

# **ACP - EU Political Dialogue - Zimbabwe the test Case**

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17 November 2004

## **Introduction**

A challenge the European Union and its African, Caribbean and Pacific partners in the Cotonou agreement, are still faced with, is the establishment of credible mechanisms and modalities for a genuine political dialogue.

The political dimension of the Cotonou Agreement remains one of the most contentious issues in the implementation of the agreement. Discussions on modalities and mechanisms for implementation are likely to cause a heated debate at the next ACP-EU Joint Parliamentary Assembly in the Hague.

As the partners struggle to find a common ground on the matter, they have already had a bad start, Zimbabwe.

Having been at the centre of discussions surrounding the whole political dialogue debate, Zimbabwe makes an interesting case study on the problems that have so far been encountered by the both the ACP and EU in implementing the political dimension of the agreement. It can however also be a starting point in rectifying some of these problems, to allow for smooth dialogue in the future.

The next ACP-EU Joint Parliamentary Assembly is going to be held in the Hague at the end of November. The parliamentarians are expected to discuss in detail the political dimension of the Cotonou Agreement. Interestingly, the discussion will take place after Zimbabwe has had to change its delegations, as banned MP Kumbirai Kangai was going to cause chaos if he had attended.

Before the legislators lock horns over this sensitive but important issue, a step-by-step analysis is important for one to understand some of the issues at stake.

Sadly, the debate will take place just when ruling Zanu PF party, is passing in parliament repressive laws, that will make it impossible for a free and fair election to be held, as well as ban NGO's that are working in human rights and democracy issues.

Zimbabwe is the first ACP country to have targeted sanctions imposed on it under the new Cotonou Agreement, signed between 71 ACP countries and the EU in 2000. The EU first imposed sanctions against the Harare regime in 2002, after its Foreign Affairs Ministers adopted a Common Position on Zimbabwe. The Common Position has been renewed on a yearly basis since then.

***'The sanctions take the form of an embargo on the sale, supply or transfer of arms and technical advice, assistance or training related to military activities, and an embargo on the sale and supply of equipment that could be used for internal repression in Zimbabwe. They also include a travel ban on persons who engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly in Zimbabwe, and a freezing of their funds, financial assets and economic resources.'* Reads the Position.**

It also has to be noted that the EU has not imposed economic sanctions against the Harare regime, if anything it has been a major contributor of humanitarian assistance in the past three years, including other international donors.

### ***Background***

Political dialogue was introduced by the EU side during post Lomé IV discussions as a third pillar to the joint co-operation along side trade and development co-operation. In the post Lomé IV negotiations, the two issues that threatened the future of ACP-EU co-operation were trade and political dialogue.

The essential elements on which the political dimension is based arising from the main objective of the Cotonou Agreement are, ***'respect for all human rights and fundamental freedoms, INCLUDING respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.'***

Before the ink had dried on the agreement, Zimbabwe was the first country to be brought to the table to answer questions on human rights abuses and undemocratic behaviour.

Issues of concern on the EU side included political violence, media restrictions, a violent land reform programme and independence of the judiciary.

### ***ACP Protecting Zimbabwe ? EU playing bully?***

***Article 8 of the Cotonou Agreement states that, 'The parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.'***

It is not possible for the ACP and EU blocks to carry out any meaningful discussions on modalities and mechanisms for a genuine political dialogue amongst themselves, be it at national, regional or international levels if they do not share a common vision of what such dialogue is supposed to achieve.

A bitter rancour has often characterised previous dialogue on political issues. Looked at within the context of power relations between the EU and its ACP counterparts, dialogue for the EU seems to be about 'sanctions' and 'conditionalities', while for the ACP it is about defending rogue members of its block. The ACP which is economically weaker

and depends on aid from the EU feels politically solid by not rocking the boat in its camp in trying to bring to book rogue members. So in a way the agreement has not evolved from a 'donor'- 'recipient' arrangement into a partnership based on equality.

