



Testimony of Imani Countess
Africa Region Program Director, Solidarity Center (AFL-CIO)
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HEARING: THE TROUBLING PATH AHEAD FOR U.S.-ZIMBABWE RELATIONS

Chairman Smith, Ranking Member Bass and Members of the Subcommittee, on behalf of the Solidarity Center Board of Trustees and our staff, thank you for inviting us to testify today. I will give some brief remarks on the subject and ask that my written testimony and some key reports from Zimbabwe be submitted for the record.

My name is Imani Countess and I serve as the Africa Region Program Director for the Solidarity Center, an international worker rights development organization allied with the AFL-CIO. The Solidarity Center's Africa Program implements activities in 15 countries, including a Zimbabwe country program run out of our Harare office. For over a decade, the Solidarity Center has worked with trade unions in Zimbabwe to strengthen their capacity to defend worker rights and advocate for sustainable economic policies and human rights protections. Immediately prior to joining the Solidarity Center, I was the Zimbabwe Resident Director for the National Democratic Institute, where I oversaw its work and established an office on its behalf. In addition to living and working in Zimbabwe, I have traveled extensively, for both personal and professional reasons, beginning in 1991.

The Solidarity Center, along with unions in Southern Africa, the AFL-CIO, and its allied organizations here in the United States, is deeply concerned about the situation in Zimbabwe and we welcome this opportunity to provide our perspective as a part of this hearing, *The Troubling Path Ahead for U.S.-Zimbabwe Relations*.

SOLIDARITY CENTER PARTNERS IN ZIMBABWE

In Zimbabwe, the Solidarity Center partners with the Zimbabwe Congress of Trade Unions (ZCTU) and its affiliate unions with technical support and training programs focused on core trade union functions, including organizing, collective bargaining, strategic planning and policy advocacy.

The ZCTU is comprised of 30 affiliates representing over 150,000 workers from private and public sectors and uniting industrial, agricultural and service sector workers, as well as more than 2 million non-union workers in the informal economy. The ZCTU is the only democratic trade union federation in the country, and is the country's most active civil society organization (CSO). Its position as an independent base of civic action makes it a source of solidarity for

other civil society organizations as well as a repeated target of anti-union attacks. Throughout the period of repression and violence, the Solidarity Center has stood by the ZCTU both in Zimbabwe and in international venues, and we are firm in our commitment to support its efforts to promote worker rights and inclusive economic and political development.

The Solidarity Center also works with the Labor and Economic Development Research Institute of Zimbabwe (LEDRIZ), an economic think tank allied with ZCTU that was launched in September 2003. It is governed by a Board of Trustees, which includes six members from the ZCTU and four accomplished academics/researchers. This mix ensures that while the Institute remains focused on pro-worker economic analysis, its work is of the highest quality and is geared toward proactive policy recommendations that have earned LEDRIZ the respect of both the labor and private-sector business community. Although its core business is economic research, it also provides technical training in areas of its competencies, such as economic literacy and socio-economic rights.

Both ZCTU and LEDRIZ work with a variety of civil society organizations and networks in Zimbabwe and the federation is a part of the Southern Africa Trade Union Coordination Council (SATUCC), a network of 18 national centers in 13 SADC countries.

ZIMBABWE CONGRESS OF TRADE UNIONS – A FORCE FOR CHANGE

Unlike the situation in neighboring states of Zambia and South Africa, Zimbabwe's early union movement was very weak and functioned essentially as an arm of the country's ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF).¹ By the late 1980s however, ZCTU began to chart an independent course, breaking with the party and its leaders and began to focus on promoting worker rights and interests. The federation's move to independence coincided with the dramatic declines in the country's economy, which resulted from industrial closures, the erosion of social safety nets, and flaws in the design and implementation of the country's economic structural adjustment program.² This weakening economy generated widespread social discontent. Civic organizations, of which ZCTU was central, mobilized to challenge what had become an increasingly autocratic and repressive government that engaged in systematic abuse of human rights, corruption, and financial mismanagement, including the extra-legal confiscation of commercial farms.

By the mid-1990s, the ZCTU was able to develop "a broad social front against the government," and in 1998, the federation was central in launching the National Constitutional Assembly (NCA), which championed the case for a new, democratic constitution. In 1999, the labor movement and civil society founded an opposition party, the Movement for Democratic Change (MDC), with ZCTU General Secretary Morgan Tsvangirai as its leader.³

¹ Bauer, Gretchen and Scott Taylor, Politics in Southern Africa. Lynne Rienner Publishers, Boulder, Colorado. 2011.

