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**REPORT BY PRESIDENT JACOB ZUMA
TO THE TROIKA SUMMIT OF THE SADC ORGAN ON POLITICS, DEFENCE
AND SECURITY COOPERATION ON THE ZIMBABWE NEGOTIATIONS
PROCESS**

Windhoek, Namibia
15 Aug 2010

Your Excellency, President Guebuza,
Members of the Troika of the Organ on Politics, Defence and Security Cooperation,

Thank you for the opportunity to present this report on progress on the negotiations in Zimbabwe.

This follows the report submitted on the 15th of December 2009 to the Chairperson of the Organ, His Excellency President Armando Guebuza.

The Zimbabwean negotiators finalised their work early this year, and on the 6th of April 2010 submitted their report to the three Political Principals in Zimbabwe and to the Facilitator.

This report covers the negotiations process and the responses by the Political Principals,

The Facilitator's mandate was to assist the three main political parties in Zimbabwe to find a lasting solution to the political conflict in that country.

It was based on decisions taken by the SADC Extraordinary Summit in Pretoria on the 27th of January 2009 and by the Troika Summit in Maputo on the 5th of November 2009.

SADC DECISIONS:

The Extraordinary Summit, observing that "the people of Zimbabwe are faced with difficult challenges and suffering that can only be addressed once an Inclusive Government is in place", decided as follows:

1. The Parties shall endeavour to cause Parliament to pass the Constitutional Amendment 19 by 5 February 2009;
2. The Prime Minister and the Deputy Prime Ministers shall be sworn in on 13 February 2009;
3. The Ministers and Deputy Ministers shall be sworn in on 13 February 2009, which will conclude the process of the formation of the Inclusive Government;
4. The Joint-Monitoring Implementation Committee (JOMIC), provided for in the Global Political Agreement shall be activated immediately.

The first meeting of JOMIC shall be convened by the Facilitator on 30 January 2009 and shall, among other things, elect the chairpersons;

5. The allocation of ministerial portfolios endorsed by the SADC Extraordinary Summit held on 9 November 2008 shall be reviewed six months after the inauguration of the Inclusive Government;
6. The appointments of the Reserve Bank Governor and the Attorney General will be dealt with by the Inclusive Government after its formation; and
7. The negotiators of the parties shall meet immediately to consider the National Security Bill submitted by the MDC-T as well as the formula for the distribution of the Provincial Governors.

The Summit concluded its decisions on Zimbabwe as follows:

"SADC shall remain seized with the Zimbabwe situation in keeping with its obligations as guarantor of the Global Political Agreement."

TROIKA DECISIONS:

The Troika Summit, commending the Inclusive Government for bringing peace and stability to Zimbabwe and noting the positive progress on economic recovery, took the following decisions:

1. the parties should fully comply with the spirit and letter of the GPA and SADC Summit decisions of 27 January 2009;
2. the parties should not allow the situation to deteriorate further;
3. the parties to engage in a dialogue in order to find a lasting solution to the outstanding issues towards the full implementation of the GPA;
4. the Facilitator (the Republic of South Africa) on behalf of the Troika should remain seized with the developments on the implementation of the GPA;
5. the MCO Troika should continue monitoring the progress closely and report to the Chairperson of the SADC Organ Troika on Politics, Defence and Security Cooperation; and,
6. the international community to lift all forms of sanctions on Zimbabwe.

Summit also decided as follows:

1. The political parties signatory to the GPA should engage in dialogue with immediate effect within 15 days (and) not beyond 30 days;
2. the dialogue should include all the outstanding issues emanating from the implementation of the GPA and SADC Communiqué of 27 January 2009;
3. the Facilitator should evaluate progress and report back to the Chairperson of the Organ on Politics, Defence and Security Cooperation.

NEGOTIATIONS:

The negotiators, as already indicated, submitted their report on the 6th of April 2010 to the Political Principals, who met on the 8th of June to consider it.

The Principals agreed on 24 of the 27 items and submitted their initial response to the Facilitator.

The Principals met again on the 4th of August 2010 and produced an implementation matrix regarding those matters they had agreed upon.

They also agreed to a statement setting out items agreed upon and items not resolved.

The negotiations process enabled the Inclusive Government to take steps to establish a variety of Commissions, which would play a significant role in reducing

the political tension in the country.

The following commissions were formally inaugurated and their chairpersons sworn in on 31st March, 2010:

- The Human Rights Commission,
- The Electoral Commission, and
- The Media Commission.

The law that is necessary to provide the instrument the Human Rights Commission needs has not been passed.

The Principals decided, therefore, to expedite the matter by instructing the Minister of Justice immediately to start the process leading to the submission and adoption of the relevant act in Parliament and to establish immediately the Anti-Corruption Commission.

The Minister of Economic Planning and Investment was instructed to start processes for the establishment, within a month, of the National Economic Council.

The Minister of Lands and Rural Resettlement was ordered to do the same in respect of the Land Audit Commission, which must be "inclusive and balanced".

