

On November 13, 2002, the following open letter was sent by the Lawyers Committee to 18 African heads of state and government (listed at the end) involved in the creation of the peer review mechanism that forms part of the New Partnership for Africa's Development (NEPAD).

For more information on NEPAD and the Lawyers Committee's work on Zimbabwe, contact Lorna Davidson at 212 845 5251 or davidsonl@lchr.org.

November 13, 2002

Your Excellency,

The Lawyers Committee for Human Rights welcomes the announcement made at the end of the Fifth Summit of the Heads of State and Government Implementation Committee of the New Partnership for Africa's Development (NEPAD), held on November 3, 2002, confirming that the African Peer Review Mechanism (APRM) would include political peer review. A process of political peer review is a crucial element of NEPAD, envisaged in its founding document, which recognizes the paramount importance of democracy, good governance and respect for human rights in fostering sustainable economic development in Africa. The Lawyers Committee fully supports the goals of NEPAD and believes that strong African institutions are absolutely necessary to ensuring the maintenance of peace and the eradication of poverty in the continent. Such institutions must build upon the work that has already been done to achieve these goals and to promote and protect human rights for all Africans.

Having confirmed that the APRM includes monitoring of states' political record, as well as economic and corporate governance, it is vital that the process established uses internationally recognized standards as its benchmarks and that it is implemented in a transparent and credible manner. The standards by which a state's commitment to democracy and the rule of law are measured must include compliance with the *African Charter on Human and Peoples' Rights*, the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and other international human rights instruments. These instruments create binding obligations on states to promote and protect human rights, which is also one of the fundamental objectives and guiding principles of the African Union. Compliance with international human rights obligations must be a primary element of the criteria and indicators for measuring performance in the area of political governance currently being developed by the NEPAD Secretariat upon your instruction.

The credibility of the peer review process must also be guaranteed, by ensuring that it is conducted in a transparent manner, involving civil society groups and independent monitors. The extremely limited involvement to date of African civil society groups in the design of NEPAD and formulation of the APRM has been to the detriment of the institution itself and

public perceptions of it, both in Africa and abroad. We urge you to recognize the important role played by human rights and civil society groups in promoting good governance and sustainable development by ensuring that they become a central part of the APRM.

We are further concerned that, until the African Union develops the necessary capacity to be involved, peer review is to be conducted on a voluntary basis. This will mean that those states most in need of political scrutiny will be able to avoid the process. Moreover, it remains unclear how those states found lacking after going through a review will be brought into compliance with human rights and democratic standards. Immediate further discussion of this important issue, involving human rights and civil society groups, is necessary.

The credibility of the NEPAD peer review process is further challenged by the current human rights crisis in Zimbabwe. As you are aware, there are numerous, credible reports of serious human rights abuses being committed in Zimbabwe. Such abuses include torture and political violence, severe restrictions on freedom of expression and association, the deliberate denial of access to food for those perceived as supporters of the political opposition, abductions and arbitrary detentions, and the general denial of the right of Zimbabweans to participate in government through freely chosen representatives. The deepening crisis in Zimbabwe has already had serious, negative effects on the surrounding region and this is likely to worsen as even greater numbers of people seek to leave the country. A remedy to the crisis requires robust action to address the situation on the part of African governments. Those countries and institutions currently considering their provision of economic assistance to Africa through NEPAD are undoubtedly watching the African response to the Zimbabwe crisis.

We strongly urge you to address these concerns before the next meeting of the Heads of State and Government Implementation Committee, in February 2003. Zimbabwe must not be allowed to sink further into lawlessness, starvation and economic collapse. To demonstrate your commitment to finding African solutions to problems in Africa, you and your counterparts across the continent must unite to ensure the restoration of the rule of law, democracy and respect for human rights in Zimbabwe. In addition to addressing this immediate crisis, you should take steps to enhance the credibility of the APRM by engaging with civil society groups, listening to their concerns and involving them fully in the design and implementation of NEPAD.

Sincerely,

Neil Hicks
Director, Human Rights Defenders Project

To:

His Excellency, President Thabo M. Mbeki
President, South Africa

His Excellency, Chief Olusegun Obasanjo
President, Federal Republic of Nigeria
(Embassy fax: 202 986 8449)

His Excellency, Mr. Abdelaziz Bouteflika
President, People's Democratic Republic of Algeria

His Excellency, Mr. Festus G. Mogae
President, Republic of Botswana

His Excellency, Mr. Joaquim Alberto Chissano
President, Republic of Mozambique

His Excellency, Mr. Paul Kagame
President, Republic of Rwanda

His Excellency, Mr. Abdoulaye Wade
President, Republic of Senegal

His Excellency, Mr. Meles Zenawi
Prime Minister, Federal Democratic Republic of Ethiopia

His Excellency, John Agyekum Kufuor
President, Republic of Ghana

His Excellency, Jean-Francois Ntoutoume Emame
Prime Minister, Republic of Gabon

His Excellency, José Eduardo dos Santos
President, Republic of Angola

His Excellency, Mr. Hosni Mubarak
President, Arab Republic of Egypt

His Excellency, Cassam Uteem
President of Mauritius

His Excellency, Lt. Gen. Yoweri Kaguta Museveni
President, Republic of Uganda

His Excellency Amadou Toumani Toure
President, Republic of Mali

His Excellency, Denis Sassou-Nguesso

President, Republic of Congo

His Excellency, Paul Biya
President, Republic of Cameroon

His Excellency, Zine El Abidine Ben Ali
President, Republic of Tunisia

His Excellency, Mr. Amara Essy
Interim Chairman, Commission of the African Union