

Commonwealth Human Rights Initiative



CONFERENCE REPORT

**THE IMPLICATIONS OF ZIMBABWE'S
WITHDRAWAL FROM THE
COMMONWEALTH: WHAT NOW FOR THE
PROMOTION OF HUMAN RIGHTS?**

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Programme

Session I: Implications of Zimbabwe's withdrawal

The session examined the implications of Zimbabwe's withdrawal for the work of Civil Society Organisations, the Commonwealth Foundation & Secretariat and Zimbabwean citizens involved in or benefiting from the Commonwealth. How has Zimbabwe benefited from the Commonwealth? Does Zimbabwe forfeit the right to technical assistance, trade and any other forms of economic gain? Will the Commonwealth have to follow procedures and abandon key Zimbabwean stakeholders?

Chair: Annie Watson
Director Commonwealth Trade Union Council & Chair CHRI Trustee Committee

Speakers:
Matthew Neuhaus
Director Political Affairs Division, Commonwealth Secretariat

Colin Ball
Director, Commonwealth Foundation

Yvonne Mahlunge
Zimbabwean Human Rights and Political Activist

Session II: Past experiences

What can we learn from the experiences of Fiji, South Africa and Nigeria? How did their suspensions/withdrawal impact on the work of both CSOs and governments lobbying for change?

Chair: Meenakshi Dhar
Assistant Director Development & Planning, Commonwealth Parliamentary Association & CHRI Trustee

Speakers:
Stuart Mole
Director General of the Royal Commonwealth Society (former Director of the Secretary General's Office 1990 - 2000)

Richard Bourne
Head of the Commonwealth Policy Studies Unit CPSU (founding Director of CHRI & former Trustee)

Ricardo Morris
Former journalist for the Daily Post and Fiji Sun

Session III: The responsibility of Commonwealth Governments

This session will examine the responsibilities of Governments towards Zimbabwe and its citizens. What can Commonwealth governments do to assist Zimbabwean citizens both in Zimbabwe and those living in Commonwealth member countries? What are the key areas of concern that require urgent government action?

Chair: Siraj Sait
Lecturer, University of East London & CHRI Trustee

Speakers:
Ebenezer Obadare
Centre for Democracy & Development consultant, Editor Journal of West African Affairs & London School of Economics PhD Candidate

Sandra Nyaira
Former Political Editor of the Daily News

Session IV: Civil Society: what now?

This session examined alternative forums for lobbying and maintaining relations with Zimbabwe. How can cooperation still be perpetuated despite the official termination of Zimbabwe's membership of the Commonwealth?

Chair: Derek Ingram
Emeritus President of the Commonwealth Journalists' Association, founding Editor Gemini News Service, author of a number of books on the Commonwealth and CHRI Trustee.

Speakers:
Thoko Matshe, Executive
Executive Director Akina Mama Wa Africa

Aditi Sharma
Campaigns Director, Action for Southern Africa & CHRI Trustee

Zimbabwe & the Commonwealth: a brief historical overview

Ellen Pugh & Julius Mutiyambizi

Following Zimbabwe's withdrawal from the Commonwealth on 7th September 2003 the Rt Hon Don McKinnon, Secretary General of the Commonwealth made the following statement:

"It is disappointing that the Government of Zimbabwe has taken this step. All members will be saddened by it. I hope that Zimbabwe will wish to return in due course, as have other members in the past. In line with the CHOGM statement on Zimbabwe earlier this week, members of the Commonwealth will continue to seek to engage Zimbabwe to promote national reconciliation and facilitate its return to the Commonwealth.

*Meanwhile in the light of Zimbabwe's withdrawal, Zimbabwe becomes a non-member state and is no longer eligible to receive Commonwealth assistance or to attend Commonwealth meetings. Commonwealth organisations should treat Zimbabwe as a non member state."*¹

Relations Prior to Independence

In 1965 Ian Smith, Prime Minister of Southern Rhodesia, made his Unilateral Declaration of Independence (UDI). Since 1923 Southern Rhodesia had been a so-called self-governing colony of Britain and as the Commonwealth evolved Southern Rhodesia fell under its remit but was not a full member in its own right. The international community (including South Africa) did not recognise the UDI since Southern Rhodesia was still legally a British responsibility, and in any case most countries did not believe the UDI to be representative of the views of the majority black population.

The UDI changed the course of Zimbabwe's history and had a lasting impact on the future of Zimbabwean politics. The main black nationalist parties, the Zimbabwe African People's Union (ZAPU) and the Zimbabwe African National Union (ZANU) formed National liberation movements, which were recognised by international organisations including the Commonwealth. A bloody civil war ensued culminating in the Lancaster House Conference of 1979 and the drafting of the Lancaster House Constitution. This sought to facilitate democracy and contained specific guarantees safeguarding human rights and the redistribution of land.

