

ZIMBABWE HUMAN RIGHTS NGO FORUM

*Revisiting The Commonwealth and
Zimbabwe: What is to be done?*

**An Assessment of Zimbabwe's Performance since
its withdrawal from the Commonwealth
&
Suggestions for Re-engagement by the
Commonwealth**

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1. Background

Zimbabwe's pro tem suspension from the Councils of the Commonwealth for a period of one year was announced in a statement from Marlborough House on 19th March 2002. This suspension implemented a prior warning to the Zimbabwe government by the Commonwealth Ministerial Action Group that a poor report on the Presidential Election of 2002 would result in punitive action by the Commonwealth. The Commonwealth Heads of Governments Meeting in Nigeria later that year had to review the suspension and decide whether to rescind it, leave it in place for a specified period, suspend Zimbabwe completely from the Commonwealth (and not just its Councils), and, most improbably, to expel Zimbabwe. In the final event, President Robert Mugabe unilaterally withdrew Zimbabwe from the Commonwealth. The Commonwealth has found it difficult subsequently to re-engage with the Zimbabwe Question.

Zimbabwe presents an important and new test for the principles of the Commonwealth. Although Zimbabwe has withdrawn from the Commonwealth it should be borne in mind that the Commonwealth continued to address the South African question robustly during Apartheid, even though South Africa had withdrawn from the Commonwealth, and acted resolutely to restore Rhodesia to the community of nations as a non-racial democracy. It would thus be inconsistent, notwithstanding Zimbabwe's withdrawal, for the Commonwealth not to act with equal determination on the Zimbabwe Question, particularly as it is doubtful that the withdrawal by the Mugabe government was in accordance with the wishes of the Zimbabwean people as a whole.

2. The legal framework for addressing the Zimbabwe Question

The legal framework for engaging with the government of Zimbabwe originates from the Declaration of Commonwealth Principles in 1971, which established a Charter of Fundamental Rights for the Commonwealth. There were minor extensions of these Principles in Lusaka in 1979 and in Nassau in 1985, followed by a statement on the desirability of universal jurisdiction and international instruments at Bangalore in 1988. However, the complete statement, ironically, emanated from a meeting in Zimbabwe in 1991 with the Commonwealth's Harare Declaration [see Appendix 1]. In terms of the Harare Declaration Commonwealth, State Parties reaffirmed their commitment to work for the protection and promotion of the fundamental political values of the association, namely democracy, democratic processes and institutions which reflect national circumstances, fundamental human rights, the rule of law and the independence of the judiciary, and just and honest government.

The Harare Declaration was given added power in 1995 with the passing of the Millbrook

Commonwealth Action Programme on the Harare Declaration. The Programme sets out the steps to be taken in the event of serious and/or persistent violations of the principles contained in the Harare Declaration, and sets up a Commonwealth Ministerial Action Group (CMAG) to oversee this process [see Appendix 2]. The Commonwealth Action Programme and CMAG were established with the active involvement and the assent of the same Zimbabwe Government that now appears to regard each with some contempt. Zimbabwe has never, however, entered any formal objection to these Commonwealth bodies or instruments.

3. Implementing the Commonwealth Action Programme and the Response of the Government of Zimbabwe

Over a two year period extending from the year 2000, the Commonwealth Heads of Government considered, documented and made recommendations on the Zimbabwe Question and urged the Zimbabwean Government to comply with the principles of the Harare Declaration. Finally, at a meeting in Coolum Australia in early March 2002, after considering all prior deliberations on Zimbabwe [see appendix 4] and Zimbabwe's continuing violation of the principles of the Harare Declaration, the Coolum meeting empowered a Commonwealth Chairperson's Committee to act appropriately on the Zimbabwean Question. Such action was to be taken by the Committee after consideration of an anticipated report of the Commonwealth Observer Group [COG] on Zimbabwe's Presidential Election in 2002. Unsurprisingly, the report was adverse and the Committee thus suspended Zimbabwe from the Councils of the Commonwealth on 19 March 2002. This response to persistent violations of the Harare Declaration is specifically authorised by the Commonwealth Action Programme [paras 3 vii & viii]

The suspension thus came at the end of a lengthy process in dealing with Zimbabwe, and it is important not to focus merely upon the COG report on the elections. There had been earlier initiatives from both CMAG and pursuant to an agreement in Abuja in September 2001. These initiatives were all in accordance with paragraph 3 of the Commonwealth Action Programme. As will be seen from the responses by the Zimbabwean Government to the initiatives, the suspension by the Commonwealth was anything but hasty or precipitate, but implemented, step by step, escalating measures to be taken where a State party is in violation of the Harare Declaration - measures which the Zimbabwean Government had itself agreed and had helped establish.

The most important of these steps is the Abuja initiative [see Appendix 5], which preceded the 2002 Presidential election, though the importance of the various Observer Missions to the elections in 2000 and 2002 should not be minimized. The meeting in Abuja (that the Zimbabwean President declined to attend) brought together a representative group of Commonwealth Ministers in September 2001, and an agreement pertaining to "confidence

building measures” was reached on solving the Zimbabwe crisis. The terms of this agreement were very clear, and accepted by the Zimbabwe Government. Although there was a strong focus upon land as a major aspect of the Zimbabwe crisis, the Abuja Agreement nonetheless covered most aspects of the crisis. It committed the Zimbabwe Government to the following:

- to “take firm action against violence and intimidation” ;
- to comply with the standards contained in the Harare Declaration and the Millbrook Commonwealth Action Programme ;
- to observe human rights, the rule of law, transparency and democratic principles;
- to take a series of confidence-building measures that will lead to immediate and observable changes in the domestic situation.

This process was in accordance with paragraphs 3(i), 3(ii) and 3(iii) of the Commonwealth Action Programme. The Harare Declaration and the Millbrook Commonwealth Action Programme provide clear parameters for assessing the human rights observance of any Commonwealth country. The Abuja Agreement made explicit reference to these standards, and it is abundantly clear that the gross human rights violations in Zimbabwe, especially in pursuit of electoral dominance, struck at the heart of the Commonwealth’s democratic principles.

In addition and in accordance with this, the Commonwealth Action Programme (CMAG) exercised its oversight role as mandated. In all there were eight relevant meetings of CMAG that dealt with Zimbabwe, prior to Zimbabwe’s withdrawal from the Commonwealth, and the statements from these meetings are an important chronicle of the attitudes of the Commonwealth to the Zimbabwe crisis. CMAG’s records show increasing concern about the deteriorating situation. Amongst these were records expressing:

- concern that problems continue especially in relation to recent reports of the intimidation of the judiciary and the media;
- deep concern about the ongoing situation in Zimbabwe especially the violence, occupation of property, actions against the freedom and independence of the media and political intimidation;
- concern about serious and persistent violation of the Commonwealth’s fundamental political values and the rule of law;
- deep concern over the continued violence, political intimidation and actions against the freedom and independence of the media;
- condemnation of the recently enacted Public Order and Security Act and the General Laws Amendment Act, as well as the proposed Access to Information and Protection of Privacy Bill, as further direct curbs on the freedom of speech, of the press, and association in Zimbabwe and contrary to the Commonwealth’s fundamental political values as enshrined in the Harare Commonwealth Declaration;
- strongest concern about a statement by the Zimbabwe Defense Forces Chiefs that they would not recognize a president who did not have liberation war credentials and that recent and foreshadowed legislation constituted a direct threat to the conduct of free and fair elections in Zimbabwe.

It is instructive that these were exactly the same concerns expressed by opposition political

parties and civil society groupings in Zimbabwe, though, in line with President Mugabe's rhetoric, CMAG continued to express the view that land redistribution was a significant causative factor in the Zimbabwe crisis. CMAG also gave indications of possible actions that might be taken by the Commonwealth. At the 18th meeting of CMAG, the Committee noted that the situation in Zimbabwe demonstrated violations of the principles of the Harare Declaration, and indicated that the Millbrook Declaration provided a range of sanctions if the violations persisted, and free and fair elections were not held in Zimbabwe.

After the signing of the Abuja Agreement, doubt was cast upon whether the Zimbabwe Government was sincere in its commitment to undertake various measures that would build confidence amongst all sectors of Zimbabwean society, as continued violations of the Harare Declaration occurred immediately thereafter. None of the matters referred to in the Abuja Agreement were credibly dealt with by the Zimbabwe Government. Over time, the Abuja initiative fell away, and was in effect superseded by the events around the Presidential Election in March 2002, which the Commonwealth Observer Group declared neither free nor fair. However, it is important to note the Abuja process for the CHOGM deliberations, for it demonstrates the bad faith of the Zimbabwe Government. Having given an explicit undertaking to implement a range of confidence - building measures, the Zimbabwe Government was unable to fulfill any of them: land invasions continued, human rights violations persisted, and there was no demonstrable commitment to freedom of expression as guaranteed by the Constitution of Zimbabwe.

As each step detailed in paragraph 3 of the Commonwealth Action Programme thus failed to elicit the desired response from the Zimbabwean Government, the next step was duly implemented, leading to Zimbabwe's suspension from the Commonwealth for a year after its failure to hold a legitimate presidential election. The inevitable next step was full suspension from the Commonwealth but President Mugabe anticipated this by unilaterally withdrawing Zimbabwe from the Association.

4. The Basis for Continued Engagement with Zimbabwe by the Commonwealth.

The suspension from the Commonwealth's Councils was linked with a requirement that the Zimbabwe Government undertake measures to restore confidence, and particularly, to implement the recommendations of the Commonwealth Observer Group. The Commonwealth Chairpersons also remarked that there was a need to encourage a climate of reconciliation between the main political parties in Zimbabwe which they considered essential to address the issues of food shortages, economic recovery, the restoration of political stability, the rule of law and the conduct of future elections. Thus there existed a framework within which the Zimbabwe Government was expected to operate in order to lift its suspension from the Association. This framework continues notwithstanding Zimbabwe's unilateral withdrawal.

Even more importantly, the Commonwealth Action Programme on the Harare Declaration envisaged situations in which a Commonwealth member country might fall foul of the Commonwealth and even withdraw from the Commonwealth. This was anticipated in the final clause of paragraph 3 of the Commonwealth Action Programme, which allows:

...consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government-to-government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years.

Thus it is clear that the Commonwealth provided for situations where the Commonwealth would continue action against a member country even if that country chose to leave the Commonwealth, as Zimbabwe has done, and South Africa did before. Zimbabwe's withdrawal from the Commonwealth does not therefore foreclose any further engagement on the Zimbabwe Question by the Commonwealth. On the contrary, clause 3(viii) of the Commonwealth Action Plan specifically stipulates further action to be taken in the event of withdrawal.

5. The Commonwealth and Zimbabwe: Assessing the performance of the Zimbabwe government in restoring democracy

Since its withdrawal from the Commonwealth nearly four years ago, there has been a steady deterioration in the political, economic, and social fabric of Zimbabwe. It is unnecessary to provide great detail in defense of this assertion, since there are a large number of reports that support this assertion [see Appendix 10]. All that which is outlined below is accepted and supported by both Zimbabwean and international commentators and human rights organisations.

However, it is useful at the outset of this evaluation to lay out the indicators of the Zimbabwe Government's performance with which the Commonwealth should be concerned. The Commonwealth Observer Group [COG] and CMAG made a number of recommendations that spoke to the heart of the Harare Declaration, and these were endorsed subsequently by the wider Commonwealth. Some of these indicators related to the political climate and the rule of law, whilst others related to the conduct of elections. These indicators are as relevant today as they were when made in 2003, and below a brief summary is undertaken.

1. There is an urgent need for there to be a cessation in the systematic use of violence in political campaigns, especially against the opposition party. To address this need, the political parties and the security authorities should jointly establish mechanisms and structures at central and district levels to co-ordinate and implement peace initiatives.

2. There is a fundamental need for there to be a clear separation of party and state in Zimbabwe and for there to be a proscription on the use of state resources for party political activity.
3. The Government and law enforcement agencies should strictly enforce the law in respect to all acts of political violence.
4. The provisions of the General Laws Amendment Act, the Public Order and Security Act and the Access to Information and Protection of Privacy Act which impede the freedoms of association movement and speech should be repealed.
5. In accordance with its commitment to all the people of Zimbabwe to assist in the development of a democratic society, the Commonwealth should continue to offer assistance to strengthen the country's democratic institutions. The Commonwealth should also offer technical and economic assistance as appropriate.

