

Report # 102**BUSINESS AND POLITICS IN THE MUSLIM WORLD****Region: Southern Africa****Weekly Report: 10-16 January 2010****Presentation: 20 January 2010****Zahid Aqil**

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Summary of Report

Political Developments

Southern African Leaders Discuss Madagascar, Zimbabwe at Summit

In a Summit of SADC, Southern African leaders have rejected plans by the leader of Madagascar to unilaterally organize national elections in March and they have expressed their concern over it. The southern African leaders also urged the parties to the unity government in Zimbabwe to fully implement a power-sharing agreement signed more than one year ago.

Mozambican President Guebuza to be Sworn-In for Second Term

Mozambique's President Armando Guebuza is to be sworn in Thursday for a second five-year term, but the opposition Renamo Party is alleging election fraud and boycotting the new parliament.

Mozambique's Guebuza sworn in for second term

Mozambican President Armando Guebuza, who has promised to relax foreign investment rules and push ahead with economic reforms, was sworn in for his second term Thursday and said, fighting poverty, was his priority.

Mozambique President Dissolves Cabinet before Inauguration

Mozambique's President Armando Guebuza dissolved cabinet last night ahead of his swearing-in Thursday for a second five-year term.

South African Officials Dismiss World Cup Concerns after Angola Attack

Organizers of football's World Cup in South Africa are dismissing media reports that Friday's attack on the Togolese football team in Angola could affect the sport's biggest tournament when it kicks off in South Africa in June.

Witness in Zimbabwean Politician Case Denies Ownership of Some Weapons

A state witness in the trial of Zimbabwean politician Roy Bennett told the High Court in Harare that some of the weapons that were purportedly found in his possession were not his.

Zimbabwe Prepares for Constitution Outreach Program

Members of Zimbabwe's constitutional outreach team have begun training in Harare before being deployed across the country to prepare for the writing of a new document. The ongoing exercise is the second attempt by Zimbabwe to adopt a new constitution. In 2000 a draft constitution was rejected in a referendum.

Togo PM Recalls Team from African Cup

Togo's prime minister says its national football (soccer) team must return home immediately and not compete in the African Cup of Nations tournament in Angola set to begin Sunday. But the Togo team said that it planned to stay and play in the tournament, even though Togo's government had said it was recalling the squad.

Probe of Angolan separatist opened

The Paris prosecutor opened a terrorism inquiry into the role of an Angolan separatist in a deadly attack on the Togolese soccer team that pulled out of the African Cup of Nations tournament as a result of the Jan. 8 shooting.

Regional summit this week on Zimbabwe, Madagascar

Key Southern African leaders will hold a special summit Thursday in Mozambique's capital Maputo to discuss the crisis in Madagascar and the power-sharing government in Zimbabwe, officials said.

ZIMBABWE: Constitutional Reform Resumes

Months of delays may prove to have strengthened the process of producing a new constitution for Zimbabwe. When a 65-day public consultation finally begins, citizens will be primed and ready.

Economic Developments

Diamond Auction Cancellation Gives Zimbabwe Breathing Room

Cancellation of Tuesday's planned auction of rough diamonds from Zimbabwe's Marange fields could help Prime Minister Morgan Tsvangirai's government avert suspension from the international Kimberley Process certification scheme.

ZIMBABWE: Economy Crippled By Political Uncertainty

HARARE, Jan 7 (IPS) - The Zimbabwean government has been working hard to attract international investors to revive the country's failing economy. Success on this front in 2010 may hinge on the coalition government convincing investors their capital will be secure.

Social Developments

ZAMBIA: Police Breaking the Law to Prevent Crime

Juniper Mwale was attending a funeral in another town when her husband jumped bail and fled the country. Despite not being aware of her husband's escape, police tracked her down and detained her illegally in an effort to force her spouse home. And this illegal activity of detaining the relatives of suspects, by the police, has become very common in Zambia.

South Africa's courts and Muslim marriages

In South Africa, Muslim marriages are not legally recognized. While there are movements afoot to afford them recognition, we do not know when it will happen. In the meantime, it is necessary to consider ways in which Muslim parties can protect themselves until that happens.

ZIMBABWE: Training Teachers to Cope with HIV-positive Students

Eleven-year-old Memory's grandmother wanted her to drop out of school because she is not going to live long enough to complete her studies. And the ridicule and stigma Memory endures at school because of her HIV status does not make her education seem worthwhile. Especially since this ridicule comes from her teacher. The school offers a good foundation for shaping how people behave in society, and all this centers around the teacher. So, Zimbabwe has started to train teachers to cope with HIV- positive students.

South Africa Sends Search, Rescue Teams to Haiti

South Africa is sending a team of search and rescue specialists to Haiti in response to the devastating earthquake, on Tuesday. It is the first of several teams being sent by a local civic group.

Civil Rights Group Seeks Enforcement of Ruling Declaring Zimbabwe's Land Distribution Illegal and Racist

A South African civil rights group is taking legal action to try to enforce a court ruling that labeled Zimbabwe's land distribution program illegal and racist.

Mourning Togo Football Team Denied Access to Tournament

Officials from the Africa Cup of Nations have denied a request by the Togolese Football team to join the tournament in Angola late following a deadly border ambush last week that left three members of their entourage dead.

Angola Arrests 2 Suspects in Connection with Togo Team Attack

Angolan authorities say security forces have arrested two individuals allegedly involved in the deadly attack on Togo's national football team on the eve of the Africa Cup of Nations. Despite the Togolese team's subsequent withdrawal, the tournament opened Sunday night in Luanda with a 4-4 tie between Angola and Mali.

African Cup Kicks Off in Angola Despite Deadly Attack on Togo's Team

Angolan officials say African Cup of Nations tournament goes ahead as planned, but Togo's PM pulls out his country's team after Friday's attack.

Cape Town beaches reopen after South Africa shark kill

Cape Town has reopened its beaches which were closed after a Zimbabwean man was killed by a great white shark off the South African coast.

Hull boss Phil Brown criticized for World Cup comments

World Cup boss Danny Jordaan says Hull manager Phil Brown is "ill-informed" to suggest there are doubts about South Africa's ability to stage the event.

Detailed Report

Political Developments

Southern African Leaders Discuss Madagascar, Zimbabwe at Summit

(Voice of America)

Southern African leaders have rejected plans by the leader of Madagascar to unilaterally organize national elections in March. And the leaders examined the situation in Zimbabwe at a summit Thursday evening in Maputo.

The leaders expressed concern over Madagascar in a statement issued following a special summit in Maputo of the security organ of the Southern African Development Community.

The statement said SADC "rejects any attempt to use democratic means, institutions and processes to," in its words, "legitimize governments that come to power through unconstitutional means."

It referred to the transfer of power last March in Madagascar that SADC has labeled a coup d'etat.

Current leader Andry Rajoelina took power, backed by the military, after then-President Marc Ravalomana was forced to resign and leave the country.

SADC has been mediating negotiations between the two leaders and two former Malagasy presidents, Didier Ratsiraka and Albert Zafy, which had led to a power sharing agreement in August.

But Rajoelina last month rejected the accord and appointed a retired military officer to organize elections in March.

The SADC leaders are to report to the African Union summit next month in Ethiopia.

The southern African leaders also urged the parties to the unity government in Zimbabwe to fully implement a power-sharing agreement signed more than one year ago.

The accord brought President Robert Mugabe and his former rival, Prime Minister Morgan Tsvangirai, into a government that is to organize national elections by next year.

But the accord has been hindered by disputes over Mr. Mugabe's appointment of allies as attorney-general and central bank governor.

SADC's mediator on Zimbabwe, South African President Jacob Zuma, suggested on South African national radio that lesser issues be put on hold so that the process can move forward.

"We could have the issues that probably are very difficult to agree [upon] but still say if we cannot [agree] can we park them and proceed? Are they so fundamental that we cannot move without [them]?" he asked.

