peter (ed), Nordiska Afrikainstitutet, Uppsala, 1995, ISBN 91-7106-369-2, 283pp, (p/b). Distributed by Almqvist & Wiksell International, P O Box 4627, S-116-91 Stockholm, Sweden.

*"Zimbabwe's real wages in the non-agricultural sector fell by about 40% in the past 10 years, with the civil service sector experiencing an even more severe cut in real wages, says the National Merchant Bank..." (Financial Gazette, 14 November 1996).*

*"For two and a half weeks last month, public service workers in Zimbabwe went on a nation-wide strike... the strike highlighted a more disturbing fact: that as the government prepares to enter the second phase of its Economic Structural Adjustment Programme (ESAP), supported by the International Monetary Fund (IMF) and the World Bank, life for the majority of Zimbabweans had become unbearable, threatening the same stability the country needs to achieve its development goals" (SAPEM, September 1996).*

*"... Before embarking on the second phase of ESAP, let us critically examine unemotionally our past achievements and failures before sending our people to the economic gallows..." (Letter by B A Mapuranga of Chegutu, Sunday Mail, 17 November 1996).*

*"President Mugabe has over the past 16 years heralded his country's public health sector as one of his government's success stories since it came to power in 1980. But that success is fast losing its glow after unprecedented strikes by health workers which they say signal mounting frustration over deteriorating standards in government hospitals and government inaction to stem the slide." (Financial Gazette, 14 Nov 1996).*

*"The People's Voice attacked the ZCTU for its stance in the ongoing labour crisis. It said the ruling ZANU (PF) had actually worked hard to establish the ZCTU at independence... But this organisation has now been hijacked by some leaders who pursue personal political interests..." (Sunday Mail, 17 November 1996).*

*"Students expelled for SDF delay in releasing fees" (Herald, 23 October 1996).*

*Structural Adjustment and the Working Poor in Zimbabwe* has quite a history; the three studies are the result of several years of research and discussion, dating back to a research programme launched in 1990, entitled "*The Political and Social Context of Structural Adjustment in Sub-Saharan Africa*," based at the Nordiska Afrikainstitutet. The studies first came to light at a workshop jointly organised by the Nordiska Afrikainstitutet and the School of Social Work in Harare in March 1992. This workshop represented the conclusion of the first phase of the programme. Amongst other aims, the programme "... seeks to play a catalytic and supportive role in relation to work on adjustment-related issues by African-based scholars, complementing initiatives by the Africa Economic Research Consortium, CODESRIA, SAPES, UNRISD and others."

Phase one was published as a book entitled *Social Change and Economic Reform in Africa*, edited by Peter Gibbon (1993). The chapters in this book comprise the papers presented at the Harare workshop and are briefer, covering a broader range of issues in Kenya and Tanzania as well as Zimbabwe. The third study in "*Structural Adjustment and the Working Poor in Zimbabwe*" (*Health and Structural Adjustment in Rural and Urban Settings in Zimbabwe*, by Leon Bijlmaekers, Mary Bassett and David Sanders) has also been published as a Nordiska Afrikainstitutet research report (No 101, 1996). Results of the third phase of the study (all three chapters) will be published in a forthcoming book.

This contextualisation of the studies – mentioned in the first book – has for some reason been dropped in the current one. The title of the programme is only mentioned briefly in the "blurb" on the back cover, and the role played by those whose assistance is acknowledged is also not mentioned.

Without knowing this background one might not appreciate the amount of work which has gone into – and is going into – these extended studies. They have all three been worked and reworked, discussed and sometimes rewritten. They have been reviewed by the eminent scholars mentioned so briefly in the Acknowledgements, and by the wider scholarly community.

So, how have they developed?

### ***Effects of ESAP on the Labour Movement***

The first study, by Lloyd Sachikonye, deals with the effects of ESAP on the labour movement. His first paper was written in 1993, and is descriptive and introductory in nature. The second is the result of a more in-depth and empirical research programme, and includes a more complex view of the issues behind the introduction of ESAP. The first study was also hampered by being written in the aftermath of the 1992 drought, following which many called for a suspension of the economic reforms (McGarry, 1994).

