

ROUNDTABLE ON THE INCLUSIVE GOVERNMENT OF ZIMBABWE

AMANZI LODGE, 30TH SEPTEMBER, 2009 SUMMARY OF DISCUSSION

Introduction.

The meeting was convened with a view to obtaining an informed and nuanced view, from the perspective of key stakeholders, of Zimbabwe's Inclusive Government (IG). While various large gatherings of human rights NGO's have met to consider issues relevant to the IG, it was the feeling of the conveners that these meetings have been unwieldy and that opinions expressed at these meetings often have been tempered by the institutional concerns of the various NGOs, and a frank analysis of Zimbabwe's polity has been lacking. Thus, a small group of experts, covering a wide range of current concerns, were consulted under Chatham House rules.

Initial Concerns

The meeting began with a consideration as to how to handle theme of the round table – to examine Zimbabwe's IG. It was suggested that one approach would be to look at key Articles of the "Global Political Agreement" (GPA) and consider their implementation. Other suggested approaches were to look at important themes under the rubrics of Economics, the Humanitarian Situation, etc, or to cast the net broadly and consider the entire context of the GPA. This latter approach would include an examination of the processes leading up to the GPA, its genesis (which involved very little consultation with civic organisations), how this has informed subsequent developments and the nature of those developments. Thereafter, recommendations on possible ways forward could be debated. A civil society representative then suggested that one approach would be to examine the meaning to be ascribed to "working" and the teleology of the GPA in this regard. It was agreed that this would be the way forward.

Is the IG "Working"?

The group noted that the State media, MDC media releases, and politicians from all signatory parties to the GPA were at pains to emphasise that the IG "is working" albeit with "unsurprising" "teething problems". There are various facets to these statements:

- "Working" could be merely existential in the sense that the IG is intact and has not dissolved in the face of the divergent objectives of, and acrimony between, the signatories.
- "Working" could mean that some governance is taking place which is responsible for bringing a modicum of economic, social and political stability to Zimbabwe after a period of extreme turbulence in all of these spheres.
- "Working" could mean that the MDC's stated objective of returning Zimbabwe to the rule of law and democratic governance is being incrementally realised.
- "Working" could mean that ZANU PF's stated objective of "removing illegal sanctions" is a work in progress and the, probably unstated, goal of achieving legitimacy after unrecognised 2008 elections with a consequent easing of international pressure had been achieved.

The group noted that very little power had accrued to the MDC through the GPA, and that the MDC appeared to be reluctant to exercise the little power that it had. This led to an unpacking of the MDC's concept of a "working" IG. In particular, the MDC argument that, while it recognised that the GPA was highly flawed and left Mugabe's powers almost completely intact, it had little choice other than to sign and enter the IG. Failure to do so would have resulted in a formal or de facto coup by the security sector and a continued and intolerable humanitarian crisis. This had been avoided by the GPA and the tactic had thus "worked" to this extent. A corollary of this tactic is for the MDC to demonstrate that it is not a threat to ZANU PF – achieved in part by not seeking to exercise power in any sphere which ZANU PF regards as its exclusive domain – to thereby ameliorate the acrimony between the parties, calm the political waters, and for there to be a mutual "re-humanising process" to reverse the dehumanisation that had preceded the accord. This approach was designed to gradually "change the mindset" of ZANU PF stalwarts, and the MDC, simply by virtue of being in the corridors of power, would increase its leverage and be able to open up democratic space sufficiently for free elections to be held under an improved constitution. The approach demanded that the MDC claim that the IG was "working". The group gave this approach the moniker "make believe" politics.

Examining the Claim

The group then proceeded to consider the claim that the IG was "working" against the backdrop of the various meanings to be ascribed to the term outlined above.

A stakeholder from within the unions outlined the effect of the IG from the perspective of teachers. There is substantial relief within the primary and secondary education sector about the current relative political stability. While still not 100% secure, a certain freedom of movement exists for teachers. Violence is down, providing a window period within which teachers can "breathe". Many teachers were persecuted, seven were killed during the election period and a large number in outlying areas were forced to flee. A positive of the IG is that teachers are now able to express their needs and engage at the highest level of government.