This is a very narrow set of possible benchmarks for the Commonwealth's concerns about the Zimbabwe crisis. Any set of benchmarks for the Commonwealth's re-engagement would need to be set against Zimbabwe's history since 2000, and would have to have some reference to the land issue. Furthermore, any benchmarks should be juxtaposed with and set in accordance with the Harare Declaration. Below we sketch the key concerns and supporting evidence.

5.1 The Land Question

Although the land question was not amongst the political indicators, it is included merely because it has remained the continuous refrain of the Government of Zimbabwe about the cause of the crisis in Zimbabwe.

The issues around land can be disposed of very quickly. Firstly, the Abuja Agreement was violated virtually *ab initio*, and there was no credible attempt by the Zimbabwe Government to produce a land policy that was transparent, accountable, adhered to the laws of the country as a whole, and aimed at the people most in need of land. Secondly, the land redistribution exercise resulted in massive appropriations by Government and party officials, some with multiple farms, a finding that has even drawn adverse comment from President Mugabe himself. Thirdly, the increasing number of court cases on land related matters before the Zimbabwean courts resulted in judgments that negated the Zimbabwe Government's assertions that a properly managed and legal process of land reform was taking place. This issue was finally resolved by a controversial Constitutional Amendment, the 17th since 1980, which rendered all legal challenges null and void. Fourthly, all available evidence indicates that the chaotic land policy has seriously compromised both the economy and food security. There has been an adverse impact on agriculture due to drought, but this does not wholly explain the serious problems that have emerged since February 2000: inflation officially at nearly 15 000% and 4.1 million in need of food aid.

It is evident that the manner in which "land reform" was carried out bore little resemblance to genuine land reform programmes seen elsewhere in the world, characterized as it was by violence and widespread and systematic violations of human rights. There can be no claim

that the Abuja Agreement was followed in any credible fashion, and, whilst all can still agree that land reform is a key element in the Zimbabwe crisis, there is little evidence to suggest there has been any managed land reform to the benefit of ordinary Zimbabwean citizens for whom such reform is critical. The point to stress here is that, even in respect of a problem that had the support of the Commonwealth, the Zimbabwean Government's action lacked bona fides and failed to implement an agreement to which it voluntarily acceded.

5.2 Human rights

Political violence and associated human rights violations have been shown by all observers to have continued unabated in the period after Zimbabwe's withdrawal from the Commonwealth. There are numerous reports to support this assertion the conclusions of which may be broadly summarized as follows:

- All reports show that the violence has been disproportionately one-sided, and against the MDC and other groups not supporting ZANU (PF);
- All reports show that the violence attributed to ZANU (PF) is different to the violence attributed the other groups, both qualitatively and quantitatively;
- The violence attributed to ZANU (PF) shows evidence of systematic torture, abductions, disappearances, summary executions and extra-judicial killings, while this is very rarely the case with violence attributed to other groups such as the MDC;
- The systematic torture shows a strong association with officials of the State – members of parliament, the police, the CIO, and other officials – as well as an association with groups closely affiliated to ZANU (PF) – “war veterans”, youth militia, ZANU (PF) youth, ZANU (PF) supporters, ZANU (PF) party officials, etc;
- The evidence shows plausible allegations of the involvement of senior party and government leaders in the violence and there are many statements from victims implicating such persons;
- The evidence suggests that the militia have continued to operate with impunity. It also shows a very strong association between the youth militia and torture, and it is not contested that there are training camps for the youth militia or that government funds have been allocated to such training;
- There is no, or very little evidence of, any attempt by the executive or organs of the State to proactively deal with the violence;
- The evidence suggests, to the contrary, that there are an enormous number of examples of hate speech, and incitement to violence and lawlessness by virtually all members of the executive, the parliament, ZANU (PF) and supporters of ZANU (PF);
- Finally, there is strong evidence of interference by the State, state officials, and ZANU (PF) supporters, with the judiciary, magistrates and law officers, and that orders of the High Court and Supreme Court have been ignored or flouted.

The human rights violations were discussed in detail by Zimbabwean civil society and human rights organizations at a symposium on issues of Transitional Justice in 2003, and the considered views of representatives of more than 70 Zimbabwean organizations were expressed in a Declaration issued at the end of the symposium. In short, the Declaration made the assertion that the human rights violations that have taken place since February 2000 constitute “crimes against humanity”.

From 2000 onwards, there have been increasing levels of violence resulting

in pervasive human rights abuses. All available evidence indicates that **the government has engaged in a widespread, systematic, and planned campaign of organized violence and torture to suppress normal democratic activities, and to unlawfully influence the electoral process.** The government has also created, and the law enforcement agencies have vigorously applied, highly repressive legislation. These measures were directed at ensuring that the government retained power rather than overcoming resistance to achieving equitable land redistribution and correcting historical iniquities.

So seriously did Zimbabweans civic groups view the human rights violations that they made a call for a Truth, Justice and Reconciliation Commission to be established. The evidence thus does not indicate any improvement in the human rights climate, and rather suggests that there is continued and widespread violation of the principles of the Harare Declaration relating to human rights observance. Statistics maintained by the Zimbabwe Human Rights NGO Forum indicate that 2007 may be the worst year yet for incidences of human rights violations. Of even greater concern is that there is strong evidence of State complicity in the human rights violations, and that this complicity falls within the legally defined parameters of "crimes against humanity".

The massive displacement of an estimated 700 000 urban Zimbabweans through the destruction of their homes, in the so-called Operation Restore Order [Operation Murambatsvina - more correctly translated from chiShona as "drive out the filth"] has renewed demands that charges of crimes against humanity be brought. It is clear that the Zimbabwean Government has paid no heed to the recommendations of a UN Special Envoy following the displacements, and has both persisted in its view that this was a legitimate "urban renewal" operation and has continued to evict people.

5.3 The Rule of Law

There were continual references in the various statements of the Commonwealth organs – the Commonwealth Observer Group, CMAG, the Commonwealth Secretariat, and CHOGM itself – to concerns about observance of the rule of law. These were justified concerns and the period since 2003 shows cause for increased concern.

A simple way to assess the Zimbabwe Government's performance against the indicators given by the Commonwealth is to see the extent of the harm done to institutions fundamental for the protection of democracy.

5.3.1 The police force

The police force and other law enforcement agencies have been transformed into blatantly politically partisan forces and have been used as instruments of political repression. To a large extent the police no longer protect the rights of government opponents and have instead become a major abuser of the rights of these persons.

In the lead up to the June 2000 General Election, there were many instances when the police turned a blind eye to violence perpetrated against opposition MDC supporters and commercial farmers. Although some members of the force tried to carry out their duties professionally in a politically neutral manner, in many cases the police failed to intervene or to investigate murder, rape, torture or the destruction of property by “war veterans” or were actively involved themselves. In one incident, a commercial farmer was taken from a police station and killed by “war veterans”.

After the 2000 General Election, and especially since the Presidential Election in 2002, the police force became increasingly partisan in favour of the ruling party. A full-scale purge of the police force has been effected. Many police officers suspected of being sympathetic to the main opposition party were forced to resign or were penalised by being transferred or demoted. Some high-ranking police officers have resigned because they believe that the police force has become unprofessional and politically biased. Many police officers have been reportedly promoted because of their loyalty to the ruling party including newly inducted war veterans and members of the youth militia. War veterans have been placed in effective charge of rural police stations to ensure that the police facilitate or actively participate in the campaign of terror against supporters of opposition parties. Increasingly, war veterans in the police are in *de facto* command of urban police stations, with the other officers fearful of acting contrary to their wishes.

The most recent analysis of the role of the police provides the most startling demonstration of this partisanship. In an examination of 1237 cases involving the police that were reported to the Zimbabwe Human Rights NGO Forum, it is amply demonstrated that the police are involved in a wide variety of gross human rights violations, including torture; that senior officers of the police are involved in these violations; and that the targets are most frequently members of the opposition political party, the MDC, and other civic activists. This assertion is corroborated by a report on legal actions brought by the Zimbabwe Human Rights Rights NGO Forum on behalf of victims of violence by state actors. The Report indicates that the victims have obtained judgement in their favour in nearly 90% of the completed cases, even before the compromised Zimbabwean judiciary.

5.3.2 The prison service

As with the police force, the government has taken concerted steps to weed out from the prison service members considered to be sympathetic to the opposition and to replace them with ruling party supporters.

5.3.3 The prosecution service

The Attorney-General and officers in the Attorney-General's office have been subjected to political influence and pressure by members of the ruling party. As an *ex officio* but non-voting member of Cabinet the Attorney-General is vulnerable to pressure by fellow members of Cabinet. In recent years there has been a widespread perception that decisions whether to institute prosecutions have been taken on a political basis, with prosecutions often not being pursued against supporters of the ruling party. This has added to the public feeling that there is selective justice in Zimbabwe.

Prosecutors have come under enormous pressure to act in a politically partisan fashion, especially in smaller, rural based courts. They have been verbally abused and, in some cases, have even been physically threatened or attacked if they attempted to bring prosecutions against ruling party supporters. More recently, a prosecutor who had sought to charge Joseph Mwale (a ZANU (PF) supporter, member of the police and apparently state security operative) in accordance with a long standing High Court order for the murder of an MDC official, is now facing prosecution himself. The charges against this prosecutor are extremely suspect given their timing and the sequence of events which led up to them.

Furthermore, in many instances, the constitutional power of the Attorney-General's Office is completely negated by the refusal of the Zimbabwe Republic Police to follow instructions and make arrests.

5.3.4 The judiciary

The Zimbabwean Government maintains that it was obliged to reconstitute the judiciary to rid it of colonial, reactionary elements that were obstructing reforms aimed at advancing the rights of the black majority, especially its "programme" of land redistribution. The new judicial officers, it said, would be sympathetic to reform programmes and would facilitate rather than obstruct their implementation. In actuality, the Government's main aim was to remould the judicial system into a pliant instrument of State power that would not stand in the way of the government's drastic curtailment of organised political opposition and clamp down on criticism and dissent.

The independence of the judiciary has been severely compromised as a result. The Mugabe administration and the "war veterans" waged a vitriolic and physically threatening campaign to get rid of judges who were perceived as being likely to pass judgments adverse to governmental objectives. They forced the early retirement of Chief Justice Gubbay and plied pressure on other judges to resign. President Mugabe then proceeded to appoint new judges, all of whom had close connections to the ruling party and most of whom received farms at

the time when the process of expropriation was being challenged in the courts over which they preside. Current Chief Justice Chidyausiku, who is widely seen as being a staunch supporter of the ruling party and who assiduously sought to position himself as a replacement when pressure was being exerted on the incumbent Chief Justice to resign, was predictably appointed to head the judiciary directly from the High Court and ahead of sitting Appeal Judges. The Mugabe regime also packed the Supreme Court by promoting three additional judges, perceived as being sympathetic to the ruling party, as Judges of Appeal. The jurisprudentially curious judgments that have emanated from the reconstituted Supreme Court in cases involving the government, have not disappointed President Mugabe.

Judges and magistrates who have continued to give rulings contrary to the perceived interests of the government or the ruling party have been severely criticised. Two judges were (unconstitutionally) arrested on charges which were clearly, in one case entrapment, and very dubious in another, shortly after delivering judgements adverse to the Government. Some magistrates have been subjected to threats and physically assaulted by ruling party supporters. Despite these pressures, a minority of judges and magistrates have continued to perform their duties in an impartial and professional manner.

5.3.5 Legal practitioners

From all over the country lawyers who represent members of the opposition MDC party or who represent commercial farmers, activist groups or anyone else regarded as an opponent of the government, have reported being subjected to threats and intimidation. In a number of instances they have been physically assaulted when dealing with such cases and are routinely denied access to clients held at police stations.