In his introduction, Sachikonye states that the core objective of the study is to ascertain whether or not there is emerging a new or modified labour regime as a consequence of liberalisation measures under ESAP. The formal sector working class has always been very small. In the 1993 study, Sachikonye noted that of the 1.1m workers, those engaged in production-related processes had not increased significantly in the previous 12 years. The weakness of the Zimbabwean proletariat is compounded by its lack of disengagement from the countryside. Despite the land shortage, most men still have a plot of land, however small, often managed by a wife, which lessens any commitment to formal worker organisation. The emphasis on the effects of ESAP on the working class itself, rather than another description of deteriorating economic and social conditions is an important departure.

The study was carried out by means of interviews with workers in different sectors of the economy – textile and clothing, the heavy industrial sector, and the agro-industrial and beverage sectors.

In all sectors studied, investment in new equipment and technology is cited as evidence that ESAP is not causing de-industrialisation. However, evidence published in the recent ZCTU publication (*Beyond ESAP*, 1996) contradicts this assertion. For example in the clothing and textile sector, the number of clothing firms registered with the CZI fell by 21.4% from 280 in 1991 to 220 by 1995. One of the companies investigated by Sachikonye – Cone Textiles – has closed down resulting in a loss of more than 6 000 jobs, despite investment in new equipment.

ZCTU also cites the tariff structure as contributing to de-industrialisation, with firms no longer manufacturing products using some imported parts, because it is cheaper to import the finished product.

De-industrialisation aside, is there, then, a new or modified labour regime as a consequence of liberalisation measures under ESAP? ESAP is definitely conditioning relations between the labour movement, employers and the state. As Sachikonye has found, managerial control has been enhanced – he found stricter supervision and enlarged job tasks, and employment insecurity. Workers' perceptions of labour relations seem to be inconsistent – why is this? Sachikonye mentions the effects of drought-relief measures at the time of his study: it would be interesting to question workers today, particularly in the light of recent labour unrest. As unrest widens, the state continues to interfere in labour relations: it is currently attempting to undermine the ZCTU by establishing a rival trades union coordinating body – the Zimbabwe Federation of Trade Unions. We look forward to the next update of Sachikonye's fascinating and topical study.

### ***Structural Adjustment, Women and Informal Trade in Harare***

Structural Adjustment Programmes ignore the micro – they create no opportunities

for smaller enterprises or communal farmers. Policies emphasising export-led growth have not produced results mainly due to constant devaluation of local currencies. Real value of exports in terms of foreign exchange earnings has in fact declined at a rate of 2.7% a year as opposed to 9% annual growth during the period 1985-90 before ESAP (Gonçalves, in SAPEM, Vol 9 No 12).

The first study on this topic, by Veronica Brand, Rodreck Mupedziswa and Perpetua Gumbo, was published in 1993. It provided a background – definitions of informal sector, its history in Zimbabwe dating back to pre-independence days, gave an introduction to problems faced by women and described the types of activities undertaken in the informal sector. It presented case studies to illustrate the lives of some women.

This study narrows the focus from women informal sector workers in general to women and informal trade. It is already known that retailing is the least profitable area of informal sector activities and the least capable of development. What are the possibilities of moving women away from trading – especially given recent South African restrictions on entry which will seriously affect women cross-border traders – and into the more viable activities of the final goods- and services-producing sector? Aryee and Mhone (1990) conclude that “... once those activities which possess identifiable comparative efficiency vis-a-vis some formal sector activities are separated from those that are mere cushions for surplus labour, viable employment and income-generating alternatives could be identified and promoted, *and this is desperately needed given the secular stagnation in Southern Africa*” [my italics].

Possibly, then, this study is useful in separating off the retail sector, revealing just how little hope there is in pursuing these kinds of activities, and what the problems are for women who attempt to survive by these means.

As in the study by Sachikonye, the authors mention the difficulty of ascribing the causes of hardship solely to ESAP, in a time of severe drought. More emphasis is placed on this aspect than in Sachikonye's study, and arguments are advanced to support the contention (of all the women studied) that it is indeed ESAP which weighs more heavily against them.