² Ibid.

³ Raftopoulos, Brian. The State in Crisis Authoritarian Nationalism, Selective Citizenship and Distortions of Democracy in Zimbabwe. Zimbabwe's Unfinished Business. Weaver Press. Harare. 2003.

The social mobilization created by the ZCTU, and the launch of a mass-based political party, were the most significant challenge to the authoritarianism of ZANU-PF in the country's 20-year history.

For the ZCTU, the impetus for independent social mobilization came as a response to the closing political space and a catastrophic decline in major sectors of the economy, including agriculture, manufacturing, hospitality and mining. These declines resulted in a loss of jobs, declining union membership, and an overall weakening of most unions. In the period just after the formation of the MDC, ZCTU leaders and members faced severe intimidation. Former ZCTU Secretary General Wellington Chibebe was arrested nine times between 2003 and 2008, and was severely beaten during a September 2006 arrest.⁴ ZCTU offices have been raided and ZCTU leaders were again arrested in May 2008 for their criticism of increasing election-related violence.⁵ In 2011, the International Trade Union Confederation (ITUC) noted what it terms “systematic abuses” against unions as well as violations of internationally agreed-upon labor standards.⁶ The ITUC *Annual Survey* continued to criticize the Zimbabwean government in 2012, noting that the ZCTU faced renewed police harassment, including a visit to its offices by plain-clothes police; the arrest of participants in a Women's Day march; the disruption of a women's education program and other events; and attempts to ban legal marches.⁷ While attacks have waned in recent years, ZCTU leaders continue to note harassment, such as through attempts to splinter unions at the workplace level, or through the refusal to deduct union dues, which some state-owned companies are accused of doing to weaken unions financially.

Despite these attacks, the ZCTU nevertheless remains one of the most influential, organized actors in Zimbabwe's very active civil society. The union continues to represent a diverse range of workers, both unionized and non-unionized. Its partnership with the 2 million-member Zimbabwe Chamber of Informal Economy Associations (ZCIEA) has opened up efforts to reach out to and represent informal economy workers, whose numbers have swelled with economic decline and government attacks against informal markets and settlements.

ZCTU also continues to be active within wider civil society, forging alliances with most reform-minded organizations. It was instrumental in the formation of the Crisis in Zimbabwe Coalition. The federation maintains close working relationships with leading civil society organizations, including the Zimbabwe Lawyers for Human Rights (ZLHR), ZIMRIGHTS, Zimbabwe Women Lawyers Association (ZWLA), and the umbrella body, the National Association of Non-governmental Organizations (NANGO).

ZCTU remained a critic and watchdog during the Zimbabwe's post-2008 Inclusive Government (IG) of national unity and regularly called for economic action, transparency, and completion of

⁴ Solidarity Center, Zimbabwean Labor Leader Speaks Out in DC. On August 19, 2008, <http://www.solidaritycenter.org/content.asp?contentid=801>

⁵ ITUC, Zimbabwe: Election controversy spills over into union repression, May 9, 2008, <http://www.ituc-csi.org/zimbabwe-election-controversy.html>

⁶ ITUC, Internationally Recognized Core Labour Standards in Zimbabwe, Report for the WTO General Council Review of the Trade Policies of Zimbabwe, Geneva, October 19 and 21, 2011, http://www.ituc-csi.org/IMG/pdf/Zimbabwe_TPR_report-16_oct_.pdf

⁷ ITUC, *Annual Survey of Violations of Trade Union Rights*, Zimbabwe, 2012. <http://survey.ituc-csi.org/Zimbabwe.html?lang=en#tabs-5>

reforms needed to complete the constitutional reform process and the elections. The ZCTU fought very hard for passage of the Zimbabwe Human Rights Commission Bill, signed into law in October 2012, encouraged members to participate in the constitutional referendum and activity participated in the July 31 elections.