In May 2007, human rights lawyers Andrew Makoni and Alec Muchadehama were arrested by the police in Harare. A number of charges were laid against them but more importantly the charges were related to the MDC members whom they were defending. The incarcerated MDC members were being accused of taking part in the spate of countrywide petrol bombings at police stations from January to April 2007. Following the lawyers' arrest, the Law Society of Zimbabwe (LSZ) decided to petition the Minister of Justice, Legal and Parliamentary Affairs to express disapproval at their illegal detention. The demonstrating lawyers were dispersed outside the High Court in Harare with brute force by police officers some of whom were armed but all of whom wielded baton sticks. The police also took away 5 prominent lawyers, including the President of the Law Society of Zimbabwe, Beatrice Mtetwa and dumped them near Eastlea, a Harare suburb, but not before they had savagely assaulted and tortured them.

5.3.6 Flouting of court orders and contempt for the courts

With increasing frequency, government officials and the police have refused to comply with court orders, where these are favourable to members and supporters of the opposition. This has also been the case in respect of the land disputes, where commercial farmers successfully sought the protection of the courts, but invariably found that the police refused to act on the court orders they had obtained. Government officials have displayed a highly contemptuous attitude towards the courts often claiming superior authority to the courts. The seriousness of this sort of contempt appears to be diminished by its frequency, such that lesser officials now disregard court orders with confidence: a confidence which is increased by the failure of a largely cowed and compromised judiciary to act robustly when cases of contempt of court come before them.

5.3.7 The militia

The Mugabe government has made extensive use of militias to perpetrate violence against MDC officials and supporters and to harass and intimidate critics of the regime. Young ZANU (PF) supporters make up the core of the militias led by the "war veterans". As an adjunct to this, the Mugabe administration introduced a National Youth Service the intention being to politically indoctrinate young people and recruit increasing numbers for a nation-wide campaign of violence against the opposition.

The government campaign against its opponents has been vigorously and ruthlessly supported by militias. Members of these militias have committed a large number of gross human rights abuses, whose activities have been controlled, incited or condoned by the Government. The activities of these militias have been fully documented in recent reports. On completion of their initial service many of the youth militia are brought into the police and army. There are now several reports indicating that they are also being recruited into the civil service.

5.3.8 The Central Intelligence Organization

The CIO is under the President's direct control. It has a separate and very large budget that is not subject to audit by the Auditor-General. Its Director is a war veteran. The primary function of this agency has not been to engage in legitimate intelligence - gathering in the national interest. Instead it has been used to harass and intimidate the opposition political parties, to infiltrate and cause divisions within these parties and to monitor and intimidate critics of the Government. The agency played a key role in organising the terror campaign against opponents of the Mugabe administration. It also helped to support the farm invasions. Most reports on human rights violations implicate the CIO, which is believed to work closely with the notorious Law and Order Section of the Police.

5.3.9 The armed forces

The Mugabe Government has turned the army and air force into politically partisan forces. The armed forces have been used together with the police as a political weapon to suppress opponents and critics and to overcome resistance to unpopular policies.

This brief review indicates that the various bodies and agencies involved in the maintenance of the rule of law have either been seriously subverted or compromised in their functioning. The evidence most certainly does not show any kind of improvement in the human and civil rights situation in Zimbabwe, and it cannot be said that the concerns of the Commonwealth Observer Group, CMAG or CHOGM have been addressed in any way. The principles of the Harare Declaration concerning the rule of law are frequently and systematically violated in Zimbabwe.

5.4 Democratic Practices

Most crucial of all democratic practices covered under the Harare Declaration is the requirement of free and fair elections, as one of the foundation stones of a democracy must be the ability of the citizens to elect the government of its choice in an unconstrained electoral process.

Under the Commonwealth Action Programme, there is reference to the following:

- assistance in the electoral field, including the establishment or strengthening of independent electoral machinery, civic and voter education, the preparation of Codes of Conduct, and assistance with voter registration;
- observation of elections, including by-elections or local elections where appropriate, at the request of the member governments concerned.

This is especially relevant to the Commonwealth Observer Group's [COG] recommendations from the 2002 Presidential Election. It is noteworthy that this report made specific mention of the previous recommendations from the observation of the 2000 General Election, and it commented that none of the recommendations were followed. In 2002, the COG made a number of further recommendations:

- There is a need to revisit the system of election administration. The responsibility is currently shared between the Elections Directorate, the Registrar-General and the Electoral Supervisory Commission. All these bodies are appointed by either the President or the Executive. There is a need to establish an Independent Electoral Commission adequately staffed and equipped to be fully responsible for all aspects of

- electoral administration and management;
- Legislation should provide for publication of a preliminary and subsequently final voter's roll in sufficient time prior to an election. Both of these lists should be made available for easily accessible public inspection, rather than only in offices of constituency registrars;
 - All parties should subscribe to a Code of Conduct regarding the activities of political parties and candidates during the campaign and election period;
 - Regulations governing the use of public media by the political parties and a Code of Conduct on media coverage and advertising during the campaign and election period need to be devised;
 - There is a need to review the Constituency delimitation exercise and the number of polling stations attached to constituencies;
 - A well-organised and ongoing voter education programme should be initiated and carried out by election officials, political parties and civil society.

None of these recommendations were followed by the Government of Zimbabwe in any of the by-elections or local government elections held up to the Parliamentary Elections in 2005. All the available evidence indicated even greater partisan control by the government of all electoral processes and procedures.

The 2005 Parliamentary Elections were held against the background of the SADC Principles and Guidelines Governing Democratic Elections that were passed in Mauritius in August 2004. It was strongly argued by the Zimbabwe government, and supported by a number of SADC states, that this ushered in a new era in elections, and that these standards overcame many of the previous objections to the conduct of elections in Zimbabwe. However, once again the elections produced a disputed result, and the results were not widely accepted as free and fair. Furthermore, most international observers, including the Commonwealth, were excluded from these elections, and observer groups declined to endorse the elections as meeting accepted democratic standards. Whilst undoubtedly less violent than the preceding elections, there were cogent allegations of intimidation and undue influence.

Also of concern is the inexplicable delay in the adjudication of all election petitions. An election petition under the Electoral Act is a major democratic tool for judicial evaluation of elections, and the Act provides that these should be heard and decided expeditiously. This must be so, as the matters entailed in election petitions speak to the heart of political power and good democratic practice, and the provision for petitions ensures that there can be no inappropriate elections: it is the safeguard against electoral fraud and the theft of the right to govern and the people's will.

There was no satisfactory resolution of a single one of 37 petitions brought as a result of the 2000 Parliamentary Election before the next parliamentary election in 2005. None of the petitions were finalized, and, of those judgements that did take place (but against which appeals were lodged), these generally favoured the view that there had been such undue influence and violence in the constituency concerned that the outcome could not be trusted as reflecting the will of the constituents. The petition on the Presidential Election is still to be finalized, more than five years after the event. In a context where evidence suggests that judicial independence has been compromised, it is difficult to ascribe an innocent explanation for this situation.

5.5 Conclusion

This brief assessment could be massively expanded by the insertion of all the supporting evidence, but it should be clear that there are no good grounds for suggesting that the Government of Zimbabwe came even close to addressing the concerns of the Commonwealth before President Robert Mugabe unilaterally withdrew Zimbabwe from the Commonwealth, and has continued to ignore these concerns subsequently. The evidence rather supports a view that the Government of Zimbabwe has been contemptuous of the rulings of the Commonwealth, and has made no or little attempt to actively engage the Commonwealth or its Secretariat.

6. What is to be done?

In the history of the Commonwealth, its position on Apartheid South Africa stands as testimony to its commitment to democracy, human rights and the rule of law. The promulgation of the Harare Declaration, and Commonwealth Action Programme is in keeping with this tradition. It would be an unfortunate departure from this tradition if the Commonwealth were now to waver and not follow through with the implementation of the Harare Declaration, and procedures provided for in the event of a member's withdrawal.

Notwithstanding that the Government of Zimbabwe is unlikely to respond positively to any Commonwealth initiative whilst President Mugabe remains in power, it remains important for the Commonwealth to adopt measures on Zimbabwe in furtherance of the Commonwealth Action Programme's call "to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years".

Informed by the Commonwealth Action Programme's reference to such measures as 'limitation of government-to-government contacts; people-to-people measures', and by the institutions, programmes and activities of the Commonwealth, a multi-level set of actions can be undertaken to re-engage with Zimbabwe for the principal purpose of easing its return to

the Commonwealth in a post-Mugabe era whilst simultaneously showing solidarity with the people of Zimbabwe and preparing them, through support to civil society structures, for the crucial task of monitoring, protecting and promoting human rights, the rule of law, democratic practices and good governance in a 'new' Zimbabwe. In this regard, we perceive two distinct dimensions of engagement by the Commonwealth; one being of a political and diplomatic nature to promote Zimbabwe's rehabilitation and return to the Commonwealth, and one being in the form of dialogue and capacity building for civic groups involved in civil and political rights.

6.1 Recommended Actions

6.1.1 Political & Diplomatic

It is important that Britain should not appear isolated in its call for the Zimbabwean government to restore democratic norms. As the former colonial power and as a powerful western nation, such a call is easily presented by the Zimbabwean Government as a neo-colonial intrusion. Conversely, the Commonwealth is ideally placed to play a key role in this regard due to its unique social, ethnic and North-South diversity of membership and the participation of its members in other international bodies, particularly the ACP grouping of states, the UN and most importantly SADC and the AU. Members of SADC and the AU who are also members of the Commonwealth cannot have one set of principles qua members of the Commonwealth (the Harare Declaration) and another set of principles qua members of SADC and the AU. Accordingly, the SADC and AU members of the Commonwealth offer an entry point for the Commonwealth to engage those SADC and AU members who are able to exert influence on the Mugabe government. The South African government is the most obviously placed in this regard: South Africa is a member of the Commonwealth, AU and SADC; it is the most powerful economic player on the continent; is geographically proximate and, like Zimbabwe, fought a protracted struggle against white minority rule. Accordingly, the Commonwealth, as a body should remind the SADC and AU members of the Commonwealth of that to which they committed themselves under the Harare Declaration and the Commonwealth Action Programme, a commitment which appears to be forgotten under the flurry of Mugabe's "anti-imperialist" pseudo pan-Africanist rhetoric when these countries meet in the forums of SADC and the AU. SADC and the AU have repeatedly taken steps to shield the Zimbabwean government from measures which are clearly in accord with the Commonwealth Action Programme without any dissenting voice from the SADC and AU members of the Commonwealth who ought rather be duty bound to assist in the implementation of these measures. The Commonwealth, as a body, should thus encourage the South African government to lead SADC and AU members of the Commonwealth in

exhorting the Mugabe government to abide by the Harare Declaration and democratic principles.

The proposed EU-AU summit in Portugal in December 2007 illustrates the praxis. British Prime Minister Gordon Brown has indicated that he will not attend if President Mugabe is present. The government controlled press in Zimbabwe has predictably sought to portray this stance as evidence that Zimbabwe's problems are a bilateral dispute with Britain over its land policy and as evidence of neo-colonial interference with its sovereignty. Yet paragraph 3 of the Commonwealth Action Programme provides for the limitation of government to government contact as a further step when a defaulting member withdraws from the Commonwealth. Britain's stance is precisely that which the Commonwealth Action Programme proposes. If this paragraph is formally adopted by the Commonwealth as its policy, as it ought, Britain would not stand isolated in this regard. Nor could the position then be regarded as interference by powerful western nations. The AU members of the Commonwealth attending the summit would also be obliged to implement that which was agreed by them as Commonwealth members. Such caucusing would not be without recent precedent. The Commonwealth Secretary General, Don McKinnon, attended the 9th Ordinary Session of the Assembly of the African Union in June 2007 and met with the AU members of the Commonwealth as a caucus. Yet there is no suggestion that the Commonwealth's policy towards Zimbabwe was discussed.

Instead the current position is that far from implementing the Commonwealth Action Programme to which they agreed in regard to limitation of government to government contact, AU members of the Commonwealth are vocal in insisting on President Mugabe's attendance at the summit. It would be understandable if some observers are led to believe it is precisely because the AU-Commonwealth nations are reluctant to enforce the Harare Declaration and its implementing instrument, the Commonwealth Action Programme, that the Commonwealth as a body has failed to do so. Such a position would be against the brave tradition of the Commonwealth to date, undermines the spirit of the Harare Declaration, and undermines the integrity of CMAG.

