

Report of the Southern African Human and Trade Union Rights Network Meeting in Gaborone Botswana 9 and 10 December 2010.

Preamble

The meeting of the ITUC-Africa Southern African Human and Trade Union Rights Network held in Gaborone, Botswana from 9 and 10 December, 2010. Participants from Botswana, Malawi, Swaziland, Zimbabwe and Madagascar attended. A participant from the Eastern African HTUR Network (Kenya) was also invited to join the meeting as part of the process to enhance experience and information sharing and to build synergies. Also, the Southern African Trade Union Coordinating Council (SATUCC) was represented at the meeting by its Executive Secretary.

It was the first meeting of the network after its inauguration in Johannesburg, South Africa, April 2010. The meeting was divided into two events over a two-day period. On the first day, the meeting focused exclusively on the situations of human and trade union rights in Zimbabwe, Swaziland and Madagascar. The second day was dedicated to the commemoration of the international human rights day. As part of the commemoration, a march was organised with a petition detailing the issues of rights violations in the countries under focus and was delivered to the Southern African Development Commission (SADC).

Objective of the meeting

The group agreed to meet during the same period of the celebration of the International Human Rights day so as to use the symbolism of the commemoration to draw more attention to rights abuses in the sub-region. This decision was taken interestingly at the ITUC organised Special Conference for the Zimbabwe Congress of Trade Unions (ZCTU) in Harare, September 28 and 29, 2010. At the ZCTU Special Conference, it was pointed out that in spite of the fact that the International Labour Organisation (ILO) has rolled out its technical support package for Zimbabwe to aid her in the implementation of the recommendations made by the ILO Commission of Inquiry (COI), abuses have not abated.

The objectives of the meeting amongst others were therefore to:

- Draw the attention of SADC to continuous human and workers' rights violations in Zimbabwe post-Global Political Agreement period.
- Contribute to the process of sustaining the clamour and demand for the Zimbabwean government to do the needful by making genuine and concerted efforts to implement the ILO Commission of Inquiry (COI) recommendations.
- Take reports of the states of human and trade union rights from Swaziland and Madagascar and draw attention to same.
- Put more pressure on SADC to rein in rights violations in the sub-region.
- Also, through the commemoration of the International Human Rights Day, draw attention to the needs for governments and their institutions to commit to genuine respect for human rights as espoused in the United Nations Fundamental Human rights principles and in other similar statutes and principles.
- Contribute to the process of achieving true and genuine democracy and democratic practices in the countries under focus.

Summary and Highlights of the activities

The meeting was a two-day event with first day dedicated to report taking on the situation of human and trade union rights in the countries under focus. The second day, a march was organised as part of the commemoration of the International Human Rights Day. After the march, a petition focusing on rights deficits and abuses in Zimbabwe, Swaziland and Madagascar was handed over to the Executive Secretary of SADC, Dr. Augusto Salamao.

Day One

Highlights of the meeting included fraternal message from the Executive Secretary of SATUCC, Comrade Austin Muneku. The Secretary General of the Botswana Federation of Trade Unions (BFTU), Gadzani Mstoo, gave a welcome note address. Similarly, the Coordinator of the ITUC-Africa Human and Trade Union Rights, Comrade Joel Odigie extended solidarity message to members of the network. Other important highlight of the meeting was the presentations made by representatives from Zimbabwe, Swaziland and Madagascar.

In his remarks, the Executive Secretary of SATUCC noted the contributions of workers and trade unions to the struggles of de-colonisation and liberalisation struggles. These contributions, he continued, were also seen in the enthronement, consolidation and sustaining of democracy across the continent and sub-region. It is on that note that he praised the initiative of the network to meet and discuss the state of human and workers' rights in the sub-region as part of their strategic intervention. He stressed that this is a positive and important contribution to the process of defending, protecting and promoting civil liberties. He reiterated the point about the meeting and the network as a process to achieve the attainment of social justice for all, he called on the network and the members' centres to remain vigilant and proactive with interventions. The call for eternal vigilance is needed more than ever given that democracy in Africa has come under varying and serious challenges. "We cannot guarantee our liberties when our democracies are seriously challenged by undemocratic forces and practices". In his conclusion, he made commitment that SATUCC will continue to work with the network in the sub-region to move forward the process of promoting the rights, interests and privileges of workers and peoples of the sub-region.