Other disputes center on the appointment of provincial governors, international sanctions against senior leaders of Mr. Mugabe's ZANU-PF party and ZANU-PF objections to international radio broadcasts to Zimbabwe.

The Zimbabwean leaders are due to resume negotiations on the outstanding issues next week. Popular consultations on a new constitution leading to the elections are also to begin.

Mozambican President Guebuza to be Sworn-In for Second Term

(Voice of America)

Mozambican President Armando Guebuza begins his second term under a cloud of controversy over his landslide victory in last October's elections.

The opposition Renamo Party says the vote was marked by massive fraud. And 35 of Renamo's 51 members in the newly elected parliament boycotted Tuesday's inaugural session.

In his speech to the legislators, Mr. Guebuza pledged to work with them and called for improvements in the country's electoral laws.

Election observer groups have criticized Mozambique's electoral commission, noting its independence could be called into question because its members were appointed by the political parties.

The assembly elected its first woman speaker, Veronica Macamo of the ruling Frelimo Party, who is now the next in line for the presidency should it become vacant.

The head of the National Electoral Commission, Leopoldo da Costa, announced Mr. Guebuza's victory in November, saying official results showed he had received more than 75 percent of the votes.

The Renamo candidate, Afonso Dhlakama, received 16 percent, while the leader of a new party, Daviz Simango of the Mozambique Democratic Movement, received eight percent of the vote.

Frelimo won 191 of the 250 seats in parliament, giving it a two-thirds majority.

But Renamo Secretary-General Ussufo Momade quickly rejected the results, saying there had been widespread fraud.

He says the party does not recognize the elections and is demanding the results be canceled and a new vote held.

Renamo said there was widespread ballot-stuffing in some districts and that its observers had been expelled from others.

An observation consortium of religious and civic groups conducted a parallel tabulation of the vote and said there were indications of irregularities in six percent of the voting stations.

The group estimated fraud might have affected the outcome in one of the contests for the parliament and several of those for the provincial assemblies. But it concluded that the irregularities were not widespread enough to affect the overall outcome.

Mozambique's Guebuza sworn in for second term

(Times Live)

The millionaire businessman is under pressure to provide poor Mozambicans with the benefits of tourism and untapped mineral and energy resources that have started to draw foreign investors.

Guebuza won 75.46 percent of the vote in October's election, beating his rivals, long-time opposition leader Afonso Dhlakama, and Daviz Simango, the head of a new party.

His Frelimo party, in power since it led the country to independence from Portugal in 1975, won 191 parliamentary seats out of 250.

"We want to bring to the attention of the Mozambican nation that the time has come to set aside political differences, which characterized the competition for votes, and to devote ourselves, with all our strength, to the fight against poverty," he said in his inauguration speech.

He said the government would seek to partner with private sector companies, faith-based organizations and other civil society groups in its bid to reduce the number of poor people.

Mozambique is one of Africa's poorest countries and still relies heavily on donor aid after a 17-year civil war which ended in 1992. However, it has growing economic potential, with economic growth at 6 percent in 2008 and expected at 4.5 percent in 2009.

Guebuza made his fortune in the energy, transport and port industries.

Mozambique President Dissolves Cabinet before Inauguration

(Voice of America)

Simeao Pongoane, VOA Mozambique correspondent says at least 10 presidents from the southern African region have confirmed their attendance at the swearing-in ceremony. "President Guebuza dissolved his government last night ahead of the ceremony that is going to take place in a short time today," he said.

Many southern African regional leaders have reportedly also confirmed their participation in President Guebuza's swearing-in. Pongoane said several heads of state have arrived.

"Last night President (Robert) Mugabe of Zimbabwe arrived (and the) President of Tanzania (Jakaya Kikwete) arrived," Pongoane said.

President Guebuza, who is also chairman of the Southern African Development Community's (SADC) troika, is scheduled to lead a special summit after his swearing-in. The summit is expected to focus on resolving the ongoing political crisis in Madagascar as well as tensions in neighboring Zimbabwe's unity government.

Pongoane said President Guebuza has a full schedule.

"In fact, after this swearing-in ceremony this afternoon, the president is going to chair this meeting or summit of the troika to discuss the situation in the region especially, in Madagascar, Zimbabwe, Lesotho, Democratic Republic of Congo and this thing of Angola. As you are aware, the Togolese team was attacked when (they) were going to take part in the African Cup of Nations," Pongoane said.

He also said foreign ministers of the southern African region met last week in the Mozambican capital, Maputo, and held discussions on political crises in Zimbabwe and Madagascar.

South African Officials Dismiss World Cup Concerns after Angola Attack

(Voice of America)

The head of South Africa's Organizing Committee for the football World Cup, Danny Jordaan, is pleading for fairness. He says the attack against Togo's national team prior to the Africa Cup of Nations in Angola had nothing to do with South Africa's ability to hold the World Cup in five months.

"We should not be asked, nor should we be condemned by what happened in a country far away from us, because we do not apply the same standard when we come to any other country," he said.

During a news conference in Johannesburg, he said the attack occurred thousands of kilometers from South Africa in a region where separatist guerrillas have been operating for decades.

He said that is like questioning Germany's ability to hold the 2006 World Cup because of the terrorist bombings in Spain and Britain.

The football community was shocked by the attack on the Togolese team as it traveled by bus Friday from its training camp in Congo Republic to the Angolan enclave of Cabinda.

The team's assistant coach and spokesman were killed in the attack and its back-up goalkeeper is in critical condition after undergoing surgery for his wounds in a Johannesburg hospital. At least seven other people were also wounded.

The Front for the Liberation of the Enclave of Cabinda claimed responsibility. For three decades the group has been fighting for independence in the oil-rich territory.

One of its leaders said the target of the attack was not the Togolese team, but its Angolan security escort. He said the violence would continue if the Angolan government rejected its offer of dialogue.

A second faction of FLEC also claimed responsibility, but said it was suspending any action during the tournament.

Angolan authorities have tightened security in Cabinda and say they have arrested two suspects in the incident.

Monday's opening match in Cabinda between Togo and Ghana was canceled after Togo withdrew to observe three days of mourning. But the second match between Ivory Coast and Burkina Faso went ahead without incident, ending in a nil-nil draw.

Earlier that day, Malawi upset Algeria three-nil in Luanda

World Cup organizers, backed by football's governing body, FIFA, say South Africa will be ready for the event that is expected to draw 400,000 fans from around the world.

Work on five new stadiums and five refurbished arenas has been completed. Thousands of new police officers have been recruited and security equipment worth millions of dollars has been bought.

Officials also note the country has hosted dozens of major international sporting events, including the rugby and cricket world cups, the African Cup of Nations and last year's Confederations Cup, without incident.

Witness in Zimbabwean Politician Case Denies Ownership of Some Weapons

(Voice of America)

Weapons dealer Michael Peter Hitschmann took the stand on the resumption of the trial of Zimbabwe's deputy Agriculture Minister-designate Roy Bennett, who is facing charges of illegal possession of weapons for purposes of terrorism, banditry and insurgency. Hitschmann, the prosecution's star witness, has submitted an affidavit saying he did not want to testify against Bennett.

The prosecution alleges Hitschmann was paid by Bennett to buy weapons to assassinate government officials.

Hitschmann denied having written e-mails that were produced in court linking him to Bennett. Attorney General Johannes Tomana for the prosecution also made reference to statements Hitschmann made during his own trial for possessing weapons. A policeman who gave evidence earlier admitted the statements were made under duress.

Defense counsel Beatrice Mtetwa argued the statements had no bearing in the case against Bennett. Attorney General Tomana said Hitschmann might be impeached for giving evidence that contradicts his statements. Trust Maanda, a member of the defense team, explains.

"The state was about to tell the court that he is departing from his initial statements therefore they wanted to as Mr. Tomana said impeach him, that is to have his evidence discredited," Maanda said.

The judge is expected to make a ruling on whether the statements are admissible when the trial resumes Wednesday.

