

HOW TO STRENGTHEN PARLIAMENTS IN CONFLICT/ POST-
CONFLICT SITUATIONS

A Zimbabwe Case Study

ABSTRACT

Twenty-five years after the end of the armed conflict that resulted in independence from colonial rule, Zimbabwe remains a land of intense conflict. That conflict is largely based on race, ethnicity and the distribution of political power and resources. There have been periodic eruptions of violence linked to these issues throughout this period but the root causes have not been addressed or resolved. The current crisis resulting from a combination of economic, political and social conflict reached such proportions by the mid-1990s that the entire society appeared to be on the brink of a major eruption.

In response to the strident demand from all sectors for good governance, the Fourth Parliament 1995 - 2000 embarked upon a programme of Parliamentary Reform designed to strengthen the institution to perform its constitutional role in governance and sustainable development. However, such were the tensions created by political polarization, deterioration of the economy, international isolation of Zimbabwe and the failure to redress the root causes of the escalating conflict, that it became quite clear that there was no quick fix for these problems.

The confrontational and acrimonious stance of parties to the conflicts, including parties in Parliament itself, made it vital that there should be some intervention to prevent the outbreak of violence. It was in this context that the Government of Zimbabwe requested the assistance of the UNDP. This led to the initiation of the “Programme on Developing Capacity for Negotiation Skills and Conflict Transformation in Zimbabwe”. This programme aimed at building the capacity of all stakeholders, including the government and its institutions, for the peaceful settlement of internal

tensions and disputes. As the primary forum for national dialogue, and one in which the conflicts and tensions of the whole society are constantly being played out, Parliament's enthusiastic acceptance and participation in the latter programme is of critical significance.

This paper attempts to look at the role the Parliament of Zimbabwe has played in conflict management, peace-building and sustainable development in the period under review and how it can be strengthened further to play that role more effectively.

Conflict in Zimbabwe: Background

Zimbabwe today is engulfed in a political, economic and social crisis. This crisis stems from a fusion of a number of historic, deep-rooted conflicts that have been allowed to fester and which have spawned new conflicts. The primary conflicts referred to are racial and ethnic based and are over the ownership and control over the resources of the country, more particularly the land.

This conflict over political power and resources goes right back to the establishment of Rhodesia and the violence that still characterizes it today characterized it even then. The violent uprisings of 1893, 1896 and 1897 and those of the second Chimurenga of the 1960s, which ended in independence in 1980, were caused by white domination and the inequitable distribution of resources.

Although the Lancaster House Agreement brought an end to the armed conflict, the Lancaster House Constitution that brought independence to the country, failed to address and resolve the deep-rooted cause of the conflict. The issue of white political domination was perpetuated by the provision of special reserved seats for whites in parliament. The crucial issue of the inequitable distribution of resources, the land being the primary one, was left to fester, unresolved until today. The issue of the land could not be altered, according to the Constitution for a period of ten years and, even after ten years acquisition by Government was restricted, requiring a 'willing seller willing buyer' and immediate payment of compensation. 'The Patriotic Front (PF) representing the liberation movements, agreed to the Lancaster House Constitution on the basis of undertakings or pledges made by Britain and the United States that they would pay the compensation for land acquired for resettlement.' The President announced a policy of national

reconciliation and the people tried to rebuild their lives in peace. (Zigomo & Ndebele, “Key Areas of Conflict.” It was, however, a great blow to the nation that the primary cause of conflict, the question of the land, had not been resolved.

Another cause of tension that continues to threaten the peace of Zimbabwe is the ethnic/regional conflict that erupted into violence in the early 1980s. The failure of the fragile Patriotic Front to hold after Lancaster House mirrored the ethnic and regional conflicts that had dogged the earlier political movements such as the National Democratic Party (NDP) the Zimbabwe African Peoples Union (ZAPU) and the Zimbabwe African National Union (ZANU).

This conflict led to the first independence elections being contested by the liberation political parties separately rather than as the Patriotic Front, each appealing to their ethnic and region based support. The victory of ZANU-PF, whose support came from the majority tribe, was perceived by the PF-ZAPU as a guarantee of marginalisation. The zero sum, ‘win-lose’ mind-set induced by war led to an outbreak of violent conflict in which thousands of people in Matabeleland were raped, starved and killed between 1982 and 1985. (Rebuilding Peace and State Capacity in War-torn Burundi by Howard Wolfe et al)

A characteristic of the political parties organized as liberation movements, and oriented towards armed conflict, was zero tolerance of dissent; this characteristic was carried over into independent Zimbabwe and was to be another source of actual and potential conflict in society at large. In spite of the Unity Accord of 1987, which ended the open conflict in which the two political parties, ZANU-PF and PF-ZAPU united to form ZANU PF, the causes of this ethnic conflict and the pacification of Matabeleland were never addressed. In addition, the people of this region continue to perceive themselves as marginalized in terms of employment and regional development. (Key areas of Conflict and Potential Conflict in Zimbabwe: Zigoma and Ndebele)

In addition to these primary racial and ethnic conflicts over the distribution of political power and resources, a number of other conflicts have developed

during the two and a half decades of independence. The Lancaster House Constitution had had the effect blunting of the thrust for revolutionary political, economic and social change and this was a significant factor in creating the environment in which new conflicts would develop. The failure of the new government to fulfill the high expectations of independence that had been nurtured within the population during the protracted armed conflict generated frustration and bitterness. Nor were there any structures or procedures through which the government could build national dialogue and collaboration on the way forward. Parliament and Government had become synonymous. The unity of the people of Zimbabwe in their support for strong government to protect them from supporters of the old order and to deliver the economic promises they had made, began to give way under the weight of new realities but there was no effective forum for dialogue on national governance or other burning issues.

The negative economic and social effects of the Structural Adjustment Programme (ESAP), the perennial droughts of the early 1990s, the diversion of economic resources from development to the military effort to combat dissidents and the failure of the government to deliver on their promise of land redistribution, all helped to accelerate the near-collapse of the economy and resulted in heightened social tensions. In spite of the ambitious legislative programme targeting areas of need such as education, healthcare, social amenities and workers' rights, where there was an unprecedented expansion, effects of the government's failure to expand the economy had begun to be felt and dissatisfaction grew.

