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Too broke to communicate to ratepayers – councillors



Court ruling saves more than 4000 homes

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Harare – A SURVEY done by civil society reveals that there is a culture of secrecy with regards to the operations of local government across the country.

Speaking at an access to information conference held in Harare on Monday, April 28, Media Alliance of Zimbabwe (MAZ) Director Patience Zirima revealed snippets of the findings of the survey, which MAZ jointly conducted with Combined Harare Residents Association (CHRA).

The survey was also conducted in collaboration with several residents associations and 200 residents, who tried to access selected information from their local authorities across the country from 2011.

Residents revealed that most urban councils were jittery about releasing information such as budgets, audited statements, and strategic plans with some of the councils saying such information could only be availed to the Criminal Investigation Department (CID).

“All local authorities gave water distribution schedules, but said the schedule would not be reliable.

“Sometimes they said the information was there, but couldn’t find it,” said Zirima.

Out of ten councils surveyed only Harare and Bulawayo had websites, but 80% residents surveyed in the two cities said they did not know of their presence; while Mutare, Masvin-

go, Bindura and Epworth had no public relations departments.

Bindura was one of the most open councils providing all the information requested by the researchers, and, along with Chinhoyi, produced audited statements.

Zirima said access to information as stipulated in Section 62 of the new Constitution was important for residents to plan their daily lives.

“The Constitution says everyone has the right to access information held by public bodies such as local authorities.

“If you have information, you can plan your life.

“If you know when there will be load shedding, you will know how to plan to cook for your family.

“If you know when refuse will be collected, you know when to take your bins out,” said Zirima.

The conference also heard that there was no culture of inquiry among residents, which Masimba Manyanya of Simukai Residents Trust in Goromonzi attributed to fear, due to Zimbabwe’s acrimonious politics, especially past cases of political violence.

Constitutional expert, Justice Mavedzenge, said the right to access information enabled informed citizens to wisely claim

other rights such as socioeconomic rights, whose realization in the new Constitution is dependent on the availability of resources to government.



Justice Mavedzenge

know how much resources were allocated.

"You need to know whether your rights are being progressively realized, or are being retrogressively realized.

"For you to know this, you have to exercise your right to information."

Mavedzenge echoed the African Charter on Human and People's Rights, which stipulates that information held by governmental bodies is held in trust for the public.

Mavedzenge said: *"The information that authorities have, they are holding it in trust. It's like money in a bank.*

"Like in the bank, where there are limitations in terms of the amount you can take, the limitations should be reasonable."

Tawanda Zhuwarara, a lawyer with the Zimbabwe Lawyers for Human Rights (ZLHR), said access to information should not be an end in itself, but a way of ensuring that government is accountable to citizens.

"The request to information is a means to an end," said Zhuwarara.

"Kana tichiti tirikukumbira budget hatisi kuda budget, we want to know kuti council wakawana marii ikashandisa marii. (When we say we want the budget, we do not want the budget only. But we want to know how much council earned and how much it used.)"

"Some of the information is denied by not recording the information.

"Saka isu ngatii pese panotaurwa nezve nharaunda ngapave namabharani zvose zvoiswa mudura reinforcement. (So we should insist that, whenever there are council meetings, there should be someone taking down the minutes.)"

The meeting heard that apart from hiding information, some local authorities totally denied its existence, gave inconsistent answers to similar requests from different residents, or charged amounts of up to US\$ 25.00 for the documents.

Others said information could only be released to institutions, not individuals, or requested reasons for the disclosure in writing.

Zhuwarara added that the Access to Information and Protection of Privacy Act (AIPPA) was flawed in that it stipulated citizens were entitled to access to information, but did not emphasise the obligation of public bodies to release relevant information.

Reading the conference resolutions, facilitator, Ernest Mudzengi, said there was need for dialogue platforms between residents and council officials on access to information.

He added that there was need to regulate the charges that councils asked for documents, to reform AIPPA, and lobby councils to create public relations departments and clear information disclosure procedures.

CHRA Programs Officer Tendai Carter Muchawa said the organisation had plans to hold meetings with residents and public officials to discuss the findings of the survey on access to information in local government, which revealed a culture of secrecy and unaccountability.

"We endeavor to have a program where we have mayors and public relations departments, and residents where we discuss the findings of the survey," said Muchada.

Too broke to communicate to ratepayers – councillors

Harare – COUNCILLORS have complained that they are underfunded to do their duties, including holding regular feedbacks with the residents, or publicizing important community matters in the media as service delivery headaches persist.

The councillors were speaking at an access to information conference held by Media Alliance of Zimbabwe (MAZ) and Combined Harare Residents Association (CHRA) in Harare on Monday, April 28, when they said they had “excuses” for not being in constant touch and to account to the residents

Harare Ward 41 Councilor, Charity Bango, said: *“I do agree with a lot of points that have been raised by various speakers, but there are excuses and some of them are real.*

“We can use fliers, radios and newspapers, but for us to use the channels, we may not have resources and that will affect access to information.

“We may need community halls...residents want to interact with the councilor...they may need to hear it from the horse’s mouth.