Bennett's party says the charges are politically motivated. President Robert Mugabe has refused to swear him into office until he is cleared of the charges.

Hitschmann was acquitted of terrorism charges in 2006 but was convicted of possessing dangerous weapons for which he served time.

Zimbabwe Prepares for Constitution Outreach Program

(Voice of America)

Zimbabwe took another step towards drafting a new constitution as hundreds who make up the outreach team gathered in Harare. Munyaradzi Paul Mangwana, one of the chairpersons of the parliamentary committee charged with delivering a new constitution explained what the three days of training entails.

"The main objective is to get them to appreciate the nature of the work they are about to embark on to find common ground and also to prepare a document which will be used to elicit the views of the people," Mangwana said.

Mangwana added that as agreed in the deal that brought about Zimbabwe's national unity government, the country's new constitution has to be based on consultation with the people. A referendum will be held after the draft constitution is written.

The members of the outreach team will be split into committees that will look at specific areas. The 600-member team is comprised of representatives of civil society groups. Legislators will also be part of the process.

Zimbabwe National Liberation War Veterans Association Vice Chairman Joseph Chinotimba described to VOA how the process will be a non-partisan exercise. He says he would like to see a truly Zimbabwean document, which is not influenced by any political party.

He says it would not work if the constitution is written by people doing it for the Movement for Democratic Change or for Zanu-PF because in 10 to 20 years time a new generation will come that will reject it.

Themba Dlodlo from Matabeleland province said he wants a constitution that decentralizes power.

"At the moment we have a system where one man runs the country with a few of his clansmen and a few of his party supporters, so it is a one-party one-man system," Dlodlo said. "As far as people in Matabeleland, they feel that perhaps a better system of representation is proportional representation."

The ongoing exercise is the second attempt by Zimbabwe to adopt a new constitution. In 2000 a draft constitution was rejected in a referendum. The country's constitution has been in place since independence in 1980. It was a result of the agreement reached between former colonial power Britain and the nationalist groups that were fighting for independence.

Togo PM Recalls Team from African Cup

(Voice of America)

Togo's prime minister says its national football (soccer) team must return home immediately and not compete in the African Cup of Nations tournament in Angola set to

begin Sunday.

Gilbert Hounbo made the announcement Sunday in Lome, two days after a deadly ambush on the team's bus in the Angolan enclave of Cabinda. The prime minister said if a team presents itself "under the Togolese flag," it will be a "false representation."

The Togo team said Saturday it planned to stay and play in the tournament, even though Togo's government had said it was recalling the squad.

Team members have not issued a statement since the prime minister's Sunday announcement.

Togo midfielder Alaixys Romao said Saturday the team is "determined" to participate in the competition. He said the team cannot let the victims down "and leave like cowards."

The Togolese team bus was attacked Friday as it crossed from the Democratic Republic of Congo into Angola's Cabinda region.

Gunmen killed the bus driver, Togo's assistant coach Abalo Annalete and its spokesman Stanislas Ocloo. At least seven others were wounded.

Among them is goalie Kodjovi Obilale, who was evacuated to South Africa where he is recuperating from surgery.

A separatist group, the Front of the Liberation of the Enclave of Cabinda, that has long operated in the oil-rich Cabinda province has claimed responsibility for the attack on Togo's bus. The rebels said Sunday the attacks will continue.

The insurgents' commander, Joao Batists, told VOA the gunmen were not trying to target the Togolese team specifically, but rather Angolan security forces.

Despite the violence, the Confederation of African Football (CAF) says the tournament will open as scheduled in Cabinda. Togo is scheduled to play Monday.

Angolan government and tournament officials held crisis talks Saturday on the security situation.

Angola's Prime Minister, Paulo Kassoma, called the attack an "isolated act" and said the safety of the tournament's teams are guaranteed.

FIFA, football's international governing body, offered its utmost sympathy to the Togolese team. It said it expected a full report from the organizers, the Confederation of African Football.

Probe of Angolan separatist opened

(Times Live)

The prosecutor's office is looking into remarks made to various media by Angolan separatist leader Rodriques Mingas who claimed responsibility for the attack in the northern Angolan region of Cabinda. The driver and two team officials were killed.

Angola had protested to the French authorities about the failure to take legal measures against Mingas, whom the Foreign Ministry says is a French citizen, and restrict his movements.

The inquiry will examine whether the prosecutor can file formal charges against Mingas for inciting "acts of terrorism."

Mingas is quoted as saying that all blows are permitted in war. "In war, anything can happen, it's just starting."

The French Foreign Ministry said at the time that such remarks were unacceptable. Mingas talked to numerous French and foreign media via cell telephone.

In a statement late on Friday, the ministry stressed that France would not "tolerate such justifications for violence."

Regional summit this week on Zimbabwe, Madagascar

(Times Live)

The security organ of the Southern African Development Community (SADC), known as the Troika, will meet from 5:00 pm (1500 GMT) on Thursday, a Mozambican foreign ministry official told AFP.

"There will be Troika meeting tomorrow," he said. A senior Zimbabwe government official told AFP that President Robert Mugabe had already left Harare to attend the meeting.

"President Mugabe left this afternoon for Maputo to attend an extra-ordinary summit of SADC, which is expected to discuss the Zimbabwe situation and unfolding events in Madagascar," the official said in Harare, speaking on condition of anonymity. The summit will take place following the swearing-in of Mozambican President Armando Guebuza to his second term in office.

Guebuza currently heads the Troika, which also includes Zambia and Swaziland. Zambian President Rupiah Banda will attend the summit, as will South African President Jacob Zuma, their offices said. Last week SADC foreign ministers met in Maputo where they also discussed Zimbabwe and Madagascar.

The regional bloc has been due to review progress in Zimbabwe's unity government after a special summit in November broke a deadlock that threatened to sink the deal. South African mediators have since held talks in Harare among the rival Zimbabwe parties to settle a slate of differences between Mugabe and his partner in the unity government, Prime Minister Morgan Tsvangirai.

Tsvangirai's spokesman James Maridadi said that he did not know about the summit and that the prime minister would not attend. "The prime minister is currently on leave, and he is not going to the summit. We are not aware of it," Maridadi said. It was not immediately clear if Madagascar's leaders would attend the summit.

Disagreements between the island nation's four main political groups have scuttled repeated efforts to end the impasse; with de facto leader Andry Rajoelina trampling on previous deals with rivals to form a unity government.

International mediators last week called for elections in Madagascar to end the prolonged political crisis, after Rajoelina took power last year with the army's blessing, following a wave of public protests.

ZIMBABWE: Constitutional Reform Resumes

(Inter Press Service News Agency)

"We will not make the blunder we made in 2000, of being told to just vote yes or no without any details of what that entailed," says Jacqueline Manyonga, who sells plastic carrier bags at the Mbare Musika vegetable market in Harare.

"This time I want to go into those meetings and share my ideas on what ought to be done. I have already come up with my own ideas regarding terms of office for the president, and the recognition of (the informal sector's) contribution to economic growth."

Elsewhere in Harare's Mbare market, Shadrack Dube also has a view on the drafting and amendment of the constitution.

"If you look at the current constitution and the other drafts that have been proposed, they are more biased towards the politicians than us, the ordinary citizens," says Dube.

"If you look at all the things that are being said about the Kariba draft for example, it is all about terms of office for politicians, and nothing for the ordinary person. We also need our space in the running of affairs in this country."

Defining the debate

Redistribution of land, limits to executive powers, devolution of power to regions; Kariba draft, NCA draft, Constitutional Commission draft: civil society organisations have been running awareness campaigns across the country for months, helping Zimbabweans from all walks of life gain an understanding of the terms of the debate.

"People are eagerly awaiting the outreach teams," said Okay Machisa, director of the Zimbabwe Human Rights Association.

"In the meetings we have held, people expressed various views on what they would like to see in the new constitution and we will soon be launching a report on these. Most people suggested that an individual should be allowed two presidential terms of five years each."