JULY 31 HARMONIZED ELECTIONS

During the run-up to the July 31 election, the ZCTU issued a statement outlining the federation's expectations and highlighting issues of concern. Apart from issuing the statement, the federation ran a publicity campaign throughout the country using its six regional offices that cover all 10 provinces in Zimbabwe. The ZCTU developed various materials to promote the participation of workers in the elections, including get-out-the-vote fliers, "Vote in Peace" stickers as well as public service ads in most major newspapers. The federation also sent out more than 1,000 observers who were part of the teams sponsored by the Zimbabwe Election Support Network (ZESN). Observers sent in real-time election results to the ZCTU Command Center in Harare throughout the Election Day voting and vote counting process. An additional 21 observers drawn from 13 countries in Southern Africa under the auspices of the Southern Africa Trade Union Coordination Council (SATUCC), which is affiliated to the SADC regional bloc, also participated

SUMMARY OF ZCTU ELECTION OBSERVATION FINDINGS⁸

The ZCTU's election observers noted a number of disturbing issues. These included biased reporting in the pre-election period by state-owned print and electronic media, which favored ZANU-PF while denigrating opposition parties. The government's voter registration exercise was conducted in a manner that disenfranchised many urban voters in contradiction to the many international and regional protocols, to which Zimbabwe is a party. Furthermore, the electoral authorities withheld the voters' roll of eligible voters' until the eve of the election, only releasing a printed format. They did not release the electronic version as provided for in the electoral laws and instructed by a court order. Ballot paper printing was not done in a transparent manner and the number of ballot papers printed was more than the number of registered voters. The federation concluded that these factors created fertile ground for election rigging.

The SATUCC observer team also noted many of these same issues, particularly issues of voter registration and non-transparency of the voters' roll. The regional trade union observers were also highly critical of SADC for lowering the standard for an acceptable electoral process. SATUCC noted that SADC had been inconsistent by giving clearance to early elections despite clearly noting that the country needed more time. And it criticized the regional bloc for endorsing the Zimbabwean election despite notable flaws that failed to meet SADC's own

⁸ Joint CSOs Statement on Zimbabwe's July 31st 2013 Harmonised Elections, August 2, 2013, <http://www.aflcio.org/content/download/93651/2597841/version/1/file/Joint-CSO-Statement-on-July-31st-Elections.pdf>

Southern Africa Trade Union Coordination Council Observation Mission to the Zimbabwe Harmonised Elections of 31st July 2013 – Preliminary Statement, August 4, 2013, http://www.aflcio.org/content/download/93641/2597811/version/1/file/SATUCCObserve_Statement.pdf

standards. It went on to say that SADC was setting a bad precedence for the region paving way for more disputed elections, given that most of the countries will be holding elections by 2014.

THE PATH AHEAD

Since the outcome of the July 31 harmonized elections results were released, much international criticism, including those of our partners, has centered on the deeply flawed electoral process and a concern that some regional observers such as SADC and the AU endorsed the election results, largely because of the absence of violence. But in the midst of a still polarized political environment it is very easy to lose sight of the dramatic changes that have occurred in the country over the past five years, including: i) Economic stabilization and a halt to the country's hyperinflation of 2007 and 2008; ii) No repeat of the violence associated with 2008 post-election period; iii) A new constitution that has been endorsed by voters. Taking a broader view, Zimbabwe remains in a protracted period of transition, in which the current state of affairs has significantly improved from five or even 10 years ago, and that building on the current strengths can lead to continued improvements in the economy as well as democracy and governance.

Currently, the country can be described by its shifting balance of power as various actors vie for position and instruments of state control, a situation that has characterized Zimbabwe for some time. In this period, where clarity is lacking and rhetoric is polarizing, it is easy to lose sight of what has worked. And from a policy perspective, what has been working is Zimbabwe's robust civil society and those actors who are willing to focus on the building blocks of democracy, such as defense of human rights, building the institutions of democratic dialogue and support for the rule of law.

Trade unions and their partners have been a critical piece of the dialogue for openness and transition. So while the path ahead may seem troubled, objectively it is clear: **There is a need for continued support for democratic institutions that are independent and that have integrity.** Despite what may be seen as a step-backward politically, organizations and groups are creating space for independent action and dialogue with an eye toward addressing the yawning social and economic needs of the country.

Thus Zimbabwe needs continued support for popular political participation and support for institutions that promote citizen voice and civic expression. There is a strong civil society on the ground that can serve as the foundation for new justice.

