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**FRIEDRICH EBERT STIFTUNG**

Sorry for the delay in transmitting the final version of the "Gaborone Agenda". But late editing and urgent work with higher priorities prevented us to act faster.



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**THE GABORONE AGENDA**

**PREAMBLE**

**WE THE DELEGATES** to the Conference on Human Rights and Democracy in Southern Africa organized by the Democracy Research Project of the University of Botswana in collaboration with the Friedrich Ebert Foundation in Gaborone, Botswana between Monday, February 22 and Friday, February 26 1993.

**Representing** various sectors of civil society, particularly human rights groups, churches, trade unions, non-governmental organisations, the legal profession, etc., in the Southern African region and elsewhere;

**Honoured** and challenged by the encouragement of H.E. the President of Botswana, Sir Ketumile Masire, who performed the official opening of the conference and called upon the delegates to propose concrete measures towards the creation and furthering of a democratic culture based on human rights in Africa;

**Having carefully considered** all the papers, reports and presentations made to the conference on various themes and on all countries of the region except for Angola related to and affecting human rights and democratic development in Southern Africa;

**Having Noted** the existence of widespread absence of human and democratic rights by governments in countries of Southern Africa, especially, the right to life and dignity of the human being, and the sovereignty of the people expressed through the free political activity of citizens and the periodical conduct of free and fair elections;

**Conscious** that human rights are organic, inter-related and indivisible and that categories and distinctions between generations of rights are not designed to emphasize some rights at the expense of others;

**Aware** that there is an intrinsic relationship between socio-economic policy, justice and human rights and that poverty, injustice, ignorance and economic hardship pose the greatest threats to democracy and human rights in Africa today;

**Noting** that the social and economic standard of living of the people of our subcontinent is, in most countries, worsening, and that we believe that social and economic rights are as important as civil and political rights, we thus call on governments, businesses both local and international, international agencies

such as the IMF and the World Bank, and funding agencies to find all possible ways to raise the social and economic standards of living and of development of the people of the sub-continent;

Acknowledging the role that donor-agencies and donor countries have played in supporting the promotion of democratic reform in Southern Africa;

Recognizing that the African Charter of Human and Peoples Rights is a positive step in the promotion and protection of human rights in Africa which needs to be consolidated and strengthened;

Conscious that several African countries are still reluctant to ratify the Charter;

Aware that the African Commission of Human and Peoples Rights functions under considerable budgetary, procedural and jurisdictional constraints;

Noting the role of international obligations and international law in setting standards of observance for human rights;

Challenged by the poor human if not appalling human rights records of most of the countries in Southern Africa;

Saddened by the prolonged civil conflict in some countries of Southern Africa notably Angola;

Encouraged by attempts at peaceful resolution of conflict situation in Mozambique and the role of other countries in the region in the resolution of that conflict;

Recognizing the need for the establishment and strengthening of regional machinery for the protection of human rights through the adoption of common policies on human rights and democracy by the Southern African Development Community (SADC);

Inspired by the steps taken to dismantle the policies of Apartheid and institute a democratic order.

Acknowledging that women have long been disempowered on the basis of prejudices and practices founded on culture and tradition reinforced by the law;

Acknowledging further that culture and tradition have a meaningful role to play in the growing of a democratic culture and on the universal standard of human rights but should not be used as a justification to suppress and deny women their rights and rightful role in development;

**Disturbed** that children in Africa generally and, in Southern Africa in particular, are faced with untold economic hardship, poverty, ignorance, disease and armed conflict;

**Convinced** that all persons in society irrespective of age, marital or other status, sex, ethnic or other origin, race, professional or other standing have natural interest in the protection and promotion of human rights, democracy and justice;

**Acutely aware** that non-governmental organisations have a pivotal role to play in the protection, and promotion of human rights and democracy;

**Acknowledging** the role of an independent judiciary and an efficient system of administration of justice in the protection of such rights and values;

**Determined** to take practical steps jointly and individually to enhance the cause of human rights, democracy, economic development and justice in our respective countries, our region, our continent and the world;

And convinced that it is necessary, as evidence of our resolve and a testimony to our determination, to have a programme of action;

**HEREBY RESOLVE TO:**

**Economic Aid and Human-Rights**

1. **Call** on the donor countries and agencies to alleviate the hardships resulting from the economic reform programmes designed for African countries by:
  - (a) Increasingly incorporating human and social development components into these programmes;
  - (b) consulting with governmental and non-governmental in aid receiving countries to identify priorities and establish criteria for grants;
  - (c) incorporating human rights standards into the criteria for eligibility for grants. In respect of Africa, these criteria should be drawn from the UN-standards, the African Charter of Human and Peoples Rights, and other international legal conventions;
  - (d) establish machinery to closely monitor the disbursement of grants-in-aid of governments and their agencies to ensure that the grants are not diverted to other than the designated purposes;
  - (e) restructure bi- and multilateral cooperation with the countries of the sub-region and to increase the level of support to NGOs as an effort to strengthen the civil society and human rights culture in the continent.