The phenomenal increase in the power of the Executive vis-à-vis both the Legislature and the society as a whole, coupled with the apparent paralysis of that same government to initiate measures to resolve the growing conflict and to put the country on the road to economic recovery sharpened political conflict and led to demand for good governance and sustainable economic policies. Although the structures and institutions of state, inherited from the colonial period were essentially democratic, they had catered only for the white minority interests that they represented. Democratic values did not extend beyond the confines of the white establishment. Parliament and the judiciary served these interests primarily, and power over the un-enfranchised majority had been exercised in an autocratic and unaccountable manner. Additionally, the need to fight the liberation movements forced the white minority into a degree of social cohesion that excluded any possibility of political pluralism or open political competition.

Most of the harsh, anti-people legislation which has quite rightly attracted the negative attention of human rights and civic organizations within and without Zimbabwe and indeed the whole culture of autocratic rule of which the current government is accused, can be traced back to the Rhodesian Executive, Parliament and Judiciary. Now, more than ever before, Zimbabwe needs mechanisms to manage the current explosive conflict situation and the institution best placed, because of its mandate and its representative character, to provide for their development and engagement is Parliament.

Parliament's Role in Peace-building and Sustainable Development: A Conceptual Framework

Democratic systems and the democratic norms associated with their evolution and prolific expansion over the last half-century, have their distinct differences and logics, based on their structures, their history, their culture and context. There is much argument about whether it can be expected that economically developing countries and young democracies can or should be judged by the same standards as those used for economically developed countries with long established democracies. It is also being increasingly recognized that “ democracy in practice often requires a trade-off between competing norms or values which cannot all be maximized simultaneously”. (David Beetham: “The Parliamentary Dimension of Democracy. Draft Paper for Meeting 20 – 21 January 2005) However, developed and developing countries alike, have for some time, begun judging themselves and being judged by international organizations, donor agencies, NGOs and academics, by the quality of their democratic governance. What is relatively new is the recognition that by the very nature of its representative character and the relational position of parliament vis-à-vis citizens on the one side and the Executive on the other, parliament occupies a key place and is indeed the starting point of any initiative to build peace and sustainable development.

Parliament derives its legitimacy from two sources:

1. The Constitution of the country.
2. Parliament's representativeness.

The Constitution confers specific powers, roles and functions to the Parliament. Some of these may include:

- Law making
- Approval of taxation and expenditure (Budget)
- Scrutiny of legislative actions, policy and personnel
- Ratification of treaties and monitoring of treaty bodies
- Debating issues of national moment
- Hearing and addressing grievances
- Approving constitutional change

All these are legitimate functions and roles of most parliaments. They derive from the Constitution which itself represents an agreement between members of society.

However, it is in its representativeness that the functional legitimacy of a parliament is best expressed. In a parliamentary democracy, parliament must in the first place be representative of all the people and serve their needs and interests. Since the needs and interests of individuals and groups do very often come into conflict, one of the primary roles of a democratic parliament, beyond ensuring the general good, is to mediate and reconcile conflicting needs and interests, and to manage these conflicts in such a way as to prevent conflict and build peace.

The Parliaments of Rhodesia were clearly unrepresentative and undemocratic, but so were successive post-independence Parliaments under the Lancaster House Constitution, including the current parliament. By the mid-1990s, the legitimacy of the Parliament was being called into question by society at large. The verdict of society was that by all the generally agreed criteria of legitimacy and effective functionality, the Parliament of Zimbabwe had failed:

- Representativeness. While the Parliament of Zimbabwe is elected by universal suffrage, there are significant sections of society who question the electoral system and the arrangements for elections; others deny that it is representative of all politically significant opinions, social groups and localities, including ethnic and cultural minorities. Business, women, civil society, people in Matabeleland

and other regions, people who do not belong to ZANU-PF, expressed the view that their interests were not being catered for by the parliament. The failure of the parliament to consult with, listen to and pass on the views of the public constituted failure to represent.

- **Accountability.** Society expressed doubt that Parliament had the capacity or the willingness to hold the Executive to account through effective scrutiny of legislation and policy and its power to initiate legislation. It was constantly pointed out in civil society that the quality of debates in the House was extremely low; that MPs dozed; that Bills were rushed through without debate or amendment; that in fact, Parliament was merely a rubber-stamp for the Executive. So far as it concerned parliamentary accountability to the electorate, both individually and collectively, the consensus was that it was almost non-existent. MPs were inaccessible except during the run-up to elections, they did not report back to their constituencies, they never consulted with their constituents or took back their concerns to the House.
- **Transparency.** Parliament was accused not only of closing its committees to the public and the press but also failing to make relevant documentation readily available. There was little information about the parliament and the high standard of dress required of visitors restricted access by ordinary citizens.
- **Accessibility.** Parliament was condemned for not having systems in place for consulting with relevant interests in advance of legislation, and for the registration and consideration of grievances. Constituents did not have ready access to their MPs and Parliament did not have ways in which the public could be involved in its work.

All the above are clearly essential to the establishment of a sound basis for peace and sustainable development and in societies at peace may be considered adequate. Parliaments in conflict and post/conflict situations, however, may have to satisfy another additional criterion to be judged as an effectively functioning governance institution:

- ✓ **Peace-building.** This requires that Parliament develop a comprehensive, concerted strategy that addresses the root

causes of current conflicts and aims at preventing the outbreak, continuation or recurrence of armed conflict.

By this criterion too, the Parliament of Zimbabwe had failed. There was no such strategy in evidence and the country appeared to be always on the brink of violent conflict.

The two programmes under review, the Parliamentary Reform Programme and the Conflict Transformation Project represent an attempt by the government and Parliament of Zimbabwe, backed and supported by the international/donor community, to make good the deficit in Parliament's capacity to meet these criteria and thus assure Zimbabwe of peace and sustainable development. Although it is still too early to assess the long-term results of these initiatives, there is much hope and optimism that with continued support they will achieve their objectives.