The fundamental question is one of political will: As organizations like the trade union movement or think tanks like LEDRIZ offer up concrete policy ideas to get Zimbabwe moving, **can the country's leaders get past the current state of play and move forward with a focus on democracy and sustainable development?**

At this point, a brief mention of the issue of "sanctions" is relevant and needed. Do they add valuable pressure or are they a "useful scapegoat for ZANU PF?" Sanctions are of course largely restrictions on travel for specific individuals and if the past is a predictor of the future, the newly elected government will continue to scale up its rhetoric and try to pin current and previous policy difficulties on sanctions. As such, U.S. policymakers might consider a graduated response to easing sanctions, based on tangible progress related to key reforms and the

recommendations of civil society organizations on the ground that can monitor and report on progress.

For example, there are a number of clear steps that the Zimbabwean government could measurably take, such as amending the Public Order Security Act (POSA), the opening of media space, enforcement of worker rights and freedom of association as outlined in international labor standards that Zimbabwe has ratified, and enforcing new human rights laws and human rights provisions of the new constitution.

NEXT STEPS FOR LABOR: ECONOMIC GROWTH AND JOB CREATION

Any analysis of Zimbabwe's way forward has to involve a discussion about how the country is to revive its once strong and diverse economy. There are no easy answers; there is no clear and obvious way forward, but there are basic principles and steps that should be beyond dispute.

First, the country is blessed with a wealth of strategic minerals, diamonds and other commodities. However, the wealth generated by them is being utilized in inefficient and corrupt ways. The country's once strong manufacturing and agricultural sectors have steadily withered and mining is not realizing its job-creation potential or helping rebuild the foundation for a stable middle class in the country. **Without a revived jobs base, the government cannot effectively make the investments needed to revive the country's economic infrastructure or its education system to meet the needs of an economy integrated into the regional or global marketplace.**

In addition, Zimbabwe has an opportunity to learn from the resource curse from which so many countries have suffered, and to work toward an open, transparent government where any citizen can see where and how natural resources are spent. Yet today Zimbabwe has no governmental institutions that promote transparency around the use of funds generated by natural resource mining.

Zimbabwe clearly needs an economic plan and a trade plan that prioritizes investment in industrialization and jobs-led growth. Africa's trade unions have emphasized the need for accelerating industrialization in Africa. They recognize that the current model of growth based largely on the export of raw extractive minerals fosters dependency on Western and Asian markets, which leaves the continent exposed to numerous economic shocks and perpetuates the pattern of jobless growth—leaving Africa less stable and less secure.

The ZCTU's allied economic policy think tank, LEDRIZ, has emerged as a leading voice on the social and economic potential of Zimbabwe in recent years. Since 2010, LEDRIZ has worked with ZCTU to shape concrete policy recommendations to address what LEDRIZ conceptually calls the "enclave economy." As framed by the researchers at LEDRIZ, the shell of Zimbabwe's once-strong economy now resembles two enclaves, a modern but withering formal sector that is surrounded by an impoverished informal and mostly rural sector. The formal economy is male-dominated, politically connected, has access to investment and inputs and is the beneficiary of policy making. The informal economy is largely rural, female, disenfranchised and survives on subsistence. The core problem, for ZCTU and LEDRIZ, is that the two enclaves are not linked, either by infrastructure or job-creating policies.

LEDRIZ and the ZCTU understand that economic growth, which prioritizes industrial development and jobs-led growth, includes backward and forward linkages between industry and local communities and economies—and leads to increased employment as well as promotes investment. Besides promoting linkages between industry and communities that result in increased “local content” in manufacturing, unions are also urging government to adopt growth policies that create “value added” processing—or manufacturing and refining of minerals and commodities that create jobs and increase revenue flows to national treasuries.

Last April, I met with workers at the RioZim Empress Nickel Refinery in Kadoma, a town located about 100 kilometers south of Zimbabwe’s capital city, Harare. There, workers emphasized the need to add value to the country’s natural resources. *“If Zimbabwe only exported the raw matte from which nickel, copper, and cobalt is extracted, the 600 workers at our refinery would be jobless.”*⁹ The jobs pay between \$200 to \$1,700 dollars per month and are highly coveted, given Zimbabwe’s 80 percent unemployment. The refinery manager, Claver Kwariwo, is also a strong proponent of industrialization. He is certain that industrialization *“is the only way to increase local employment.”* In fact, he says of the current refining process *“We should go further. We should produce parts. We have nickel, iron ore, all the minerals one needs to produce alloys required to make parts. That is what we need to do.”*¹⁰ Today the refinery produces nickel and copper sheets that are exported to South Africa and Western Europe.