Dialogue on Zimbabwe, has been polarised along the lines of what the crisis is about and its origins. While the Cotonou Agreement seeks to provide for a comprehensive, balanced and deep political dialogue, this has not been the case with Zimbabwe. Progressive forces in Zimbabwe have argued that the crisis in Zimbabwe is a political one, stemming from bad governance by the ruling elite.

The EU at different levels tried to engage the ACP on Zimbabwe. Zimbabwe was always high on the agenda of the Joint Parliamentary Assembly. The ACP side always shot down resolutions that made any reference to human rights abuses, insisting that the issue in Zimbabwe was about land reform and Britain's obligations towards that. Thus putting Britain an EU member state, responsible and at the centre of the discussions. The EU argued that the issue was to do with the Zimbabwe regime flouting internationally accepted standards of human rights and democracy.

Matters for the ACP and EU legislators got to the worst when the JPA OF 25 November 2002 in Brussels was cancelled. Zimbabwe had sent as delegates two MP's on the banned list, Chris Kurineri and Paul Mangwana. The first compromise was to move the meeting from the EU parliament to the ACP House, but the EU MEPs refused arguing that they would not sit at the same table with the Zanu PF MP's. The ACP side also refused for a change in the composition of the Zimbabwe delegation.

The same was the case in the dialogue with the SADC Region. The region has until recently in a way refused to acknowledge what the crisis in Zimbabwe is about. They refused again to have a discussion based on the issues the EU was bringing to the table. The SADC countries saw themselves as liberators protecting a fellow liberator against a foreign aggressor. They refused categorically to discuss the coming Presidential elections, going even further to declare these elections free and fair. The EU did not recognise Mugabe's victory.

The ACP and EU could not agree on what the basic framework for a free election constitutes. Thus, much of the dialogue since the Lomé Conventions, which has collapsed has been to do mostly with elections or electoral processes, leading in some cases to the EU imposing sanctions.

The last attempt by the EU Presidency then the Belgian Government to have meaningful dialogue with the Government of Zimbabwe was before the Presidential elections in 2002. The Mission was to discuss preparations for a free and fair Presidential election.

Belgian Foreign Minister Louis Michel, Chris Patten, External Affairs Commissioner and Javier Solana, the EU's foreign policy chief made up the delegation.

Mugabe snubbed the officials, walked out on them and later threw out EU observers from Zimbabwe stopping them from observing the elections.

The EU then took a unilateral decision and moved to article 96 which allows for 'appropriate measures' in accordance with international law if the regular dialogue does not result in any change in the situation under discussion.

The main weakness within the ACP group is that until recently, no efforts have been made to develop a culture of open and frank discussions on human rights and democratic issues within itself. Neither has there been a political will to involve non-state actors on these issues.

The 'see no evil hear no evil' policy has often undermined the credibility, especially of the members who in their own countries are seen to be democratic.

### ***Winds of change in ACP?***

I had the opportunity of sitting through the last meeting of the ACP committee on political affairs, at the ACP House in Brussels, in September. My conclusion after one of the most frank debates by ACP MP's, is that winds of change are slowly blowing over the block. Speaker after speaker called for the need for frank and open debate within the group on human rights. They lamented the situation that ACP citizens live in, absolute poverty, corruption and authoritarian regimes such as the case with Zimbabwe. There was consensus on the need to strengthen intra political dialogue, from regional to ACP level.

At ACP level there are now attempts at putting in place a framework for intra-ACP political dialogue. This will involve the establishment of an ACP Early Warning Mechanism, creation of a peer group and the improved utilisation of ACP institutions, or institutional changes.

At African level the African Peer Review Mechanism has been adopted under NEPAD. While this is a welcome development and acknowledgement of the need for an internal mechanism to deal with political disputes, conflicts and related matters within the continent. Sadly, countries have to voluntarily accede to the APRM for them to be reviewed. A loophole undemocratic regimes will use to escape censure.

### ***EU knight in shining armour?***

The promotion of human rights is a key component of the EU's external Affairs policy. The Cotonou Agreement has been celebrated for its innovativeness in approach to issues of human rights and democracy; its approach is different to the way the previous Lomé Conventions operated.

The challenge for the EU is to move from rhetoric to action. It has to deal with a number of issues, which border on policy coherence and consistency.