Parliament Responds to the Challenge 1995 - 2005

In the polarized, conflict-ridden, political environment of Zimbabwe, Parliament was challenged by the whole society to perform its constitutional role more effectively. Parliamentarians of the third and fourth parliaments themselves recognized that the institution was weak and had become a tool of the Executive. As a result, the Fourth Parliament took up the challenge and sought to build initiatives to secure peace and development. With the assistance of the UNDP and other development partners, Parliament embarked upon a programme of parliamentary reform intended to remake its image and empower it to play its constitutional role.

Parliament knew of no precedent where parliamentary reform was the initiative of Parliament itself rather than of the Executive. In other parliaments, notably the House of Commons (UK), the House of Representatives (Australia) and the National Assembly of South Africa, reforms had emanated either from executive encroachment into, or dominance over, the legislative function of parliament. (Zvoma 51). Parliament therefore took care to identify potential risks to the planned reforms. These were perceived to be:

- Political sensitivity on the part of the Executive;
- Inadequate appreciation by MPs of their constitutional role and powers;

- Conflicting loyalties of MPs vis-à-vis party and Parliament and party and constituency;
- An administration in Parliament that either through job dissatisfaction or through a lack of capacity, would be unable to sustain the reform programme;
- Public perception of the reforms as irrelevant and unworthy of popular support;
- `Normal human resistance to change.

- **Political sensitivity on the part of the Executive**

To deal with the risks arising from political sensitivity on the part of the Executive, Parliament ensured that the President and Vice-Presidents as well as all the Cabinet Ministers were fully and individually briefed at the outset. The Foundation Report of the Parliamentary Reform Committee reiterated the message that was being sent out from the very inception of the reform process:

“Parliament does not govern and should not seek to govern; that is the role of the Executive. The role of Parliament is to legislate; to scrutinize the policies and activities of the Executive; to hold the Executive to account for its actions, and to act as a forum for democratic participation by all members of society. It should thus play a significant role in the system of checks and balances common to all parliamentary democracies.”

- **Ownership by MPs**

The initiators of the reforms were anxious that the ownership of the reform programme should lie within the hands of all parliamentarians but first it was necessary to ensure that MPs were aware of and willing to use their constitutional powers. It was necessary to remind them that they had it in their power to make changes to the rules and procedures of their institution. An innovative strategy, the Speaker’s Forum, was created whereby the Speaker, Members and the Staff of Parliament could consult outside the formal parliamentary procedures. A number of meetings were held in this forum about Parliament’s power to regulate its own affairs and its capacity to do so. For example, Parliament could change the rules and procedures; scrutiny of the executive did not constitute disloyalty to

one's party. Much effort was made to bring parliamentarians together with a shared understanding of what they were embarking upon and what was involved. It is interesting to note that the Fourth Parliament was an almost entirely ZANU-PF parliament and this made it easier for both the Executive and parliamentarians themselves to view the proposed reforms without suspicion.

- **A dissatisfied or incapable Parliamentary Administration**

A Restructuring and Job Evaluation exercise was carried out in relation to the staff of Parliament, which looked into areas of dissatisfaction and into improving the career prospects of staff in Parliament. Members of staff were consulted and made part of the process throughout. It was recognized from the beginning that a 'buy-in' by parliamentary staff was critical to the success of the planned reform programme.

- **"Buy-in" by the Public**

By the act of going to the people and consulting with them, the image and perception of Parliament were raised almost overnight. However, in order for the reforms to have popular support and popular ownership, they had to be perceived to be homegrown and to reflect the input of the public.

- **Normal Human Resistance to Change**

The Parliament feared that there might be opposition to the reforms simply because of normal human resistance to change. The strategy employed to combat this was one of openness, creating trust where there might be suspicion, and taking care to make the intents and purposes of the reforms clear. One of the messages of the reform programme that was constantly reiterated was its non-threatening aspect - that it was not a win-lose but a win-win situation that all Zimbabweans and all state institutions would benefit from. Change was what people wanted and Parliament committed itself to giving them the kind of change they demanded.

The Creation of a road map of parliamentary change

Parliament recognized the necessity for putting in place a political vehicle that would drive the reform process and this was achieved through the appointments of the Standing Rules and Orders Committee, which is the prerogative of the Speaker to appoint at the start of each new parliament. The strategic appointment of members of the committee enhanced government 'buy in' into the reform project. Seven Ministers considered to be politically powerful and sympathetic to the reforms were appointed to the Reform Committee consisting of twenty-seven members. It was this Committee, (SROC), that drew up the specific terms of reference for the PRC and also appointed that committee. It was also this Committee that resolved that a Parliamentary Reform Committee be established and mandated the Leader of Government Business in the House to introduce the motion in the House.

This preparatory phase of the parliamentary reform process was remarkable in the degree of unity of purpose displayed and the level of collaboration there was between conflicting segments of society. What was demonstrated was a willingness of society to dialogue and this consultative strategy was later to be used both by the government in its soundings for the National Draft Constitution and by the National Consultative Assembly, the loose coalition of numerous civic organizations. Peace building through listening and dialogue was possible and Parliament was at the forefront of the process. This created a mood of optimism within the country and within the international/donor community, which began to show interest in participating in the project.

The response of the international community to the initiative by the Zimbabwe Parliament to re-invent itself may be summed up in the words of the UNDP/Danish Evaluation Report: "The fact that Parliament initiated this internal change, undertook its own situational analysis, and drew up its own strategies and action plans, has created a high sense of ownership of the reform process." This also created an enhanced willingness of donor partners to participate in the reform process. According to USAID/Zimbabwe, and SUNY/IDG concurred, "Rarely have we seen such a determined body of legislators and leaders spearheading their own reform movement with such initiative."

Parliament did not have the capacity, in terms of human and material resources, nor did it have the skills and experience required to implement its ambitious programme. It was entirely due to the prompt response and continued support of the UNDP and the international partners that the Reform programme got off the ground and is still on course.