One interesting finding which emerged from the study, which may merit further investigation, is the extent of separation of many of the women studied from their rural areas. Are we seeing here a process of proletarianisation? As Sachikonye noted in his 1993 study, the oscillation of workers between town and peasant sector affects their capacity for organisation and their class consciousness – indeed there will never be an effective working class in Africa while this phenomenon persists.

So if life as a trader is untenable, what then? What are the possibilities for retraining and re-directing women's activities to more sustainable activities? We hope that some of these issues will be addressed in the next phase of the study.

### ***Health and Structural Adjustment in Rural and Urban Settings***

We now have three studies dealing with health and structural adjustment. The first, published in 1993, was written by Frances Chinemana and David Sanders, entitled "*Health and Structural Adjustment in Zimbabwe.*" Chinemana subsequently left and the following studies were continued by Sanders together with Leon Bijlmakers and Mary Bassett. The chapter reviewed here presents "some interim findings," the final report being published separately as a Nordiska Afrikainstitutet Research Report in 1996.

The 1993 paper presents the correlation between economic growth and health status in a more theoretical way. Sustained economic growth over the long run does lead to improved health and nutritional status; the paper illustrates the complexity of this relationship, and maps the rise and fall of health service provision from colonial days to 1993. The paper omits to mention the factors of drought and AIDS, but this is rectified in the study being reviewed here.

The study points out that, "*...it has been a concern for those involved in the project that the outcome of the research be both meaningful and useful.*" It hopes to affect policy decisions at the highest levels. This emphasis on research being applicable is very laudable, and moreover, the study itself could not be more needed at this time of acute crisis in the health sector.

The study presents the results of the first eight months of a baseline household survey conducted from May-June 1993 in one urban area (Chitungwiza) and one rural area (Murehwa). The second part presents the results of a series of focus group discussions held with nurses and community members in the same areas, in which the main focus was on survival and professionalism amongst health workers and the quality of care. Although health manpower issues have been discussed before (School of Social Work, 1989), the problem of attitude and professionalism of nursing care has not been a focus, yet this is a major aspect of the current crisis.

Although this study, unlike the first, does emphasise the difficulty of disaggregating factors such as drought and chronic disease, AIDS is still mentioned only in passing. At the time of writing this review, every second bed in hospitals is occupied by a patient with AIDS (Hansen, 1986). Surely this cannot but be an important factor? AIDS is a disease of poverty. Does AIDS incidence affect provision of health services through the burden it places on them, or does ESAP and poverty through the erosion of health services affect the incidence of AIDS?

Among the findings of the study were a presentation of the problems faced by nurses – poor conditions of service were a major complaint. Economic hardship was given as a major cause of nurses' change in attitude towards their jobs (many have had to take up other activities to supplement their incomes): as one said, "*today it is no longer a calling. It's a means of earning bread.*" This situation in

1996 has reached crisis point, with a long drawn out strike by both nurses and junior doctors still unresolved as I write. The recommendations put forward in this excellent and conscientious study urgently need to be applied.

A final remark: why no index? Since the studies are inter-linked in many ways it would be most helpful to refer between them to related subjects.

***Other publications studied for this review:***

Aryee, George A & Mhone, Guy C Z (1990) **Employment Promotion in the Informal Sector and the Current Economic Crisis - the case of Southern Africa**, ILO/SATEP, Lusaka.

Bijlmakers, Leon A; Basset, Mary T; Sanders, David M (1996) **Health and Structural Adjustment in Rural and Urban Zimbabwe**, Research Report No 101, Nordiska Afrikainstitutet, Uppsala.

Gibbon, Peter (ed) **Social Change and Economic Reform in Africa** (1993), Nordiska Afrikainstitutet, Uppsala.

Hansen, Kristian (1996) **The Costs and Quality of Community Home Based Care for HIV/AIDS patients and their Communities in Zimbabwe**, paper presented at a seminar on AIDS and Poverty, UZ, IDS, 21 November.

McGarry, Brian (1994) **Double Damage**, Mambo Press in Association with Silveira House, Gweru.

SAPEM (1995) "Trade Unions and ESAP: who is winning?" (1995) in **Southern Africa Political and Economic Monthly**, Vol 9, No 2, Nov.