ENSURING RESPECT FOR WORKER RIGHTS IN ECONOMIC DEVELOPMENT

Investment in jobs creation, transparency, and responsible use of natural resources is an important step. But growth alone is not the goal. Zimbabwe needs economic growth that is linked to a broader development agenda—rebuilding social and physical infrastructure and services and reviving the country’s dwindling manufacturing sector. Worker rights are key components of broad-based economic growth. Worker rights need to be monitored and worker rights defenders like the ZCTU need to be supported.

In October this year, the International Labor Organization (ILO) will send a high-level technical team to Zimbabwe to implement recommendations made by a Commission of Inquiry in 2009 and 2010 on respect for Freedom of Association and the Right to Bargain Collectively. Zimbabwe’s ongoing and systematic failure to respect Freedom of Association led to Zimbabwe’s inclusion in the June 2013 hearings at the ILO’s Committee on Application of Standards as one of the 25 worst countries regarding labor rights violations.

In addition to some of the events noted previously, legal submissions made to the international body noted that Zimbabwe has failed to uphold international labor standards and even failed to ensure compliance with national laws. In addition to issues of anti-union discrimination by companies, including state-owned enterprises, violations include:

⁹ Tapiwa Komola (Secretary of the Workers Committee, RioZim Empress Nickel Refinery) in discussion with the author, April 2013.

¹⁰ Claver Kwariwo (Manager, RioZim Empress Nickel Refinery) in discussion with the author, April 2013.

- *Unfair dismissals*—Workers in Anjin Investments, a diamond company owned by Chinese investors and the Zimbabwe Mining Development Corporation in the Maranga diamond fields, dismissed over 1,000 workers. The matter is being challenged in court.
- *Non-payment of wages*—New Zimbabwe Steel Company, partly owned by ESSAR Holdings of India and the Zimbabwean government, has provided occasional allowances, but no wages in four years.
- *Underpayment of wages*—Zimbabwe Electricity Supply Authority (ZESA) has refused wage increases awarded by arbitrators and in violation of the country’s labor law has restructured the pension plan. The National Railways of Zimbabwe has not paid workers in over eight months.
- *Worker harassment and intimidation*—Gertrude Hambira, General Secretary of the General Agriculture, Plantation and Allied Workers Union of Zimbabwe remains in exile after fleeing the country three years ago following a government raid on her home and offices.¹¹ She had to resign from her position with the union as the government could not guarantee her safety if she returned.

The ILO technical team will hopefully be able to openly report on the status of worker rights in Zimbabwe and the government of Zimbabwe will finally act on the recommendations of the ILO’s Committee on Application of Standards. In that regard, the newly elected government has a choice: It can demonstrate a willingness to uphold international law and to enforce Zimbabwe’s national laws or it can continue to be seen as a major violator of worker rights by the international labor community.

CONCLUSION and U.S. POLICY NEXT STEPS

As the newly elected government in Zimbabwe has choices, so too, does the United States, which is, of course, the reason for this hearing. In terms of policy, the U.S. government has a variety of tools at its disposal that can be used to support rule of law and human and worker rights in Zimbabwe and to encourage the Government of Zimbabwe to do the same. These investments in Zimbabwe’s citizens and their institutions can produce positive outcomes by leveling the playing field in ways that can lead to a more stable economy and one that ultimately provides benefits for all.

In terms of support for what has worked in Zimbabwe, the U.S. government should continue to actively support civil society institutions that move the transitional dialogue in Zimbabwe and proactively focus on democratic reform, human rights and absolutely vital economic reforms.

Organizations like trade unions and their economic research allies like LEDRIZ, continue to push for the creation of greater political dialogue on economic reform and discussions between labor, business and government to move policy actions. It is too early to see if this dialogue will continue in the current economic environment. However, what is clear is that organizations and institutions that are moving the “transitional” debate in terms of economic reform clearly need continued support.

¹¹*The Worker*. ILO to send Technical Team to Zimbabwe.

http://www.theworkerzimbabwe.com/index2.php?option=com_wrapper&view=wrapper&Itemid=60. Accessed Sept 6, 2013

In terms of trade policy, again the U.S. needs to look at opening up investments in sectors beyond mineral extraction. Dialogue should focus on Zimbabwe's need to redevelop its once strong manufacturing and service sectors with an eye not only toward markets in the United States and Europe but regionally, as more countries in Southern Africa and Africa broadly are growing economically or on the verge of expanded growth.