The EU - AU summit in December 2007 is but one example both of how implementation of the Commonwealth Action Programme could have a salutary effect, and the deleterious effect of disengagement with the Zimbabwe Question. Accordingly, with regard to political/diplomatic initiatives, involving the Commonwealth, other international bodies and the Zimbabwe Government, the Commonwealth should consider pursuing the following actions:

- **Informed by the principles of the Harare Declaration, lay down explicit and concise benchmarks for the re-admittance of Zimbabwe to the Commonwealth;**
- **Constitute an “eminent persons” group capable of rallying the Commonwealth around a common position on Zimbabwe, both with respect to the benchmarks and as concerns the mode of re-engagement with the Zimbabwe government;**
- **Launch a sustained lobbying process by the Commonwealth at all relevant international bodies – the UN, the AU and SADC – to demand a return to democracy, human rights, and the rule of law by the Zimbabwe government;**
- **Noting South Africa’s particularly strategic influence on Zimbabwe, including within SADC and the AU, and recalling the Commonwealth’s constructive role during the Apartheid era in promoting change in South Africa and its re-admittance to the Commonwealth, underpin the South African government’s promotion of dialogue with the Zimbabwe government and MDC opposition whilst simultaneously engaging with the South African government to develop a comprehensive and sound policy for Zimbabwe asylum seekers in South Africa.**

With regard to these proposals, mention need be made of events within SADC since March 11, 2007. On that date several MDC members, including the leadership and Presidents of both factions, were detained by the Zimbabwean Republican Police during an operation to prevent a large rally - held as a prayer meeting - from taking place. A few days later pictures broadcast internationally revealing their injuries, sustained as a result of brutal treatment while in police custody, caused indignation around the world, and reportedly some disquiet behind the closed doors of SADC. Impervious to these international protests, as President Mugabe left for a meeting of SADC two weeks later on March 28, 2007 the police and CIO operatives from the President’s office launched a raid on Harvest House (the building housing the MDC head office and several other small enterprises). They arrested all in the building and proximity. After beating and releasing some of those arrested, the police then systematically tortured 17 senior members and employees of the MDC over a two day period. The mandate of the police appeared to be to create a link between the arrestees and several petrol bomb attacks that had taken place in the preceding few days around Zimbabwe, to pursue charges of terrorism against them, and preferably to extract confessions from them. Accordingly, at the time President Mugabe was facing his peers at the SADC meeting and anticipating some criticism arising from the events of March 11, the Zimbabwean government controlled press gave headline prominence to the fact that senior MDC figures had been

arrested on charges of terrorism and receiving training in insurgency and banditry in South Africa. Subsequently, a judge of the High Court determined that the State's claim that they had a witness to the perpetration of the crimes (used as a basis for the refusal of bail) was false and that the person named to be such a witness did not exist as did not the farms on which the accused were supposed to have received training in insurgency and banditry. After the accused had spent several months in custody (some in the prison hospital recovering from the torture) the State thus quietly withdrew charges.

In the wake of these events SADC mandated South Africa's President Thabo Mbeki to facilitate dialogue and negotiations between President Mugabe's government and the MDC. The South African government has been at pains to emphasise that President Mbeki's role on behalf on SADC is facilitatory rather than mediatory. Furthermore, the talks are being conducted under a media blackout with no clear terms of reference. The position would be different, and to the benefit of all concerned if the Commonwealth were re-engaged with Zimbabwe. A Commonwealth underpinning of the negotiations would automatically mean that there would be a clear reference point for the direction of the negotiations – adherence to the Harare Declaration and benchmarks set by the Commonwealth, thus setting the stage for a more widely recognised legitimacy of elections scheduled for March 2008. At present the only objective of the negotiations appears to be that conditions are put into place to ensure that the elections are "free and fair", with no parameters being set by which to adjudge that such conditions are in place. SADC members of the Commonwealth had a clear starting point for setting such parameters based on the Commonwealth's previous deliberations and determinations on the Zimbabwe Question. However, in the absence of engagement by the Commonwealth on the Zimbabwe Question the issue was neither dealt with as a caucus at the SADC meeting nor underpinned by any recommendations or benchmarks from the Commonwealth. The danger is thus that the MDC will be compelled under SADC pressure to accept an election under conditions which fall far short of accepted Commonwealth standards but which SADC will endorse as "free and fair". This was the scenario after the Zimbabwean government agreed to conduct elections in 2005 under recently agreed SADC Principles and Guidelines for Democratic Elections and such a scenario is in danger of being repeated.

This reality also underlies the proposed actions for the Commonwealth in respect of dialogue and capacity building for civic groups, which is addressed below.

6.1.2 Dialogue & Capacity Building for Civil Society

Since the withdrawal of Zimbabwe from the Commonwealth, the political and social importance of civil society in Zimbabwe, essentially encompassing the churches, trade unions

and NGOs, has increased, principally as a result of the split within the main opposition political party, the MDC. This split has not only damaged the credibility of both MDC factions but has also left a vacuum in formalised opposition to the Mugabe government which has resulted in a heightened role for civil society. Moreover, and in support of this contention, it is not unlikely that the more than usually brutal response by State actors (often involving beatings and torture) to public protests by the larger civil society movements – the ZCTU, NCA and WOZA - in the latter half of 2006 and 2007 reflected the Zimbabwean Government's belief that the importance of civil society groupings as a source of opposition and potential mass disturbances had increased, requiring a heavier hand to suppress these groups.

A further reason for the Commonwealth to engage with appropriate civil society organisations is to enhance their organisational and technical capacity so as to enable them to effectively monitor, protect and promote human rights, democratic practices, the rule of law and good governance in a 'new' Zimbabwe when, hopefully, Zimbabwe's re-admittance to the Commonwealth is in progress or has occurred. Whilst civil society organisations are at present doing courageous work in this regard and have done so for some years, it is imperative that they are fully equipped and encouraged to continue such work in a post-Mugabe political dispensation to ensure that fundamental rights, as reflected in the Harare Principles, are respected and that there is no return to the repressive practices of recent years. If there is one positive lesson from the experience of the last few years it is that robust and committed civil society institutions and processes, including mass education and awareness programmes on human rights and democratic principles and practices, are essential to promote and sustain democracy, peace and stability. At least in part, the absence of such vigilance by civil society from 1980 to 2000 contributed to the repressive legislative structures and governance in Zimbabwe today. The impressive number of active human rights NGOs and movements currently operative in Zimbabwe, from less than a handful in the early 1990s, is a direct response to the widespread and systematic human rights abuses since the end of that period. It is crucial that this youthful but experienced democratic resource is developed and sustained. In terms of its objectives, institutions, activities and experience in advancing democratic principles and human rights norms through education, training and awareness programmes, the Commonwealth is ideally placed to provide the necessary technical assistance and funding required to enhance the capacity and effectiveness of civil society groups in Zimbabwe to engage in activities aimed at promoting and protecting democratic practices and human rights. In this way, the Commonwealth could make a significant investment in the return and sustainability of freedom, democracy and development in Zimbabwe.

Commonwealth engagement with and support for civil society organs is necessary in order to

show solidarity with them, their constituents and the people of Zimbabwe and to so boost their morale and sense of worth in their activities. Here it may be that for ordinary Zimbabweans the disengagement by the Commonwealth stands as an anomaly that needs to be addressed. This engagement would also serve to introduce the Commonwealth to the wider civil society community in Zimbabwe, including humanitarian and development NGOs, establish working relationships with them and so provide a springboard for enhanced Commonwealth and civil society cooperation in a 'new' Zimbabwe.

With regard to pursuing dialogue and capacity building for Zimbabwean civil society, it is suggested the Commonwealth should consider launching the following specific initiatives:

- With the cooperation of the Commonwealth Foundation and the Commonwealth Youth Programme as appropriate, promote and support the participation of Zimbabwe civil society organisations in the range of Commonwealth activities held in Commonwealth member states and geared to NGO capacity - building, notably, training courses, workshops, conferences etc.;
- With the cooperation of the of the Commonwealth Foundation and Commonwealth Youth Programme as appropriate, and in the spirit of the 'People's Commonwealth' network, promote and support networking activities and visits by Zimbabwe civil society organisations to counterparts in Commonwealth countries, particularly significant developing countries such as South Africa, Nigeria and India, for purposes of educating and informing civil societies in these countries of the situation in Zimbabwe, securing their support for actions on Zimbabwe including lobbying of their governments, and creating a platform for ongoing civil society South-South solidarity, information exchange and capacity building;
- Make scholarships available to Zimbabweans wishing to pursue further education outside Zimbabwe which would be of benefit for reconstruction, rehabilitation and reconciliation in Zimbabwe, where this could include the establishment of a special fund for this purpose and the encouragement of donor organisations, including bilateral and multilateral bodies, to provide such scholarships;
- Encourage donor organisations, including bilateral and multilateral bodies, through support for a discreet donor conference and/or other formal means, to provide grants for civil society organisations in Zimbabwe which are struggling to address the multiplicity of humanitarian needs and human rights abuses in Zimbabwe, including those associated with the so-called Operation Murambatsvina which resulted in the displacement of hundreds of thousands of people;
- Initiate dialogue with key civil society and church groups in South Africa which are concerned and active on Zimbabwe, particularly the Institute for a Democratic Alternative in South Africa (IDASA), the Centre for the Study of Violence and Reconciliation (CSVR), the

Institute for Justice and Reconciliation (IJR) and the South African Catholic Bishops Conference [SACBC], with a view to identifying appropriate collaborative activities between these organisations, the Commonwealth, and various Zimbabwean organizations within South Africa;

- Recalling the innovative and highly visible series of 'From Rhodesia to Zimbabwe' policy papers produced and distributed on the eve of Zimbabwe's Independence in 1980, the Commonwealth should provide or secure the funding and technical assistance required for the commissioning, publication and distribution of a series of sector policy papers on Zimbabwe as a contribution to policy formulation in a 'new' Zimbabwe through their strategic use as background discussion documents in appropriate forums.

It is not being suggested here that the Commonwealth can and should initiate all the actions mentioned above without further exploration. However, in our opinion and in terms of our understanding of the role and work of the Commonwealth, these may provide a useful point of departure for further consultation within and between Commonwealth bodies, such as the Commonwealth Secretariat, the Commonwealth Foundation and the Commonwealth Human Rights Initiative, and between these bodies and civil society organisations in Zimbabwe and South Africa in particular.

Appendix 1.

The Harare Commonwealth Declaration, 1991

(Issued by Heads of Government in Harare, Zimbabwe)

1. The Heads of Government of the countries of the Commonwealth, meeting in Harare, reaffirm their confidence in the Commonwealth as a voluntary association of sovereign independent states, each responsible for its own policies, consulting and co-operating in the interests of their peoples and in the promotion of international understanding and world peace.

2. Members of the Commonwealth include people of many different races and origins, encompass every state of economic development, and comprise a rich variety of cultures, traditions and institutions.

3. The special strength of the Commonwealth lies in the combination of the diversity of its members with their shared inheritance in language, culture and the rule of law. The Commonwealth way is to seek consensus through consultation and the sharing of experience. It is uniquely placed to serve as a model and as a catalyst for new forms of friendship and co-operation to all in the spirit of the Charter of the United Nations.

4. Its members also share a commitment to certain fundamental principles. These were set out in a Declaration of Commonwealth Principles agreed by our predecessors at their Meeting in Singapore in 1971. Those principles have stood the test of time, and we reaffirm our full and continuing commitment to them today. In particular, no less today than 20 years ago:

- we believe that international peace and order, global economic development and the rule of international law are essential to the security and prosperity of mankind;
- we believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;
- we recognise racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil;
- we oppose all forms of racial oppression, and we are committed to the principles of human dignity and equality;
- we recognise the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world, and seek the progressive removal of the wide disparities in living standards amongst our members.

5. In Harare, our purpose has been to apply those principles in the contemporary situation as the Commonwealth prepares to face the challenges of the 1990s and beyond.

6. Internationally, the world is no longer locked in the iron grip of the Cold War. Totalitarianism is giving way to democracy and justice in many parts of the world. Decolonisation is largely complete. Significant changes are at last under way in South Africa. These changes, so desirable and heartening in themselves, present the world and the Commonwealth with new tasks and challenges.

7. In the last twenty years, several Commonwealth countries have made significant progress in economic and social development. There is increasing recognition that commitment to market principles and openness to international trade and investment can promote economic progress and improve living standards. Many Commonwealth countries are poor and face acute problems, including excessive population growth, crushing poverty, debt burdens and environmental degradation. More than half our member states are particularly vulnerable because of their very small societies.