“We are having challenges accessing platforms and resources for communication.

“There is too much information to communicate, sometimes we attach information on bills, sometimes we put fliers at district offices; sometimes we stick to notice boards information that we think is relevant.”

Bango added: *“In Zimbabwe, we have a culture of not demanding information, and the reasons for that is caused by the political environment in my view.*

“That fear prohibits the movement of information from policy makers to residents.”

Dzivarasekwa councilor for Ward 39, Gilbert Hadebe said even if councillors were to rely on newspapers they would not be able to communicate with those who do not have the money to buy newspapers everyday.

“Sometimes we end up relying on newspapers, but you find very few people buy newspapers everyday.

“Of course, we hold feedback meetings with residents. Sometimes residents lack knowledge of who deals with certain issues in the local authorities limiting access to information,” said Hadebe, hinting that council officials misdirected residents to councillors.

Zimbabwe Media Commission (ZMC) Commissioner Chris Mhike advised councillors to be creative and use modern communication technologies.

“There are platforms like bulk text messages,” said Mhike.

“If you enter into agreements with service providers you can easily send information.

“There are platforms like whatsapp...it’s cheaper than texts.

“You can make use of such technology.

“You are told that civil society organisations are agents of the West, but we can make a lot of progress partnering with relevant organisations.”

Crisis in Zimbabwe Coalition (CiZC) Information Programs Assistant Vivid Gwede said government’s delay to license community radios could have also negatively impacted on sharing of information at a community level.



Simbarashe Moyo

“The government’s delay to license community radios has also contributed to this information gap.

“Community radio is a very interactive platform where councillors can interact with residents,” said Gwede.

Combined Harare Residents Association (CHRA) chairperson Simba Moyo said councillors were victims of council officials, who withheld information from them.

“I think our councillors are also victims of lack of information.

“Bureaucrats are some of the people who are hiding information,” said Moyo

Court ruling saves more than 4000 homes

Chitungwiza – GOVERNMENT has lost to civil society in a high-stakes Magistrates’ court case over demolition of homes in the town.

Government wanted to demolish an estimated 4000 homes it said were built illegally, but Magistrate Marehwanazvo Gofa last week ordered that demolitions be permanently stopped as they violated Section 74 of the new Constitution.

The court ruling upheld civil society’s arguments against that demolitions violate the freedom of Zimbabweans from arbitrary eviction.

The verdict particularly handed Chitungwiza Residents’ Trust (CHITREST), which initiated and persevered in the court proceedings, a deserved victory, and thousands of threatened families a huge sigh of relief.

This was after waiting anxiously for more than two months for the ruling.

African Commission on Human and People’s Rights (ACHPR) to hear WOZA’s petition

Meanwhile, civil society in April recorded another victorious stride at the African Commission on Human and People’s Rights (ACHPR) in a case involving the assault and harassment of Women of Zimbabwe Arise (WOZA) activists, particularly two complainants Jennifer Williams and Magodonga Mahlangu.

The African court will now hear WOZA’s side of the story and will likely find in favour of the grassroots organization, after the government of Zimbabwe failed to respond to the assault charges at the ACHPR in the stipulated 60 days.

Zimbabwe has lost a number of human rights cases at the ACHPR in the last decade, owing to an unsatisfactory human rights culture.

The main loser in the happy ending is Local Government, Public Works and Housing Minister Dr. Ignatius Chombo, who in April attacked civil society for its stance, and insisted that the homes had to be razed down by their owners in three weeks.

The Minister appeared blind to the recommendations of then United Nations (UN) Special Rapporteur for Human Settlements Anna Kajumulo Tibaijuka's report after Operation Murambatsvina in June 2005, families' basic right to shelter, freedom from arbitrary eviction in the new Constitution, and the need for every Zimbabwean to be protected from dehumanizing treatment.

The relieved families were duped by unscrupulous land barons in the course of the past years into buying housing stands for about US\$ 3000.00 in the undesignated areas, and they built homes some reportedly worthy over US\$ 10 000.00.

This was before the government in January 2014 awoke from its unexplained slumber, ordering the demolitions.

The threats were also despite the families' plea that they had not been provided with alternative shelter.

The specter of demolitions, which grew after a land audit led by Deputy Minister Joe Biggie Matiza, prompted civil society to step in to defend the vulnerable families.

A group of civil society leaders from Zimbabwe Human Rights Association (ZimRights), Combined Harare Residents Association (CHRA), CHITREST, and Centre for Community Development in Zimbabwe Trust (CCDZT) protested and were arrested in mid-February 2014.

CHITREST in the same months filed a court application through its lawyer, Marufu Mandeverere, a member of the Zimbabwe lawyers for Human Rights (ZLHR).

The move resulted in a temporary halt of demolitions, pending the final verdict which came out in favour of the families last week.

The verdict timely forestalls a possible repeat of Operation Murambatsvina of June 2005, which was condemned by the United Nations (UN) as a gross violation of human rights, and now forces the government to respect the fundamental rights of the Chitungwiza families.