The chairperson of the Matabeleland Constitutional Reform Agenda, Effie Ncube, said his organisation had held hundreds of meetings in Matabeleland North and South, Bulawayo and the Midlands provinces.

"In the places we have been to, people want the constitution to be clear on such issues as devolution of power, as is the case in some African and European countries," said Ncube.

A tool for citizens

It was civil society that established the National Constitutional Assembly in 1997, during growing protests and strikes against the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) led by Robert Mugabe. Its purpose was to increase popular awareness of and participation in constitution-making.

Within two years, Mugabe's government had begun a constitutional reform exercise in response to this pressure. A Constitutional Commission was established which produced a draft that was put to a vote in a February 2000 referendum.

Among other things, this draft proposed the acquisition of land from white commercial farmers, with the British government compensating the farmers. If the British government refused to pay to buy land for redistribution, there was a provision for the government to proceed to expropriate land without compensation.

The NCA campaigned for the rejection of the Constitutional Commission's draft, putting forward an alternative constitution which among other things proposed to limit executive powers.

"I voted no, simply because I was convinced this was a better option than to vote yes, which was being funded by the ZANU-PF government. And we had been told yes simply meant the government should go ahead and repossess all commercial farms and send us back to our homes," says Dube, a former commercial farm worker.

But is it just paper?

The government draft was duly rejected, but veterans of Zimbabwe's war of liberation, closely aligned to ZANU-PF went ahead and violently seized many farms from white commercial farmers. The farm where Dube worked was taken in 2002, and he says he was left with no option but to head to Harare, where he started a new life as a vendor.

"I failed to understand when people started blaming that no vote for the constitutional problems that we later faced in the country. They said things would have been better if people had voted for the government-sponsored draft. This time I will only support a constitution that I know will also contain and respect my own views."

The drafts in circulation in 2000 were both written by a few individuals, and members of the public only got involved when they were asked to vote for or against the government's version.

Trying again

This year things are meant to be different. The Constitution Parliamentary Committee (COPAC) intends to use extracts from various existing drafts. These, says co-chairperson of the committee Douglas Mwonozora, will guide citizens in making constructive input into the process.

"Our outreach programme is not going to be based on a draft document. We are going to use talking points," he says.

Thematic committees will present questions to members of the public, and their answers will be gathered into the talking points, which will then be debated.

Individuals in thousands of meetings across the country will be able to draw their suggestions from any document they choose - including the Constitutional Commission draft rejected in 2000, the alternative draft put forward at that time by the NCA, or the Kariba draft drawn up by the negotiating teams that produced the Global Political Agreement that brought a bitter post-election struggle to a close in September 2008.

Parliamentarians and civil society members attended preparatory sessions on Jan. 5 and 11, briefing them on their roles during this nation-wide outreach programme expected to last just over two months.

The Global Political Agreement's implementation has been marred by a series of high-profile disputes over key appointments, reform of the security services and the revision of legislation.

Progress in drafting a new constitution could be seen as a positive sign that the governing parties are all committed to respecting their 2008 commitments, as well as giving Zimbabwe's people the opportunity to decide how they themselves wish to be governed.

"This is the time we have been waiting for, and I cannot allow this opportunity to skip me," says Manyonga at her stall in Mbare Musika.

Economic Developments

Diamond Auction Cancellation Gives Zimbabwe Breathing Room

(Voice of America)

Evidence of government-led human rights abuse in diamond mining areas, smuggling, and weak internal controls have placed Zimbabwe on a watch list for noncompliance with a Kimberley Process plan of action agreed to by Harare at a meeting last November.

Diamond campaigner Amy Barry of the watchdog group Global Witness says that if today's auction had gone ahead, Zimbabwe might have lost its bid for Kimberley certification and an untainted opportunity to market its precious minerals worldwide.

"Part of the action plan that was agreed after the Kimberley Process monitoring group visit to Zimbabwe was that they would not export diamonds without prior agreement from the Kimberley Process Scheme. And that obviously didn't appear to be the case. So for us, it was a signal of a lack of respect for the action plan that had been agreed," she said.

Global Witness expressed disappointment that Zimbabwean authorities did not reveal their cancellation plans well in advance to Kimberley Process bodies. But human rights groups nonetheless welcomed Thursday's cancellation by Prime Minister Morgan Tsvangirai as a positive step until it could be confirmed that Zimbabwe is complying with the Kimberley certification process.

The Kimberley Process was set up seven years ago to stop the flow of so-called blood diamonds sold by rebel groups to finance their war operations. International certification was set up to assure consumers that by purchasing diamonds they were not financing war and human rights abuses. In the case of Zimbabwe, Kimberley monitors are hoping to curb mineworker abuse by the country's military, who have been cited for extreme labor

practices that allegedly serve the interests of politically influential citizens and government officials.

Global Witness advocate Amy Barry says the Harare government needs to work more closely with Kimberley monitors to ensure that meaningful reforms will be implemented.

“It’s imperative that the country as a whole cooperate with the Kimberley Process and with the recommendations of the action plan because if they failed to do so, then they will not be in compliance and therefore, they shouldn’t be exporting all mining diamonds,” she noted.

Barry points out that cleaning up the diamond sector requires Zimbabwe to halt military excesses in which violence is used against local villagers and forced labor. The workers are poorly paid and subject to deteriorating living conditions and demands that they turn over most of their yields to senior government and ZANU-PF officials. The Global Witness observer says that compliance with the Kimberley Process will require Zimbabwe to end these practices.

“If the military is benefitting, then that is not something that we think is in line with the spirit or the letter of the Kimberley Process...and they shouldn’t be considering export or profit for anybody from the diamond industry until they can prove that there are no human rights abuses going on and the areas where the diamonds are found are not under military control,” she contends.

Tuesday’s auction had been scheduled to be conducted by South Africa’s Mbada diamonds company under an agreement with the Zimbabwe government. Amy Barry says that by going ahead with the trading, Zimbabwe most likely would have been in violation of the action plan agreed to at a Kimberley Process meeting last November in Namibia.

“One of the conditions was that the diamonds would not be exported. So in principle, an auction could have taken place and international exporters could have bought their diamonds and kept them within the country. But in that situation then, Zimbabwe would not necessarily have been in breach of the action plan. However, the usual reasons for purchasing governments is to go ahead and sell them. And if international buyers were to be at the auction, which we understand was to be the case, then the logical assumption would be that those diamonds were there to be sold overseas,” she advised.

Kimberley Process monitors have given Zimbabwe six months to curb abuses, ease military restrictions, and improve conditions in Marange for local residents. For now, Zimbabwe’s late-hour cancellation of a questionable mineral sale will give the government some latitude to determine whether or not it truly wants to pursue the international legitimacy it seeks from Kimberley Process ratification so it can openly market its mineral wealth for profit.

ZIMBABWE: Economy Crippled By Political Uncertainty

(Inter Press Service News Agency)

Investor interest in recent years has been in portfolio investment (the passive holdings of securities such as foreign stocks, bonds and other financial assets) on the Zimbabwe Stock Exchange and in mining.

Currently most businesses are in need of recapitalisation to boost production and restore viability. The proposed privatisation of potentially profitable parastatals such as Air Zimbabwe, the National Railways of Zimbabwe, Cold Storage Company and Tel One offers significant investment opportunities.

Many investors are making limited investments and waiting to see if the coalition government remains in place to implement a sustainable economic recovery.

Reforms in the financial sector such as the removal of cash movements controls; price controls; and the introduction of multiple currencies such as the U.S. dollar and the South African rand have seen a number of big international companies committing themselves to doing business in Zimbabwe.

"We are in it, and in it for the long run. The secret is timing and being the first to move and get the best opportunity," said Geoff Goss, Country manager for London Stock Exchange-listed conglomerate Lonrho.

In 2008 and 2009, Lonrho invested \$60 million in telecommunications, pharmaceuticals and drug manufacturing interests over the past two years.