The way the EU has handled Zimbabwe has tended to be messy thus undermining its credibility on the issue. This debate has seen its Member states and institutions often being at discord with each other on strategy and intentions.

While the EU Parliament, for instance has been vocal on the appropriate measures to be taken to rein in on the Mugabe regime, EU Ministers have tended to vacillate.

The issue they have continuously been at logger-heads over is the granting of visas to those on the banned list. The parliament feels there is no moral or even legal justification for this, often reacting with anger. They see the issuing of visas to the banned Zanu PF officials as a mockery to the idea behind targeted sanctions.

On the other hand, EU Ministers feel they are obliged by international law to give visas those on the sanctions list to attend meetings that discuss issues of development or human rights.

Member states often differ publicly on the way forward on Zimbabwe. The debate in 2002 on the renewal of the Common Position ended up a big a joke. A row over an invitation by France to Mugabe to attend the Franco-Africa Summit resulted in the Council of Ministers failing in January to come up with a consensus on sanctions renewal. Later on in a compromise deal after France had threatened to scupper the whole sanctions deal, Mugabe was allowed to go to Paris and the sanctions renewed.

The EU has also often been criticised for its 'flavour of the month' policy. It seems the body is not able to deal with a crisis to its end or several critical situations at the same time. While there seemed to be a lot of noise and interest on Zimbabwe initially, this is not so anymore. There are other issues the EU is focusing its attention on. In spite of the fact that the crisis is getting worse, and could get out of hand if it is not contained before the 2005 Parliamentary Elections. The EU has to put in place a mechanism that allows it to deal with all situations at the same time, instead of ranking issues.

Soon the EU will be having another internal discussion on its Common Position on Zimbabwe, which is set to expire in February a month before the crucial Parliamentary election is held. Again it will be interesting to see what shape or mood the debate takes.

It is going to be difficult to reach a consensus in an enlarged EU from 15 to 25 member states. However any watered down statement to the Harare regime, will not have any effect. The EU has to realise its first obligation is to the citizens of Zimbabwe, who are suffering as a result of the misrule by the Mugabe regime. The body has to remain consistent in its message, insisting that the issues it put on the table be resolved, otherwise it risks not being taken seriously.

The EU has to take into account issues the ACP is raising with it in other areas of the co-operation. Trade for instance. Trade negotiations between the ACP and EU are taking place within the context of Economic Partnership Agreements. While this is not related to

the Political Dialogue it in way influences the way the ACP respond to the EU in other policy areas, such as Zimbabwe.

Under successive LOME conventions the ACP countries have enjoyed preferential trading arrangements with the EU.

Now, the EU is proposing to negotiate World Trade Organisation compatible trading arrangements, that will in ten years liberalise, 90 percent of ACP markets. If agreed to this new arrangement will undermine the overall objective of ACP-EU co-operation of poverty reduction. While the EU is pushing the poor ACP countries to open up and compete with rich countries, it is also becoming more protectionist and refuses to reform its controversial Common Agricultural Policy.

### ***Can the two roads meet? ACP Way? EU Way?***

The next JPA offers an opportunity for the EU and its ACP partners to adopt a common vision on political dialogue. This vision must be based on mutual respect and understanding of each others position. Both sides must realise that they cannot have a win- win situation.

Zimbabwe has to be the first example of the political will within both the ACP and EU to have a smooth political dialogue.

A strong message has to be sent to the Harare regime that both the EU and ACP will not tolerate its continued undemocratic behaviour.

The framework for engaging the Government of Zimbabwe on the coming elections is there already, The Principles and Guidelines Governing Democratic Elections, adopted by the SADC countries including Zimbabwe, last August. The coming elections in Zimbabwe have to be discussed within the context of the ongoing SADC regional process, in which Mauritius and South Africa are playing a key role.

The JPA must adopt this process and pressure the Government of Zimbabwe to agree to political and electoral reforms that are in line with the principles.

The principles conform to the spirit of the Cotonou Agreement as spelt out in the political dimension. This dimension with all the political will can work and has to be made to work, as the credibility of both the EU and its ACP partners is at stake.

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