The Secretary General of BFTU in his welcome address noted that Africa in general and Southern Africa in particular had faced and continue to face lots of challenges. He opined that these challenges have contributed in no small ways to the undermining of human and workers' rights. He noted that part of the challenge is the current state of democracy in Africa, how to ensure hitch-free transitions and electioneering processes, and ensuring democratic good governance. He noted that sadly, these are the cases with respect to Zimbabwe, Swaziland and Madagascar where participatory and genuine democratic good governance has taken a back seat. Democracy, he opined, is seen largely by the politicians as the space for the appropriation of the interests of the elite rather than of service to the people and nation. Workers and trade unions have come under serious attacks for insisting on popular and genuine participatory democracy that can guarantee democratic good governance, respect for rule of law and civil liberties. He

concluded by commending the efforts of workers and trade unions who have continued to seek people-centred solutions rather than consign themselves to just lament the situations.

The Coordinator of the ITUC-Africa HTUR, Akhator Joel Odigie welcomed members and appreciated their commitment to deepening the efforts of the network to achieve better protection and promotion of human and workers' rights. He pointed out that the Southern Africa has been very active in the HTUR Network by contributing solidarity actions to different campaigns. Some of these solidarity actions can be seen in the solidarity contributions to the struggles in Zimbabwe and Swaziland. At this junction, the efforts of Congress of South Africa Trade Union (COSATU) were profoundly appreciated as it has been the one coordinating the activities and interventions of the network. He regretted the absence of COSATU at the network meeting, believing that its participation would also enriched the meeting and process. COSATU officials during the ZCTU Special Conference in Harare were instrumental to the decision to meet in Gaborone. The agreement and arrangement was that the network meet to engage and call on SADC to take actions that will address, redress and prevent human and workers rights violations in the sub-region. To make the call 'visible and strong', a march will be taken to the secretariat of SADC where a petition will be presented. In his final submission, Brother Joel commended members of the network for their continue show of solidarity, just as he harped on the need for members to commit to more efficient ways of reporting on human and trade union rights situations.

Human and trade union rights: Current situation in Zimbabwe

Presentation on Zimbabwe was made by Comrade Japheth Moyo, Deputy Secretary General of the ZCTU. In his presentation, he showed that nothing has changed to suggest that the current unity government is showing good faith to implement the COI recommendations. Government continues to use judicial process to haunt and intimidate workers and trade union leaders. The ZCTU has complied cases against trade union members to be dropped in consonance with the COI recommendations.

The Public Order and Security Act (POSA) has not been reformed as recommended by the COI. He stressed that even the existing POSA is clear that trade union activities are bona fide ones and so are not covered as illegal. But unfortunately, he pointed out that the police continue to use POSA application in general and wide discriminatory manner. With respect to POSA and other auxiliary reforms, government and the police are in no hurry to effect the necessary changes prescribed in the COI recommendations. To this end, the reorientation of members of the police and the overhauling of the POSA to make it people-friendly is yet to commence.

Consequently, POSA, he opined has created too many 'centres of power' in government. This he explained to mean the prevailing reality where even a junior police officer in a remote area wields more powers than the Minister of Labour because of the application of POSA.

And with respect to the empowerment of the Human Rights Commission, the enabling legislation is yet to be enacted even as funding constraint remains another big challenge for that institution. In general, the recommendations of the COI are yet to be implemented by government.

On the state of democracy and democratic good governance, Brother Moyo pointed out that there is still a lack of a broad base consultation and participation of the broad stakeholders. This can be seen in the current on-going constitutional amendment process, which has made the exercise rather less 'tidy' and narrow.