REFORMS IMPLEMENTED TO STRENGTHEN PARLIAMENT

The Parliamentary Reform Committee established by Parliament put in place an outreach programme through which MPs networked with various stakeholders, in seminars and workshops. Further in a unique process of consultation, it heard evidence from individuals, civic society groups and organizations throughout the country, and received an unprecedented amount of written and oral evidence from Members and staff of parliament, the public, institutions, academic and professional experts, parliaments in the region, Europe and Asia; undertook study visits and received parliamentary delegations with whom they held discussions on comparative practices; held an important workshop with MPs and chairpersons of Committees from Westminster on current parliamentary practice, and finally organized a consultative conference on its findings with civic society, which was addressed by leading parliamentary leaders from the region. The findings and recommendations in the Report of the PRC are informed by these extensive consultations and are reflected in the key areas of reform below.

Key Areas of Reform

- The systems and internal procedures in Parliament;
- Building capacity of MPs to contribute more effectively to parliamentary proceedings;
- Enhancing the oversight role of Parliament;
- Enhancing public participation in the legislative process;
- Conditions of work and support services for MPs and staff.

These reforms will be looked at from the perspective of the criteria used above to measure the effectiveness of the Zimbabwe parliament as a functioning democracy, namely:

- ✓ Representativeness
- ✓ Accountability
- ✓ Transparency
- ✓ Accessibility

Representativeness

In the public consultations undertaken by the Parliamentary Reform Committee (PRC), many members of the public and civic organizations argued that the Parliamentary reform process had to proceed hand in hand with other constitutional changes if they were to work and the balance between Parliament and the Executive addressed. Constitutional change was one of the areas where it was known that the government was extremely sensitive and it was therefore deliberately omitted from the terms of reference of the PRC. However, during the public hearings and in both written and oral evidence, there was a clear demand for constitutional changes that would render the parliament more representative with adequate powers to call the Executive to account. Such changes included the electoral laws and processes.

Although Parliament was aware of the necessity of these reforms, it was too weak to challenge the Executive and accordingly limited itself to those changes to representation that did not require constitutional change and were within its remit. Nevertheless, the PRC did in fact publish its findings concerning the demand for constitutional change in its Report, which was adopted by the House. The need for fundamental change to the constitution is recognized by all sectors and the failure of some of the parliamentary reforms to register their full impact is due to the strictures of the present constitution.

- One of the reforms that have contributed to the improved representativeness of Parliament is the amendment of the Rules and Procedures to provide for the opening up of committees to the input of the public in public hearings. This innovation was enthusiastically received by the public and attendance was initially high. Well-researched contributions were made to those hearings by the public, particularly in relation to controversial pieces of legislation such as the NGO Bill. This initiative introduced a platform for dialogue in a polarized nation. Those contributions made in public hearings were taken on board in committee reports as a result of consensus between the two political parties but the Bills went through Parliament

- unchanged. This has tended to reduce the interest and involvement of the public in public hearings.
- The Reforms also provided for the amendment of the Rules and Procedures regarding selection to committees and delegations to reflect party and gender composition of the House. It was this provision that anticipated an Opposition in the House.
 - A Youth, Employment Creation and Gender portfolio committee was established to cater for those disadvantaged groups.
 - In 2001 the Women's Parliamentary Caucus was formed and accorded the status of a 'Parliamentary Group', a status equivalent to a political party in parliament, and is eligible for all privileges available to other parliamentary caucuses and groups. The fact that this caucus group has been specifically created to champion women's causes denotes a significant advancement in the attempts of the reform initiative to extend the representativeness of Parliament.

This reform is one of the most significant peace building initiatives in that it has already had success in bringing together women across party lines to work together to further the women's agenda and current challenges facing the sub-region, such as poverty, HIV-AIDS and gender equality. Through lobbying by the Women's Caucus, two women have been appointed as Chairpersons of Committees. The Caucus has also been instrumental in a very successful effort to revise the outdated and inadequate Child Protection and Sexual Offences Act. It has held public interviews on the Domestic Violence Bill and received expert legal evidence, which was incorporated into the Bill. The Caucus has established Constituency Consultative Forums in all women MPs' constituencies, consisting of a core of women in the constituency to explain issues of HIV-AIDS, legislation and other important national issues across party lines.

The Chairperson and vice-Chairperson of the Caucus are automatically members of the important Liaison Coordination Committee.

As far as women's representation in Parliament is concerned, the main constraint is still the Constitution. Although the Heads of States and Governments of SADC signed a declaration calling for equality of men and women in decision-making of member states and SADC

structures at all levels, and set a target of at least 30% representation by 2005, Zimbabwe is currently at only 17%. However, although the Constitution was amended in 1996 to include Gender as one of the grounds of discrimination that was prohibited, the same law prohibits positive discrimination in favour of women. It is therefore impossible to effect the SADC resolution without the necessary constitutional change. Efforts to improve the representation and role of women in parliament have received the support of Parliament and has constantly been raised by the LCC at its retreat seminars.

The issues of Parliament's legitimacy, composition and representativeness are fundamental to conflict transformation and peace building in Zimbabwe and constitutional reform is the starting point. The draft constitution of 1997 was rejected because there was no agreement about the rules of the game. Lack of trust, lack of negotiating and dialogue skills on both sides of the divide resulted in this lost opportunity. The Zimbabwe Government/UNDP Capacity Building in Negotiation and Handling Conflict Skills is exactly the kind of instrument required to put the constitutional review back on course. The political rivals and their supporters must be brought to a new understanding that, while some of their interests may be in conflict, they have many important interests in common and are fundamentally interdependent. Both sides lost when the draft constitution was lost; with collaboration it could have been a win-win situation.

▪ **ACCOUNTABILITY**

The new Portfolio Committee System

The establishment of a system of Portfolio Committees was the keystone of Parliament's strategy to strengthen its roles as the primary oversight body responsible for ensuring that the Executive was accountable and its actions effectively scrutinized. One of the most frequently voiced criticisms of the Parliament has been its deference to the Executive and its failure to call the Executive to account. The establishment of the Committee System was intended ensure both effective oversight and scrutiny of the Executive. The financial and technical support of SUNY/USAID in creating and implementing this powerful strategy was crucial to its success.