**The African Charter:**

2. **Encourage** all countries of Africa
  - (a) which are yet to do so to ratify the Charter without further delay;
  - (b) which have not yet done so to expedite the process of incorporating the Charter into municipal law;
  - (c) which have outstanding reporting obligations to the African Commission of Human and Peoples Rights to fulfill their obligations timeously;
  - (d) to work for the overall strengthening of the Commission by not impeding its work and responding to its needs and requests urgently.

3. **Call** on the African Commission of Human and Peoples Rights to expedite the process of review of its Rules of Procedure and, in every other respect, to be more open and user-friendly in its treatment of communications that come before it.
4. **Work** together with NGOs on the African Continent as well as the State Parties to it and the Charter Institutions for a better recognition of the rights of women and the right of the child under the African Charter which rights are, at present, not adequately provided for.
5. **Consider** possibilities of decentralizing its activities and cooperating with regional bodies such as SADC, the Economic Community of West African States (ECOWAS) and other regional organisations within the framework of the OAU.
6. **Reform** and amend by Protocol or otherwise the African Charter with a view to remedy its weaknesses concerning the protection of human rights with standards that are not lower or less effective than other international conventions. This specifically applies to the establishment of an African Court of Human Rights.

#### Other International Instruments

7. **Condemn** the practice by which governments enter into international obligations with no intention of observing them and therefore appeal to the Governments of the States of Southern Africa:
  - (a) to hasten the process of incorporating into municipal law all international human rights instruments which they have ratified;
  - (b) in respect of those countries which have yet to do so, to ratify the essential international human rights instruments especially the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESR), the Optional Protocol to the ICCPR, the Torture and Genocide Conventions as well as the Conventions on the Elimination of All Forms of Discrimination Against Women and on the Rights of the Child;
  - (c) in respect of countries that have outstanding obligations under any of the international instruments, to hasten to fulfil those obligations without further delay.

## SADC and Human Rights

8. **Call** on the Governments in the region that still have undemocratic and/or military governments to institute and/or hasten the process of transition to democracy;
9. **Call** on SADC to adopt a common policy and establish regional institutions for the protection and promotion of human rights and good government and to monitor and sanction its member governments whose human rights records fall short of the regional standards, as is presently the case in Angola, Malawi and Swaziland;
10. **Call** on the belligerents in the civil conflict in Angola to cease hostilities forthwith and, on the international community to seriously consider taking more resolute action to contribute to an ending of the hostilities.
11. **Call** on the parties to the Rome Peace Accord for Mozambique and the International Community to respect and honour the Accord's provisions and incorporate human rights standards in its implementation, particularly with regard to civic education and the electoral process, in which national, regional and NGO's are to play an important and acknowledged role.
12. **Resolve to work** to ensure the establishment of a regional non-governmental and/or inter-governmental institution for the monitoring of elections in the SADC countries.
13. **Call** on SADC member states to implement to the fullest legislation already in existence concerning rape and encourage police and other custodians of law and order to handle rape victims with the sympathy and sensitivity it deserves.
14. **Call** upon all governments to include the issues of human rights (documents, etc) and democratic procedures into the curricula of primary and secondary schools; and higher education institutions;
15. **Work** and cooperate with institutions of formal and non-formal education, NGOs, the media, etc., to mount national and regional civil and human rights education campaigns geared towards urban and rural citizens and using cultural and gender-sensitive approaches, including local languages.

### Country Reports:

16. Call on all governments in Southern Africa to improve respect for human rights and urges greater inter-governmental and non-governmental co-operation in the monitoring of human rights in the Southern African region, and in this regard consider the setting-up of a Southern African Human Rights Commission;
17. Call on all governments of the SADC - region and South Africa to annually publish a report on the human rights in the respective countries.
18. Use the facility of the African Commission of Human and Peoples Rights more frequently in seeking redress for violations of human rights in our respective countries and as evidence of this resolve to make formal communications to the Commission concerning the human rights records of Malawi and Swaziland.
19. Call on the parties and the national peace Accord as well as on the government of the Republic of South Africa, and all other concerned persons and ladies to move speedily to control the violence in that country and without further delay to institute a non-racial democracy.

