



## NEWS RELEASE

# INTERNATIONAL BAR ASSOCIATION

## The Global Voice of the Legal Profession

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### **Zimbabwe: NGO Bill Harbours Grave Consequences for the People**

The International Bar Association (IBA) has today published its full analysis of the Non-Governmental Organisations Bill (NGO Bill) of Zimbabwe which, the Government of Zimbabwe gazetted on 20 August 2004. The Bill will soon be presented to the Parliament of Zimbabwe for enactment.

The 17 page document: *Analysis of the Zimbabwean Non-Governmental Organisations Bill, 2004*, details the IBA's concern that the proposed legislation will be far-reaching with grave consequence for ordinary Zimbabweans. *'The Bill is in flagrant violation of international and regional human rights standards and norms, it also represents a decisive rejection of the terms of the Constitution of Zimbabwe, which provide for the right of freedom of expression, association and assembly. This attitude can only be described as contemptuous of the rule of law and of standards of governance and human rights protection to which the Zimbabwean government has formally subscribed'*, the IBA concludes.

*'The fear is that the NGO Bill will do to NGOs what the Access to Information and Protection of Privacy Act (AIPPA) did to the media in Zimbabwe. It will close many of them down. If these NGOs are not there to perform this vital work, there will be a serious vacuum. NGOs are providing essential assistance where the Government cannot or will not. You only have to look at the crucial role that NGOs perform in supporting vulnerable people to understand the potential devastation lurking in the*

*articles of this legislation. Their work in Zimbabwe has significantly mitigated the effects of the scourge of the food crisis, AIDS and political violence’,* stated Gugulethu Moyo, Media Relations Advisor to the IBA on Southern African Issues.

The analysis challenges the distinction drawn by the Zimbabwean government, in this Bill, between the legal status accorded to foreign humanitarian aid, which is permitted, and foreign aid on governance issues, which will be outlawed. The IBA takes the view that this is a misleading distinction, drawn merely to make the Zimbabwean government less accountable to its citizens. It predicts that closing off foreign assistance on governance issues, may result in the loss of other foreign aid to Zimbabwe - a result which would be dire for Zimbabweans given the important role that foreign aid has had in assuaging the consequences of poor governance.

The analysis questions the official claim that the proposed legislation seeks to create an ‘enabling environment’ for NGO activity in Zimbabwe, by drawing on comparisons between the proposed Zimbabwean law and the law of neighbouring jurisdiction, South Africa. It concludes that the difference between the two pieces of legislation *‘reveals the full extent to which the Zimbabwean Bill seeks to establish a stranglehold over non-governmental organisations’.*

The IBA analysis draws attention to disturbing statements issued this week by Zimbabwe’s Ministry of Public Service, Labour and Social Welfare, describing the legislative objective thus:

*‘The mischief which the Government wants to rid is that of foreign donors employing local puppets or others to champion foreign values, much to the detriment of national security’*

In view of another observation in the analysis, that the proposed NGO Bill mirrors a similar law drafted by the repressive Smith regime of the former Rhodesia, to clamp down on opposition, the IBA concludes that:

*‘The provisions of the bill appear to be draconian in form and in keeping with modus operandi of what is generally perceived to be an oppressive regime in Zimbabwe.’*

**ENDS**

**To download the Analysis of the Zimbabwean Non-Governmental Organisations Bill, 2004 [click here](#)**

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## **Notes to the Editor:**

### **Background:**

On 20 August, the Government of Zimbabwe gazetted the Non-Governmental Organisations Bill. This Bill seeks to establish a new legal framework for NGO activity in Zimbabwe. The key features of the proposed framework are:

- All national and international voluntary organisations wishing to operate or continue operating in Zimbabwe must to be licensed in accordance with this law.
- A Government appointed NGO Council will be established.
- The proposed NGO Council will be armed with extensive powers to vet license applications, impose license conditions, issue directives, monitor, investigate and regulate the activities of NGOs.
- All foreign funding to support NGO work on matters of ‘governance’ will be prohibited.
- Criminal penalties and asset forfeiture will be applied to those operating outside this law.

The IBA carried out an analysis of this legislation as a response to concerns raised by lawyers in Zimbabwe about its potential to violate Zimbabwean regional and international human rights standards.

## **About the International Bar Association**

In its role as a dual membership organisation, comprising 16,000 individual lawyers and over 190 Bar Associations and Law Societies, the International Bar Association (IBA) influences the development of international law reform and shapes the future of the legal profession. Its Member Organisations cover all continents and include the American Bar Association, the German Federal Bar, the Japan Federation of Bar Associations, the Mexican Bar Association and the Law Society of Zimbabwe.

Grouped into three Sections – Business Law, Legal Practice, and Energy & Natural Resources Law – more than 60 specialist Committees provide members with access to leading experts and up-to-date information as well as top-level professional development and network-building opportunities through high-quality publications and world-class Conferences. The IBA's Human Rights Institute works across the Association, helping to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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