8. Only sound and sustainable development can offer these millions the prospect of betterment. Achieving this will require a flow of public and private resources from the developed to the developing world, and domestic and international regimes conducive to the

realisation of these goals. Development facilitates the task of tackling a range of problems which affect the whole global community such as environmental degradation, the problems of migration and refugees, the fight against communicable diseases, and drug production and trafficking.

9. Having reaffirmed the principles to which the Commonwealth is committed, and reviewed the problems and challenges which the world, and the Commonwealth as part of it, face, we pledge the Commonwealth and our countries to work with renewed vigour, concentrating especially in the following areas:

- the protection and promotion of the fundamental political values of the Commonwealth:
- democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
- fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief;
- equality for women, so that they may exercise their full and equal rights;
- provision of universal access to education for the population of our countries;
- continuing action to bring about the end of apartheid and the establishment of a free, democratic, non-racial and prosperous South Africa;
- the promotion of sustainable development and the alleviation of poverty in the countries of the Commonwealth through:
 - a stable international economic framework within which growth can be achieved;
 - sound economic management recognising the central role of the market economy;
 - effective population policies and programmes;
 - sound management of technological change;
- the freest possible flow of multilateral trade on terms fair and equitable to all, taking account of the special requirements of developing countries;
- an adequate flow of resources from the developed to developing countries, and action to alleviate the debt burdens of developing countries most in need;
- the development of human resources, in particular through education, training, health, culture, sport and programmes for strengthening family and community support, paying special attention to the needs of women, youth and children;
- effective and increasing programmes of bilateral and multilateral co-operation aimed at raising living standards;
- extending the benefits of development within a framework of respect for human rights;
- the protection of the environment through respect for the principles of sustainable development which we enunciated at Langkawi;
- action to combat drug trafficking and abuse and communicable diseases;
- help for small Commonwealth states in tackling their particular economic and security problems;
- support of the United Nations and other international institutions in the world's search for peace, disarmament and effective arms control; and in the promotion of international consensus on major global political, economic and social issues.

10. To give weight and effectiveness to our commitments we intend to focus and improve Commonwealth co-operation in these areas. This would include strengthening the capacity of the Commonwealth to respond to requests from members for assistance in entrenching the practices of democracy, accountable administration and the rule of law.

11. We call on all the intergovernmental institutions of the Commonwealth to seize the opportunities presented by these challenges. We pledge ourselves to assist them to develop programmes which harness our shared historical, professional, cultural and linguistic heritage and which complement the work of other international and regional organisations.

12. We invite the Commonwealth Parliamentary Association and non-governmental Commonwealth organisations to play their full part in promoting these objectives, in a spirit of co-operation and mutual support.

13. In reaffirming the principles of the Commonwealth and in committing ourselves to pursue them in policy and action in response to the challenges of the 1990s, in areas where we believe that the Commonwealth has a distinctive contribution to offer, we the Heads of Government express our determination to renew and enhance the value and importance of the Commonwealth as an institution which can and should strengthen and enrich the lives not only of its own members and their peoples but also of the wider community of peoples of which they are a part.

20 October 1991

Appendix 2.

The Millbrook Commonwealth Action Programme on the Harare Declaration, 1995 (Issued by Heads of Government at Millbrook, New Zealand)

1. At Harare in 1991, we pledged to work for the protection and promotion of the fundamental political values of the association, namely democracy, democratic processes and institutions which reflect national circumstances, fundamental human rights, the rule of law and the independence of the judiciary, and just and honest government. We agreed at the same time to work for the promotion of socio-economic development, recognising its high priority for most Commonwealth countries. During our Retreat at Millbrook, we decided to adopt a Commonwealth Action Programme to fulfill more effectively the commitments contained in the Harare Commonwealth Declaration. This Programme is in three parts:

- i. advancing Commonwealth fundamental political values;
- ii. promoting sustainable development; and
- iii. facilitating consensus building.

I. ADVANCING COMMONWEALTH FUNDAMENTAL POLITICAL VALUES

A. Measures in Support of Processes and Institutions for the Practice of the Harare Principles

2. The Secretariat should enhance its capacity to provide advice, training and other forms of technical assistance to governments in promoting the Commonwealth's fundamental political values, including:

- assistance in creating and building the capacity of requisite institutions;
- assistance in constitutional and legal matters, including with selecting models and initiating programmes of democratisation;
- assistance in the electoral field, including the establishment or strengthening of independent electoral machinery, civic and voter education, the preparation of Codes of Conduct, and assistance with voter registration;
- observation of elections, including by-elections or local elections where appropriate, at the request of the member governments concerned;
- strengthening the rule of law and promoting the independence of the judiciary through the promotion of exchanges among, and training of, the judiciary;
- support for good government, particularly in the area of public service reform; and
- other activities, in collaboration with the Commonwealth Parliamentary Association and other bodies, to strengthen the democratic culture and effective parliamentary practices.

B. Measures in Response to Violations of the Harare Principles

3. Where a member country is perceived to be clearly in violation of the Harare Commonwealth Declaration, and particularly in the event of an unconstitutional overthrow of a democratically elected government, appropriate steps should be taken to express the collective concern of Commonwealth countries and to encourage the restoration of democracy within a reasonable time frame. These include:

- i. immediate public expression by the Secretary-General of the Commonwealth's collective disapproval of any such infringement of the Harare principles;
- ii. early contact by the Secretary-General with the de facto government, followed by continued good offices and appropriate technical assistance to facilitate an early restoration of democracy;
- iii. encouraging bilateral démarches by member countries, especially those

- within the region, both to express disapproval and to support early restoration of democracy;
- iv. appointment of an envoy or a group of eminent Commonwealth representatives where, following the Secretary-General's contacts with the authorities concerned, such a mission is deemed beneficial in reinforcing the Commonwealth's good offices role;
- v. stipulation of up to two years as the time frame for the restoration of democracy where the institutions are not in place to permit the holding of elections within, say, a maximum of six months;
- vi. pending restoration of democracy, exclusion of the government concerned from participation at ministerial-level meetings of the Commonwealth, including CHOGMs;
- vii. suspension of participation at all Commonwealth meetings and of Commonwealth technical assistance if acceptable progress is not recorded by the government concerned after a period of two years; and
- viii. consideration of appropriate further bilateral and multilateral measures by all member states (e.g. limitation of government-to-government contacts; people-to-people measures; trade restrictions; and, in exceptional cases, suspension from the association), to reinforce the need for change in the event that the government concerned chooses to leave the Commonwealth and/or persists in violating the principles of the Harare Commonwealth Declaration even after two years.

C. Mechanism for Implementation of Measures

4. We have decided to establish a Commonwealth Ministerial Action Group on the Harare Declaration in order to deal with serious or persistent violations of the principles contained in that Declaration. The Group will be convened by the Secretary-General and will comprise the Foreign Ministers of eight countries, supplemented as appropriate by one or two additional ministerial representatives from the region concerned. It will be the Group's task to assess the nature of the infringement and recommend measures for collective Commonwealth action aimed at the speedy restoration of democracy and constitutional rule.

5. The composition, terms of reference and operation of the Group will be reviewed by us every two years.

II. PROMOTING SUSTAINABLE DEVELOPMENT

6. We reaffirmed our view that the Commonwealth should continue to be a source of help in promoting development and literacy and in eradicating poverty, particularly as these bear on women and children. With a view to enhancing its capacity in this area, we agreed on the following steps:

- i. to strengthen the Secretariat's capacity for undertaking developmental work through support for its various Funds and especially by restoring the resources of the CFTC to their 1991/92 level in real terms; and to provide adequate resources to the Commonwealth of Learning and to the Commonwealth Foundation;
- ii. to support a greater flow of investment to developing member countries through such schemes as the Commonwealth Private Investment Initiative;
- iii. to work for continued progress in assisting countries with unsustainable debt burdens and to promote enhanced multilateral concessional financial flows to developing countries; in particular, to support new and innovative mechanisms for relief on multilateral debt, such as the one proposed by the British Chancellor of the Exchequer at the 1994 Commonwealth Finance Ministers Meeting in Malta, and reiterated subsequently;
- iv. to support the Secretariat in facilitating the adoption by more Commonwealth countries of successful self-help schemes, with non-governmental agencies

- and others acting as catalytic agents, for mobilising the energies of people in alleviating poverty;
- v. to support the efforts of small island developing states to mitigate the effects on their development of environmental change, natural disasters and the changing international trading system; and
 - vi. to combat the spread of HIV/AIDS, which threatens large parts of the younger population of many countries, recognising that the effective exploitation of economic opportunities requires a healthy and educated population; and to provide further resources to renew the core funding of the Southern African Network of AIDS Organisations (SANASO), along with increased funding for UNICEF initiatives in Southern Africa.

III. FACILITATING CONSENSUS BUILDING

7. We were convinced that the Commonwealth, with its global reach and unique experience of consensus building, was in a position to assist the wider international community in building bridges across traditional international divides of opinion on particular issues. We therefore agreed that there was scope for the association to play a greater role in the search for consensus on global issues, through:

- i. use of their governments membership of various regional organisations and attendance at other international gatherings to advance consensual positions agreed within the Commonwealth;
- ii. use, where appropriate, of special missions to advance Commonwealth consensual positions and promote wider consensus on issues of major international concern; and
- iii. use of formal and informal Commonwealth consultations in the wings of meetings of international institutions with a view to achieving consensus on major concerns.

12 November 1995

Appendix 3.

Coolum Communiqué

Coolum, 5 March 2002

Commonwealth Heads of Government met in Coolum from 2-5 March 2002. Of the 51 countries which attended the meeting, 35 were represented by their Heads of State or Government. The meeting was chaired by the Prime Minister of Australia, the Hon John Howard.

16. Heads of Government adopted a Statement on Zimbabwe on 4 March 2002, which is attached.*

Meeting of Commonwealth Chairpersons' Committee on Zimbabwe

London, 19 March 2002

Marlborough House Statement on Zimbabwe

The Commonwealth Chairpersons' Committee on Zimbabwe, consisting of the Prime Minister of Australia, Rt Hon John Howard, the President of Nigeria, H E Chief Olusegun Obasanjo, and the President of South Africa, H E Mr Thabo Mbeki, met at Marlborough House, London on 19 March 2002 to discuss the situation in Zimbabwe. The Commonwealth Secretary-General, Rt Hon Don McKinnon, also attended the discussions. The Committee recalled the mandate given to them by Commonwealth Heads of Government at their recent meeting in Coolum, Australia, to determine appropriate Commonwealth action on Zimbabwe, in the event of an adverse report from the Commonwealth Observer Group to the Zimbabwe Presidential Election, in accordance with the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme.

The Committee noted that the Commonwealth Observer Group, led by General Abdulsalami Abubakar of Nigeria, had concluded that the Presidential Election was marred by a high level of politically motivated violence and that "the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors". They deemed these conclusions, together with other aspects of the Report of the Observer Group, to be an adverse reflection on the electoral process, requiring an appropriate Commonwealth response.

The Committee took note of the various recommendations contained in the Commonwealth Observer Group Report. It also received a Report from the Commonwealth Secretary-General on his consultations with other Commonwealth leaders.

The Committee expressed its determination to promote reconciliation in Zimbabwe between the main political parties. To this end the Committee strongly supported the initiatives of the President of Nigeria and the President of South Africa in encouraging a climate of reconciliation between the main political parties in Zimbabwe which they considered essential to address the issues of food shortages, economic recovery, the restoration of political stability, the rule of law and the conduct of future elections.

The Committee called upon the international community to respond to the desperate situation currently in Zimbabwe, especially the shortages of food.

The Committee noted the reference in the Commonwealth Observer Group Report to national reconciliation being a priority and that the Commonwealth should assist in this process: and requested the President of Nigeria and the President of South Africa to continue to actively promote the process of reconciliation in Zimbabwe between the main political parties and to appoint special representatives to remain engaged with all the parties concerned towards this end.

The Committee decided to suspend Zimbabwe from the Councils of the Commonwealth for one year with immediate effect. This issue will be revisited in twelve months time, having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General.