### Women:

20. Call on all countries in Southern Africa to move consciously and speedily to abolish and discourage all forms of laws, policies and practices which discriminate against women.
21. Call on governments (local and national) and law enforcement agencies in the region to recognize domestic violence and rape as a crime, respond to it more seriously and discourage it in all families.
22. Call on the community at large to debate review both customary and common legal systems and traditional values attitudes, which often are gender-insensitive and often are used to justify the subordination of women and their children.

### Children:

23. Appeal to governments (local and national) in the Southern African Region to proscribe by law child abuse, child labour, detention, torture and degrading treatment of children, as well as practices that violate the rights of children;



24. Call upon governments (local and national) to enact legal instruments which prohibit and sanction the use of children as soldiers and in wars;
25. Call upon governments (local and national) and the community at large, to implement in their policies, affirmative action in respect to children and to enshrine respective societies the principle of free education for all children;

#### Minorities and Indigenous People

26. Appeal to governments (local and national) in the region to ensure the recognition of the existence of these groups as well as the protection of their rights by adopting and instituting, appropriate programmes of affirmative action sensitive to their respective culture and language;
27. Call upon governments (local and national) and the community at large to consult and involve these groups in the decision making process on matters affecting them, especially with regard to the question of land rights and land use;
28. Commend national and international NGOs for their engagement in the defense protection of the rights and cultures of indigenous peoples and "minorities" and call upon them to redouble their efforts in the promotion of community based organizations and projects towards self-reliance and socio-economic well-being;

#### The Legal Profession and the Judiciary:

29. Call on the legal profession in all countries of the region to show greater concern for and involvement in human rights issues and on all governments in the region to safeguard the independence of the judiciary and to strengthen its capacity to deal with cases of human rights violations by enhancing the conditions of service ;
30. Declare that legal representation is a basic right and therefore call for the establishment of viable public defender systems as well as programmes of legal assistance for victims of human rights violations in the respective countries of Southern Africa.
31. Agree that the promotion and protection of human rights and democracy cannot be left to lawyers alone but must involve all segments of civil society. Whereas civil, social and religious organizations should incorporate minimum human rights programmes into their activities, non-lawyers should participate in the training of lawyers at all levels in

order to broaden their perspective.

32. **Call** upon and encourage law enforcement agencies (police, prisons, etc.,) to undertake programmes of human rights education, preferably in close cooperation with human rights organizations, with a view to sensitizing on human rights issues in the day to day conduct. And also to encourage them to organize and unionize for this purpose.
33. **Call** upon governments to recognise the negative effect of conflict in communities and between communities and government structures, and to take steps to establish or support community conflict resolution mechanisms and to promote accessible means to mediated solutions to such conflicts.

#### The Press and the Media

34. **Noted** the importance of a free and independent media (press, radio, TV, etc.,) in the promotion and protection of human rights and call upon all governments in the region to desist from laws or reviewing existing laws which restrict the freedom of the press and threaten the journalistic freedom.
35. **Call** upon the media to continuously and courageously monitor and report human rights abuses and undemocratic behaviour.
36. **Call** upon international agencies, donors and NGO's to support materially the independent media especially in undemocratic countries such as Malawi, where the media plays an important role in the democratization and the monitoring of human rights abuses;
37. **Recognise** the eminent role the radio can play in the dissemination of human rights and civil education programmes, especially in countries in transition from war to peace (e.g. Mozambique) and provided local languages are used. Thus it is recommended that governments international cooperation partners support such efforts within the region.

#### NGOs and Human Rights:

38. **Sustain** the momentum created at this conference, informally, by establishing and strengthening channels of communication between the bodies represented here and, formally, by constituting a contact group from among the delegates to this conference to:

- (a) monitor the implementation of those aspects of this agenda that require further action;
  - (b) begin preparations for a regional concert of NGOs in the Southern African region;
  - (c) explore the possibility of establishing a clearing house for cross-border dissemination of the activities and programmes of NGOs concerned with human rights and democracy in Southern Africa;
  - (d) conduct preliminary work on the feasibility of having a regional, non-governmental election monitoring initiative for Southern Africa.
39. Promote regional networking by avoiding duplication of effort but rather to work with and within the existing Network of Activists and Researchers on Integrated Human Rights Association (NARIHRA) based in Maputo, Mozambique as much as possible.

Appreciation:

40. Formally convey to the organizers of this conference, the Democracy Research Project of the University of Botswana and the Friedrich Ebert Foundation as well as the Government and people of the Republic of Botswana the appreciation of all the participants at this conference for their hospitality, care and attention to our welfare during the conference.