Zimbabwe achieved its independence in 1980 following elections in which Robert Mugabe's Zimbabwe African Nation Union – Patriotic Front (ZANU-PF) party was elected to power. On independence Zimbabwe became a member of the Commonwealth.

¹ Commonwealth News Release 03/86 12 December 2003

Relations prior to Zimbabwe's withdrawal

The Lancaster House Constitution is the subject of intense debate within civil society and between Zimbabwe's political parties, which has resulted in the establishment of a constitutional reform in April 1999 and the holding of a referendum in 2000 for a new constitution, in which turnout was 26 per cent.

The Referendum was lost by Zimbabwe's ruling party, the ZANU-PF and soon after farms were invaded by the veterans of Zimbabwe's independence struggle. The government did not move to prevent the invasions or the violence that followed. Initial expectations were that the government's support for the invasions would end after the June 2000 Parliamentary Elections. However, government support continued and was coupled with the growing suppression of government opposition. The Government refused to compensate farmers who were losing their farms to land invasions arguing that under the Lancaster House agreement the United Kingdom was under obligation to compensate. The 1998 International Donors Conference on Land Reform and Resettlement did little to resolve the dispute. At the Conference, donors, including the United Kingdom, stated that they were willing to support the proposed programme of land reform however, the programme embarked upon by the Zimbabwean government was inconsistent with that agreed at the Conference. The feeling among the international community was that it was better to wait and deal with a new leader because of the Zimbabwean government's actions.

In September 2001 a Zimbabwe delegation met members of the Committee of Commonwealth Foreign Ministers on Zimbabwe in Abuja, Nigeria. The meeting resulted in the 2001 Abuja Agreement on Zimbabwe in which the Zimbabwean Government was obliged to stop the violence on farms, prevent the invasion of further farms, stop the suppression of opposition and uphold human rights. The Zimbabwean government failed to meet its obligations under the agreement and in turn, the United Kingdom refused to fulfil its renewed obligations to compensate farmers. It was in this environment that the 2002 Presidential Elections were held.

A Commonwealth Observer Mission reported that whilst the actual polling had been peaceful and the secrecy of the ballot assured, the elections were marred by the violence that had occurred in the run up to the elections². The report expressed concern over the activities of paramilitary youth groups and accused the government of a systematic campaign of violence against known or perceived supporters of the opposition, particularly those of the Movement for Democratic Change (MDC), the main opposition party. In paragraph 15, the report concludes that '*the elections did not adequately allow for a free expression of will by the electors*' and were in violation of fundamental Commonwealth values and principles, most notably those of the 1991 Harare Declaration.

Commonwealth heads of government mandated a 'troika' comprising the leaders of South Africa, Nigeria and Australia to act upon the Observer Mission's report. On receipt of the report the Troika took the decision to suspend Zimbabwe from the Councils of the Commonwealth for one year pending the curbing of politically motivated violence, restoration of law and order and the holding of free and fair elections. The Troika's

² Paragraph 7 of the Observer Mission's Preliminary Report

determinations also emphasised the Commonwealth's undertaking to assist Zimbabwe with its land reform programme and to promote national reconciliation particularly between the MDC and ZANU-PF.

Talks between the Commonwealth and the government of Zimbabwe continued throughout 2002 and 2003 and Robert Mugabe made a number of unsuccessful attempts to attend the Commonwealth Heads of Government Meeting (CHOGM) which took place in Abuja, in December 2003. At that meeting the current Chair of the Commonwealth, President Obasanjo of Nigeria, with the support of the Heads of Government, established the Group of Six to focus on the issue of Zimbabwe. The group, which was chaired by President Patterson of Jamaica, was mandated to decide upon appropriate action. The Group's decision to continue Zimbabwe's suspension from the Councils of the Commonwealth led to Zimbabwe's withdrawal from the Commonwealth.

Key Points and Policy Implications Arising from the Conference

*Ellen Pugh**

The Commonwealth provides an effective network for governments and civil society to engage politically, economically and socially. The Zimbabwean government's severing of relations with the Commonwealth is likely to have a negative impact on the country's economic, social and political development.

Zimbabwe's withdrawal from the Commonwealth has already affected Zimbabwean citizens and civil society organisations (CSOs) seeking economic, social and educational assistance. Zimbabweans are now formally excluded from Commonwealth sources of funding and becoming members of and participating in the activities of some Commonwealth organisations. Due to the deteriorating political environment, trusts and foundations that are historically Commonwealth orientated are also becoming unwilling to support Zimbabwean civil society. Zimbabwe's withdrawal from the Commonwealth is likely to exacerbate this unwillingness.