However, despite this more open and relaxed atmosphere, the real nature of the IG is exposed through a closer examination of what is happening at a practical level. The Minister of Education, David Coltart, announced an amnesty for teachers who had ostensibly breached their terms of employment and fled their posts during the 2008 electoral period. The Minister indicated that special concessions were to be given to these teachers. About 17 000 teachers, the majority of whom were in South Africa, came back to Zimbabwe and applied to be readmitted. However, this readmission has been painfully, and deliberately slow – only 436 have thus far been re-absorbed formally into the system.

Since 15th March 2009, PTUZ has been raising the issue with the State's bureaucracy, with little success. The Permanent Secretary in the Ministry of Education is believed to be blocking this re-integration in collaboration with ZANU PF-supporting officials within the Public Service Commission. In line with the MDC's policy of portraying the IG as "working", Coltart has defended his permanent secretary, laying the blame exclusively on the Public Service Commission. PTUZ has tried to deal with the matter by approaching both the Permanent Secretary and the Public Service Commission and has been given the run around by both. Agreed courses of action have not been implemented.

This contrasts sharply with the fact that Zanu PF's policy of placing its supporters (youth militia) at schools as "Youth Officers" is being implemented rapidly and without any bureaucratic delays. In September 2009, returning teachers were present at provincial offices trying to find their way through the red tape of readmission while Zanu PF were busy recruiting last years O Level graduates.

At Morgan Zintech Teacher Training College administrative staff were apparently given a list of 235 people for certification as if those on the list had gone through the full year training period to be qualified teachers, when they had not.

This refusal of permanent secretaries (all unilaterally re-appointed by Mugabe with Tsvangirai's later and grudging acceptance of the *fait accompli*) to implement Ministerial policy is believed to be reflected in all Ministries with the exception of the Ministry of Finance. ZANU PF policy in this regard is graphically illustrated by the fact that the Deputy Minister of Education has been inciting ZIMTA, the ZANU PF aligned and rival union to PTUZ, to go on strike over poor wages.

The split between the permanent secretaries and Ministerial policy was borne out by information provided by a stakeholder from the health sector. Although there has been less violence and instability, more learning is now taking place in schools and many hospitals are functional and stocked with drugs since the advent of the IG, there is little actual governance or power sharing taking place. Service delivery is commanded at permanent secretary level and where this takes place effectively, in most instances, this is in spite of ostensible power-sharing rather than because of it.

The position within the Ministry of Health is illustrative. The Permanent Secretary in the Ministry of Health is a very capable and experienced administrator. He is on top of his game, makes the Minister naively believe that he is in control, but effectively runs matters entirely to his liking. Good administrators make some areas of service delivery efficient while others, even with ample donor inputs, are unable to do so. The IG could certainly not be said to be working as a power-sharing arrangement simply because some Ministerial mandates are being carried out efficiently.

One female participant, referred to the expectations that had been created around poverty reduction. There was a sharp increase in impoverished women in the post March 29th election period as a result of the violence to which many women were exposed. Many left their rural homes for the cities for protection or left after their rural homes were destroyed, arriving in the cities with nothing to sustain themselves. There had been some hope that reparations would be forthcoming under the IG through the implementation of some form of transitional justice and establishment of an appropriate mechanism to address this issue.

Severe health crises had affected women in 2008 as a result of rape, cholera and HIV/AIDS. Many people living with aids were separated from the source of their medication and had to stop treatment. To recommence treatment requires a CD4 count test. Yet most equipment used for these tests is out of service and broken, requiring that the tests be taken at private institutions at a cost beyond the reach of many rural women. If these issues are not addressed, women will feel they have gained little from the IG and that it is not "working".

Certainly current levels of violence are reduced and the Constitution making process has created a window of opportunity for NGO penetration into the rural areas (which was previously impossible). This has allowed civic education to take place, especially through the promotion of the Women's Charter which has now become a major focal point for lobbying. Although women's NGOs have been able to engage with various Ministries to make demands and to call for 50% of parliamentary committees to comprise women, this is insufficient to convince the women's NGOs that the IG is working.