"If investors are waiting for the resolution of political issues then they might miss real business opportunities," Goss said.

He is, however, worried about the continued existence of laws that hamper affect business operations such as strict requirements controlling work permits for expatriates.

He said the country's new government now "needs to finish what they started". Munyeza was referring to outstanding political issues affecting the government, including the long-delayed appointments of a central bank governor and an attorney general.

"If the politics is sorted then investors will flock to this country in two years time," said Tsuyoshi Thomas Ueda, manager of Metals and Minerals at Sumitomo Corporation of Japan.

Prominent businesswoman and chair of the government's Zimbabwe Investment Authority, Marah Hativagone agrees that political stability is the only thing standing between investment and disinvestment in Zimbabwe.

"It's important to have an ongoing political and economic stability coupled with a highly de-regulated economy where investors are the masters of their own destination," Hativagone told IPS.

Gilberto Rodrigues, an executive with Portuguese firm Motaengil, shares Hativagone's view. "There are more complicated countries, like the DRC, which are still experiencing political problems. But people go and invest there," Rodrigues said.

"The government of Zimbabwe is aware that the foundation for any investment is a commitment by government to guaranteeing that the rule of law is applied and adhered to without fear or favour. If business is the engine of economic growth, then the rule of law is the fuel that drives that engine," Zimbabwe Prime Minister Morgan Tsvangirai told IPS at an investment conference held in Harare in July 2009.

A Bilateral Investment Promotion and Protection Agreement signed with South Africa in November is expected to boost confidence amongst investors. But so far, the agreement has offered little protection to South African farmers who have been displaced from farms by squatters, with the tacit support of the police.

A recent incident involved one of the 79 farmers who last year won a case heard by the Southern African Development Community Tribunal, which ruled that the Zimbabwean government for illegally seizing their land; squatters gave South African citizen Ray Finaughty was given just hours to leave his farm, and police refused to intervene, telling Finaughty that the matter was "political".

"Investors are very mindful of the security of their investment. If we don't stop continuing farm invasions no investors will come into the country," said Henrick Olivier, chief executive officer of Zimbabwe's Commercial Farmers Union, a grouping dominated by mostly white farmers with significant land holdings.

Control of Zimbabwe's security forces, and direction of its legal services are among the vital, but unresolved aspects of the Global Political Agreement that created the present government, which unites the Zimbabwe African National Union-Patriotic Front of President Robert Mugabe, with its bitter rival, the Movement for Democratic Change led by Prime Minister Tsvangirai and a smaller MDC faction under Arthur Mutambara.

The appointment of an attorney-general and a central bank governor, as well as the reform of the police, army and intelligence services are at the top of the agenda when negotiators from the three parties resume discussions on Jan. 16. The government is yet to appoint provincial governors and new ambassadors; or to set up new media, human rights, electoral and anti-corruption commissions.

Should these issues remain unresolved, South African president Jacob Zuma would be called upon to intervene in his capacity as SADC facilitator for Zimbabwe's political crisis. If investors are to feel secure enough to put money directly into Zimbabwean businesses, the New Year will need to be marked by new momentum in power-sharing talks that have dragged on since September 2008.

Social Developments

ZAMBIA: Police Breaking the Law to Prevent Crime

(Inter Press Service News Agency)

Detaining someone without cause is against the law in Zambia. But the country's police continue to do this, specifically targeting the female relatives of a suspect, in an attempt to gather information or force the suspect out into the open.

The practise is so common that Zambians have accepted it as an inevitable part of investigations. However, legal aid clinics are now trying to increase public awareness to stop this practice and demanding that the officers involved be charged with breaking the law.

Women and Law in Southern Africa (WILSA) executive director Matrine Chuulu says the illegal detentions are an abuse of power and a blatant violation of people's rights. WILSA provides free legal aid to women and is now leading the campaign against illegal detention.

"It's ironic that the very institutions that are supposed to protect are the ones violating people." Chuulu says police have taken advantage of the power they have in society. "The police need to know that they are not above the law, they should be penalized like anyone else."

Mwale says it is obvious that the police who detained her were aware their actions were illegal. She was released from detention soon after a neighbour threatened to go to the media and expose the police for unlawfully holding her.

Former police inspector Anthony Musamba, who is retired after 35 years in the police service, admits that as a junior officer he locked up female relatives of suspects because it was the easiest way of getting 'a move' on an investigation.

He says criminals often use the female members of their families to hide their misdeeds. For example a man usually hides stolen goods at his girlfriend's or mother's house, or will send a female relative to run errands for him. Musamba says the belief among criminals is that women are less likely to be suspected of criminal activity and are deemed loyal and trustworthy.

"When you are investigating a crime, your best bet when it comes to getting information is to apprehend the strongest link to a suspect, usually a wife, mother or daughter. They are also the ones that organise things like bail; they are also a (source) of much information. That is why they are picked up."

A decade ago the Zambian police was known for using force and illegal methods in their investigations - including such practices as illegally holding relatives of suspects. But this

started to change around the early 1990s. It was around this time that people became more aware of their rights.

Civil society also became more aggressive in forcing institutions, especially the police, to practise good governance, explained Musamba. He is currently a fourth-year law student.

"That's when we even changed from calling ourselves the Police Force, to the Police Service. We acknowledged human rights and service (as) part of our obligations."

But police spokesperson Bonnie Kapeso is convinced that the arbitrary arrests of relatives of suspects are a thing of the past. He says officers are now more sensitised and mindful of people's rights. He claims not to have received a complaint about police illegally detaining relatives in "a long time".

"At every police station, the officer in charge holds weekly lectures and some of the (topics are) on human rights and the proper conduct during investigations. Police are told not to hold individuals who are not suspects." But this is not the reality, say police officers in the field.

Speaking anonymously, officers manning a police station in a crime-ridden township just outside the Lusaka Business District are unrepentant.

They say when investigating a crime, they will pick up 'whoever they find at (the suspect's) home'. The officers say they are happier if they find the wife of a suspect at home because they believe that her illegal detention will give them a break in the investigation.

It is because the woman is usually the one who holds the family together in the absence of her husband, the police officers explain. "There is more pressure to have her return home quickly so that she can continue to look after the family," one officer says.

The officers interviewed by IPS insist that this is par for the course in all police stations. "We do what we have to do in order to get the job done," one officer explains, adding that they do not detain just anyone illegally.

"It's only when we have reason to believe they have information we need," the officer says. "Most of our successes in apprehending criminals are achieved through detaining close relatives of suspects, especially female relatives. But human rights activists jump on our backs as though we are deliberately violating people's rights, they do not consider the rights of innocent people being harmed by crime."

Kapeso says if police still arrest or detain people for no reason other than that they are close to the suspect, then it is up to the victims to institute legal action against police. "The police are not allowed to do this, so if there are any officers still making false arrests, they should be prosecuted."

Chuulu says this is easier said than done. More often than not relatives are afraid of suing the police because it might jeopardise the case of the suspects. "They feel that the police

might use it to punish the suspect or just make the case difficult. It is very difficult because the police are in such a powerful position."

She gives the example of the case of the case of Mohan Mathews, a high profile businessman in jail for suspected murder. His mother was illegally detained for two days when he jumped bail. She was released when WILSA threatened court action. Mathews was eventually caught, almost a month later.

"The two days that Mathews' mother was held while police were looking for her son or using her arrest to force her son to give himself up amounts to false imprisonment for which she can be compensated in a civil matter. But she has refused to pursue the matter for fear that it would call more attention to her son's case," Chuulu says.

Mwale agrees that suing the police is difficult. When she tried, she found that the police protected their own officers. Like many in her situation, the record of her 'arrest' was not documented in the police daily occurrences book where all incidences are reported.

"It was my word against theirs and they banded together to make me look like a liar. As I did not have a leg to stand on, I abandoned the action."