Also, the genuine restoration of the rule of law is yet to be seen and felt by the people. To arrest the situation, Comrade Moyo reiterated that the ILO Commission of Inquiry recommendations must be faithfully implemented. And this must be done in full consultation and participation of the social partners.

As part of ZCTU response, it is making efforts to strengthen social dialogue at bipartite level with employers. On the side of SADC, he called on the commission to immediately commence the monitoring of the electioneering process in Zimbabwe as the nation prepares for election next year.

Human and Trade Union Rights: Current situations in Swaziland

The presentation on Swaziland was made by comrade Barnes Dlamini, President of the Swaziland Federation of Trade Unions. He introduced his presentation from the 2005 constitutional exercise undertaken by the government. He likened the outcome of the exercise as a "fig leaf meant to cover the international shame of 37 years of rule by decree". The citizenry is now saddled with a mere 'piece of paper' that is not even being implemented, promoted nor defended by the government.

Workers and citizens continue to suffer rights violations. Police and security forces continue to commit extra-judicial killings, use torture, excessive force and wilfully break-up and disrupt legitimate and peaceful workers activities. The rights to free expression and dissent are criminalised. Though the government has not committed any politically motivated killing, the government and its security agents were culpable in the death of one trade union activist, Siphon Jele during the 2010 May celebration.

There had also been reported cases of disappearance of persons. The President of the Swaziland Students movement, a final year student disappeared without a trace and has since not be found. Others because of real threats to their lives have either opted for exile or ran into hiding for safety.

Furthermore, Brother Dlamini opined that the Kingdom and government continue to present 'two faces' to the world- one it shows to the outside world that depicts a peaceful, happy, united and democratic nation. "The other face is the reality of a politically bankrupt, corrupt and profoundly anti-democratic system and practice that is undermining the *economy and citizens prosperity*". The current situation is such that rule of law and democratic good governance remain at best mere political rhetoric and lacking in substance, depth and practice. For instance, while the constitution prohibits the use of torture by the police, the same law cannot be enforced in any court or tribunal.

On the state of freedom of expression and civil liberties, he pointed out that the constitution provides for the enjoyment of these rights, but subject in parts to the wishful discretion and prerogative of the King. The King has the power to waive the right

to free reporting and expression on the pretext of national importance, morality and defence. In the main, government continues to censor, harass and intimidate journalists and shrink spaces for intellectual discourse. There is a new move by government to introduce a bill in parliament that will grant security agents the access to intercept and read correspondences of organisations like the SFTU.

The crux of the SDC struggle, comrade Dlamini explained, is the facts that while the constitution provides for freedom of association, government has continued to ban political parties. The trade unions have insisted and continue to demand for democratic reform that will accommodate and promote political pluralism. In the main, the trade unions have continued to fill the vacuum created by the ban and absence of political parties.

The Scenario in Madagascar

For Madagascar, Brother Jose Randriansolo, Secretary General of FI.SE.MA gave a report. His presentation was facilitated by an interpreter as he spoke in French. He opined that Madagascar has been a politically fluid society and the consequent frequent regime changes have had negative impact on the people. Particularly, he noted that the last political change that saw the exit of President Ravalomanana and the military-backed succession of Mr. Andry Rajoelina, former Major of Antananarivo, had workers and families still reeling from its effects. The political change has been viewed largely by the international community as a coup d'état against a democratically elected president.

Consequently, SADC and other members of the international community have placed varied and various sanctions and embargo on Madagascar demanding that the status quo be restored. SADC insist that the Maputo and Addis Ababa consensus.

Aside SADC suspension of Madagascar membership, the US and EU have also imposed sanctions with harmful effects on workers. For instance, Brother Jose hinted that consequent upon the cessation of Madagascan companies' access to AGOA, over 100, 000 direct jobs were lost.

