

# **Mike Campbell Foundation, Mthwakazi Republic Party, SAAI, AfriForum and the Office of *Kgosi* Mogakolodi Masibi**

## **Media statement**

**18 March 2024**

### **Civil society and cultural communities call for the restoration of the SADC Tribunal**

The Mike Campbell Foundation, the Mthwakazi Republic Party, the Southern African Agri Initiative (SAAI), AfriForum and the Office of *Kgosi* Mogakolodi Masibi of the Batlharo Boo Tokwana Ba Ga Masibi Cultural Community today sent a memorandum to the Secretariat of the Southern African Development Community (SADC), calling for the restoration of the regional court of justice, the SADC Tribunal. The representatives also signed a copy of this memorandum at the historic Turnhalle Building, the former seat of the Tribunal, as a symbol of their appeal to SADC.

Members of the Namibian Law Society, local farmers, family members and supporters of this campaign for justice also joined the representatives in support of this historic event and campaign.

The symbolic signing of the memorandum was the final step of a two-stage trek undertaken by Ben Freeth, Executive Director of the Mike Campbell Foundation, that started at the gate of the farm Mount Carmel in central Zimbabwe on 28 November 2023.

“This court of justice was open to any SADC citizens whose justice systems had failed them in their own countries. The effective closure of the Tribunal was a travesty of justice that has denied access to justice to the 400 million citizens of the 16 SADC countries,” explains Freeth.

“The people of Matabeleland in Zimbabwe continue to suffer from the failure to address historical injustices, including the Gukurahundi Genocide of 1983 to 1987, and the marginalisation perpetuated through displacement, denial of economic opportunities, access to productive land and the denial of the right to practice our culture through the restoration of our kingdom. Tribal and racial prejudices persist with impunity, disenfranchising minorities and denying them their right to self-determination. Furthermore, the unilateral appropriation of communal and agricultural land by the ruling elite, often for their own benefit and that of foreign interests, further exacerbates inequality and injustice within our communities. The restoration of the SADC Tribunal will establish vital checks and balances on short-term political interests and will reaffirm the governments of SADC’s commitment to human rights, regional legal order and justice for all citizens of the SADC region,” says Mqondisi Moyo, President of the Mthwakazi Republic Party.

“SAAI, as a family farmer network and the representative of the majority of Zimbabwean commercial farmers, is here to mount pressure for the restoration of the SADC Tribunal. We need the international community to play its part to ensure that compensation is paid to the white Zimbabwean farmers who have still not been compensated for the land, for which they have title deeds, and from which they were violently evicted,” says Dr Theo de Jager, Executive Board Chairman of SAAI.

“It is a privilege for AfriForum to collaborate with other organisations and cultural communities to ensure justice and the protection of property rights for all communities in southern Africa. We are grateful for the many legal and other victories that were jointly achieved on this long journey, and we remain committed to this quest. A restored SADC Tribunal has a critical role to play in ensuring peaceful coexistence and a free, safe and prosperous future for all cultural communities in southern Africa, especially in circumstances where justice is denied to communities and individuals in their home countries,” says Barend Uys, Head of Intercultural Relations and Cooperation at AfriForum.

“Cultural communities in the rural areas of southern Africa are in dire need of development. The key to development is investment, and from there, job opportunities flow and prosperity is built over time. We fully support the call for the restoration of the SADC Tribunal, as it will send a message to potential donors, investors and the international community that the governments of SADC are truly committed to the rule of law,” says *Kgosi* Mogakolodi Masibi, *Kgosi* of the Batlharo Boo Tokwana Ba Ga Masibi.

Mike Campbell and his son-in-law, Ben Freeth, received confirmation from the Zimbabwean government in 1999 that the state had no interest in acquiring Campbell’s farm, Mount Carmel, for its land redistribution programme. Two years later, Campbell was issued an eviction notice as part of the Zimbabwean government’s programme of expropriation of land without compensation. Campbell and Freeth took the matter to the Harare High Court without success and thereafter took the matter to the SADC Tribunal. The SADC Tribunal finally ruled in their (and the other farmers that joined the legal action) favour on 28 November 2008 and found that the actions taken by the Zimbabwean government were in violation of the SADC’s human rights principles and ruled that Campbell had the right to own and operate the farm. The Zimbabwean government ignored the ruling; the farm was invaded and the homes of Campbell, Freeth and the farm workers and their families were burned down in 2009. The governments of the SADC states subsequently decided to effectively suspend the operations of the SADC Tribunal. In 2018, the Constitutional Court of South Africa ruled that the South African government’s participation in the process of suspending the operations of the Tribunal was unconstitutional, unlawful and irrational. Legal action is still ongoing.

“We have not lost the fight for justice; evil never prevails in the end when enough people stand for what is good and right and just. We are honoured to be part of such a dynamic group of stakeholders; we are on the right side of history,” closes Freeth.

- Photos, memorandum and soundbites attached.

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