SAPEM (1995) "Poverty: who benefits from Structural Adjustment?" (1996) in **Southern Africa Political and Economic Monthly**, Vol 9, No 12, Sept.

School of Social Work (1989) **Health Manpower Issues in Relation to Equity in and Access to Health Services in Zimbabwe**, Harare, 8-9 June, Journal of Social Development in Africa, School of Social Work, Harare.

Zimbabwe Congress of Trade Unions (1996) **Beyond ESAP: framework for a long-term development strategy in Zimbabwe beyond the Economic Structural Adjustment Programme (ESAP)**, ZCTU, Harare.

*Reviewed by Anne Derges, Librarian, School of Social Work.*

**Justice in Zimbabwe**, Rakiya Omaar & Alex de Waal, 1996, African Rights, 11 Marshalsea Road, London SE1 1EP, Tel: 0171 717 1224; Fax: 0171 717 1240, email: afrights@gn.apc.org, ISBN: 1-899-477-07-1, 105 pp. Price: N/K.

Abuses committed by African governments for political ends have rightly been the subject of much attention. Many legal systems are not independent from the government. The requirements of due process are ignored, judges and lawyers are silenced through intimidation, harassment or worse. Security agencies and police forces enjoy extensive powers to arrest, detain and torture citizens. Prisons are left in abysmal conditions. This attention is welcome.

But the focus on civil and political rights has concentrated on those who enjoy them – urban elites, in particular well-known lawyers, judges, human rights activists, politicians, journalists, churchmen and members of NGOs who are regarded as critics of the government. The inability of ordinary Africans to obtain justice has been ignored. And yet, as elsewhere in the world, millions of Africans, whose governments are not deliberately penalising them for political reasons, are denied access to justice. Economic realities, social constraints and cultural pressures make it difficult for people to use the existing structures for the administration of justice.

*Justice in Zimbabwe* examines the ability and willingness of the Government of Zimbabwe, Zimbabwean institutions and individuals to address the needs and aspirations of the people of Zimbabwe with regard to justice, defined broadly. Their record of commitment and achievement is impressive, particularly in light of Zimbabwe's history. But they are struggling against formidable odds – poverty, lack of education, scarcity of legal resources, an elitist legal tradition, cultural pressures, as well as attempts by the Government to undermine the freedom of the judiciary.

### ***Administrative Barriers to Justice***

The Government of Zimbabwe has made strides in terms of the substantive content of its law to better conform with international human rights norms. But the administration of justice also depends upon the accessibility of legal representation, an efficient civil service and a judiciary with the resources to be effective. The law by itself cannot adequately respond to the legal needs of people, especially in the rural areas. Financial constraints, illiteracy, unfamiliarity with legal procedure that leads to a lack of confidence, and confusion regarding one's rights all contribute to many people's, especially women's, inability to navigate the bureaucracy of the legal system. There are many serious and committed civil servants who have made significant contributions to simplifying the law and making it more accessible. But many of the civil servants who staff the courts are described as hostile and unhelpful, particularly in their dealings with the poor and with women.

### ***The Judiciary and the Legal Profession***

No system of justice is better than the individuals who serve in it. African Rights' report examines the integrity of lawyers, judges and magistrates and details their competence and priorities, as well as the fiscal and political constraints under which they work.

The competence of most members of the judiciary is currently not in doubt, but continued underfunding of the judicial system, compounded by high inflation, may erode the previously high quality of judges. In addition, many qualified and experienced people decline judicial posts because of the comparatively poor conditions of service.

Each year the Government has decreased the justice system's budget. Severe lack of resources undermines the capacity of the judiciary to deliver justice in a timely fashion and saps the morale of judicial officers and staff. The chronic underfunding of the judiciary compromises the efficacy of the judiciary, not only in terms of its ability to attract people of calibre, but in terms of the public's perception. Delays, inefficiency and the poor reasoning in some judgements that results from insufficient time spent with inadequate reference materials engenders a disrespect for the legal system. In a country where for decades the law was perceived as the enemy of the people, many people still do not see justice being done in the courts. Without that legitimacy, the courts are incapable of adequately responding to the various and numerous legal grievances of a significant portion of the population.

