



**NATIONAL ASSOCIATION OF NON-GOVERNMENTAL  
ORGANISATIONS**

**BRIEFING NOTE**

**“Civil Society-Government of Zimbabwe  
Consultative Meeting ”**

**Kariba, 21 - 24 September 2006**

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# **GOVERNMENT OF ZIMBABWE AND CIVIL SOCIETY ORGANISATIONS CONSULTATIVE MEETING, CARRIBEA BAY RESORT, KARIBA**

## **SUMMARY OF PROCEEDINGS**

### **1.0. Introduction and Background**

Since 2000, there has been the need for Government of Zimbabwe (GoZ) and Civil Society Organizations (CSO's) to engage on broader issues of human rights, and the nature of GoZ –CSO relationship.

In March 2006, GoZ indicated its intention to set up a National Human Rights Commission (NHRC). The UN welcomed this initiative but advised that there should be genuine and broad consultations with all relevant stakeholders especially CSO's. Consequently, since April 2006, both GoZ and CSO's have made representations to UNDP to facilitate a consultative meeting on the nature of their relationship and the possible establishment of a NHRC. Further, a consultative meeting was held from 21-24<sup>th</sup> September 2006. The objective of the meeting was to provide the GoZ and CSO's with an opportunity to engage each other and discuss broad human rights issues in general, and in particular the establishment of an NHRC in Zimbabwe. Some members of the Judiciary, GoZ representatives drawn mainly from the Ministry of Justice, Legal and Parliamentary Affairs, representatives of CSO's, UNDP, and the Office of the High Commissioner for Human Rights attended the meeting. Prof. Walter Kamba facilitated the proceedings.

### **2.0. Presentations by the CSO's, GoZ, and the UN**

#### **2.1. CSO's Presentation**

CSO's gave the historical context of their operations and relationships with government both in pre- and post-independent Zimbabwe. While the CSO's had good relations with GoZ since independence they are now concerned with human rights violations, governance issues, and failure by GoZ to uphold the rule of law **mainly since 2000 when the land reform programme was embarked upon**. CSO's raised issues over existing legislation such as POSA, AIPPA, and Constitutional Amendment No. 17, and proposed Bills e.g. the NGO and Interception of Communications Bills, which are perceived to violate the national constitution and human rights. The **CSO's expressed concern over the excessive use of force by the police when dealing with demonstrations by some members of the public**. The CSO's are also concerned that GoZ views all its members as adversaries working with

external factors to effect regime change. The CSO's emphasised the need for integrity, credibility, and acceptance of the proposed institution and suggested that all stakeholders before its establishment could achieve this through broad participation. The **appointment of the chairperson and the commissioners should be transparent and their accountability should be clearly defined.**

## **2.2. Government of Zimbabwe Presentation**

The GoZ informed the meeting that after independence it had to correct the colonial injustices and had to resolve the land issue, as this was one of the main reasons for the armed struggle. The GoZ expressed concern over the increasing numbers of NGOs that have been shifting from their original registered mandate of relief/humanitarian and development into human rights and governance since 2000. The fact that all these NGOs were externally funded leads GoZ's to perceive them as working to effect regime change in Zimbabwe. The GoZ expressed concern over the submission of adverse and unsubstantiated reports on the human rights situation in Zimbabwe, to international and continental bodies before exhausting domestic channels and remedies. The GoZ acknowledged that existing mechanisms such as the office of the ombudsman and the inter-ministerial committee on human rights and international humanitarian law were inadequately resourced to deal with human rights issues in Zimbabwe. It was against this background that the Minister of Justice, Legal and Parliamentary Affairs had proposed to the ZANU-PF Politburo, the establishment of the National Human Rights Commission as a separate entity to articulate human rights issues in a holistic manner. The GoZ took into consideration recommendations by the United Nations and is committed to the Paris Principles, which lay out the basis for setting up of National Human Rights Institutions.