Parliament was keen to improve its perception by the public as a rubber stamp for the Executive. The new portfolio committee system consisting of 12 committees was designed to create institutional mechanisms for more considered legislative scrutiny of the Executive by shadowing every Ministry. The portfolio committee has the power to call for evidence and documents from the Executive, Ministries, independent experts or the public and to conduct their proceedings in public. A functioning system of portfolio committees can achieve the following:

- ✓ Make both public resource allocations and policy-making more transparent and open;
- ✓ Enhance executive oversight and legislative scrutiny;
- ✓ Allow citizens and civic organizations to contribute to the policy-making process by participating in public hearings.

An important innovation brought by the parliamentary reforms is the referral of Bills after gazetting and first reading to the relevant portfolio committee for scrutiny. This allows the committee not only to scrutinize the bill but also to call for expert evidence on matters on which further information is needed. This has resulted in a notably improved level of appreciation of each other's roles and of collaboration between portfolio committees and Ministries, particularly in such areas as sectoral development budgets. Parliamentary liaison officers have been established in each Ministry to follow up the work of their respective committees in Parliament. All this has contributed to peace building and resolution of conflicts between Parliament and Ministries and between Parliament and its stakeholders.

Transparency

The general perception that Parliament in Zimbabwe is a closed and remote institution has certainly undergone significant change. Parliament has opened its deliberations in committee to the public and the press; it has engaged in outreach programmes in the form of exhibitions at shows (such

as the annual Agricultural Show, the Trade Fair etc); it has conducted seminars, lectures in schools and created and distributed pamphlets about the structures and processes of Parliament.

Parliament established pre and post-Budget consultations with the Ministry of Finance and stakeholders, which have now been institutionalized. This enabled Parliament and stakeholders to have an input in Budget formulation and identification of priorities for national development.

However, the inputs into the Budget debate at these seminars by experts and civic society have largely not been incorporated into the Budget, which has continued to be passed without amendment, as before. This has tended to discourage public participation and confidence in the Budgetary process. In this situation of economic crisis facing the people of Zimbabwe, the opportunities to collaborate in solving a national problem and finding a way forward has been allowed to pass. The Capacity Assessment report refers to more than one occasion in meetings with the Liaison Coordinating Committee, when 'the Speaker has acknowledged an attitudinal problem on the part of the front bench'. Openness, transparency and accountability do not develop overnight. Parliament has taken very bold steps to create the necessary structures but has not displayed the self-confidence to actively pursue legislative scrutiny, oversight and transparency. Thus, conflicts that should be resolved in the Chamber spill over into the streets.

Accessibility

One of the criticisms of Parliament was its remoteness and inaccessibility. The public knew nothing of what Parliament did and what its roles were. The Reform Parliament introduced measures to demystify the institution. One of the ways in which it did that was through making it easier for people to come to Parliament, by relaxing its strict dress code.

Probably the most significant innovation of these reforms to enhance accessibility is the establishment, through the support of the UNDP, of non-partisan parliamentary constituency information centers established in every constituency. It is intended that these centers will provide meeting places for MPs and their constituents as well as for development projects, the hearing and resolving of grievances and provide for other community needs. These centers have already set up databases essential to development planning.

This initiative has great potential for imparting and cultivating negotiating and mediating skills and for engaging constituents in development projects across party lines. Parliament is making an effort to ensure that these constituency centers, which are parliamentary and not political party offices, and resourced by parliament, will remain non-partisan. It is intended that this initiative will cultivate a community-based culture.

Parliament has improved support services for MPs, including a vehicle scheme, in order to facilitate visits by MPs to their constituencies. Through such facilities, a bridge between parliamentarians, both individually and collectively, has been built. Parliamentarians will go out and meet members of their constituencies, across party lines and engage in peace building and economically sustainable development projects; by the same bridge, constituents will come to parliament to see their MPs and register their views and complaints.

This initiative has great potential for the more rapid and widespread imparting of skills of peace building, mediation, communication and negotiation. (See Zimbabwe/UNDP programme 'Developing Capacity for Negotiation Skills and Conflict Transformation'.)

In sum, the Parliamentary Reform process, which is still on-going, is remarkable in that it took root at an unlikely time in the history of Zimbabwe and, in spite of the extreme polarization and escalation of conflict within the country, it continues to command the support of all stakeholders. A number of factors, some within and others outside its control, have limited the success and impact of the process. Not least of all is the fact that the process is still in its infancy, having been designed in the Fourth Parliament and implemented in the last parliament.

Other significant constraints on the Parliamentary Reform process include:

- Need for Constitutional Reform
- The chronic power imbalance between the two branches of government manifested in the exponential growth in the power of the Executive vis-à-vis both the Legislature and society at large;

- Delayed implementation of a number of important proposals and recommendations by the PRC, e.g., that relating to the Office of the Comptroller and Auditor-General and the office of the Ombudsman;
- MPs still part-time rather than full-time as recommended by PRC;
- Arrests of opposition MPs and allegations of their torture without any intervention by Parliament on behalf of its members;
- Effect of the emergence of a strong opposition has negatively impacted upon the willingness of the legislature to act as a counterbalancing force vis-à-vis the Executive. The survival of the Party, its complete dominance of the House, has once again become the major focus of parliamentarians who have seen how rapid the turn-over can be in the House if MPs fall out of line. The Capacity Assessment Report mentioned “the existence among some MPs and parliamentary staff, of a palpable fear of offending the Executive”;
- The sustainability of the reform programme may be compromised through insufficient financial resources. Currently there has been an over-reliance on development partners. Already, financial constraints facing Parliament have diminished the ability of portfolio committees to contribute to the development of sustainable solutions to the crises facing the country.

General Observations

The Liaison Committee Reports and the Clerk of Parliament in interview have stated that although the Portfolio Committee system has been significantly capacitated and several have performed excellently within the short period since their establishment, there is a lot of work yet to be done to develop their confidence. The depth of understanding and the analytical skills required for effective legislative oversight will certainly come with further support, experience and time. What is clearly required is further investment in the capacity building of its members.

It is noted that there is a significant drop in the enthusiasm and attendance of civil society at Budget reviews and public committee hearings. This is due to stakeholders’ doubts that these committees and Parliament itself have any influence on the Executive to represent their interests. Any such perception could wreak havoc on the Parliamentary Reform process as a whole. This apparent loss of interest is clearly due to the perception that the Executive is unwilling to consider any amendments proposed by Members.