Apparent Public Perceptions of the IG.

The public's view of the IG varies. In some quarters the response is one of palpable relief brought about by the increased availability of goods and services and a decrease in violence. While expressing concern at low incomes and a high cost of living, this section of the population approve the enhanced ability to get on with day to day living and working. This is a primary concern for this group rather than political equity. The narrative that lack of progress or what is expressed as very slow progress is caused by residual hard-line ZANU PF elements is accepted.

However, other members of the public are confused about the GPA and its implications, while some have lost hope in politics as a means of improving their lot or, through cynicism, have deliberately and actively disengaged from it.

The Group's Analysis.

The stabilisation of the economy was due to enforced dollarisation and the adoption of multiple currencies and not the workings of the IG. Although the economic outlook thus appears "brighter" with shops again fully stocked, costs are beyond the reach of most and the improvements in many respects are cosmetic only. In fact, poverty levels in the rural areas have continued to rise since dollarisation and may have been exacerbated. The situation in education is not sustainable with teacher salaries at current levels and parents unable to afford even the reduced school fees and the \$10 per subject registration fee for O level exams.

Some civics have spoken positively about the opening up of space and the ability to have a presence in communities and to carry out their activities more freely. This has frequently been accomplished by NGOs occupying the space opened up by the constitution making process, yet advancing their own agendas within this space. However, the group noted that this space is beginning to close and that civics are now excluded by hostile elements from areas which they used to be able to access without harassment.

The group also doubted that the IG could be said to be working on account of the decrease in violence. Elections are the prime co-efficient of the level of violence, rising around the period of any ballot and subsiding thereafter. The current drop in the level of violence is normal in the post election period. It is important to note that the apparatus for perpetrating violence is not only still in place, but is being strengthened and disbanded bases re-established.

Furthermore, ZANU PF has made it clear that the entire repressive structure will be maintained and, where debilitated as a result of recent events, strengthened. ZANU PF obviously retains control over the military who are not being subjected to any civilian oversight. The provisions in the GPA in this regard are being by-passed and the Joint Operations Command continues to meet. ZANU PF also exercises its control through the courts, the Attorney-General's office, enforced dependency and thus loyalty of newly resettled farmers and relentless propaganda disseminated through monopolistic control of the electronic media and daily press.

ZANU PF is also attempting to etiolate the strength of trade unions and civics by a mushrooming of new ZANU PF aligned unions and civics designed to absorb MDC affiliated unions and displace and counter civics sympathetic to the MDC.

There is clear evidence that these methods of control are being continued. A participant from the human rights sector indicated that organisations continue to receive reports of people being taken to the bases and reminded of the consequences that face them if they do not abide by ZANU PF policies.

The participant had personally witnessed the presence of the military and deployment of youth militia in schools on a visit to Buhera. There is some cynicism in the community about the idea of a changed ZANU PF mind set, as any talk of national healing and reconciliation results in threats from army or police personnel. The communities also note that there is no attempt to address the experiences and violence of 2008 and such healing initiatives that do take place, are insincere.

A recent Mass Public Opinion Institute survey revealed that, nationwide, less than 10% of respondents are prepared to openly declare their allegiance for ZANU PF. All these factors suggest it is apparent to ZANU PF if the current situation persists, that it can only win the next election through a repeat of the levels of violence perpetrated in June, 2008 and that it is preparing accordingly.

What is to be done?

The question then arose as to what could be done to counter this ZANU PF strategy. However, before proceeding to consider this issue the group noted several inhibitory factors.

Firstly, the MDC has combined forces with ZANU PF to present the IG as "working", albeit with a few hiccups and expected tensions, as outlined above. Parliament, for example, effectively has become a "one party organisation". While this spin and "make believe" politics is manifestly false, it has been picked up by the media, predominantly that of South Africa and to a large extent by the donor community. Sympathy for the MDC and/or antipathy to Mugabe has silenced proper analysis.