The Committee mandated the Commonwealth Secretary-General to engage with the Government of Zimbabwe to ensure that the specific recommendations from the Commonwealth Observer Group Report, notably on the management of future elections, in Zimbabwe are implemented.

In line with the Abuja Agreement and the Coolum Statement, the Committee stated that land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern, and the Commonwealth will be ready to assist Zimbabwe to address the land issue and to help in its economic recovery in co-operation with other international agencies. The Committee requested the Commonwealth Secretary-General to remain actively involved with the United Nations Development Programme in promoting transparent, equitable and sustainable measures for land reform in Zimbabwe.

The Committee will actively promote the implementation of all the goals contained in this Statement in consultation with the Commonwealth Secretary-General and will meet at the request of the Commonwealth Chairperson-in-Office.

Appendix 4.

Statements of the Commonwealth Ministerial Action Group on Zimbabwe

Fifteenth Meeting of The Commonwealth Ministerial Action Group On The Harare Declaration (CMAG) Marlborough House, 19-20 March 2001 - Concluding statement

Ministers used the occasion of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG) meeting to discuss the situation in Zimbabwe. They recalled that at their thirteenth meeting in May 2000, Ministers had expressed concerns over a number of issues in the run-up to Zimbabwe's parliamentary elections. The Ministers were concerned that problems continue, and noted especially recent reports of intimidation of the judiciary and the media. They recalled and affirmed the principles embodied in the Commonwealth Harare Declaration to which all Commonwealth members have pledged their commitment. Conscious of the importance of the Commonwealth being fully engaged and having accurate information on the situation in Zimbabwe, and in the spirit of co-operation and dialogue which are features of the Commonwealth association, the Ministers decided that a Commonwealth Ministerial Mission should visit Zimbabwe. The Mission would conduct consultations with the Zimbabwe Government, convey its concerns and offer any appropriate Commonwealth assistance. The Mission would consist of the Foreign Ministers of Barbados, Australia, and Nigeria. Ministers request the full co-operation of the Government of Zimbabwe so that this Mission can take place as soon as possible, in order that they can prepare for and advise the forthcoming meeting of Commonwealth Heads of Government accordingly. They request the Secretary-General to undertake the necessary preparations.

Sixteenth Meeting Of The Commonwealth Ministerial Action Group On The Harare Declaration (CMAG) Marlborough House, 3-4 September 2001

CMAG Ministers took the opportunity to discuss the situation in Zimbabwe. Recalling that they had expressed concern over conditions in Zimbabwe at their meetings in May 2000, and again in March 2001, Ministers again registered concern that the situation in Zimbabwe had not improved. They deeply regretted that the Government of Zimbabwe had not agreed to receive three CMAG Ministers as proposed at their last meeting. The Group expressed its full support for the initiative by President Olusegun Obasanjo of Nigeria to hold a meeting of Commonwealth Ministers on the Zimbabwe situation in Abuja, Nigeria on 6-7 September 2001. They hoped that the Abuja meeting would make progress towards reaching a solution which would benefit all the people of Zimbabwe. The Ministers decided that CMAG would review developments in Zimbabwe when the Group met on 5 October 2001 immediately prior to the Commonwealth Heads of Government Meeting in Brisbane, Australia.

Seventeenth Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), Marlborough House, 20 December 2001

CMAG used the occasion of its Meeting to discuss the situation in Zimbabwe. It recalled that on three previous occasions the Group had expressed concern about conditions in Zimbabwe. The Group reaffirmed its full support for the process established by the Abuja Agreement, reached at the initiative of President Olusegun Obasanjo of Nigeria, and expressed its deep appreciation for the President's ongoing mediation efforts. It also expressed its support for the initiative by the Southern African Development Community (SADC), as well as the involvement of the United Nations Development Programme (UNDP) in assisting with land reform in Zimbabwe. CMAG noted that the repeated efforts of the Secretary-General to engage with the Government of Zimbabwe had been unsuccessful. It also noted that the Government of Zimbabwe had not agreed to receive a Commonwealth Ministerial Mission proposed by CMAG in the Commonwealth spirit of dialogue and co-operation. The Group reiterated its deep concern about the ongoing situation in Zimbabwe especially the continued

violence, occupation of property, actions against the freedom and independence of the media and political intimidation. It agreed that the situation in Zimbabwe constitutes a serious and persistent violation of the Commonwealth's fundamental political values and the rule of law as enshrined in the Harare Commonwealth Declaration. CMAG agreed to draw the attention of the Government of Zimbabwe to its commitments under the Abuja Agreement and under the Harare Commonwealth Declaration. It strongly urged the Government of Zimbabwe to proceed vigorously with implementation of these commitments. The Group noted the public indication by the Government of Zimbabwe of its willingness to invite international observers, including from SADC, the OAU, CARICOM and the Commonwealth, to be present for the forthcoming Presidential Elections. It expressed the expectation that formal invitations will be issued in sufficient time for an early deployment of such observers. CMAG decided to include Zimbabwe on its formal agenda and to review the situation in that country at its next meeting on 30 January 2002.

Eighteenth Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), Marlborough House, 30 January 2002

The Group reviewed the situation in Zimbabwe in the light of developments since its last meeting on 20 December 2001. It expressed its deep concern over the continued violence, political intimidation and actions against the freedom and independence of the media. The Group also condemned the recently enacted Public Order and Security Act and the General Laws Amendment Act, as well as the proposed Access to Information and Protection of Privacy Bill, as further direct curbs on the freedom of speech, of the press, and association in Zimbabwe and contrary to the Commonwealth's fundamental political values as enshrined in the Harare Commonwealth Declaration. The Group expressed the strongest concern that the statement by the Zimbabwe Defence Forces Chief and the recent and foreshadowed legislation constituted a direct threat to the conduct of free and fair elections in Zimbabwe.

CMAG noted that President Mugabe had publicly issued an invitation to the Commonwealth, amongst other international and regional organisations, to send observers to the forthcoming Presidential Election. It called for the immediate deployment of such observers by the Commonwealth Secretary-General and for the full co-operation of the Government of Zimbabwe in facilitating the operation of the Commonwealth and other international and domestic observers during the election period, which had already begun. The Group expressed its full support for the process established by the Abuja Agreement, reached at the initiative of President Olusegun Obasanjo of Nigeria, including the President's ongoing mediation efforts and expressed its great appreciation to President Obasanjo. The Group looked forward to the publication of the United Nations Development Programme report on equitable and sustainable land reform in Zimbabwe and expressed support for the involvement of the UNDP in this process, as agreed at Abuja.

The Group expressed support for the initiative by the Southern African Development Community (SADC), in encouraging a peaceful outcome to the situation in Zimbabwe in accordance with the rule of law and respect for human rights. CMAG further called on the Government of Zimbabwe to ensure that:

- There is an immediate end to violence and intimidation and that the police and army refrain from party political statements and activities,
- All parties in the election be allowed to campaign freely without intimidation or fear of recrimination.
- The people of Zimbabwe are able to make an unfettered and informed choice in the elections, inter alia through full access to information from the media.

The Group decided that Zimbabwe would remain on its formal agenda and agreed to draw up its recommendations to CHOGM at its next meeting, taking into account the Government of Zimbabwe's response to these concerns, in the light of information received from the Secretary-General. The Group noted that the Millbrook Commonwealth Action Programme

provides for a range of measures from Commonwealth disapproval to suspension.

Nineteenth Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), Kasane, Botswana, 16-17 May 2002

The Group received a report from the Secretary-General on recent developments in Zimbabwe. It also took note of the Coolum CHOGM's Statement on Zimbabwe and the action taken by the CHOGM Chairpersons' Committee on Zimbabwe on 19 March 2002 to suspend Zimbabwe from the Councils of the Commonwealth for one year. CMAG welcomed the ongoing efforts of President Olusegun Obasanjo of Nigeria and President Thabo Mbeki of South Africa, amongst other initiatives, to achieve reconciliation and economic recovery in Zimbabwe. CMAG decided it would keep Zimbabwe on its agenda but would take no further action given the decision of the CHOGM Chairpersons' Committee to remain seized of the issue.

Twentieth Meeting Of The Commonwealth Ministerial Action Group On The Harare Declaration (CMAG) - Concluding Statement, Marlborough House, London, 31 October - 1 November 2002.

The Group received a report from the Secretary-General on recent developments in Zimbabwe, including the meeting of the Commonwealth Chairpersons' Committee, held in Abuja, Nigeria, in September 2002. CMAG maintained the decision taken at its last meeting to keep Zimbabwe on its agenda but agreed not to take any further action given the decision of the Commonwealth Chairpersons' Committee to remain seized of the issue and continue its on-going efforts.

Twenty-First Meeting of The Commonwealth Ministerial Action Group on The Harare Declaration (CMAG), Marlborough House, London, 19-20 May 2003.

CMAG received an update from the Secretary-General on recent developments in Zimbabwe. The Group noted the Commonwealth Statement on Zimbabwe of 16 March 2003, and the Secretary-General's Report to the 'Troika' subsequently circulated by the Chairperson-in-Office to all Commonwealth Heads of Government. CMAG maintained the decision taken at its last meeting to keep Zimbabwe on its agenda.

Appendix 5.

Conclusions of the meeting of the Committee of Commonwealth Foreign Ministers on Zimbabwe, Abuja, Nigeria, 6 September 2001

The Meeting of the Committee of Commonwealth Foreign Ministers on Zimbabwe met in Abuja on 6 September 2001 at the invitation of HE Olusegun Obasanjo, President of the Federal Republic of Nigeria. Ministers from Canada, Jamaica, Kenya, South Africa, Zimbabwe and the United Kingdom, as well as the High Commissioner for Australia to the United Kingdom, representing the Australian Foreign Minister, and the Commonwealth Secretary-General attended. The Nigerian Foreign Minister, Sule Lamido, chaired the meeting.

The meeting recognised that as a result of historical injustices, the current land ownership and distribution needed to be rectified in a transparent and equitable manner. It also agreed on the following:

- a) Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy. A programme of land reform is, therefore, crucial to the resolution of the problem;
- b) Such a programme of land reform must be implemented in a fair, just and sustainable manner, in the interest of all the people of Zimbabwe, within the law and constitution of Zimbabwe;
- c) The crisis in Zimbabwe also has political and rule of law implications, which must be addressed holistically and concurrently. The situation in Zimbabwe poses a threat to the socio-economic stability of the entire sub-region and the continent at large;
- d) The need to avoid a division within the Commonwealth, especially at the forthcoming CHOGM in Brisbane, Australia, over the situation in Zimbabwe; and
- e) The orderly implementation of the land reform can only be meaningful and sustainable, if carried out with due regard to human rights, rule of law, transparency and democratic principles. The commitment of the government of Zimbabwe is, therefore, crucial to this process.

The Way Forward

The committee recognises the need for the adoption of confidence-building measures to ensure the implementation of the conclusions of the meeting. In this regard, the meeting welcomed the assurances given by the Zimbabwe delegation as follows:

- (i) Commitment to the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme on the Harare Declaration;
- (ii) There will be no further occupation of farm lands;
- (iii) To speed up the process by which farms that do not meet set criteria, are de-listed;
- (iv) For farms that are not designated, occupiers would be moved to legally acquired lands;
- (v) Acceleration of discussions with the UNDP, with a view to reaching agreement as quickly as possible;
- (vi) Commitment to restore the rule of law to the process of land reform programme;
- (vii) Commitment to freedom of expression as guaranteed by the Constitution of Zimbabwe and to take firm action against violence and intimidation; and
- (viii) Invitation by the Foreign Minister to the Committee to visit Zimbabwe.

The meeting agreed, in the overall context of the statement, that the way forward is for Zimbabwe's international partners:

to engage constructively with the UNDP and the government of Zimbabwe in pursuing an effective and sustainable land reform programme, on the basis of the UNDP proposals of December 2000; to respond positively to any request from the government of Zimbabwe in support of the electoral process; and to continue to contribute to poverty reduction programmes for the benefit of the people of Zimbabwe; and that those partners present (Australia, Canada and United Kingdom), would actively pursue these objectives.

The meeting also welcomed the re-affirmation of the United Kingdom's commitment to a significant financial contribution to such a land reform programme and its undertaking to encourage other international donors to do the same.