Those present emphasised their solidarity with the plight of the Zimbabwean people. It was also stressed that it was the Zimbabwean government that withdrew from the Commonwealth and not the people of Zimbabwe. It was concluded that it is important for the Commonwealth Secretariat and Foundation, Commonwealth CSOs and other international CSOs to draw upon past experience and work through a variety of means to provide support and create more space for Zimbabwean civil society.

The Commonwealth Secretariat

The Secretariat hopes that Zimbabwe's withdrawal from the Commonwealth will be temporary. As a result it:

- will continue to provide assistance in the promotion of national reconciliation in line with the Harare Principles and progress in the observance of good governance
- is encouraging member states engagement with Zimbabwe with a view to promoting progress in the observance of good governance and in due course, Zimbabwe's return to the Commonwealth.
- recognises that civil society has an important role to play in the engagement process.

* With assistance from Justin Foxworthy

The Commonwealth Foundation

- It has always been the policy of the Foundation not to penalise populations or CSOs for the faults of governments. The Commonwealth Foundation has greater flexibility than the Commonwealth Secretariat, as member governments do not solely determine its mandate.
- Zimbabwean civil society continued to receive support from the Foundation's Special Fund during the period of Zimbabwe's suspension from the Councils of the Commonwealth.
- Changes to the Foundation's finance policy, which came into effect on 12th February 2004, mean it can now only provide programme assistance and grants to CSOs based in Commonwealth Foundation member states. Exceptions can be made where an activity is deemed to have regional benefit. At present 43 out of 53 members of the Commonwealth are members of the Commonwealth Foundation. Non members include Fiji, South Africa and Bangladesh.
- The Foundation's new policy means that it will not provide open assistance to Zimbabwean civil society unless it is to an organisation that is a regional or international network of strategic importance. Support is still given to MWENGO but in this case, and others like it, the Foundation does make it clear that the organisation is being supported as a key regional organisation rather than as a representative of Zimbabwe.
- Zimbabwean citizens as non-Commonwealth citizens are not eligible to apply for the Foundation's prizes and reward schemes.
- The Director of the Foundation stated that the circumstances were unique and hopefully only temporary. The Director also stated that the Foundation's new policy towards Zimbabwe should be open to debate and pledged to seek advice from such meetings.

Lessons from Past Experiences

There are important lessons that can be drawn from previous cases of withdrawal/suspension including those of apartheid South Africa, Nigeria and Fiji, which can be used to inform policy making on Zimbabwe. Zimbabwe today faces the prospect of re-treading the path towards political, social, academic and economic isolation. Below are examples raised by those present of how the Commonwealth acted in the past to assist the governments and citizens of expelled/suspended countries.

South Africa

- During South Africa's withdrawal, anti-apartheid CSOs continued to receive considerable support from the Commonwealth, Commonwealth CSOs and historically Commonwealth orientated trusts and foundations.
- Support was not only financial. It also came in the form of solidarity and through the provision of training.
- On South Africa's return to the Commonwealth in 1994, Oliver Tambo stated that the people of South Africa had never left.

Nigeria

- Following the 1995 suspension of Nigeria from the Councils of the Commonwealth the Commonwealth remained engaged with the Nigerian regime and Nigerian civil society.
- The newly established Commonwealth Ministerial Action Group sent missions to monitor developments and engage with Nigerian civil society.
- The Commonwealth took a stronger stand against the Nigerian regime than other organisations including the UN and ECOWAS.

Fiji

- The Commonwealth and Commonwealth CSOs maintained contact with Fijian civil society, which played a crucial role in monitoring developments, throughout Fiji's suspension from the Councils of the Commonwealth.
- Individual relationships were utilised to maintain contact between the deposed monarchy and the Commonwealth Secretary General.
- Commonwealth countries supported political, sporting and military sanctions against Fiji and provided support to civil society action.
- Fiji's economy suffered greatly due to a loss of tourism and international funding sources, including European Union funds.

Problems Faced by Civil Society Organisations

The political crisis in Zimbabwe is a rallying point for CSOs within and outside the country to mobilise local participation and bolster international linkages with human rights groups and the Zimbabwean Diaspora. There is common agreement that Commonwealth CSOs must be engaged with CSOs in Zimbabwe, which largely predates Zimbabwe's withdrawal from the Commonwealth. However, it is important to be cognisant of political constraints faced by Commonwealth CSOs, many of which are based in the UK – open connections between Zimbabwean and international organisations are utilised by the Mugabe regime to dismiss criticism of the policies pursued.

