The Commonwealth and Zimbabwe: Who got disengaged and why should we re-engage?

Research & Advocacy Unit

As yet another CHOGM looms, it seems appropriate to ask the question in respect of Zimbabwe - the ghost at this ball - “who divorced whom?” This is a fair question, given the standards by which the Commonwealth ought to operate in the aftermath of the Harare Declaration, and its historical basis in South African and Zimbabwean history.

However, Zimbabwe, just like Southern Rhodesia before it, has created major problems for the Commonwealth, but, unlike Southern Rhodesia, the Commonwealth has failed Zimbabwe. This is even the view of one of those that fought so hard to bring Zimbabwe (and the new South Africa) into existence - Sir Malcolm Fraser. As he put it:

> Zimbabwe is not only one of the greatest successes of the Commonwealth – in terms of what happened in 1979 – but also one if its greatest failures. It’s a great tragedy that the Commonwealth did not marshal its resources early enough or adequately enough on Zimbabwe. I still believe that it could have been extraordinarily influential, but it wasn’t going to happen without an activist Secretary-General. The Commonwealth could have made it extremely difficult for President Mbeki to stand up and support Mugabe. The Commonwealth should have found a way around this.

Whilst Malcolm Fraser regards the Commonwealth as having failed with respect to Zimbabwe, his fellow Commonwealth partner on the Southern Rhodesia problem, Kenneth Kaunda, is more upbeat:

> Now the Commonwealth should be trying to engage more proactively with the Government of National Unity in Zimbabwe. Quite a number of leaders have been involved in Zimbabwe quietly already, and it has had some good results.

These are contradictory views and reflect very much the differences between the Western Commonwealth and the African nations in relation to Zimbabwe. But why should the case of Zimbabwe be treated so differently to that of Southern Rhodesia?

Firstly, Zimbabwe is not Southern Rhodesia. There is no treasonous Unilateral Declaration of Independence, no Cold War, and no apartheid. The Commonwealth is not the club that it was in 1965, but an organization with standards, principles and mechanisms of enforcement. It, now has substantial instruments for dealing with the misdemeanours of its members. The Harare Declaration was not merely a trivial statement of intent, and with the Millbrook Commonwealth Action Programme and the establishment of the Commonwealth Ministers Action Group [CMAG], the Commonwealth certainly intended to develop a meaningful instrument to govern relations in the Commonwealth. This should have demanded, at the very least, a much more engaged response from the Commonwealth than has hitherto been the case.

Secondly, it seems evident to all that Zimbabwe’s withdrawal from the Commonwealth was not an expression of the will of the people of Zimbabwe, but a result of Presidential action alone. There was no prolonged (or any) debate in the Zimbabwean Parliament about this action. There is no sense in
which the citizens, popularly or through their representatives, could be said to have agreed to the withdrawal of Zimbabwe from the Commonwealth.

The opprobrium of the Commonwealth and Zimbabwe’s subsequent withdrawal from the group should not be treated lightly. This was certainly not the case when South Africa withdrew, or the case when Southern Rhodesia declared an illegitimate independence from Britain. The Commonwealth stood firm in the defence of the ordinary citizens of those countries, even against the evidence that the governments were legitimately elected: they may have been racist, but the South African and Southern Rhodesian governments were constitutionally elected. The constitutional basis was racist, but at least the governments were elected in full compliance with the constitution and the law. In Zimbabwe’s case, however, the Commonwealth itself concluded that the elections in 2000 and 2002 were seriously flawed, with the obvious implication that the government subsequently established was illegitimate. However, this illegitimacy could only be definitively and legally demonstrated by the judicial pronouncement of Zimbabwe’s courts pursuant to election petitions exposing electoral malpractice. ZANU PF’s control of the judiciary and judicial process ensured that this did not happen. However, the Commonwealth meekly – and unlike in the cases of Southern Rhodesia and South Africa – let Zimbabwe off the hook. Malcolm Fraser may feel that this was on account of the lack of an activist Secretary-General, but the stark reality is that the whole of the Commonwealth all too readily accepted Zimbabwe’s departure - contrary its own stated principles and objectives. This was pointed out in considerable detail by Zimbabweans themselves and the point has been pressed by Zimbabwean civil society.