South African President Jacob Zuma and SADC have enthusiastically embraced this spin. The net result is that opposition, identification of the problem and thus development of responsive tactics has been abandoned. One small but significant example referred to by the group was Webster Shamu's defiant statement that he does not take instructions from the Prime Minister and "who is Morgan Tsvangirai to tell me that the press can cover [events] without accreditation". The MDC's response to this belittling incident was extremely muted¹.

Secondly, as a concomitant of the above policy, MDC officials and Ministers expect civic groups to align themselves with the MDC simply because they are on the 'right' side. To do otherwise, it is suggested, is to align oneself with or play into the hands of alleged residual elements who seek to collapse the IG. Reconstruction takes time and critics merely undermine efforts in this regard. Once more the result is a silencing and lack of any appropriate response.

Thirdly, and again as a concomitant of the first inhibitory factor, civics are being starved of the resources and information necessary to make them an effective force for democratic change.

Critiquing the MDC

The Media

Considering the closed media space, one participant suggested that the MDC should look for alternative media strategies. It has not done so. Instead of pro-actively issuing press releases and gaining access to foreign electronic media for interviews in which they might outline the achievements of the MDC and the people, battles fought and won, and the values and principles of the MDC, they passively await an invitation from broadcasters such as SW Radio.

The Prime Minister's newsletter does not address this problem. It skirts issues and is very carefully eliding and ignoring crucial points. The format appears elitist and is alienating for most Zimbabweans

¹ Here it should be noted that there have been a number of developments since this round table was convened, and hence some comments are necessarily historical.

written as it is on colourful glossy paper that it is hard to get. Distribution is poor. This contrasts sharply with the approach of ZANU PF manifested by *Kwaedza*, a cheaply printed and widely distributed paper written in the vernacular. While the MDC faces publishing constraints due to the continued existence of repressive media laws, the NCA for example circumvented this problem by handing out simple cheap and informative flyers at all bus termini to get their message out.

The MDC could also deliver a weekly prime Minister's Address to the Nation to ZTV. While they will of course refuse to broadcast it, an important point will be made.

One result of its failure to adopt an effective media strategy is that the MDC is losing touch with its constituency. Having entered into the government they have been silenced as a voice opposed to ZANU PF while ZANU PF remains extremely vocal, including as a voice opposed to the MDC.

From SADC to the People

The group agreed that the MDC should place no reliance on SADC. While this strategy was initially justified in the sense that the MDC faced criticism in relying on international fora seen as western rather than African, it is clear that SADC is hopelessly compromised. It was suggested that the SADC leaders have absorbed Mugabe's propaganda that Tsvangirai is a western puppet. Furthermore, these leaders fear that the ascension of Tsvangirai would serve as an uncomfortable precedent which would stimulate similar events to those in Zimbabwe in their own countries².

The MDC's policy of not criticising ZANU PF's behaviour in regard to the IG, claiming that the IG is working and doing a tour of the West calling for sanctions to be lifted, has made things easy for SADC. The MDC could hardly cry foul when the September SADC summit in Kinshasa simply repeated what the MDC had publicly stated.

Rather than seeking to ingratiate itself with SADC, the MDC should be putting it under pressure, demanding for example that it take a stand on Mugabe's defiance of the decisions of the SADC tribunal, and pointing out the implications of SADC's failure to value or respect its own institutions.

The personality cult around Mugabe within ZANU PF is being replicated around Morgan Tsvangirai within the MDC, with a tendency to think that the "supreme" leader will resolve matters by talking to those he deems important such as SADC. Yet pressure needs to come from grassroots, civil society, and religious groups. The MDC's grassroots support theoretically is represented in parliament. Yet neither the MDC nor ZANU PF MPs are listening to their constituencies. And the MDC is not using the power it has in parliament, which rarely sits, or attempting to use the committee system to put pressure on the executive. This modus operandi has been taken up by the civics and others who tend to by-pass parliament and approach the executive for redress of complaints and to attend to issues.