Appreciation

The meeting expressed its profound gratitude and appreciation to President Olusegun Obasanjo for his continuing efforts at finding a durable solution to this problem. It also expressed gratitude to the Chairman, Foreign Minister Sule Lamido, for the excellent manner in which he conducted the proceedings. Lastly it expressed gratitude to the Government and people of Nigeria for the hospitality and the conducive atmosphere provided for the meeting. The spirit of camaraderie, informality, honesty and forthrightness that was brought to bear on the proceedings of the meeting, was also recognised as being consistent with the best Commonwealth tradition.

Finally, the Committee agreed to convey to President Obasanjo its willingness to hold further consultations, if he so desires.

Abuja, 6 September 2001

Appendix 6.

Preliminary Report of the Commonwealth Observer Group to the Presidential Election in Zimbabwe 9 & 10 March 2002

Four decades ago, the Commonwealth dedicated itself to work collectively towards bringing about democracy to the countries of Southern Africa. This commitment remains true today and applies to the crisis affecting Zimbabwe.

It was in this spirit that Commonwealth countries engaged with Zimbabwe at Abuja last year to help resolve the land issue. It was also in this spirit that the Commonwealth accepted the invitation of the Government of Zimbabwe to send observers to the 2002 Presidential election.

The Commonwealth Observer Group consists of 42 Observers and 19 staff from the Commonwealth Secretariat. Our terms of reference enjoin us to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in our judgement whether the conditions existed for a free expression of will by the electors and if the results of the elections reflect the wishes of the people of Zimbabwe.

Our teams returned to Harare yesterday, 13 March, from their deployment to the ten provinces of the country. We carried out a thorough de-briefing during which we discussed not only what took place on the election days (9 & 11 March) but the electoral system, the legal framework, the political background and most importantly the campaign period leading up to the elections.

We shall be submitting a full Report of our findings, conclusions and recommendations to the Commonwealth Secretary-General. This Report will be made public in due course. In the meantime, we would like to make a short preliminary statement on our observations.

We were deeply impressed by the determination of the people of Zimbabwe to exercise their democratic rights, very often under difficult conditions. At polling stations across the country, voters queued patiently and peacefully, and sometimes for very long hours. We were also impressed by the professionalism and conscientiousness of the majority of the polling staff, many of whom also had to work for very long hours without rest.

However, it was clear to us that while the actual polling and counting processes were peaceful and the secrecy of the ballot was assured, the Presidential election in Zimbabwe was marred by a high level of politically motivated violence and intimidation, which preceded the poll. While violent acts were carried out by supporters of both of the main political parties, it is our view that most of these were perpetrated by members / supporters of the ruling party against members / supporters of the opposition.

We were particularly concerned about the activities of paramilitary youth groups organised under a "National Youth Training Programme". Members of these groups were responsible for a systematic campaign of intimidation against known or suspected supporters of the main opposition party, the Movement for Democratic Change, MDC. The violence and intimidation created a climate of fear and suspicion.

Members of our Group found that very often the police did not take action to investigate reported cases of violence and intimidation, especially against known or suspected supporters of the MDC. Indeed, they appeared to be high-handed in dealing with the MDC and lenient towards supporters of the Zimbabwe African National Union (Patriotic Front), ZANU-PF. This failure to impartially enforce the law seriously calls into question the application of the rule of law in Zimbabwe.

We were concerned that the legislative framework within which the elections were conducted, particularly certain provisions of the Public Order and Security Act and the General Laws Amendment Act, was basically flawed. Limitations on the freedom of speech, movement and of association prevented the opposition from campaigning freely.

We further regret the restrictions placed on civil society groups, which effectively barred this important sector from participation in the democratic process. In particular we consider that unnecessary restrictions were placed on the deployment of independent domestic observers.

We also found that thousands of Zimbabwean citizens were disenfranchised as a result of the lack of transparency in the registration process and the wide discretionary powers of the Registrar-General in deciding who is included in or omitted from the electoral register.

It is our view that the ruling party used its incumbency to exploit state resources for the benefit of its electoral campaign. This was compounded by the Government's near monopoly of the broadcast media; a factor which was not offset by the bias of most of the privately-owned print media in favour of the opposition MDC.

On polling day itself, many who wanted to cast their vote could not do so because of a significant reduction in the number of polling stations in urban areas. There was an inexplicable delay in complying with a High Court order to extend voting to 11 March. Voting in Harare and Chitungwiza was especially slow, leading to many voters being turned away even at the end of the third day. These problems were not evident in the rural areas.

All the foregoing brings us to the conclusion that the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors.

In these circumstances, we call on all Zimbabweans to put aside their differences and to work together for the future of their country. We believe the Commonwealth should assist in the process of national reconciliation.

Appendix 7.

Commonwealth Statement On Zimbabwe

3/16/2003

The Commonwealth Secretary-General, Don McKinnon, issued the following statement in London today.

"The Commonwealth Troika, mandated by Heads of Government to deal with the Zimbabwe issue, suspended Zimbabwe from the councils of the Commonwealth on 19 March 2002 for a period of one year. Under the Marlborough House Statement, the issue was to be revisited in twelve months time, 'having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General.' At their subsequent meeting in Abuja on 23 September 2002 the Commonwealth Troika decided to 'see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered.'

"Members of the Troika, in reviewing the Zimbabwe issue, agreed that I should undertake wider consultations among Commonwealth governments. Accordingly, over the past few weeks, I have been listening to the views of and discussing the issue with virtually all leaders across the Commonwealth. They have all stated that they wish to see the Commonwealth continue to work together on the issue of Zimbabwe.

"Some member governments take the view that it is time to lift Zimbabwe's suspension from the councils of the Commonwealth when the one-year period expires on 19 March 2003. Some others feel that there is no justification for such a step and that there is in fact reason to impose stronger measures.

However, the broadly held view is that Heads of Government wish to review matters at the Commonwealth Heads of Government Meeting (CHOGM) in Nigeria in December 2003 and that the suspension of Zimbabwe from the councils of the Commonwealth should remain in place pending discussions on the matter at CHOGM.

"I have advised members of the Troika of these views. I have also submitted to them my report as foreshadowed in the Marlborough House Statement.

"The members of the Troika have now concluded that the most appropriate approach in the circumstances is for Zimbabwe's suspension from the councils of the Commonwealth to remain in place until Commonwealth Heads of Government address the issue and decide upon a way forward at the CHOGM in December 2003.

"I wish to reiterate that Zimbabwe and its people matter to the Commonwealth. All the Heads of Government I have spoken to have urged me to persist with my efforts at engagement with President Mugabe and his government in the context of my good offices role. I intend to do so.

"The issue of land reform is at the core of the situation in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy. The Commonwealth and the wider international community remain ready to assist the Government of Zimbabwe in addressing this key issue. I once again call on the Zimbabwe Government to re-engage with the Commonwealth and the United Nations Development Programme on the issue of transparent, equitable and sustainable measures for land reform, as agreed at Abuja in

September 2001.

Commonwealth governments also look to the Government of Zimbabwe to honor its undertakings given to other regional leaders on issues of concern.

"The Commonwealth looks forward to Zimbabwe being able to regain its full and rightful place in the Commonwealth family."

Appendix 8.

Conclusions and Recommendations of the Commonwealth Observer Group on the Zimbabwe Presidential Election of 2002.

1. This has been one of the most keenly contested elections in the history of Zimbabwe. Following on the 2000 parliamentary election which was described as “constituting a turning point in the post-independence history of Zimbabwe”, the 2002 Presidential election aroused considerable international and local interest because of the perceived consequences for Zimbabwe’s political and economic future. As in 2000, the Presidential election was contested by two parties each commanding widespread popular support, as well as by three other candidates. A major feature of the election campaign was the prospect of change.
2. We were enjoined by our Terms of Reference “to observe relevant aspects of the organisation and conduct of the 2002 Presidential election” and “to consider the various factors impinging on the credibility of the electoral process as a whole”. We have therefore set out in this Report to examine not only what took place on the election days (9-11 March) but the electoral system, the legal framework, the political background, and most importantly the campaign period leading up to the Presidential election.

Conclusions

3. We were deeply impressed by the determination of the people of Zimbabwe to exercise their democratic rights, very often under difficult conditions. At polling stations across the country, voters queued patiently and peacefully, and sometimes for very long hours. We were also impressed by the professionalism and conscientiousness of the majority of the polling staff, many of whom also had to work for very long hours under difficult conditions and without rest.
4. However, it was clear to us that while the actual polling and counting processes were peaceful and the secrecy of the ballot was assured, the Presidential election in Zimbabwe was marred by a high level of politically motivated violence and intimidation, which preceded the poll. While violent acts were carried out by supporters of both of the main political parties, it is our view that most of these were perpetrated by members/supporters of the ruling party against members/supporters of the opposition.
5. We were particularly concerned about the activities of paramilitary youth groups organised under a ‘National Youth Training Programme’. Members of these groups were responsible for a systematic campaign of intimidation against known or suspected supporters of the main opposition party, the Movement for Democratic Change, MDC. The violence and intimidation created a climate of fear and suspicion.
6. Members of our Group found that very often the Zimbabwe Republic Police (ZRP) and other security forces did not take action to investigate reported cases of violence and intimidation, especially against known or suspected supporters of the MDC. Indeed, the ZRP appeared to be heavy-handed in dealing with the MDC and lenient towards supporters of the Zimbabwe African National Union – Patriotic Front, ZANU-PF. This failure to impartially enforce the law seriously calls into question the application of the rule of law in Zimbabwe.
7. We were concerned that the legislative framework within which the elections were conducted, particularly certain provisions of the Public Order and Security Act and the

General Laws Amendment Act, was basically flawed, and prejudicially applied. Limitations on the freedom of speech, movement and of association prevented the opposition from campaigning freely.

8. We further regret the restrictions placed on civil society groups, which effectively barred this important sector from participation in the democratic process, and prevented them from carrying out much needed voter education activities, In particular we consider that unnecessary restrictions were placed on the accreditation of independent domestic observers.
9. We found that thousands of Zimbabwean citizens were disenfranchised as a result of the lack of transparency in the registration process and the wide discretionary powers of the Registrar-General in deciding who is included in or omitted from the electoral register.
10. It is our view that the ruling party used its incumbency to exploit state resources for the benefit of its electoral campaign. This was compounded by the Government's monopoly of the broadcast media – a factor which was not offset by the bias of most of the privately-owned print media in favour of the opposition MDC.
11. On polling day itself, many who wanted to cast their vote could not do so because of a significant reduction in the number of polling stations in urban areas. There was an inexplicable delay in complying with a High Court order to extend voting to 11 March. Voting in Harare and Chitungwiza was especially slow, leading to many voters being turned away even at the end of the third day. These problems were not evident in the rural areas.
12. Taking into account all of the foregoing, and recalling our mandate, we have concluded that the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors in the 2002 Presidential election.
13. We call on all Zimbabweans to put aside their differences and to work together for the future of their country. We believe national reconciliation is a priority and that the Commonwealth should assist in this process.

Recommendations

14. The Group recommends as follows:
 - (a) There is an urgent need for there to be a cessation to the systematic use of violence in political campaigns, especially against the opposition party. To address this need, the political parties and the security authorities should jointly establish mechanisms and structures at central and district levels to co-ordinate and implement peace initiatives.
 - (b) There is a fundamental need for there to be a clear separation of party and state in Zimbabwe and for there to be a proscription on the use of state resources for party political activity.
 - (c) The Government and law enforcement agencies should strictly enforce the law in respect to all acts of political violence.
 - (d) the provisions of the General Laws Amendment Act, the Public Order and Security Act and the Access to Information and and Protection of Privacy Act which impede the freedoms of association movement and speech should be repealed.
 - (e) In accordance with its commitment to all the people of Zimbabwe to assist in the development of a democratic society, the Commonwealth should continue to offer assistance to strengthen the country's democratic institutions. The Commonwealth should also offer technical and economic

assistance as appropriate.