With regard to Budget-making, the failure of MPs to play a more proactive role in shaping spending priorities has seriously compromised Parliament's efforts to achieve meaningful oversight and has reduced its reputation with civic organizations that continue to review the process (Capacity Assessment p 44)

The Liaison Committee has identified this problem as stemming from an absence of dialogue between itself and the Executive and meetings have been held between the committee and the front bench to discuss this problem. This informal contact between Parliament and the Executive, it is hoped, will have positive impact on the Government's sensitivity to amendments to Bills proposed in the legislature.

Members of Parliament and society at large have protested against the 'fast tracking' of Bills, which practice has had the effect of excluding the contribution of civil society organizations and the public from the legislative process. This was echoed by the Chairman of the Parliamentary Legal Committee, who is also Secretary-General of the opposition party in Parliament. He lamented that this practice deprived Parliament of its right to scrutinize legislation and to curtail full parliamentary debate. In effect, the Executive, through its majority in the House, has been able to limit the thoughtful scrutiny of bills by portfolio committees as they pass through Parliament. Another serious result of the 'fast-tracking' is that some acts have been poorly drafted and technically flawed, examples being: the Land Acquisition Act which has been amended sixteen times, with a proposal to make yet another amendment; the Access to Information and Privacy Act; the General Laws Amendment Act. These were the most controversial pieces of legislation and have exacerbated tension and conflict in the society.

The amicability and accommodation that characterizes the conduct of the majority party outside parliamentary sessions is not matched by their conduct in the House. The introduction of the Conflict Transformation Programme occurred almost simultaneously with the Fifth Parliament when for the first time there was a strong opposition. The consensus in committees, in a polarized political environment may to a large degree be attributed to this project

The establishment of the much- desired Business Committee consisting of the Speaker, the Deputy Speaker, the Leader of the Opposition, Leader of Government Business and the two Party Whips is intended to agree on the business of the House and so avoid conflict and confrontation. It is hoped

that the dialogue in this committee will lead to consensus on the allocation of time to pieces of legislation

Deference to the Executive appears to have become more pronounced in spite of the presence of an Opposition and the greater powers that the reforms have built in Parliament. The Report of the Capacity Assessment team contrasts the incidence of censure or threat of sanctions of ministers and senior officials of previous parliaments with that of the Fifth Parliament when there was not a single case. This is another case of party loyalty taking precedence over issues.

In sum, the reform process set in motion by the Zimbabwe Parliament and its development partners has made great strides in establishing procedures and building capacities in Parliament that are undoubtedly vital to the strengthening of Parliament as the primary governance institution. A number of checks and balances have been put in place to enable Parliament to more effectively scrutinize legislation and the actions of the Executive and to call the Executive to account. In its relationship with society at large, measures and processes have been established to make Parliament more visible, more accessible and more relevant. By the above measures and procedures, Parliament is better placed to build peace and to mediate the ever-escalating and complex conflicts in Zimbabwe. However, these reforms and training in skills for conflict transformation are not one-off events; they are processes and require much more time and support to have the desired impact.

It is clear that the two main parties have not been able to build the minimum level of trust required for collaboration on solving the complex and wide-ranging issues of conflict that are tearing the country apart. It is instructive that the reform idea was born in a Parliament that was totally dominated by ZANU-PF and the debates in the Fourth Parliament were vibrant and controversial. The presence of a strong opposition in the House during the Fifth Parliament has sent Members scurrying into their party corners; Party has once again become more important than issues. If the benefits of the reforms are to be maximized, it is essential that the 'zero sum' paradigm give way to one that recognizes the inseparability of the interests of the conflicting parties. What the past twenty years have shown is that there is no

armed solution to the conflicts in Zimbabwean society and that after every outbreak of violence, the country finds itself in a more difficult situation than the one that obtained before the outbreak.

Lessons Learnt

- Local ownership of the reform process was essential. The initiative for reform was that of Parliament and the international community supported Parliament's priority need.
- Careful, detailed planning of a reform process and wide consultation as well as the participatory nature of the process paid enormous dividends. The outreach programmes, interviews and study visits gave the parliament a head start in its effort to engage the stakeholders in the process and raise its own visibility, quite apart from providing the information upon which the reforms were based.
- It is important to anticipate and take steps to avoid conflict with other institutions of state that might stand to lose by the reform process. The experience of the Zimbabwe Parliament in avoiding conflict with the Executive by ensuring that the objectives of the reform process were clear and by involving the Executive from the very beginning of the process, demonstrates how essential is this approach.
- The sustainability of a reform process is directly linked to the extent to which it is internally driven. At all stages of the reform process, the Parliament was in the driving seat.
- The reform process must begin to deliver results as soon as possible in order to retain the interest and confidence of its stakeholders. Although much of the implementation of the reforms have taken place in the Fifth Parliament and are still on going, a number of significant changes were implemented immediately after the acceptance of the reform programme, such as the establishment of the Budget, Finance and Economic Development Committee.
- The support by the entire Parliament for the reform process was ensured by the balanced provision for all sectors of the organization. Issues of remuneration, grading structures, professional development and others of concern to staff were a significant part of the reforms as were the issues of concern to MPs.

- Institutionalization of the reform process requires development of capacity of programme officers in project management sufficiently early on in the process. This was provided for by the UNDP.
- The training provided to Parliament by the UNDP in project planning and management enhanced the capacities of the staff of Parliament to manage direct international aid. As UNDP funding was direct to Parliament, it enhanced efficiency and provided staff with the opportunity to work on their own initiative, and rapport between the staff of Parliament and development Partners was improved.
- Reforms of governance institutions are a process, not an event. While it may be possible to introduce structural changes and increase skills and capacities, changing the culture and mindset of institutions is a long-term process.

To carry out this reform process, the international/donor community came into the programme as development partners with the Parliament of Zimbabwe. Funding from development partners, notably the UNDP, USAID, Sida, the Konrad Adenauer and Friedrich Ebert Foundations in augmenting central government funding, has played a critical part in these achievements. It has been noted over and over again that further progress has been inhibited by inadequate human and financial resources, as well as by policy and organizational constraints. Nevertheless, significant progress has been made towards the strengthening of Parliament as an institution of governance and peace building.