A people based approach needs to be reinvigorated. The people gave the MDC its mandate and the MDC should be looking to the people rather than SADC for support. SADC has deliberately suppressed the March 2008 election result through the GPA. There is thus an urgent need for the MDC to remobilise and energise its activists. This will not be achieved without alternative voices.

In this regard, rather than solely focusing on SADC, the MDC should turn its attention to other political parties within the region. Lobbying should take place on a party to party level, rather than a government to government level or worse still party to government level. If the MDC were, for example, to successfully lobby the ANC, the effect on the Zuma led government would be profound

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and beneficial. There should similarly be strong links with COSATU. To accomplish this, the MDC needs a powerful secretary general. It is impossible for Tendai Biti to carry out this function effectively and to run the difficult Ministry of Finance. His skills and those of others such as Nelson Chamisa may be better utilised outside of government and within the party.

Exercising Power Under the GPA.

The group noted an apparent reluctance by the MDC (presumably on the basis of the policy outlined above) to exercise the little power that it had attained by virtue of the GPA. One of the concessions made by Mugabe was that the number of Ministers to be appointed to government would be limited to 31 with 16 from the two MDCs and 15 from ZANU PF. This was an important limitation on Mugabe's ability to dispense patronage, yet the MDC (unconstitutionally) allowed ZANU PF to swear in six extra ministers in exchange for an additional four of their own. These appointments are unconstitutional and should be challenged and reversed.

Furthermore, the MDC should insist on strict compliance with the plain meaning of clause 20.1.3(p) of the GPA which requires that all appointments under any Act of Parliament or the Constitution be made "in consultation with" the Prime Minister. Since the passage of Constitutional Amendment 19, the phrase "in consultation with" means "after securing the consent or the agreement of".

Attempts to insist on the implementation of the GPA through the Joint Monitoring and Implementation Committee (JOMIC) were considered to be a waste of time given the powerlessness of the body and the failure of ZANU PF delegates to attend its meetings. The MDC Ministers should rather not attend at their offices or boycott cabinet until there is compliance. They could also engage in other obstructive tactics by refusing to sign documents that require ministerial signatures, slow down the processing of other documentation and similar such actions. If this fails, the MDC should point out to SADC and the AU that the current arrangement is unworkable and seek to renegotiate a viable deal.

Problems with Civics

The group noted the divisions within the civics and the lack of any co-ordinated response to issues that arise in the Zimbabwean polity. A case in point is the process of developing a new constitution for Zimbabwe. Some civics oppose the process on the basis that it is not "people driven" while others feel that civics should engage with the process despite its flaws and utilise the space provided. This fracturing within the civics works to ZANU PF's advantage, especially as they manage to present a single voice in matters such as this. While most civics expressed cynical views on the constitution making process and noted that the process is not moving forward and will not adhere to the time frames within the GPA, one participant indicated that it is important that different view points be respected, rather than a dictatorial "either you are with us or against us" approach which only deepened divisions. It was suggested that the civics should not dwell on issues that are divisive but look for common ground that will bring them together. It was noted that these divisions and fractured voices often emanate from a single NGO. For example, many trade unions are affiliated with the MDC, and, while wearing this hat, urge engagement with the constitution making process. But the same unions or an individual representative will urge disengagement when making an address as a part of the ZCTU which is opposed to the process. This is unhelpful and extremely confusing for people at grassroots level.

The focus should be on positions that the parties can agree upon, such as what needs to go into the document to open democratic space, the media, etc, rather than the divisive issue of who writes the constitution. With the current stance being adopted by NGOs, it is possible that the opportunity to gain a new constitution for Zimbabwe will be lost. Instead of the civics taking charge, the issue can be discussed at grassroots level and people to people.