15. The Commonwealth Observer Group which was present for the June 2000 Parliamentary elections in Zimbabwe made a series of recommendations intended to assist in resolving problems which the Group had identified during its observations. A number of us were members of that 2000 COG. We regret that in effect none of our recommendations has been accepted by the Government nor by the electoral authorities. In particular, we remain strongly of the view that had a more transparent electoral process been established under a truly impartial authority, the credibility of the current Presidential election could have been considerably enhanced. The lack of such an authority inevitably raises questions over the conduct of this election.
16. We note that steps have been taken to allocate greater resources, and a role in keeping with constitutional provisions, to the Electoral Supervisory Commission (ESC). This is a move in the right direction, but there is still a need to divorce this body from governmental control in order to ensure its independence.
17. We make the following recommendations, which we believe would assist in the conduct of future elections in Zimbabwe:
 - a) There is a need to revisit the system of election administration. The responsibility is currently shared between the Elections Directorate, the Registrar-General and the Electoral Supervisory Commission. All these bodies are appointed by either the President or the Executive. There is a need to establish an Independent Electoral Commission adequately staffed and equipped to be fully responsible for all aspects of electoral administration and management.
 - b) Legislation should provide for publication of a preliminary and subsequently final voter's roll in sufficient time prior to an election. Both of these lists should be made available for easily accessible public inspection, rather than only in offices of constituency registrars.
 - c) All parties should subscribe to a Code of Conduct regarding the activities of political parties and candidates during the campaign and election period.
 - d) Regulations governing the use of public media by the political parties and a Code of Conduct on media coverage and advertising during the campaign and election period need to be devised.
 - e) There is a need to review the Constituency delimitation exercise and the number of polling stations attached to constituencies.
 - f) A well-organised and ongoing voter education programme should be initiated and carried out by election officials, political parties and civil society.
18. We are grateful to the Commonwealth Secretary-General for inviting us to participate in this Commonwealth Observer Group. We recognise the importance of our mission for the Commonwealth and for Zimbabwe. In this light, we also thank the Government of Zimbabwe for having invited Commonwealth Observers to this election. We have reported what we have seen in accordance with our mandate. We feel our highest obligation is to the people of Zimbabwe.

Appendix 9.

COMMONWEALTH HUMAN RIGHTS FORUM November 20th and 21st, 2005, Valletta, Malta

CONCLUDING STATEMENT AND RECOMMENDATION

KEY RECOMMENDATIONS

- 1) That there should be a formal report-back to the next CHOGM on the implementation of Heads' commitments for human rights in Valletta
- 2) That governments should ensure that human rights norms are not compromised using security as an excuse
- 3) That the Commonwealth Ministerial Action Group should investigate the situations in Uganda and the Maldives, and the Commonwealth should stay engaged with Zimbabwe
- 4) That there should be a Commonwealth Expert Group on the future of policing
- 5) That the Commonwealth should agree that all members should offer a standing invitation to UN Rapporteurs and other UN investigators as a commitment to transparency

Introduction

On 20th and 21st November 2005 – just prior to the Commonwealth Heads of Government Meeting (CHOGM) on November 25th to 27th - human rights activists from across the Commonwealth met in Valletta, Malta, for the second Commonwealth Human Rights Forum. Members of human rights non-governmental organizations, National Human Rights Institutions and other civil society actors participated in the meeting, as well as a representative of the Commonwealth Secretariat as observer.

Complementing the official CHOGM theme of "Networking the Commonwealth for Development", participants focused on "Networking for Human Rights" and examined the reality of space available to civil society for human rights within member countries and the Commonwealth as an association. Participants shared experiences and discussed how to raise the profile of human rights within the Commonwealth system.

Participants of the 2005 Commonwealth Human Rights Forum:

Note that the association has always acknowledged that principles of human rights, democracy, good governance and the rule of law are central to the Commonwealth, as outlined in varied Commonwealth declarations, most importantly the Harare Commonwealth Declaration.

Note that the Commonwealth has repeatedly recognized the importance of civil society participation, and yet civil society involvement in Commonwealth processes such as CHOGM remains limited or tokenistic. Note that for civil society to play its full role in human rights issues, enabling environment must be provided through legislation, policies and processes by the association and its members.

Note that the existence of democracy is not sufficient in itself for guaranteeing human rights and space for civil society.

Note that constitutional protection for human rights is important.

Recognise the importance of raising awareness of human rights in Commonwealth countries to enable the development of local ownership over these issues; and the value of sharing human rights experiences across the Commonwealth.

Reaffirm that economic justice, sustainable development and the eradication of poverty are pressing human rights issues and require a rights-based approach with the active engagement of civil society.

Note that a lack of information leads to a lack of accountability.

Note the importance of an independent judiciary to the realization of human rights, and that therefore the judiciary must be sensitized to human rights. In addition, participants agreed that for free and effective networking and activism for human rights, some particular thematic areas of concern must be considered, namely: a rights framework that ensures enjoyment of rights that facilitate this activism; the provision of an enabling environment through rights-friendly laws and practices; and ensuring that the excuse of security concerns is not used to justify restrictions on civil liberties and civil society space.

In relation to an enabling rights framework, participants:

Recognise that the genuine realization of a range of rights is essential for the health of civil society, including: freedom of association, assembly, expression and information. Note that all government policies must conform to international and national human rights standards.

Note that as well as an enabling legislative framework to provide space for civil society, the broader environment must be conducive to the full enjoyment of these rights. Note the importance of varied players in civil society, including the importance of the media to freely source and impart information, which is crucial to the development of a genuinely democratic form of governance.

In relation to the legislation, rules and regulations that regulate civil society, participants:

Recognize that abiding by good governance principles ensures the legitimacy of civil society.

Note that legislation must contain clear definitions, objective criteria and open processes for the creation and working of civil society organizations, and is not designed to control the breadth of their activities.

Note that the process of developing legislation must include civil society in a meaningful way.

Note that certain countries' laws, such as those relating to the funding of organizations, particularly related to receiving foreign funding, place undue restrictions on the work of legitimate civil society organizations. Further note the disturbing practices in some Commonwealth countries to deregister or limit the activities of civil society organizations that focus on advocacy and human rights activities, particularly when they have taken a critical stance.

In relation to security issues, participants:

Recognize the duty of the state to provide safety and security, but were deeply concerned at the trend of governments to curb civil liberties and civil society activities and particularly target dissenting voices on the excuse of terrorism and security. Such attacks on civil liberties of citizens can never be justified.

Note with concern the many countries, recently including Australia and United Kingdom, where anti-terrorism legislation has been passed or proposed that violates human rights standards and that increases repressive measures such as prolonged detention without charge and risks criminalizing certain communities.

Note that the lack of adequate oversight of police and security forces in many countries means that these agents of the state continue to act with impunity, which in turn leads to a loss of trust by the community. Participants discussed the human rights situation in a number of Commonwealth countries, but felt that the crisis in some specific countries deserved particular mention and as such draw the attention of the Commonwealth to Uganda, Maldives and the former Commonwealth country Zimbabwe:

In relation to Uganda, participants:

Note that the human rights situation in Uganda has recently deteriorated with the recent attacks on free political expression and intolerance of opposition.

Further note that the next CHOGM is expected to be hosted by Uganda in 2007 and that holding a CHOGM in a country where the Harare Commonwealth Principles are being disregarded risks making a mockery of the Commonwealth's commitment to its founding principles and standards.

In relation to the Maldives, participants:

Note that the Maldives has persistently failed to fulfill its obligations in the Commonwealth by not abiding by the Harare Principles, and should be on the agenda of the Commonwealth Ministerial Action Group. Note the ongoing engagement by the Commonwealth with the reform processes in the Maldives, but state that more is needed to be done by Commonwealth groups and other actors.

Further note that on some points there have been improvements on paper, but that these have not always been implemented; for instance concern was raised over the refusal to register non-governmental organizations, and the restrictions on freedom of expression, particularly political expression.

In relation to Zimbabwe, participants:

Note the ongoing crisis situation in Zimbabwe, the deteriorating state of human rights evidenced by restrictive media laws, politically targeted evictions, unreasonable restrictions on the right to associate and assemble and harassment and intimidation of civil society.

Recognize that while the government of Zimbabwe has withdrawn from the Commonwealth to avoid continued suspension it is important that the Commonwealth and civil society groups remain engaged with the Zimbabwean government, opposition and people.

Participants of the 2005 Commonwealth Human Rights Forum made the following recommendations to the Commonwealth Heads of Government, that they:

Call on all member governments to ratify and domesticate core human rights treaties. Implement past commitments to human rights to ensure that the realization of human rights is a reality in all Commonwealth countries.

Further their past recognition of the value and importance of civil society by providing appropriate Commonwealth fora and processes for engagement and partnership with civil society.

Consider practical suggestions for such engagement, such as meeting with civil society as part of the CHOGM events to develop a joint statement with agreed action by both government and civil society to be reported on by both parties after two years.

Develop a mechanism to keep members accountable for commitments made in Commonwealth fora, such as reporting at CHOGM on progress made since last CHOGM. Provide the in-country environment required for the effective functioning of civil society groups, particularly those engaged in human rights and advocacy.

This involves:

- updating legal frameworks (using participatory processes) to ensure they are in accordance with international standards and best practices; and

- not using registration processes as a means of restricting the voices of civil society.

Issue a standing invitation to United Nations rapporteurs and relevant human rights bodies as an indicator of their commitment to openness. In accordance with their commitment in 2003 to the right to information, pass laws in compliance with international best practice to provide citizens with access to information.

Mandate the Commonwealth Secretariat to develop and implement an information disclosure policy in compliance with international good practice.

Ensure that human rights are not compromised on the excuse of "security". In particular Commonwealth governments should not derogate from internationally accepted norms on detention without charge and fair trial. Develop effective in-country mechanisms to stop the abuse of power by the police and security forces, including the development and sustainability of civilian oversight bodies.

Ensure, in conjunction with National Human Rights Institutions, greater protection for human rights defenders.

Establish a Commonwealth Expert Group on policing to develop guidelines on training, accountability mechanisms, legal regimes and mutual professional support to ensure democratic policing.

Investigate and keep under review the situation in Uganda and ensure that it is complying with the Harare Commonwealth principles and the expected 2005 Declaration on Tolerance as a condition for hosting CHOGM in 2007.

Expand engagement with the Maldives to encourage genuine and time-bound and verifiable reform to ensure that the Maldives abides by the Harare Principles.

Include the Maldives on the agenda of the Commonwealth Ministerial Action Group. Continue dialogue with the Zimbabwean government - as occurred during the suspension / withdrawal periods in Nigeria and South Africa – and not abandon the people of Zimbabwe.

Encourage Heads of State of SADC countries in particular, to demand greater adherence to human rights norms by the Zimbabwean government.

In addition, participants recommended that civil society should:

Provide support and solidarity to human rights defenders and other civil society groups in other Commonwealth countries and Zimbabwe. Publicise their efforts to advocate on human rights issues within the Commonwealth. Monitor member states' implementation of Commonwealth commitments.

Conduct a fact-finding mission to Uganda to assess compliance with international human rights standards and the Harare Principles, as a matter of priority in the context of Uganda's proposed hosting of CHOGM in 2007. Investigate and report on the objectives and financing of Commonwealth agencies, in the context of the diminishing funding provided to the Commonwealth agencies to conduct their activities.

Appendix 10:

REPORTS OF THE ZIMBABWE HUMAN RIGHTS NGO FORUM

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The **Zimbabwe Human Rights NGO Forum** (also known as the “Human Rights Forum”) is a coalition comprising 17 member organisations. It has been in existence since January 1998 when non-Governmental organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the Food Riots of January 1998.

The Human Rights Forum has now expanded its objectives to assist victims of organised violence, using the following definition:

“Organised violence” means the inter-human infliction of significant avoidable pain and suffering by an organised group according to a declared or implied strategy and/or system of ideas and attitudes. It comprises any violent action, which is unacceptable by general human standards, and relates to the victims’ mental and physical well-being.”

The Human Rights Forum operates a Research and Documentation Unit and offers legal services to assist victims of organised violence and torture claim compensation from perpetrators through its Public Interest Unit.

Member organisations of the Human Rights Forum are:

- Amnesty International (Zimbabwe) (AI (Z))
- Catholic Commission for Justice and Peace (CCJP)
- Gays and Lesbians of Zimbabwe (GALZ)
- Human Rights Trust of Southern Africa (SAHRIT)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitoring Project of Zimbabwe (MMPZ)
- Nonviolent Action and Strategies for Social Change (NOVASC)
- Transparency International (Zimbabwe) (TI (Z))
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

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