Aaron Chumba, a paralegal with the Legal Resources Foundation (LRF), experiences the same frustration. The LRF, a non profit organisation providing free legal aid, receives about twenty to thirty complaints a month from people about rights violations. About half of these are of false imprisonment by police.

While the LRF has had some success with suits against police officers, the compensation is little, discouraging victims. In those cases the police officer was also allowed to continue working and in some cases repeated the same violations.

But there is hope, Chumbu says. The Zambian government plans to recover compensation awarded to victims of police officers found abusing the law by the courts, from the police officers concerned.

"This might act as a deterrent, as policemen are already underpaid, so cuts to their salaries would be unwelcome. But the most important thing is to change the mindset of police so that they are able to behave better, and to educate the public on their rights," Chumba says.

In the meantime, Chuulu says WILSA will continue to seek justice against police officers abusing the law.

South Africa's courts and Muslim marriages

(Africa Files)

In South Africa, Muslim marriages are not legally recognised. While there are

movements afoot to afford them recognition, we do not know when it will happen. In the meantime, it is necessary to consider ways in which Muslim parties can protect themselves until that happens. Shari'a, in fact, provides a remedy for protection within the marriage, namely the conclusion of a written marriage contract. Shari'a recognises a Muslim marriage as a contract, which means that parties can include agreed upon terms in the marriage contract. Therefore, it is up to parties to be proactive and to ensure that they conclude a contract when entering marriage.

REASONS TO CONCLUDE A MARRIAGE CONTRACT

Most people who enter marriage do not want to contemplate the possibility that the relationship may end in divorce or that the relationship may not meet their expectations. In fact, it is hoped that every marriage will be successful. Unfortunately, divorce is a real possibility so it would be unwise for those entering marriage not to make provision for the possibility that it may happen.

A marriage contract is additionally important if either party wants to legally enforce a term of the contract that the other party is failing to uphold. South African secular courts have indicated that terms of a Muslim marriage contract are enforceable in court. If parties have rights accruing to them from the marriage or divorce and those rights have been recorded in a marriage contract, they will be able to enforce them in a South African court. It is preferable for the contract to be in writing because that constitutes proof of the agreement. It is more difficult to prove that you have entered into an oral contract because you have to rely on the testimony of witnesses, which is not always possible, for example, if the witnesses are not available.

Some women may also not consider a marriage contract because they fear that their fiancés would refuse to marry them if they insisted on having one. Yet, if a man is not willing to guarantee his future wife's protection in writing before he marries her, what guarantee does she have that he will protect her after they are married? And if he is not willing to recognise the rights that Shari'a affords her, then he is not worth marrying in the first place. A person would only fear entering a written contract if she or he does not intend or does not think she or he will be able to uphold the terms of that contract. In fact, parties should recognise that a marriage contract could benefit them both because they could each hold the other accountable to the terms of their marriage contract.

POTENTIAL TERMS FOR A MARRIAGE CONTRACT

which rights could one include as terms in a marriage contract to ensure sufficient protection? The list could be endless. But here are some that immediately come to mind:

- Parties could agree on the type of matrimonial system that should apply to their marriage. For example, they could decide that they wish to have a combined estate so that if the marriage ends, there would be a 50/50 split of the assets accrued during the marriage.

Or they could decide to keep their estates separate throughout the marriage but agree that, if one contributed to the maintenance or increase of the other's estate, then that contribution should be compensated by the other party. In the latter instance, it would be advisable for parties to keep a record of purchases made during the marriage so that each has proof of whatever contributions she or he made.

This becomes important when there is a legal dispute because the judge will only be able to make an award for contributions if, firstly, there is proof of payment and, secondly, there was an agreement that the contributions should be compensated.

- The parties could record the 'mahr' that has been agreed upon and stipulate precisely when payment will be made.
- The parties could agree that the wife will be entitled to 'tafwid-ul-talaq' i.e. that the husband delegates his right of 'talaq' to his wife. She would then be in a position to release herself from the marriage without having to apply for faskh or wait for her husband to issue 'talaq' against her.
- The contract could also record the wife's right to obtain 'khul'a' without requiring her husband's consent in exchange for the return of her 'mahr'.

Although some members of the South African 'ulama' think that 'khul'a' can only be granted with the husband's consent, there are many 'fuqaha' in Muslim countries that believe otherwise. For example, Egypt, Nigeria, Bangladesh, Pakistan, and the Philippines have codified 'khul'a' into their family laws as a form of divorce available to the wife that does not require her husband's consent. In fact, the khul'a codification in Egypt emanated from a fatwa of Al-Azhar University, which is globally accepted as the 'seat of Islamic scholarship'. So it would be quite feasible for a contract to include 'khul'a' as not requiring the husband's consent.

- The parties could further agree that should the husband take a subsequent wife, the consent of the first wife should first be obtained, failing which she will have the right to exit the marriage without requiring 'talaq' from her husband.
- In the event that the husband takes a subsequent wife, the parties could moreover agree that the husband and all existing wives should go for HIV testing on a regular basis and that for example, failure by the husband to do so will entitle the wife to be released from the marriage without his permission. In fact, this is a condition that could also be included if the parties were to remain monogamous.

This is an important issue to consider given the high prevalence of HIV/AIDS in South Africa and the fact that among others, it is directly linked to circumstances involving multiple sexual partners.

- The parties could also agree on guardianship and custody arrangements relating to children born of the marriage in the event that the marriage dissolves. However, any dispute relating to minor children will ultimately be decided by a South African secular court, which will consider the best interests of the child as the primary criterion for its

decision.

- As part of the husband's maintenance obligation, the parties could agree that the wife will be remunerated for: Periods of breastfeeding; childrearing; and all household work that she performs (unless the husband undertakes to hire a domestic assistant).

The agreement could stipulate that failure by the husband to adhere to these terms of the contract would afford the wife sufficient grounds to obtain divorce.

- The parties could undertake to treat each other with respect, kindness, and compassion. Furthermore, if the parties agree, the contract could record that their relationship will be based on equality and not the subservience of one party to another.
- The contract could also note that any form of domestic violence would enable the victim to exit the marriage without requiring the consent of the perpetrator.

The above points are some of the generic terms that could be included in a marriage contract. There may be issues that parties would want to make provision for that would apply specifically to their individual circumstances. Since the list is not exhaustive, there is no reason why terms other than those listed above cannot be included in a marriage contract, provided they are reasonable.

CONCLUSION

While a marriage contract would enable parties to assert their rights in the event that a marriage terminates in divorce, it can also serve to hold parties accountable for their rights and obligations within marriage. A contract can, therefore, be seen as an enabling mechanism to prevent abuse within marriage. It also affords the parties an opportunity to consider what marriage entails so that parties do not enter the bonds of matrimony lightly. It gives them a chance to think about what type of relationship they would want to have with their life partner and to set the terms to facilitate engendering that relationship.

It is no secret that the lifelong commitment encompassed by marriage is one of the most important decisions that any person can make in her or his lifetime. Therefore, we should encourage those contemplating marriage to seriously consider having a marriage contract. And for those who are already married but do not have a marriage contract; all is not lost. A marriage contract can be entered into at any time; before or after the conclusion of the 'nikah'.

ZIMBABWE: Training Teachers to Cope with HIV-positive

Students

(Inter Press Service News Agency)

In a country where aids agencies estimate 120,000 children are HIV-positive, school teachers are finding themselves increasingly in the frontline of the epidemic.

The National AIDS Council recently carried out a study that found "teachers had not received enough HIV/ART education to carry out their supportive role in paediatric and adolescent care and support".

And from Memory's situation it is clear that teachers are ill-equipped to cope with the number of HIV-positive children in schools.

Mbuya Tapera, Memory's grandmother, listens daily as her grandchild relates how she has been ill-treated by her teacher. "Her teacher believes she is wasting time by coming to school when it is obvious she will die before she completes her studies." "I think she is better off at home than at school," says Tapera.

But the situation in the country's schools has not gone unnoticed.