He also was given a month to finalise the establishment of the commission, working together with the Cabinet Committee on Resettlement and Development.

The Principals agreed to a time frame of two months for the definition of a land tenure system that would place emphasis on lease-hold, guaranteeing "security of tenure and collateral value of land, without reversing the Land Reform Programme."

The Principals have begun to implement what is defined as the Sanctions Removal Strategy which relies on the joint actions of the various party leaders, the executive party organs and the lower levels of the three political parties, as well as the Cabinet Re-engagement Committee.

They agreed that the Minister of Justice should start processes immediately to get Constitutional Amendment 19 "as approved by Parliament" to be gazetted and signed.

The Minister was also instructed immediately to pilot the completion of legislation to amend the Electoral Act.

Meanwhile, the Principals agreed that if and when electoral vacancies occurred, the parties would not stand against each other in the resultant by-elections for the duration of the lifespan of the Inclusive Government, to avoid conflict arising from the contestation.

As part of the strategy to deal with problems revolving around the media and communications, the Principals decided that, within a month and under the authority of the Minister of Media, 'Information and Publicity, the Parliamentary Standing Rules and Orders Committee and the Principals themselves, the BAZ Board would be regularised, the new ZBC Board appointed and the Media Trust constituted.

The Principals discussed the right to freedom of association and assembly and reaffirmed the right to "freely organise political activities" and called on the Commissioner-General of the ZRP and the Co-Ministers of Home Affairs to regularize the matter.

The leaders also brought in 30MIC to monitor some of the tasks indicated above.

OUTSTANDING MATTERS:

The decision by the Troika Summit that the Zimbabwe political parties should engage in dialogue to resolve the difficulties in that country including "all the outstanding issues emanating from the implementation of the GPA and SADC Communique of 27 January 2009" has not been implemented.

The Principals took the following position, as indicated in their statement:

1. "That we have still not come to a consensus on the issues relating to the appointment of Gideon Gono, Johannes Tomana as well as the appointment and swearing-in of Roy Bennett. We are seized with the matter of the way forward on these issues; and
2. "That on the appointment of Provincial Governors, while agreeing on the appointment formula recommended to us by the GPA Negotiators, we have resolved that this matter be addressed simultaneously and concurrently with the sanctions removal strategy."

These matters have generated some measure of controversy.

The appointment of Provincial Governors has come to the fore because the term of office of the current governors came to an end on the 31st of July 2010.

We note that, in their statement of 4 August, the Principals reiterated their commitment of "working within all the provisions of the GPA and to abide by the country's laws in particular those provisions reflected in Constitution Amendment Number 19."

In view of this it should be possible to find a way forward on those matters, with some sense of urgency, in a spirit of give and take.

ROAD AHEAD:

It is clear that substantial progress has been made in Zimbabwe to normalise the social, economic and political situation, albeit with delays that seemed to prolong the process unnecessarily.

If the agreement on the 24 items is implemented on schedule it would lay the basis for the conviction to grow that Zimbabwe can reach her goal of holding free and fair elections, whose results would be acceptable to all.

The critical issue is to ensure a sustained focus on developments in Zimbabwe towards the elections; the monitoring of the situation and timely interventions to deal with problems as and when they arise.

Leading to the elections, the Inclusive Government should be united in its effort to ensure everything is in place for the elections.

The constitution-making exercise, as well as the referendum on that constitution, should be a joint task of all the parties in the Inclusive Government.

This united action will ensure a peaceful election.

Should a situation arise where one of the state organs seeks to misuse its power in ways that could impact negatively on the effort to bring lasting peace to Zimbabwe, the leaders of Zimbabwe would be expected to use their collective wisdom to resolve such matters to the satisfaction of all.

The guarantors of the peace process, namely SADC and its relevant structures, including the Troika and the Facilitator, should play an active role in taking forward Zimbabwe to her ultimate goal of the formation of a government whose credentials would

be beyond question.

RECOMMENDATIONS:

In conclusion, we wish to make the following recommendations:

1. The parties, assisted by the Troika, should discuss the outstanding matters in keeping with the decisions of the Maputo Troika Summit and resolve them within one month as part of a confidence-building measure, based on appropriate consultation in keeping with Zimbabwe's law and any other relevant legal instrument;
- 2.. The Inclusive Government and the Zimbabwe political parties should find an uninterrupted path towards free and fair elections and the removal of impediments as and when they arise; and
3. The Troika should persuade SADC to help Zimbabwe to draw up guidelines for a free and fair election, where intimidation and violence would not play any part and where the result of such elections would be credible.

Finally, it is important to acknowledge the progress that has been made in Zimbabwe.

I wish to express my gratitude to the leaders of the parties in Zimbabwe for their cooperation and assistance, and for the manner in which they have worked to resolve the outstanding issues.

I am confident that there is sufficient political will to see this process through to a conclusion that addresses the needs of all the people of Zimbabwe.

I thank you.