Very simply, and probably because of the issues of Southern Rhodesia and South Africa, the Commonwealth has set itself standards. The 1991 Harare Declaration, ironically, was the flagship for these new standards, demanding that its members commit themselves to a code of human rights observance and good governance. The Commonwealth then went much further than this: it later provided for enforcement of the standards embodied in the Declaration concluded in Harare. Zimbabwe subsequently repeatedly violated these standards. The non-adherence to the Abuja Agreement by Zimbabwe, and the discredited elections of 2000 and 2002, gave the Commonwealth the first test of its commitment to its own standards. It failed miserably. This is not withstanding the commitments made at Millbrook. There in 1995, with all its understanding of Southern Rhodesia and South Africa before it, the Commonwealth committed itself, in the case of countries in violation of the Declaration, to:

...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.

So what has the Commonwealth done to fulfill its own standards and this commitment? How has it "reinforced the need for change"?

It suspended Zimbabwe, and Mugabe withdrew from the Commonwealth before the issue of renewal of the suspension could be considered. Rather than implementing the provision cited above, the Commonwealth appears to have taken the view that it no longer needed to be seized with the Zimbabwe issue. How many countries limited government-to-government contact? How many countries limited trade restrictions? How many countries introduced bilateral measures against Zimbabwe for violating the Harare Declaration? How many countries got together to introduce multilateral measures against Zimbabwe for violating the Harare Declaration?
It seems to Zimbabweans that the most that the Commonwealth did, as a Commonwealth, was to wistfully wave Zimbabwe goodbye, and then every country worked out, independently, how they would continue to re-engage with Zimbabwe as a non-Commonwealth country. This is unfortunate for the Commonwealth, as in the result is the spectacle of Britain pressuring for the Zimbabwe issue to be raised at the UN Security Council, and India exercising its right of veto over this proposal as if it were not a co-signatory to the Harare Declaration or the commitment at Millbrook. So much for consensus, and an understanding of the standards that the Commonwealth set itself!

To be fair, the Commonwealth did not entirely abandon Zimbabwe: it merely passed the buck to the AU. The AU then passed the buck to SADC (of which 10 of the 15 members are Commonwealth countries) and SADC passed the buck to South Africa. SADC behaved in a similar fashion to the Commonwealth in dealing with the issue, with evasion at the core of its policy. With a Treaty binding all member countries to standards of good governance, human rights and democracy, SADC disbanded its own court, the SADC Tribunal established to uphold these standards, most probably because Zimbabwe had shown them all the dangers of creating mechanisms for enforcing good behavior.

So, South Africa, the beneficiary of some Commonwealth benevolence, (and that old-fashioned word, solidarity) is passed the poisoned chalice of solving the Zimbabwe crisis. This seems scarcely fair on the part of the Commonwealth. And, hence Zimbabweans, the citizens of Zimbabwe, are entitled to wonder for the future whether belonging to the Commonwealth means anything today in 2011, other than a piece of nostalgia.

If the Commonwealth is serious about re-engagement, then it needs to re-engage, and the best way to do this is to convene the Eminent Persons Group, send them to Zimbabwe and the SADC region. This is not the time to discuss re-calibrating elections, as Richard Bourne and Leo Zellig have recently argued in an article for the Commonwealth Advisory Bureau, but rather to take the temperature of Zimbabwe as a nation (and its wholly sidelined citizenry), and then think about what steps should be taken. Any decision made before a careful, independent assessment will not honour the struggle of the Zimbabwean people for authentic democracy, and, above all, start to be serious about what democracy means in reality. As Afari-Gyan, Jahangir and Sheehy have pointed out in Democracy in the Commonwealth:

*Elections are a litmus test of democracy. It is the moment one can see most clearly if people are able to exercise their fundamental human rights. In many countries, however, the electoral contest is so manipulated, especially by the executive arm of government, as to empty the process of its democratic character. The lack of respect for the basic principles of such a system – accountability, openness, candour, public disclosure, honesty, fairness and respect for the law, which needs to apply equally in all sectors of society – means that governments often come to power (or remain in power) with at best a tainted legitimacy.*

No better description can be given of the reasons why Zimbabwe and the Commonwealth fell out, and why the Commonwealth needs to ascertain carefully whether the “basic principles” referred to above are in place.