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) Harare Cluster office partnered with the ministry of higher and tertiary education to develop an HIV/AIDS manual for teachers.

The manual will be incorporated into the curriculum at teacher's training colleges from Jan 11, the start of the new academic year.

The manual will also be distributed to teachers who are already practicing. Special courses and workshops will also be held for those teachers already practicing.

"The role of the teacher in the fight against HIV/AIDS among other social development issues cannot be overly emphasised," says higher and tertiary education permanent secretary, Dr Washington Mbizvo.

He says the ministry believes teachers have the ability to develop the intellectual and spiritual capacity of the child. "It is important to enhance teacher education as a means of attaining an HIV/AIDS-free society. We have to ensure that all teachers are grounded in their knowledge of HIV/AIDS," says Mbizvo.

The director and resident representative of UNESCO, Soo Hyang Choi, says the development of the manual was influenced by a realisation that the involvement of teachers would boost the fight against HIV.

"Education can no longer be business as usual, teachers have to acquire adequate skills to be able to address these children in a sensitive and informed manner," said Choi.

Tapera agrees. "These teachers have no understanding whatsoever about HIV. For them whoever has the virus has been sentenced to death. It seems they do not believe that one can live a normal life with it. And it seems they just do not care to listen to some of us," added Tapera.

Memory tested positive in 2005, the year she started primary school. Tapera and other relatives got assistance from community support groups which helped Memory to accept her status and believe that she can still have a good quality of life

"When she went to school, we all believed school was the best place for her," Tapera says. But things have changed. Now everyone at the school knows that Memo is positive, and that her mother died of an AIDS-related illness. "All this is because of her teacher who makes it appear like Memory committed a serious crime," Tapera says.

Other students across the country have also experienced this stigma from their teachers.

Because of the lack of support at their school a group of HIV-positive youngsters in Gwanda, the provincial capital for Matabeleland South, grouped together and formed their own support group. Despite their knowledge about the virus they are not allowed to speak publically to other students at school about issues surrounding HIV.

"If (we) are seen or heard talking about HIV/AIDS or condoms, (we) will be in trouble with our teachers," said Musa Dube*, a member of the group.

But with the introduction of the manual, Musa and others in the group hope their teachers will now support them in their effort to live positively.

But Portia Munyoro, a trainee teacher at the Morgan Teachers' College in Harare believes teachers "are not that inhumane to ill-treat these (HIV-positive) children".

"As teachers, we know that our task is to help these children get a brighter future, whether they are (HIV-) positive or not," Munyoro says.

She says although she has attended a number of counselling workshops at schools and at ward level, she still finds it difficult when it comes to counselling children. "Counselling children is much more difficult than counselling adults because one has to simplify everything, and I hope this manual will equip us with ways of handling this challenge," Munyoro says.

"At times you try to use force for the children to open up, and this is probably where this talk about harassment comes from."

The manual was developed to address this, among other issues.

The manual has sessions on cultivating positive group dynamics, basic and technical information on HIV/AIDS, gender and sexuality.

Rita Mbatha, the founder and executive director of Women's Comfort Corner, a non-governmental organisation that works with women at the grassroots in communities, said the manual will go a long way helping not only teachers and pupils, but also women who do most of the work as care givers.

"Educators play an important role in the fight against HIV/AIDS, particularly in terms of ensuring proper care among infected and affected children. Teachers are best positioned to handle issues of denial and stigma among and against school children," says Mbatha.

She says the impact teachers can make on their students would cascade to the rest of the community.

"The school offers a good foundation for shaping how people behave in society, and all this centers around the teacher. I have no doubt this manual will provide the link that has always been missing between parents or guardians and teachers of children living with HIV," adds Mbatha.

South Africa Sends Search, Rescue Teams to Haiti

(Voice of America)

The head of South Africa's Gift of the Givers Foundation, Emtiaz Sooliman, says his group is sending up to three teams of search and rescue specialists to Haiti to help victims of the earthquake and hopefully save some lives.

"These are people who have worked with building collapses, urban search and rescue and some of them have been involved in responding to previous earthquakes so they are highly skilled," he said.

Sooliman says a second team is to depart as soon as he can book a flight for it. Flights to Haiti are difficult to obtain because of its damaged air control facilities and the large number of relief planes heading there.

Sooliman says the teams will also set up camps and see what medical facilities are available.

"Then we will send in specialized medical personnel, trauma specialists, orthopedic surgeons, trauma nurses, advanced life support paramedics, to work with other medical personnel on the ground or work on their own provided medical facilities are available," he said.

He notes that specialists in infectious diseases will also be needed because of the collapse of water and sewage systems in many areas.

Gift of the Givers is also lining up a charter plane to deliver more than 100 metric tons of supplies to the worst-hit areas. But Sooliman warns the international community must move fast or many lives will be needlessly lost.

"There are many men, women and children there who are completely at the mercy of the elements and must be sitting in pain with no food, no medical care, with broken bones. As a common humanity we need to move very fast to respond to the crisis of these people," he said.

Sooliman says his foundation is the largest disaster relief organization of African origin on the continent. With support from private donors and several governments in the region, it has worked in 25 countries including Somalia, Sudan, Mozambique, Iraq, Iran, Pakistan and Afghanistan.

Civil Rights Group Seeks Enforcement of Ruling Declaring Zimbabwe's Land Distribution Illegal and Racist

(Voice of America)

Under the policy, farms owned or operated by white farmers were seized and turned over to blacks, who had been denied land under white rule.

The ruling condemning that policy was handed down by a South African Development Community (SADC) Tribunal in 2008. But the group Afriforum says it has not been enforced and the practice continues.

“Afriforum had been approached by Zimbabwean farmers about six months ago. At that stage, they were in an absolute state of despair, “says the organization’s legal representative, Willie Spies.

Many white Zimbabwean farmers have left the country and are now farming elsewhere, Spies says, including in some other African countries.

“The few people that are left were actually without any hope and without any recourse in their fight against the current regime in Zimbabwe in order to protect their property rights,” he says.

Tribunal ruling

The lawyer compares the SADC tribunal to the European Union’s human rights court.

“It was actually ruled that the land reform policies of Robert Mugabe were unlawful, that they contravened human rights and that they were actually racist. Unfortunately,” Spies says, “the Zimbabwean government disregarded this ruling...and Mr. Mugabe, in his own words, said that the ruling was nonsense and of no consequence.”

Despite President Mugabe’s stand, Spies believes the ruling can be enforced. He says SADC’s judicial wing has taken a much harder stance against Mr. Mugabe than the political wing.

“In terms of the treaty that established the Southern African Development Community,” he says, “that treaty makes provisions for the enforcement of judgment of the tribunal in all of the territories of member states.”

He says that makes it possible to enforce the ruling, if not in Zimbabwe, then in South Africa, a member of SADC and a major trading partner with Zimbabwe. Enforcement could come in the form of attaching Zimbabwean assets within South Africa.

Taking it to court

Afriforum is taking the matter to the North Gauteng Supreme Court.

“What we have now decided is to leave the political processes aside for a while and try to see what we can accomplish with legal proceedings,” he says.

The first step, he says, is to get the tribunal ruling registered in South Africa.

“The effect of such a registration will be that rulings of the tribunal become rulings of a South African court as well, which means that if Zimbabwe is in contempt of those rulings, they are not just in contempt of the SADC tribunal, but they’re also in contempt of a South African court,” Spies says.

A South African court could then order Zimbabwean assets in the country be sold to reimburse white Zimbabwean farmers for their legal costs, he says. A decision on Afriforum’s case could come in late February.

White farmers would then have to go back to the SADC tribunal for a ruling on financial compensation for the loss of the farms.

If a ruling were made, Afriforum would try to get South African courts to take follow-up action.

Mourning Togo Football Team Denied Access to Tournament

(Voice of America)

After their bus was ambushed and three members of their entourage killed, Togo's national football team will not return to Angola to participate in the Africa Cup of Nations. The West African country's sports minister had requested that the team be allowed to enter the tournament late, following three days of national mourning. The request was denied by Confederation of African Football officials.