SECTION TWO

Developing Capacity for Negotiation Skills and Conflict Transformation in Zimbabwe.

Since the 2000 General Election, intense and often acrimonious relations between the two main political parties and their supporters have characterized the political landscape. The emergence of a strong opposition party, in the context of the phenomenal growth in the power of the Executive vis-à-vis both the Legislature and the society at large, sharpened political conflict to an alarming degree.

At a time of growing tension in Zimbabwean society, the role of Parliament as a national forum for inclusive national dialogue assumes ever-greater

importance. Parliament should actively promote a culture of tolerance in its work, as well as in society in general. It should foster constructive relations with the Executive. As representatives of diverse interests, MPs have a particularly important role to play in conflict mitigation in society at large.

In the context of the worsening crisis in Zimbabwe and the potential for open conflict, the Government of Zimbabwe made a request to the UNDP for assistance. The UNDP and the Government of Zimbabwe set up the project on Developing Capacity for Negotiation Skills and Conflict Transformation in order to enhance the capacities of the various stakeholders to manage and transform conflicts in constructive, non-violent and sustainable ways. These stakeholders included the Government and Parliament of Zimbabwe, the business community and civil society, as well as academic and training institutions. It was felt that besides equipping institutions and individuals with skills and competencies in order for them to address conflict issues, it was vital to facilitate better decision -making and thus forestall the risk and consequences of rising tensions and polarization.

Both the Government of Zimbabwe and the international/donor community have recognized that the root causes of conflict in the society refer to land, resources and ethnicity. What is critical is to develop, on the basis of consensus, a comprehensive strategy, together with the necessary institutions, processes and policies that can lead to lasting peace and reconciliation, and which address the root causes of current crises. The Reform process has gone some way towards strengthening the institution of Parliament by establishing processes and procedures. However, there is an urgent need to create a more conducive environment within which these reforms can take root.

That the Government should, in the tense and polarized context of Zimbabwe, request assistance for and embark upon a programme of resolving conflict was in itself quite significant. Although the government of Zimbabwe is one of the implementers, together with the UNDP, it is remarkable that the project was accepted by all stakeholders, including the opposition. This was due to two critical factors:

- ❖ The confidence and trust which the UNDP enjoyed as a result of its successive, dynamic, resident representatives and their deputies;

- ❖ The detailed and careful planning and the extensive consultations prior to implementation.

The groups targeted for this intervention represents a microcosm of Zimbabwe society and in this sense were drawn from the same pool as the Parliament, which itself was a target:

THE CONFLICT TRANSFORMATION PROGRAMME IN PARLIAMENT: Rationale

The ability of the Zimbabwean state (Executive, Legislature and Judiciary), the business community and of civil society, to find pragmatic solutions to the pressing challenges facing the country would be greatly enhanced if key stakeholders were assisted in strengthening their capacity for promoting conflict transformation, and for building lasting peace, in a systematic and comprehensive manner. (GOZ/UNDP Final Draft 'Developing Capacity For Conflict Transformation in Zimbabwe 20 Nov 2002)

The ongoing implementation of the Parliamentary reforms has clearly strengthened and improved the institutional capacity of Parliament. The timely introduction of the Capacity for Conflict Transformation Project in Parliament has added significant value to the peace building processes now in place. Parliament is being provided with negotiation, mediation and conflict handling skills needed to deal with the extreme polarization of the society, the deteriorating economy, and the crisis in agriculture, which, among other challenges, have placed the country on the edge of an outbreak of violence. As a key player, Parliament's role as a forum for national dialogue on national governance and development issues requires that it be a model of conflict management and peace building. Raising the visibility and profile of parliament as the representative governance institution and demonstrating that peaceful dialogue and resolution of differences can prevent conflict and violence, is critical to national conflict resolution and peace building.

The Conflict Transformation Project (CTP) in Parliament has attempted, through on-site workshops, to build the skills, the enhanced understanding and capacities of Parliament and parliamentarians for the management and

resolution of conflict. The Speaker made the CTP training of parliamentarians mandatory and by the end of the Fifth Parliament 67% of Members of Parliament (the Fifth Parliament) from both ZANU-PF and MDC has so far been provided with capacity building in Negotiation and Conflict Transformation as well as Mediation Skills. Officials from all levels of Parliament, including the Speaker have attended these workshops. Bringing together and keeping together Members of Parliament from the two warring parties, at a time of such tense relations and polarization, was a remarkable achievement.

The objectives of the various programmes within the CTP were largely met and participating Members of Parliament commended the project for making them aware of conflict and its consequences as well as equipping them with skills and competencies that enable them to manage conflicts in practical ways.

The evaluations of the participants point to the following conclusions:

- The workshops constituted a worthwhile experience for all participants;
- The workshops were successful in creating hope regarding the possibilities for constructive management of conflict in Zimbabwe;
- MPs recognized the value of training in communication skills and mediation skills and requested further training;
- A significant number of participants felt that there was need for more advanced training and that more people should benefit from such training;
- MPs were beginning to see themselves as above or beyond party politics and wished to work together for the good of the country;

Among the recommendations made to the UNDP Conflict Management Project, the following are instructive: -

- That the UNDP should assist educational institutions to incorporate conflict management skills in their curricula.
- That the UNDP should assist in creating a conducive atmosphere that would facilitate meaningful negotiations concerning current burning issues;
- That the UNDP should help Zimbabweans deal with the perceived hostility from outside actors;

- That the UNDP should assist those engaged in negotiations by providing appropriate skills training;
- That other MPs should also be exposed to this training to create a common understanding of conflict management among all MPs. Participants furthermore decided to have ongoing informal meetings in Parliament to reflect on current events.

- MPs who participated in these training workshops consider it imperative that the programme grows both horizontally and vertically; more MPs, indeed, all MPs, should benefit from the training. With the rapid turnover of MPs in the Zimbabwe parliament, this would require that Parliament institutionalize the programme within its own induction and refresher courses and this recommendation has been accepted by UNDP and has been incorporated into the programme.