Another participant, however, responded that this suggestion might not recognise the fact that the different opinions held by the civics might be incommensurate and do not therefore allow for the possibility of a common approach. Any proposed new constitution will require a two-thirds majority in parliament; in other words, the backing of ZANU PF. The MDC will thus realise that the Bill that comes before parliament will need to be one acceptable to ZANU PF to secure its passage and political compromises will be made - possibly even before any draft is put to the public in a referendum. For this reason, the constitution will not be people driven but a compromise arrived at between the political parties. For example, the people have already indicated the desire that there be a two term limit on presidential office, which would preclude the candidacy of Mugabe at the next election. This is unacceptable to ZANU PF and will thus not only be absent from any draft, but is not likely to be debated with any rigour for fear of annoying ZANU PF and causing the process to collapse.

Accordingly, the constitution making process is fatally flawed and the outreach programmes to assess the desires of the people irrelevant at best and farcical at worst. Similarly, any transitional justice programme under the government's national healing body cannot address the prime concerns of the people for truth telling, justice, and reparations. This would be completely unacceptable to ZANU PF. It is significant that both the MDC and ZANU PF have referred to the constitution making process and national healing initiatives as evidence that the GNU is working. Accordingly both processes are mere window dressing and part of the "make believe politics" referred to above.

To participate in the process is thus far from harmless. It supports and lends credibility to the policy of make believe politics to which civics should be opposed. Furthermore, the constitution making process is sapping human and financial resources away from where they are actually needed and diverting attention from the real issue; that is how to take steps to facilitate a free, fair and violence free election. The MDC holds considerable influence over the flow of donor money. Having persuaded the donors to participate in make believe politics, money is being channelled into the constitution making process and civics are complying in order to have funding proposals approved and as a matter of institutional survival, regardless of their actual view of the constitution making process.

If this second analysis is correct, the possibility of a common front on participation in the constitution making process is not possible, as the view point seeks to actively divert energies from this process to something considered more "real" and worthwhile. It was suggested that the donors had contracted what was referred to as the MDC disease of "GNUitis". The donors thus appeared to a large extent to be setting the agenda, and an agenda which was not one that was required. This went to the extent of organisations such as the UNDP duplicating, and, to some extent, thus commandeering projects already being undertaken by the civics.

One suggested solution to this problem - convening a donor conference to attend to the issues - faced the problem that the civics needed to approach the donors with a single view, which does not seem possible given the schism outlined. The alternative was for different caucuses to approach the donors, highlighting the fractured nature of the civics.

Recommendations

- *For improved functioning of the Interim Government*
 - The roles and responsibilities of Ministers and Permanent Secretaries need to be clearly defined and implemented, especially as service delivery resides with the Permanent Secretaries.
 - Safeguards need to be put in place to ensure that the existing space for debate and consultation remains open and any attempts to close it are stopped immediately

- A civil service register and audit needs to be completed in the service of transparency, accountability and efficient functioning of the government.
- Civil Society
 - Civil society representatives should not participate in platforms with conflicting views on the same subject, as is happening with the debate over the constitution. Where possible, alliances should be formed around common positions, based on principled and accountable agreements.
 - Civil society should endeavour to ensure its independence from the MDC while continuing to support efforts at democratic reform and remaining constructively critical of the IG.
 - Adequate fundraising is urgently needed in consultation with other organisations to avoid duplication of activities and to enable a cohesive and collaborative environment. A donor meeting should be held with civil society to investigate who drives the political agenda for funding, and why.
 - The people gave the MDC its mandate, and therefore, through the civics and independently, they should demand to be heard by Parliament and the Prime Minister's office.
- MDC-T
 - The MDC needs to ensure that it does not lose touch with its constituency now that it is in government, and that it pays adequate attention to issues of remobilisation and rejuvenation of its party structures. This strategy needs to include consideration of the role of the Secretary General and the implications of his dual role at present.
 - The MDC needs to develop an alternative media strategy in order to effectively access the public and counter state-controlled media propaganda.
 - The MDC should stop relying only on SADC to solve its problems and begin to build cross-party alliances with regional political parties.
 - There is a need for a strategy to both criticise and apply pressure to Zanu PF in order to highlight areas where the IG is not working and ensure appropriate responses in the service of the people.
 - The MDC should make more effective use of the powers gained in the GPA, and even consider legal challenges where necessary.