The team began three days of official mourning on Monday after arriving back in Lome late Sunday. Team captain Emmanuel Adebayor says it was a solemn homecoming.

Adebayor, who plays for Manchester City in the English Premier League, said it was difficult knowing the team had left with 33 men, but they were returning with just 30.

Before returning to Togo, Adebayor, and some of his teammates had expressed a desire to stay on and play in the Africa Cup of Nations. But government officials in Togo had convinced them to return home.

The team was on its way to the tournament on Friday, when gunmen attacked their bus as it crossed over from the Republic of Congo into the Angolan province of Cabinda.

It was the most difficult moment of his life, added Adebayor of the 30-minute siege. An assistant coach, the team's media spokesman and the bus driver were killed. Eight others were injured.

On Monday Angolan authorities said they had arrested two of the men thought to have taken part in the attack on the Togolese team.

A separatist group known as the Front for the Liberation of Cabinda, has claimed responsibility for the attack. The team was ambushed in the oil-rich northern exclave, which is separated from the rest of Angola.

Angola Arrests 2 Suspects in Connection with Togo Team Attack

(Voice of America)

The arrests came amid an intense hunt for the estimated one dozen gunmen who attacked Togo's national football team Friday as it traveled by bus from its training camp in Congo Republic to the Angolan enclave of Cabinda.

The team's assistant coach and its spokesman, Amalete Abalo and Stanislas Ocloo, were killed in the attack as well as their Angolan bus driver. At least seven others were wounded including the Togolese back-up goalkeeper who underwent surgery Saturday in South Africa.

The Togolese government ordered its team to withdraw from the tournament in order to observe three days of mourning but said it might ask to re-join the competition at a later date.

Angola's President Jose Eduardo dos Santos deplored the attack as he opened the tournament Sunday night in a glittering ceremony of music and dance.

He says we condemn this shameful act but the competition in Cabinda will go ahead in homage to these lamented figures of African and international sport.

A minute of silence was observed in honor of the victims.

The Front for the Liberation of the Enclave of Cabinda, which has been fighting a 30-year war for independence in the territory, claimed responsibility. Cabinda is separated from Angola by the Democratic Republic of Congo.

A FLEC commander said the Togolese team was not targeted in the attack but was a casualty of the war. And he warned that if the Angolan government rejected the group's offer of dialogue the violence would continue.

The wounded Togolese goalkeeper, Kodjovi Obilale, was evacuated to South Africa and underwent surgery in a Johannesburg hospital. One of his physicians, Kenneth Boffard, said afterwards that his prospects for recovery were good.

"I think there's every chance [of recovery], not this season perhaps, but he's young. He's fit. He's got a lot going for him. We are optimistic," Boffard said.

In Sunday's opening match, Angola took a commanding lead of four goals to nil by the second half. But Mali stunned the hosts by scoring four goals in the final 16 minutes of play, scoring the equalizer with less than 20 seconds to go in injury time.

African Cup Kicks Off in Angola Despite Deadly Attack on Togo's Team

(Voice of America)

The African Cup of Nations football tournament kicks off in Luanda Sunday with the opening match between Angola and Mali. The tournament is going ahead despite an attack on the team from Togo that killed three people and wounded at least seven more.

Angolan officials said the African Cup of Nations tournament would go ahead as planned, but the government of Togo announced it was withdrawing its team because of Friday's attack.

Several Togolese players earlier had indicated they were prepared to play in honor of their slain comrades. The Togolese government spokesman Pascal Bodjona said the national team's players were in a state of shock.

He says the Togolese government has decided to call back its team. He said we cannot take part in the Cup under these tragic circumstances. He added that the government did not believe its team was given the necessary security guarantees.

The Togolese government has accused the Angolan government of failing to warn it of the lack of security in the region. Angolan officials said the Togolese team violated Africa Confederation of Football regulations that require all teams to travel by air.

The team's assistant coach and its spokesman were killed in the ambush as the team traveled by bus Friday from their training camp in neighboring Congo Republic (Brazzaville) to the Angolan enclave of Cabinda.

The team's back-up goalkeeper was seriously injured in the attack. He underwent surgery Saturday after being evacuated to South Africa.

The Front for the Liberation of the Enclave of Cabinda claimed responsibility. The group has been fighting for independence for the oil-rich enclave for three decades. Cabinda lies between Congo Republic and the Democratic Republic of Congo (Kinshasa).

FLEC Commander Joao Batista told VOA Portuguese Service the attack was aimed at the Angolan armed forces.

He says it was not a premeditated attack against the Togolese team because we have nothing against Togo. He says the attack was due to the fact there is no peace in the territory and when there is no peace there is no security.

Batista said his group is ready to talk with the Angolan government, but warned if the government rejected negotiations there would be more attacks.

Togo was due to open its group series Monday in Cabinda against Ghana. Ivory Coast and Burkina Faso are also in the group.

Cape Town beaches reopen after South Africa shark kill

(BBC)

The man was attacked 100 metres from the shore of Fish Hoek beach in the Western Cape on Tuesday. Eye-witnesses said the massive shark attacked Loyd Skinner three times before dragging him under water.

The city has issued a warning of increased shark sightings in the area and urged bathers to exercise caution. "Although the beaches have been declared safe, both Shark Spotting and lifesaving services will continue," the city said in a statement.

It said bathers should remain in groups and not go further than waist-deep. Rescue workers scoured the Fish Hoek coastline for two days searching for the body of the 37-year-old engineer but by Thursday, nothing had been found.

A number of beach-goers witnessed Tuesday's gruesome attack. "We looked at the walkway and saw people waving towels at us, then we looked further out to sea and saw what looked like blood, and a man's leg come up," swimmer Kyle Johnston told the Cape Times newspaper.

Another witness said the shark was 4m long. This is the second fatal attack on the beach since 2004, when a 77-year-old local woman was killed by shark 150 metres from shore.

Eight sharks were sighted near Fish Hoek at the weekend by the city's Shark Spotters service, which has recorded 570 sightings over six years, AFP reports.

Hull boss Phil Brown criticized for World Cup comments

(BBC)

Brown spoke out after the deadly gun attack on the Togo team bus in Angola at the African Cup of Nations. But Jordaan told BBC World Service: "Phil Brown was saying the World Cup must be removed from South Africa.

"I found that very extraordinary. He is not well informed. I will give him a call and talk to him about it." Brown's reaction on hearing the news about last Friday's gun attack, which killed three, was uncompromising: "I am appalled. This throws a question mark against next summer's World Cup.

"You simply cannot put the safety of players, officials and fans at the slightest risk. That is totally unacceptable." Jordaan countered: "If there is a security breach in any country it is the responsibility of that country, not ours.

"If Hull lose against Tottenham Hotspur they cannot play Manchester United because Manchester United were not there, so I cannot understand why you would make such an utterance.

"There was another call that the African Cup of Nations itself should be called off. But in the 1972 Olympics there was a massacre of Israeli athletes, and the Games had to continue because otherwise it's a victory for terrorists.

"And [Arsenal boss] Arsene Wenger said if you don't do the same in Angola it is going to be a victim of terrorism. So there is one coach in the Premier League that I agree with and one that I disagree with."

Jordaan had earlier waved away concerns that remaining tickets for the World Cup games, which begin on 11 June, would be hard to sell.

"Fortunately the majority of the world is not influenced by warped understanding of the African continent," he said.

"If there is a war in Kosovo and a World Cup in Germany, no-one asks if the World Cup can go on in Germany, everyone understands the war in Kosovo is a war in Kosovo.

"The world must be balanced and must not apply different standards when it comes to the African continent.

"Our World Cup is secure and we are confident because we have employed a lot of resources to safeguard the event in our country." The capital of Angola, Luanda, is some 1,500 miles from South Africa's largest city, Johannesburg, which is roughly the same distance between London and Moscow.