The government is not deliberately starving the judiciary of resources. But many Zimbabweans question the priorities of a government that continues to allocate huge resources to the army and security services, despite improved security, while leaving an institution as important as the judiciary at the mercy of foreign funders.

### ***Governmental Interference in the Administration of Justice***

Zimbabwe's judiciary has demonstrated an independence that is highly unusual in Africa, by ruling against the State in a number of constitutional and national security cases. Direct political interference with judicial decision-making is rare, if not non-existent. The independence of the Zimbabwean judiciary is most remarkable given the fact that the judiciary was a compliant tool of the government throughout the rule of Ian Smith. In the years immediately following Independence, unpopular judgements stood and the Government made some politically surprising appointments to the bench which helped to foster the judiciary's current international reputation for independence.

In recent years, governmental interference has taken the form not only of constitutional amendments pre-empting and ousting Supreme Court jurisdiction, but at times, of disregard for the legal process. These developments have caused concern and will, in future, put to the test the government's commitment to an independent judiciary.

### ***Cultural, Social and Economic Impediments***

No amount of enlightened legislation, judicial reform and training can deliver effective justice, if that justice is not actively sought out by the general populace. African Rights' report analyses some of the deep-rooted impediments found within Zimbabwean society itself. There is a particular focus on the problems of people who live in rural areas, and women.

### ***The Burden of Customary Law***

According to recent research undertaken in Zimbabwe, customary law was recorded inaccurately by white Rhodesians. By reducing customary law to a set of rigid and uniform rules and misrepresenting them in the process, the customary law applied in the courts often distorts the custom to such an extent that the result is a denial of justice, particularly for women. This, coupled with the conflict of tradition with new legislation, has created significant confusion at all levels, with devastating effects.

### ***Economic Hardship: A Source of Disenfranchisement***

Since 1990, the introduction of a World Bank-supported structural adjustment programme, stagnant wages, high inflation, devaluation of the Zimbabwean dollar, a severe harvest in 1992 and disappointing harvests in 1994 and 1995, have caused widespread economic hardship. Many people have been forced to return to their rural homes, and families have had to make considerable sacrifices. Given this economic reality, a lawyer, not to mention all the other expenses involved in going to court, is wholly beyond the reach of the majority of people.

There are few courts in rural areas where the majority of people live. The Government recently established Magistrates Courts in some rural areas, but the number is far from sufficient. The inadequacy and prohibitive cost of transport is an additional handicap. There are numerous cases in the countryside of default judgements being entered against litigants who tried but failed to appear in court on the designated day because of transport problems.

92% of criminal defendants appear in court without representation. They cannot afford a lawyer. African Rights examines the schemes set up by the government to assist those in need, programmes that are underfunded and often dependent on young lawyers with minimal practical experience.

### ***Ignorance of the Law: A Major Handicap***

Illiteracy and a low level of education for a substantial portion of the population means that legal knowledge is largely inaccessible. Legislation, judgements and legal education pamphlets are of little use to a potential claimant or a defendant who

cannot read. The confusion regarding customary law in the courts and the legislature, and among educators and researchers, compounds the ignorance of many people in the rural areas regarding the content of the law. The impressive strides in recent legislation have not been accompanied by sustained, serious efforts at legal education among the rural population, leaving people in the countryside further behind. According to one district administrator, it takes a long time for people in the rural areas to learn of changes in the law:

*"For a law to be heard and understood by the people takes years. People here have just heard about some laws that were enacted in the 1970s. Rural people are very disadvantaged. Many of them don't even have a radio, not to mention access to other media forms.*

*Even if rural people have heard of a law, they may misunderstand it. They may think a new law, like maintenance, applies only to be people in the urban areas. A woman may believe that she can only claim maintenance if she has separated from or divorced her husband. Or, a woman may think that she is barred from claiming child maintenance if she was the one to leave her husband."*

### ***Women's Rights: Legislative Progress Against a Background of Economic Powerlessness and Discrimination***

The Government has enacted a series of laws to promote the equality of women. This is welcome and the Government deserves credit for its determination to enhance women's rights. But justice requires more than formal fairness in legislation. Most women lack an economic base independent from their husband or their family. The extent to which economic factors hinder women's abilities to exploit the legislation in their favour was expressed by a female lawyer:

*"Legal solutions do not always help. We don't have social services, welfare, or battered women's shelters so that a woman will just bear it as long as he is feeding the children. If the government is committed to justice for women, it must go further than the legal system and address economic factors."*

Because engaging the legal process requires financial resources, women are particularly vulnerable to injury without the possibility of legal redress.