- Participating MPs on several occasions in various workshops submitted that the leadership structures of both political parties, at national, provincial and district levels, should be trained in conflict transformation and negotiation skills.

Among the many practical suggestions made by the participating MPs, are the following:

- Follow-up refresher workshops for participants;
- Adding opportunities for participants, especially MPs, to report back on how they have implemented the concepts and skills in defusing tensions in their constituencies;
- Institutionalization of the training in as many institutions as possible;
- Establishment of a college that will focus especially on conflict transformation;
- Taking the training to grassroots levels, i.e. wards and branches in the constituencies.

With the establishment of the Parliamentary Constituency Information Centres, most of the recommendations above will be achieved.

In his address to the fifth Workshop on Conflict Transformation Skills Training for Members of Parliament in July 2004, the Speaker reminded the participants that as “Members of Parliament, who are elected by a section of their constituency and yet serve all people in the constituency, the

management and resolution of conflict is an extremely essential skill.” He said that it was of particular importance in the management of the newly established Constituency Information Centres, where “thorough grounding in the understanding, conceptualization and application of tools of constructive conflict management are necessary to resolve issues and strengthen relations.” He alluded to the major challenges of the constituency, namely the socio-economic development, productivity and prosperity of all people and the importance of these skills in mobilizing people to meet them. Finally, the Speaker reminded the participants that conflict management was not a foreign concept and that their shared history and cultures boasted many examples of success in this area.

Impact of the Conflict Transformation Programme

An Impact Assessment Study of the Conflict Transformation Project quotes an example of one participant Member of Parliament who is using his new skills within his constituency. He commended the programme and claimed that his own non-partisan behaviour towards constituents who were not members of his own party had positively influenced the attitudes of party members. He reported a new open-mindedness and mutual respect and claimed that his party was now actually winning support from people of divergent political views.

The relevance of such incidents for the future of conflict transformation through Parliament is immeasurable. Parliament and parliamentarians must model the behaviours required to build peace within individual constituencies and the country as a whole.

Other powerful testimony to the profound effect the CTP has had on individual Members relate to the more cordial and collaborative atmosphere in committees and to intervention by certain MPs “to pull back colleagues from expressing themselves through confrontational rhetoric, or indulging in unwarranted antics on the floor”. It is probable that with further exposure to the CTP, incidents such as the Bennett affair will not recur to blemish the character of the House. There is substantial evidence that informal dialogues, some on critical issues such as constitutional reform and the conduct of elections, have been taking place across party lines but that the party leadership of both parties constitutes a major stumbling block. It may be that the party leadership in Parliament, with the benefit of the CTP

training in negotiation, mediation and communication, could be the conduit for these very skills being disseminated throughout the party structures. This would complement a similar strategy implemented by MPs through their constituency offices.

Strategic importance of the Conflict Transformation Project to the Parliamentary Reform Programme

Significant as the reforms to strengthen the Parliament are, it is inconceivable that they can be made to work unless there is reduced polarization in Parliament. Neither can any programme for the sustainable development or peace be effective without the various parties and factions within Parliament coming together. It is arguable that “ democratic institutions – rather than being viewed as the instrument for achieving successful [post conflict] reconstruction – are more helpfully seen as the consequence of successful reconstruction.” Howard Wolfe et al ‘Rebuilding Peace and State Capacity in War-torn Burundi’.

Parliament, because of its representative mandate, under the constitution, has to perform the role of binding society together through peace-building and conflict management.

The undeniable need for these conflict transformation skills is nowhere better argued than in the Bennett case where a white, opposition MP, a prominent commercial farmer, who, during a debate on the land issue, pushed a black government minister to the ground, in the House. The Minister, in his remarks on the land question had referred to the Member’s ancestors as murderers and rapists. Here we see tensions relating to race, the issue of land, party political rivalry, inability to dialogue, lack of trust, and lack of mutual respect between the front bench and backbenchers. The sentence of this MP cannot be divorced from the fact that the majority in the Privileges Committee were government ministers.

The CTP has brought awareness of the possibility of managing conflict where it didn’t previously exist. For this initiative to achieve its phenomenal potential, it has to be strategically and rapidly spread throughout the country. Parliament is by far the best placed institution through which these skills and attitudes can be disseminated. The structure of the CTP training programmes in mediation, negotiation and communication skills, with its train-the-trainers methodology, could be dynamically combined with the innovative parliamentary constituency offices to launch a broad cross-party, cross-

culture, cross-gender initiative that will help in nation building, peace building and, in the end, sustainable development.

CONCLUSIONS

During the period of writing this paper, that is from 1 April, Parliamentary Elections were held and for the first time in post-Independence Zimbabwe relative peace prevailed. The major political parties unilaterally called upon their supporters to desist from violence and as a result there was no violence during the elections. This is a clear demonstration that political party violence can be controlled by the political leadership if the political leadership has the will to do so.

However, there was heightened tension during the announcement of election results arising from certain alleged irregularities, which led to the accusation by the MDC Party that ZANU-PF had rigged the elections, contrary to earlier optimistic pronouncements that the elections had gone well. Once again, the allegations of rigging have thrown the country into yet another political crisis. In those elections, ZANU-PF won 78 seats as opposed to 41 for the MDC and 1 Independent. Twenty members were nominated by the President and 10 are elected by an electoral college of Chiefs. This gives ZANU-PF a clear two-thirds majority and thus the ability to amend the constitution, which was its desired goal when it went into the elections.

Although this two-thirds majority gives the Government the legal power to amend the constitution, it would appear that the government is still in pursuit of legitimacy. This is suggested by the alleged dialogue taking place between the parties, through the Leader of the House and senior opposition parliamentarian who is the Secretary-General of the MDC.

Parliament is opening on 9th June amidst heightened tension throughout the country occasioned by disputed elections, an economy in a state of near collapse, and security alert that the opposition party might be planning public demonstrations and stay-aways. It would appear that there is widespread dismay and anger in the urban areas over the actions of the police in destroying structures and taking away property of informal traders. This is the challenge facing the new parliament.

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