Due to the introduction of restrictive legislation, which politicises the open exercising of certain human rights and the emergence of a culture of violence, space for CSOs, particularly those promoting and protecting human rights is rapidly shrinking. With the closure of the Daily News, the space for disseminating non government controlled information has also been significantly reduced. As a result people living outside of Zimbabwe have access to more sources of information on the political, economic and social developments in Zimbabwe than the majority of Zimbabweans.

In addition to shrinking operational space, CSOs are also suffering from reduced capacity due to a brain drain: *"Half the people that we need in Zimbabwe are here [the UK], in South Africa or elsewhere, so I spent the last two to three weeks meeting Civil Society leaders and trying to find out what problems they face. The biggest problem was that they just do not have the people who have the capacity to deliver."* (participant)

The 2005 Zimbabwean general election could see a change in government and improvement in the observance of human rights. However, current government activities would indicate that violent repression of the opposition, intimidation and election rigging are likely. At present it is dangerous for CSOs and intergovernmental organisations to run voter education programmes and those present doubted whether election monitors from international and regional organisations would be permitted.

The Way Forward: Providing Assistance to Zimbabwean Civil Society

Focusing solely on the actions of the current government may leave the country ill prepared for what follows thereby continuing the political crisis. Planning should begin but not end with Morgan Tsvangirai and the opposition, as the goal of building and solidifying a democratic ethos in Zimbabwe is larger than one man or even one party.

Participants agreed that it is important for all organisations to think and plan for the long term and stressed the need for innovative support to assist Zimbabwean CSOs in their work towards the realisation of human rights. Thinking medium to long term requires information sharing, collaboration and solidarity between Zimbabwean CSOs and their supporters. The importance of South-South connections and support from other African CSOs was particularly stressed.

All Organisations

- It is vital that organisations work to ensure sustained media exposure of Zimbabwe's plight.
- Organisations need to find innovative ways and linkages for supporting Zimbabwe CSOs in the run up to the 2005 election.

- Commonwealth member states should be lobbied regarding their treatment of Zimbabweans seeking refugee status.
- While the withdrawal of Zimbabwe inhibits any direct Commonwealth engagement, the positive view of the UNDP held by many within Zimbabwe may provide an opportunity for the Commonwealth and the UNDP to work jointly to foster dialogue between the ZANU-PF and the MDC in the run up to the 2005 election.
- CSOs as well as the Zimbabwean Diaspora are sources of expertise that can provide technical and legal assistance to organisations within Zimbabwe to enable them to continue to push for a new constitution and the repeal of repressive legislation.
- In the UK and other Commonwealth countries, human rights defenders can organise civic education programmes designed to increase awareness among their constituencies of the situation in Zimbabwe and the difficulties faced by human rights defenders.
- Research and educational support to Zimbabwean activists and academics provides an opportunity to build and strengthen ties with Zimbabweans and Zimbabwe. Therefore, the scholarships and grants offered by the Association of Commonwealth Universities, Chevening, the Department for International Development and other organisations should continue.

The Commonwealth Secretariat

- The Commonwealth Secretariat must continue to explore all diplomatic channels and if possible, further develop its work with regional organisations such as the Southern African Development Community.
- The Commonwealth Secretariat should encourage member states to increase support to Zimbabweans by bolstering the capacity of existing Zimbabwean CSOs.

The Commonwealth Foundation

- The policy of the Commonwealth Foundation to only provide funding for civil society activities in members countries of the Commonwealth Foundation must be reviewed with the aim of resuming support to Zimbabwean civil society to the maximum.
- The Commonwealth Foundation should make a sustained effort to support and strengthen CSOs within Zimbabwe, particularly those defending human rights and encourage other organisations to follow suit.
- To remain engaged in Zimbabwe the Commonwealth Foundation should strategically use MWENGO's presence in Harare.

Commonwealth Civil Society Organisations

- Commonwealth CSOs can draw upon the South African experience and continue to invite Zimbabweans from their sister organisations to speak to their constituencies so that information can be shared and solidarity built. The CHRI, the Zimbabwe Action Network and other similar organisations can play particularly important roles.
- Professional legal associations within the Commonwealth can provide technical expertise to cases being brought before the African Commission highlighting human rights violations in Zimbabwe and the country's illegal exploitation of Congolese resources. An example of this includes the International Bar Association's collaboration with Zimbabwean CSOs on specific cases of demonstrable violations of human rights that can be pursued in the Court of Human Rights in the Gambia or the African Union.