Even if a woman is knowledgeable about the law, often she is torn culturally in claiming her rights regarding inheritance, maintenance, battery and custody. It may be that in the long run, the extended family system offers more security, both

socially and economically, to a woman than the law. A woman may retreat from the ultimate showdown in the courtroom because it could leave her very vulnerable, without means of support or family upon which to rely. Her decision to forego a legal remedy may merely be a rational choice in view of her circumstances. It may be that the legal process serves some women in Zimbabwe better merely as a threat, rather than as the vehicle for actual redress.

### ***Political Impediments to Justice***

In the final analysis, the protection of human rights and the accessibility of justice in a society transcend the machinery of the law. The necessary political ethos draws deeply upon traditions of an engaged and informed public and a vigorous and free press. Neither the judiciary nor the government can genuinely respond to the needs of a silenced society. To be addressed, its aspirations must be heard. In Zimbabwe, the Government has managed to stifle a range of speakers, from the press and broadcast media to opposition parties. *Justice in Zimbabwe* analyses the opportunities for the opposition and the media to play a meaningful role in offering Zimbabweans alternatives and in helping to make the government more transparent and more accountable.

President Robert Mugabe officially abandoned his call for a single-party system shortly after the general elections of 1990, a step that was widely welcomed in Zimbabwe. The lifting of Zimbabwe's 25-year-old State of Emergency in 1990 saw the return of constitutional protection of individual rights. The Government's extensive powers of arrest and detention without charge lapsed. The result has been extremely positive regarding allegations of arrests, detention and ill-treatment of government critics, real and imaginary.

In reality, however, there exists a one-party state in Zimbabwe. ZANU(PF)'s monopoly of parliamentary seats means that the Government has little incentive to fight for its political survival. MPs depend on the machinery of ZANU(PF) to win, rather than by maintaining their popularity with their own constituents, leading to charges that MPs are indifferent to the fate of the people who elected them.

African Rights' report also examines the conduct of the 1995 elections, which in many important respects represented a substantial improvement over the 1990 elections.

Finally, *Justice in Zimbabwe* looks at the continuing human and political legacy of the brutal campaigns in Matabeleland in the early eighties. The families of the disappeared face a variety of legal problems stemming from their inability to obtain a death certificate for the disappeared. They also suffer the added trauma of not knowing what happened to their loved ones. The Government's continuing refusal to publish the results of its investigation allows grievances to fester and fears to abound.

***Initiatives by the Government and by Independent Institutions to Promote Access to Justice***

One of the most encouraging aspects of the justice system in Zimbabwe is the number of vigorous efforts made by some sections of the Government and by private NGOs to encourage greater access to justice. At Independence in 1980, the new government was committed to reversing the remote and discriminatory tradition of the administration of justice. To a significant extent, it has succeeded. Throughout the report, the frustrations of the rural population are highlighted. But this should not be allowed to obscure the successes and some of the Government's recent efforts, such as the "Women and Law Project" and the establishment of "Victim Friendly Courts."

In addition, a number of vibrant NGOs have supported popular attempts to gain access to justice and to further encourage government reforms. Financial constraints limit the ability of NGOs to be as effective as they would hope, especially in the rural areas where they are most needed. Nevertheless, their work has gone a long way to making access to justice more of a reality for a greater number of people in Zimbabwe.

African Rights hopes that *Justice in Zimbabwe* will stimulate wide public debate in Zimbabwe and contribute towards making access to justice a priority for public policy for the Government and independent institutions. If the quality of this report is anything to go by then these hopes may be justified: it is well-researched and clearly explains the context of human rights achievements and concerns within Zimbabwe. It should prove very useful for all individuals and organisations engaged in the field of human rights and is to be highly recommended.

*Reviewed by Nigel Hall, Editor of JSDA, based on African Rights Press Release.*