## **2.3. Presentation by UN**

Besides facilitating the holding of the meeting, the UN made a presentation on the Paris Principles (GA Resolution 48/134 of 20 December 1993), highlighting the following:

- Approaches in defining National Human Rights Institutions (NHRI);
- Process of establishing NHRI: Consultative, inclusive, transparent; Led by the highest level of government; involve & mobilise all relevant elements of the state & civil society;
- Legal foundation: either through incorporation in the Constitution or Act of Parliament
- Mandate of NHRI: Protection against abuses of rights as recognised in the Constitution; Investigating complaints by individuals; Systematic review

of government's human rights policy, monitoring of State compliance with its human rights obligations under national, regional and international instruments;

- Criteria of Independence: Legal and operational autonomy; Financial autonomy; Independence through appointments and dismissal procedures; Independence through composition: should reflect a degree of sociological and political pluralism

### **3.0. Some Highlights of the Discussion**

There was a consensus among the participants on the need to fully understand the context and historical background before addressing the specific issue of the establishment of the NHRC. In this regard, debate revolved around the some perception created by statements from certain countries that they were supporting Zimbabwean CSO's to achieve regime change.

CSO's raised concerns that past human rights violations are addressed and the present climate are improved so that it conduces to the enjoyment of human rights before taking on the issue of the establishment of the NHRC. CSO's pointed to the government some of the pieces of legislation such as AIPPA and POSA and the treatment of some CSO's as examples of current conditions that may hinder good relations, which are necessary for wider consultations before the NHRC can be established.

CSO's highlighted the paradoxes shown by the GoZ arising from the fact that on the one hand it wishes to create a National Human Rights Institution and on the other it is openly abusing people's human rights HR as evidenced by the beating and detention of trade unionists that were planning peaceful demonstrations mid September 2006.

On the establishment of the NHRC, two issues were raised, namely; whether the idea of setting up the institution is acceptable in principle and the nature of the process that should precede the setting up of the commission. The participants agreed that the idea of setting up a NHRC is in principle welcome as well as that GoZ has an international obligation to establish such an institution. The participants agreed that the Paris Principles would form the basis for establishment of this institution. Furthermore, it was agreed to undertake nation-wide and broad consultative process aimed at creating an enabling environment for all stakeholders for the promotion and protection of Human Rights in Zimbabwe, and examine the mandate, autonomy, and composition source of funding and obligations of the Commission before it is established.

There was consensus that the lack of a forum or mechanism for CSO's to dialogue with the Government was one of the sources of misunderstanding

and possible conflict. In response GoZ, officials indicated their willingness to keep an open door policy and invited CSO's representative to confer with them at any time.

#### **4.0. Specific Recommendations**

- Confidence building measures between GoZ and CSO's need to be put in place, which may eventually result in an institutionalised forum for dialogue;
- Strengthening of the capacity of state institutions (Ministry of Public Service, Labour, Social Welfare) to deliver adequate services to NGOs e.g. registration and monitoring of NGOs.
- GoZ to use and adhere to existing laws to manage CSO's and ensure that they comply with their mandates.

#### **5.0. Conclusions**

The consensus was that the consultative meeting between CSO's and GoZ, in Kariba was unique, the first of its kind in the history of Zimbabwe and therefore an achievement in itself. The conclusions reached are as follows:

- There was a commitment by both participants that there should be more dialogue to improve GoZ-CSO relationship and creating an enabling environment for the protection and promotion of human rights;
- Agreement was reached to expand dialogue process between GoZ and CSO's by involving more actors, especially those who are still hesitant to join the process;
- A decision was made for UNDP to facilitate the process, by increasing communication and dialogue with all stakeholders particularly those that are still hesitant about the process;
- CSO's undertook to consult their constituencies on the next step for this process;
- GoZ undertook to bring to the next round of consultations other Government departments, including representatives of the uniformed forces, thus giving them an opportunity to hear first-hand, the concerns of Civil Society
- Participants requested UNDP to continue to facilitate the overall process and the next meeting is tentatively scheduled for October/November 2006;

Ends. 27/09/06 UNDP-LU