He also pointed out that the political change has come with violent attacks on citizens and workers, which have left many deaths, scores injured and more internally displaced. Still on the humanitarian situation, he informed that the political crisis is likely to compound the fight for daily survival of the two-thirds of the Malagasy population living in poverty. The situation is gradually turning into a humanitarian crisis, which unfortunately the Malagasy people and government are not able, capable and prepared to handle.

There is a growing concern about food security and nutrition challenges. Many households are poor and can hardly match the asking prices for rice (being the main staple in the country). There were spates of riots on the streets when the price of bread was increased. Access to health is also assuming dire situation. Government continued to impose curfew and pregnant women at night cannot reach health centres. The education of children has been affected by the numerous and ceaseless closures of schools.

On the role of the trade unions and their prescription to ending the political impasse, he informed that the four labour centres in Madagascar all support and champion the

implementation of the 'Maputo Accord'. The main recommendation of the accord is that a government of national unity be formed by the four existing political parties in the country as part of the process of seeking an internal resolution to the crisis. But so far, the incumbent President, Mr. Rajoelina has refused to implement the accord. He rather chose to conduct the referendum, which he now claims gave him majority support to carry on in power.

Besides, the current sanctions, especially the ones on trade have been largely ineffective. Brother Jose elucidated on this point when he noted that government continue to illegally trade and export 'bois de rose'. By this the Rajoelina government continue to earn money for its upkeep and so not 'incapacitated' financially to agree to resolution.

He concluded by enthusing that though the sanctions are in order, especially the travel bans and asset freeze of certain politicians, however, the whole gamut of the sanctions must be effectively applied, supervised and monitored. This way citizen will not be hurt by the sanctions and the expected results/ends of the sanctions (restoration of genuine democracy) will be achieved.

Day Two

On the second day, 10th December, 2010, a rally was held to coincide with the International Human Rights Day. It was estimated that about 200 persons participated in the rally with most coming in from Swaziland. It was considered a successful rally being the first trade union staged protest march to SADC.

The Executive Secretary of SADC, Dr. Augusto Salamao was personally on hand to meet with the protesters and receive the petition. The petition captured the issues of rights violations in the three countries and demanded that SADC take necessary action to address the concerns. Fundamentally, the petition harped on the need for SADC members to give true and genuine commitment to upholding the treaties and principles of the Commission, which places emphasis on the respect for civil liberties.

In his reply, the Executive Secretary of SADC appreciated and commended trade unions in the sub-region and continent for their progressive roles and contributions to nation building. He noted that trade unions have made sacrifices and contributed immensely to the current democratic environment in Africa, though there are challenges of achieving true dividends. He appealed that trade unions continue to conduct their activities of seeking true changes in their societies in peaceful manners. He concluded by making a promise to personally table the petition to members of the Commission and will communicate feedback to the Network as soon as possible.

There was no incidence during the march as it went peacefully and successfully.

The Results Achieved

In terms of measuring the level of success of the process, the meeting achieved substantial results. Substantial in the sense that members of the network updated and

shared information on the 'state of rights situations' in and from the countries under focus. This has helped the network to shape its action plans for the coming year.

Synergy with SATUCC is also improving through the network as issues of common actions to avoid the duplication of efforts would be improved since ITUC-Africa and SATUCC have common affiliates.

Another significant achievement is the fact that a formal petition from the network is before SACD calling on the Commission to address human and workers' rights violations.

Lessons Drawn

Some of the lessons drawn from the events include:

- Updating and sharing information through the network meeting is useful and should be sustained given that information and brainstorming help to strengthen campaign actions
- The situations in Madagascar demand more attention and further interrogation so as to locate and properly identify how the Network can intervene.
- The effect of the current internal crisis in BFTU is threatening solidarity, unity and cohesion. It is also weakening activism amongst workers and members of the trade unions.

Conclusions and Recommendations

The Southern African HTUR Network two-day meeting was successful. There is the need to consider including Madagascar as one of the countries at risk so as to organise intervention activities for it. Furthermore, it would be considered tact and timely to undertake to rein in the current (internal) crisis in the BFTU so as to restore trade union unity, solidarity and strength.